

APPENDIX TO ITEM 1- Copy of Reports to Development Control (South Sunderland) Sub Committee on 21 April 2009

Main Agenda Report

1.

**South
Sunderland**

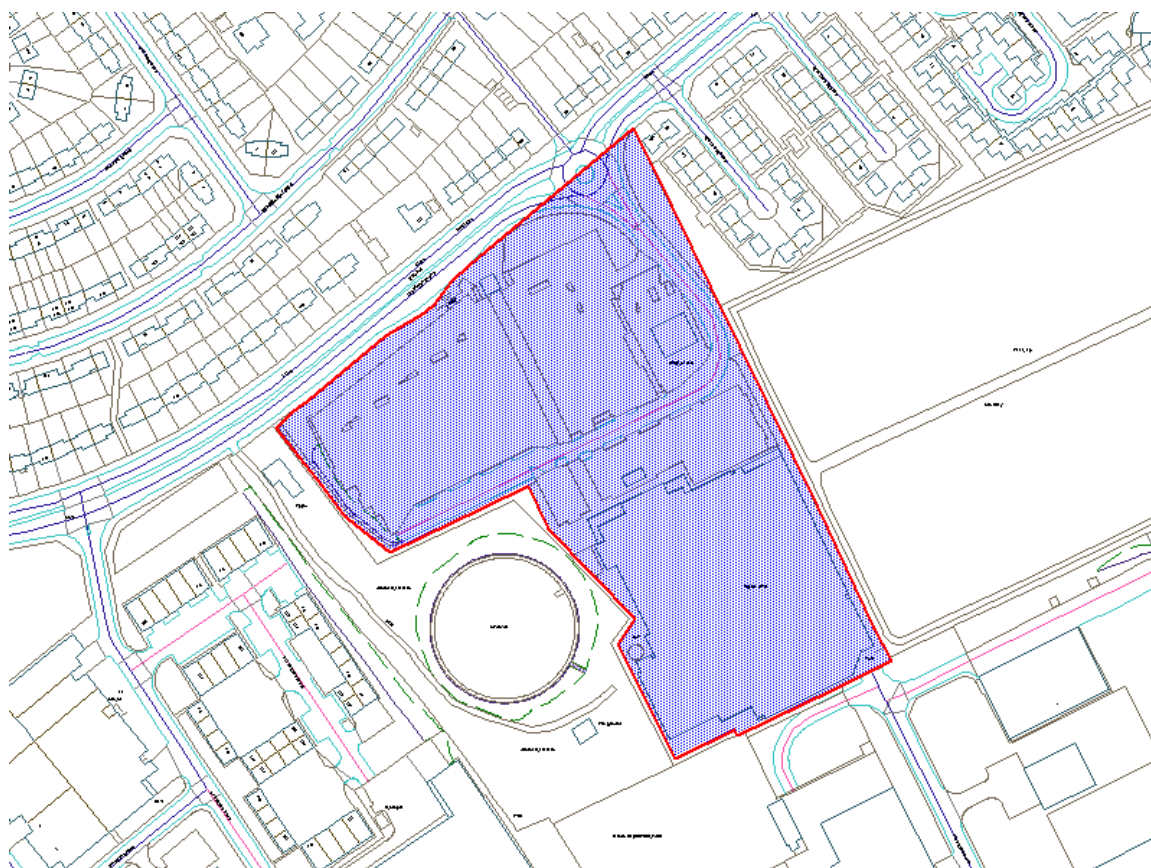
Reference No.: 08/04691/FUL Full Application

Proposal: **Installation of a mezzanine floor to the existing store.**

Location: Asda Superstore Leechmere Road Sunderland

Ward: Ryhope
Applicant: Asda Stores Ltd
Date Valid: 27 January 2009
Target Date: 24 March 2009

Location Plan



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PROPOSAL:

The proposal relates to the erection of an internal mezzanine floor within the existing Asda retail store at Leechmere and a small extension to the existing storage mezzanine with associated access facilities including travellators, lift and escape stairs. No external works are proposed other than the provision of an additional lift shaft and fire escape stairwell to the east elevation, however modifications may need to be made to the existing car park but this is something that is currently being debated.

The proposed new mezzanine floor will provide an additional 15,500 sq.ft net of new retail floor space whilst the proposed extension to the existing storage mezzanine will provide a further 5,400 sq.ft of storage space.

Asda's existing store is in total 109,970 sq.ft gross, with a net sales area of 44,930 sq.ft. The proposed store will offer in total approximately 131,360 sq.ft gross with 59,500 sq.ft net sales area. The development is not large enough to have to comply with the Shopping Directive and will therefore not need to go to the Government Office for the North East.

The purpose of the installation is to increase the sales area for non food goods as well as improving and enhancing the environment of the store.

The application is accompanied by a Design & Access Statement, Planning & Retail Statement, Transport Assessment and Statement of Community Involvement and has been advertised accordingly by way of site press and neighbour notification.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Director Of Community And Cultural Services
Northumbrian Water

Final Date for Receipt of Representations: **03.03.2009**

REPRESENTATIONS:

Internal Representation

Environmental Services - In view of the close proximity of the proposed development to nearby residential premises it is recommended that noisy on-site operations should not commence before 07:00hrs and cease at or before 19:00hrs Monday to Friday inclusive, and 07:30 and 14:00 Saturdays. No noisy works shall be permitted to take place on Sundays or Bank Holidays at any time without prior approval from Environmental Services (Pollution Control). Approval will only be given for such working in exceptional circumstances for example on the grounds of safety and public protection.

Provision should be made for the reasonable prevention of dust generation. Where this is not possible adequate dust suppression management should be applied. As such a suitable and constant supply of water (mains supply of water bowsers in sufficient numbers) adequate for dust suppression purposes must be provided to the site.

Dust suppression by water should use a dispersal point close to the position of dust generation in order to be more effective in both dust suppression and minimising the volume of water used, and thus run-off.

Adult Services - No objection to the proposal.

Third Party Representation

3 letters of objection have been received. (See main report).

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

SA_1_Retention and improvement of existing employment site

SA_3_Development of Doxford International

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

COMMENTS:

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

The suitability of the proposal in the context of national and local planning policy.
The demonstration of need and impact of the proposal on other local retail centres.

The impact of the proposal on residential amenity.

Traffic, parking and access implications.

Policy

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

Planning Policy Statement 1 (PPS1)

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

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

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

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

Furthermore, the guidance contains specific advice on the matter if extensions to existing development in out-of-centre locations, highlighting the requirement to

carefully assess need (where additional classes of goods are proposed to be sold) and, in particular considering the impact on existing town centres.

The application is accompanied by a Planning and Retail Statement (P&RS) which addresses the issues highlighted in PPS6 in relation to assessing applications for extensions to existing development.

1. Assessing need

Quantitative Need - In line with PPS6 the P&RS highlights changes in population levels, forecast expenditure in comparison goods along with efficiency in floorspace as a baseline guide to need. The P&RS establishes that comparison expenditure will continue to rise within the catchment area from £247m to £294m by 2013, although it highlights that the population will continue to decline.

The P&RS highlights that the turnover of the proposed extension will only amount to 2.3% of available comparison goods expenditure in the Primary Catchment Area. The statement also indicates that the additional turnover (£6.9m) will be absorbed at the store through 'overtrading' and as such there should be no trade diverted from elsewhere.

Qualitative Need - This aspect relates to the improvement and enhancement of the overall shopping environment of the store.

In considering out-of-centre comparison goods development, the Council's 2006 Retail Study focuses on retail warehouses; it does not specifically refer to free-standing superstores. The Study concludes that there is no need for any additional retail warehouse floorspace throughout the City within the forecasting period i.e. to 2010.

The Retail Study indicated that whilst by 2010 there could be a need for approximately 4,800m² of additional comparison floorspace in non-central areas, existing commitments were in the region of 9,600m² and this effectively results in an 'oversupply' of comparison floorspace of 4,700m². The Study concludes that should applications come forward, then these should be considered on their individual merits against the criteria of PPS6.

A new retail needs assessment is currently being carried out to inform the Local Development Framework and this will be reporting back in the near future.

2. Identifying the appropriate scale of the development

The proposed floorspace will increase the size of the store by approximately 34% (net). External changes to the physical appearance of the store will not be unduly excessive and development will take place within the footprint of the building.

3. Applying a sequential approach to site selection

Having considered the extent of the primary catchment area as documented in the statement it is considered that the P&RS tests only a very limited range of alternative sites; only district centres within Sunderland are considered. The advice contained in PPS6 suggested that other centres within the catchment should be examined for completeness, namely any available or suitable sites within Easington District.

In response to this issue Asda have prepared a statement which deals with this issue and conclude that based on the mapping programme used to produce the plan the postcode areas includes an entire postcode sector as opposed to individual areas within that sector. As such, the map includes centres such as Seaham, whereas in reality these could be excluded as it will only be the northern extent of the SR7 postcode that will attract customers as indeed both Seaham and Peterlee both have Asda stores that cater specifically for the needs of customers in the central and southern parts of the sector. In this regard Asda states that it is not in their interests to adversely affect the trading position of their existing stores and for this and the reasons stated above they do not consider it necessary to undertake a sequential test for sites in Easington.

In response to Asda's justification it is considered that the proposal accords with the sequential testing requirements of PPS6.

4. Assessing impact

PPS6 states that when considering extensions to existing development, the impact on existing town centres should be given particular weight, especially if new and additional classes of goods are proposed for sale.

The P&RS states that the actual level of trade diversion will be minimal as in the main the comparison goods will be purchased by customers who already shop at the Asda Leechmere store as the improved offer will not be so attractive as to attract those shoppers who will continue to use the City Centre for comparison purchases. This notion is justified by the information submitted which indicates the changes in transactions arising from extensions to other Asda stores around the country; the average increase being in the region of 4.5%. However it should be noted that those stores where mezzanine developments were introduced attracted a higher level of additional trade, between 5 & 10%, than those store where more conventional extensions took place (0.6% - 6.6%).

Paragraph 7.9 of the statement makes reference to the level of vacancies in the City Centre. The 2007 GOAD figure (14.5%) is highlighted as being marginally above the average UK vacancy rate of 9.2%. The Council's 2008 Annual Monitoring Report indicates that the level of vacancy is higher: 18% of units and 13% of floorspace, which is significantly above the national average. Since the

preparation of the report, additional units have become vacant in the City Centre. In this regard it is important that the health of the City Centre is maintained and that developments that could further affect its viability and vitality are carefully scrutinised, particularly in the light of the current economic climate and changes within the retailing industry.

When examining the effect on future investment, the emphasis in the P&RS is on the Vaux Brewery site, however it is unlikely that this proposal will affect this development given that it is a residential and employment led scheme. Of greater concern in this regard is the retail-led development on the Holmeside Triangle. The development of this site is a proposal in the adopted UDP Alteration for Central Sunderland (policy SA55A.1) and is a key element in the Council's strategy for the City Centre and it is vital that its implementation is secured. Guidance as set down in PPS6 refers specifically to the impact of proposed developments on existing centres and as such it is considered that the P&RS should provide detail in accordance with this requirement.

Whilst the proposal does not relate to a new retail destination, there are no significant comparison facilities elsewhere in this part of the City and it is therefore considered likely that the enhanced choice through the introduction of an expanded / enhanced range of goods will result in the store attracting additional customers over and above those who already use the convenience service.

In this regard Asda have supplied additional justification and information regarding the impact of the development on the Holmeside Triangle, in response to the above. The main points raised by Asda are that (1) their proposal does not relate to a new standalone foodstore unlike that proposed for the Holmeside Triangle, (2) Asda consider that retail space in Holmeside would be better served by the higher end niche comparison floorspace as this would complement the Council's aspirations for the area and (3) Asda's other format store 'Living' would not be viable in terms of the floorspace proposed, further Asda's George range is no longer pursued as standalone retail stores.

Turning to the wider aspirations for the City Centre, Asda state that they fully endorse and encourage regeneration and reinvestment in the City and do not consider that the proposals for the Leechmere store will prejudice these aspirations.

Again this information regarding assessing impact is accepted by the LPA.

5. Ensuring locations are accessible

The issue of accessibility is not covered in the P&RS however the application is accompanied by a Transport Assessment (TA). From the TA it is apparent that the majority of the trips to the store will continue to be by private car, although the

actual increase in car movements generated following the installation of the mezzanine floor is not predicted to be significant.

It is considered that the store is not well served by public transport, in particular bus routes, given that the TA claims only 4 buses per hour pass by the store. With regards to cycle parking the currently makes no provision for such use however 20 cycle stands are proposed for customer use along with 10 spaces for staff use. A Travel Plan is proposed which will aim to heighten awareness of the public transport service.

In conclusion the P&RS submitted along with the additional supporting documentation addresses a range of issues highlighted in PPS6 and as such from a policy perspective the proposal is considered to be acceptable.

Design

Design and Access Statement - The application has been accompanied by a D&A Statement, which describes the proposal in terms of context, amount, layout, scale, external appearance & landscape and access.

In terms of design and alteration to the appearance of the existing building given that the mezzanine floor will be contained fully within the building minimal changes are proposed. The works proposed relate solely to minor alterations to the external lift shaft and fire escape stairway.

Conclusion - To conclude this section given that all of the major works are to be contained within the existing building with no significant works proposed to the external appearance, the application raises no urban design concerns.

Highways

- Original Submission

From the information provided and observations made it is considered that the north-west corner of the car park is not fully utilised due to shortcomings in the layout i.e. the remoteness and long travel distance both from the store entrance and the site entrance.

Peak demand at the existing store already appears to be constrained by the availability of parking. There are 566 car parking spaces on site which, according to the assessment submitted, are approximately 77% full during peak trading hours. Allowing for the submitted assessment of 10.5% increase in use due to the extension, and the 3.3% increase in traffic at the design year, the car park would increase to 88% full. In this regard as there are already concerns over the

layout of the car park and the utilisation of the spaces, it is likely that this level of usage would result in a risk of overspill parking being generated on the highway. Therefore it is recommended that the car parking layout is reviewed and additional spaces provided to accommodate the increase in traffic and/or rationalise its use.

The development will also undoubtedly lead to a rise in service vehicles accessing the site, however no assessment has been made on the suitability of the current access, or where the extra vehicles will be accommodated on site. Further information is therefore required as to the proposed servicing arrangements to avoid service/delivery vehicles being forced to wait on the highway to access the site.

Having regard to the above it is considered that in its current form the proposal fails to accord with policy T14 of the UDP.

- Revised Information

In response to the above the applicant has provided additional information which has been considered and the following highway observations are made.

- Car Park

The revised information would appear to agree with the Council's calculations on the current level of usage at the peak trading hour (77%). However the revised information has not dealt with the major concern that, when increased vehicle movements and traffic growth are factored in, the usage increases to 88%. It is therefore still considered that this, coupled with the poor layout of the existing car park, would result in overspill onto the highway.

This concern is further compounded by the comments from the store customer services manager that 'the only time the car park is near capacity is during the Christmas period'. If this is the case, an addition of 10.5% extra vehicles directly resulting from the extension and 3.3% from natural traffic growth would push the car park that is already 'near capacity', over it resulting in overspill onto the highway.

Whilst the relocation of staff parking to the north-west corner of the site may help the car park utilisation, no evidence base has been provided to demonstrate the number of spaces that this will 'free up', nor how they will be enforced. Therefore little weight can be attached to this argument.

In light of the above the view remains that the parking arrangements for the store are not sufficient.

- Service Vehicles

The revised information states that there will be no new deliveries to the store and that the existing deliveries are staggered to avoid more than one HGV being on site at any one time. However, from site observations it has been seen that the current arrangements for service vehicles are not acceptable.

There is frequently delivery vehicles parked on the grass verges surrounding the service entrance, as can be seen from site photographs and by looking at the damage caused to the verges. These vehicles tend to be the 'home delivery' vans rather than HGV's, but the increase in store area will no doubt lead to an increase in the use of these vehicles. To date these vehicles do not seem to have been considered but cause not only a highway safety concern, but also one of amenity to other users of the surrounding routes.

On the site visits undertaken by the highway officer it has been witnessed that HGV's park on the highway waiting to access the store while another is still being unloaded. Whilst it is acknowledge that this may be a rare occurrence, the road leading to the service entrance is not of a sufficient quality or layout to support waiting HGV's. Under normal practice it would be expected that a waiting area would be provided within the site boundaries for a store of this size.

Therefore in light of the above it is considered that the service arrangements for the store are not acceptable.

- Conclusion

Having regard to all of the above it is considered the proposal in its current form is unacceptable and fails to comply with policy T14 of the UDP. The above comments have been forwarded to the applicant who will no doubt respond in due course. It is anticipated that further information will be made available in advance of the meeting and this will be documented in a supplement report.

Representation

Three letters of objection have been received to date. The main grounds for opposing the development relate to unacceptable levels of noise and disturbance between the hours of 22:00 and 08:00, failure to accord with national and local planning policies in terms of retail need, quantitative & qualitative need, retail impact, sequential testing and accessibility and finally increased traffic resulting in congestion on the surrounding highway network. The concerns will be addressed as follows.

Unacceptable levels of noise and disturbance - In response to this concern Environmental Services (Pollution Control) have recommended that any grant of

consent should be subject to a condition which restricts noisy on-site operations between the hours of 07:00hrs and 19:00hrs Monday to Friday and 07:30 to 14:00 Saturdays and at no time on a Sunday or Bank Holiday unless first agreed in writing by the Local Planning Authority and Environmental Services (Pollution Control). Approval for working outside of the restricted hours will only be given in exceptional circumstances. In this regard it is considered that such a condition would satisfactorily address this concern.

Failure to accord with policy - The issues raised with regards to compliance with Planning Policy Statement 6, namely retail need, quantitative & qualitative need, scale, retail impact, sequential test, scale and accessibility have not been taken into account. However in light of the Planning and Retail Statement submitted as part of the original application and additional supporting information provided in response to policy comments made to the P&RS it is not considered that this is a valid objection. A full justification of the policy position, which addresses these concerns, is contained at the beginning of this report.

Increased traffic resulting in congestion on the surrounding highway network - Following consultation with the highway engineer regarding this concern it has been confirmed that the proposed car park arrangements as existing are not suitable and therefore following the installation of the mezzanine floor there is a strong possibility that there will be an overspill of traffic onto the surrounding highway network. Therefore based on the information available to date this concern is a valid objection to the proposal. It is however anticipated that the revised information which has been requested will address the concerns relating to car park and therefore this objection.

CONCLUSION

In conclusion it is considered that whilst the proposal raises no policy or urban design concerns there remains a number of outstanding highway concerns that require further consideration before a decision can be made on the application. As such it is anticipated that a supplement report will be prepared which hopefully addresses the outstanding issues.

RECOMMENDATION: Dir.of Dev. and Regeneration to Report

Supplement

Number: S3

Application Number: 08/04691/FUL

Proposal: **Installation of a mezzanine floor to the existing store.**

Location: Asda Superstore, Leechmere Road, Sunderland

Further to the main agenda report revised highway information is still awaited relating to the proposed car parking and service arrangements at the store. It is anticipated that these will be submitted in advance of the meeting and a recommendation will therefore be made on a report to be circulated at the meeting.

RECOMMENDATION: Director of Development and Regeneration to Report

Report for Circulation

Number 3

Reference No 08/04691/FUL

Proposal: Installation of Mezzanine to existing store

Additional information has been submitted in respect of the outstanding highway issues and the following officer response is provided.

Highways

Car Parking – The latest information submitted states that during peak periods there are approximately 50 employees cars parked in the vicinity of the petrol filling station. In this regard it is considered that the implementation of a management plan, which will be imposed by way of condition to any grant of consent, will require these cars to be parked in the north-west corner of the car park which is currently under utilised. It is considered that introducing this measure will improve the effective use of the car park for customers, and also improve the flow of vehicles entering the site.

Notwithstanding the above there remains the possibility that customers may chose to park on the highway, Leechmere Road, during peak periods and therefore it is considered necessary that a planning condition requiring the introduction of a scheme to control on-street parking within an agreed timescale be imposed on any grant of consent. The financing for such a measure will be required to come from the applicant.

Travel Plan – In accordance with national policies which seek to encourage alternative modes of transport to the car, it is agreed that the implementation of a Travel Plan for the site should be used to reduce dependence on car use by employees travelling to the store.

Service Vehicles – The existing delivery arrangements for the site primarily involve the use of the internal service yard which can accommodate 2 articulated vehicles at any one time. However, it is recommended that the access road (Claymere Road) to the site should be improved with the provision of an adjacent area of hardstanding which could be used by a delivery vehicle or vehicles (including home delivery vans) waiting to access the store. The verge areas are not owned by the applicant and therefore it is proposed that a Grampian condition be imposed on any grant of consent that requires an agreed scheme of improvements to be implemented prior to the occupation of the Mezzanine floor.

Outstanding Neighbour Objection

With regards to the issue of congestion, it is considered that the existing highway network is adequate to accommodate the increase in traffic which may be generated. The application is supported by a Transport Assessment. The specific issue of access into the car park should be improved following with the relocation of employees vehicles to the north-west corner of the car park, which will improve customer access to the bays as they enter the site.

Recommendation: APPROVE subject to the conditions listed below.

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy EN5 of the UDP.
- 3 During the construction of the mezzanine extension hereby approved no deliveries shall be taken at or despatched from the site outside the hours of 07:00 and 19:00 Monday to Friday, 07:30 and 14:00 Saturdays, nor at any time on Sundays, Bank or Public Holidays to ensure that nearby properties are not adversely affected by the development and that highway safety is not compromised and to comply with policy EC12, EC13 of the UDP.
- 4 The construction works required for the development hereby approved shall only be carried out between the hours of 07.30 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy EN5 and B2 of the UDP
- 5 Notwithstanding the plans hereby approved and submitted information the mezzanine floor extension shall not be brought into use until a management plan which identifies the relocation of staff parking to the north-west corner of the car park has been submitted to and approved in writing by the Local

Planning Authority. The car park shall then be laid out in complete accordance with the agreed details and shall remain thereafter, in the interests of highway and pedestrian safety in accordance with policy T14 of the UDP.

- 6 Notwithstanding the plans hereby approved and submitted information the mezzanine floor extension shall not be brought into use until a management plan which identifies the relocation of staff parking to the north-west corner of the car park has been submitted to and approved in writing by the Local Planning Authority. The car park shall then be laid out in complete accordance with the agreed details and shall remain thereafter, in the interests of highway and pedestrian safety in accordance with policy T14 of the UDP.
- 7 Notwithstanding the information submitted, details of a scheme of on-street parking controls/measures should be submitted to the Local Planning Authority for formal approval within 12 months of the date of this consent. Should such measures be considered necessary then the approved scheme of on-street parking controls shall be implemented within a timescale to be agreed by the Local Planning Authority in order to ensure a satisfactory form of development, in the interests of highway safety and to comply with policy T14 of the UDP.
- 8 Notwithstanding the plans hereby approved and submitted information the mezzanine floor extension shall not be brought into use until a scheme of improvements for the area adjacent to the service access/egress point on Claymere Road has been submitted to and approved in writing by the Local Planning Authority. The improvements shall then be completed in full accordance with the agreed details and implemented prior to the mezzanine extension being brought into use, in the interests of highway and pedestrian safety and ensure a satisfactory highway arrangement, in accordance with policy T14 of the UDP.
- 9 Details of the proposed location of the site office and construction compound shall be submitted to and approved in writing by the local planning authority in order to ensure a satisfactory form of development and to comply with policy B2 of the UDP.
- 10 Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved UDP.