

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 2015.

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 Economy and Place Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre

Executive Director Economy and Place

1.

North
Sunderland

Reference No.: 18/00899/SUB Resubmission

Proposal: **Change of use to open storage area with new boundary treatment and erection of 1no portacabin.**

Location: Site Of Former Southwick Social Club Sunderland SR5 2LN

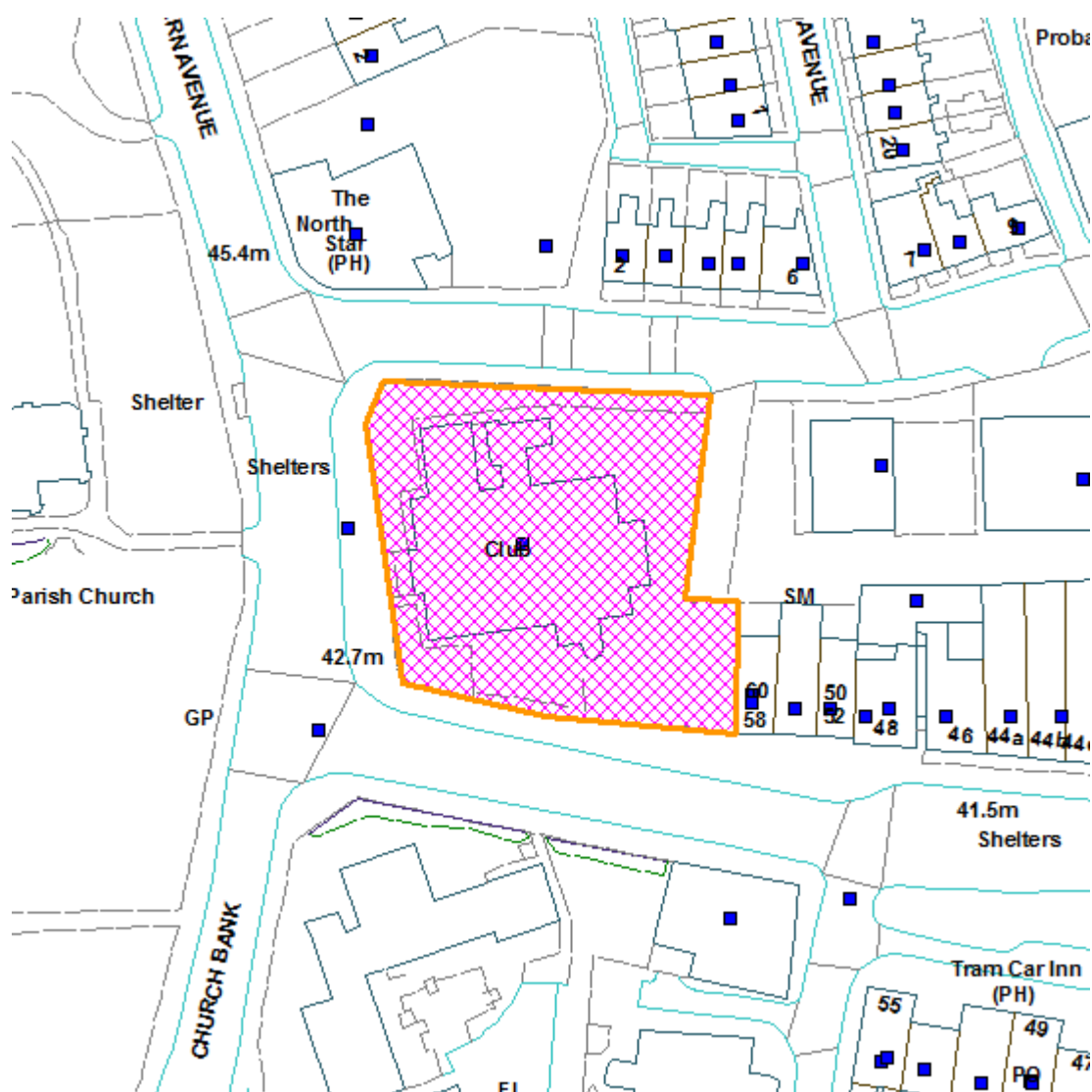
Ward: Southwick

Applicant: Mr Tony Mordew

Date Valid: 6 June 2018

Target Date: 1 August 2018

Location Plan



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PROPOSAL:

Site and recent history -

The proposed development affects a vacant site of some 0.23ha intersecting Church Bank to the west, Sunderland Road to the south and Kings Road to the north. The site occupies a prominent corner plot at the entrance to Southwick Green local shopping centre and sits opposite the building and grounds of the Grade II Listed Holy Trinity Church. The site falls gradually on a north to south axis in line with the gradient of Church Bank and is currently bound by a relatively low bricked wall to the north, west and south.

The land has been levelled following the recent demolition of Southwick Social Club in late December 2017. The Social Club had fallen in to a significant state of disrepair in previous years and had been the subject of enforcement notice which required either its demolition or substantial repair.

Prior to the demolition a planning application was submitted to the Local Planning Authority which proposed to utilise the site for the purposes of open storage. This included the erection of a high security mesh fencing and 2no. portacabins. (Planning ref: 17/02191/FUL)

The application was subsequently withdrawn on 17 January 2018 following a meeting with the applicant on the 16 January wherein concerns were raised over the appropriateness of the land use and the fact that no indication was offered as to type/nature of storage proposed.

Proposal -

The current application is identical in nature to the application previously submitted in November 2017 insofar that it proposes to utilise the cleared site for the purposes of an open storage area, erect new mesh style fencing around the land and locate a single portacabin towards the south eastern corner of the plot. It is proposed to resurface the site with a hardcore sub-base and gravel top.

The application from advises that a total of 48 car parking spaces would be provided within the site and that 2 people would be employed by the new use. The hours of on-site operations are purported to be 8am until 8pm Monday through to Saturday and 10am until 4pm on Sundays and Bank Holidays.

In line with the previous submission the application has not been accompanied by any supporting information which offers insight as to the nature of the goods to be stored on the land. Following validation the agent was given the opportunity to provide the additional information however no response has been forthcoming to this request.

A formal request has been made by local ward Cllr Kelly Chequer for the application to be presented before the Development Control (North) Area Sub-Committee for determination.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Southwick - Ward Councillor Consultation
Network Management
Tyne And Wear Archaeology Officer
Environmental Health

Final Date for Receipt of Representations: **20.07.2018**

REPRESENTATIONS:**Consultations**

No public representations have been received as a result of the consultation carried out.

County Archaeologist - The site lies within Southwick medieval village but buried archaeological remains will not be affected by this proposal.

Public Protection and Regulatory Services - The application does not appear to be supported by a specific proposal in terms of the operation of the site and on this basis Environmental Health is unable to provide an informed opinion regarding any impact that such operation may have on nearby residential and sensitive noise receptors. Any decision to grant consent without further clarification from the applicant would have to be heavily conditioned to ensure that any future operation does not adversely impact on receptors, particularly in respect of noise and operating hours.

Transportation Development - It is unclear what is to be stored on the area of land. The private access lane to the east of the site entrance is approximately 5.75m wide and large vehicles may find it difficult to manoeuvre into and out of the site. Access from the site onto Kings Road may be restricted due to parked cars obstructing visibility and the turning circle.

The 1.2m high fencing to be erected above the brick wall should be open panelled to maintain visibility.

The highway to the south of the site (Sunderland Road) has double yellow lines and bollards whilst Kings Road is subject to a 20mph speed restriction. Part of Kings Road is the subject of the CPMS (Community Parking Management Scheme) whereby surrounding streets require permits for parking on Sunderland AFC match days and events at the Stadium of Light.

Built Heritage - The site subject to this application is located opposite and in close proximity to the Grade II Listed Holy Trinity Church. The site is reasonably prominent and the use of the site as an open storage area complete with the erection of a portacabin and security fencing would only serve to worsen the harmful impact on the setting of the listed building. It is noted that the application has not been accompanied by a Heritage Statement that considers the impact of the proposal on the listed Church.

POLICIES:

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

S2 - Encouraging proposals which will enhance / regenerate defined existing centres.
NA11 - Retention and improvement of existing shopping centre
B2 - Scale, massing layout and setting of new developments
B10 - Development affecting the setting of listed buildings
EN5 - Protecting sensitive areas from new noise/vibration generating developments
T14 - Accessibility of new developments, need to avoid congestion and safety problems arising
T22 - Parking standards in new developments

COMMENTS:

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) provides the current Government's national planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The NPPF sets out 3 overarching objectives which aim to assist in the delivery of sustainable development. These are identified as being;

- an economic objective to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

- a social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

- an environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The above objectives are expanded on within the following chapters of the NPPF, with sections 7 (Ensuring the vitality of town centres), 11 (Making effective use of land), 12 (Achieving well-designed places) and 16 (Conserving and enhancing the historic environment) considered to be of particular relevance to this proposal.

The appropriate guidance of the NPPF as detailed above feeds into policies S2, NA11.2, B2, B10, EN5, T14 and T22 of the City Council's adopted Unitary Development Plan (UDP), which are consequently considered to be pertinent to the determination of this application.

The main issues to consider in respect of this application are considered to be;

1. principle of proposed development;
2. impact of development on the amenity, character and heritage of the locality;
3. impact of development on highway and pedestrian safety

1. Principle of proposed development

The host site lies within the extent of Southwick Green local shopping centre with the land in question designated under UDP policies NA11.2 and S2.

Policy NA11.2 states that the existing shopping centre will be retained and improved. The policy continues that within these centres, uses which are in accordance with policy S2 will be acceptable.

Policy S2 goes on to provide the background to acceptable uses of the host site and wider shopping area stating that the City Council will give favourable consideration to proposals which sustain and enhance the vitality, viability and appropriate diversification of the shopping centre. The policy goes on to list the following use classes which are deemed to be acceptable in this centre -

- o Shops (A1)
- o Financial and professional services (A2)
- o Food and drink (A3)
- o Non-residential institutions (D1)
- o Assembly and leisure (D2)

And where they complement the retailing functions of the centres -

- o Business uses (B1)
- o Hotels (C1)
- o Hostels

As has been noted within the site description the land is elevated on the approach from Church Bank to the south holding a rather prominent position at the entrance to Southwick Green local shopping centre. The site in effect acts as a gateway into Southwick Green and as such it is considered that any use of the land should serve to both complement and enhance the character of the area. In this respect it is noted that policy S2 states that the Council will give favourable consideration to proposals which sustain and enhance the vitality, viability and appropriate diversification of the shopping centre.

This approach is considered to be consistent with paragraph 85 of the NPPF which advises that 'planning policies and decisions should support the role that town centres play at the heart of communities, by taking a positive approach to their growth, management and adaption'. Meanwhile, paragraph 117 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The proposal would effectively see the site utilised for the purposes of open storage although no detail has been submitted within the application as to what would be stored within the site. Notwithstanding and from a land use perspective, an open storage use, complete with the high mesh fencing and the transitory appearing portacabin is the type of development that would be encouraged to be located in more industrialised locations. Despite the lack of information with the application, it is not considered that utilising this prominent gateway site for the purposes of storage, whether that would be in the form of materials, building products, cars, caravans etc. would serve to enhance the vitality, viability and appropriate diversification of Southwick Green shopping centre. Indeed, the Local Planning Authority would argue that the use would serve to

undermine the quality of the local environment and detract from the Green's attractiveness as a shopping destination.

On the basis of the above reasoning it is considered that the proposal does not accord with the allocated use of the site and would fail to take the opportunity to improve the quality of the local environment. The principle of utilising the land for the purposes of open storage is therefore contrary to the requirements of UDP policies NA11.2 and S2 and paragraphs 85 and 117 of the NPPF.

2. The impact of development on the amenity, character and heritage of the locality

UDP Policy B2 states that the scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. This is taken forward by paragraph 127 of the NPPF which advises that planning policies and decisions should seek to achieve well designed places which function appropriately, add to the quality of the area and are sympathetic to local character and history including the surrounding built environment and landscape setting.

UDP Policy B10 states that the Council will seek to ensure that development proposals in the vicinity of Listed Buildings do not adversely affect their character or setting. Paragraph 189 of the NPPF meanwhile states that local authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Paragraph 190 continues that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. LPA's should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

The site previously housed a relatively large building which had fallen into a state of disrepair. The social club was having an adverse impact on the visual quality of the area and its recent removal has served to remove an eyesore from a prominent corner plot whilst creating a blank canvas for new development to come forward.

The public face of the site is currently bound by a brick wall which is unobtrusive in its appearance presenting a generally low rise form of boundary treatment. Given the nature of the proposed use it is not surprising that the applicant would wish to secure the site by raising the height of the boundary treatment. However it is considered that the erection of the mesh style fencing atop the boundary wall, which would rise to a maximum height of 3.6m along the southern elevation, would appear obtrusive and would not be sympathetic to the prevailing character and appearance of the area.

As has been discussed above, no detail has been submitted in respect of what would be stored on the site. Consequently an approval of planning permission would effectively provide scope for future landowner to store a wide variety of materials, products etc. on the land. Whilst it is clearly difficult for the LPA to offer a fully informed opinion as to the potential visual impacts that would arise in the future, it is not unreasonable to suggest that an open consent for storage has the potential to give rise to scenarios where stored material will appear obtrusive and harmful to the visual amenity of the area in the future.

The above concerns are given further material weight by virtue of the presence of the Grade II listed Holy Trinity which directly opposes on the land to the west. Contrary to the requirements paragraph 189 of the NPPF, the application has not been supported by a Heritage statement within which the applicant is required to consider the impacts of the development on the significance of the heritage asset.

In response to consultation the City Council's Built Heritage Officer has noted that the site lies in a reasonably prominent location and that the removal of what was a poor quality 20th century building has had the effect of benefiting the setting of the Church. Within this context, it has been advised that any new development of the site should seek to represent an improvement on the poor quality design of the social club. In this respect the Heritage Officer has opined that the proposed use of the site, complete with security fencing and an unsightly portacabin, would only serve to worsen the harmful impact on the setting of the listed building.

Consequently it is not considered that the proposed development will serve to better reveal or enhance the significance and setting of the listed building as required by paragraph 200 of the NPPF, rather it would be more harmful to its setting than the current position. Further the development would not make a positive contribution to local character and distinctiveness as advocated by paragraph 192 of the NPPF.

Whilst it is not considered that such harm would manifest in the form of substantial harm as outlined within paragraph 195 of the NPPF, it is considered that less than substantial harm would result.

Paragraph 196 of the NPPF advises that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. For the reasons outlined within this report, it is not considered that the proposal would bring about any demonstrable public benefit.

The lack of detail submitted with the application also makes it difficult to offer a fully informed opinion when considering the potential for noise and disturbance to occur from the future use of the land. In this respect City Council's Public Health Section have stated that the planning application would need to be heavily conditioned to account for the various operational circumstances that could result from the use of the land.

As has been discussed earlier in the report, the proposed use is the type of operation that would generally be encouraged within more industrial type locations with potential for heavy vehicles providing deliveries and machinery such as fork lift trucks operating on site. There are acknowledged to be residential properties located within close proximity to the site, most prominently No's 2-6 Kings Avenue to the north and the flats located at Lord Gort Close to the south. In this respect, and in the absence of any detail which provides assurances to the contrary, it is considered reasonable for the LPA to hold a position that the proposed use of the land has the potential to have an adverse impact on the residential amenities of nearby properties.

Based on the reasoning offered above, it is considered that the proposed development would have a detrimental impact on character and amenity of the area and would have a harmful impact on the setting of the Grade II Listed Holy Trinity Church. The proposal is therefore contrary to policies B2 and B10 of the UDP and paragraphs 127, 189, 190, 192 and 200 of the NPPF.

3. Highways

Paragraph 108 of the NPPF advises that applications for development need to ensure that safe and suitable access can be achieved for all users, whilst paragraph 109 advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

On a local level, policy T14 of the UDP requires new development proposals to be accessible, to not cause traffic congestion or highway safety problems on existing roads, make appropriate access for the safe access and egress of vehicles and pedestrians and to indicate how parking requirements will be accommodated. Policy T22 of the UDP, meanwhile, requires new development proposals to be afforded appropriate levels of dedicated parking

The City Council's Engineers have noted the lack of information submitted with the application and have therefore observed that larger vehicles may find it difficult to manoeuvre in and out of the existing access from Kings Road. This would likely occur due to the presence of parked cars potentially obstructing both visibility and the turning circle of vehicles entering and leaving the site.

Although the application notes that the site could accommodate up to 48 cars, no parking layout has been submitted to clarify where cars would park or how any such layout would interact with the proposed storage use. Indeed it is not clear how the site would be able to provide appropriate areas for storage if 48 cars were parked within it.

It is not considered that the Local Planning Authority has been furnished with sufficient detail to make an informed decision as to the potential highway implications of the development. Clarity over the end use and the nature of vehicles visiting the site has not been provided and given the constraints posed by the existing access arrangements it is considered that a swept path analysis and plan illustrating a turning circle would need to be provided.

In light of the above it is not considered that the requirements of NPPF Paragraph 108 and UDP policy T14 have been suitably addressed within the submission and as such in absence of any detail which provides assurances to the contrary, it is considered that the development has the potential to impact on highway safety.

Conclusion

For the reasons offered above, it is considered that the principle of utilising the land for the purposes of open storage is contrary to the requirements of UDP policies NA11.2 and S2 and paragraphs 85 and 117 of the NPPF, whilst the proposal would have a detrimental impact on character and amenity of the area and have a harmful impact on the setting of the Grade II listed Holy Trinity Church.

Further it has not been adequately demonstrated the use of the land would be afforded safe and suitable access for all users contrary to the requirements of NPPF Paragraph 108 and UDP policy T14

As such members are recommended to refuse planning permission for the reasons outlined below.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to?

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: REFUSE, for reasons set out below:

Reasons:

1 The proposal does not accord with the allocated use of the land and would fail to take the opportunity to improve the quality of the local environment through sustaining and enhancing the vitality and viability of Southwick Green local shopping centre. The principle of utilising the land for the purposes of open storage is therefore contrary to the requirements of UDP policies NA11.2 and S2 and paragraphs 85 and 117 of the NPPF.

2 The proposed use of the site gives rise to significant concerns regarding its impact on the character and amenity of the locality and the setting of the opposing Grade II listed church, by virtue of the installation of high boundary screening, the erection of transitory portacabins and the open storage of materials. The proposal is therefore considered to be incompatible with and detrimental to the visual amenity of the area and the setting of the Grade II listed church, in conflict with policies, B2 and B10 of the UDP and paragraphs 127, 189, 190, 192 and 200 of the NPPF.

3 The development would introduce an open storage operation within close proximity to residential dwellings which would result in the creation of a level of noise and disturbance through the comings and goings of vehicles and operations within the site which would be of detriment to the living conditions of nearby properties. The proposal is considered to be harmful to the residential amenity of the area and contrary to policies, B2 and EN5 of the UDP and Paragraph 127 of the NPPF.

4 The development would have a negative impact on highway safety by virtue the poor quality access and existing level of on street parking on Kings Road. The proposal is therefore considered to be detrimental to highway safety, contrary to UDP policy T14 and Paragraphs 108 and 109 of the NPPF.