

DEVELOPMENT CONTROL (NORTH SUNDERLAND) SUB-COMMITTEE

AGENDA

**Meeting to be held in Committee Room No. 2 on
Wednesday, 27th February, 2013 at 4.45 p.m.**

ITEM		PAGE
1.	Receipt of Declarations of Interest (if any)	
2.	Apologies for Absence	
3.	Applications made under the Town and Country Planning Acts and Regulations made thereunder Report of the Deputy Chief Executive (copy herewith).	1
4.	Town and Country Planning Act 1990 – Appeals Report of the Deputy Chief Executive (copy herewith).	37
5.	Response to the Department for Communities and Local Government Consultation on Planning Performance and the Planning Guarantee Report of the Deputy Chief Executive (copy herewith).	39

**E. WAUGH,
Head of Law and Governance.**

Civic Centre,
SUNDERLAND.

18th February, 2013

REPORT ON APPLICATIONS

REPORT BY THE DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report includes recommendations on all applications other than those that are delegated to the Deputy Chief Executive for determination. Further relevant information on some of these applications may be received and in these circumstances either a supplementary report will be circulated a few days before the meeting or if appropriate a report will be circulated at the meeting.

LIST OF APPLICATIONS

Applications for the following sites are included in this report.

1. Land at Marine Walk, Sunderland.
2. Seaburn Promenade, Whitburn Road, Seaburn, Sunderland.
3. Junction of Faber Road and Carley Hill Road, Sunderland.
4. Land bounded by North Hylton Road, Castletown Way, Riverbank Road, Southwick
5. Land at Old Mill Road/Marley hill Crescent/Maplewood Avenue, High Southwick
6. IAC Group Ltd. Wayfarer Road, Sunderland

COMMITTEE ROLE

The Sub Committee has full delegated powers to determine applications on this list. Members of the Council who have queries or observations on any application should, in advance of the above date, contact the Sub Committee Chairman or email Development Control dc@sunderland.gov.uk

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 2010

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 Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

1.

Reference No.: 12/03184/LAP Development by City(Regulation 3)

Proposal: **Provision of replacement steps onto beach as part of public realm improvements to Marine Walk, Roker.**

Location: Land At Marine Walk Sunderland

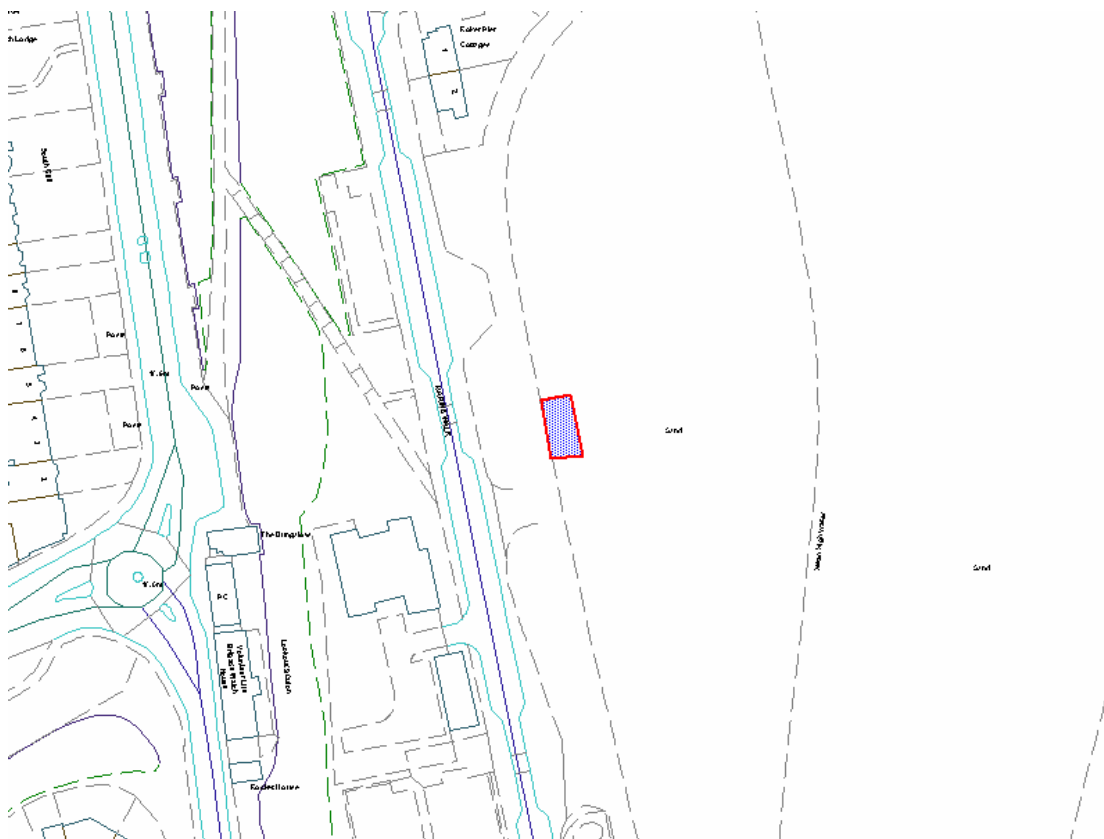
Ward: St Peters

Applicant: Office Of The Chief Executive

Date Valid: 21 December 2012

Target Date: 15 February 2013

Location Plan



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PROPOSAL:

This application proposes the provision of a set of replacement steps linking the promenade and the beach. The proposed steps would run parallel with the edge of the promenade adjacent to the existing C2C sculpture. Each step would measure 161mm in height, with the exception of the top step which would have a height of 175mm, and would be constructed of green granite with flame-textured front and top faces.

The proposed development is part of a wider regeneration project for Marine Walk, which extends from the entrance of Roker Pier to the north to Sunderland Yacht Club to the south. The majority of these works constitute permitted development, as defined by Part 12 of Schedule 2 to the Town and County Planning (General Permitted Development) Order 1995 (as amended), therefore consent is only currently sought for the afore-described replacement steps.

The proposal arises following the City wide consultation which took place in Spring 2009 into what people who live in, work in and visit Sunderland felt should be the future vision for the seafront, wherein the present condition of Seaburn and Marine Walk Promenades was frequently described as 'bland', 'lacking a sense of place', 'tired' and 'in need of improvement.' The results of the consultation informed the development of the Seafront Regeneration Strategy, an overarching document to guide the regeneration of Roker and Seaburn Seafront, which was adopted by the Council's Cabinet in February 2010. As such, the proposal forms part of a wider scheme of public realm improvements, which include resurfacing, landscaping works, new street furniture and new granite edging.

An application is also currently being considered (ref. 12/03185/LAP) for the provision of a series of raised planting beds and viewing platforms as part of the regeneration project for the Seaburn Promenade.

TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

CONSULTEES:

City Services - Network Management

St Peters - Ward Councillors Consultation

Planning Implementation

Final Date for Receipt of Representations: **20.02.2013**

REPRESENTATIONS:

The Network Management Team confirmed that no observations or recommendations are offered in this instance, but noted that the Council's Highway Asset Management section be approached by the developer in respect of any works in the adopted highway.

The Council's Built Heritage team confirmed its support for the scheme, particularly in respect that it would enhance the Roker Park Conservation Area and the setting of the grade II listed Roker Pier and Lighthouse, and requested the submission of all materials for approval of the Built Heritage team.

No representations have been received from members of the public.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

B_4_Development within conservation areas

B_6_Measures to preserve and enhance conservation areas

B_10_Development affecting the setting of listed buildings

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

NA_6_Encouragement to improvement of commercial and social structures in the Coastal zone

NA_30_Protection and enhancement of important views

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

COMMENTS:

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

- the principle of the proposed development;
- the impact of the development upon visual amenity, the character of the Conservation Area and setting of the listed pier and lighthouse; and
- the impact of the development on highway and pedestrian safety.

Principle of Proposed Development

The site in question is not allocated for any specific land use within the Council's Unitary Development Plan (UDP) and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain.

In this regard, the principle of the replacement of the existing damaged concrete edging and creation of a granite step to act as seating is considered to accord with the existing land use, whilst improving the appearance and usability of the area. The proposal therefore accords with UDP policy EN10 as detailed.

Visual Amenity, Character of Conservation Area and Setting of Listed Structures

Policy B2 of the adopted UDP relates to new developments and extensions to existing buildings and states that their scale, massing, layout or setting should, 'respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy' whilst policies B4 and B6 require all development within conservation areas to preserve or enhance their character or appearance and encouraging the retention of existing buildings and the improvement of features. In addition, UDP policy B10 advises that proposals in the vicinity of listed structures do not adversely affect their character or setting.

In relation particularly to the seafront, policy NA6 of the UDP states that the City Council will encourage improvements to the existing commercial and social structures in the coastal zone to help ensure their viability and maximise their potential contribution to the environment of the seafront. In addition, UDP policy NA26 dictates that the seafront zone between the river mouth and the city boundary with South Tyneside will be developed and enhanced to accommodate a range of facilities providing a focus for leisure activity and tourism serving the region whilst any development should, by the quality of its design, retain and if possible enhance the underlying character of the zone and existing open spaces

and associated areas will be retained for passive recreation use. Furthermore, UDP Policy NA30 seeks to preserve sea views along the Roker, Seaburn and Whitburn Bents frontage.

The Roker Park Conservation Area Character Appraisal and Management Strategy (CAMS) provides more area-specific guidance. Management Objective 6 seeks to secure the appropriate enhancement of the lower promenade as an area of activity and distinctive character whilst Proposal 6a seeks to secure high quality and innovative building designs and high quality, coordinated environmental improvements in all development proposals for Marine Walk.

Having regard to the above policies and guidance, in accordance with the recommendations of the Council's Built Heritage team, it is considered that the proposal would notably enhance the public realm of the Seaburn Promenade, the Roker Park Conservation Area and the setting of the grade II listed Roker Pier and Lighthouse, to the benefit of the local environment and the visual amenity of the seafront. In respect of the request from the Built Heritage team for the submission of samples of the materials to be used for the steps, given that Built Heritage is part of the wider Planning Implementation team, who are named as applicant to this application, it is not considered necessary to impose any condition to this regard. Instead, the applicant has been notified of this request and has advised that Built Heritage shall be heavily involved throughout the implementation of this development and the wider regeneration of Marine Walk.

Highway and Pedestrian Safety

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

As reported previously, the Network Management team has advised that there is no objection to the proposed works in terms of highway and pedestrian safety.

Summary

For the reasons given above, the principle of the development proposed by this application is considered to be acceptable and it is not considered that it would pose any detriment to the visual amenity of the locality, the Conservation Area, the setting of the listed Pier or Lighthouse or highway/pedestrian safety. The proposal therefore accords with the relevant UDP policies (B2, B4, B6, B10, EN10, NA6, NA26, NA30 and T14) as well as Management Objective 6 and Proposal 6a of the Roker Park Conservation Area CAMS.

However, the period for the receipt of representations does not expire until 20 February 2013, after the deadline for the preparation of this report but prior to the next Sub-Committee meeting. Accordingly, it is recommended that Members grant consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), subject to no representations being received. If any representations are received prior to the Sub-Committee meeting, these will be reported and addressed to the Committee.

RECOMMENDATION: Grant Consent Under Regulation 3 of the Town and Country General Regulations 1992

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 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location plan received 07.12.2012

Drawing No. PO76B.489.202 Revision A: Proposed Layout [as amended]
received 07.02.2013

Drawing No. PO76B.489.206: New car park access, steps, railings and
Roker Pier surfacing details received 21.12.2012

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.

2.

North
Sunderland

Reference No.: 12/03185/LAP Development by City(Regulation 3)

Proposal: **Provision of raised viewing platforms and planting beds as part of the Seafront Regeneration Project (AMENDED DESCRIPTION)**

Location: Seaburn Promenade Whitburn Road Seaburn Sunderland

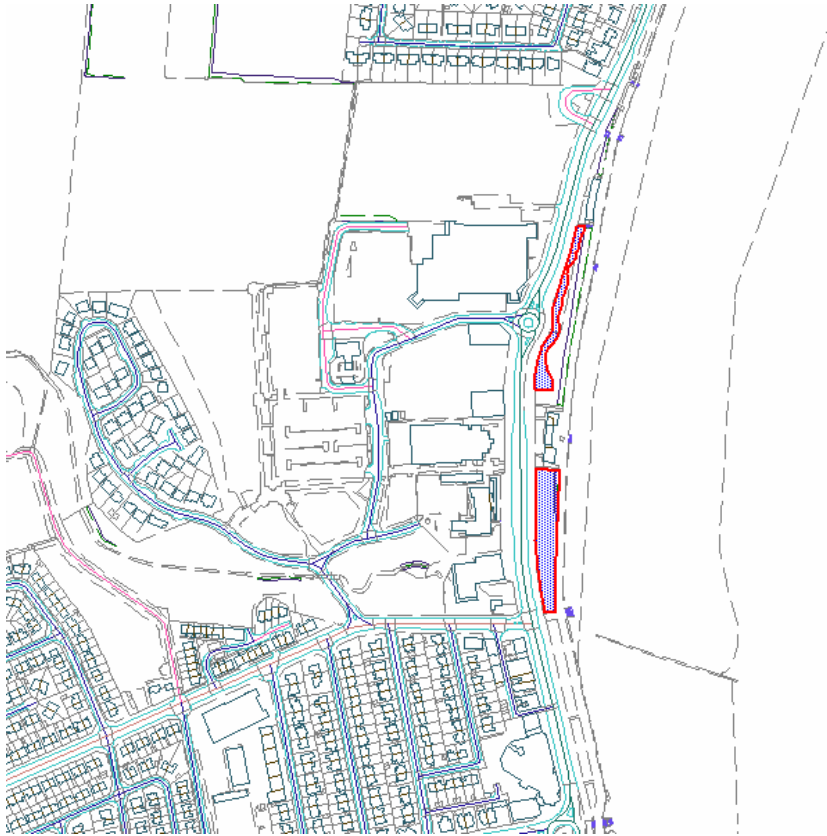
Ward: Fulwell

Applicant: Office Of The Chief Executive

Date Valid: 18 December 2012

Target Date: 12 February 2013

Location Plan



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PROPOSAL:

This application proposes the provision of viewing platforms and a series of raised planting beds along the upper level of the promenade. The site has been divided into 2no. sections; the northernmost section comprises 4no. areas of raised planting whilst a further 3no. areas of raised planting in addition to a series of viewing areas would be provided within the southern section. A detailed planting has been provided for the beds, which would be edged by granite wall,

various stonework and timber retaining walls. The upper and lower levels of the promenade will generally be linked by pink granite steps and a formal curved viewing platform would be provided immediately to the south of the Seaburn Shelter, which is to be edged by an approximately 1m high railing atop a concrete retaining wall of around 2.5m in height measured from the lower promenade level.

The proposed development is part of a wider regeneration project for the Seaburn Promenade, which extends from adjacent to the Marriott Hotel to the south to Whitburn Bents to the north. The majority of these works constitute permitted development, as defined by Part 12 of Schedule 2 to the Town and County Planning (General Permitted Development) Order 1995 (as amended), therefore consent is only currently sought for the afore-described raised planting beds and viewing platforms.

The proposal arises following the City wide consultation which took place in Spring 2009 into what people who live in, work in and visit Sunderland felt should be the future vision for the seafront, wherein the present condition of Seaburn and Marine Walk Promenades was frequently described as 'bland', 'lacking a sense of place', 'tired' and 'in need of improvement.' The results of the consultation informed the development of the Seafront Regeneration Strategy, an overarching document to guide the regeneration of Roker and Seaburn Seafront, which was adopted by the Council's Cabinet in February 2010. As such, the proposal forms part of a wider scheme of public realm improvements, which include resurfacing, landscaping works, new street furniture and new granite edging.

An application is also currently being considered (ref. 12/03184/LAP) for the provision of a set of replacement steps at Marine Walk as part of the wider regeneration project for the Roker seafront.

TYPE OF PUBLICITY:

Site Notice Posted

Press Notice

CONSULTEES:

Network Management

Environment Agency

Planning Policy

Property Services

Fulwell - Ward Councillor Consultation

Final Date for Receipt of Representations: **06.02.2013**

REPRESENTATIONS:

The Environment Agency confirmed that it has no objection, but noted that there could be water vole in the area, which are protected under the Wildlife and Countryside act 1981; it is recommended that an informative note be added to any consent informing the developer of this.

The Network Management Team confirmed that no observations or recommendations are offered in this instance, but noted that the Council's Highway Asset Management section be approached by the developer in respect of any works in the adopted highway.

Councillor John Wiper expressed his support for the proposal.

No representations have been received from members of the public.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

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

L_7_Protection of Recreational and Amenity Land

NA_6_Seafront

NA_26_Coastal and Seafront Zone

NA_30_Views of the City

COMMENTS:

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

- the principle of the proposed development;
- the impact of the development upon visual amenity;
- the impact of the development on highway and pedestrian safety.

Principle of Proposed Development

The site in question is allocated by policy L7 of the Council's Unitary Development Plan (UDP) as an existing area of open space / outdoor recreation to be retained.

To this regard, it is considered that the proposed planting beds and viewing platforms would retain the land for its allocated function, in accordance with UDP policy L7. Therefore, the principle of the proposed development is considered to be acceptable.

Visual Amenity

Policy B2 of the UDP dictates that the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

In relation particularly to the seafront, policy NA6 of the UDP states that the City Council will encourage improvements to the existing commercial and social structures in the coastal zone to help ensure their viability and maximise their potential contribution to the environment of the seafront. In addition, UDP policy NA26 dictates that the seafront zone between the river mouth and the city boundary with South Tyneside will be developed and enhanced to accommodate a range of facilities providing a focus for leisure activity and tourism serving the region whilst any development should, by the quality of its design, retain and if possible enhance the underlying character of the zone and existing open spaces and associated areas will be retained for passive recreation use. Furthermore, UDP Policy NA30 seeks to preserve sea views along the Roker, Seaburn and Whitburn Bents frontage.

Having regard to these policies, it is considered that the proposal would notably enhance the public realm of the Seaburn Promenade in terms of its functionality

and appearance, to the benefit of the local environment and the visual amenity of the seafront.

Highway and Pedestrian Safety

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

As reported previously, the Network Management team has advised that there is no objection to the proposed works in terms of highway and pedestrian safety.

Conclusion

For the reasons given above, the principle of the development proposed by this application is considered to be acceptable and it is not considered that it would pose any detriment to the visual amenity of the locality or highway/pedestrian safety. The proposal therefore accords with the relevant UDP policies (B2, L7, NA6, NA26, NA30 and T14) and, accordingly, it is recommended that Members grant consent under Regulation 3 of the Town and Country General Regulations 1992 (as amended).

RECOMMENDATION: Grant Consent Under Regulation 3 of the Town and Country General Regulations 1992 (as amended).

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 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location plan received 18.12.2012

Drawing No. PO76B.489.102 Revision A: Proposed layout - north section received 11.01.2013

Drawing No. PO76B.489.103 Revision A: Proposed layout - south section received 11.01.2013

Drawing No. PO76B.489.104: Promenade Detail Cross Sections - south received 18.12.2012

Drawing No. PO76B.489.105: Promenade Detail Cross Sections - north received 18.12.2012

Drawing No. PO76B.489.106: Construction details received 18.12.2012

Drawing No. PO76B.489.107 Revision A: Raised planters details received 11.01.2013

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.

North
Sunderland

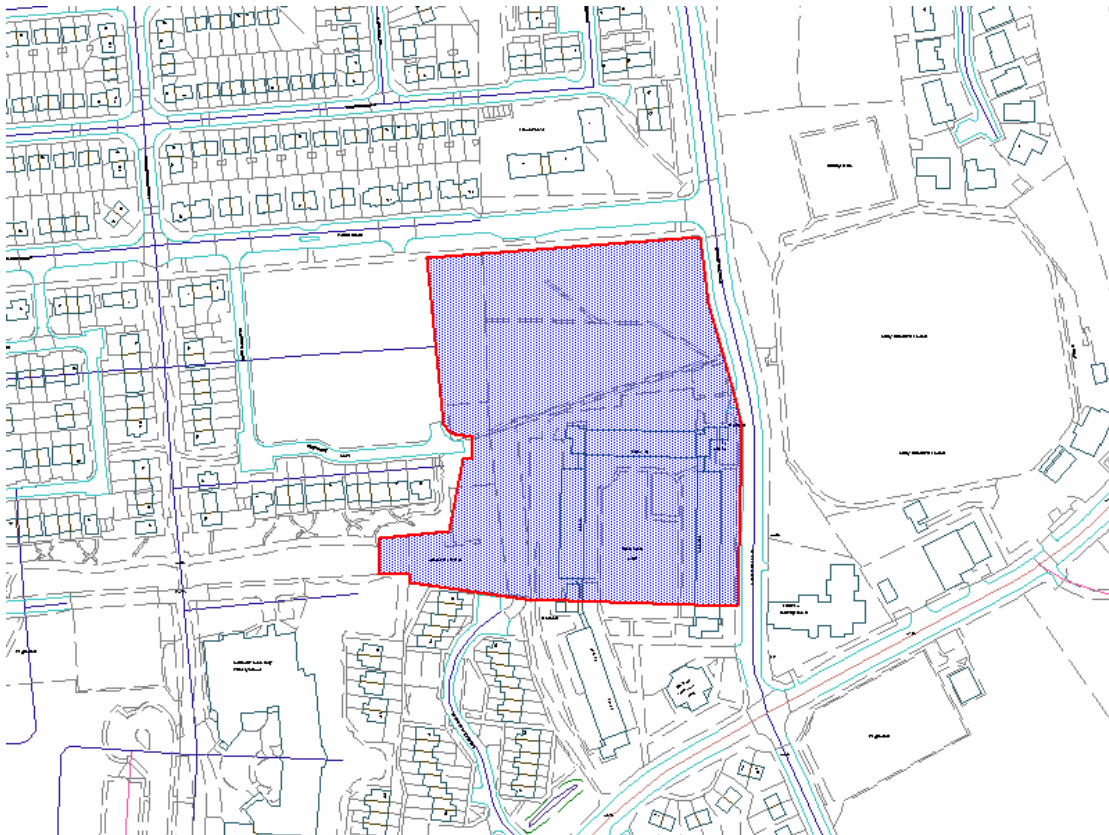
Reference No.: 12/03245/FUL Full Application

Proposal: Extra care housing development comprising 104 apartments with associated communal spaces including a convenience store, hair salon, restaurant, lounges, garden area and associated vehicle parking and 30 bungalows with private gardens, on plot parking and associated access roads. Development to include stopping up of highway.

Location: Junction Of Faber Road And Carley Hill Road Sunderland

Ward: Southwick
Applicant: Housing 21
Date Valid: 21 December 2012
Target Date: 22 March 2013

Location Plan



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PROPOSAL:

This application seeks permission for the provision of 84 two-bedroomed Extra-Care apartments, 20 one-bedroomed Specialist Dementia Care apartments and associated communal facilities, a central parking court comprising 50 spaces and 30 two-bedroomed bungalows which all have private gardens and in curtilage car parking. To of these bungalows are proposed to be fully wheelchair accessible.

Within the main extra care block there will be a mixture of communal activity spaces and facilities to supplement the residential accommodation. All the accomodation is designed to be wheelchair accessible.

The development site is located on the corner of Carley Hill Road and Faber Road and takes in part of the vacant plot left by the demolition of Hahnemann Court. To the west of the site lies Grace House Children's Hospice and beyond that the remainder of the redeveloped Southwick Masterplan Area. To the east is Carley Hill Road; to the north is Faber Road and to the south is the remainder of the now vacant site left by the demolition of Hahnemann Court.

Historically the site was crossed by footpaths but these have been stopped up. The topography of the site is essentially level, however, Carley Hill Road and Faber Road both rise toward their junction at the north eastern corner of the site boundary, whilst the development site remains at a lower level. This results in an increasingly steep area of banking along the boundaries to the north and east as the corner is approached.

Currently the application site is predominantly scrub grassland, tarmac footpaths and old concrete access roads that used to serve Hahnemann Court. There are some mature trees along the old boundary of Hahnemann Court and it is proposed that many of these be retained within the private garden areas of the new extra care facility.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notification Letters

CONSULTEES:

Southwick - Ward Councillor Consultation
Network Management
Street Scene (Environmental Service)
Northumbrian Water
Environment Agency
Director of Children's Services

Final Date for Receipt of Representations: **20.02.2013**

REPRESENTATIONS:

No representations have been received in connection with this application.

POLICIES:

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

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

H_1_Provision for new housing

H_4_Density of housing development to at least reflect that of the locality

H_14_Negotiation for special needs housing in major developments

H_15_Encourage / negotiate for accessibility standards in housing developments

H_16_Negotiation for affordable housing in major developments

EN_1_Improvement of the environment

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

B_1_Priority areas for environmental improvements

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

COMMENTS:

The main issues to consider when assessing this application are:

- The principle of development
- Impact upon the residential amenity of nearby residential occupiers
- Design and layout
- Impact upon visual amenity
- Highway Access and Car Parking Arrangements
- Ecology and Arboriculture
- Flood risk

All of the above issues remain under consideration. It is anticipated that these considerations will be concluded prior to the meeting of the Development Control North Sub-Committee meeting and will be reported on a supplementary report accordingly. Similarly, several consultation responses remain outstanding in connection with this application. It is anticipated that these responses will be received prior to the Committee meeting and will also be included in the supplementary report.

RECOMMENDATION: Deputy Chief Executive to Report

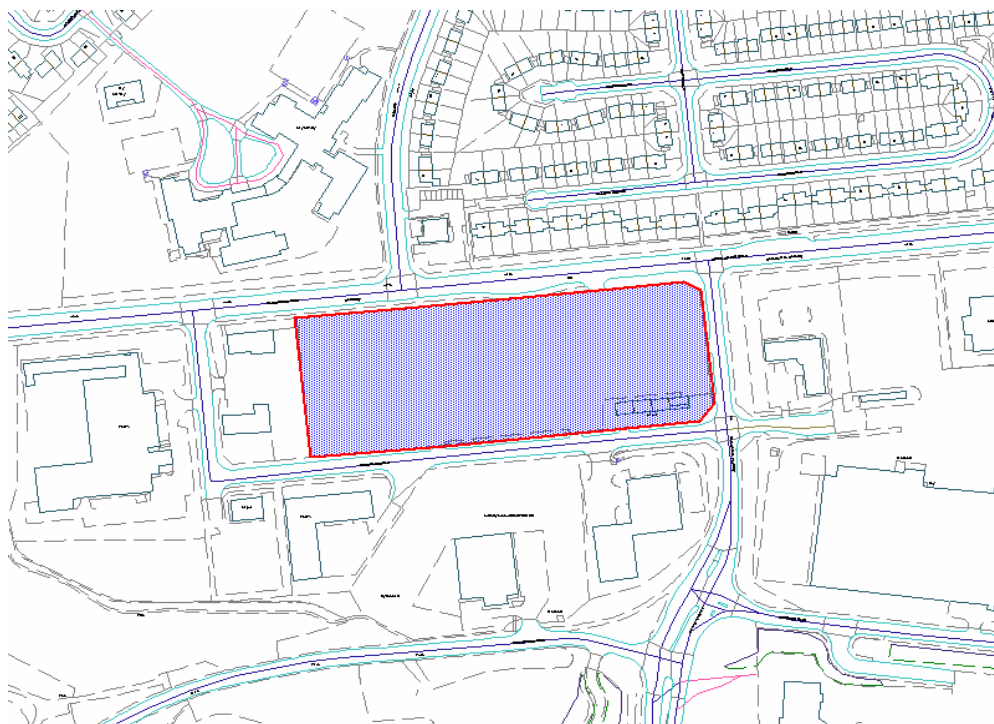
Reference No.: 12/03357/VAR Variation of Condition

Proposal: Variation of conditions 2 (plans) and 9 (unit-use class restrictions) attached to planning application 11/00288/FUL (Proposed new local centre development comprising foodstore (class A1), retail units (class A1), commercial units (class A1-A5), offices / non residential institutions (class B1a / D1) and restaurant (class A3 / A5) : associated parking, landscaping, servicing and access arrangements.) to revise condition 2 plans and elevations of the mixed use class buildings units B-L. Condition 9 (iv) to revise the limit on aggregate net sales area of units B to G and 9(vi) to remove office units N and P.

Location: Land Bounded By North Hylton Road Castletown Way Riverbank Road Southwick Industrial Estate Sunderland

Ward: Castle
Applicant: Verum Victum Limited And Penmarric Plc
Date Valid: 17 December 2012
Target Date: 18 March 2013

Location Plan



PROPOSAL:

The proposal is for Variation of conditions 2 (plans) and 9 (unit-use class restrictions) attached to planning application 11/00288/FUL (Proposed new local centre development comprising foodstore (class A1), retail units (class A1), commercial units (class A1-A5), offices / non residential institutions (class B1a / D1) and restaurant (class A3 / A5) : associated parking, landscaping, servicing and access arrangements.) to revise condition 2 plans and elevations of the mixed use class buildings units B-L. Condition 9 (iv) to revise the limit on aggregate net sales area of units B to G and 9(vi) to remove office units N and P.

Planning permission was granted for the proposed development on the 27.10.2011.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

Network Management
Northumbrian Water
Northern Electric
North Gas Networks
Street Scene (Environmental Service)
Environment Agency
Business Investment
The Highways Agency
Force Planning And Police Architectural Liaison Officer
Castle - Ward Councillor Consultation
DC North Chair and Vice Chair Consultation

Final Date for Receipt of Representations: **12.02.2013**

REPRESENTATIONS:

NORTHUMBRIAN WATER.

Northumbrian Water has no objections to the proposal.

ENVIRONMENT AGENCY (EA)

EA have no objection to the development as proposed subject to the following conditions being imposed as per the 11/00288/FUL planning approval :-

Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme

to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The information provided with the planning application indicates that the site has been subject to a number of potentially contaminative land-uses. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer and within Zone III of a currently designated groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

Condition: Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: The information provided with the planning application indicates that the site has been subject to a number of potentially contaminative land-uses. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone, a principal aquifer and within Zone III of a currently designated groundwater Source Protection Zone. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: Unsuspected contamination may exist at the site which may pose a risk to controlled waters.

EA have also requested the following informatives be added to any consent;

The applicant or their representative has provided a copy of the following report in support of their application:

Phase 1 Desk Study Report for the proposed new local centre at North Hylton Road, Sunderland (Jan 2011). Verum Victum Ltd

Information within this document meets the requirements of a Preliminary Risk Assessment (PRA), in respect to addressing the risks to controlled waters only. Information within the report indicates that the site has been subject to a number of potentially contaminant land uses e.g. garage, engineering works. In addition, the site lies within an area of high environmental sensitivity, as the Magnesian Limestone principal aquifer underlies the site and the site lies within Zone III of a currently designated groundwater Source Protection Zone.

The report recommends that further site investigation works should be undertaken to refine the conceptual understanding of the site (investigate identified pollutant linkages) in order to determine the level of risk posed by the site. We acknowledge and agree with the need to undertake these works. The applicant should ensure that they carry out sufficient leachability/groundwater samples in order to assess the risks to the underlying principal aquifer.

With regards to flood risk, providing NWL agree to accept the surface water discharge, it would be NWL who must agree discharge rates or storage requirements.

EA would recommend that the discharge to sewer remains the same as existing and would encourage the use of SUDS wherever possible and hope they can be incorporated into the design. It is unfortunate of all the SUDS methods referred to, it may be only permeable paving that is utilised. For example it may be useful to consider the use of green roofs, rain water harvesting or swales in car parks which can all be used to help attenuate surface water.

ENVIRONMENTAL HEALTH - As per the previous planning approval

Ground Contamination

The Applicant has submitted an assessment in respect of ground contamination. It is recommended that no works other than investigation works should be carried out on the site prior to the receipt of written approval of the desktop study and any necessary remediation strategy in respect of this matter. This can be controlled by condition.

Air Quality

The North Hylton area is not identified in the report to be of concern with regards to air quality. As the site is not within an AQMA, a simple-level assessment has been undertaken in accordance with DMRB. The DMRB spreadsheet (version 1.03) has been used to predict concentrations for the base year 2010, and the future year 2012 without the development (DM) and with the development (DS).

There is a small magnitude impact on air quality predicted, and therefore the impact of the proposal in terms of air quality can be described as negligible given that total NO₂ concentrations were below 36 ug/m³.

Noise (operational)

The Applicant has also submitted a noise impact assessment which assesses the likely impact of the proposed development on nearby residential premises. The report relies upon detailed traffic flow data which has been provided by AECOM which indicates that the largest increase in traffic flow is predicted to arise on a Saturday therefore the Saturday traffic flow data has been used to calculate the noise level change with the development in place.

The significance of the noise level differences with and without the development in place is very low (maximum of 1 dB) and is not anticipated to be perceptible to the human ear.

Odour (From proposed A3/A5 use)

It is understood that the proposed development seeks permission for the inclusion of restaurant (class A3/A5). Regard must therefore be had to the potential for odorous emissions from the proposed restaurant to give rise to complaints of nuisance or disturbance from nearby residential properties. It is therefore recommended that a suitable and effective extraction / ventilation system which efficiently captures odours and incorporates a grease filtration system shall be provided to serve the restaurant. The extraction system should terminate in a suitable position above eaves level and not be fitted with any restriction at the final opening, such as a plate, cap or cowl.

The applicant must also ensure that suitable provision is made for the disposal of refuse, in particular food waste, to deter the attraction of pests

Construction Issues

In view of the close proximity of the proposed development to nearby residential premises the applicant should make application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974, Section 61 to Community and Cultural Services, Environmental Services, Pollution Control Section. Application should be made prior to the commencement of any works. This issue could be controlled by condition should consent be granted.

It is also recommended that on-site operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive, and 07:30 and 14:00 hrs Saturdays. No works shall be permitted to take place on Sundays and 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. This could also be controlled by condition should consent be granted.

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 or water

browsers in sufficient numbers) adequate for dust suppression purposes must be provided to the site. This could also be controlled by condition.

NEIGHBOURS

No representations have been received.

POLICIES:

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

S_1_Provision of enhanced shopping service, including local provision, based on existing centres.

S_2_Encouraging proposals which will enhance / regenerate defined existing centres.

S_3_Support to other existing centres, local groups and small shops, including new provision

S_7_Design and requirements for new retail development

S_13_Resisting retail development on land allocated for industry

S_14_Criteria for farm shops

EC_4_Retention and improvement of existing business and industrial land

NA_1_Retention and improvement of existing industrial area

NA_11_Retention and improvement of existing shopping centre

NA_12_New site for local convenience retailing with community / leisure facilities

B_2_Scale, massing layout and setting of new developments

B_19_Creation of a "user friendly" environment

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

T_8_The needs of pedestrians will be given a high priority throughout the city.

T_9_Specific provision will be made for cyclists on existing/new roads and off road

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

COMMENTS:

The key areas under consideration are:-

- to revise condition 2 plans and elevations of the mixed use class buildings units B-L.
- Condition 9 (iv) to revise the limit on aggregate net sales area of units B to G and 9(vi) to remove office units N and P.

All of the above issues remain under consideration. It is anticipated that consideration of the issues outlined above will be concluded prior to the meeting of the Development Control Sub-Committee and will be reported on a Supplementary report accordingly.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 12/03380/FUL Full Application

Proposal: **Provision of a community fire station, training fire house and garage with associated enclosures, staff/community car parking areas and installation of CCTV. Change of use of former housing land to public open space.**

Location: Land At Old Mill Road/Marley Crescent Maplewood Avenue High Southwick Sunderland

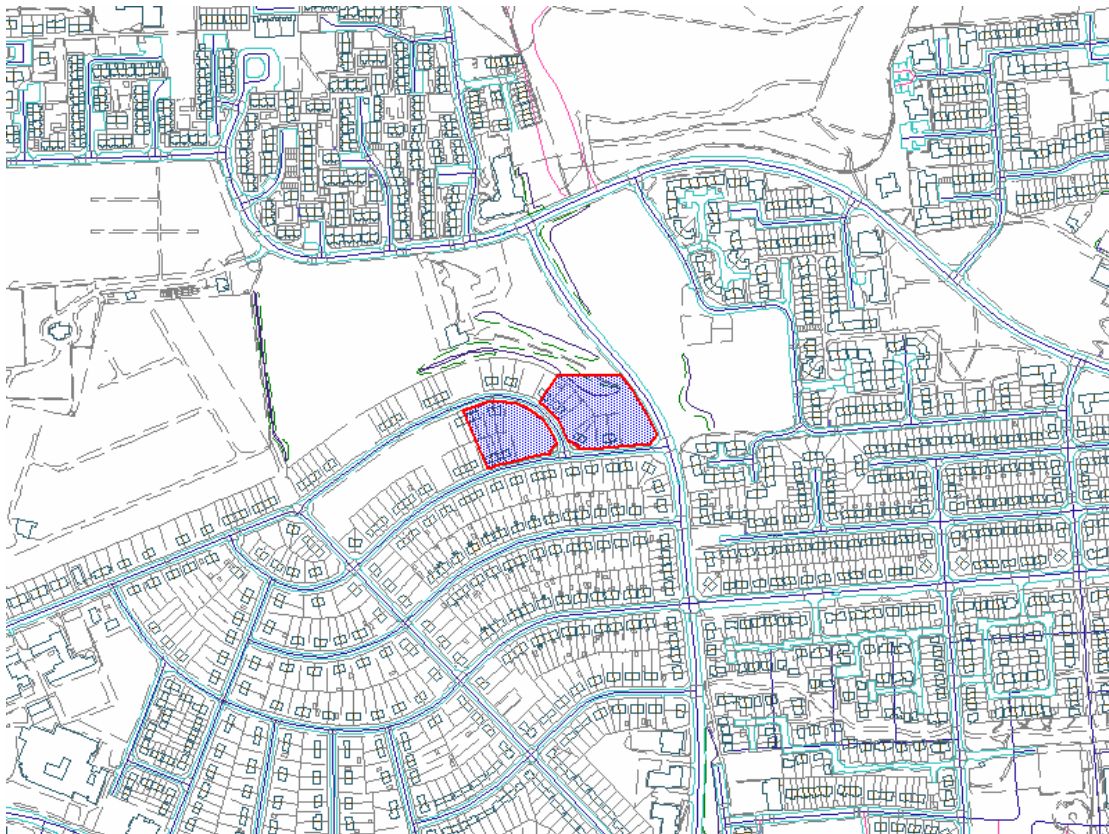
Ward: Redhill

Applicant: Tyne And Wear Fire And Rescue Services

Date Valid: 21 December 2012

Target Date: 22 March 2013

Location Plan



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PROPOSAL:

Full planning permission is sought to erect a community fire station in addition to an ancillary training fire house and garage and associated enclosures and to provide staff/community car parking areas, CCTV and a new area of public open space.

The proposed facility would, effectively, replace Fulwell Fire Station which, as set out within the Design and Access / Planning Statement, would be too costly to be brought up to the required standard and generates approximately 30% more carbon emissions than typical modern fire stations. The redevelopment of the current Fulwell Fire Station site has also been considered, however this was considered impractical given the 'landlocked' nature of this site, abutting dwellings on 3no. of its boundaries. The current site has been chosen due to its central location within the community and good access routes allowing the fire service to effectively carry out its main duty as well as providing a community facility. A total of 9no. other locations for the facility were investigated and discounted for reasons set out within the Design and Access / Planning Statement.

The main fire station building is to provide staff facilities including a gymnasium, recreation room, kitchen, canteen, locker areas and showers, offices, a lecture room, a communications room and associated plant/electrical and storage areas. A meeting room and multi-function room would be provided for use by the public whilst toilets and a quiet/prayer room would be provided for both staff and members of the public. This building would be afforded inclusive access, to incorporate a lift, accessible w.c.s and wheelchair storage areas. The proposed ancillary building would be used for the parking of 2no. appliances and training comprising using ladders, water jets and breathing apparatus, which would take place primarily between the hours of 09:00 and 20:00.

The main building would occupy a footprint of just over 1100sq.m and would be sited at the junction approximately 6m from the eastern boundary onto Old Mill Road and 14.4m from the southern boundary onto Marley Crescent at its closest points. The building is of a contemporary flat-roofed design comprising a variety of heights, although the majority the building would have two-storeys to a maximum height of approximately 9.2m to parapet from ground level. A single-storey section of the building situated to the rear relative to Marley Crescent would accommodate 3no. appliance bays, the entrances to which in the southwest-facing elevation would be fronted by a canopy to provide a covered external parking area for the appliances and separate exits would be provided in the northeast-facing side to afford direct egress from the site. The main entrance to the building, which would be fronted by a flat-roofed canopy, would be provided in its south-facing elevation, a curved feature to accommodate a stairway would be incorporated on the southeastermost section near to the junction and a box-style bay feature would be incorporated on the east-facing elevation. The palette of external materials to be used for this building includes blue and white render, timber cladding, textured cream-coloured blockwork, a further cladding system for the rear section of the main building (details of which have yet to be determined) and grey powder-coated fascia panels.

The proposed training house / garage building has a footprint of approximately 198sq.m and is to be sited 3.4m from the northern boundary and 4.7m from the northwestern boundary of the site at its closest points. The majority of this building would have a flat roof measuring approximately 6.8m from ground level, in which single- and two-storey elements would be incorporated; the single-storey section would accommodate fire authority appliances. A 2.2m high sloping block with railing would be provided on this flat roof for training purposes and a four-storey tower would be provided on the southeast corner of this building which would have a mono-pitched roof to a maximum height of 13m.

An enclosure of 2.3m high timber fencing is proposed to the front of the site adjacent to Maplewood Avenue which would enclose an area of approximately 14.5m by 3.7m to provide a bin store and a separate area for the storage of diesel. A 5.3m squared by 3.1m structure to enclose a sprinkler system as well as a 3.8m by 2.9m pump house to a height of 2.9m would be provided adjacent to the northern boundary, adjacent to which a RTC (Road Traffic Collisions) storage area and RTC compound would be provided. A smoking shelter and lockable cycle store would be provided either side of the staff entrance in the southwest-facing elevation, 3no. 10m high CCTV columns would be provided within the site, a further 2no. cameras would be mounted on the main building and details of a scheme of lighting have been provided comprising column-mounted pathway, roadway and car park luminaires, building mounted bulkhead luminaires and bollard-mounted luminaire.

A total of 22no. staff parking spaces, an additional parking space for an appliance and an external area for training would be provided in the western section of the site, to which access would be afforded to staff only. This area would be enclosed by a brick wall with close-boarded timber fencing supported by brick piers to a height of 2.4m along the public footway, the boundary shared with the adjacent dwelling to the northwest and the majority of the northern boundary of the site. The southeastern section of the site near to the junction, to which public access and egress would be afforded by vehicle from Marley Crescent and for pedestrians from Old Mill Road, would include 22no. parking spaces and a cycle stand and is to be enclosed by 500mm high timber posts and railings. The public and staff areas would be separated by 2m high palisade fencing and sliding gates, which would also be incorporated to the northeast to provide staff access into the site.

To mitigate the area of approximately 3000sq.m of allocated open space which would be lost to cater for the proposed fire station, an alternative provision of open space of 3870sq.m on the opposite side of Maplewood Avenue is proposed. This area exists as a grassed area of cleared housing and would remain open-plan. A scheme of landscaping has been submitted which indicates that a total of 43no. trees would be planted on this and the area on which the fire station would be sited as well as a significant level of shrubbery, grass and bulb planting.

Part of the application site is allocated for industrial development on the adopted Unitary Development Plan (UDP) proposals map and, as such, the proposal is partly a departure from the adopted plan. The Town and Country Planning (Consultation) (England) Direction 2009 sets out the power of the Secretary of State to issue directions to local planning authorities requiring consultation with specified persons before granting planning permission. The areas covered by this direction include development within greenbelt, within the vicinity of world heritage sites and on playing fields as well as retail, leisure or office development outside town centres. To this regard, it is not considered that the proposal meets the criteria for referral to the Secretary of State as set out in the Town and Country Planning (Consultation) (England) Direction 2009 and, as such, can be determined by the Local Planning Authority.

Site Description

The application site is split into 2no. distinct sections, separated by Maplewood Avenue, both of which are situated on the north side of Marley Crescent. The site forms part of an area of cleared housing stock and a series of two-storey semi-detached and link-terraced dwellings exist along the south side of Marley Crescent. As Members may recall, the current application site abuts the site of an application by Gleeson Homes and Regeneration Ltd. which was approved by the Development Control (Sunderland North) Sub-Committee on 02 November 2011 for a development of 70no. dwellings; the majority of these units, including that which abuts the current application site, have now been constructed.

The eastern section of the site has an area of approximately 6200sq.m and forms the prominent northwest corner of Marley Crescent and Old Mill Road. Around half of this part of the site, its northeasternmost extent, forms part of a wider area which is allocated by the UDP as existing open space over 1ha and by the Open Space Register as equipped children's playspace. The remainder of the site previously contained 5no. pairs of two-storey semi-detached dwellings, which have since been cleared and the area turfed. Open-boarded fencing currently runs through the plot, dividing the allocated open space and the cleared housing stock sections of this part of the site, whilst open railings run along the corner of the site and its side which fronts onto Old Mill Road. The site contains a number of sparsely planted semi-mature trees, is heavily contoured and raised above street level.

The westernmost section of the site has an area of around 3870sq.m and forms the western corner of Marley Crescent and Maplewood Avenue. This part of the site previously contained 8no. pairs of two-storey semi-detached dwellings, 3no. of which were linked and all of which have been cleared and the area turfed along with other dwellings on the north side of Marley Crescent for the aforementioned housing development. This western section of the site is unenclosed and comprises a gradual downward slope from east to west and from north to south.

Planning History

Planning permission was granted for a temporary period of 3no. years in March 2012 (ref. 11/03692/FUL) to erect the Paladin fencing which currently exists around the eastern section of the site in preparation of the currently proposed development.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted

CONSULTEES:

Network Management
Street Scene (Environmental Service)
Business Investment
Force Planning and Police Architectural Liaison Officer
Parks
Gentoo Group Ltd.
County Archaeologist
Environment Agency

Final Date for Receipt of Representations: **14.02.2013**

REPRESENTATIONS:

The County Archaeologist advised that the site is of potential archaeological interest given that prehistoric and Roman objects have been found over a wide area in Fulwell, Carley Hill and High Southwick and therefore recommended that archaeological trenching be carried out prior to the determination of the application. Concerns were originally raised that this work had not been carried out, despite pre-application advice recommending this. The trenching has therefore since been carried out and a report provided which the County Archaeologist has confirmed that the site is not of potential archaeological importance and, as such, no objections are offered and no conditions are recommended to be imposed.

The Environment Agency (EA) noted that the area of the site exceeds 1ha, which normally requires the submission of a Flood Risk Assessment (FRA). However, given that the site would be divided and only one section, which is less than 1ha, would be development, an FRA is not required in this instance. Reference is made to the EA's standing advice for general surface water drainage issues and the employment of a sustainable drainage approach to surface water management (SUDS) is encouraged. It was also recommended that the local sewerage undertaker be consulted to ensure that the sewerage system which would serve the development has sufficient capacity to accommodate the additional flows.

Northumbrian Water (NW), the local sewerage undertaker, advised that the proposed development would be sited over a public sewer which runs across the site, which would not be permitted by NW as owner of this apparatus. Further to correspondence with the agent acting on behalf of the applicant, it would appear that these sewers are likely to have been abandoned due to the clearance of previous housing stock and the new residential development, although the formal abandonment process has not been undertaken. On this basis, NW is satisfied that this issues can be addressed by adding an informative note on any planning permission advising the developer of the requirement to contact NW to proceed with the formal abandonment process prior to any development being carried out.

The Executive Director of City Services: Network Management advised that the proposal is acceptable in terms of its access and parking arrangements and indicated that the construction of the vehicular accesses onto Old Mill Road and Marley Crescent will require minor works within the highway under the Highways/Traffic Acts, to such regard the developer should contact Network Management.

Gleeson Developments Limited, who is carrying out the housing development to the west of the site, confirmed that it considers that the proposal would have a positive community benefit and therefore has no objections.

No representations have been received from neighbouring residents.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
B_3_Protection of public/ private open space (urban green space)
B_11_Measures to protect the archaeological heritage of Sunderland (general)
B_13_Sites and monuments of local importance affected by development
B_14_Development in areas of potential archaeological importance
B_15_Developments causing large scale ground disturbance (currently undeveloped areas)
B_16_Assessing, recording and preserving historic sites discovered during development
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
EN_1_Improvement of the environment
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
EN_12_Conflicts between new development and flood risk / water resources
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
L_4_Standards for outdoor sport and recreation
L_5_Ensuring the availability of Public Parks and amenity open space
L_6_Development of a hierarchy of playspace provision for children
L_7_Protection of recreational and amenity land
R_1_Working towards environmentally sustainable development
R_4_Incorporation of energy saving measures
T_8_The needs of pedestrians will be given a high priority throughout the city.
T_9_Specific provision will be made for cyclists on existing/new roads and off road
T_10_Protect footpaths; identify new ones & adapt some as multi-user routes
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments

COMMENTS:

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

- The principle of development;
- Design, scale, massing and layout, including landscaping;
- Impact on residential amenity;
- Archaeology;
- Drainage and sewerage;
- Sustainability;
- Highway implications;
- Ground contamination; and
- Ecology and wildlife.

Principle of Development

Approximately half of the part of the eastern part of the site on which the proposed fire station and associated development would be sited is allocated by the adopted Unitary Development Plan (UDP) as existing open space to be retained whilst the remaining half, which exists as cleared housing stock, is not allocated for any specific land use.

The unallocated part of the site is subject to policy EN10 of the UDP which dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood.

The previously undeveloped part of the site is classified as part of an area of existing open space over one hectare and, as such, policy L7 of the UDP applies, which aims to protect land allocated for open space or outdoor recreation. This policy dictates that planning permission for other uses on such land will only be granted if:

- (i) alternative provision, of an equivalent scale, quality and accessibility is made; or
- (ii) the development is for educational purposes; and
- (ii) there would be no significant effect on the amenity, recreational and wildlife habitat value of the site.

UDP Policy B3 goes on to state that public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value and that proposals will be considered in the light of their contribution to urban regeneration and to the importance of such space to the established character of the area.

Having regard to policy EN10, whilst the area is predominantly residential in character, it is considered that the proposed use of the site may be considered acceptable, in principle, provided that the amenities of neighbouring residents are sufficiently protected and the proposal accords with the other matters to be examined as laid out above.

In respect of the area of allocated open space, this is currently enclosed by palisade fencing but is still well-maintained, as it has been for a significant period of time and therefore offer significant visual amenity value. Having regard to policy L7, given that the proposal would not be primarily for educational purposes, the proposal may only be considered favourably, in principle, in this instance where an alternative provision of an equivalent scale, quality and accessibility is made. The area of open space to be lost equates to approximately 3000sq.m whilst the new provision has an area of around 3870sq.m. This new provision would incorporate various planting including trees and shrubs, of which a shortfall is identified within the locality by the Council's Draft Greenspace Audit (a full assessment of the quality of the proposed open space will be provided subsequently), and is highly assessable, being surrounded by dwellings to the north, west and south.

Accordingly, provided that the proposal satisfies the other criteria to be considered in assessing this proposal, as summarised above, the principle of the proposal is considered to be acceptable.

Summary

The principle of the proposal is considered to be acceptable. However, the remaining issues, as set out above, are still under consideration and it is anticipated that these issues will be addressed on a supplementary report to the

Sub-Committee, which will include consideration of any representations already received and those received in the interim and a recommendation on the application.

RECOMMENDATION: Deputy Chief Executive to Report

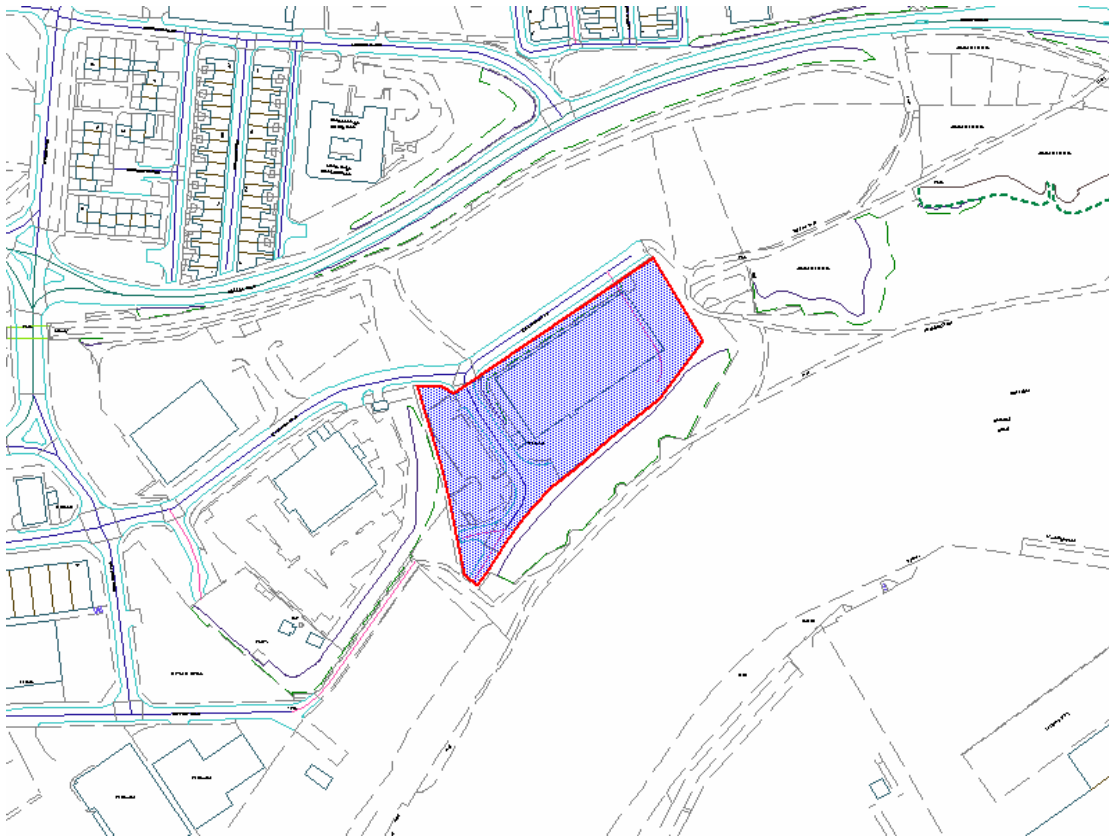
Reference No.: 13/00028/FUL Full Application

Proposal: **Erection of 2No. lightweight portal framed storage buildings within the existing loading yard.**

Location: IAC Group Limited Wayfarer Road Sunderland SR5 3AX

Ward: Southwick
Applicant: IAC Group Limited
Date Valid: 8 January 2013
Target Date: 5 March 2013

Location Plan



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PROPOSAL:

Planning permission is sought for the erection of 2 No. lightweight portal framed buildings within the existing loading yard at IAC Group Limited, Wayfarer Road, Sunderland, SR5 3AX.

The application site and surrounding units in the locality of Wayfarer Road are large scale, storage and distribution centres with office space and retailing

interspaced. The proposal relates to the erection of ancillary storage buildings to the main use of the building.

The application property is a large automotive sub-assembly plant supplying pre-fabricated parts to local manufacturers on a 'Just In Time' supply basis.

The proposed buildings are to provide a total of 925 metres squared of floor area for storage purposes. The storage is to serve the increasing palletised storage requirements, prior to assembly in the main building.

The proposal can be separated into two units due to the scale of each, although they are to be linked internally. The largest building is to measure 55 metres in length and is to be 15 metres in width. The building is to have a maximum height of 8.6 metres. The smaller building is to be located to the northeast of the larger building and is to measure 10 metres in length and 10 metres in width. The height is to be lower with a height of 7.5 metres. The proposed buildings are to be lower than the existing building on the site which provides a significant level of screening.

The proposed buildings are to be constructed from profiled sheet steel cladding as per the existing building on the site.

TYPE OF PUBLICITY:

Neighbour Notifications

CONSULTEES:

Network Management
Southwick - Ward Councillor Consultation
County Archaeologist
Southwick - Ward Councillor Consultation

Final Date for Receipt of Representations: **19.02.2013**

REPRESENTATIONS:

No objections have been received upon the expiry of the neighbour consultation period or the posted site notice.

Consultee Responses

The Network Management Team has raised no objections to the proposal.

The County Archaeologist has stated that the site was partly occupied by both Southwick Pottery and a shipyard in the 19th Century. However, given the proposal relates to lightweight storage buildings, the development is unlikely to disturb buried remains and as such no archaeological work is required.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
EC_4_Retention and improvement of existing business and industrial land
NA_1_Retention and improvement of existing industrial area

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

T_22_Parking standards in new developments

COMMENTS:

The main issues to be considered in assessing the application are as follows:

1. Principle of Use
2. Siting and Design
3. Highways

1. Principle of Use

Due consideration has been given to the National Planning Policy Framework and policies NA1.3 and EC4 of the Unitary Development Plan (UDP).

Policy NA1.3 of the UDP seeks the retention and improvement of industrial areas in Low Southwick/ Thirlwell Bank. Policy NA1.3 identifies acceptable primary uses within this area as including general industry and storage and distribution (Classes B2 and B8). As an expansion of policy NA1.3, policy EC4 of the UDP seeks to ensure that existing businesses and industrial land is retained and improved.

In accordance with the above, the proposal seeks to erect buildings in connection with the existing use of the site and to aid in the operation of the site. As such, the proposal is considered to accord with policies NA1.3 and EC4 of the UDP.

2. Siting and Design

The visual impact of the proposal in terms of its design, scale, siting and external appearance must be given consideration. Policy B2 of the adopted UDP seeks to ensure that alterations and extensions to buildings respect and enhance the best qualities of nearby properties and the locality.

The proposed structures would be situated adjacent to the existing building on the site, which would provide screening from views from the north. The structure would be visible from the opposite side of the River Wear to the south however this would be from vantage point located a significant distance away. In addition, the proposed buildings would be viewed against the backdrop of the larger, long established, main building.

It is stated on the application form and within the Design and Access Statement that the materials of the proposal would be constructed using finishes which would match those of the existing building and wider area, namely profiled sheet steel. A condition to this regard will be placed on the decision notice should Members be minded to approve the application.

For such reasons, the design, scale, siting and external appearance of the proposal is considered to be appropriate and it is not considered that the development would compromise the visual amenity of the locality, in accordance with policy B2 of the adopted UDP.

3. Highways

Policy T14 of the adopted UDP seeks to ensure that new development does not result in any significant detrimental impact on highway safety. In addition policy T22 requires development to provide adequate levels of car parking.

The Executive Director of City Services (Network Management) offered no objections to the proposal. The submission of a vehicle modelling plan (Drawing No. 12257/06, received 12.02.2013), demonstrates the proposed building will not affect the manoeuvring of vehicles or the safety of employee movements. As such, the proposal is considered to be acceptable in terms of highway safety in accordance with policies T14 and T22.

Summary

It is considered that the proposed buildings are acceptable in principle subject to the imposition of relevant conditions. The proposal is deemed to be appropriate within the established industrial/business area, in compliance with the requirements of policies B2, EC4 and NA1.3 of the UDP. Furthermore, the proposed buildings raise no significant concerns in relation to highway safety, in accordance with UDP policies T14 and T22.

As such Members are recommended to approve the application for the proposed storage buildings subject to the following conditions.

RECOMMENDATION: Approve

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 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Drawing No. 12257/01: Location plan, received 07.01.2013

Drawing No. 12257/02: Existing elevations, received 07.01.2013

Drawing No. 12257/03: Proposed elevations, received 07.01.2013

Drawing No. 12257/04: Block plan and roof plan, received 07.01.2013

Drawing No. 12257/05: Proposed layout, received 07.01.2013

Drawing No. 12257/06: Vehicle path modelling, received 12.02.2013

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 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first

agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

ITEMS FOR INFORMATION

LIST OF OTHER APPLICATIONS CURRENTLY ON HAND BUT NOT REPORTED ON THIS AGENDA WHICH WILL BE REPORTED WITH A RECOMMENDATION AT A FUTURE MEETING OF THE SUB COMMITTEE

APPLICATION NUMBER AND WARD		ADDRESS	APPLICANT/DESCRIPTION	DATE SITE VISIT REQUESTED	LAST ON AGENDA	COMMENTS
1.	12/00135/FUL Castle	Castletown W.M.C. Castletown Workmens Club 86 - 98 Castle View Castletown Sunderland	Mr Pannu & Galsinh Demolition of existing social club and erection of apartment block of 12no. two bedroom dwellings and associated access and parking.	June 2012 Committee	N/A	Pending Consideration
2.	12/03269/FUL Southwick	Site Of Hahnemann Court Carley Hill Road/ Thompson Road Sunderland	Aldi Stores Ltd Erection of a foodstore with associated access, car parking and landscaping; and relocation of an existing substation.	N/A	N/A	Pending Consideration

Appeals Received North Sunderland

Between 01/01/2013 and 31/01/2013

Ref No	Address	Description	Date Appeal Lodged
13/00002/REF	53 Revelstoke Road		
Sunderland	Change of use from retail to hot	18/01/2013	
SR5 5EP	food takeaway.		

Appeals Determined North Sunderland No Items

DEVELOPMENT CONTROL (NORTH SUNDERLAND) 27 FEBRUARY, 2013

RESPONSE TO THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT CONSULTATION ON PLANNING PERFORMANCE AND THE PLANNING GUARANTEE.

REPORT BY THE DEPUTY CHIEF EXECUTIVE

1.0 PURPOSE OF THE REPORT

- 1.1 To endorse the response to the DCLG consultation of November 2012, "Planning Performance and the Planning Guarantee" which is appended to this report.

2.0 BACKGROUND

- 2.1 The Growth and Infrastructure Bill which was introduced to Parliament on 18 October 2012 contains a number of proposals which build upon existing planning reforms.
- 2.2 The intent of the Bill is to help deliver more new homes and more jobs and to "*cut through rigid processes and unnecessary paperwork*". It is expected that the Bill will be enacted by April 2013.
- 2.3 The consultation period which ended on 17 January 2013 seeks the views of local planning authorities (LPAs) and others over proposals that the performance of LPAs should be assessed on the basis of speed and quality of decisions in relation to planning applications.
- 2.4 The consultation also sets out and seeks views on proposals for introducing a planning guarantee whereby a maximum period of 12 months for determination of a planning application, including any appeal would be introduced.

3.0 ANALYSIS OF THE KEY ISSUES IN THE CONSULTATION

- 3.1 The most significant proposal within the consultation is in respect of major planning applications, and the proposal that an applicant be able to apply to the Planning Inspectorate to get planning permission in the first instance, thus effectively bypassing the Council, as the statutory LPA. The proposal is intended to apply where an LPA has been placed in special measures and is formally designated by the Secretary of State as "very poor".

- 3.2 The grounds for such a designation are proposed to be where;
- 30% or fewer major applications have been determined within 13 weeks over a two-year period or
 - the proportion of major decisions overturned on appeal is greater than 20 per cent over two years.
- 3.3 The Government anticipates that the proposed legislation will stimulate an increased focus on performance within LPAs and will help to ensure that the proposal to introduce a planning guarantee (ie a planning decision within 12 months including time taken for any appeal) will be met.
- 3.4 As a further means of ensuring that decisions are made within the guarantee period the Government also proposes amendment of secondary legislation to require a refund of the planning application fee if no decision has been made on a scheme within 26 weeks. This proposal in respect of LPAs impacts upon all 3 categories of planning application *ie* major, minor and other applications and applies also to the Planning Inspectorate in relation to major applications
- 3.5 Other main details from the consultation document outline that:
- Designations would be made annually and would last for one 1 year. A designated authority would need to demonstrate a sufficient degree of improvement before the designation is lifted.
 - Thresholds for the speed of decisions made would be raised after the first year to ensure that there is "a strong but achievable incentive for further improvement"
 - Any LPA with a whole year of planning decisions data missing would automatically be designated as "very poor" performing
 - In return for carrying out the decision making element, the Planning Inspectorate would receive the fee normally gathered by the designated LPA. Notwithstanding the loss of fee income the designated LPA would still be expected to carry out all technical administrative support (such as consultations) together with any negotiations on Section 106 agreements.
 - Applications would be exempt from any statistical return where they are undertaken under a Planning Performance Agreement or are the subject of post application agreements to extend the timescale for determination
 - In the case of designated LPAs, Government would monitor performance in determining the remaining applications and consider the steps taken by the LPA to improve in its capacity and capability before making a judgment as to whether the improvements were sufficient to warrant removal from the special measures.
 - In choosing to opt for submission directly to the Planning Inspectorate, where allowed, the developer loses any right of appeal.
- 3.6 It is proposed that initial designations will be made in October 2013 using performance data from the financial years 2011/12 and 2012/13.

- 3.7 Placing LPAs under special measures based upon poor planning performance is not new. This Council was identified as a Standards Authority for 2005/06 in respect of minor and other applications and in 2006/07 for major applications. However under previous administration poor performance was penalised by inability to share in the windfall of Planning Delivery Grant. Poor performance under current proposals cuts to the heart of the planning budget by potentially taking away estimated fee income.
- 3.8 Sunderland's performance against the suggested thresholds over the 2011/2012 and 2012/2013 period is as follows :
- Major planning applications determined (up to Nov 2012 ie 20 months) is 66.3% - well above the suggested benchmark of 30%
 - There have been no major planning appeals overturned so as it currently stands there would be no measurement against the quality of decision making criteria.
- 3.9 However, the proposal to bypass the LPA as the first point of the decision making process is entirely new and raises some key issues of both principle and practicality:
- Democratic control of planning is one of the founding principles of the planning system. The proposal would introduce a new kind of planning where the substantive right to have a decision taken by a democratically elected LPA is transferred to an unelected body.
 - Invariably, most major applications are the subject of pre-application discussions between the LPA and the prospective applicant (which in Sunderland's case generates a fee). This front loading of applications is a major factor in reducing the time taken in the decision making process. It is unclear as to whether the Planning Inspectorate would take on this pre application advisory role.
 - Adequate resourcing of the LPA is a critical factor in terms of performance. Any loss of the application fees to the Planning Inspectorate would result in less investment in the service and merely perpetuate poor performance.
 - There is a danger in the sole use of metrics to measure planning performance as the bare figures are unable to tell the whole story of why planning applications get delayed which in many cases is down to circumstances outside the control of the LPA
 - To meet performance targets, there could be a temptation to determine applications quickly rather than work with applicants to address issues. The National Planning Policy Framework requires LPAs to "*look for solutions and not problems*" implying the quality of the development could rank higher than the speed of the decision.
 - There could be a major disconnect between the decision-making on applications dealt with by the Planning Inspectorate and any Section 106 negotiations which would still be undertaken by the LPA. Invariably, it can be the slow turnaround of Section 106 Agreements that is often the main reason for slow decision-making in the first place.

4.0 THE NEXT STEPS

- 4.1 It is intended that after consideration of the consultation responses a summary of those responses will be published. The consultation responses will help inform debate as the Bill passes through Parliament. Any intended implementation of proposals arising would be enacted through policy and secondary legislation, the final form of which would need to reflect Parliaments decisions on the Bill.

5.0 RECOMMENDATIONS

- 5.1 Committee is recommended to note comments highlighted within this report and endorse the response to DCLG which is contained within Appendix 1.

6.0 BACKGROUND PAPERS

- 6.1 *Planning performance and the planning guarantee* – DCLG November 2012

Response of Sunderland City Council and the North East Councils to:

Planning Performance and the Planning Guarantee: Consultation

Question 1: *Do you agree that local planning authority performance should be assessed on the basis of the speed and quality of decisions on planning applications?*

Agree that speed of decision making is important but needs to be balanced against ensuring that quality of development is not compromised as a result.

Local Planning Authorities are well used to performance targets and they do have a place within the planning system focussing the attention of both the LPA and also the applicant when the requirement for additional information arises as a result of the consultation process.

It must be recognised that some proposals do take longer than others and the complexity of cases can vary enormously requiring differing degrees of engagement to ensure a quality decision.

Agree with the intention of maintaining the current statutory time limits for determining planning applications, unless an extended period has been agreed in writing between both parties.

Agree that in identifying and addressing poor performance Government focus only on major applications as these types of application are the most important for stimulating growth, encouraging redevelopment and creating employment.

It should however be noted that most LPAs frequently work with applicants beyond the 13 weeks when necessary in an attempt to find solutions to issues, balancing the benefits of the scheme against the impacts (as stated in the National Planning Policy Framework).

Where this has led to planning permission being granted the developer is often happier with a positive outcome at say week 15 as opposed to a refusal or pressure to withdraw an application at week 13.

Also many major schemes by their nature require a Section 106 Agreement and planning decisions can not be issued until these are signed. The drafting and checking of such agreements can take time even when schemes have had pre application discussions. This delay often takes applications beyond the 13 week threshold.

When attempting to assess the quality of decision it is important to take account of the whole of the decision making process from pre application engagement to determination and not focus solely on the final outcome.

The proposal to determine quality based upon the success rate at appeal is not a true reflection or way of assessing LPAs as the trigger only assesses those LPAs who have refused applications and does not attempt to measure quality in all of the decision making process. ie including approvals.

In the case of a refused application taken to appeal it must be recognised that the fact an Inspector may come to a different view to a LPA does not mean the decision was incorrect, equally if an appeal is dismissed by an Inspector it does not follow that the applicants scheme was without merit and poorly made.

Planning is ultimately about judgements and subjectivity and what weight a decision maker gives to component elements of a scheme weighing up benefits and impacts. To potentially designate a LPA as poorly performing due to having lost a number of appeals even though the judgements made were fair and reasonable (but ultimately not agreed by an Inspector) would seem wrong when compared to the alternative of approving all major applications (in 13 weeks) irrespective of their quality and impacts.

Question 2: *Do you agree that speed should be assessed on the extent to which applications for major development are determined within the statutory time limits, over a two year period?*

There are no objections over assessment of speed of determination of major applications over a 2 year period.

Question 3: *Do you agree that extensions to timescales, made with the written consent of the applicant following submission, should be treated as a form of planning performance agreement (and therefore excluded from the data on which performance will be assessed)?*

Agree that applications with planning performance agreements are all excluded from the data on which performance is assessed. However the means of recording this information will need to be established.

Question 4: *Do you agree that there is scope for a more proportionate approach to the form and content of planning performance agreements?*

Agree due to the differing complexity of major schemes.

Some major schemes are strategic and very complex and as such it follows a planning performance agreement will need to reflect that in its nature.

Question 5: Do you agree that quality should be assessed on the proportion of major decisions that are overturned at appeal, over a two year period?

The proposal to determine quality based upon the success rate at appeal is not a true reflection or way of assessing LPAs as the trigger only assesses those LPAs who have refused applications and does not attempt to measure quality in all of the decision making process. ie including approvals.

There needs to be more clarity around how the measure would be calculated. Is the proposal that the quality of decision be assessed solely against the number of appeals over a 2 year period which are overturned, or is it the number of appeals overturned expressed as a percentage of the total number of major planning application decisions determined by the LPA?

In the case of a refused application taken to appeal it must be recognised that the fact an Inspector may come to a different view to a LPA does not mean the decision was a poor one, equally if an appeal is dismissed by an Inspector it does not follow that the applicants scheme was without merit and poorly made.

Planning is ultimately about judgements and what weight a decision maker gives to component elements of a scheme weighing up benefits and impacts. To potentially designate a LPA as poorly performing due to having lost a number of appeals even though the judgements made were fair and reasonable (but ultimately not agreed by an Inspector) would seem wrong when compared to the alternative of approving all major applications (in 13 weeks) irrespective of their quality and impacts.

Another issue that needs clarification is in the case of a split decision, whereby the substantive reason for refusal of the scheme is accepted but whereby the Inspector has the power to allow a discreet element of a scheme (a power the LPA does not have). In such cases where a split decision is made this should not be counted as an allowed appeal and instead should be recorded as a split decision.

Question 6: Do you agree with the proposed approach to ensuring that sufficient information is available to implement the policy?

Agree that this seems appropriate and should ensure information submissions are made in a timely way.

The minimum standard suggested will provide certainty to LPAs around actions necessary to address poor performance.

Question 7: Do you agree that the threshold for designations should be set initially at 30% or fewer of major decisions made on time or more than 20% of major decisions overturned at appeal?

Agree in respect of the threshold for speed of determination but do not agree with the approach to the way in which quality of decisions are intended to be determined as described above.

Question 8: Do you agree that the threshold for designation on the basis of processing speeds should be raised over time? And, if so, by how much should they increase after the first year?

In principle yes but it would appear reasonable to first see how many authorities are designated under the proposed initial thresholds and then assess performance nationally so that a body of evidence can be assessed to judge average performance before setting new absolute thresholds. This will prevent artificially high or low thresholds being set.

The other key issue is the capacity of the Planning Inspectorate to handle increased workload, as potentially the proposals will simply move the problem to a different determining body.

Question 9: Do you agree that designations should be made once a year, solely on the basis of the published statistics, as a way to ensure fairness and transparency?

Agree.

Question 10: Do you agree that the option to apply directly to the Secretary of State should be limited to applications for major development?

Agree. Again there is a concern over the capacity of the Planning Inspectorate to deal with the potential number of applications.

Question 11: Do you agree with the proposed approaches to pre-application engagement and the determination of applications submitted directly to the Secretary of State?

Further clarity is required in respect of the pre application process and how it is to be co-ordinated by the Secretary of State to ensure all relevant matters are dealt with including community and Member engagement and cost recovery for LPAs who are engaged in the process.

LPAs should be fully reimbursed for carrying out all administrative duties.

Further clarity is needed around S106 agreements including all negotiations and costs associated with their completion.

Question 12: Do you agree with the proposed approach to supporting and assessing improvement in designated authorities? Are there specific criteria or thresholds that you would propose?

Agree. No objections to the proposed approach for support and assessment of designated authorities

Question 13: Do you agree with the proposed scope of the planning guarantee?

Agree

Question 14: Do you agree that the planning application fee should be refunded if no decision has been made within 26 weeks?

Do not agree with the proposal that the planning fee should be refunded if a decision is not made within the 26 week period as significant resources will have been committed to the application at this point.