

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

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

Janet Johnson
Deputy Chief Executive

1.

North
Sunderland

Reference No.: 13/02855/VAR Variation of Condition

Proposal: **Variation of condition 2 (plans) attached to planning application 12/00118/SUB, (Development of site to provide two car showrooms with associated facilities and car parking, including stopping up of public highway), to relocate valet bay and car wash enclosure and install external escape staircase to car showroom. (Part Retrospective)**

Location: Land At Newcastle Road Sunderland SR5 1JS

Ward: Southwick
Applicant: Addison Motors Ltd
Date Valid: 29 October 2013
Target Date: 28 January 2014

PROPOSAL:

The planning submission seeks to vary the "in accordance with the approved plans" condition (No.2) of planning approval 12/00118/SUB, in order to enable the relocation of the valet bay and car wash facilities to the rear of the site and to install an external escape staircase to what will be a Ford Dealership, which is presently under construction. Furthermore, since this variation application was first submitted work has continued on site and the valet bays, car wash enclosure and the aforementioned Ford Dealership building are substantially complete at the time of presenting this item to Committee.

Members may recall that at the 22 March 2011 Development Control North Sub Committee the first of two recent applications (ref. 10/04046/FUL) were approved for two car showrooms at the site. The second application (ref. 12/00118/SUB) had to be re-submitted on realisation by the applicant that the size of the 10/04046/FUL site was larger by approximately 6 metres (along the southern boundary) than the actual developable envelope. This was due to some of the land identified in the 10/04046/FUL site layout being in the ownership of the adjacent Toyota dealership. As a result the architect had to re-plot the entire scheme layout on a smaller parcel of land and it is this permission which is the subject of the variation application.

The Addendum Design and Access Statement submitted in support of this variation explains that the single storey valet bays and car washing facilities have been sited to the rear of the development adjacent to the metro line and their locations have been discussed with and agreed to by Railtrack. Furthermore, the design and materials of these buildings have been designed so as to correspond and complement the main Ford Dealership building.

For Member information the Addendum Design and Access Statement also explains that the existing "Pop-up" dealership that is currently operating on-site

will cease in February, when it will be dismantled to allow for the development of the second dealership building on behalf of Audi Wearside. That will complete the development of the Newcastle Road site for the applicant. Members may recall that at the 2 October 2013 meeting of the Development Control North Sub Committee the renewal of permission 12/00117/FUL, which initially approved the temporary "Pop-up" dealership, was extended for a further 9 months, the consequence of which is that the "Pop-up" dealership can continue to operate until June this year, please see ref. 13/01191/REN.

The application site, which was the former Minories garage, is well served by public transport with a bus stop to the front on Newcastle Road and the Stadium of Light Metro Station 300 metres to the south. The site is bound to the east by the Metro line, running in the tracks of the former London & North Eastern Railway line, to the west by the A1018 Newcastle Road with 1930s semi-detached residential development opposite. To the north is Lochmaben Terrace, which separates the site from the former public swimming baths, whilst to the south is a Toyota dealership.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Southwick - Ward Councillor Consultation
DC North Chair And Vice Chair Consultation
Network Management
Environmental Health
Northumbrian Water
Network Rail
Environment Agency
Nexus

Final Date for Receipt of Representations: **06.12.2013**

REPRESENTATIONS:

Publicity

In response to the statutory consultation carried out by the LPA in relation to this application there have been no letters of representation or objection from neighbouring residents.

Consultee responses

- Street Scene Network Management

Colleagues in the Local Highway Authority offered no observations or recommendations to the application.

- Environment Agency

The Environment Agency responded by stating that they have no comments to make on the application as submitted.

- Nexus

Nexus responded by stating that they have no objections to the variation application. They did however re-iterate their comments provided in response to the re-submission application (ref. 12/00118/SUB). Comments were made in respect of construction works near to Newcastle Road and should it be considered that any works could lead to the disruption of traffic the developer should notify Nexus at the earliest opportunity. Furthermore, in light of the adjacency of the site to the Metro line, Nexus also provided general working requirements which the developer will need to adhere to and as such a suitably worded informative will be incorporated on the decision notice, should Members be minded to approve.

- Northumbrian Water

In making their response Northumbrian Water assessed the impact of the proposed development on their assets and the capacity of Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. Having assessed the proposed development Northumbrian Water had no comments to make.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
R_1_Working towards environmentally sustainable development
CN_17_Tree Preservation Orders and replacement of trees
CN_22_Developments affecting protected wildlife species and habitats
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
NA_4_Retention and improvement of existing mixed use sites; appropriate uses within them
EC_5_Sites for mixed uses
EN_12_Conflicts between new development and flood risk / water resources
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
T_6_Encourage the construction of transport interchanges
T_22_Parking standards in new developments
T_1_Promote the development of a varied, balanced, integrated & sustainable transport system
T_2_Promote the role of public transport, improving quality, attractiveness and range
R_4_Incorporation of energy saving measures

COMMENTS:

The main issues to consider in the assessment of the proposal are as follows:

- Principle of use
- Highway considerations
- Design considerations
- Residential amenity considerations
- Tree and landscaping considerations
- Sustainability

Principle of use

As explained in the introduction to this item the site has a series of recent approvals for car showroom related development. This application is being submitted for relatively minor development, as the previously approved valet and car wash enclosure is being re-located to the rear of the site, whilst an external escape staircase is being attached to the rear of the Ford Dealership building.

Unitary Development Plan (UDP) policies NA4 and EC5 earmark the site for a mixture of commercial and industrial uses, involving car showrooms, offices, light industry, storage and distribution. Given the relatively minor alterations proposed, in conjunction with there being no materially significant changes to local or national planning policy that affect the consideration of this particular scheme, the now established principle of development is still considered acceptable.

Highway considerations

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, whilst proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress.

As with approval 12/00118/SUB the main vehicular access/ egress into the site is from Lochmaben Terrace and as such there is no direct vehicular access onto Newcastle Road. It is also noted that a variety of spaces is still proposed for customer, sales, demonstration, collection and staff parking. In view of the proximity of well served public transport links and in recognition that Street Scene (Network Management) have offered no objection to the development, it is considered that the proposal is on balance acceptable and in accordance with policy T14.

Moreover, it is also noted that an outline travel plan forms part of the Supporting Statement. However, a full travel plan will still need to be agreed prior to the occupation of the buildings and accordingly, should Members be minded to approve, it is considered necessary to incorporate this as a condition.

Design considerations

In assessing the design merits of the scheme UDP policy B2 requires the scale, massing and layout of new developments to respect and enhance the best qualities of the area.

From a design perspective it is noted that a significant level of work has been undertaken to ensure the design of the development is of a good standard and it is considered that the development will provide a positive first impression for those using this busy gateway into the City Centre. The only changes relate to the relocation of the valet bay and car wash enclosure and the addition of an

external escape staircase to the rear of the first showroom building being built on the site. Neither of these structures are considered to be of detriment to the wider street scene as they will be read as integral to the development overall.

Furthermore, condition 19 of 12/00118/SUB, which related to soft landscaping, was approved via discharge of condition ref. 13/00817/DIS. The scheme was designed so as to replace trees lost as a consequence of the development, whilst also softening and enhancing the built development. Consequently should Members be minded to approve, it is considered that those agreed details should form the basis of a new soft landscaping condition.

In conclusion the proposed development is considered to be acceptable from a design perspective and in accordance with policy B2.

Residential amenity considerations

Policy B2 requires proposals to provide for an acceptable amount of privacy amenity, whilst also protecting visual and residential amenity.

In this regard it is noted that there are residential properties to the west of the site, on the opposite side of Newcastle Road, whilst to the north, other existing residential properties are separated by the now demolished former public swimming baths, albeit a recent application on this site for 34 dwellings appeared before Members at the 30 October 2013 Development Control North Sub Committee meeting and it was agreed to approve subject to the signing of a Section 106 Agreement. Finally a Metro/ Railway line separates the development proposal from residential properties to the east. The spacing between the development and the existing and proposed residential properties surrounding the site are considered to be acceptable and in accordance with the minimum spacing distances.

Regarding the reason for this variation application i.e. the valet bay, car wash and external staircase, given they are located to the rear of the development they will be viewed against the back drop of the larger car show room building. The mono pitched enclosure building will have a maximum height of between 5.168m and 4.17m, with a total width of 23m. The nearest residential properties are located on the opposite side of the railway line and as such separated by a distance of approximately 30m. It is therefore considered that the visual and privacy amenity of the nearest residents will not be detrimentally impacted to such a degree as to warrant a refusal of permission.

Nevertheless, Environmental Health has requested additional information in respect of the valet bay, in particular in relation to noise considerations. Following discussions with the agent it is anticipated that additional information will be submitted demonstrating that there are no residential amenity concerns arising from the proposed variation. However this will be confirmed to Members via a Supplement Report.

Tree and landscaping considerations

UDP policy CN17 encourages the retention of trees in all new developments wherever possible.

The Arboricultural Survey submitted in support of both of the previous applications assessed a total of 17 individual specimens and 1 group of trees at the site. It was concluded that the trees to the boundary with Newcastle Road were a locally important amenity line of trees, although one of those (T4) was recommended for removal due to significant decay, whilst within the site T8 and T10 were also assigned a moderate value and group G1 was given a low retention value due to questionable structural stability.

The Arboricultural Survey indicated that the roadside trees and two internal trees (T8 & T10) could be successfully retained via the implementation of appropriate tree protection measures. However, during the course of constructing the "Pop-up" garage and the Ford Dealership building a contractor mistakenly removed the trees that lined Newcastle Road for parking bays. On realising this error the agent, acting on behalf of the applicant, submitted information to satisfy the requirements of condition 16 of 12/00118/SUB i.e. Tree Replacement Scheme. This was approved via discharge of condition reference 13/00817/DIS and should Members be minded to approve this variation application, these details shall form the basis of a new condition.

Consequently, subject to the imposition of a condition which requires any tree lost within five years of planting be replaced, and given that the valet bay, car wash enclosure and external escape staircase do not have any implications for existing or proposed trees, it is considered that the variation application is on balance acceptable and in accordance with policies CN17.

Sustainability

UDP Policy R1 considers sustainable development and the need to accommodate change and protect valued and important aspects of the natural and built environment. Specifically the policy requires an efficient use of land, energy and other resources, whilst avoiding any serious environmental damage.

The submitted Planning Statement and plans detail that the applicant is committed to a development which meets the requirements of BREEAM and that it will include on-site generation of both power and heat through the inclusion of Photovoltaic panels and/ or heat pumps and/ or solar per-heat panels. However, the Statement explains that a full credit plan will need be developed as further feasibility testing is undertaken to test the cost and benefits of the proposed measures. Nevertheless, the applicant has expressed their willingness for a condition to be imposed requiring that a minimum of 10% of the development proposal's energy requirements are generated on site.

Conclusion

This variation application for the two car showroom development is considered to be appropriate and acceptable in this location, in accordance with relevant UDP policies and satisfactory in respect to highway, ecology and sustainability issues. Additional information is awaited from the agent in respect to the activities to be undertaken in the valet bay building, given that it will be closer to the boundary with the railway line and therefore closer to the properties that are on the opposite side of the track. However, it is anticipated that the information will demonstrate there are no undue concerns in time for a Supplement Report, which will also detail proposed conditions.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 13/02899/FUL Full Application

Proposal: **Change of use from (B1) office to (D2) health and fitness club.**

Location: Former M F I Contact Centre 4 Wayfarer Road Sunderland SR5 3XA

Ward: Southwick

Applicant: Xercise4Less

Date Valid: 31 October 2013

Target Date: 30 January 2014

PROPOSAL:

Planning permission is sought for a change of use from use class B1 (offices) to use class D2 (health and fitness club) at former MFI Contact Centre, 4 Wayfarer Road, Low Southwick, Sunderland, SR5 3XA.

The proposed change of use affects a large, two-storey detached office building situated within the Camden Street commercial/industrial estate in Low Southwick. Planning permission was granted for the building by the Development Control Sub-Committee (North area) in 2001 (see application reference 01/00242/FUL). It has a floor area of approximately 2,300 sq. metres and originally housed a call centre for the furniture retailer, MFI, but has stood empty since MFI entered receivership in 2008.

The building stands on the south-west side of Wayfarer Road, which runs from the south-east corner of the Camden Street traffic gyratory at the north end of the Queen Alexandra Bridge. The surroundings of the property are primarily commercial/industrial, with a car dealership and showroom on the opposite side of Wayfarer Road and a large unit housing an automotive parts assembly company further to the east. The subject building is flanked by extensive dedicated car parking areas on three sides, with vehicular access taken directly from Wayfarer Road.

The application proposes to change the use of the building from a call centre (use class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended)) to a health and fitness club (use class D2 of the amended Order). The application has been submitted by 'Xercise 4 Less', a leading members-only budget gym chain with operations throughout the north of England. The company also offers exercise classes to members and assistance from personal trainers

The majority of the floorspace within the building will be used for gym and fitness equipment, with existing toilet and office facilities situated in the centre of each floor converted into changing areas with showers and WCs. The facility is also intended to include a female 'beauty zone', a ladies only gym and a small sales area (approximately 45 sq. metres of floorspace).

There are no external alterations to the building proposed to facilitate the proposed change of use, although this application for full planning permission has been accompanied by an application for advertisement consent (app. ref. 13/02900/ADV), which is currently pending consideration.

The proposed health and fitness centre is intended to open between 06:00 and 22:00 Monday to Friday and between 08:00 and 22:00 on Saturdays, Sundays and Bank Holidays. A total of 40 no. staff are proposed to be employed (20 no. full-time and 20 no. part-time) by the business and the car park at the building can accommodate 151 no. vehicles and 10 no. cycles.

The application has been accompanied by details of the marketing of the building since its closure in 2008, a travel plan and a sequential assessment, which considers the availability of premises suitable for the proposed use in other areas of the City.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Environmental Health
Southwick - Ward Councillor Consultation

Final Date for Receipt of Representations: **11.12.2013**

REPRESENTATIONS:

Public consultation
No representations have been received in response to the public consultation exercise undertaken in respect of the application, which involved letter notifications to neighbouring properties, the display of a site notice and a press notice published in the Sunderland Echo newspaper.

POLICIES:

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

EC_5_Sites for mixed uses
NA_4_Retention and improvement of existing mixed use sites; appropriate uses within them
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

Principle of Development

The National Planning Policy Framework (NPPF) provides the current Government planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development.

Particularly relevant in this case is the principle that the planning system should always seek to proactively drive and support sustainable economic development, with every effort made to objectively identify and then meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth, taking into account market signals. The planning system should also encourage the effective use of land by re-using land that has been previously developed. More specific guidance of the NPPF is referred to, where relevant, throughout this report.

The relevant guidance of the NPPF detailed above feeds into policies EC5, NA4, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are consequently considered to be pertinent to the determination of this application.

Reference is also made in this section of the report to policies within the Council's emerging Core Strategy and Development Management Policies Development Plan Document (DPD). This document is currently at the Draft Revised Preferred Options stage and is not anticipated to be formally adopted by the Council until 2015-2016. As such, the policies referred to can only be given very limited weight in the determination of the planning application, but they do provide an indication of how the Council's approach to considering this type of planning application is likely to take shape in the next 2-3 years.

With regard to the above, it is considered that the main issues to consider in the determination of this application are as follows:

1. the land use allocation of the proposal site;
2. the principle of the proposed change of use;
3. the impact of the proposed use on the existing employment area;
4. the appropriateness of a town centre use in an out-of-centre location;
5. the impact of the proposed development on highway and pedestrian safety;

1. Land use allocation of the proposal site

The subject building is situated within an area allocated for a mix of uses supporting economic development by the proposals map of the City Council's adopted Unitary Development Plan (1998). Policy EC5 of the UDP states that in such mixed use areas, uses falling into use classes B1 (offices and businesses), B2 (industry), B8 (storage and distribution), hotels (use class C1) and specialised or institutional housing (use class C2) are most appropriate. Car showrooms and those retail operations, such as bulky goods, which cannot be easily accommodated in existing retail centres, may also be acceptable. The policy states that uses falling into class D2 (assembly and leisure) are only normally

appropriate where they are to provide an ancillary facility to the primary use(s) of the site.

Policy NA4, meanwhile, identifies the specific sites within Sunderland North to which policy EC5 is applicable. It states that uses falling within classes B1, B2, B8 and A1 are considered to be most appropriate within the Low Southwick Camden Street mixed-use area (in which the subject property is located). Key town centre uses are only acceptable where there are no suitable alternative locations; there will be no resulting harm to existing centres; the use contributes to a balanced distribution of facilities and there is no adverse effect on overall travel and car use.

The Council's UDP was adopted some time ago, but the area in which the subject property stands is continued to be identified as an established 'Key Employment Area' by the aforementioned emerging Core Strategy and Development Management Policies Development Plan Document (DPD). This designation is based upon the most up-to-date employment land assessments available to the Council. City-wide policy CS3.3 of the draft Core Strategy states that 'key' employment areas will be maintained through the improvement, development and intensification of land and premises for economic development (i.e. B1, B2 and B8 use classes) purposes.

2. Principle of the proposed change of use

The proposed use of the premises for a use falling within use class D2 of the Order does not strictly accord with the list of land and property uses considered to be most appropriate within this employment area set out by policies EC5 and NA4 of the UDP and policy CS3.3 of the draft Core Strategy, and it would appear that the proposed gym would not act as an ancillary facility to the employment area given the size of the building subject to the proposal, in comparison to the size of the Low Southwick Camden Street employment area.

Consideration must still be given, however, to the merits of the proposed change of use, especially as it is recognised that the building in question has been vacant since 2008 and marketed in the intervening period for employment-related uses without success. The NPPF provides the most up-to-date planning policy framework for the consideration of proposals involving non-employment uses in locations where employment-related uses are the most appropriate.

In this regard, paragraph 22 of the NPPF recommends the regular review of land use allocations (the most recent of which informed aforementioned policy CS3.3 of the Council's draft Core Strategy) and discourages the long-term protection of employment land where there is no reasonable prospect of it being used for such purposes. In such cases, applications for alternative uses of land or buildings should be treated on their merits, having regard to market signals and the relative need for different land uses to support sustainable local communities.

In line with the NPPF's guidance, policy DM3.2 of the draft Core Strategy states that the release of vacant land or premises in Key Employment Areas may be considered acceptable where it can be demonstrated, amongst other matters, that the integrity, function and operation of the remaining Key Employment Area for employment purposes is not adversely affected, the building is no longer needed for employment uses, the site is no longer viable or capable of accommodating economic development uses, the site has been unused for

employment uses for at least a year (despite having been properly marketed on reasonable terms in accordance with policy DM3.3) and the site is of insufficient quality and/or fitness to accommodate existing types of industrial demand.

Policy DM3.3, referred to within the text of policy DM3.2, states that when considering applications for non-employment development within Key Employment Areas, where an applicant puts forward that:

- (a) there is no realistic prospect of an employment re-use of the land or premises, or
- (b) redevelopment for an employment use would not be economically viable,

the City Council will require a statement of the efforts that have been made to market any premises or site currently or last used for employment development. The policy goes on to provide details of the evidence and material which should be included in any proof of marketing statement.

As noted in the first section of this report, the subject building has been vacant since 2008, when its use as a call centre for MFI ceased. Marketing information submitted with the application advises that the building was marketed as a call centre by BNP Paribas until November 2012, with additional support and assistance provided by the Tyne and Wear Development Company. After November 2012, the marketing of the building was taken over by Knight Frank and it was advertised as a 'Plug and Play' call centre (i.e. already fully fitted and ready to be used), until the building owners were approached by the applicants, Xercise 4 Less. The supporting information suggests that despite heavily discounted terms being offered, companies such as Xercise 4 Less are one of the few looking to occupy such a large building in a location of this type.

The supporting information is considered to satisfactorily demonstrate that despite attractive terms being offered and the marketing being carried out by reputable agents of national stature, there has been no interest in an office/call centre use of the building since its vacancy in 2008. As such, it is considered reasonable to conclude that a building of this size and in this location is not attractive to companies and businesses seeking office accommodation and there does not appear to be any realistic prospect of the building being put to such a use in the current economic climate.

It is also considered unlikely that a building which was specifically designed and built for a call centre or office use would be attractive to a business seeking premises for other uses which may be more appropriate at this location, such as light and heavy industry or storage and distribution.

Consequently, and having regard to the advice of paragraph 22 of the NPPF, it is considered that given the extended period of time since the building was last occupied, an alternative use of the premises which does not necessarily comply with the list of acceptable uses provided by the aforementioned UDP policies and policies of the draft Core Strategy, may be broadly appropriate in this instance.

In order to determine whether the proposed use of the building is acceptable, however, all other relevant material planning considerations must first be satisfactorily addressed.

3. Impact of proposed use on remaining employment area

Policy NA4 of the UDP and draft policy DM3.2 of the emerging Core Strategy require consideration to be given to the effect the introduction of a land use which is not usually appropriate within an employment site may have upon the vitality and viability of the remaining site. It is observed, however, that draft policy DM3.2 identifies Low Southwick as a 'key' employment area, rather than a 'primary' employment area, giving it a secondary importance in the employment land hierarchy. The policy reflects this and accepts the need to adopt a sensible approach to development proposals for non-employment uses, with greater protection given to the employment land of greatest value.

In this regard, it is evident that the subject premises is an isolated, stand-alone unit situated within a self-contained curtilage with its own dedicated access arrangements and car parking facilities. The proposal also only affects a single building within the employment area, rather than affecting a substantial portion of the allocated employment land, and so will not serve to significantly erode the amount of employment land or premises available within the Low Southwick estate.

As such, it is considered that in this case, the change of use of the building can be undertaken without having any detrimental impact on the integrity, function and operation of the remaining employment area of Low Southwick Camden Street, in accordance with the requirements of policy NA4 of the UDP and draft policy DM3.2 of the emerging Core Strategy.

4. Appropriateness of town centre use in out-of-centre location

The proposal involves the change of use of the premises to a main town centre use, as identified by Annex 2 (the Glossary) to the NPPF. Section 2 of the NPPF (and aforementioned policy NA4 of the UDP) seeks to ensure the long-term vitality of town centres (a term which also encompasses city centres, town centres, district centres and local centres); to this end, paragraph 24 of the NPPF states that LPAs should apply a sequential test to planning applications for main town centre uses that are not in an existing centre to determine if any more suitable sites are available. Of greatest preference are 'in centre' sites, followed by 'edge of centre' sites and only where no suitable sites are identified should consideration be given to an 'out of centre' location.

As required by paragraph 24 of the NPPF, the application has been accompanied by a sequential assessment, prepared for the applicant by Prism Planning, which considers the availability and suitability of other sites in more appropriate town centre locations. The assessment has focused on the City Centre and the nearest local retail centre of Southwick Green, located approximately half a mile to the north of Wayfarer Road.

The assessment firstly advises that the business model of Xercise 4 Less, which is based on low membership fees, requires the lease of a large building with relatively low rental levels, good, level access and on-site parking, a form of accommodation not typically found in town centres. The company does not seek to build its own premises, in order to minimise costs. Consequently, its existing operations around the country are generally situated in out-of-town locations where there are good public and private transport links and proximity to large populations.

The assessment has considered five areas of the City Centre - the Holmeside Triangle, the former Vaux site/Farringdon Row, Sunnyside, the west of the City Centre (i.e. the area around the Empire Theatre, the former Crowtree Leisure Centre and Park Lane Interchange) and the Chester Road campus of the University of Sunderland. In all identified areas, there were no available premises which were considered suitable for Xercise 4 Less's business model whilst, as noted above, the company does not build its own units, as would be required on the cleared development sites at Holmeside and Vaux/Farringdon Row.

The assessment of Southwick Green has identified a number of vacant smaller units (e.g. Heron Foods and the former bingo hall at the end of Beaumont Street) within the local retail centre, but none of these are large enough to accommodate Xercise 4 Less in terms of floorspace or layout. As such, the assessment considers that a new build unit would be required, which, as noted above, is not considered to be an option for the company.

The assessment ultimately concludes that there are no more sequentially preferable sites for the proposed health and fitness centre than the subject premises, having taken into account Xercise 4 Less's specific operational requirements.

The report by Prism Planning is considered to have thoroughly and satisfactorily assessed the availability and suitability of other premises and sites within more sequentially preferable locations, i.e. the City Centre and Southwick Green, in line with the requirements of paragraph 24 of the NPPF. As such, it is considered appropriate to conclude that there are no more sequentially preferable sites which are, within reason, available and suitable for the proposed use of the subject building as a health and fitness centre to be operated by Xercise 4 Less.

Paragraph 26, meanwhile, states that when assessing applications for retail, leisure and office development outside of town centres, LPAs should require an impact assessment if the development is over a proportionate, locally set floorspace threshold - if a local threshold has not been set, the NPPF recommends a threshold of 2500 sq. metres. Paragraph 26 goes on to set out the matters the assessment should consider.

Policy DM5.1 of the draft Core Strategy suggests that a threshold of 500 sq. metres is applied in relation to requiring an impact assessment in such cases; however, the current wording of the draft policy only refers to retail uses, whereas the proposal involves a leisure-related use. As such, and given that the policy is not adopted (and unlikely to be formally adopted until 2015-2016), it is considered appropriate to use the NPPF's threshold of 2500 sq. metres of floorspace instead. As the subject property has a floorspace of 2300 sq. metres, it falls below the NPPF's threshold and it is consequently considered that an assessment of the impact of the use on nearby town centres is not required in this instance.

As the floorspace of the building falls below paragraph 26 of the NPPF's threshold, it is consequently surmised that the proposed change of use to a leisure facility will not have a detrimental impact on the vitality and viability of existing town and local retail centres.

5. Impact of proposed development on highway and pedestrian safety

Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and pedestrian safety, whilst policy T22 requires new development to be afforded an appropriate level of dedicated car parking.

In response to consultation, the Council's Network Management team initially queried whether the amount of parking available at the premises (151 no. spaces) was adequate for the proposed use, based upon the amount of public floor area to be created. It was asked that details of parking demand at Xercise 4 Less's existing facilities be submitted for consideration.

The agent of the applicant has clarified that the unit will provide up to 2256 sq. metres of public floor space and argues that the provision of 151 no. parking spaces is sufficient. Existing Xercise 4 Less operations at Hull, Wigan and Rotherham have been cited; these are larger units with less car parking available and it is advised that there are no parking capacity problems at any of these sites, even at peak times.

The Network Management team has considered the additional information provided and has agreed that the level of parking available is sufficient for the proposed use. Regard had also been given to the availability of public transport to the site, with numerous bus routes serving a range of destinations stopping at the bus stops on the Camden Street gyratory, the nearest of which is less than 200m from the building.

The level of car parking available is considered to be adequate for the proposed use of the building, whilst it is considered that the change of use will not give rise to any access or highway and pedestrian safety concerns. Nor will the proposed use of the premises impinge upon the access and servicing arrangements of other nearby businesses. The proposal is therefore considered to be compliant with the requirements of policies T14 and T22 of the UDP.

REFERRAL TO SECRETARY OF STATE

Members should note at this point that with effect from April 2009, The Town and Country Planning (Consultation) (England) Direction requires a Local Planning Authority to consult the Secretary of State before granting planning permission for leisure development outside of town centres in circumstances set out at section 5(1) therein. Namely, in the event that the leisure development is not in accordance with one or more provisions of the development plan and consists of or includes the provision of a building(s) where the floor space to be created is 5,000 square metres; or 2,500 square metres or more which, when aggregated with other existing or proposed out-of-centre leisure floor space within a 1km radius, would exceed 5,000 square metres.

The floor space of the subject building is just over 2,300 sq. metres, and whilst this is well below the threshold of 5,000 sq. metres, when combined with other (1) recently completed (within the last 5 years), (2) formally proposed or unimplemented extant planning approvals for leisure uses within 1km of the current application site it is considered that the referral threshold is exceeded and as such there is a requirement for the application to be referred to the Secretary of State.

Conclusion

The proposed use of the premises as a health and fitness club (use class D2) is not consistent with the list of appropriate land uses identified for the Low Southwick Camden Street employment site by policies EC5 and NA4 of the UDP and draft policy CS3.3 of the Council's emerging Core Strategy and Development Management Policies Development Plan Document (DPD). However, it is evident that the subject building has been vacant for over 5 years, despite an extensive marketing operation on attractive terms, and there does not appear to be any realistic prospect of another call centre or office use coming forward.

As such, and having had regard to the advice of paragraph 22 of the NPPF and draft policies DM3.2 and DM3.3 of the Council's emerging Core Strategy, it is suggested that it is appropriate to consider the merits of an alternative use of the premises in this instance. The proposed use of the building as a health and fitness centre is not considered to have a detrimental impact on the existing businesses and remaining employment land at Low Southwick, whilst the use does not give rise to any significant access, highway and pedestrian safety or parking concerns, in accordance with the requirements of policies T14 and T22 of the UDP.

In addition, the applicant has satisfactorily demonstrated that there are no sequentially preferable sites available within Sunderland City Centre or the Southwick Green local retail centre which could reasonably satisfy the particular business model and operational criteria of the applicant. The proposal is therefore also compliant with the requirements of paragraph 24 of the NPPF. Furthermore, as the floorspace of the subject property falls below the threshold of 2500 sq. metres set by paragraph 26 of the NPPF, it is considered that the proposed use of the building for leisure purposes will not have a negative impact upon existing town and local retail centres within the area.

It is consequently considered that in this case, the change of use of the premises to a non-employment use is acceptable. In reaching this conclusion, regard has been had to the core principles of the NPPF which seek to stimulate sustainable economic development and make full use of previously developed sites. In this sense, it is acknowledged that the proposal brings a building which has been vacant for a considerable period of time back into a viable use and will result in the creation of up to 40 no. full- and part-time jobs.

The application is therefore recommended for approval, subject to the following conditions and referral to the SOS:

RECOMMENDATION: Referral to SOS

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

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

the location plan/site plan received 04/10/2013 (drawing no. 13_026(90)001), the existing floorplans and elevations received 04/10/2013 (drawing no. 13_026(00)001) and the proposed floorplans and elevations received 04/10/2013 (drawing no. 13_026(20)001).

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

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

Monday to Friday (except Bank Holidays) 06:00 to 22:00;
Saturdays, Sundays and Bank Holidays 08:00 to 22:00;

In order to protect the amenities of the area in accordance with policy B2 of the UDP.

- 4 The premises shall be used as a health and fitness club only and, notwithstanding the provisions of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), for no other purpose (including any other purpose falling within use class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), in order to achieve a satisfactory form of development and to accord with policy EC5 and NA4 of the UDP.

Reference No.: 13/03097/OUT Outline Application

Proposal: **Outline planning permission for new sport and leisure facilities including ancillary retail, food and drink facilities and associated works**

Location: Land West Of Aquatic Centre Vaux Brewery Way
Sunderland

Ward: Southwick

Applicant: The Foundation Of Light

Date Valid: 29 October 2013

Target Date: 28 January 2014

PROPOSAL:

This application seeks outline planning permission for a new Sport and Leisure facility including the provision of ancillary retail, food and drink establishments and associated works. All matters other than access are reserved for subsequent approval at a later date.

Background

The Foundation of Light is the registered charity of Sunderland AFC. It was established in 2001 by former Club Chairman Sir Bob Murray CBE.

The Foundation uses the power of football to involve, educate and inspire more than 42,000 young people and their families across the North East each year, through a broad range of innovative and award-winning programmes that can help change their lives.

The Site

The Stadium Village site is located in a large strategic regeneration area on the north bank of the river wear in Sunderland city centre. The site area is 1.92ha.

The wider area covered by the SPD includes both Stadium Park and Sheepfolds. Land to the east and north is primarily residential.

Redevelopment of the Monkwearmouth Colliery site, which is located on a broad plateau on the north bank of the river Wear opposite the Vaux site, began in the mid-1990s with the creation of the Stadium of Light. In 2008, it was joined by the Sunderland Aquatic Centre. The Sheepfolds industrial estate occupies a large area of land between the Stadium and the Wearmouth Bridge. The northern part of the colliery site, where the Beacon of Light is proposed, is vacant.

Monkwearmouth Colliery was a major North Sea coal mine located on the north bank of the River Wear, in Sunderland. It was the largest mine in Sunderland and one of the most important in County Durham, in northeast England. First opened

in 1835 and in spite of the many accidents at the pit, the mine was the last to remain operating in the County Durham Coalfield. The last shift left the pit on December 10th, 1993, ending over 800 years of commercial coal mining in the region.

The site was seeded with an amenity grass mix after it was reclaimed and the corner beside the roundabout planted with some shrubs and standard trees.

The site is vacant. The majority of the site to the south and southwest is taken up by the Stadium of Light and the Sunderland Aquatic Centre and its associated car parking. These two buildings are of significant scale and provide a focus and a destination for the overall site. Other buildings to the north are Black Cat House (SAFC Ticket sales and administration building), a car dealership and an independent used car garage (Albion Car Centre).

The southern part of the site has a series of workshops, independent wholesalers and garages.

The Proposal

The brief for the project includes for education, sport/ leisure and music facilities.

Sports Venue

- Hall - Size 93x51m (minimum)

Designed to allow maximum flexibility for different scenarios: i.e. 7 aside, 5 aside

Approx one third of the hall to be surfaced in 3G with the remainder a sprung wooden floor.

- The 3G floor to be designed to accommodate a temporary floating floor to enable the whole of the hall to be used for Music events etc
- Flexibility to subdivide the hall
- Bleacher seating
- In floor posts for volleyball
- Storage space
- Warm up room
- 8 flexible changing rooms
- First aid/treatment room
- Viewing areas for indoor and out
- Flexible Space
- Lecture space for 60
- 2 of break-out rooms for 20
- 2 Flexible ICT classroom for 20 (ability to connect to form room for 40)
- Bar/players' lounge for 60-80
- Kitchen and staff room
- 2 offices for 16-20
- 4 other spaces that could become independent living room, arts and crafts, crèche, games room, room for hire/mtg room
- Reception area with retail to sell merchandise
- Separate entrance to serve Foundation uses
- External 3G pitches

5 and 7-a-sides pitches in a flexible layout (with floodlighting).

Music Venue - 4000 standing

- Temporary stage and AV equipment
- Servicing from rear - area for 6 x parked articulated vehicles
- Temporary stage
- 3 storey front of house with reception / ticket office / merchandise sales and

Music Venue - Combined Standing and Seating (1800 standing and 1200 retractable racked seating)

- Temporary stage and AV equipment
- Servicing from rear - area for 6 x parked articulated vehicles
- 3 storey front of house with reception / ticket office / merchandise sales. The total built floor space proposed in the application is approximately 12,500 m2.

The sport leisure and music facilities comprise:

- Multi purpose sports / football hall - minimum area 51 x 93m
- Associated Changing - team and groups
- First Aid / Treatment
- Foyer
- Reception / ticket office
- Back office / Cash office
- Security
- Ancillary Retail / merchandise (215 sq.m ground floor and 350sq.m first floor bar area)
- Concessions
- Players Lounge / hospitality
- Dance Studio / multi purpose room
- External 3G floodlit football pitches

The facilities for the Foundation comprise:

- Office(s)
- Lecture space
- Flexible ICT classrooms

The building brief sets very specific sports uses that themselves have specific size requirements. This means there is little variation in the size of the building comparing maximum and minimum parameters, which are:

	Maximum	Minimum
Width	75m	55m
Length	135m	100m
Height	18m	12m

The application has been advertised accordingly by way of site, press and neighbour notification.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Environmental Health
Environment Agency
Force Planning And Police Architectural Liaison Officer
Fire Prevention Officer
Parks
Disability Support Group NE
Business Investment
Network Management
Nexus
The Coal Authority
Southwick - Ward Councillor Consultation
DC North Chair And Vice Chair Consultation
Northumbrian Water
County Archaeologist
Sport England

Final Date for Receipt of Representations: **25.12.2013**

REPRESENTATIONS:

County Archaeologist

No Comment

Northumbria Water

No concerns subject to the development being carried out in strict accordance with the submitted Flood Risk Assessment.

Nexus

No objection to the proposal overall, but a number of comments are made in respect of a request for the provision of sheltered bus infrastructure on Stadium Way and a financial contribution to provide additional services to ensure the safe movement of people leaving an event (additional requirements may be for cleaning, crowd control and control room staff).

Sport England

The site is not considered to form part of, or constitute a playing field as defined in The Town and Country Planning (Development Management Procedure)

(England) Order 2010 (Statutory Instrument 2010 No.2184), therefore Sport England has considered this a non-statutory consultation.

The statement details Sport England's three objectives in its involvement in planning matters;

- 1) To prevent the loss of sports facilities and land along with access to natural resources used for sport.
- 2) To ensure that the best use is made of existing facilities in order to maintain and provide greater opportunities for participation and to ensure that facilities are sustainable.
- 3) To ensure that new sports facilities are planned for and provided in a positive and integrated way and that opportunities for new facilities are identified to meet current and future demands for sporting participation.

The main elements from these objectives is that a planned approach to the provision of facilities and opportunities for sport is necessary, new sports facilities should be fit for purpose, and they should be available for community sport.

Taking each of these matters in turn, Sport England has the following comments to make:

Facility Need

The application is in outline, with approval being sought in principle for the type and scale of sports facilities. Sport England would expect to find the strategic need for a facility mix of this sort to be set as part of the planning application. Such justification ought to come from an up to date Playing Pitch Strategy or Sports Facility Strategy (for the locality), and given that the facility is football-centric in design there should be clear strategic support and buy-in from the Football Association.

Sunderland does not have either an up-to-date Playing Pitch Strategy or a Sports Facility Strategy, although work has commenced on the preparation of the former.

Sport England has consulted with the Football to gauge their understanding of the proposal, and we received the following response;

This project has not been identified through The FA's AGP mapping process. In addition the project is located 2.5 miles from Castle View Enterprise Academies existing small 3G pitch and the Enterprise Academy has recently been awarded Football Foundation Investment to build an additional full size 3G pitch that is going through the planning process now.

From a community club training perspective we could not justify the strategic need for an additional 3G pitch in this location. I have not seen a proposed usage plan or sports development plan, so whilst the facility would be used to deliver the community foundations programmes, it's very difficult to comment on the strategic need without this information.

Facility Design

Sport England seeks to ensure the new sports facilities are fit for purpose. The Design and Access Statement submitted describes the design parameters for the proposed football facilities. Given that this element of the proposal will be held over for approval at reserved matters stage Sport England is satisfied with this level of design commitment.

Availability for Community Sport

Sport England would wish to gain further understanding of the relationship between the community foundations programmes and the existing football community before reaching a conclusion in relation to this matter.

Should this proposal progress to a reserved matters submission, Sport England would need to see further information on the following matters before it was able to offer its support to this proposal;

- Clarification as to the strategic need for the facility and identification as to how its provision will relate to existing (or committed) facilities within Sunderland
- Proposed usage plan and sports development plan to justify the need for the facility
- Technical information to show that the pitch complies with the latest FA technical standards
- Maintenance and management plan to include details of how the sinking fund will be managed.

The absence of an objection to this application in the context of the Town and Country Planning Acts, does not in any way commit Sport England's or any National Governing Body of Sport's support for any related application for grants funding.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_5_noise/vibration

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

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

CN_18_Promotion of nature conservation (general)

COMMENTS:

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

- 1) Principle of the Development.
- 2) Design and Layout.
- 3) Highway Issues.
- 4) Residential and Visual Amenity
- 5) Noise and Lighting Issues.
- 6) Ground Conditions/Contamination

- 7) Ecology and Wildlife Implications.
- 8) Flood Risk
- 9) Archaeology
- 10) Coal Mining Legacy

1) Principle of the Development.

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the adopted development plan be regarded as the primary consideration in determining a proposal for development unless material considerations dictate otherwise.

The National Planning Policy Framework (NPPF) was published March 2012 and sets out the Government's objectives for facilitating economic growth and securing sustainable development. The NPPF is a material consideration in the determination of planning applications and advises that development that accords with an up-to-date Local Plan should be approved, alternatively development that conflicts should be refused unless other material considerations indicate otherwise.

The application site is situated within 'Central Sunderland' as defined within the Unitary Development Plan Alteration No.2 (Central Sunderland). Within this document Policy NA3A.1 identifies Stadium Park as a comprehensive development site suitable for a range of large footprint leisure related mixed-use developments that cannot be accommodated in the City Centre. Acceptable uses in this location include assembly and leisure, business, drinking establishments, hotels and non-residential institutions.

In addition to the abovementioned UDP Alteration No.2 policy, the Council has produced a further document in relation to the future development of this area of the 'Central Area' - Stadium Village Development Framework 2010.

Stadium Village is one of Sunderland's priority central area development sites. The redevelopment of the site will contribute towards the creation of a great place to live, work and play.

The redevelopment of Stadium Village is a critical part of the City Councils vision for a 'step change' in the quality of the urban environment of Sunderland. In order for Sunderland to fulfil this 'step change' the following vision and objectives have been established for Stadium Village.

'To create a mixed use village of national reputation, with high quality facilities and a healthy and active sustainable community'.

The objectives of the development of Stadium Village are:

1. Deliver high quality sporting leisure, health, education and cultural facilities that enhance the social, economic and physical well-being of the people of Sunderland.
2. Deliver a high quality sustainable community that offers a high quality mixed housing offer in close proximity to the city centre.

3. Ensure that Sunderland plays its part in promoting the North East as a location of choice for national sporting organisations.
4. Deliver the northern section of the Way of Light to connect the Stadium Village site to the city centre.
5. To deliver quality office accommodation for small and medium sized enterprises.
6. Deliver a phased relocation of existing employment uses to improved facilities elsewhere in the city.
7. Deliver a development that is highly accessible by sustainable modes of transport to reduce dependency on the private car.

The indicative masterplan and land use framework identifies the application site as an area, Area A, to be developed for new health and well being related facilities.

Paragraph 4.4 of the framework states that the provision of high quality, regionally important sporting facilities is fundamental to delivering the vision for Stadium Village and for creating a sense of place. The delivery of a multi-use centre is central to the vision.

In this regard, it is considered that the current application is in accordance with the land use aspirations as set out in the masterplan / framework and will therefore aid in the delivery of the wider development aspiration of the Stadium Village comprehensive development area. The site subject of this application is also considered to be located at a key landmark location and therefore it is vitally important that the subsequent reserved matters applications address and accord with the general development principles of the framework.

In addition to the sport and leisure use proposed the proposal will also include ancillary retail and food/drink areas totalling 215 sq. in respect of the former and 350sq.m in respect of the latter use. As such, given the small areas proposed for the above uses, which are to serve the main leisure use, it is not considered that either use will pose any adverse impact.

In light of the above, it is considered that the proposal is an appropriate form of development that accords with the provisions of Alteration No.2 and the Stadium Village Development Framework.

2) Design and Layout

The NPPF attaches great importance to the design of the built environment, with emphasis placed upon ensuring that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, whilst responding to local character and history and creating safe and accessible environments and ultimately providing visually attractive developments.

Policy B2A 'Sustainable Urban Design' states that the city council will seek to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit. In order to achieve high standards of urban design all new development will be required to:-

1. Reinforce or enhance the urban character.

2. Respond to and reinforce the scale, form, massing and patterns of townscape development which make a positive contribution to the distinctive townscape and architectural qualities of the area.
3. Ensure the arrangement of buildings define the enclosure of the street, with street frontages as continuous as possible.
4. Contribute to a safe and secure environment by providing surveillance of footpaths, streets and public spaces.
5. Integrate the existing street pattern as appropriate and provide choice and convenience of movement for pedestrians and cyclists.
6. Ensure parking provision is considered.
7. Developments will be required to conform with the Councils Supplementary Planning Documents.

Policy NA3A.1 of the UDP Alteration No.2 states that in respect of design requirements proposals for Stadium Park should present an active and animated frontage to the river and should provide attractively landscaped areas of public realm.

In addition to this policy the Stadium Village Development Framework also states at paragraph 4.12 that development proposals are required to:

1. Demonstrate a high level of architectural design in all buildings.
2. Incorporate contemporary architecture that responds to the locality.
3. Form a high quality rivers edge, creating active uses to all buildings and maximising views.
4. Create an active corridor along the Way of Light.
5. Develop a strong gateway from the west along Keir Hardy Way with landmark buildings and active frontages.
6. All buildings should be constructed using high quality, durable materials with the design of the buildings being robust as reasonably practical.
7. All buildings should be designed to maximise energy efficiency, reduce maintenance and have security built into the layout and fabric of the building.
8. Residential units should seek to maximise the number of entrances in main routes.
9. All facades of large scale buildings so as to create attractive building elevations and help to break up and lessen their visual impacts on their surroundings.

Details of layout, scale, appearance and landscaping are matters reserved for subsequent approval at a later date however the information which accompanies the planning application indicates that the Beacon development will meet with the requirements of the both the NPPF and the Stadium Village Development Framework. With this in mind it is considered that the Beacon development will be fully compliant with the design requirements of the both the NPPF and the Stadium Village Development Framework.

3) Highway Considerations

Access is a matter which seeks approval as part of this outline application and in this regard Policy T14 of the UDP states that proposals for new development should:-

1. be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve,

2. not cause traffic congestion or highway safety problems on existing roads. Where this criterion cannot be met modifications to the highways concerned must be provide to the satisfaction of the relevant highway authority and the cost of these must e met by the developer.
3. make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment.
4. make provision for the loading and unloading of commercial vehicles.
5. indicate how parking requirements will be accommodated.

In addition to the aforementioned UDP policy, policy NA3A.1 of UDP Alteration No.2 requires additional parking for new developments where it can be demonstrated that the normal weekday demand exceeds the current provision.

The Councils Network Management Team has been consulted on this application and the following comments are offered.

Access - Reference is made to servicing from Keir Hardy Way. This proposal is not considered to be acceptable in the interests of road safety. Service Traffic should use the existing route via Vaux Brewery Way, which is already utilized for service access to the Aquatic Centre.

It is noted that the existing service road to the west of the site is available as a pedestrian route on a day to day basis. Vehicle access onto Keir Hardy Way is gated and is restricted generally to match day use by football coaches. The road is not lit during the hours of darkness, and there is no vehicles restraint provided to the top if the adjacent slopes to the riverside. Consideration should therefore be given to the safety of users accessing the proposed development from the western aspect, whether for service vehicles, access to disabled bays/parking bays as shown on the proposed layout, pedestrian and/or cyclists.

The assessment of traffic analysis has been carried out on the basis of football (fie a side) trip rates. It is accepted that the traffic generation can be accommodated within the capacity of the local road network, on the basis of current traffic demand.

The development proposal will include the provision of a Memorandum of Agreement between the Football Club, the Aquatic Centre and the new hotel development. This will avoid any conflict of events which could result in the capacity of the local car parks being exceeded. The shared use of the car parks around the Stadium of Light therefore appears to be satisfactory.

In respect of the above the agent has acknowledge the concerns raised in relation to access and has amended the proposal accordingly. As such the proposal is now considered to be fully compliant with UDP policy T14 subject to the imposition of conditions.

4) Residential and Visual Amenity Considerations

Policy B2 of the UDP requires the scale, massing and layout of new development should retain acceptable levels of privacy and relate harmoniously to adjoining areas. Section 10C of the Residential Design Guide Supplementary Planning Document requires minimum interface spacing of 21m between main facing

windows on two storey developments, with an additional 5m added for every additional storey.

In this regard given the outline nature of the application to date it is not possible to definitively evaluate the potential impact on both residential and visual amenity, however on the basis of the information available both within the submission and the adopted framework for the area it is considered that any resulting adverse impacts would be minimal and measures could be put in place (via planning conditions), if deemed necessary and appropriate, to mitigate such impacts.

5) Noise and Lighting Considerations

Paragraph 123 of the NPPF states that:

Planning policies and decisions should aim to:

1. avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
2. mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
3. recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
4. identify and protect areas of tranquility which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

In addition, UDP policy EN5 seeks to ensure that where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission will normally be refused.

The application is accompanied by a Noise Survey (para 5.3 of the Supporting Statement) the content of which has been reviewed by the Council's Environmental Health department. In this regard the following comments are offered.

The report's purpose was to assess the impact from noise from the outdoor pitches on the nearest residential premises.

Measurements were taken of background noise levels at the proposed site to establish the existing noise levels. Then noise data was collected at similar football pitches in Newbottle whilst in use to give representative noise levels. Ten pitches were in use at Newbottle during the noise measurements giving a worse case scenario as there are only six at the applicant site.

Using this data the noise levels were then predicted correcting for distance to the residential properties.

The results of the assessment were that noise levels at the nearby residential premises will not be adversely affected by noise from the use of the football pitches with the predicted levels being below the current background levels.

However, in the supporting statement, it is also mentioned that the sports hall will be used as a music venue holding 4000 patrons standing or 1800 standing and 1200 seated. The impact from the noise from such music events at nearby residential properties appears not to have been considered. It is therefore recommended that should the development be granted consent a noise assessment for the music venue/sports hall should be provided before the sports hall begins to be operated in this manner.

The following condition is therefore recommended:

"The close proximity of the premises to nearby residential dwellings indicates that noise emissions from the property as a result of the provision of public entertainment, may give rise to noise complaints. As such the applicant should appoint a suitably qualified and experienced noise control consultant to undertake a noise assessment.

The assessment shall be undertaken to ensure that at the nearest façade of the nearest noise sensitive property, the noise generated from the property to be licensed (the LAeq5 min) should not exceed 10 dB below the minimum external background noise during the operating period. The background noise level should be expressed in terms of the lowest LA90, 15 min. and where noise from the property to be licensed will contain tones or will be intermittent sufficient to attract attention:

At the nearest façade of the nearest noise sensitive property, the noise generated within each octave band level (LAeq 5 min) should not exceed 5 dB below the minimum external background noise level expressed in any of the individual octave band levels. The background noise level should be expressed as the lowest LA90, 15 min for each of the octave bands during the operating period. Following the assessment a report should be submitted detailing the measures that are to be adopted to ensure that noise as a result of the public entertainment does not cause a nuisance to local residents or other noise sensitive premises."

With reference to lighting, the application is also accompanied by a lighting assessment, which considers both general lighting and flood lighting. The conclusions drawn from this assessment have been reviewed by Environmental Health and are detailed as follows.

A report, reference 1048-60-RPT-01-External Lighting Assessment, has been submitted. Section 3 of this report deals with obtrusive lighting which falls within Environmental Health's remit as it can be classed as a statutory nuisance under the Environmental Protection Act 1990.

The report has modeled the predicted levels of light from the development including the outdoor football pitches that may impact on the closest residential properties in Southwick Road. Guidance from the institute of lighting engineers (ILE) has been used in calculating the lighting impact and the report concludes

that the proposals to light the exterior pitches meet the requirements of the ILE with regard to the reduction of obtrusive light.

Therefore, in light of the above observations it is considered that subject to the imposition of conditions the proposal is compliant with paragraph 123 of the NPPF and UDP policy EN5.

6) Ground Conditions/Contamination

UDP policy EN14 dictates that where development is proposed on land which there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The application is accompanied by a Ground Conditions and Contaminated Land Survey prepared by E3 the content of which is currently being reviewed by Environmental Health. In this regard given the nature of the works involved it is not envisaged that detailed comments on this matter will be received in advance of the meeting and therefore in order to determine the application in a timely manner it is advised that the standard suite of planning conditions be imposed on any permission granted.

7) Ecology and Wildlife Implications

The UDP provides specific policies with regard to biodiversity and nature conservation. Policy CN18 states that the promotion of interests of nature conservation will be sought throughout the City through making provision in development proposals for preservation of habitats or creation of compensatory habitats and where necessary, refusing inappropriate development.

The application is accompanied by an assessment undertaken by Argus Ecology, the details of which have been reviewed by the Council's Countryside team. In this regard dialogue is still ongoing and it is therefore anticipated that this matter will be addressed in a further report to Members in advance of the meeting.

8) Flood Risk

The Environment Agency has been consulted as part of this application and comments are awaited in this regard.

9) Archaeology

As with the above section consultation has been undertaken with the County Archaeologist who has confirmed that given the former use of the site as a colliery and the subsequent reclamation that followed no archaeological work is required for the proposed development.

10) Coal Mining Legacy

The application site is located within a high risk area and therefore there are coal mining features and hazards that need to be considered in relation to the determination of this development proposal.

In this regard and following consultation with the Coal Authority it is considered that the Supporting Statement prepared in support of the application is sufficient to remove any objection that the Coal Authority may have had. However notwithstanding this fact the Coal Authority considers that the coal mining legacy could potentially pose a risk to the proposed development and therefore further intrusive site investigation works should be undertaken prior to any development commencing on site in order to establish the exact situation regarding the coal mining legacy issues on the site. Therefore, should Members be minded to approve the application, then it is recommended that two conditions be imposed which require (1) further site investigation to be carried out and (2) the need for remedial works to be carried out where necessary to do so.

Conclusion

It is considered that the proposal is an acceptable form of development, in principle, however before a recommendation can be made further information is required in respect of ecology and flood risk. It is therefore anticipated that a second report will be prepared in advance of the Committee meeting.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 13/04092/VAR Variation of Condition

Proposal: **Variation of condition 2 (plans) attached to planning application 11/03065/FUL to amend previously approved elevational treatment.**

Location: SeaburnShelter/Kiosk 14 Whitburn Road Sunderland

Ward: Fulwell

Applicant: Jet LTD

Date Valid: 6 December 2013

Target Date: 31 January 2014

PROPOSAL:

Members may recall a planning application in connection with the Seaburn Shelter, formerly known as Kiosk 14 on Whitburn Road, which was presented to and granted planning permission at the meeting of the Sub-Committee on 22 November 2011 - application reference 11/03065/FUL. The application was for a proposed flexible mixed use development: consisting of A1 (retail), A3 (restaurant and cafe), A4 (drinking establishment), A5 (hot food take-away), B1 (offices) and D1 (Assembly, arts and leisure) including the refurbishment of existing shelter building capable of providing up to 10 retail/leisure units at promenade level, ground floor relocation of male and female public toilet facilities, ground floor changing places facility, ground floor RNLI/ office, the erection of 2 shell only facilities above existing building with level access onto Whitburn Road. The proposal also included the change of use and stopping up of 2 public footpath stairs to provide the proposed A1, A3, A4, A5, B1, D1 uses and provision of new ambulant public staircase to the centre of development. Works to implement the planning permission granted by application 11/03065/FUL have not yet commenced.

This current application relates to the variation of condition number 2 attached to planning permission granted by application 11/03065/FUL. This condition required development to proceed entirely in accordance with the plans submitted at the time of that application and the variation sought by this application is in order to amend the previously approved elevational treatment.

In summary, the amendments proposed are as follows:

At ground floor level, it is proposed to reduce the size of the approved bin stores, relocate the building's central staircase, relocate the public toilets within the building and other minor amendments to the internal configuration of the building. The floor plan would be amended so as to increase the size of one of the proposed ground floor units, whilst the other would decrease in size. As a result of the reconfiguration of the central staircase, only the public toilets would now be accessed from this area. The RNLI Office is reduced in size, whilst the accessible changing area is relocated.

At first floor level, it is proposed to reduce the width of the building to allow for the retention of the existing public stairs, relocate the central staircase, infill the central public walkway with glass and amend the floor levels to incorporate one step rather than two. The infilling of the central public walkway and relocation of the staircase has allowed for an increased floor area to be provided to unit 1 at first floor level.

Elevationally, the result of these changes is fairly limited and mainly confined to the repositioning, omission or addition of windows and doors in various positions around the building and the relocation of access ramps from the side elevations to the Whitburn Road elevation as a result of the reduction in width of the first floor to allow for the retention of the existing public stairs to each side of the building.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

Fulwell - Ward Councillor Consultation
Network Management
Environment Agency
Force Planning And Police Architectural Liaison Officer

Final Date for Receipt of Representations: **28.01.2014**

REPRESENTATIONS:

Neighbours

No representations have been received.

Consultees

Network Management

The Network Management Engineers have offered no observations or recommendations in connection with the application, noting that as the building has been reduced in width compared to the previously approved scheme (11/03065/FUL), a Stopping Up Order will no longer be required as no existing highways or rights of way would be affected by the proposal.

Environment Agency

The Environment Agency offered no comments further to its response in connection with the previous application 11/03065/FUL which confirmed that the Agency has no objections to the scheme on flood risk grounds, although did recommend that the applicant give consideration to flood proofing measures. The Agency also offered certain observations to be passed to the applicant in respect of foul sewage.

POLICIES:

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

B2
EN10
NA6
NA30
T14

COMMENTS:

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

- 1) Principle of the Development.
- 2) Design and Amenity Issues.
- 3) Highway Issues.
- 4) Planning Conditions.

- 1) Principle of the Development.

The majority of the land subject to the development is not allocated for any specific land use within the Council's Unitary Development Plan (UDP) and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

With specific reference to the seafront, policy NA6 of the UDP states that the City Council will encourage improvements to the existing commercial and social structures in the coastal zone to help ensure their viability and maximise their potential contribution to the environment of the seafront. In addition, UDP policy NA26 dictates that the seafront zone between the river mouth and the city boundary with South Tyneside will be developed and enhanced to accommodate a range of facilities providing a focus for leisure activity and tourism serving the region whilst any development should, by the quality of its design, retain and if possible enhance the underlying character of the zone and existing open spaces and associated areas will be retained for passive recreation use. Furthermore, UDP Policy NA30 seeks to preserve sea views along the Roker, Seaburn and Whitburn Bents frontage.

In this regard, the proposed amendments to the scheme already approved by application 11/03065/FUL are not considered to fundamentally affect the principle of the development and the mix of uses proposed to be accommodated in the building is unchanged from the previous approval of planning permission. For this reason, the principle of the proposed development is considered to be acceptable and the variations to the previously approved development are not considered to conflict with any of the UDP policies outlined above.

- 2) Design and Amenity Issues

Paragraph 17 of the NPPF sets out 12 core planning principles identified by the Government as being important. Within these principles, it is identified as being important that Local Planning Authorities should always seek to secure high

quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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

In the assessment of this application, regard has been had to both visual amenity and the amenities of occupiers and users of adjacent buildings. In respect of design, the flat roofed building is similar to that for which planning permission was previously granted by application 11/03065/FUL. The alterations to the elevational treatment and floor layout of the building are not considered to impact unacceptably upon the design character of the proposal, nor would they have the effect of making the building appear incongruous in its setting. In respect of amenity, the building stands in a position which is relatively isolated compared to other surrounding buildings, the nearest being the amusement arcade and the Seaburn Centre on the opposite side of Whitburn Road. It is not considered that the proposal adversely affects the amenities of these buildings.

The design of the building and its impact upon amenity are considered to be acceptable with due regard to the UDP policies outlined above.

3) Highway Issues.

Policy T14 of the UDP stipulate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles.

As set out above, the Network Management Engineers have offered no observations or recommendations in connection with the application, noting that as the building has been reduced in width compared to the previously approved scheme (11/03065/FUL), a Stopping Up Order will no longer be required as no existing highways or rights of way would be affected by the proposal.

The alterations proposed by this application are not considered to affect the highway network in any way which would warrant refusal of planning permission.

4) Planning Conditions

The previous planning approval was subject to conditions in respect of the time limit for commencement of development, adherence to the approved plans and requirements to submit details of the methods of containing dirt and debris during construction, the positioning of the loading/unloading area and details of a lighting and security scheme for the development. None of these conditions have been discharged, so should be re-imposed with the condition in respect of the approved plans amended to take account of the revisions proposed by this application.

Conclusion

The period for the receipt of representations does not expire until 28 January 2014 i.e. the day of the Sub-Committee Meeting. Accordingly the recommendation is that Members approve the application subject to no representations being received and subject to the conditions below. If any

representations are received prior to the Sub-Committee meeting these will be reported by way of a supplement report and should any representations be received subsequent to the Sub-Committee meeting, the application will be brought before a later meeting of the Sub-Committee and the recommendation reappraised if necessary.

RECOMMENDATION: Approve

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which the original permission was granted (01.12.2011) to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

The Proposed Ground Floor Layout - Drawing Number AL(0)0001, Revision A, received 6 December 2013;
The Proposed First Floor Layout - Drawing Number AL(0)0002, Revision A, received 6 December 2013;
The Proposed Elevations - Drawing Number AL(0)0003, Revision A, received 6 December 2013;
The Proposed Section Through Stair - Drawing Number AL(0)0005, Revision A, received 6 December 2013;
The Proposed Roof Plan - Drawing Number AL(0)0010, Revision A, received 6 December 2013;
The Proposed Landscape Plan - Drawing Number AL(0)0011, Revision A, received 6 December 2013;
The Proposed Site Plan - Drawing Number AL(0)0012, Revision A, received 6 December 2013 and
The Location Plan - Drawing Number AL(90)1000, received 6 December 2013.

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

- 3 Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved UDP.
- 4 No part of the approved development shall be occupied until the loading/unloading area has been laid out in accordance with details

approved by the Local Planning Authority in the interests of highway safety and to comply with policy T14 of the UDP.

- 5 Notwithstanding the approved plans full details of a lighting and security scheme, incorporating details of all security and feature lighting and roller shutters, shall be submitted for the written approval of the Local Planning Authority and the approved works so implemented prior to the occupancy of the building in the interests of visual amenity and to comply with policy B2 of the UDP.