

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

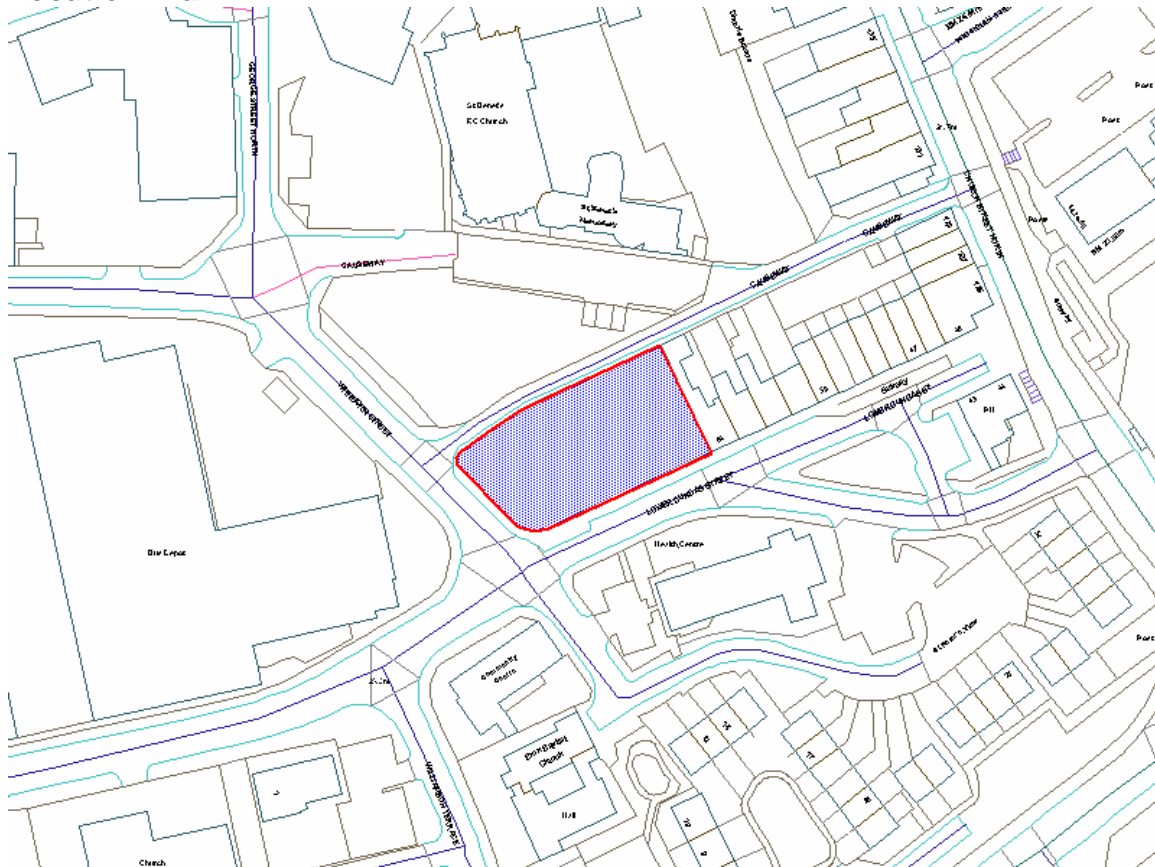
Reference No.: 10/04017/FUL Full Application

Proposal: **Erection of a three storey student accommodation building and associated access and car parking**

Location: Site Of 55 To 59 Dundas Street Sunderland

Ward: St Peters
Applicant: Leah Properties Limited
Date Valid: 21 December 2010
Target Date: 22 March 2011

Location Plan



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PROPOSAL:

Members will recall that the application currently before them was previously on the agenda of 22 February 2011 where it was resolved to defer the application until such time that additional information had been received in respect of the outstanding policy issues concerning the supply and demand of student accommodation in Sunderland. It is understood that the required information is currently being prepared by both the agent / applicant and University and will be submitted to the Authority in advance of the meeting to allow full consideration to be given to the proposal.

The proposal is for the erection of a 3 storey student accommodation block with associated access and the provision of 12 car parking spaces with cycle and refuse store on the site of 55 to 59 Dundas Street. The proposal will create a total of 55 bedrooms over the three floors and be arranged with 17 bedrooms on ground floor level and 19 at both first and second floor levels. The proposal will have an external footprint of 716 sq m and internal floor area of 2010 sq m on a site of approximately 0.135 hectares.

It should be noted that the student accommodation for which permission is being sought is classified as a Sui Generis use. Such uses do not benefit from the usual permitted moves between classes of a similar nature, as is currently possible between dwelling houses (Use Class C3) and houses in multiple occupation (Use Class C4). In this regard, should the current application be granted consent, then planning permission would be required should the owner wish to change the use of the building in the future.

Site

The site covers an area of approximately 0.135 hectares. At present the site is an overgrown parcel of grassland that does not appear to have been maintained for some time. Beyond the northern boundary of the site is St Benet's Church whilst to the south is a single storey medical practice with two storey residential dwellings beyond. Immediately to the east of the site is a terrace of two storey properties that are, or have been, in commercial and residential use, whilst to the west is a large scale operational bus depot.

General Arrangement

The site is a rectangular parcel of land, occupying a corner site within an area which is made up of commercial and residential units. The proposed building has been positioned so as to respect the building line of existing properties to the east as well as taking account of the physical constraints of the site. 12 parking spaces (which includes one disabled bay) are proposed to extend along the northern boundary of the site with access to be taken from the rear lane. A bin store is proposed immediately outside the north-west elevation access door with a bicycle store proposed in between the north-east corner of the building and parking bay 1. A small parcel of planting is proposed around the north-west corner of the site.

- Ground Floor:- will comprise a ground floor lobby, common room, laundry, plant room, four lounge / kitchen areas to be located at the four corners of the building with 17 student bedrooms sub divided into four unit areas (units1-4).
- First and Second Floor: - will each accommodate four kitchen / lounge areas, again positioned at either corner of the building, with 19 student bedrooms sub-divided into four unit areas . Connection to the upper and lower levels is achieved by a centrally located stairwell and lift.

External treatment

The proposed building will occupy two thirds of the site and be situated close to the southern boundary (Lower Dundas Street) with parking located to the rear.

- South East Elevation

The main entrance to the building will be via the south-east (Lower Dundas Street) elevation with a secondary access located within the north-west elevation. The proposed south-east elevation will measure approximately 36.8m in length and incorporate two book-end features at either end. A series of uniformed window openings are proposed across the whole of this elevation.

- **North-West Elevation**
The north-west elevation of the proposed building will measure approximately 36.8m in length with a centrally located rear access and uniformed fenestration arrangement.
- **North-East Elevation**
The north-east elevation will comprise of one of the two book-end features of the building and measure 16.7m in length. Within this elevation will be windows serving the lounge / kitchen areas of the student units along with an emergency fire escape door at ground floor level.
- **South-West Elevation**
The south-west elevation of the building will measure approximately 16.5m in length. Windows are shown at ground, first and second floor levels along with a second emergency fire escape door at ground floor level.

The main body of the roof will slope from north to south reflecting the gradient of the site and be lower than the height of the book-ends. The roof structure of the book end elements are shown with a roof slope falling from west to east.

The external material schedule indicates the proposed use of red coloured facing brick at ground floor level, through colour white render at first and second floor level with sections of aluminium framed curtain walling. In addition, stone window surrounds and aluminium window and door systems are proposed.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

County Archaeologist
Street Scene (Environmental Service)
Fire Prevention Officer
North Gas Networks
Force Planning and Police Architectural Liaison Officer
City Services - Transportation
English Heritage

Final Date for Receipt of Representations: **31.01.2011**

REPRESENTATIONS:

Neighbours

Three letters of objection and one letter/e-mail of no objection to the proposal have been received. The issues raised in the abovementioned representations are as follows:

1. *St Bede's Medical Practice* – has commented that it is quite happy with the planning application on condition that (i) the premises are used for students only and (ii) there is adequate car parking so as not to use St Bedes as an overflow.
2. *CBRE (Planning consultant for Sunderland University)*- has objected on the grounds that the demand for student residential accommodation needs to be demonstrated. This inevitably requires engagement with the University.

It is argued that the student residential market in Sunderland is finely balanced between supply and demand sides. Whilst major progress has been made over the past years managing unsustainable void position the outlook remains volatile, requiring extensive planning between University recruitment, Faculty and accommodation office teams on an annual basis to ensure business targets are met.

Student number planning over the next period is assumed at steady state at best. The recent changes in funding for education are likely to have a major impact on the sector including if, how and where future cohorts engage with higher education. This will have an impact on the student residential market.

Traditionally a large proportion of Sunderland students continue to register home as a term time address, consistent with the profile of local / regional recruitment. This has a significant impact on the perception of the Sunderland market for student residential accommodation.

The University has a supply of circa 2100 managed bed spaces either through its own estate or through partnership with external providers (U Student). Major investments have and continue to be made in the residential estate to maintain the quality of provision expected from both current and future cohorts. The residential offer continues to play a key role in both the student's decision making process and experience whilst at university.

In the longer terms the strategy remains to relocate some of the provision to the city centre sites as opportunities arise. This supports the objectives identified within the campus master plans and will provide further regeneration in Sunderland city centre. This relies on there being sufficient demand in the market.

To summarise therefore supply and demand for 2011-12 is at an equilibrium. The position thereafter is unclear and there remains significant risk within the market. The University as a key partner in the delivery of the Sunderland Economic Master Plan relies on the ability to maintain a sustainable plan for student residential and should not be undermined by speculative proposals that have not been justified.

Without any further evidence on business justification for this particular proposal the University maintains the position that the application is inappropriate and should not be granted planning consent.

3. *U-Student - (the owner/ operator of The Forge U Student Village)* - are of the view that the University is a key economic driver for the City, and working closely with them, their aspiration is to further enhance the reputation of Sunderland University and the host city by providing high quality student accommodation, in a secure, modern environment, professionally delivered and managed.

It considers that it is important to balance supply and demand where student accommodation is being considered, and at present sustainable demand cannot be demonstrated to require any more supply of bed spaces within the City, with void bed spaces this academic year across circa 2000 beds available between the U-Student site and other university accommodation. This statement can be substantiated quite easily. U-Student therefore urge the city to liaise extensively with the University directly in relation to this application and all forthcoming student accommodation applications and ensure a policy is maintained whereby sustainable long term demand is clearly demonstrated before approving any further student bed spaces.

4. *Resident of 17 Reading Road* - objects to the application to build on open ground in Dundas Street on the ground that the applicant and other property developers over the last 20 years have turned the Roker Avenue area into one giant slum.

Consultees

Northumbrian Water – has no comments to offer on the current proposal.

Environmental Health - has assessed the Geo-environmental Desk Study submitted with the application and has deemed the report acceptable with no further investigative works required. In this regard it is therefore advised that conditions relating to hours of delivery, hours of working, selection of machinery and measures to minimise noise, odour, dust etc. be imposed on any grant of consent.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

B_14_Development in areas of potential archaeological importance

NA_43_Encourage the revitalisation of the environment in Monkwearmouth Improvement Area

NA_47_Environmental improvements around St. Benet's Church, including redevelopment

COMMENTS:

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

- Land Use Policy
- Design, Siting and External Appearance
- Residential Amenity
- Sustainability
- Highways (Parking and Access)
- Archaeology

Land Use Policy

The site subject of this application falls within a locality subject to Policy NA47 of the Unitary Development Plan (UDP) and is also identified as amenity open space on the 2003 and 2007 Open Space Register.

Policy NA47 states that the City Council will give favourable consideration to proposals which will enhance the general environment and setting of St Benet's Church. Measures may include redevelopment where appropriate, for land uses including affordable housing, community facilities and retailing. Proposals for other uses will be considered on their merits subject to other considerations.

Having regard to this policy it is therefore considered that whilst the redevelopment of the site for student housing is not specifically listed as an acceptable use of the site, the proposal will result in the redevelopment of a vacant parcel of land which in turn will bring about improvements to the wider environment of the area. Consequently, on balance, the proposal is considered to meet the overall aim of UDP policy NA47.

Emerging Policy

Revised Preferred Options Core Strategy - policy CS2.2f of this document specifically relates to major planning applications for student accommodation. The purpose of this policy is to require developers to demonstrate how proposals for student accommodation:

- (i) will meet a proven need for development of this type;
- (ii) are compatible with the wider social and economic regeneration objectives, and
- (iii) are conveniently located to access the university campuses and local facilities.

In respect of the above policy the agent has provided the following justification.

The applicant is an experienced student accommodation developer and already has student accommodation in the vicinity (Roker Avenue). This accommodation is over subscribed every academic year by students who attend the Sir Tom Cowie St Peters Campus.

Having considered this statement it is not considered that it satisfactorily addresses the requirements of the above policy. It fails to provide statistical evidence as to the number of students attending the University, the predicted take up of student places for the coming academic years (2011/2012), the number of students that live at home, the number of overseas students, the

number of students that live outside the area etc. Such information has been requested from the agent / applicant and a further assessment report / justification is awaited. Until such time that an additional report(s) / justification(s) have been submitted which satisfy the aims of policy CS2.2f it is not possible to support the proposal in policy terms

It should also be noted that Sunderland University have been asked to evidence their objection which was prepared and submitted by CBRE on their behalf. The requested information includes:

- (1) the number of undergraduate / post graduate students,
- (2) the proportion of students drawn from the region and attending the University on a daily basis,
- (3) how has points 1 and 2 changed over time and future projections,
- (4) does the University have sufficient bed space to meet all of its demands, has that always been the case and will there be pressure in the short to medium term,
- (5) what is the proportion of students joining the University straight from school,
- (6) what proportion of students attend on a day release basis or short term course,
- (7) what is the University's opinion about the impact on its business following changes to the fee structure and is this likely to impact on demand,
- (8) are there any other institutions within Sunderland that have a significant demand for residences,
- (9) does the price of housing mean that central services such as the emergency services and teachers moving to the area cannot afford to purchase properties and need rooms to rent,
- (10) does the University believe that there has been an increase in student numbers over the last 15-20 years as a result of Government policy? What is the short, medium and long term impact of changes to fee regime likely to be?

A response from both the applicant and Sunderland University is awaited.

Housing

The Roker Avenue area has been identified in paragraph 5.84 of the UDP as being an area where Houses in Multiple Occupation (HMOs) are concentrated. Policy H18 of the UDP states that proposals for the provision or conversion of dwellings into bed-sitting rooms, self contained flats, or multiple shared accommodation will normally be approved where the intensity of the use will not adversely affect the character and amenity of the locality. With reference to the current application the key consideration is whether or not the proposed development will have an adverse impact on the surrounding infrastructure and residential amenity of the nearby residents (See Residential Amenity and Highway comments below).

Public Open Space

Following the 2007 review of the Open Space Register there has been a national policy shift in emphasis towards not just ensuring that there is a plentiful supply, in quantitative terms, of green space but also that this is matched with the provision of high quality and publicly valued green spaces.

An audit of all open space in the city which considers a number of key factors such as quality, value and need, is currently being undertaken. The current application site has been re-assessed using the above criteria and it has been

concluded that this site scores particularly poorly both in terms of its quality and value. The findings of the 2010 assessment are contained within the draft audit.

On completion of the audit it is intended that recommendations will be made for the future of identified open space, recommendations as to the sites which are to be retained, new sites to be brought forward and those sites which have scored poorly to be released. Whilst it is acknowledged that the audit is not yet complete, it is highly likely that the application site will be recommended for release for other uses due to the poor score in terms of quality and value. It is for this reason that it is not considered necessary for the application to be subject to the provisions of Policy L7 of the UDP, which seeks to retain open space.

Design, Siting and External Appearance

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.

With regard to the following comments provided by Urban Design, it should be noted that the observations made have been heavily influenced by the site's proximity to the St Peters Candidate World Heritage Site (cWHS) and its location within the cWHS Buffer Zone. It is critical that developments within the above defined areas are of a high standard in terms of both architecture and design.

Layout

The proposed site, which is bound by Causeway to the north, a mix of occupied and vacant retail/commercial premises to the east, Dundas Street to the south and Whitburn Street to the west, is highly constrained by virtue of the above factors and its size. In response to the above constraints it is proposed to locate the student accommodation block along the southern edge of the site, continuing with the building line that currently exists along Dundas Street with parking and communal facilities to the north of the site, which is considered to be a logical response to all of the above factors. As such given that the building will continue the existing building line and while recognising the constrained nature of the site, it is considered that the proposed layout of the development is acceptable.

Scale

Whilst it is acknowledged that the buildings to the east and south of the site are predominantly two storey in scale, within the surrounding area there are varied scales and building heights. In this regard it is accepted that a 3 storey building in this location would be an appropriate scale of development that would not appear out of keeping with its surrounds.

Elevations and Appearance

The current proposal has been subject to a number of pre-application discussions, during which the need for a high quality building on this site was repeatedly stressed, owing to the sites position within the cWHS Buffer Zone.

Principle AW3 of the Draft St Peters Riverside and Bonnersfield Supplementary Planning Document (SPD) states that:-

New developments or improvement schemes should:

a). Deliver development of a high standard in terms of design, materials, overall architectural quality and innovation which responds to its highly sensitive setting an important historic and cultural context.

b). Animate frontages through the use of well designed architectural features and materials.

As stated in the Design and Access Statement the design of the scheme has evolved over time with a number of improvements made to the scheme during this process.

Notwithstanding the above, the corner of the building which is located at the junction of Dundas Street and Whitburn Street is not considered to be of the high quality expected to be found in such a prominent location. In particular, this corner incorporates less glazing than the opposite corner with an awkward overhanging roof that appears to be dominated by an inappropriately located drainage pipe and orientation of pitch that exposes the top of the roof to view from long distances, particularly along Dundas Street. The applicant was advised that the roof of the corner feature should be re-orientated to mirror that of the eastern corner with additional glazing being incorporated in order to ensure a more balanced appearance of the building. The applicant has subsequently amended the scheme along those lines but without the additional glazing suggested. It is now considered that these changes bring about welcomed improvements to the overall appearance of the building, which on balance render the proposal an acceptable form of development.

The submitted materials schedule whilst generally acceptable may be subject to change and as such, should consent be granted, a condition should be imposed requiring such information to be submitted for consideration prior to development commencing on site.

A condition will be required also in respect of a landscaping scheme for the site as no such scheme was submitted with the application.

As such the proposal with the indicated conditions in respect of external materials and landscaping is considered to conform to the principles and aims of policy B2 of the UDP and principle AW3 of the draft St Peters Riverside and Bonnersfield Supplementary Planning Document.

Residential Amenity

Policy B2 of the UDP requires that new development respects residential amenity and retains acceptable levels of privacy whilst policy EN10 requires new development to be compatible with the principal use of the neighbourhood. As such, the impact of the use of the proposed building on the amenity of surrounding residents must be given full consideration.

In terms of amenity the general approach adopted, for the purposes of planning, is concerned with the use and development of land and buildings rather than the identity and particular purpose of any occupier(s) of any existing or proposed building. Public fear(s) and concern(s) amongst local residents with regard to the resulting impact(s), noise, disturbance and anti-social behaviour, are material considerations when considering the suitability of a proposal.

However, the Court of Appeal has held that for such issues to be a material consideration they must have some reasonable or evidential basis that can be attributed to the proposed use of the land / building in planning terms, and not merely to concerns about the potential behaviour of particular residents. The fears should arise from the inherent nature of the proposed use, not the anticipated behaviour of particular future residents. If the concern for the future rests not wholly on extrapolation from past events, but at least partly on assumptions not supported by evidence as to the characteristics of the potential future occupiers, then it should not be taken into account.

In this regard it cannot be assumed that, all or even any will engage in anti-social behaviour in the locality. In the absence of any evidence to suggest the contrary, it is not considered that the proposed student accommodation block would give rise to a significant increase in noise, disturbance, crime or anti-social behaviour within the vicinity of the development site

In addition to the above 'social' amenity issues regard must also be given to Section 10C of the Residential Design Guide Supplementary Planning Document. This section of the SPD is concerned with providing minimum spacing standards between residential dwellings. The minimum standards to be applied with regard to the current application are in relation to two and three storey buildings and are as follows.

Main Facing Windows 1 or 2 storey - minimum distance of 21m to be created between any point of main facing windows. For every additional storey 5m should be added to the horizontal distance.

Level Differences - For every 1m difference in ground levels, 2m should be added to the horizontal distance.

The submitted layout seeks to retain the existing building line to the east which is made up of a terrace of two storey residential / commercial properties, the gable elevation (No.54) of which is devoid of any openings or windows. To the south of the application site are two storey residential units however these are situated some 54m (approximate) away and are intersected by a single storey health centre and two public highways which are located between the areas in question.

In this regard it is considered that the scale and massing of the proposed building is comparable with other buildings found within the locality given the mixed use nature of the surrounding area. In addition, given the distance that would be created between the proposed student accommodation block and nearest residential dwellings to the south it is considered that in terms of any affect that the building may have upon the amenity of nearby residents (outlook and privacy), officers are confident that a satisfactory spacing standard can be achieved in accordance with policy B2 of the UDP and Section 10C of the Supplementary Planning Document.

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 design for the new student accommodation building and its surrounds will be tested against the Building Research Establishment Assessment Method (BREEAM). BREEAM is a widely used environmental assessment method for buildings. It sets a standard for best practice in sustainable design and has become a recognised measure used to describe a building's environmental performance. The intention is to develop the new student accommodation building to a very good rating under the BREEAM scheme, and if Members are minded to approve, a suitably worded condition will be imposed requiring the developer to submit a Post Construction Review Report carried out by a licensed assessor, together with a BREEAM Final Code Certificate, to ensure the development will and has been built to the stated BREEAM rating.

As such, it is considered that the proposal will comply with the aims of UDP policy R1.

Highways

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. Policy T21 relates to the provision of parking within the City and the need to take account of the need to maintain safe road conditions and ensure the economic viability of existing retail and commercial centres. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

In this regard, the Executive Director of City Services (Transportation) has been consulted and the following advice offered.

Car Parking and Vehicular Access - The alignment of the 12 car parking spaces to be provided is considered to be satisfactory based upon the levels of car ownership for students attending the University of Sunderland and given its location close to the St Peters Metro station and bus stops on the Wheatsheaf gyratory.

Access to the rear parking and refuse collection area - will be from Church Street North and continue along the Causeway which has a one-way system in operation.

In addition detailed comments were provided in respect of the position of two lighting columns and verge treatment together with advice about the possibility for claims for public rights of way across the site in future, which have been passed to the applicant.

Having regard to the above observations it is considered that the proposal does not raise any implications for parking or highway safety and there are no concerns in this regard. As such the proposal is considered to comply with policy T14, T21 and T22 of the UDP.

Archaeology

UDP policy B11 seeks to promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered will be either physically preserved or recorded. Policy B13 aims to safeguard sites of local archaeological significance. When development affecting such sites is acceptable in principle, the Council will seek to ensure that mitigation of damage through preservation of the remains in situ as a preferred solution. Where physical preservation of remains in the original situation is not feasible, excavation for the purpose of recording will be required. A further policy relating to this issue is B14. Policy B14 states that where development proposals affecting sites of known or potential archaeological importance, the City Council will require an archaeological assessment / evaluation to be submitted as part of the planning application. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.

The site subject of this application is identified on the UDP Proposals Map as being a site that could potentially be of archaeological importance. As such the County Archaeologist has been consulted on the application and the following advice offered.

The County Archaeologist required that an archaeological desk based assessment be undertaken before the application was determined as the site lies within the buffer zone of the candidate World Heritage Site and might therefore contain buried archaeological remains associated with the Early Medieval monastery precinct. The applicant commissioned this Assessment and the results were submitted on 2 February 2011. This confirmed that the site may have lain within the monastic precinct associated with St Peters and recommended the excavation of an archaeological trial trench 40 x 2m. Consequently a trench to the specification of the County Archaeologist was excavated and inspected by a qualified Archaeologist. The findings of the excavation works concluded that no archaeological remains were found. Consequently it is considered that no further archaeological work is required should permission be granted.

The proposed development is therefore considered to accord with the abovementioned policies, those being B11, B13 and B14 of the UDP.

Conclusion

Whilst it is accepted that matters relating to urban design, highways and archaeology are deemed to be satisfactory, the fundamental principle of developing this site for student accommodation requires further justification on the basis of proven need. The evidence base for policy CS2.2f and the resulting objections from the University and U-Student need to be established before an informed decision can be made and therefore in light of the above outstanding issue it is anticipated that a recommendation will be made either on a supplement report or report to be circulated at the meeting.

RECOMMENDATION: Deputy Chief Executive to Report

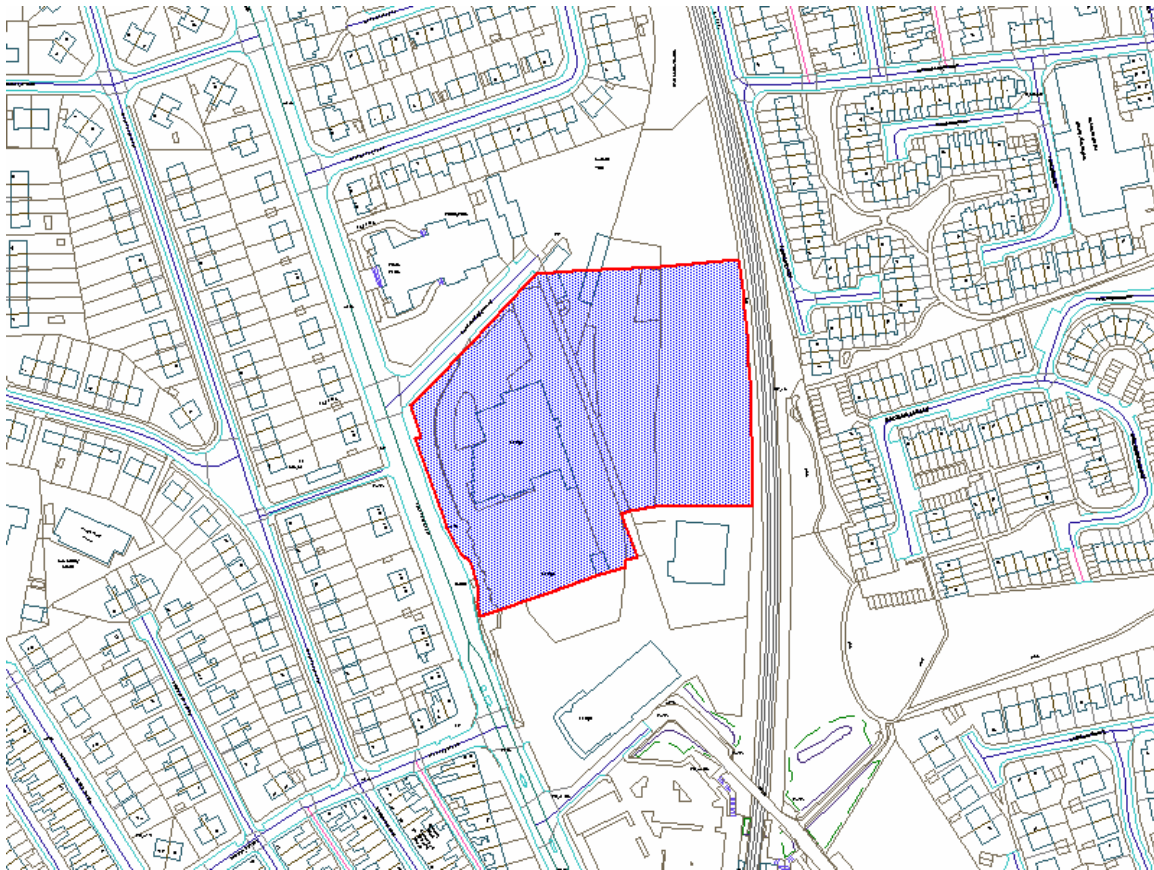
Reference No.: 10/04046/FUL Full Application

Proposal: **Development of site to provide two car showrooms with associated facilities and car parking, including stopping up of public highway (amended description) .**

Location: Dixon Peugeot Newcastle Road Sunderland SR5 1JS

Ward: Southwick
Applicant: Addison Motors Ltd
Date Valid: 7 January 2011
Target Date: 8 April 2011

Location Plan



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PROPOSAL:

The development proposal seeks full planning permission for two car showrooms with associated facilities and car parking on the Dixon Peugeot site at Newcastle Road and involves Stopping Up of public highway.

The application site is bounded to the east by the Metro / Railway line and to the west by the A1018 Newcastle Road, which has residential properties facing opposite. To the north is Lochmaben Terrace, which separates the site from the former public swimming baths, whilst to the south is the relatively recent built Toyota dealership.

The applicant, Addison Motors, wishes to develop this 1.95 hectare site as a two-franchise car dealership. The proposed buildings have been designed to accommodate 12 cars per showroom, with approximately 16 service and MOT bays per workshop. There will also be a stand alone wet / dry valet building, an energy pod and associated landscape works. The submitted Design and Access Statement (DAS) also explains that Addison Motors will be looking to promote the company's policy of delivering environmentally friendly and energy efficient buildings.

The two dealerships, the occupants of which are as yet unknown, will comprise new and used vehicle sales, after sales and vehicle related services, whilst the ancillary buildings and external facilities will also enable the site to cater for MOTs, servicing, valet and repairs. The proposed hours of use are 06:00 - 22:00 seven days per week, including bank holidays.

The application has been supported by a Supporting Statement, DAS, Phase 1 Geo-Environmental Assessment and full detailed plans and elevations.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Steet Scene (Environmental Service)
City Services - Transportation
Northumbrian Water
Network Rail
Environment Agency
Nexus

Final Date for Receipt of Representations: **25.02.2011**

REPRESENTATIONS:

Neighbours

No letters of representation have been received.

Nexus

Has no objections to the proposed development and recognises the site's good transport links.

Northumbrian Water (NWL)

Has requested two conditions be included on any potential decision notice requiring the agreement of the diversion of a public sewer which crosses the site, and the agreement of a scheme for the disposal of surface water.

Network Rail

Network Rail has no objection in principle to the development. Nevertheless, in view of the operating Metro / Railway line abutting the site any potential impacts arising from the development should be satisfactorily accounted for and managed. Network Rail has requested that issues covering drainage, construction work methodology, boundary enclosures during construction and post construction and lighting be conditioned, should Members be minded to approve the application. Such conditions would be discharged in consultation with Network Rail as appropriate..

Environment Agency (EA)

The EA has assessed the submitted Phase 1 land contamination report in respect to controlled waters. The report explains that the site has been subject to potentially contaminative uses and concludes that based on the information available the site is likely to be of low risk to controlled waters. However the risk assessment is based on certain assumptions and that a protective layer of clay is present. The report also recommends intrusive investigation works, although no details are provided.

In order to appropriately assess risks to controlled waters the report should contain sufficient information and identify if any remedial work is needed to reduce these to an acceptable level. Nevertheless, the EA have concluded that on the understanding that future work, including any risk assessment, will be based on best practice they are satisfied that planning permission can be granted subject to the incorporation of their suggested land contamination conditions on the decision notice.

Furthermore, the EA have requested that conditions be incorporated requiring the agreement of surface water drainage and that all surface water drainage is passed through an oil interceptor.

Environmental Health

In view of the proximity of the proposed development to residential properties it is recommended that noisy on-site operations should not commence before 07:00hrs and cease at or before 19:00hrs Monday to Friday inclusive, and 07:30 and 14:00hrs Saturdays. No noisy construction works should be permitted to take place on Sundays and Bank Holidays at any time. Consideration is also required regarding the selection of machinery and methods of operation in relation to noise generation and regard should be had to minimise noise emissions. It is also considered that issues pertaining to vibration and dust arising from the development should be satisfactorily mitigated. Therefore, if Members are minded to approve, a condition should be included which limits the hours of construction and requires the agreement of a construction methodology.

The comments received from Environmental Health also explained that the assessment in respect of ground contamination is currently under review and until this has been fully assessed it is recommended that no other works other than investigation works shall be carried out on the site prior to the written approval of the desk top study and any necessary remediation strategy.

Consequently such issues should be conditioned should Members be minded to approve.

POLICIES:

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

NA_4_Retention and improvement of existing mixed use sites; appropriate uses within them

EC_5_Sites for mixed uses

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

CN_17_Tree Preservation Orders and replacement of trees

CN_22_Developments affecting protected wildlife species and habitats

R_1_Working towards environmentally sustainable development

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

B_2_Scale, massing layout and setting of new developments

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

EN_1_Improvement of the environment

T_16_Protect routes of existing & former railways with potential use as communication corridors

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
- Ecology and tree / landscaping considerations
- Sustainability

Principle of use

Unitary Development Plan (UDP) policies NA4 and EC5 earmarks the site for a mixture of commercial and industrial uses, involving car showrooms, offices, light industry, storage and distribution. Given this mix of land uses an acceptable form of development will be influenced by existing uses present within the vicinity and opportunities presented by a particular site. In this regard it is noted that a relatively new car showroom, workshop and bodyshop abuts the site to the south, which was approved by Committee in 2003 (Ref. 03/00570/FUL), whilst to the north and west is the vacant public swimming baths and Metro / Railway line.

As such and in accordance with policies NA4 and EC5 the proposed development is considered acceptable in principle. Nevertheless, in view of the residential properties within the vicinity and given the site fronts onto the arterial Newcastle Road it will be important to ensure an acceptable form of development in respect to residential amenity, highway engineering and design considerations. These matters will be addressed in the following sections of this report.

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.

It is noted that the application site is well served by public transport both in terms of bus routes and Metro services, whilst the Supporting Statement also explains that the applicant is committed to installing cycle places, which is corroborated by Section 10 of the application from where it is stated that 20 cycle spaces will be provided.

Furthermore, the main vehicular access / egress into the site is from Lochmaben Terrace, which therefore means that there are no direct vehicular accesses onto Newcastle Road. It is also noted on the application drawings that a variety of parking spaces is being proposed for customer, sales, demonstration, collection and staff parking. Therefore, in view of the proximity of the site to well served public transport links and in recognition that the City Services Transportation section has offered no objection to the development from a highway engineering perspective, it is considered that the proposed development is acceptable in principle 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 qualities delivered by the scheme are of the highest possible standards and it is considered that the development provides a positive first impression for those using this busy entrance into the City Centre.

The proposed site layout can be split into two distinct components; the west of the site consists of customer / staff parking areas and used car forecourts with landscaping fronting onto Newcastle Road, whilst the eastern part of the site comprises of service yards and valet zones. Sandwiched within the middle are the two car dealerships with their associated workshops, which are then separated by a proposed pedestrian 'boulevard'.

The built elements consist of two buildings of varying heights, the tallest of which is two-storey and 9.6m in height. Taking into consideration the scale of buildings within the immediate vicinity the proposed buildings are acceptable. Furthermore, it is considered that the detail illustrated in the submitted elevations and the specifications of the chosen materials go beyond the usual standard and basic treatment of buildings of this type.

It has been noted previously that the main vehicular access to the site is from a single entrance / exit point off Lochmaben Terrace, while the primary pedestrian access is to the west directly linking the development with Newcastle Road. Within this context and given the nature of the proposed uses the need to provide large areas of surface car parking is inevitable and the opportunity to increase permeability through the site is therefore limited.

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 also 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 residential properties are separated by the vacant public swimming baths and Metro / Railway line to the east. Furthermore, there will also be a minimum spacing of 42m between the proposed buildings and nearest residential properties (No's 107 - 109 Newcastle Road), which ensures that the minimum 21m is comfortably achieved.

It should be noted that this spacing standard is usually applied when considering relationships within new residential developments and between proposed and existing residential properties. Nevertheless, in this instance it has been used to demonstrate the limited impacts the proposed development will have in respect to residential amenity considerations.

Moreover, given the two storey nature of the proposal and surrounding residential properties and in recognition that the land level in and around the vicinity is relatively even, it is considered on balance that visual and privacy amenity are not sufficiently materially impacted to warrant refusal of planning permission.

Regarding the proposed hours of use i.e. 06:00 - 22:00 seven days per week, including bank holidays, the presence of the wide Newcastle Road and Metro / Railway line is considered to satisfactorily mitigate any adverse impact. These existing noise generating transport corridors will help to mitigate impact of the new development, whilst the layout of the workshops, service yard and valet zones, which are located well within the site, help to further limit potential impact due to the increased spacing. Furthermore, no objections or concerns have been expressed in respect to noise generation from Environmental Services.

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

Ecology and tree / landscaping considerations

UDP policy CN17 encourages the retention of trees in all new developments where possible, whilst policy CN22 highlights that development which would adversely affect any animal or plant species afforded special protection will not be permitted.

Ecology

The Supporting Statement and Biodiversity Plan indicate for the most part that habitats on site are of low or negligible value for protected and other species. The recommendations in section 6 Biodiversity Survey and Report should therefore be conditioned as part of any planning approval, should Members be minded to approve the application.

The biodiversity report however does not include an assessment of the building/s affected by the proposed development. Bats have been recorded to the north of the site, and the building/s on and adjacent to the site may provide opportunities for bats to roost. Consequently a further risk assessment for bats, with appropriate recommendations, mitigation and enhancements, was requested to inform the ecological assessment.

Following the additional information submitted by the agent, received 10 March 2011, which clarified that the existing buildings on the site have a low risk of supporting bats it is considered that on balance the proposed development, including the demolition of the remaining buildings, is acceptable subject to the incorporation of an agreed method statement.

Trees and landscaping

The submitted Arboricultural Survey assessed a total of 17 individual specimens and 1 group of trees. It was concluded that the trees to the boundary with Newcastle Road are a locally important amenity line of trees, although one of these (T4) has been recommended for removal due to significant decay being present. Within the site T8 and T10 have also been assigned a moderate value, whilst the group (G1) of trees was given a low retention value due to their questionable structural stability.

In conclusion and as the submitted Arboricultural Survey indicates that the roadside trees and two internal trees (T8 & T10) can be successfully retained via the implementation of appropriate tree protection measures, which can be conditioned should Members be minded to approve, the loss of the existing trees, supplemented by the imposition of tree replacement and landscaping conditions, ensures that on balance the proposed development is acceptable and in accordance with policies CN17 and CN22 of the UDP.

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 Supporting Statement explains that the applicant is committed to a development which meets the requirements of BREEAM 'Excellent'. However, this report then states that a full credit plan will be developed in due course which addresses the sustainability credentials of the development. Consequently it is considered that this should be a requirement of a condition, should Members be minded to approve, in order that the stated level of BREEAM, or equivalent accreditation, is achieved. Furthermore, the Supporting Statement also explains that the applicant is content for a condition to be incorporated which controls the generation of on-site heat and power to a minimum of 10% of the development's energy needs.

It is also noted in Section 4 of the Supporting Statement that the applicant is considering installing a biomass boiler to meet the heat requirements of the development and should this be considered viable by the applicant it is stated that a subsequent planning application would then be submitted for consideration.

It is also proposed that the development will include on-site generation of both power and heat through Photo Voltaic and Solar panels and ground source heat pumps. However, the exact specification/details have not been submitted and as such, should Members be minded to approve, it is considered necessary to incorporate an appropriate condition.

Conclusion

The proposed erection of two car showrooms with associated facilities and car parking is considered appropriate and acceptable in this location, in accordance with relevant UDP policies and satisfactory in respect to residential, highway, ecology and sustainability issues. Accordingly Members are recommended to approve the application, subject to the conditions as set out below.

RECOMMENDATION: APPROVE – Subject to conditions set out below.

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:

Proposed Local Plan, Dwg. No. 02 rev C received 20 Dec 2010
Proposed Site Layout, Dwg. No. 02 rev C received 20 Dec 2010
Proposed Car Showroom 1 Ground Floor Plan, Dwg. No. 03 rev B received 20 Dec 2010

Proposed Showroom 1 Elevations Dwg. No. 05 rev B received 20 Dec 2010
First Floor Plan as Proposed - Unit 2, Dwg. No. P / 011 received 20 Dec 2010
Ground Floor Plan as Proposed - Unit 2, Dwg. No. P / 010 received 20 Dec 2010
Elevations as Proposed - Unit 2, Dwg. No. P / 013 received 20 Dec 2010
Sections as Proposed - Unit 2, Dwg. No. P / 014 received 20 Dec 2010
Roof Plan as Proposed - Unit 2, Dwg. No. P / 012 received 20 Dec 2010
Valet Bay, Dwg. 09 received 20 Dec 2010
Proposed Showroom 1 Mezzanine Level, Dwg. No. 04 rev B received 20 Dec 2010
Proposed Showroom 1 Sections, Dwg. No. 06 rev A received 20 Dec 2010
Existing Site Layout, Dwg. No. 01 received 20 Dec 2010
Proposed Showroom 1 Roof Level Plan, Dwg. No. 07 rev A received 20 Dec 2010

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the UDP.

- 3 Development shall not commence until a detailed scheme for the diversion of the public sewer which runs across the site or redesign of the proposal to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water Ltd. Thereafter the development shall take place in accordance with the details. An existing 450mm and 300mm public sewers cross the proposed development site and are shown built over on the application and in order to accord with UDP policy EN12.
- 4 Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details. To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25: Development and Flood Risk and complies with Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000 and to accord with UDP policy EN12.
- 5 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptorspotentially unacceptable risks arising from contamination at the site.

- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved. The information provided indicates that the site has been subject to a number of potentially contaminative uses including as railway land, a car showroom and for car servicing and storage. The environmental setting of the site is sensitive as it lies on the Magnesium Limestone - a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment and to accord with UDP policy EN14.

- 6 Prior to the occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority. This is to ensure that the risks identified in relation to controlled waters are adequately addressed and to accord with UDP policy EN14.
- 7 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with. Unsuspected contamination may exist at the site which may pose a risk to controlled waters and to accord with UDP policy EN14.

8 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- confirmation the network will operate to the appropriate standards and includes an allowance for climate change,
- confirm the discharge rates and discharge location,
- details of how the scheme will be maintained and managed after completion.

To prevent the increased risk of flooding and ensure future maintenance of the surface water drainage system and to accord with UDP policy EN12.

9 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor. To prevent pollution of the water environment and to accord with UDP policy EN12.

10 The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.

11 No development shall take place until a scheme of working has been submitted to the satisfaction of the Local Planning Authority; such scheme to include details of the safe working practice methodology, which shall also consider the adjacent Network Rail infrastructure, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the railway infrastructure and amenity of adjacent occupiers and to comply with policies T16 and B2 of the UDP.

12 Before the development hereby approved is commenced, the details of the space and facilities for bicycle parking shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be laid out in accordance with the approved details before any part of the building is occupied, in order to ensure that adequate provision is made for bicycle parking and to comply with policies T14 and T22 of the UDP.

- 13 Prior to first occupation of the development, a site-wide Green Travel Plan based on the outline travel plan, (paragraph 25.3 page 39 of the Supporting Statement), shall be submitted to and agreed in writing by the Local Planning Authority. Prior to first occupation of any unit the applicant and/or Management Company shall implement the site-wide Green Travel Plan and thereafter its effectiveness shall be monitored and reviewed for a period of not less than 5 years after completion of the development. The implementation, monitoring and review of the Site-wide Travel Plan are to ensure that the site is accessible by alternative modes of travel in accordance with Policies T1 and T2 of the UDP.
- 14 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority; in the interests of visual amenity and to comply with policies B2, NA4 and EC5 of the UDP.
- 15 Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be built in accordance with the email correspondence (dated 10 March 2011) and recommendations as laid out in Section 6 Biodiversity Survey and Report of the submitted Supporting Statement. For the avoidance of doubt with respect to breeding birds this shall also apply to buildings and bare ground. In the interests of nature conservation and to accord with policies CN18 and CN22 of the UDP.
- 16 No development or other operations shall commence on site in connection with the development hereby approved, (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and or widening, or any operations involving the use of motorised vehicles or construction machinery) until a detailed Construction Specification/Method Statement for any proposed works within an area designated as a tree root protection zone has been submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the trees. No development or other operations shall take place except in complete accordance with the approved Construction Specification/Method Statement. In the interests of visual amenity and to comply with policy CN17 of the approved UDP.
- 17 Before the tree(s) which are the subject of this application are felled, details of the location, size and species of the replacement planting shall be submitted to and agreed with the Local Planning Authority along with a timescale for the replanting, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 18 If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.

- 19 If within a period of 5 years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted, destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 20 Notwithstanding the approved details, prior to development commencing on site, precise details (and samples where necessary) of all hard landscaping materials to be used throughout the development (including details and location/layout of all proposed hard surfacing, bollards and any other street furniture) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be carried out other than in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. In order to achieve a satisfactory form of development and to comply with policies T14 and B2 of the Unitary Development Plan.
- 21 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any planting which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 22 Within 6 calendar months of the completion of the development, a Post Construction Review Report undertaken by a licensed assessor and a BRE Final Code Certificate shall be submitted to and approved in writing by the LPA. For the avoidance of doubt, the results of the report shall conclude that the development has been constructed to at least the BREEAM 'Excellent' standard, or equivalent accreditation, unless otherwise agreed in writing with the Local Planning Authority, in the interests of sustainability and in order to comply with Policies R1 and R4 of the UDP.
- 23 Unless otherwise agreed in writing with the Local Planning Authority, and prior to the completion of development hereby approved, details of the renewable energy measures shall be submitted to and agreed in writing by the Local Planning Authority. Such details shall include a justification for the type of measures chosen and demonstrate that they provide for (minimum) 10% of the development's energy needs. Following the approval of such details, the agreed measures shall be implemented prior to the occupation of the building, in the interests of sustainable development and in order to comply with policy R1 of the UDP.

- 24 Before the installation of any Photo Voltaic / Solar Panel equipment on any of the buildings hereby approved, a precise written specification of the Panels proposed for use, and precise written details of the size and positioning of each Panel, shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with the approved specification/details unless first otherwise agreed in writing with the Local Planning Authority. In the interests of visual amenity and sustainable development and in order to achieve a satisfactory form of development on site and to comply with the requirements of policies B2 and R1 of the adopted UDP.
- 25 The development hereby approved shall not be brought into use until the details of the ventilation/extraction/filtration systems, including all external ducting and stacks have been submitted to and approved in writing by the Local Planning Authority. Thereafter all works shall be completed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority, in order to protect residential amenity and to comply with policies EN1 and B2 of the UDP.
- 26 The development hereby approved shall not be brought into use until details of the CCTV systems to be installed at the site have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the details to be submitted shall include:
- specifications of the make, model and performance of the cameras to be installed;
 - a statement explaining how the CCTV system will respect the privacy of neighbouring residents.

Installation shall then be carried out in complete accordance with the approved details and the agreed CCTV systems maintained as such for the lifetime of the cameras unless first otherwise agreed in writing with the Local Planning Authority, in order to achieve a satisfactory form of development and comply with policy B2 of the UDP.

- 27 The development hereby approved shall not be brought into use until the exact specifications/details and luminescence of the lighting columns to be installed have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless first otherwise agreed in writing with the Local Planning Authority. Such detail shall include the direction and intensity of light emanating from the lighting columns. In the interests of protecting the railway infrastructure and residential amenity and to accord with policies T16 and B2 of the UDP.
- 28 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure, including appropriate safety barriers in view of the adjacent railway infrastructure, shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The agreed boundary treatments shall be completed before occupation or in accordance with an agreed timetable, in the interests of protecting the railway infrastructure and visual amenity and to comply with policies T16 and B2 of the UDP.

- 29 Prior to commencement of development, full details of any excavations and earthworks to be carried out near the railway undertaker's boundary fence shall be submitted to and approved in writing by the Local Planning Authority in consultation with the railway undertaker. Thereafter the development shall be carried out in accordance with the approved details unless first otherwise agreed in writing with the Local Planning Authority. In the interests of protecting the railway infrastructure and to accord with policy T16 of the UDP.

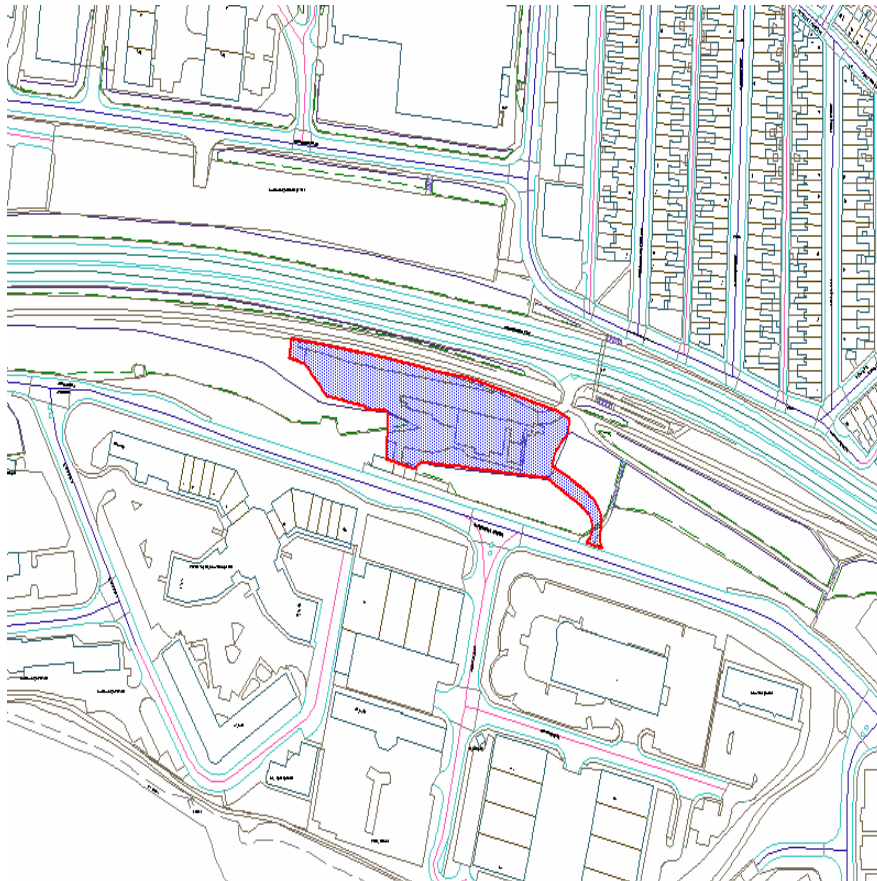
Reference No.: 10/04073/EXT1 Extension of Time

Proposal: Application for a new planning permission to replace an extant planning permission (05/04697/SUB & 07/04768/VAR) in order to extend the time limit for implementation.

Location: Former Austin Pickersgill Office Low Southwick Sunderland

Ward: Southwick
Applicant: Dulay Limited
Date Valid: 5 January 2011
Target Date: 6 April 2011

Location Plan



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PROPOSAL:

The application being considered is to extend the life of consent(s) 05/04697/SUB / 07/04768/VAR for the Erection of a four storey, 86 bed hotel with 86 car parking spaces on land at Alexandra Avenue, Low Southwick, Sunderland. The application is solely in respect of extending the life of the consent:- the principle of the use and the design and layout of the building are unchanged.

The application site amounts to a total of 0.63 Hectares of cleared land which once housed office accommodation and training workshops for the Austin and Pickersgill ship yard. The site has been in a derelict state for a number of years. The development, which is located off Wessington Way, will take both vehicular and pedestrian access from Alexandra Avenue with the existing substandard access point on Wessington Way (A1231) being closed off.

Background

The scheme was originally approved following the meeting of the Development Control (North) Sub Committee on 06.02.2006. Condition no. 1 of that approval (05/04697/SUB) required the development to be carried out in accordance with the approved plans. Following changes to the chosen methods of construction, the developer chose to modify the building layout. At this point, a further application to allow the scheme to be constructed in accordance with such revised details / plans was subsequently submitted for consideration and approved at the meeting of the Development Control (North) Sub Committee on 05.02.2008. This second decision in effect issued a brand-new consent for the scheme. Since the issue of this second approval, works on the development have not as yet commenced due to the current economic downturn and as such, the applicant has submitted this application to extend the life of the consent.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Executive Director of City Services (Transportation)
Street Scene (Environmental Service)
Business Investment

Final Date for Receipt of Representations: **27.01.2011**

REPRESENTATIONS:

Neighbours

No letters of objection were received in relation to the neighbour consultation exercise.

Consultees

Executive Director of City Services (Transportation).
Advises that since the approval of this scheme, developments of this size and nature are now being encouraged to provide electric vehicle re-charging facilities within their car parking provision to help encourage the take-up of this mode of transport.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
B_24_Appropriate provision for utility services in building development
CN_14_Landscaping schemes and developments prominent from main transport routes
EC_1_General Support for economic development proposals and initiatives
EC_3_Support for new and existing economic activity
EC_9_Locations for Hotels and Conference centres.
EN_1_Improvement of the environment
EN_2_Proposals for the production and distribution of energy
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
NA_30_Protection and enhancement of important views
NA_35_Identification / protection of locations for strategic multi-user routes
R_1_Working towards environmentally sustainable development
R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land
S_5_Criteria for evaluating new retail and other key town centre developments
T_8_The needs of pedestrians will be given a high priority throughout the city.
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

The key issues to consider in relation to this proposal are:

- The Principle of the Use.
- The Design and Appearance of the Building.
- Access and Car Parking.

The Principle of the Use.

There are no specific policies or proposals relating to the site and therefore policy EN10 applies, which states that any proposal for development should be compatible with the principle use of the area. It was agreed with the original submission that the hotel is a compatible use with the nature of area, being of a mixed industrial / residential land use pattern. No circumstances have changed regarding the land use allocation of the area since the original approval on 06.02.2006. As such, the principle for the development set by that consent remains relevant and is not being re-considered as part of this proposal.

The Design and Appearance of the Building.

UDP policy CN14 requires that new developments prominent from the main transport routes must be located and designed to take account of their important position in enhancing the image of the City and will be resisted where they would seriously detract from it. In addition, policy B2 requires that large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas.

The site is also subject to policies contained in UDP Alteration No.2, which outlines a vision for Central Sunderland until 2021 stating that the river corridor will undergo a radical transformation that will contain distinctive buildings and spaces. Policy B2A states that the Council will seek to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit.

Accordingly, as the building is in a prominent location on one of the main routes into and out of the city, the design of the scheme, being of the same scale, mass and form as that previously approved, is considered to be acceptable from a design perspective and complies with Policies CN14 and B2 of the adopted UDP and Policy B2A of UDP Alteration no. 2.

Access and Car Parking.

Policies T14 and T22 of the UDP require new developments to be readily accessible and to not cause traffic congestion or highway safety problems, whilst providing an adequate amount of parking provision for the proposal.

As indicated previously, vehicular and pedestrian access to the development is proposed to be taken from Alexandra Avenue, via the single point of access that was agreed at the previous application stage. Such an arrangement is still considered to be acceptable. This new access provides a realigned footpath link between Alexandra Avenue and the multi-user route that borders the northern boundary of the application site. The parking area for the development is also unchanged, located at the front of the hotel between the proposed building and the tree belt alongside Wessington Way, as previously approved.

As such, the proposal is still considered to accord with Policies T14 and T22 of the UDP.

Over and above this, Transportation Engineers have advised that since the approval of this scheme, developments of this size and nature are now being encouraged to provide electric vehicle re-charging facilities within their car parking provision to help encourage the take-up of this mode of transport. With this in mind, it is proposed that an informative note, advising of this initiative is attached to any further consents issued in respect of this development.

CONCLUSION

On the basis that the site already has full planning permission for an 86 bed hotel, the principle of the development and the design and layout has already been accepted and approved.

It is still considered that the scheme is of a suitably high standard of design and appearance, and as such it is recommended that Members approve the application accordingly, and issue a new consent for the development. The only change that is recommended to be made is for condition number 2, which specifies the lifespan of the consent. In light of the delay that has already been experienced in bringing the development forward to fruition, it is proposed that the new consent is for a five year time period, as opposed to the three originally given. It is hoped that this modest extension in the lifespan of the new consent will help to enable the development.

To conclude, for the reasons given above, Members are recommended to approve the application, subject to the conditions as set out below.

RECOMMENDATION: APPROVE – Subject to conditions set out below.

Conditions:

- 1 The development to which this permission relates shall be carried out in complete accordance with the plans previously approved under application reference number 07/04768/VAR, in order to ensure that the development as carried out shall not vary from the approved plans.
- 2 The development to which this permission relates must be begun not later than five years beginning with the date on which permission is granted, to ensure that the development is carried out within a reasonable period of time.
- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 Notwithstanding the submitted plans, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 6 Details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 7 No development shall take place until a scheme of working has been submitted to the satisfaction of the Local Planning Authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the Unitary Development Plan.
- 8 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 policy T14 of the Unitary Development Plan.
- 9 Before the development hereby approved is commenced the details of any CCTV camera(s), including their precise location and area of coverage, shall be submitted to and approved in writing by the Local Planning Authority before any camera is installed. The camera(s) shall be installed in accordance with the approved plans, in order ensure a satisfactory form of development and to comply with policy B2 of the Unitary Development Plan.
- 10 The development shall not commence until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority and the development shall not be occupied until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the Unitary Development Plan.

- 11 Prior to being discharged into any watercourse, surface water sewer or soakaway systems, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, before the development is commenced, in order to prevent pollution of the water environment and to comply with policy EN12 of the approved Unitary Development Plan.
- 12 Before the development hereby approved is commenced detailed plans showing the existing and proposed ground level sections across the site and details of the finished slab levels of the hotel and access to the electricity substation, shall be submitted to and approved by the Local Planning Authority in order to achieve a satisfactory form of development and to comply with policy B2 of the Unitary Development Plan.
- 13 Before the development, hereby permitted is commenced a plan showing the provision of adequate facilities for the storage of refuse within the site for the hotel hereby approved, shall be submitted to and approved by the Local Planning Authority and shall be installed and maintained thereafter in order to ensure a satisfactory form of development and comply with policy EN1 of the Unitary Development Plan.
- 14 No development shall be commenced until the application site has been subjected to a detailed desk study and site investigation and remediation objectives have been determined through risk assessment, and approved in writing by the Local Planning Authority and detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the "Remediation Statement") have been submitted to and approved in writing by the Local Planning Authority, in the interests of health and safety and to comply with policy EN14 of the Unitary Development Plan.
- 15 No development approved by this permission shall be commenced until the works specified in the Remediation Statement have been completed in accordance with the approved scheme and a report validating the remediated site has been approved in writing by the Local Planning Authority, in the interests of health and safety and to comply with policy EN14 of the Unitary Development Plan.
- 16 Written confirmation of the completion of the remediation works shall be submitted for the written approval of the Local Planning Authority, before the commencement of the development of the site in the interests of health and safety and to comply with policy EN14 of the Unitary Development Plan.
- 17 Should any contamination not previously considered be identified during construction works an additional method statement regarding this material shall be submitted to the Local Planning Authority for approval, in the interests of health and safety and to comply with policy EN14 of the Unitary Development Plan.

- 18 Notwithstanding the submitted plans, a detailed plan shall be submitted and agreed in writing by the Local Planning Authority showing the position(s) of proposed safety barriers adjacent to the access road and parking areas. The barriers should be implemented in accordance with the agreed details and maintained thereafter in the interest of highway and pedestrian safety and to comply with policy T14 of the Unitary Development Plan.
- 19 Notwithstanding the submitted plans, full details of the improvements to the footpath to Alexandra Avenue shall be submitted for the written approval of the Local Planning Authority and the approved works shall be implemented prior to commencement of the development of the hotel, in the interest of highway safety and to comply with policy T14 of the Unitary Development Plan.
- 20 Notwithstanding the submitted plans, full details of the closure of the existing access from Wessington Way (A1231) shall be submitted for the written approval of the Local Planning Authority. The approved works shall be implemented before the development of the hotel commences and shall be maintained as such thereafter, in the interests of highway safety and to comply with policy T14 of the Unitary Development Plan.
- 21 The hotel development hereby approved shall not be occupied until the parking provision has been constructed, surfaced, sealed and made available in accordance with the approved plans. This parking area shall be retained and permanently reserved for the parking of only staff and customer vehicles, to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policy T14 of the Unitary Development Plan.
- 22 Notwithstanding the submitted plans, a detailed plan showing the proposed turning area extended by 5.5m, to accommodate the swept path of a refuse vehicle/pantechinican, should be submitted to and approved in writing by the Local Planning Authority, in the interest of highway safety and to comply with policy T14 of the Unitary Development Plan.