

Development Control
(South Sunderland)
Sub-Committee

SUPPLEMENT

Number:	S3
Application No.	09/02274/LAP
Proposal:	Erection of single storey extensions to the north and eastern side of the property, conversion of existing garage to day lounge and construction of single storey extension to South West side of property (Amended description 19.08.2009).
Location:	Millenium Bungalow, 10 Sea View Road West, Sunderland

Following the preparation of the report a response from Natural England has been received via e-mail on 27 August 2009. The e-mail outlines that they are not able to comment at this time but anticipate a response being provided in advance of the meeting however they have verbally confirmed that it is unlikely that their response will raise any issues. As such should a full response in this regard will be detailed in a report to be circulated at the meeting.

RECOMMENDATION: MINDED TO GRANT CONSENT subject to no new objections being received.

Number:	S4
Application No.	09/02378/FUL
Proposal:	Change of use from warehouse to retail showroom and alterations to west elevation (retrospective).
Location:	Furniture 2 Go, Hendon Road, Hendon

As stated in the main report, the proposed change of use is not considered to accord with policies EC4, S13, SA1, T14 and T22 of the adopted Unitary Development Plan and the advice of Planning Policy Statement 6, for it would result in the presence of a 'town centre' use in an out-of-centre location and create conditions prejudicial to highway safety.

However, the applicant had not submitted any supporting information with the application to address the 'key considerations' set out in PPS6, against which such development must be assessed. The applicant had been invited to submit a statement supporting the application and addressing the five key considerations set out in PPS6 but, at the time of writing the main report, no such documentation had been received. Since the production of the main report, the applicant has still not submitted a statement in support of the application, and so the proposal must be assessed and determined in line with the relevant policy of the UDP and the advice of PPS6.

CONCLUSION

By electing not to submit the suggested supporting information, the applicant has failed to address the key considerations set out in PPS6, namely:

- (i) the need for development;
- (ii) that the development is of an appropriate scale
- (iii) that there are no more central sites for the development
- (iv) that there are no unacceptable impacts on existing centres
- (v) that locations are accessible

Although the applicant intends to sell what can be described as 'bulky goods', it is not considered that the sale of such items requires an out-of-centre location. PPS6 does not recognise the sale of bulky goods as an individual retail operation that necessitates an out of town site, and, as a whole, this is also the City Council's approach towards such development. Sunderland City Centre provides adequate accommodation for a large number of 'bulky goods' retailers, thus allowing such retailers to operate from an existing town centre, in accordance with the policy S13 of the UDP and the national guidance of PPS6. In addition, policy SA5.3 of the UDP does allow some bulky goods retailing at Salterfen Industrial Estate, which is allocated as a 'mixed use' site; the option exists for retailers of such goods to consider business accommodation at that Estate.

The proposed change of use is therefore considered to be contrary to the requirements of policies EC4, S13 and SA1 of the Unitary Development Plan in that it will lead to the presence of a large-scale retail use within an area primarily allocated for uses associated with offices, light and heavy industry and storage and distribution. The change of use of the unit to an inappropriate use will also

serve to reduce the level of accommodation available for acceptable uses within the estate, undermining its vitality and viability. The proposal also fails to accord with the guidance of Planning Policy Statement 6 for it will result in a use which should be focussed towards a 'town centre' occupying a site in an out-of-centre location. As such, the principle of the proposed change of use is not considered to be acceptable.

In addition to the above, and as detailed in the main report, the proposed change of use does not provide the level of parking provision normally expected for a retail operation of this scale, as set out in section 13 of Supplementary Planning Guidance to the UDP (i.e. 20 spaces based on a floorspace of 1000 sq. metres). Furthermore, the layout of the proposed spaces in relation to adjacent roads raises significant concerns with regard to highway safety. As such, the proposed change of use is likely to lead to conditions prejudicial to highway safety, contrary to the requirements of policies T14 and T22 of the UDP.

With regard to the above, the proposed change of use does not comply with the requirements of policies EC4, S13, SA1, T14 and T22 of the City Council's adopted Unitary Development Plan or the guidance set out in Planning Policy Statement 6. The proposed change of use is therefore considered to be unacceptable.

RECOMMENDATION: Refuse, for the following reasons:

1. The proposed change of use will introduce an inappropriate use to a site allocated for uses associated with offices, light and heavy industry and storage and distribution, thereby reducing the level of accommodation available for acceptable uses within Hendon Industrial area, to the detriment of its vitality and viability and as such is contrary to policies EC4, S13 and SA1 of the City Council's adopted Unitary Development Plan (1998).
2. The proposed change of use will lead to the presence of a 'town centre' use in an out-of-centre location, an arrangement which would be harmful to the vitality and viability of existing retail centres and the Hendon Industrial area and as such is contrary to policy S13 of the adopted Unitary Development Plan (1998) and the requirements of Planning Policy Statement 6.
3. The proposed development would lead to the attraction of additional vehicles to and from the site without adequate off street parking facilities, leading to the creation of conditions prejudicial to road safety and as such is contrary to policies T14 and T22 of the adopted Unitary Development Plan (1998) and Section 13 of the Development Control Guidelines Supplementary Planning Guidance document.
4. The parking provided at the site is not considered to be adequately arranged for the expected level of use, resulting in vehicles manoeuvring in to and out of parking spaces in proximity to busy junctions and would create conditions prejudicial to highway safety, and as such is contrary to policies T14 and T22 of the adopted Unitary Development Plan (1998).

Number:	S5
Application No.	09/02704/FUL
Proposal:	Amendments to previously approved applications 05/02829/LEG, 07/00727/FUL and 07/04252/FUL for the conversion of Brookfield House into 5 apartments and erection of 11 dwellings. (Retrospective)
Location:	1-5 Brookfield House, 1-11 Brookfield Gardens, Ashbrooke Road

Following the preparation of the main agenda report, Environmental Health have confirmed that they have no comments to make on the proposal and the complainant has submitted a copy of the Chartered Surveyors Report which was used to form the basis of the objections made in respect of daylight and sunlight. The purpose of the daylight/sunlight report was to ascertain the impact of the proposed northernmost villa on the rear windows and garden area of Brookside House.

As stated in the report, a survey of Brookside House was undertaken on Tuesday 9 January 2007 with a further survey undertaken on 12 January 2007. The information used to base the findings of the report on, were the plans approved as part of the 2005 application (ref: 05/02829/LEG) and not those subject of the current application.

Section 5 'Observations' of the daylight / sunlight report states that from the measurements made on site by the surveyor the distance created between the rear elevation of Brookside House and the gable elevation of the proposed villa complies with planning guidance. Within this section it also states that during the summer months it is not considered that the proposed development will impede the shaft of light experienced by Brookside House. In this regard the report states that it cannot be claimed that during the summer there would be any dramatic effect on the rear garden area and windows to habitable rooms. The report does however go on to claim that the proposed villa will impact on the ground floor conservatory and kitchen for 1 ½ - 2 hours during the winter months, although no reference is made in the report to the 5 - 6 hours of impact as referred to by the complainant in his initial objection letter which is detailed in the main agenda report.

The final section of the report, 6 'Conclusions' considers that based on the findings of the report the proposed development will have an adverse effect on the amenities of Brookside House between the months of November and March, especially on the ground floor conservatory and kitchen areas. It is also claimed that when sitting in the conservatory the proposed development would have an over domineering effect and consideration should have been given to the erecting a much lower dwelling on the site, possibly a bungalow. However, the development conforms, with the Council's guidelines on spacing standards contained in the SPG and SPD.

In addition to the above report, the complainant has also submitted a letter, dated 28 August 2009, which confirms that the report as referred to in his initial objection letter dated 7 August 2009, relates to the 2005 planning application and is therefore obsolete. The complainant does state that he has requested a further report which investigates the potential loss of light to the garden and patio area, as well as any other effects of the proposed villa on Brookside House but this information has not been provided to date. Whilst the complainant goes on to confirm that the

surveyor has not produced any report based on the amended proposals he reaffirms his objection on the grounds that as a result of the increase in height of the proposed villa, the impact on his property, Brookside House, will be further exacerbated. Finally, the letter goes on to state that the effect of the balcony on his property has not been considered in the report.

In response to the above it is considered that little weight can be given to the report and its findings based on the fact that the information used, namely the 2005 plans, is not an accurate depiction of the proposal currently under consideration. This view is supported by the complainant in his letter dated 28 August.

Despite the deficiencies of the daylight / sunlight report it is still felt that a response should be provided to the claims made by the complainant. In particular, the claim made that the proposed development will result in the kitchen and conservatory being overshadowed between the months of November and March for 1 ½ - 2 hours of the day. Firstly, it should be noted that for the winter months the report relates to overshadowing and not loss of light, whereas when referring to the impact during the summer months the report is concerned with sunlight. Notwithstanding this fact both in terms of overshadowing and loss of light, the report fails to make any reference to the impact of the overhanging eaves of Brookside House itself on the windows and rooms within the rear elevation of the dwelling, something which is highly apparent from the photographs included as part of the daylight / sunlight report. In addition, the report also fails to give consideration to the impact of semi-mature trees planted along the southern boundary of Brookside House, which themselves cause overshadowing of the rear garden area but also help to screen the new development.

As such, the predicted resulting impact on the kitchen and conservatory for 1 ½ - 2 hours of the day between the months of November and March therefore cannot be purely attributed to the proposed development. In this regard, irrespective of the claimed impact during the winter months only, it is not considered that the predicted level of overshadowing would be significant grounds to warrant refusal of the application or for the two storey dwelling to be substantially reduced in height.

On the issue of the proposed balcony and screen to the front of the villa's it is considered that whilst the design, size and siting is acceptable, in order to ensure that the balcony and associated privacy screen is erected prior to the first occupation of the dwelling, it is recommended that should Members be minded to approve the application then a condition stipulating that the balcony and privacy screen must be constructed prior to the dwelling being occupied should be imposed. The wording of the condition is as follows:-

'The two storey villas hereby approved shall not be occupied until the balcony and privacy screen to the front of the dwelling(s) has been erected in complete accordance with the approved details and shall remain thereafter unless otherwise first agreed in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved plan and details, in the interests of residential amenity, in accordance with policy B2 of the UDP.'

In conclusion, whilst it is acknowledged that the proposed development, namely the northernmost villa, will impact on Brookside House, it is not considered that the level of resulting impact will be significant given the spacing between the dwellings and characteristics of Brookside House

(overhanging eaves detail to the conservatory, position of windows in relation to the conservatory and presence of semi-mature trees along the southern boundary) and as such refusal of the application would not be reasonable in this instance.

RECOMMENDATION: Delegate to the Director of Development and Regeneration to:-

1) Grant Permission subject to the receipt of satisfactory revised plans and information, appropriate conditions and subject to completion of a Section 106 agreement by 16th October 2009 or such other date as is agreed by the Director of Development and Regeneration

or

2) Refuse permission should the legal agreement not be completed by 16th October 2009 or such other date as is agreed by the Director of Development and Regeneration

Subject to the conditions listed in the main agenda report and the condition worded below:-

The two storey villas hereby approved shall not be occupied until the balcony and privacy screen to the front of the dwelling(s) has been erected in complete accordance with the approved details and shall remain thereafter unless otherwise first agreed in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved plan and details, in the interests of residential amenity, in accordance with policy B2 of the UDP.

Number:	S6
Application No.	09/02913/SUB
Proposal:	Redevelopment and extension to existing store, service area and adjacent retail units with associated works to car park and landscaping (RESUBMISSION).
Location:	J Sainsbury PLC, Silksworth Lane, Sunderland

Following the preparation of the main agenda report 1 no.further letter of support has been received and no further letters of objection.

RECOMMENDATION: Approve subject to the conditions listed in the main agenda report