

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

Reference No.: 17/02311/FUL Full Application

Proposal: **Change of use from offices (B1) to 10 apartments (C3) including demolition of rear extension to create yard and parking area and provision of new windows, roof lights and detached bin store)**

Location: 40 - 41 Frederick Street City Centre Sunderland SR1 1LN

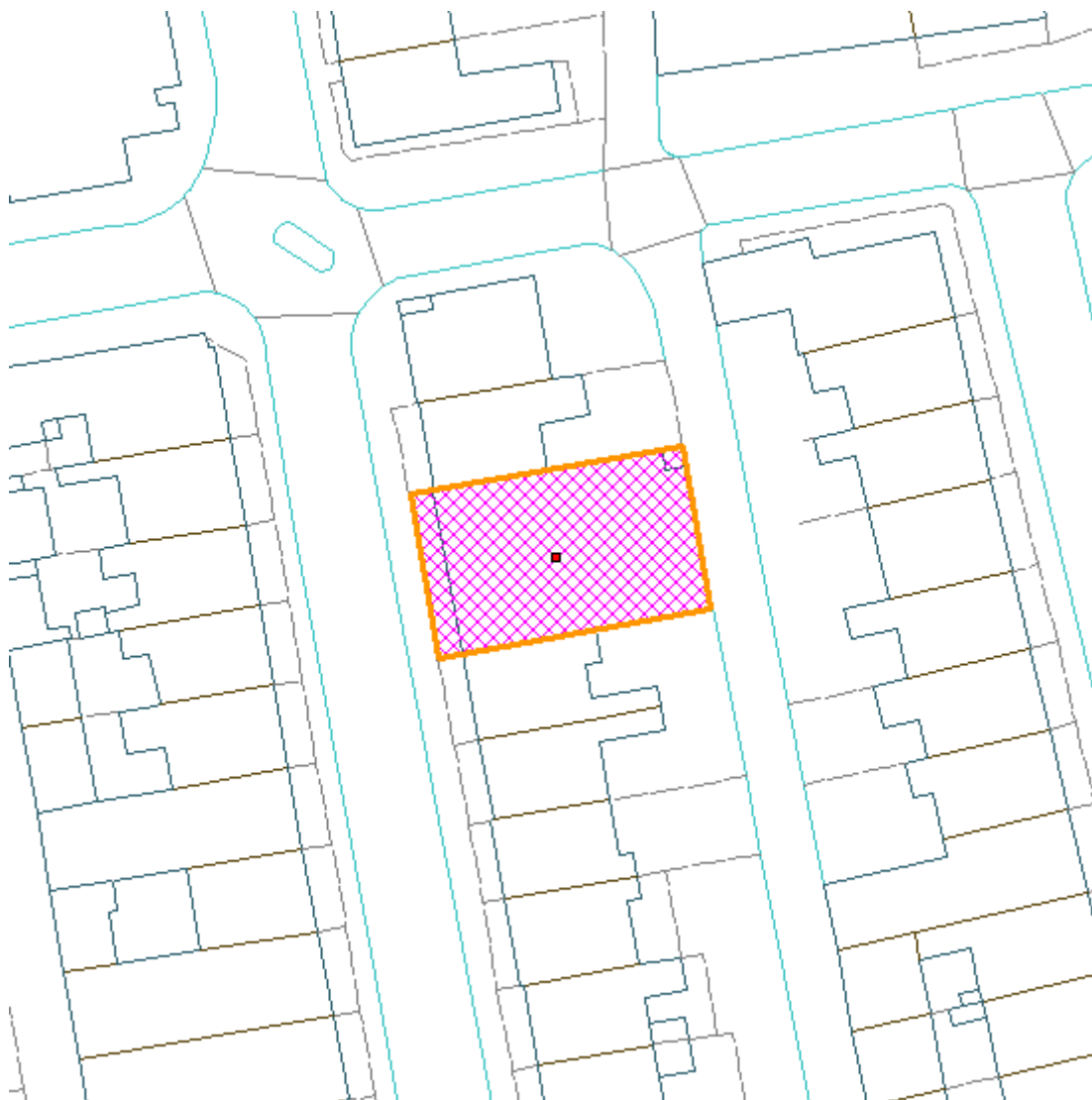
Ward: Hendon

Applicant: Robertson Property Investment Management Ltd

Date Valid: 27 November 2017

Target Date: 26 February 2018

Location Plan



PROPOSAL:

The above application seeks full planning permission for a change of use from offices (Use Class B1) to 10 residential apartments (Use Class C3) at 40-41 Frederick Street, Sunderland. The application has been referred for determination by Members given that any development of 10 or more apartments comprises "Major" development.

The site lies within the City Centre and there are a variety of surrounding land uses including offices and residential. The site itself forms part of a Grade II listed terrace which the list description identifies as being constructed circa 1840s. The list description specifically notes "Terrace of 10 houses, now offices".

The proposed apartments would each have at least two rooms providing a separate bedroom and living room; whilst there would be one roof light to the front and three to the back. A substantial single storey extension to the back of the existing building would be demolished to provide space for a rear yard that would include five parking spaces and a bin store.

The agent recently amended the application through the submission of a letter covering the marketing of the property to date and a bat survey. The Local Planning Authority undertook consultation with the Council's Ecologist upon receipt of the bat survey.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Hendon - Ward Councillor Consultation
Environmental Health
Tyne And Wear Archaeology Officer
Flood And Coastal Group Engineer
Northumbrian Water
Director Of Children's Services
Natural England

Final Date for Receipt of Representations: **17.01.2018**

REPRESENTATIONS:

Archaeology: "no comments"

Conservation Officer: comments awaited.

Ecology: Advise that no decision can be made until the submission of a preliminary ecological appraisal. Also advise that with regard to Habitats Regulations Assessment - the number and location of the residential units proposed means that the Council, as the competent authority, can record no significant effect from the construction or operational phases of development on the key features of the coastal European Sites. The applicant has recently submitted a Bat Risk Assessment and an update will be provided to Members in due course.

Education: No requirement for a contribution.

Environmental Health: Request a noise survey. The applicant has submitted an e-mail of response and an update will be provided to Members in due course.

Highways: Observe that Frederick St has a one-way system, the lane to the rear has a one-way system, that five parking spaces are to be created, the location within the City centre has good links to public transport, bins should be stored within the curtilage, a cycle store should be provided, temporary works would require a permit and that a parking scheme exists for City Centre Residents.

Housing: no objection

Lead Local Flood Authority: Request a flood risk assessment and drainage strategy. The applicant has submitted an e-mail of response and an update will be provided to Members in due course.

Natural England: no objection.

Northumbrian Water: Recommend a condition, given the proposed basement accommodation, ensuring the submission of a scheme for the disposal of foul water.

Urban Design: no response received.

Ward Members: no comments received.

No representations received.

POLICIES:

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

The Council recently undertook a consultation exercise for a new local plan, the "Draft Core Strategy and Development Plan". The National Planning Policy Framework (the Framework), at paragraph 216 states that

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to

The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)

The extent to which there are unresolved objection to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and

The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given"

In terms of the above advice within the Framework, Planning Strategy are currently giving consideration to the representations received from the above consultation exercise. The weight that can be given to the Draft Plan would therefore be limited to the extent that consideration of

the application in question, in terms of the development plan, will be made using the policies within the Unitary Development Plan and any other material considerations.

Sunniside Planning and Development Framework (2008)

R_1_Working towards environmentally sustainable development

R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land

H_1_Provision for new housing

EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources

B_2_Scale, massing layout and setting of new developments

EN_12_Conflicts between new development and flood risk / water resources

CN_22_Developments affecting protected wildlife species and habitats

B_4_Development within conservation areas

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

T_22_Parking standards in new developments

COMMENTS:

The provisions of the Planning and Compulsory Purchase Act 2004, at paragraph 38(6), states that the determination of planning applications must be made in accordance with the (development) plan unless material considerations indicate otherwise.

In terms of material considerations, the National Planning Policy Framework forms a material consideration. The Framework advises, at paragraph 215, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plans to the policies in the Framework, the greater the weight that may be given).

The Council, subsequent to the advice within para. 215 of the Framework undertook, an assessment (hereafter "the assessment") to establish whether policies within the UDP were consistent with the Framework. The Planning & Highways Committee, in November 2012, gave consideration to the assessment and

"endorsed the conclusions so that they could be applied accordingly to determine planning applications."

The initial point to note would be that the site benefits from an allocation within Unitary Development Plan Alteration No. 2 (hereafter "UDP2") as a "Strategic Location for Change". The associated policy within UDP2, SA55B.1, states that

"The following uses already contribute significantly to the character of the Sunniside area and should remain predominant

A2 Financial and professional services

A3 Restaurants and cafes

A4 Drinking establishments

B1 Business

C3 Housing"

Officers would conclude, in the absence of any material considerations to the contrary, that the change of use to residential would accord with UDP2 policy SA55B.1.

The Council, subsequent to the adoption of UDP2, published the "Sunniside Planning and Design Framework" (July 2008). The Design Framework identifies, at page 69, Acceptable Uses

A1 Retail
A3 Restaurants, snack bar, cafes
A4 Pubs and Bars
B1(a) Offices not in use class A2
C1 Hotels
C3 Housing (upper floors only).

The proposed development seeks residential apartments on all floors of the building which would be contrary to the above policy. The applicant does, however, intend to submit a letter from a chartered surveyor that identifies the marketing which has been undertaken and an update will be provided to Members in due course.

There are also general policies within the Design Framework which, in addition to the policy above, need to be given consideration.

The Design Framework, at policy SPDF1, states that

"The City Council will ensure all forms of development demonstrate a commitment to sustainability ...by, amongst other things encouraging the reuse of vacant land and the refurbishment of existing buildings".

Officers would advise that there would be a contribution towards Design Framework policy SPDF1 through the refurbishment of an existing building.

There are also policies within the original Unitary Development Plan (UDP), in addition to those noted above within UDP2 and the Design Framework, which need to be given consideration.

The UDP, at policy R1, states that

"The City Council will work towards environmentally sustainable development which meets the economic and social needs of the City. All proposals for development will be considered in relation to achieving a balance between accommodating change and protecting valued and important aspects of the natural and built environment.

The impact of development will be considered against the need to respect the long term welfare of the environment by

- (i) making the most efficient use of land, energy and other resources
- (ii) reducing reliance on the use of the motor car
- (iii) avoiding the risk of serious environmental damage which may be irreversible or very difficult to undo.

The assessment of UDP policy R1 against the Framework identifies the policy as being "fully compliant no conformity issue - continue to use policy".

Officers would advise that there would be a contribution towards (i) through the conversion of an existing building. Officers would further advise that there would be a contribution towards (ii) given that the site lies within the City Centre. Officers would finally advise that there would be a contribution towards (iii) given that a currently vacant listed building would be brought back into use. Officers would conclude, in the absence of any material considerations to the contrary, that the proposed development would accord with UDP policy R1.

The UDP, at policy R2, states that

"In considering proposals for new development, the Council will take into account the extent to which they

(i) make use of existing and proposed service and social infrastructure, taking advantage of known spare capacity

(ii) Minimise the need for travel

(iii) Make use of vacant and derelict land.

The assessment of UDP policy R2 against the Framework identifies the policy to be "fully compliant no conformity issue - continue to use policy".

Officers would advise that the proposed development would contribute towards (i) through using an existing building. Officers would also advise that there would be a contribution towards (ii) given the location of the site in the City Centre and there would be contribution towards (iii) given that a currently vacant building would be brought back into use. Officers would conclude that, in the absence of any material considerations to the contrary, the proposed development would accord with UDP policy R2.

The UDP, at policy H1, states that

"New housing will be provided which:

(i) Maximises locational choice (subject to environmental and infrastructure constraints) whilst allowing for a variety of needs in appropriate environments

(ii) caters for reduced out-migration and increasing household formation

(iii) assists in the regeneration of existing residential areas.

(iv) secures the re-use of vacant and derelict land wherever possible.

The assessment of UDP policies against the Framework identifies UDP policy H1 to be "fully compliant no conformity issue - continue to use policy".

Officers would advise that there would be a contribution towards (i) through the provision of apartments within the City Centre. Officers would also advise that there would be a contribution towards (iv) through the re-use of a currently vacant building. Officers would conclude, in the absence of any material considerations to the contrary, that the proposed development would accord with UDP policy H1.

Officers would, in terms of the principle of the development, conclude that the proposed development would accord with the relevant policies of the UDP and UDP2. An update will be

provided to Members in due course in terms of whether there are material considerations to outweigh the conflict with the Sunnisde Planning and Design Framework policy SPDF6. There needs to be consideration given to any detailed impacts arising as a result of the proposed development. These can be seen below.

Amenity

The UDP, at policy EN6, states that

"Where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise or vibration from roads, railways, existing industrial areas or other potentially noisy uses, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation into the design of the development. Where such measures are not practical, permission will normally be refused.

The assessment of UDP policies against the Framework identifies UDP policy EN6 as being "fully compliant no conformity issue - continue to use policy".

The Environmental Health Officer has request a noise assessment. The agent has submitted an e-mail of response drawing attention to other approvals in the local area and an update will be provided to Members in due course.

The UDP, at policy B2, states that

"The scale, massing, layout or setting of new developments should retain acceptable levels of privacy."

Officers would advise that the proposed development would not lead to a greater deal of overlooking than already exists in the area.

Drainage

The UDP, at policy EN12, states that

"In assessing proposals for development, the Council will seek to ensure that the proposal would

(i) not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding;

(ii) not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats"

The assessment of UDP policies against the NPPF identifies policy EN12 as being "broadly compliant".

The Lead Local Flood Authority has advised that the applicant should submit a flood risk assessment and drainage strategy. The agent has submitted an e-mail of response and an update will be provided to Members in due course.

The Northumbrian Water have recommended a condition, given the proposed basement accommodation, ensuring the submission of a scheme for the disposal of foul water.

Ecology

The UDP, at policy CN22, states that

"Development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the City."

The assessment of UDP policies against the Framework identifies UDP policy CN22 to be "fully compliant no conformity issue - continue to use policy".

The Council's Ecologist has advised that no decision can be made until the submission of a preliminary ecological appraisal. The applicant has recently submitted a Bat Risk Assessment and an update will be provided to Members in due course.

The Council's Ecologist has also advised that with regard to Habitats Regulations Assessment the number and location of the residential units proposed means that the Council, as the competent authority, can record no significant effect from the construction or operational phases of development on the key features of the coastal European Sites.

The Natural England have also raised no objection.

Heritage

The UDP, at policy B4, states that

"All development within and adjacent to Conservation Areas will be required to preserve or enhance their character or appearance..."

The assessment of UDP policies against the NPPF identifies UDP policy B4 to be "fully compliant no conformity issues - continue to use policy".

The submitted design & access statement states that the

"proposed alteration will have minimum visual impact on the street scene. We would propose reinstating original sliding timber sash window to the rear elevation. We would also look to take this opportunity to carry out external repairs such as repointing and decorations little maintenance has been carried out over a number of years. This will help safeguard the building and improve the appearance of the street".

The comments of the Council's Conservation Officer are anticipated imminently and an update will be provided to Members in due course.

Highways

The UDP, at policy T14, states that

"Proposals for new development should:-

(i) be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve

(ii) not cause traffic congestion or highways safety problems on existing roads;

(iii) make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment.

(iv) make provision for the loading and unloading of commercial vehicles

(v) indicate how parking requirements will be accommodated"

The assessment of UDP policies against the Framework identifies UDP policy T14 to be "broadly compliant - continue to use policy..."

The UDP, at policy T22, states that

In deciding the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to

(i) development type (e.g. scale, use, catchment, user characteristics);

(ii) locational characteristics (e.g. accessibility by modes other than the private car, population density, historic character"

The assessment of UDP policies against the Framework identifies UDP policy T22 to be "broadly compliant - continue to use policy..."

The submitted design & access statement states that

"The building is well served by public transport being located in Sunderland City Centre with a number of bus stops on John Street its self and Park Lane bus/ metro interchange just a few streets away.

The Highway Authority have stated that "the development is within the city centre with good links to public transport" and that consideration "should be given to providing a secure covered cycle store".

Officers would conclude that, in the absence of any material considerations to the contrary, the proposed development would accord with UDP policies T14 and T22 (subject to a condition ensuring the provision of a cycle store).

RECOMMENDATION: Members be minded to approve; subject to

1. The receipt of a positive response to the recent re-consultation from the Council's Ecologist (including any recommended conditions).
2. The receipt of a positive response to the recent re-consultation from the Council's Lead Local Flood Authority (including any recommended conditions).
3. The receipt of a positive response to the recent re-consultation from the Council's Environmental Health Officer (including any recommended conditions).

4. The receipt of a positive response from the Council's Conservation Officer (including any recommended conditions).
5. The receipt of additional information from the applicant that provides a substantive enough material consideration to outweigh the issues raised by the Sunnisde Planning and Development Framework Policy SPDF6.

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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

Proposed ground floor plan proposed basement floor plan (Drawing No. 03, Rev *)

Proposed first and second floor plans (Drawing No. 04, Rev *)

Proposed elevations (Drawing No. 06, Rev *)

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

- 3 No development shall take place within the basement of the building until a detailed scheme for the disposal of foul water from the basement has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources, in accordance with Unitary Development Plan policy EN12.

- 4 The development hereby approved shall not be occupied until details of a cycle store has been submitted to and approved in writing by the Local Planning Authority. The approved cycle store shall be provided before the occupation of the development hereby approved and shall thereafter be retained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with Unitary Development Plan policies T14 and T22, the development hereby approved provides cycle parking.

- 5 The development hereby approved shall not be occupied until the bin store shown on the proposed ground floor plan (Drawing No. 03, Rev *) has been provided on site. The bin store shall thereafter be retained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with paragraph 17 of the National Planning Policy Framework, the development hereby approved provides a good standard of amenity for future occupiers.

- 6 The development hereby approved shall not be occupied until the parking bays shown on the proposed ground floor plan (Drawing No. 03, Rev *) have been provided and delineated on site. The parking bays shall thereafter be kept clear of obstruction and only used for the purposes of parking in connection with the development hereby approved.

Reason: To ensure, in accordance with Unitary Development Plan policies T14 and T22, the development hereby approved, provides parking.

- 7 The apartments labelled unit 2 and 3 on the submitted proposed basement floor plan shall not be occupied until a section drawing of the proposed light wells to the rear of the property have been submitted to and approved in writing by the Local Planning Authority. The apartments labelled unit 2 and 3 on the submitted proposed basement floor plan shall not be occupied until the approved light wells have been provided.

Reason: To ensure, in accordance with paragraph 17 of the National Planning Policy Framework, the development hereby approved provides a good standard of amenity for future occupiers.

Reference No.: 17/02312/LBC Listed Building Consent

Proposal: **Demolition of rear extension, provision of new windows and roof lights and internal alterations (including provision of en suites).**

Location: 40 - 41 Frederick Street City Centre Sunderland SR1 1LN

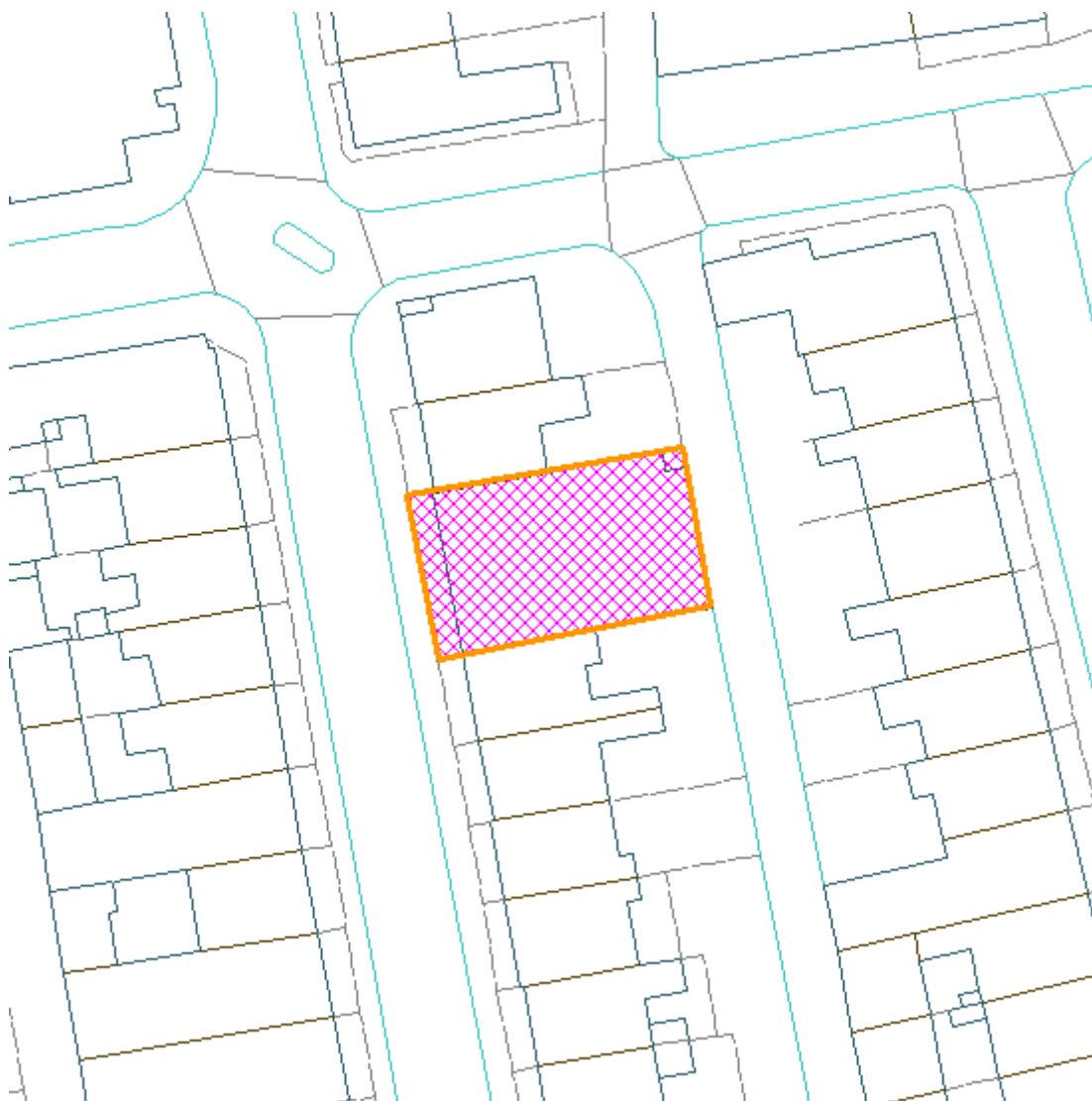
Ward: Hendon

Applicant: Robertson Property Investment Management Ltd

Date Valid: 27 November 2017

Target Date: 22 January 2018

Location Plan



PROPOSAL:

The above application seeks listed building consent for the demolition of a rear extension, provision of new windows and roof lights and internal alterations at 40-41 Frederick Street, Sunderland. The application has been referred for determination by Members given that the associated planning application comprises "Major" development.

The site itself forms part of a Grade II listed terrace which the list description identifies as being constructed circa 1840s. The list description specifically notes "Terrace of 10 houses, now offices".

The proposed works would include the removal of a staircase and the demolition of a substantial single storey rear extension. The proposed works would also include the provision of internal partition walls and en-suites for each apartment.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Hendon - Ward Councillor Consultation

Final Date for Receipt of Representations: **04.01.2018**

REPRESENTATIONS:

None received.

POLICIES:

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

National Planning Policy Framework (2012)

COMMENTS:

The Planning (Listed Building and Conservation Areas) Act 1990 states, at paragraph 16(2) that

"In considering whether to grant listed building consent for any works the local planning authority' shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

The National Planning Policy Framework (the Framework), at paragraph 132, subsequently states that

"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be."

The Council's Conservation Officer has visited the site and officers anticipate receiving a consultation response imminently. An update will be provided to Members in due course.

RECOMMENDATION: Members be minded to approve; subject to the receipt of a positive response from the Conservation Officer (including any recommended conditions).

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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

Proposed ground floor plan proposed basement floor plan (Drawing No. 03, Rev *)

Proposed first and second floor plans (Drawing No. 04, Rev *)

Proposed elevations (Drawing No. 06, Rev *)

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

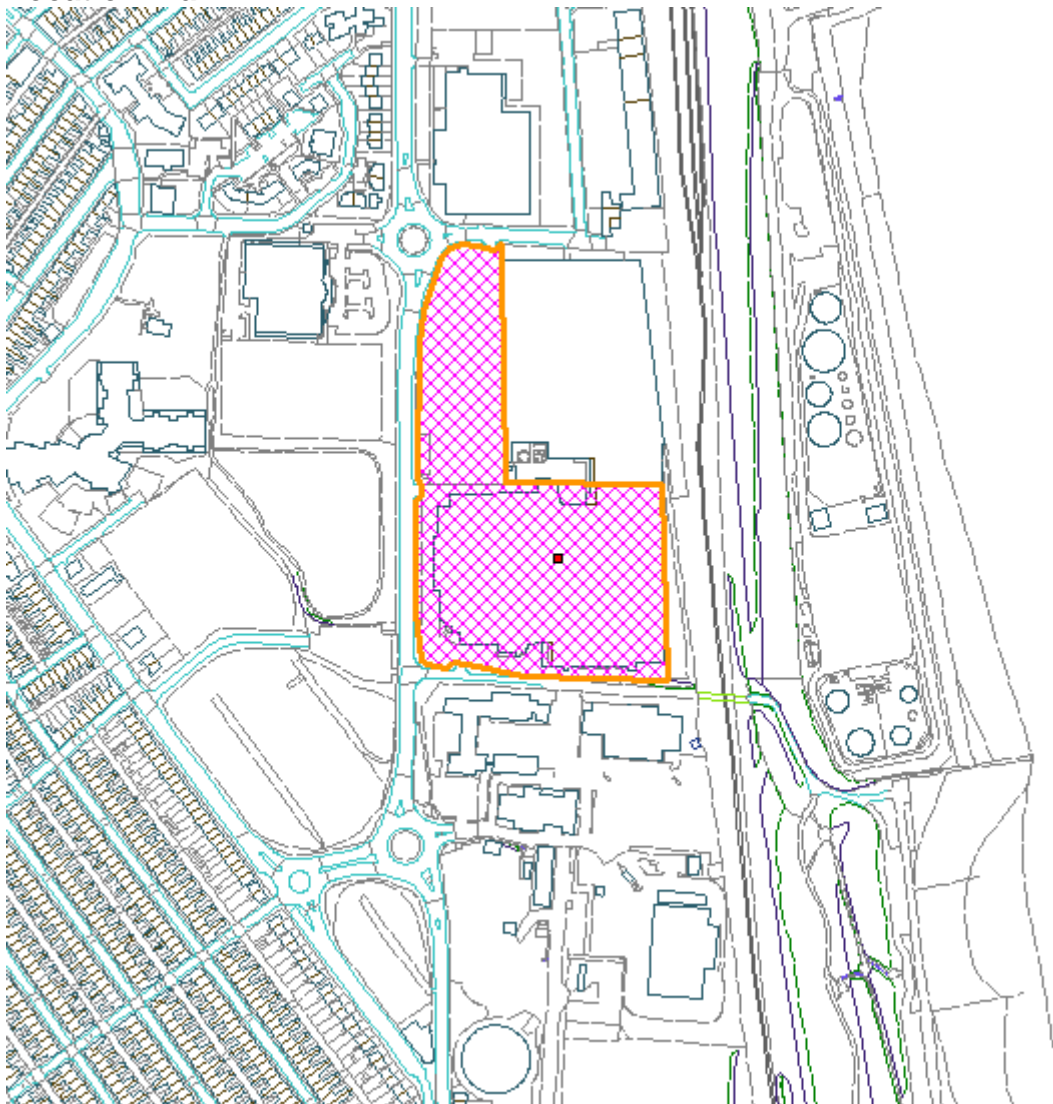
Reference No.: 17/02418/HY3 HYB Regulation (3)

Proposal: Hybrid Planning Application Comprising of: Full planning permission for the erection of 5728 sq metres of B2/B8 and ancillary B1 over two development plots (Plot1 1859 Sq Mtrs) and (Plot 2 3869 Sq Mtrs) with associated access, car parking, landscaping and drainage. Outline planning permission for up to 0.309 ha's of B2/B8 and ancillary B1 (Plot 3), all other matters reserved. (as amended)

Location: Former Littlewoods Home Shopping Group Ltd Commercial Road Hendon Sunderland SR2 8QS

Ward: Hendon
Applicant: Sunderland City Council
Date Valid: 19 December 2017
Target Date: 20 March 2018

Location Plan



PROPOSAL:

The above application seeks planning permission for a commercial development at Commercial Road, Sunderland. The application has been referred to the Development Control (South Sunderland) Sub-Committee for two reasons - namely, the City Council has an interest in the land in question and, secondly, the application comprises Major development.

The site lies to the south east of the city centre within the Hendon area. The surrounding area comprises a mix of uses including a freight / passenger railway line to the east, an office to the south (currently occupied by Sunderland City Council), a small public car park immediately to the west and, further afield to the west, a sports centre and residential.

The submitted design & access statement identifies that the site has previously been used as a call centre and warehouse for a former high street shopping company (Littlewoods). The statement continues to identify that the use closed in 2010 and that the site has now been cleared; with the only building remaining being on the eastern boundary. The site itself has an "L" shape plan form covering approximately 3.2 hectares.

The proposed development comprises an application for "hybrid" planning permission, whereby the applicant has sought full planning permission for plots 1 & 2 of the site and outline with all matters reserved for plot three. The submitted application form identifies that, across all three plots, the application seeks planning permission for Use Class B2 / B8 with ancillary Use Class B1. These Use Classes can be defined as

B1 (business) - (a) offices other than those in a use within Use Class A2 (professional and financial services) (b) research and development - laboratories, studios (c) light industry.

B2 (general industrial) - general industrial.

B8 (storage and distribution) - wholesale warehouses, distribution centres and repositories.

The submitted planning statement states that the anticipated end user for plot one would be a builders and plumbers merchant covering approximately 0.84 hectares with a building of around 1,600 square metres. The submitted plans show that the plot would be broadly rectangular in shape with access taken from the road to the west of the site. The plans show the provision of 21 parking spaces, a storage area enclosed by a turning circle and a rectangular building 3-5 metres off the western boundary measuring 79 metres (length), 21 metres (depth) and 8.4-8.75 metres (height).

The submitted planning statement continues by stating that the anticipated end use for plot two would be shared between ACT Construction with the other units leased out. The planning statement advises that ACT Construction have been displaced as a consequence of a recent planning approval for a dual carriageway to connect the Northern Spire Bridge to the City Centre; otherwise known as Sunderland Strategic Transport Corridor Phase 3 (planning approval: 17/00197/LP3). The plot overall covers approximately 1.31 hectares with the buildings covering around 3,850 square metres. The submitted plans show the plot would have an irregular shape with access taken from the road to the east off a newly created roundabout. The plans show the provision of six rectangular units generally set around the northern, southern and western edges of the site with parking and turning towards the middle. The largest building would be around 7 metres off the western boundary measuring 96 metres (length), 32 metres (depth) and 8.75 metres (height).

The submitted planning statement, in terms of plot three, identifies that the site covers approximately 0.31 hectares and seeks outline planning permission (with all matters reserved).

The agent subsequently amended the application in January 2018 through the submission of an amended application form, location plan and site plans and a further ground investigation report. The Local Planning Authority, upon receipt of these amended documents undertook a full re-consultation exercise; including re-notifying nearby residents, the display of four new sites notices and a further advertisement in the local newspaper (Sunderland Echo).

The agent further amended the application in February 2018 through the submission of an amended flood risk assessment and noise assessment. The documents are technical in nature which means that the re-consultation exercise has only been undertaken with the relevant technical consultees (such as Environmental Health and the Lead Local Flood Authority).

The agent also amended the application in March 2018 through the submission of a plan showing the proposed highway works adjacent to plot 2, a plan showing the extent of the area sought for full / outline planning permission and an updated Transport Statement taking into account more recent policy.

The Local Planning Authority has recently issued a screening opinion which identified that the proposed development would not require Environmental Impact Assessment.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Hendon - Ward Councillor Consultation
Tyne And Wear Archaeology Officer
Environmental Health
Flood And Coastal Group Engineer
Northumbrian Water
Natural England
Southern Area Command - Police
Fire Prevention Officer
Nexus
Network Rail
Environment Agency
NE Ambulance Service NHS Trust
Business Investment
Port Manager
Network Management
Tyne And Wear Archaeology Officer
Environmental Health
Flood And Coastal Group Engineer
Natural England

Environment Agency
Port Manager
Northumbrian Water
Network Rail

Final Date for Receipt of Representations: **05.03.2018**

REPRESENTATIONS:

Archaeologist: "No comments".

Business Investment: no response received.

Cllr Porthouse: "No comment".

Ecologist: Initial consultation - No objections, advise the recommendations within the submitted ecological appraisal should be implemented as described, with particular regard to breeding birds and the provision of landscaping. Advise that the Habitats Regulations Screening within the ecological appraisal can be given consideration as being appropriate and as the competent authority the Council can record no likely significant effect from the construction or operational phases of the development on the key features of the coastal European Site. Comments awaited on re-consultation

Environment Agency: No response received.

Environmental Health: Initial consultation - request further information covering contamination and noise. Comments awaited on re-consultation.

Fire Service: Seek clarification on whether buildings would be timber framed and attach an extract from the Building Regulations.

Health & Safety Executive: do not advise against, HSE does not advise, on safety grounds, against the granting of planning permission.

Hendon - Ward Councillor Consultation: no responses received.

Highway Authority: Advise that the proposed development would not be resisted on highway grounds.

Lead Local Flood Authority: Advise that the submitted details provide "sufficient information for a suggestion to be made for its approval without condition".

Natural England: no objection (Statutory nature conservation sites). Advise there may be scope to incorporate features into the design that are beneficial to wildlife. No response received to re-consultation.

Network Rail: No objections in principle.

Nexus: no objections, development would be within 400 metres of bus stops on Rosalie Terrace and Corporation Road. Seek conditions ensuring the provision of a travel plan; including "public transport taster tickets".

NE Ambulance Service NHS Trust: no response received.

Northumbrian Water: refer to their earlier response of 10 January 2018. The earlier response commented that, with regard to foul flows, the application did not provide sufficient details and recommended a pre-commencement condition.

Port Manager: no response received.

Southern Area Command (Police): no response received.

Urban Design: Advise that they have no major concerns with the general layout and the architectural detailing. Further advise that they have no objection to the massing of the proposed development; subject to appropriate screening. Also advise, in terms of plot two, that the block six should be re-sited to be in line with block four and that the final landscaping (including boundary treatments) should be conditioned.

No representations received.

POLICIES:

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

The Council recently undertook a consultation exercise for a new local plan, the "Draft Core Strategy and Development Plan". The National Planning Policy Framework (the Framework), at paragraph 216 states that

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to

The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)

The extent to which there are unresolved objection to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and

The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given"

In terms of the above advice within the Framework, Planning Strategy are currently giving consideration to the representations received from the above consultation exercise. The weight that can be given to the Draft Plan would therefore be limited to the extent that consideration of the application in question, in terms of the development plan, will be made using the policies within the Unitary Development Plan and any other material considerations.

SA_1_Retention and improvement of existing employment site

EC_4_Retention and improvement of existing business and industrial land

R_1_Working towards environmentally sustainable development

R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land

R_4_Incorporation of energy saving measures

EC_1_General Support for economic development proposals and initiatives

EC_3_Support for new and existing economic activity

EN_5_Protecting sensitive areas from new noise/vibration generating developments

B_2_Scale, massing layout and setting of new developments
EN_12_Conflicts between new development and flood risk / water resources
CN_23_Measures to conserve/ improve wildlife corridors
CN_22_Developments affecting protected wildlife species and habitats
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
EN_8_Developments within a consultation zone around hazardous installations
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

The provisions of the Planning and Compulsory Purchase Act 2004, at paragraph 38(6), states that the determination of planning applications must be made in accordance with the (development) plan unless material considerations indicate otherwise.

In terms of material considerations, the National Planning Policy Framework forms a material consideration. The Framework advises, at paragraph 215, that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework (the closer the policies in the plans to the policies in the Framework, the greater the weight that may be given).

The Council, subsequent to the advice within para 215 of the Framework undertook, an assessment (hereafter "the assessment") to establish whether policies within the UDP were consistent with the Framework. The Planning & Highways Committee, in November 2012, gave consideration to the assessment and

"endorsed the conclusions so that they could be applied accordingly to determine planning applications."

The initial point to consider would be that the site benefits from an allocation within the Unitary Development Plan (UDP). The Proposals Maps show the site as being an "Area to be retained and improved". The associated UDP policy, SA1, states that

"Established industrial / business areas and available sites within the will be retained and improved for the primary uses indicated below'

(3) Hendon'

Light industry, offices, research & development, general industry, storage & distribution (B1, B2, B8).

The provisions of UDP policy EC4 are also relevant which states that

"Existing business and industrial land' will be retained and improved for the following range of uses'

Acceptable primary uses

Offices, research & development, light industry (B1)

General Industry (B2)

Warehouses and storage (B8)"

The assessment of UDP policies against the Framework identified UDP policies SA1 and EC4 are "broadly compliant".

The application, as noted above, seeks full / outline planning permission for Use Classes B2 and B8 with ancillary Use Class B1. The application can therefore be given consideration as being in accordance with the above policies.

There are also more general policies within the UDP which need to be given consideration.

The UDP, at policy R1, states that

"The City Council will work towards environmentally sustainable development which meets the economic and social needs of the City. All proposals for development will be considered in relation to achieving a balance between accommodating change and protecting valued and important aspects of the natural and built environment.

The impact of development will be considered against the need to respect the long term welfare of the environment by

- (i) making the most efficient use of land, energy and other resources
- (ii) reducing reliance on the use of the motor car
- (iii) avoiding the risk of serious environmental damage which may be irreversible or very difficult to undo."

The assessment of UDP policy R1 against the Framework identifies the policy as being "fully compliant no conformity issue - continue to use policy".

Officers would advise that the proposed development would contribute towards (i) given that the proposed development would be sited on a previously developed piece of land within the built up area of the City. Officers would further advise that there would be a contribution towards (ii) given the positive comments from Nexus that the site lies within 400 metres of two bus stops. Officers would finally advise that the aspects covered by (iii) have been given consideration in the ecology and health & safety sections below and identified as being acceptable.

Officers would conclude that, in the absence of any material considerations to the contrary, the proposed development can be given consideration as being in accordance with UDP policy R1.

The UDP, at policy R2, states that

"In considering proposals for new development, the Council will take into account the extent to which they

- (i) make use of existing and proposed service and social infrastructure, taking advantage of known spare capacity'
- (ii) Minimise the need for travel'
- (iii) Make use of vacant and derelict land.

The assessment of UDP policy R2 against the Framework identifies the policy to be "fully compliant no conformity issue - continue to use policy".

Officers would advise that the proposed development would contribute towards (i) through using an existing, previously developed piece of land and connecting to the existing highway network at

Commercial Road. Officers would further advise that there would be a contribution towards (ii) given the location of the site within the built up area of the City. Officers would finally advise there would be a contribution to (iii) given the currently vacant nature of the site.

Officers would conclude that, in the absence of any material considerations to the contrary, the proposed development would accord with UDP policy R2.

The UDP, at policy R4, states that

"In assessing proposals for development' the Council will have regard to evolving government policy on the efficient use of energy and use of non-fossil fuels sources. Development proposals will be encouraged which incorporate energy saving measures by virtue of the grouping and orientation of buildings, the provision of shelter and energy-saving technology. Combined heat and power schemes will be encouraged in Major new developments and restructuring schemes.

The assessment of UDP policies against the Framework identifies UDP policy R4 to be "fully compliant no conformity issue - continue to use policy".

Officers would advise that a condition could be attached, should Members be minded to grant planning permission, ensuring the provision of a scheme to ensure energy saving measures into the new build units. Officers would conclude, in the absence of any material considerations to the contrary, that the proposed development would accord with UDP policy R4 (subject to the suggested condition).

The UDP, at policy EC1, states that

"The City Council will encourage proposals and initiatives which:

- (i) develop the City role as a Major Manufacturing centre, especially in relation to advanced or high technology processes
- (ii) Assist the creation and growth of local businesses
- (iii) Further develop the service sector, especially education, offices and tourism
- (iv) Are targeted at areas of economic and social deprivation

The degree to which a location is suitable for business use and access for the workforce together with the impact of development on the local environment will also be taken into account"

The assessment of UDP policies against the Framework identifies UDP policy EC1 as being "broadly compliant - continue to use policy as no conformity issue".

Officers would advise that there would be a contribution towards (ii) through the provision of space for local businesses (as noted in the submitted planning statement). Officers would conclude, in the absence of any material considerations to the contrary, that the proposed development would contribute towards UDP policy EC1.

The UDP, at policy EC3, states that

"The Council will support new and existing economic activity by

- (i) providing land and premises for business and industrial use.

- (ii) encouraging initiatives which improve employment opportunities for disadvantaged groups
- (iii) creating a higher quality environment for industry, business and the workforce
- (iv) encouraging the re-use of land and premises
- (v) developing and improving infrastructure

The assessment of UDP policies against the Framework identifies UDP policy EC3 as being "fully compliant no conformity issue - continue to use policy".

Officers would advise that there would be a contribution towards (i) through the provision of land and premises for business and industrial use. Officers would further advise that there would be a contribution towards (iv) given that the proposal involves the re-use of land. Officers would conclude, in the absence of any material considerations to the contrary, that the proposed development would contribute towards UDP policy EC3.

Officers would, in terms of the principle of the development, conclude that the proposed development would accord with the relevant policies within the UDP; which themselves have been identified as being in accordance with the Framework. Officers consider that there are not any material considerations that indicate a decision should be made otherwise. Officer advice would therefore be that the principle of the development can supported and consideration should subsequently be given to any detailed impacts arising as a result of the proposed development. These can be seen below.

Amenity

The UDP, at policy EN5, states that

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

The assessment of UDP policies against the Framework identifies UDP policy EN5 as being "fully compliant no conformity issue - continue to use policy".

The submitted Noise Impact Assessment identifies that the rated sound levels would be 18dB and 8dB below the measured background sound level at the residential (to the north west of the site) and office receptor (to the south of the site). The Assessment further states that as the noise sensitive receptors are close to busy roads the proposed development would not introduce any new sound characteristics. The Assessment concludes that "the excess rating level over background sound level is an indicated of low impact according to BS4142" and that the "impact is considered to be a No Observed Effect Level in alignment with the NPPF and Noise Policy Statement for England aims".

The Environmental Health Officer has examined the submitted documents and plans and has sought further information covering noise. The agent has recently submitted an amended Noise Impact Assessment and an update will be provided to Members in due course.

The UDP, at policy B2, states that

"The scale, massing, layout or setting of new developments' should' retain acceptable levels of privacy."

The assessment of the UDP policies against the Framework identifies UDP policy B2 to be "fully compliant no conformity issue - continue to use policy".

Officers would advise that the proposed development would not lead to a material impact upon the privacy for any of the nearby land and buildings.

Design

The UDP, at policy B2, states that

"The scale, massing, layout or setting of new developments' should respect and enhance the best qualities of nearby properties and the locality; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas."

The assessment of the UDP policies against the Framework identifies UDP policy B2 to be "fully compliant no conformity issue - continue to use policy".

The design & access statement identifies that plot one would be a

"two storey linear building form with a gentle dual pitched roof to help reduce the scale visually. The nature of the proposed building use generates the simple building mass, whilst the shape and area of the site combined with the warehousing requirements defines the scale of the building.

The building has been located on the western edge of the site, both to give a street presence to Commercial Road and to conceal the service and storage area from general view. The building has been set back slightly from the western boundary so as to reflect the language of the wider street frontage, and the main elevation to Commercial Road have been carefully considered to present an attractive front the surrounding development including the adjacent sports centre."

The design & access statement for plot one also identifies that the boundaries, except for the east, would be a palisade fence and that soft landscaping would be provided to the north western and southern edges including grassed areas, shrubs and trees.

The design & access statement for plot two identifies that the

"heights of the buildings are consistent with similar industrial developments and are appropriate in terms of the intended use classes and end users. The buildings have been designed to use colours and detailing that provide articulation and make the buildings readable in the street scene."

The design & access statement also identifies for plot two that "significant landscaping is to be provided to the eastern and southern boundaries".

The design & access statement identifies, for plot three, that

"any structures on the site in future phases will relate to those currently proposed on plots 1 and 2 through being of a similar scale and massing."

The Council's Urban Designer has commented that they have no major concern with the general layout and the architectural detailing. The Urban Design has further advised that they have no objection to the massing of the proposed development; subject to appropriate screening. The Urban Designer has also advised, in terms of plot two, that block six should be re-sited to be in line with block four and that the final landscaping (including boundary treatments) should be conditioned.

The agent intends to submit an amended plan re-siting block six on plot four, as advised by the Urban Designer. An update will be provided to Members in due course.

Drainage

The UDP, at policy EN12, states that

"In assessing proposals for development' the Council' will seek to ensure that the proposal would

(i) not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding'

(ii) not adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats"

The assessment of UDP policies against the NPPF identifies policy EN12 as being "broadly compliant".

The submitted Flood Risk Assessment identifies that the site lies within Flood Zone 1 (i.e. land with a low probability of flooding) and concludes, after giving consideration to all sources of flooding, that the site has a low risk of flooding. The Assessment continues by identifying that the use of soakaways would not be suitable due to underlying ground conditions and that the ground water level makes the use of SUDS unsuitable.

The Assessment identifies that plots 1 & 2 would incorporate source control by using the proposed parking bays as permeable areas with surface water being routed underneath the railway line to the east of the site and discharged into the sea from an outfall point at Hendon Promenade. The Assessment further identifies that the proposed drainage design includes a 40% allowance for climate change. The Assessment also identifies that the maintenance of the drainage system would be undertaken by the plot owners or a management company.

The Lead Local Flood Authority have examined the submitted documents and plans and have suggested approval; without condition.

The Northumbrian Water have also advised that with regard to surface water they have no issues to raise. They have advised that, with regard to foul flows, the application does not provide sufficient details and they recommend a condition.

Officers would conclude, in the absence of any material considerations to the contrary, that the proposed development would be in accordance with UDP policy EN12 (subject to the recommended conditions).

Ecology

The Proposals Map within the UDP identifies the site as lying within a "Wildlife Corridor". The associated UDP policy, CN23, states that

"Within wildlife corridors as indicated on the proposals map:-

- (i) measures to conserve and improve the environment will be encouraged using suitable designs to overcome any potential user conflicts
- (ii) development which would adversely affect the continuity of corridors will normally be refused.
- (iii) where, on balance, development is acceptable because of wider plan objectives, appropriate habitat creation measures will be required to minimise its detrimental impact"

The assessment of UDP policies against the Framework identifies UDP policy CN23 to be "fully compliant no conformity issue - continue to use policy".

The UDP also has a more general ecology policy, CN22, which states that

"Development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the City."

The assessment of UDP policies against the Framework identifies UDP policy CN22 to be "fully compliant no conformity issue - continue to use policy".

The submitted ecological appraisal identifies that there are seven designated nature conservation sites within 2km of the proposed development site. The appraisal states that the

"scale of the proposals and the location of the development site within close proximity to existing buildings of similar use, and on a previously developed site, it is considered that the proposals will not impact upon nearby local wildlife sites."

The ecological appraisal continues by stating that four types of habitat were recorded during the Phase 1 Survey, the site

"largely comprises areas of bare ground and a building, with narrow strips of semi-improved neutral grassland and a small number of scattered trees along the site boundaries. These habitat types are common and widespread both locally and nationally, with limited ecological value and the loss of such habitats is considered to be of negligible impact".

The ecological appraisal also identifies that there were no controlled invasive species on site and that whilst the site has very little potential for the majority of protected species there are habitats suitable for supporting common nesting birds which means that any tree and shrub clearance works should be undertaken outside the bird nesting season or as inspected by an ecologist.

The ecological appraisal makes recommendations, such as native and shrub species and insect friendly plants being incorporated into any planting scheme.

The Council's Ecologist has advised that they have no objections and advise the recommendations within the submitted ecological appraisal should be implemented as described, with particular regard to breeding birds and the provision of landscaping.

The Natural England have also advised that, in terms of statutory sites, they do not have any objections. They have also advised that there would be scope to incorporate features that are beneficial to wildlife. Officers would advise that a condition, if Members were minded to grant planning permission, could ensure the provision of these features.

Officers would conclude, in the absence of any material considerations to the contrary, that the proposed development would accord with UDP policies CN22 and CN23.

Ground conditions

The UDP, at policy EN14, states that

"Where development is proposed on land which there is reason to believe is either

(i) unstable or potentially unstable

(ii) contaminated or potentially at risk from migrating contaminants

(iii) potentially at risk from migrating landfill gas or mine gas

The Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development subject to preventative, remedial, or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out."

Officers consider that UDP policy EN14 aligns closely with the Framework.

The submitted Preliminary Ground Investigation Report identifies that

"all determinants were significantly below the generic guidance values and therefore for the proposed development, the site can be considered not to be contaminated".

The Report also identifies that

"groundwater was only encountered in borehole BH1 at a depth of 4.7mbgl from within a sandier horizon, but is unlikely to affect construction."

The Environmental Health Officer has sought further information covering contamination. The agent has recently submitted additional information and an update will be provided to Members in due course.

Health & Safety

The UDP, at policy EN8, states that

"Developments within a consultation zone around hazardous installations will not be permitted if, in the opinion of the health and safety executive, this would result in an undesirable increase in those at risk."

The assessment of UDP policies against the Framework, identifies UDP policy EN8 to be "fully compliant no conformity issue - continue to use policy".

The Health & Safety Executive have confirmed that, whilst the site does lie within at least one Consultation Distance of Major Hazard Sites / pipelines, they

"do not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case"

Officers would conclude, in the absence of any material considerations to the contrary, that the proposed development would accord with UDP policy EN8.

Highways

The UDP, at policy T14, states that

"Proposals for new development should:-

(i) be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve

(ii) not cause traffic congestion or highways safety problems on existing roads'

(iii) make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment.

(iv) make provision for the loading and unloading of commercial vehicles

(v) indicate how parking requirements will be accommodated

The assessment of UDP policies against the Framework identifies UDP policy T14 to be "broadly compliant - continue to use policy..."

The UDP, at policy T22, states that

In deciding the appropriate level of car and cycle parking to be provided in connection with a development proposal, the Council will have regard to

(i) development type (e.g. scale, use, catchment, user characteristics);

(ii) locational characteristics (e.g. accessibility by modes other than the private car, population density, historic character"

The assessment of UDP policies against the Framework identifies UDP policy T22 to be "broadly compliant - continue to use policy..."

The submitted Transport Statement identifies that there are two bus stops within 200 metres of the site and a further one within 250 metres on Villetta Road; providing 13 buses per hour during the weekday and 11 buses during the Saturday peak hours. The Statement continues by identifying that pedestrian access would be possible from Commercial Road and Robinson Terrace and that a cycle lane along the local highway network caters for cyclists. The Transport Statement further states that there have been two accidents in a five year period and considers there to be no serious safety issues which means that no safety mitigation measures are required.

The Transport Statement, in terms of the proposed development, states that the existing junction of Commercial Road and Hendon Beach Road would be reconfigured to a three way signalised junction incorporating a right turn pocket on Commercial Road; with the existing pedestrian signalised crossing being removed and an on demand pedestrian phase being incorporated into the new signal setup. The Transport Statement further identifies that there would be 23 customer and staff parking spaces for plot one and 80 customer and staff parking spaces for plot two with cycle storage facilities also provided. The Transport Statement finally identifies that a travel plan would be produced; subject to the needs of the occupiers.

The Highway Authority have examined the submitted documents and plans and have advised that "the proposed development would not be resisted on highway grounds". They have recommended condition during the construction phase for a Scheme of Work.

The Highway Authority have raised a series of detailed issues which are noted below:

In terms of plot one the Highway Authority have sought to ensure that deliveries should be co-ordinated with the operational hours of the business where practical to avoid parking taking place on the highway - officers are of the view that these matters would be covered by the Highway Code rather than through planning conditions. The Highway Authority have also sought for the unit to be restricted to building supply products or similar light industrial use and not for general retail premises - officers would advise that the development description would ensure that the proposed development would only be used for Use Classes B2 / B8 with ancillary B1 (i.e. not as retail premises).

In terms of plot two, the Highway Authority have sought that highway improvements will need to be undertaken before occupation. These works include the formation of a mini-roundabout at the entrance, alterations to kerb-lines, road marking provision and carriageway / footway works on Hendon Beach Road. The works would also include a proposal to restrict outbound vehicles to turning left only which would then lead to the roundabout adjacent to Jack Crawford House.

In terms of plot three, the Highway Authority have not raised any detailed issues.

The Nexus have commented that they have no objections and that the development would be within 400 metres of bus stops on Rosalie Terrace and Corporation Road. They have sought a condition ensuring the provision of a Travel Plan (as suggested within the submitted Transport Statement). The Nexus have, however, also suggested that the travel plan should include "public transport taster tickets" whereby the occupiers of each plot provide staff with a four week bus pass. Officers would advise that any travel plan would not necessarily need to include such a pass given that such a provision would not be necessary to make the development acceptable in planning terms.

Officers would conclude, in the absence of any material considerations to the contrary, that the proposed development would accord with UDP policies T14 and T22.

Other

The Fire Service has sought advice concerning whether the buildings would be timber framed and have enclosed an extract from the Building Regulations. Officers would advise that these are matters for consideration at the Building Regulations stage, rather than being planning concerns.

RECOMMENDATION:

To APPROVE the application in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report subject to the conditions below and subject to:

1. The receipt of amended plans showing the re-siting of block four within plot two and the receipt of a positive response from the Council's Urban Designer (including any recommended conditions).
2. The receipt of a positive response to the recent re-consultation from the Council's Environmental Health Officer (including any recommended conditions).

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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Proposed site plan, Rev A
 - Proposed site plan, Rev A (showing extent of full planning permission)
 - Proposed site plan Detail on plot 1 & 2, Rev A
 - Proposed site plans, Drawing No. 3833 10 01 A
 - Proposed floor plans, Drawing No. 3833 20 01 A
 - Proposed elevations, Drawing No. 3833 20 02 A
 - Roof Plan and Section - Block 1 (Units A-E) 1378 (00)03 P1
 - Elevations - Block 1 (Units A-E) 1378 (00)02 P2
 - Floor Plan - Block 1 (Units A-E) 1378 (00)01 P1
 - Proposed Site Layout Option 1 1378 SK01 P2
 - Roof Plan and Section - Block 2 (Unit F) 1378 (00)21 P1
 - Floor Plan and Elevations - Block 2 (Unit F) 1378 (00)20 P1
 - Roof Plan and Section - Block 3 (Unit G) 1378 (00)41 P1
 - Floor Plan and Elevations - Block 3 (Unit G) 1378 (00)40 P1
 - Roof Plan and Section - Block 4 (Unit H) 1378 (00)61 P1
 - Floor Plan and Elevations - Block 4 (Unit H) 1378 (00)60 P1
 - Roof Plan and Section - Block 5 (A.C.T. Offices) 1378 (00)83 P1
 - Floor Plans - Block 5 (A.C.T. Offices) 1378 (00)80 P2
 - North and South Elevations - Block 5 (A.C.T. Offices) 1378 (00)82 P1
 - West and East Elevations - Block 5 (A.C.T. Offices) 1378 (00)81 P1
 - Roof Plan and Section - Block 6 (Storage Shed) 1378 (00)91 P1
 - Floor Plan and Elevations - Block 6 (Storage Shed) 1378 (00)90 P1
 - Proposed Site Layout ACT Construction 1378 (90)01 P1
 - Recommendations made within the Ecological Appraisal by Dendra Consulting Ltd
 - Seawall Outfall Detail, Drawing NF036_003 (Revision P1)

- Proposed Surface Water Drainage - Option 2, Drawing No. NF036 / 002 (Revision P3)
- Proposed External Drainage Arrangement JCC18-041-100 (Revision A)
- Plot 2 - Commercial Road PL02-ComRd-001 (rev. 0/-)

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

- 3 The development hereby approved shall only be occupied once the approved drainage system has been fully installed.

Reason: To ensure, in accordance with Unitary Development Plan Policy EN12, the development hereby approved would not increase the risk of flooding elsewhere.

- 4 The development hereby approved shall only be occupied and used for purposes which fall within Use Classes B2 and B8 and for ancillary Use Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any subsequent Order) and for no other purposes.

Reason: To ensure compliance with the submitted details.

- 5 No development shall commence on plot one until a Scheme of Work has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include defined routes for site deliveries and construction traffic. The Scheme shall also include details of site compounds, contractor parking, wheel washing and / or road cleaning operations. The construction works shall thereafter take place in accordance with the approved Scheme.

Reason: To ensure, in accordance with Unitary Development Plan policy T14, the development hereby approved would not cause traffic congestion or highway safety problems.

- 6 No development shall commence on plot one until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To prevent, in accordance with Unitary Development Plan Policy EN12, the increased risk of flooding from any sources.

- 7 No development shall commence on plot one until final details of the proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The site levels shall include existing and proposed ground levels, the final heights of the buildings hereby approved and at least two existing and proposed cross sections through the site on a north-south and east-west axis. The development hereby approved shall thereafter be construction in accordance with the approved details.

Reason: To ensure, in accordance with Unitary Development Plan policy B2, the proposed development respects and enhances the qualities of nearby properties and the locality.

- 8 No development shall commence on plot until a statement identifying how energy saving measures will be incorporated into the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be included in the final build and maintained thereafter.

Reason: To ensure, in accordance with Unitary Development Plan Policy R4, the development has regard to the efficient use of energy.

- 9 No development shall commence on plot one above damp proof course level until details and / or samples of the proposed construction materials have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be constructed in accordance with the approved materials.

Reason: To ensure, in accordance with Unitary Development Plan policy B2, the proposed development respects and enhances the qualities of nearby properties and the locality.

- 10 No development shall commence on plot one above damp proof course level until details of the final landscaping (including means of enclosure) has been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall thereafter be provided before the development has first been brought into use and the landscaping shall be provided within the first planting season following completion of the development hereby approved. The landscaping shall be maintained for a period for a period of at least five years including watering during dry periods.

Reason: To ensure, in accordance with Unitary Development Plan policies B2 and CN22, the proposed development respects and enhances the qualities of nearby properties and the locality and enhances biodiversity.

- 11 The development hereby approved on plot one shall not be occupied until final details of any plant, such as air conditioning units, have been submitted to and approved in writing by the Local Planning Authority. The details of the plant shall include details of the noise generated by the plant and proposed plans and elevations drawn to a metric scale. The development shall thereafter be installed and maintained in accordance with the approved details.

Reason: To ensure, in accordance with Unitary Development Plan policy B2, the proposed development respects and enhances the qualities of nearby properties and the locality.

- 12 The development hereby approved on plot one shall not be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Unitary Development Plan policy T14, the development hereby approved would be readily accessible by pedestrians, cyclists as well as users of public and private transport.

- 13 The development hereby approved on plot one shall not be occupied until details of the proposed management company who would undertake maintenance of the landscaped areas hereby approved has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Unitary Development Plan policy B2, the proposed development respects and enhances the qualities of nearby properties and the locality.

- 14 The development hereby approved on plot one shall not be brought into use until final details of the works to be undertaken have been submitted to and approved in writing by the Local Planning Authority. The final details shall include elevation drawings of the timber tree racks to the east of the plot, the diesel storage tank and the refuse storage. The final details shall also include an indication of the maximum height for the proposed storage area. The proposed development shall thereafter be constructed and operated in accordance with the approved details.

Reason: To ensure, in accordance with Unitary Development Plan policy B2, the proposed development respects and enhances the qualities of nearby properties and the locality.

- 15 The development hereby approved on plot one shall only be brought into use once the areas shown as being concrete surfacing, paving slabs and tarmac on the submitted site and indicative landscape plan at roof level (Drawing No. 3822 10 01 A) have been fully provided on site.

Reason: To ensure, in accordance with Unitary Development Plan policies T14 and T22, the development hereby approved would be readily accessible.

- 16 The areas identified as "outdoor sales area" (as shown on Drawing No. 3833 10 01, Revision A) and "sales area" and "counter / sales area" (as shown on Drawing No. 3833 20 01, Revision A) on plot one shall only be used in an ancillary manner for the sale of goods from the warehouse hereby approved and shall at no point be used as a separate self-contained retail unit.

Reason: To ensure compliance with the submitted details.

- 17 The area identified as a "mezzanine area" on the proposed first floor plan (as shown on Drawing No. 3833 20 01, Revision A) on plot one shall not be used for the sale of goods from the warehouse hereby approved.

Reason: To ensure compliance with the submitted details.

- 18 No development shall commence on plot two until a Scheme of Work has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include defined routes for site deliveries and construction traffic. The Scheme shall also include details of site compounds, contractor parking, wheel washing and / or road cleaning operations. The construction works shall thereafter take place in accordance with the approved Scheme.

Reason: To ensure, in accordance with Unitary Development Plan policy T14, the development hereby approved would not cause traffic congestion or highway safety problems.

- 19 No development shall commence on plot two until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To prevent, in accordance with Unitary Development Plan Policy EN12, the increased risk of flooding from any sources.

- 20 No development shall commence on plot two until final details of the proposed site levels have been submitted to and approved in writing by the Local Planning Authority. The site levels shall include existing and proposed ground levels, the final heights of the buildings hereby approved and at least two existing and proposed cross sections through the site on a north-south and east-west axis. The development hereby approved shall thereafter be construction in accordance with the approved details.

Reason: To ensure, in accordance with Unitary Development Plan policy B2, the proposed development respects and enhances the qualities of nearby properties and the locality.

- 21 No development shall commence on plot two until a statement identifying how energy saving measures will be incorporated into the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be included in the final build and maintained thereafter.

Reason: To ensure, in accordance with Unitary Development Plan Policy R4, the development has regard to the efficient use of energy.

- 22 No development shall commence on plot two above damp proof course level until details and / or samples of the proposed construction materials have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be constructed in accordance with the approved materials.

Reason: To ensure, in accordance with Unitary Development Plan policy B2, the proposed development respects and enhances the qualities of nearby properties and the locality.

- 23 No development shall commence on plot two above damp proof course level until details of the final landscaping (including means of enclosure) has been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall thereafter be provided before the development has first been brought into use and the landscaping shall be provided within the first planting season following completion of the development hereby approved. The landscaping shall be maintained for a period for a period of at least five years including watering during dry periods.

Reason: To ensure, in accordance with Unitary Development Plan policies B2 and CN22, the proposed development respects and enhances the qualities of nearby properties and the locality and enhances biodiversity.

- 24 The development hereby approved on plot two shall not be occupied until final details of any plant, such as air conditioning units, have been submitted to and approved in writing by the Local Planning Authority. The details of the plant shall include details of the noise generated by the plant and proposed plans and elevations drawn to a metric scale. The development shall thereafter be installed and maintained in accordance with the approved details.

Reason: To ensure, in accordance with Unitary Development Plan policy B2, the proposed development respects and enhances the qualities of nearby properties and the locality.

- 25 The development hereby approved on plot two shall not be occupied until a travel plan has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Unitary Development Plan policy T14, the development hereby approved would be readily accessible by pedestrians, cyclists as well as users of public and private transport.

- 26 The development hereby approved on plot two shall not be brought into use until the highway works shown on the submitted General Arrangement Plan (drawing No. 4179/308, Revision A) have been fully provided on site.

Reason: To ensure, in accordance with Unitary Development Plan policy T14, the development hereby approved would not cause traffic congestion or highway safety problems.

- 27 The development hereby approved on plot two shall not be occupied until details of the proposed management company who would undertake maintenance of the landscaped areas hereby approved has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure, in accordance with Unitary Development Plan policy B2, the proposed development respects and enhances the qualities of nearby properties and the locality.

- 28 The development hereby approved on plot two shall only be brought into use once the areas shown as being concrete and tarmac on the submitted proposed site layout (1378 (90)01 P1) have been fully provided on site.

Reason: To ensure, in accordance with Unitary Development Plan policies T14 and T22, the development hereby approved would be readily accessible.

- 29 In terms of plot three, application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this

permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be agreed.

Reason: Pursuant to the provision of Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

- 30 In terms of plot three, approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the development is commenced.

Access
Appearance
Landscaping
Layout
Scale

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Reason: The application is in outline only as no details have been submitted of the reserved matters, they are reserved for subsequent approval of the Local Planning Authority.

- 31 No development shall commence until a Scheme of Work has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include defined routes for site deliveries and construction traffic. The Scheme shall also include details of site compounds, contractor parking, wheel washing and / or road cleaning operations.

Reason: To ensure, in accordance with Unitary Development Plan policy T14, the development hereby approved would not cause traffic congestion or highway safety problems.