
REPORTS FOR CIRCULATION

PURPOSE OF REPORT

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

LIST OF CIRCULATED ITEMS

Applications for the following sites are included in this report.

South Sunderland

1. Land To The Rear Of Tunstall Terrace, Ryhope, Sunderland
3. Site of Former Ford and Hylton Lane Social Club Poole Road Pennywell Sunderland
5. Sainsbury's Silksworth Lane, Sunderland

City of Sunderland

South Sunderland Sub-Committee

REPORTS FOR CIRCULATION

Number	1
Reference No	08/04460/FUL
Proposal:	Erection of 4 dwelling houses with associated access taken from Barton Park.

Subsequent to the preparation of the supplementary report on this application, further consideration has been given to the highway implications of the proposal in particular, namely the proposed encroachment into the highway to the rear of Tunstall Terrace.

Such an encroachment is considered to be unacceptable given that it would unduly restrict manoeuvrability within the lane to the rear of Tunstall Terrace. Notwithstanding this, such a proposed encroachment would require a 'stopping-up' of the highway under Section 116 of the Highways Act 1980. As such, the applicant's proposal to 'stop-up' the highway must be included within the description of the proposed development. The application must then be publicised by the Local Planning Authority by means of site display and local advertisement for a period of at least 21 days, in accordance with the provisions set out in Article 8 of the Town and Country Planning (General Development Procedure) Order 1995.

The requirement for a 'stopping-up' has only recently come to light and, as such, the requisite publication of the application in accordance with that set out within the aforementioned Order has not been carried out. As such, it is recommended that the application be deferred for consideration at the next available Sub-Committee meeting.

RECOMMENDATION: DEFER pending further consultation and consideration

Number	3
Reference No	09/02070/FUL
Proposal:	Erection of care home with associated access

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

- 1) Principle of the Development.
- 2) Layout, siting and design of the building.
- 3) Creation of acceptable levels of residential amenity.
- 4) Impact on Residential & Street Scene.
- 5) Highway Issues.

- 1) Principle of the Development.

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan 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.

In addition to the above, policy H17 of the UDP indicates that the provision of nursing homes and other residential accommodation for people in need of care by the construction of buildings and conversion of large units in their own grounds will normally be approved, provided they are not detrimental to general amenity and the established character of the locality.

In this regard, it is considered that so far as it relates to a new building, the proposal accords with the provisions of UDP policy EN10 and subject to satisfactory levels of amenity being maintained within the surrounding area, the proposal could accord with policy H17. The impact of the proposal upon the amenities of adjacent properties and the wider area is considered in detail below.

- 2) Layout, siting and design of the building.

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 siting of the proposed accommodation block in relation to surrounding buildings, due regard must be given to the requirements of UDP policy B2 as detailed above, Section 2.7 and 5.2 of the Sunderland City Council Supplementary Planning Guidance and Sections 5 & 10C of the Sunderland City Council Residential Design Guide Supplementary Planning Document (SPD).

Section 2.7 of the SPG states that for residential type developments outlook is an important amenity to be enjoyed in a residential property with at least one

elevation having room(s), which permit pleasant middle to long distance views.

Section 5.2 of the SPG is concerned with residential care and nursing homes. Specifically it states at point 5.2(c) that such accommodation will be best provided through the construction of purpose built units and the conversion of large dwellings or other buildings which are situated in their own grounds. The guidance goes on to stipulate the following guidelines:-

- (i) Appropriate off street car parking space and servicing space will need to be provided in accordance with Section 13 of the SPG (See Highway comments below)
- (ii) A garden area for the enjoyment of residents shall be provided, based on a minimum of 10 square metres for each bed space in the home.
- (iii) All private bedrooms shall have a reasonable outlook.

Whilst it is accepted that there is no specific definition of reasonable within the SPG and SPD documents it is taken to mean 'not greatly more or less than might be expected' the definition as provided by the Collins English Dictionary.

Turning now to the SPD, Section 5 of this document seeks to ensure that new developments respond to and reinforce the existing townscape features of an area. Whilst, Section 10C of the SPD document deals specifically with the separation distances required between buildings in new proposals for residential type development. In this regard it is considered that weight should be given to the recommended minimum distances required to ensure levels of outlook and privacy are created and / or retained. In this regard a minimum distance of 21 metres is required to be maintained between main facing windows (habitable window to habitable window), this distance being reduced to 14m for main facing windows facing side or end elevations (with only secondary windows or no windows).

Scale of Development

The area of High Ford is typified by residential development plots which feature a proportionate level of built form to amenity space. The application site currently houses a non-residential building (social club) which exhibits a similar ratio of building footprint to amenity space.

In this regard following an assessment of the proposal on site, whilst it would appear that any development of the size and scale proposed would not achieve the garden space requirement of 10sq.m per bedroom, this requirement must be balanced against the regeneration benefits that the proposal would bring to the area. In addition, regard must also be given to the availability of open space within the immediate area and given that the site is situated immediately to the south of Ford Sports area it is considered that this provision will contribute to the overall open space requirement for the development.

Furthermore, the applicant has provided a justification (received 5 October) for proposing a reduced amount of amenity space, details of which are set out below.

'The quality of provision within care homes is controlled by the Governments Care Quality Commission. For example, the minimum size and quality of internal accommodation and external amenity is prescribed. The proposed home has individual private rooms between 13.2m² and 15m² which is 10-25% larger than the commissions recommended standard. The day rooms also exceed the required minimum sizes by a similar amount. The creation of such areas is in order to create a significantly better quality internal environment which benefits the daily lives of all residents. This has been at a small loss on the quantity of external amenity space.'

'Residents come to the home because they require support to carry out basic everyday tasks. They would not leave the building or visit the external amenity areas without staff supervision. Whilst every effort would be made to encourage residents to enjoy the external environment, very few in reality do so. Residents much prefer a view of activity and the outside world from their private room or dayrooms. The layout of the home provides a wide variety of views and outlooks to suit residents preferences. Many residents would enjoy the animated outlook across Fordfield Road onto the park and beyond, some would enjoy the comings and goings of Poole Road and the car park, whilst others might prefer the enclosed private garden. The variety of outlooks would supplement the external amenity area.'

The above is accepted as reasoned justification for permitting a reduced level of amenity open space within the site.

As such, having regard to all of the above it is considered that the level of amenity open space to be provided and quantum of development is acceptable.

Built Form

It is acknowledged that it is the applicant's intention to create a landmark building in an area which is of limited architectural merit. In this regard and considering the buildings surrounding the application site, it is considered that the proposed care home is an acceptable form of development.

Whilst it is acknowledged that the bin store is to be situated in a highly prominent location it is felt that this area will be adequately screened by the proposed 1.8m high close board boundary fence.

Elevation Treatment

The elevation treatments of the proposal are considered to be simple and in keeping with that of the surrounding properties. As such the proposed care home is felt to be an acceptable design for the area to which it relates.

Materials

The choice of building materials has a significant impact on the success of a development proposal. With regards to the current proposal it is considered that the use of rendered panels and timber cladding is not appropriate given the local context. Rather it was suggested to the architect that the rendered panels be replaced with high quality brick in order to provide a simpler looking building that greater reflects surrounding built form whilst the timber cladding should be used only as an interface material to create vertical emphasis between ground and first floor windows. In this regard the applicant has agreed that this issue can be dealt with by way of condition should consent be granted.

Local Context

The frontage that the development will present onto Fordfield Road is particularly important in terms of how the scheme will be perceived and the impact that it will have on upon the surrounding residential area. The existing row of semi-detached properties situated along this road serve to create a strong and established building line which any new building should serve to respect and enhance.

In this regard it is considered that the proposed care home by virtue of its forward projecting element to the north elevation will be of a strong architectural character that creates a prominent landmark building on Fordfield Road. As a result it is considered that the proposal will have a positive impact upon the visual amenity and character of the street scene.

Boundary Enclosures

The means of boundary enclosure are particularly important on this site given its prominence within the street scene. In this regard whilst it is accepted that the layout plans stipulate a range of enclosures further detailed information of such features is required and it is considered that this will be dealt with by way of condition should consent be granted.

Spacing Standards

As stated above, Section 10C of the Residential Design Guide sets down minimum spacing guidelines that new developments should look to achieve. In the case of the current proposal these would be 21m and 14m respectively. Having reviewed the proposed development in light of these requirements it is considered that elements of the proposal that do not meet the guidelines, namely the north-west corner of the development which is proposed to have habitable bedroom windows looking out onto the two storey dwellings on Poole Road with a spacing of only 17.4m to be created as opposed to the guideline of 21m. However, these concerns could be adequately addressed through the insertion of obscure glazing and it is considered that a condition, requiring these windows to be obscurely glazed would be imposed on any grant of consent.

Therefore with regards to separation distance and residential amenity it is considered that the proposal broadly accords with Section 2.7 and 5f(iii) of the Development Control SPG as well as Section 10C of the Residential Design Guide SPD.

Landscape

The proposed landscaping scheme is considered to be appropriate for the nature of the development proposed.

BREEAM

No detailed information has been provided in this regard however the applicant has agreed that this issue can be dealt with by way of condition should consent be granted. This approach is accepted and should consent be granted then a condition requiring that the building be built to a good / very good BREEAM rating will be imposed.

Urban Design Conclusion

Having regard to all of the above it is considered that the proposal broadly complies with UDP policy B2 and Section 5 and 10C of the Residential Design Guide SPD.

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. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided. Section 13 of the Development Control Guidelines SPG sets down the parking requirements for such development (Class C2 - Residential Institutions) and states that for locations outside of the City Centre the parking requirements will be as follows:- 4no.spaces per development, 1 space per 10 bed spaces, 1 per resident staff and 1 per non-resident staff.

From the submitted plans it is apparent that the development proposes to incorporate 16no.car parking spaces (2no. of which will be disabled bays) situated 2m to the front of the proposed west elevation and within the southern corner of the site. In this regard it is considered that in terms of car parking a care home of this size would normally require the provision of 25no.car parking spaces within the curtilage of the site. However a relaxation to 16-20no.spaces may be accepted in this instance where it can be demonstrated that the use will not generate high levels of private car use through the development of and promotion of a Travel Plan. In this regard it is considered that the provision of 16no. spaces is acceptable given the nature of the proposal and the good public transport links that serve the site. In addition, the applicant has agreed to prepare a draft Travel Plan which will demonstrate how the care home seeks to reduce private car usage and promote other modes of transport (bus, bicycle, foot etc). Such information will be imposed by way of a planning condition should consent be granted.

Furthermore, the applicant has indicated that the car park is to be re-designed so as to improve the external environment, details of which will be dealt with by way of condition should consent be granted.

In this regard it is considered that the proposal accords with policy T14 and T22 of the UDP and Section 13 of the Development Control Guidelines SPG.

It should be noted that the proposed access arrangements are considered to be acceptable provided that the extension of the existing access should be carried out so as to extend access away from the junction of Poole Road and Padgate Road and not towards the junction as indicated on the submitted plan and also in moving the existing access to the north-east of the site the kerbs will need to be reinstated to full height and the footpath amended accordingly.

REPRESENTATION

The comments received from Adult Services are duly noted however it is not considered that the grounds put forward for opposing the development, namely over provision and competition, are material in the consideration of this application.

CONCLUSION

Having regard to all of the above it is considered that the proposed development by reason of its siting, scale, layout and design represents an acceptable form of development owing to the regeneration benefits that it will bring to the area. The proposal is considered to broadly accord with the relevant policies and as a result it is recommended that Members be minded to approve the application subject to the conditions listed below.

RECOMMENDATION: APPROVE subject to conditions

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, machinery to be used, the siting of the machinery, substitution of machinery, substitution of methodology and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy EN5 of the UDP.

- 3 No deliveries shall be taken at or despatched from the site outside the hours of 08:00 - 18:00 Monday to Friday, 08:00 - 13:00 Saturdays nor at any time on Sundays, Bank or Public Holidays to ensure that nearby properties are not adversely affected by the development and that highway safety is not compromised and to comply with policy EC12, EC13 of the UDP.
- 4 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 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 EC12, EC13 and B2 of the UDP.
- 5 Before the use hereby approved is commenced, details of the ventilation/extraction/filtration system, including all external ducting and stacks shall be submitted to and approved in writing by the Local planning authority. All works shall be completed in accordance with the agreed details before the use commences, in order to protect the amenities of the area and to comply with policy S12 of the UDP.
- 6 Before the development hereby approved is commenced details of the means of demolition shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policy EC12, EC13 and B2 of the UDP.
- 7 Before the development hereby approved is commenced the care home and bin store shall be pegged out on site and its exact location agreed in writing with the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
- 8 The detailed plans to be submitted as reserved matters shall include a survey of existing and proposed ground level sections across the site and details of the finished slab levels of each property, to achieve a satisfactory form of development and to comply with policy B2 of the UDP.
- 9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 10 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.

- 11 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.
- 12 Notwithstanding the submitted drawings, the north-west elevation windows serving units 4, 5, 36 & 37 (plan ref: 7F / 11 & 7F / 12) shall be fitted with top hung or non-opening obscure glazing and shall be maintained as such thereafter, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP and Section 10C of the Residential Design Guide.
- 13 Details of the proposed location of the sales/ site office and construction compound shall be submitted to and approved in writing by the local planning authority in order to ensure a satisfactory form of development and to comply with policy B2 of the UDP.
- 14 A Travel Plan shall be prepared by the applicant and agreed in writing by the local planning authority prior to the care home being brought into use, in order to reduce the number of employees arriving by car and increase the number of employees using public transport, walking and cycling as a means of travelling to/ from the care home and be so implemented, in the interests of traffic mitigation and environmental sustainability and to comply with policy T14 of the UDP.
- 15 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.
- 16 Notwithstanding the plans hereby approved no development shall commence until a revised car parking layout has been submitted to and approved in writing by the Local Planning Authority. The development must then be carried out in complete accordance with the approved details, in the interest of highway safety and residential amenity, in accordance with policy T14 of the UDP and Section 2.7 of the Development Control Supplementary Planning Guidance.
- 17 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 'Good / Very Good' standard, 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.

Number	5
Reference No	09/02913/SUB
Proposal:	Redevelopment and extension to existing store, service area and adjacent retail units with associated works to car park and landscaping (RESUBMISSION).

A Members site visit was conducted on 2 October.

The main issues to consider in the assessment of the application are:-

- The suitability of the proposal in the context of national and local planning policy.
- The demonstration of need and impact of the proposal on other local retail centres.
- The impact of the proposal on the character and appearance of the existing store.
- Traffic, parking and access implications.
- The impact of the development on protected species.

POLICY

The proposal is subject to the following National and Local Planning Policies.

Planning Policy Statement 1 (PPS1)

PPS1 sets out the Governments main objectives for the planning system, which are in the main based on the principals of sustainable development. The Statement sets out the Governments commitment to develop strong, vibrant and sustainable communities that promote community cohesion in urban areas. In this regard Local Planning Authorities should seek to ensure that they have suitable locations available for industrial, commercial, retail, public sector, tourism and leisure developments that enable the economy to prosper.

In support of PPS1, policy S1 of the UDP aims to achieve a well balanced distribution of shopping facilities to meet future needs; it emphasises the need to locate development within existing shopping centres or elsewhere through the application of the sequential test. Shopping facilities should be accessible by a variety of modes of transport. Policy S2 identifies the range of main Town Centres and Local Centres where shopping development should be focused. Note: policy S5 of the UDP was not saved as a development plan policy.

As an unallocated out of centre site, the proposal must be considered in the context of Planning Policy Statement 6 (Planning for Town Centres). Chapter 3 of the guidance sets out the criteria for assessing retail proposals, namely:-

1. Assessing need
2. Identifying the appropriate scale of the development
3. Applying a sequential approach to site selection
4. Assessing impact
5. Ensuring locations are accessible

Furthermore, the guidance contains specific advice on the matter if extensions to existing development in out-of-centre locations, highlighting the requirement to carefully assess need (where additional classes of goods are proposed to be sold) and, in particular considering the impact on existing town centres.

The application is accompanied by a Planning Statement (July 2009) which addresses the issues highlighted in PPS6 in relation to assessing applications for extensions to existing developments.

Need

Quantitative need - In line with the guidance in PPS6, the Planning Statement highlights changes in population levels, forecast expenditure in comparison goods along with efficiency in floorspace as a baseline guide to need. The planning statement states that the catchment population is projected to rise over the period from 122,000 in 2009 to 124,000 in 2014. The Planning Statement establishes that within the catchment area comparison expenditure will continue to rise - from £302m to £350m by 2014. Convenience expenditure will also rise from £182m to £192m. These figures are based on up to date retail expenditure projections published by Pitney Bowes in their Briefings Update 'Retail Spending Outlook' (March 2009). The expenditure growth rates (2006 - 2013) have been applied to the likely expenditure in the catchment and based on the recent figures the Council considers that the forecasts demonstrate that there is sufficient capacity to support the proposed store. The figures take into account the Mountview proposal at Sunderland Retail Park.

The Council's 2006 Retail Study indicated that whilst by 2010 there could be a need for some 4,800m² for additional comparison floorspace in non-central areas, existing commitments were in the order of 9,600m² and this effectively results in an oversupply of comparison floorspace of 4,700m². The Study concludes that should applications come forward, these should be considered on their merit and assessed against PPS6. In this regard it is considered that the 2006 retail study is now 3 years old and therefore does not accurately represent the current retail situation and as such a new retail needs assessment is currently being carried out to inform the Local Development Framework, however the results will not be available in time for the determination of this application. Furthermore, as this extension relates purely to the retailing of comparison goods and the 2006 retail study refers to additional foodstore provision in the City, it is considered that the study relates

to a completely different dynamic to comparison goods retailing where there is a strong annual growth.

Qualitative need - this primarily relates to the improvement and enhancement of the overall shopping environment of the store for the benefit of shoppers. The anticipated increase in employment (70 new jobs) is an important factor in this respect.

Sequential testing

The applicant has undertaken an assessment of other potential sites within the wider catchment area including the City Centre, namely Crowtree Leisure Centre and Holmeside Triangle, details of which are included in the Planning Statement. The assessment concludes that whilst the Holmeside Triangle site is considered to be an appropriate site for retail development, owing to site assembly and Compulsory Purchase issues it is not considered that this site would be available within a reasonable period of time to meet the identified retail need (see above). As such this argument is accepted by the Council as a reasoned justification for the proposed development.

Scale

The current proposal reflects the design advice given as part of the previous application and it is therefore considered that the proposed extension by reason of its siting, scale, design and external appearance is a satisfactory form of development that respects the visual appearance and character of the existing store.

Assessing Impact (How the proposal relates to the Council's Strategy for Retail Development)

The impact of the proposed extension on the vitality and viability of defined centres has been examined in detail and it is concluded that the calculations show that the proposed extension will have a negligible impact on convenience sales turnover in the defined centres in the catchment. In terms of impact on comparison sales turnover the proposed development is expected to have a 4.5% impact on the centres turnover in 2012 improving to 2.9% in 2014. This assessment is accepted and it is therefore considered that the impact, particularly on the City Centre - will be minimal.

Policy Conclusions

Having considered the Planning Statement and the assessments contained within it, it is considered that the information adequately addresses the requirements of PPS6 and as such the proposal is seen to accord with both national and local plan policies.

URBAN DESIGN

Policy B2 of the UDP is concerned with the scale, massing, layout and setting of new developments and extensions. The policy goes on to state that new developments and extensions should respect and enhance the best qualities

of nearby properties and the locality as well as retaining acceptable levels of privacy.

The proposed development is considered to be of a scale, massing, layout and appearance that site comfortably with the existing building. Whilst it is acknowledged that the existing building is not of any exceptional architectural quality it is felt that the proposed extension whilst reflecting the character and appearance of the existing store, will add interest and definition to the facades and roofscape. The palette of materials proposed (brickwork and cladding) is in keeping with that used for the construction of the existing store and is therefore accepted as being appropriate in this instance.

In conclusion it is considered that the proposed extension represents a well designed extension to the existing store in terms of scale, massing design and external appearance and as such accords with policy B2 of the UDP.

HIGHWAYS

A Transport Assessment (TA) has been submitted to accompany the application. It is clear from this that the majority of trips to the store will continue to be by private car, although it is stated that the actual increase in car movements generated by the extension will not be significant. Whilst acknowledging that as a result of the extension there will be an intensification of use of the car park resulting in parking levels being at or near operational capacity for much of the day, this justification is accepted on its own, however no details have been provided as to how the Sunderland NHS Foundation Trusts Park and Ride Shuttle Bus will be accommodated within the site and as such the arrangements to allow for the continued operation of the Park and Ride scheme need to be provided and agreed prior to the new extension being brought into use. This issue will be dealt with by way of condition should consent be granted.

The only other outstanding issue relates to the preparation of a Travel Plan, details of which have not been submitted and as such will be dealt with by way of condition should consent be granted.

As such having regard to the information submitted it is considered that the proposed extension to the existing store is an acceptable form of development which accords with the provisions of the development plan, namely T14, and supplementary planning documents.

ECOLOGY

The Bat Survey, Extended Phase 1 Habitat Survey, Water Vole Mitigation Strategy and Water Vole Survey have been reviewed and it is considered that the information contained within them is acceptable subject to the imposition of a series of conditions which relate to:- (1) Section 5 of the Bat Survey 'Recommendations', namely (a) if any bat species are discovered during the course of any works on site, all works should cease immediately and a licensed bat worker consulted – (b) if development does not commence before the end of July 2010 then an additional bat survey will be required, (2) the detail contained within the Water Vole Mitigation Strategy Report, in

particular the control of works (Section 4), (3) a detailed Water Vole Method Statement detailing the control of pollution during and post site construction will be required prior to any works commencing on site, and (4) Section 6 'Recommendations' of the Extended Phase 1 Habitat Survey, which relates to the protection of wildlife habitats, trees, species (birds and bats).

A request has also been made for the payment of £15,000 which will be used to fund a Wildlife Officer post to help maintain and improve the potential Silksworth Lake Local Wildlife Site, situated adjacent to the site. The post will be used to improve the general landscape of the area. However, having considered this request it is not felt that such a payment could be justified as a result of the development proposed given that the proposal relates to previously developed land within the confines of the existing site and it is not considered that as a result of the works there will be any adverse effects on the wider area.

LANDSCAPE

Whilst it is acknowledged that the proposal will have minimal impact on the area of landscaping which surrounds the existing store and car park, the proposal does intend to remove the avenues of trees which are currently situated within the car park as part of the proposals to improve the circulation of this space. As such a landscaping scheme has been proposed to the east (car park) and south (service area) which reintroduces two avenues of trees, one along the pedestrian avenue serving the two rows of disabled parking bays, the other along the pedestrian avenue serving the parent/child parking bays in respect of the former and a series of smaller trees in respect of the latter. The tree species proposed to the car parking area, *alnus sparthii*, is considered to be an appropriate and acceptable specie for this location whilst the tree planting landscaping proposed around the service yard area is less substantial but nonetheless acceptable given that it is not highly visible from any well used public vantage point.

REPRESENTATION

6no. letters of support has been submitted in respect of the proposed development. Two of these letters do however raise the following: (i) the existing vehicular entrance to the store (after the roundabout) is too narrow and restrictive and should be modified as part of the proposals and (ii). In response to the first issue (i) it is considered that a thorough assessment of the site layout, local highway network serving the development site and potential resulting impacts of the proposal has been undertaken and the findings documented in the Transport Assessment. The findings of the TA conclude that the proposed development will result in only a minimal percentage increase in traffic and as such it is considered that the existing vehicular arrangement could satisfactorily accommodate the predicted increase in vehicular movements.

With reference to the second issue (ii) it is requested that the building be aesthetically designed to fit in with the area and apply these constraints to all future buildings. The use of brick is suggested as opposed to concrete and the individual requests that there are no more flat roofs. Wildlife and the

beauty of the area should be should also be taken into consideration. In response to these points it can be confirmed that the design of the extension has been amended from in light of comments made in respect of planning application 09/01273/FUL and as a result the extension now reflects the character of the existing store in terms of scale and appearance. Likewise, concerns were raised as part of the 09/01273/FUL in respect of wildlife and ecology issues on the site and as a result the application was withdrawn until the required survey works had been undertaken. The current application has now been submitted with such supporting documentation, namely a Bat Survey, Extended Phase 1 Habitat Survey, Water Vole Mitigation Strategy and Water Vole Survey, and it is considered that the information contained within the above is satisfactory subject to the imposition of conditions (please see below).

2no. letters of objection have also been received, one from Morrisons, the other from a local resident. The main grounds for opposing the development are as follows.

Morrisons

Retail Need (Quantitative) - There is no capacity to support the additional floorspace and the proposal would be harmful to on the City Centre and Local Centres.

Retail Need (Qualitative) - Granting permission for the proposal is unlikely to assist in attracting new retailers into the City Centre and may strengthen the retail position of Newcastle City Centre and the Metro Centre.

Scale - Given that it is not considered that there is either a quantitative or qualitative need for the proposed extension, it is considered that the proposal is inappropriate in terms of scale and size.

Sequential Approach - Holmeside Triangle is sequentially more viable site than the existing Sainsbury's site.

Retail Impact - Lack of sufficient retail impact assessment by the applicant.

Need to control the level of net sales area (comparison / convenience retail floorspace) given it is an out of town location.

Retail Need (Quantitative) - Firstly it should be noted that the Council's Retail Needs Study is now 3 years old and does not reflect the impact of the current economic recession. It also fails to provide the longer term vision of possible expenditure in the City as it only runs to 2010. A revised Retail Needs Assessment is currently being prepared and this will provide a longer term vision based on more recent and up to date information however this document has not yet been finalised.

The Town Centre Uses Statement (TCUS) submitted as part of the application was based on information contained within both MapInfo Information Brief 08/02 and a revised assessment based on Pitney Bowes Briefing Update

'Retail Spending Outlook' (March 2009), the latter reflecting the current economic downturn.

The information based on the latest forecasts (Pitney Bowes Briefing Update) used to calculate retail expenditure concludes that the total amount of convenience good expenditure in the catchment will increase by £7.3m to £189.45m by 2012 and £10.43m to £192.58m by 2014. The total amount of comparison goods expenditure in the catchment is estimated to increase by £30.65m to £333.14m by 2012 and by £49.46m to £351.95m by 2014.

Therefore having regard to all of the information submitted in this regard it is considered that there is a quantitative need for floorspace to serve £50.6m of convenience goods sales and £140.8m of comparison goods sales by 2012. On the basis that the proposed store will turn over an estimated £6.1m of convenience goods and £14.5m worth of comparison goods in 2012 it is considered that there is sufficient capacity to support the proposed extension to the store.

Retail Need (Qualitative) - The TCUS has undertaken an assessment of the Holmeside Triangle site and Crowtree Leisure Centre site, which are located within the City Centre. This assessment concludes that whilst the Holmeside Triangle site is considered to be an appropriate site for retail development, owing to site assembly and Compulsory Purchase issues it is not considered that this site would be available within a reasonable period of time to meet the identified retail need (see above). Furthermore as this extension relates mostly to the retailing of comparison goods, the 2006 retail study refers to additional foodstore provision in the City, this has a completely different dynamic to comparison goods retailing where there is a stronger annual growth rate. As such this argument is accepted by the Council as a reasoned justification for the proposed development.

Scale - The current proposal reflects the design advice given as part of the previous application and it is considered that the proposed extension by reason of its siting, scale, design and external appearance is a satisfactory form of development that respects the visual appearance and character of the existing store.

Sequential Approach - As already detailed above there is an identified and accepted quantitative and qualitative 'need' for the proposed extension and the sequential assessment is therefore not merely an academic exercise as referred to in the representation. The information submitted as part of the current application acknowledges the need to consider City Centre sites, including the Holmeside Triangle sites as well as existing vacant units within the City and local centres. As such the applicant considers that with regards to the Holmeside Triangle this site is not available with a reasonable time period, viable or suitable for the proposed development - as is set out in national planning policy guidance (PPS6) - whilst the identified vacant units are not considered suitable for the development that is currently proposed. Having regard to this statement the Council considers that the comparison goods offered by the proposed extension would not appear to be a 'destination' in their own right but rather it would appeal more to impulse buys by shoppers already undertaking food shopping in the store. In this regard it is considered that the impact on the City Centre will be minimal.

Retail Impact - The information and calculations submitted detail how the proposal relates to the Council's Strategy for Retail Development within the City Centre. This information has been considered by officers and the arguments put forward, namely that the extension will appeal to existing users of the store rather than attracting in new customers who may have alternatively shopped for comparison goods in other more central location, are accepted as it is the officers view that this store will not serve as a destination in its own right.

Need to Control Net Sales Area - For the reasons given above, namely the identified quantitative and qualitative and considered minimal impact on the City Centre and other identified, it is not considered necessary in this instance to control the ratio of convenience to comparison floorspace within the store.

Local Resident

The proposed extension to Sainsbury's will increase the traffic on Silksworth Lane, especially in light of the nearby swimming pool development. Silksworth Lane is already very busy at times and a right turn manoeuvre from Nursery Road is difficult. Consideration should be given to reducing the speed limit down to 30 m.p.h.

Having regard to the data contained within the Transport Assessment submitted in support of the application it is considered that the additional traffic as a direct result of the proposed development will be minimal with any queues on site being dispersed within the peak hour. As such it is considered that the proposed development can be satisfactorily accommodated within the existing highway network. With regards to the reduction in traffic speeds on Silksworth Lane it is not considered that there is an existing problem with speeding on this road and having researched the incidence of reported road traffic accidents on Silksworth Lane over the last three years it would appear that during this time there has only been two reported 'slight' incidents, neither or which were related to traffic speeds and as such it is not considered that the proposed development would increase the risk of accidents on Silksworth Lane.

ENVIRONMENTAL HEALTH

The application is accompanied by a report prepared by Pam Brown Associates which recommends ground investigations in principle to address the risks outlined (groundwater: medium, surface water: high, human receptors offsite from soil: high, human receptors onsite below hardcore form soil: low and buildings onsite from gas: low) although no firm proposals have been submitted for comment. A requirement is also discussed for consideration of gas protection measures despite the low risk as assessed by Pam Brown Associates. However the basis for this low risk is not substantiated since methane of 5% to 25% (no units given for %v/v or %LEL) has been measured previously probably due to gassing infill including domestic waste.

In this regard it is considered that the risk of methane is more significant than stated given the uncertainty in units and in the basis of monitoring (frequency,

location, construction, flow rates etc). Design of gas monitoring should be targeted at the potential source-pathway-receptor linkages.

It is therefore recommended that the site be conditioned on further intrusive investigation being carried out to characterise the pollutant linkages between contaminated soil, water and ground gases and potential sensitive receptors on, adjacent or under the site. Proposals to mitigate risk associated with land contamination should be submitted to and approved before Planning Permission is granted. Alternatively this issue can be dealt with by way of condition and it is anticipated that this is the most reasonable course of action in the timescale available.

In view of the close proximity of the proposed development to nearby residential premises the applicant should make an application for prior consent in respect of work on construction site under the Control of Pollution Act 1974, Section 61. The application should be made prior to the commencement of works.

It is also recommended that on-site operations should not commence before 07:00 hrs and cease at or before 19:00 Monday to Friday and 07:30 and 14:00 hrs Saturdays. No works shall take place on either a Sunday or Bank Holiday. Approval for working on Sundays and / or Bank Holidays will only be given in exceptional circumstances i.e. on the grounds of safety and public protection.

Consideration should be given to the selection of machinery and methods of operation in relation to noise generation. In instances where noise cannot be controlled at the source by the appropriate selection of plant, equipment and work methods British Standard 5228-1 and British Standard 5228-2, which address noise on construction (including demolition) sites, should be followed.

Regard must also be had to the following to minimise noise emissions:-

- i) the condition of machinery to be used,
- ii) the siting of machinery,
- iii) substitution of machinery and
- iv) substitution of methodology.

Vibration from demolition and construction operations should not be experienced at nearby residential properties and the provisions of British Standard 6472:1992, Evaluation of Human Exposure to Vibration in Buildings, must be taken into account. Additionally, the Council may require that vibration levels be monitored in sensitive locations should neighbouring premises be affected.

Provision should be made for the reasonable prevention of dust generation, and where this is not possible adequate dust suppression management should be applied. As such a suitable and constant supply of water adequate for dust suppression purposes is provided to the site. Dust suppression by water should use a dispersal point close to the position of dust generation in order to be more effective in both dust suppression and minimising the volume of water used, and thus run-off.

Where dust is likely to occur, e.g. during deliberate collapse, means of removing the dust that arises should be planned and provided as appropriate. In any case, buildings and other structures undergoing demolition shall be so far as is practicable dampened down to and during the demolition.

Stockpiles of waste materials arising from the or in connection with the demolition process shall be dampened down to reduce fugitive dust emissions from the site.

The emission of dark smoke from the burning of combustible material on site shall be prohibited. All other burning shall be prohibited unless it is inappropriate to dispose of the material in any other manner. In this instance provision should be made for the control of smoke through the effective control of burning materials on site.

Finally, detailed consideration must be given to British Standard 6187:2000, Code of Practice for Demolition and British Standard 5228-1 and 5228-2.

REQUEST FROM THE APPLICANT

Sainsbury's have formally requested that the LPA consider granting consent for a period of five years as opposed to the usual timescale of 3 years. The justification given for this request is the current economic recession, which may impact on this scheme being delivered within the usual 3 year period.

In this regard Circular 08/05 'Guidance on Changes to the Development Control System' which revoked paragraphs 53-60 of Circular 11/95 states that the three year default period was introduced to encourage development to take place at an early stage and a period of three years was considered to be sufficient time for the majority of planning permission and consents to be implemented. However, the Circular does acknowledge that there will be developments where by three years is unlikely to be long enough to enable development to complete all of the preparation required before starting work. Section 91(1)(b) enables Local Planning Authorities to substitute a longer or shorter period once they have considered any material considerations. For each application, authorities should consider whether a three year period is appropriate to the size and nature of the development proposed and consider whether a longer or shorter period would be more reasonable.

In addition, the Chief Planner at Communities and Local Government sent a letter to all LPA's earlier in the year advising them to extend the planning consent from three years to five years in light of the uncertain economic conditions.

In light of the above legislation and recent government guidance it is considered acceptable in this instance to recommend that consent be granted for a period of five years.

CONCLUSION

Having considered all of the information submitted in respect of this application it is considered that the proposed development represents a satisfactory form of development and therefore it is recommended that Members approve the application subject to the conditions listed below.

RECOMMENDATION: APPROVE subject to conditions

- 1 The development to which this permission relates must be begun not later than five years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, machinery to be used, the siting of the machinery, substitution of machinery, substitution of methodology and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy EN5 of the UDP.
- 3 During the construction of the extension hereby approved no deliveries shall be taken at or despatched from the site outside the hours of 07:00 and 19:00 Monday to Friday, 07:30 and 14:00 Saturdays, nor at any time on Sundays, Bank or Public Holidays to ensure that nearby properties are not adversely affected by the development and that highway safety is not compromised and to comply with policy EC12 and EC13 of the UDP.
- 4 The construction works including demolition 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 EC12, EC13 and B2 of the UDP.
- 5 No development shall commence until details of the means of demolition have been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policy B2 of the UDP.
- 6 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding shall be passed through an oil interceptor installed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor, in order to prevent pollution of the water environment in accordance with policy EN14 of the UDP.
- 7 No development shall commence until 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:

- (i) 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 receptors

Potentially unacceptable risks arising from contamination at the site

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

- (iii) 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.

- (iv) 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 and the scheme shall be implemented in complete accordance with the agreed details, in order to ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment in accordance with policy EN14 of the UDP.

- 8 No development shall commence until 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, in order to ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment, in accordance with policy EN14 of the UDP.

- 9 If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority, in order to prevent the risk of contamination to controlled waters in accordance with policy EN14 of the UDP.

- 10 No development shall 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 UDP.

- 11 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.
- 12 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 13 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.
- 14 No development shall commence until a Travel Plan to reduce the number of employees arriving by car and increase the number of employees using public transport, walking and cycling as a means of travelling to/ from their place of work shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented in complete accordance with the agreed details, in the interests of traffic mitigation and environmental sustainability and to comply with policy T14 of the UDP.
- 15 No development, including demolition, shall commence on site until details of the servicing arrangements for the Sunderland NHS Foundation Trusts Park and Ride Shuttle Bus has been submitted to and approved in writing by the Local Planning Authority. The car park shall then be laid out and the Park and Ride Shuttle Bus operated in complete accordance with the approved details, to comply with policy T14 of the UDP.

- 16 Details of the proposed location of the sales/ site office and construction compound shall be submitted to and approved in writing by the local planning authority in order to ensure a satisfactory form of development and to comply with policy B2 of the UDP.
- 17 No development shall commence on site until details of a scheme of site investigation and assessment to test for the presence and likelihood of gas emissions from ground gases, shall be submitted to and agreed in writing by the Local Planning Authority, in order to check for gas emissions from underground sources and ensure that the details of the development are satisfactory to prevent the adverse effects of underground gas emissions, in accordance with policy EN14 of the UDP.
- 18 The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the plans and particulars to be submitted to and approved by the Local Planning Authority, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 19 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5837:2005 "Trees in relation to construction", in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 20 If within a period of two 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.
- 21 The development hereby approved shall be carried out in complete accordance with Section 5 'Recommendations' of the Bat Survey Report July 2009 in the interests of nature conservation and to ensure a satisfactory form of development in accordance with policies CN18 and CN22 of the UDP.
- 22 Prior to the commencement of development, copies of this Section 4 'Discussion & Conclusions' and 5 'Recommendations' as detailed in the Bat Survey Report July 2009 shall be formulated into a method statement and issued to the developer and building contractors working on site. All

works shall be carried out entirely in accordance with the method statement in the interests of nature conservation and to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the UDP.

23The development hereby approved shall be carried out in complete accordance with the details contained within the Water Vole Mitigation Strategy Report July 2009 in the interests of nature conservation and to ensure a satisfactory form of development in accordance with policies CN18 and CN22 of the UDP.

24Prior to the commencement of any development or demolition on site, a detailed Water Vole Method Statement detailing the control of pollution during and post construction shall be submitted to and approved in writing by the Local Planning Authority. Following approval, all works shall be carried out entirely in accordance with the approved details in the interests of nature conservation and to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the UDP.

25The development hereby approved shall be carried out in complete accordance with the details contained within Section 6 'Recommendations' of the Extended Phase 1 Habitat Survey March 2009, to ensure a satisfactory form of development in accordance with policies CN18 and CN22 of the UDP.

26No development shall commence until a detailed scheme for the diversion of Northumbrian Waters apparatus has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall be carried out in complete accordance with approved details, in order to ensure a satisfactory form of development in accordance with policy B24 of the UDP.