

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 (General Development Procedure) Order 1995.

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 Development and Regeneration Directorate Services in the Civic Centre.

Philip J. Barrett

Director of Development and Regeneration Services.

Reference No.: 08/04691/FUL Full Application

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

Location: Asda Superstore Leechmere Road Sunderland

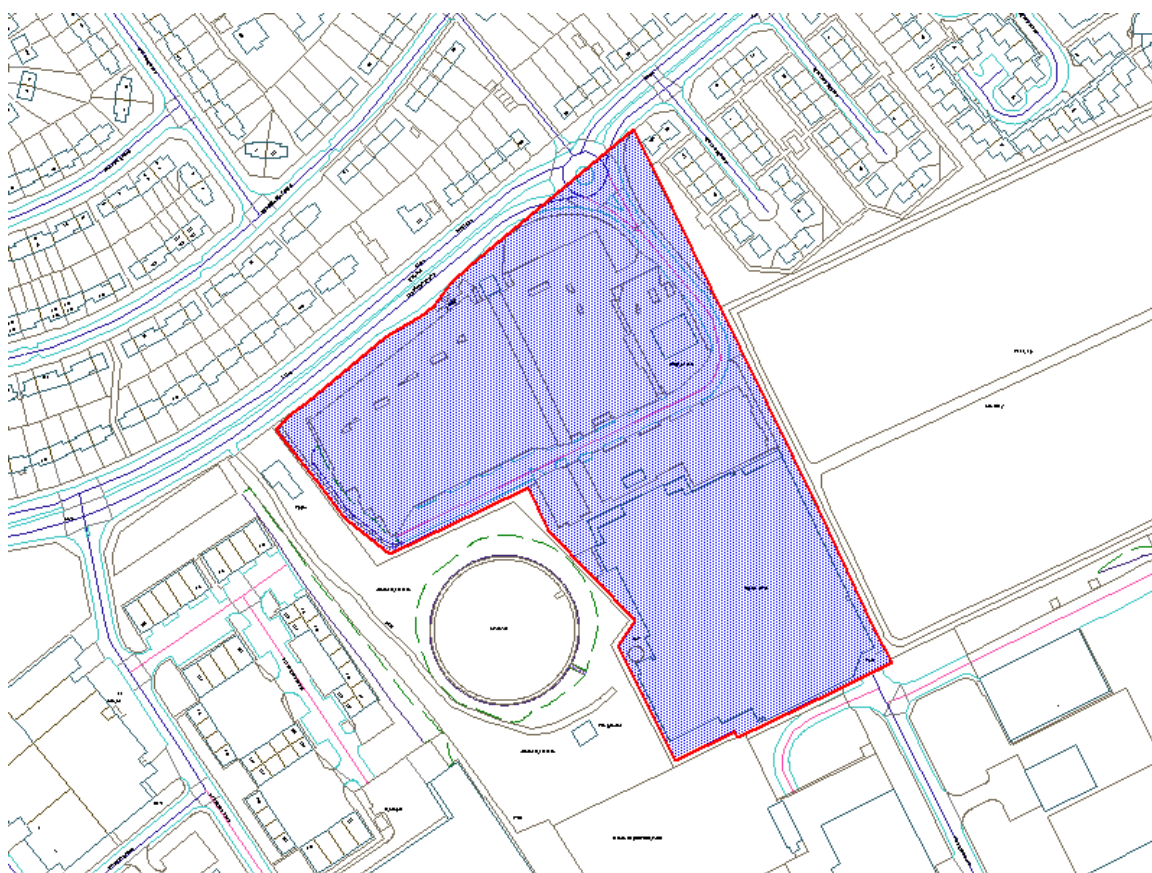
Ward: Ryhope

Applicant: Asda Stores Ltd

Date Valid: 27 January 2009

Target Date: 24 March 2009

Location Plan



'This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2008.

PROPOSAL:

Members will recall that this application was presented to them at the Sub Committee meeting on 21 April 2009, where it was resolved to defer the application pending further consideration of the issues raised by Councillor Tye.

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 travellers, 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.

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 has a total gross floorspace of 109,970 sq.ft, with a net sales areas 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. In this regard it is not considered that the proposal meets the criteria for referral to the Government Office for the North East as set out in the Town and Country Planning (Shopping development) (England and Wales) (No. 2) Direction 1993. It should be noted that the application is not subject to the provisions for the new Town and Country Planning (Consultation) (England) Direction 2009 owing to the fact that the application was received before 20 April 2009.

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:

Environmental Services - The suggested condition relating to hours of working has been reviewed in light of the Health and Safety issues it poses for ASDA and it is considered that such hours should relate only to external noise generating works.

Third Party Representation

2 further objections have been received to the proposal from Councillors Peter Gibson and Philip Tye. The main concerns raised relate to:-

1. The additional strain on the existing car park.
2. The additional traffic use on Leechmere Road.
3. The additional service vehicles using the site.
4. The additional traffic use on Leechmere Road by Asda vehicles.

These concerns are covered in the consideration of the highway and noise / HGV movement issues below.

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:

Before setting out the main issues to be taken into consideration when assessing the current proposal it must be stressed that only issues directly related to the current application can be taken into account and that the current application cannot be used as a tool to attempt to control existing concerns such as noise, traffic generation and congestion. Whilst it is acknowledged that there may be some issues arising from the existing store and surrounding units, in terms of HGV movements, it must be remembered that there are no restrictions on highway usage. Furthermore it should be borne in mind that the application for the existing store was refused permission by the Council and the decision being subsequently overturned at appeal with no conditions imposed on the grant of consent by the Inspectorate that related to hours of deliveries or restrictions on the number of HGV movements during the night.

A copy of the report, including the supplement and report for circulation, which was presented to the Committee on 21 April is contained in an appended supporting document. This report therefore only considers the outstanding issues relating to increased traffic movements on Leechmere Road namely HGV movements, the resulting noise from increased HGV movements and servicing and parking arrangements.

HIGHWAYS

The applicant has prepared and submitted a Transport Assessment (TA) in support of their application which is assessed below.

1. Predicted Increase in Customers

The TA includes data acquired from many similar developments which have already been built, in an attempt to predict the likely increase in customer transactions which may occur at this site. The applicant has concluded in their statement that this development would lead to a 6.1% increase, with a proportionate increase in car trips of 6.1%. It was agreed at the pre-application stage that, for robustness, any analysis of traffic or parking usage would use a figure of 10.5% increase in demand, to test the sensitivity of the conclusions.

2. Traffic Flows

Since the 21 April meeting of the Sub Committee the applicant has carried out traffic surveys on Leechmere Road (Friday and Saturday peak periods) which indicate peak flows of approximately 1,200 veh/hour. Leechmere Road is a two lane dual carriageway, which has a capacity of 2,000 veh/hour even allowing for any parked vehicles in the nearside lanes.

A scheme has recently been introduced elsewhere on Leechmere Road to regularise parking along the residential frontages, and reduce the running carriageway to one lane in each direction.

The TA included a junction assessment for the existing roundabout which serves the Asda car park. In this regard assuming that the development will generate the higher figure of 10.5%, the assessment concludes that the junction will be able to cope with this additional traffic, operating at 62% of its capacity. Junctions are normally able to operate at up to 85% of their capacity before motorists are unduly delayed.

In this regard it is considered that the survey information indicates that the Asda HGV flows on Leechmere Road will not increase to such an extent to result in conditions prejudicial to highway safety. As such, based on the information submitted by the applicant, it is considered that any potential increase in vehicular traffic on Leechmere Road could be satisfactorily accommodated on the existing highway network. Consequently, the concerns expressed in this regard from Councillors P.Gibson and P.Tye are not considered to be sufficient to sustain a refusal of planning permission.

3. Car Park Capacity (566 spaces)

The applicants survey indicated peak demand of the car park as 53% (301 spaces) and 77% (434 spaces) during the Friday and Saturday periods respectively.

Using the figure of 10.5% increase in traffic as a worst case situation, this predicts that peak demand with the development will be for 480 spaces (85%) during Saturday peak period. In this regard the applicant considers that the existing parking provision will be sufficient to accommodate existing demand and also an increase in duration of stay associated with customers shopping in the

extended store. Information provided subsequent to the preparation of the TA states that, in peak periods, there are approximately 50 employees cars parked in the car park. The implementation of a management plan can be controlled by a suitably worded condition, which 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 this will improve the effective use of the car park by customers, and also improve the flow of vehicles entering the site.

In view of the above it is not considered that the concerns of Councillors P.Gibson and P.Tye are supported by the on-site facts and therefore the inadequacy of the car parking facilities could not form the basis of a ground for refusal.

In periods of heavy demand, there may always be a risk that one or more customers may chose to park on the highway. It is therefore considered appropriate to introduce a suitable worded planning condition that requires the introduction of a parking control scheme on Leechmere Road, if the issues arise. The applicant would be required to fund these proposals and has agreed to contribute £20,000 if this scheme is required. The potential need for an agreement made under Section 106 of the Town and Country Planning Act 1990 to enable this is currently being investigated with the City Solicitor and it is anticipated that further details in this regard will be reported on a supplement report to the main agenda should an agreement be required.

4. Travel Plan

In accordance with national policy to encourage alternative modes of transport other than the private car, the applicant proposed to introduce a travel plan for the site to reduce dependence on car use by their employees. As such any grant of consent will be subject to a suitably worded condition.

5. Service Vehicles

The delivery vehicles serving the Asda store take place at the rear of the store, which is accessed through Leechmere Industrial Estate and at the end of Claymere Road. Officer site visits to this area have highlighted that the grassed area situated adjacent to the 'internal' delivery entrance is being used by Asda delivery vehicles, namely home delivery vans, which has resulted in damage to the verge. It is considered that this area should be improved and formalised by constructing an area of hardstanding to be used by vehicles waiting to access the store. This area is not within the control of Asda and therefore it is recommended that a Grampian condition be imposed to any grant of consent that requires this work to be implemented in accordance with a scheme to be agreed by the LPA prior to the mezzanine being brought into use. With the imposition of such a condition on any consent issued it is considered that the concerns of Councillors P.Gibson and P.Tye would be satisfactorily addressed.

Concluding Highway Comments

It is considered that the proposals represent a diversification of use of the site, with the increase in floor area being utilised for non-food sales. These sales are likely to increase turnover at times other than at the peak times for food retailing. In these circumstances, the main change would be an increase in use of the car park at times other than the peak periods on Fridays and Saturdays. It is also

notable that the site operator could achieve an increased retail floor area by converting part of the existing internal layout which is currently utilised for storage and warehousing, without the need for planning permission. This option would have the effect that there could be significant increase in the need for deliveries to the site. As such having had full regard to all of the above it is not considered that there is any reason to resist or refuse planning permission on highway grounds. A refusal of planning permission would more than likely result in an appeal and it is considered if this were to happen then the Inspector would be highly likely to find in favour of the applicant. The proposal is considered to accord with policy T14 and T22 of the UDP.

NOISE AND HGV MOVEMENTS

The applicant has undertaken a 'Road Traffic Noise' and 'Construction Noise' assessment on Leechmere Road. The findings of the surveys have been assessed by the Environmental Health section and the following comments are offered.

Road Traffic Noise

The proposed installation of a mezzanine floor to the existing Asda store on Leechmere Road is intended to provide floor space for non-food items only. The applicant has advised that such provision is likely to generate an additional 5no. Heavy Goods Vehicle deliveries per week. These will take place Monday to Friday between the hours of 08:00 and 21:00 hours and as such there will be no impact on existing night time deliveries. The additional daytime vehicle movements are not anticipated to have a significant adverse impact for local residents and hence would not support a refusal on such grounds as suggested by Councillors P.Gibson and P.Tye. .

Construction Noise

The following condition, relating to hours of working, was proposed to be imposed on any grant of consent, however following concerns raised by the applicant the situation has been reviewed and the findings are detailed below.

'The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 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'.

The imposition of the construction noise condition was recommended during the construction phase as a result of previous complaints from local residents regarding the night time noise disturbance from previous external works on the site. It is understood however that all of the works proposed in connection with the mezzanine floor are internal and cannot be undertaken during daytime hours due to health and safety reasons in connection with the use of the existing store. The inclusion of this condition was intended to be prohibitive in terms of the development, but was designed to afford protection to residents from potentially unreasonable levels of noise. Given the distance of the store building to residential premises and in light of the health and safety constraints which apply to daytime working, it is considered reasonable that the condition be amended so

that it relate solely to external noise generating works. The revised condition is worded as follows.

'No external noise generating construction works required for the development hereby approved shall be undertaken outside the hours of 07.00 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'.

Conclusion

In conclusion it is considered that in light of survey and assessment works undertaken by the applicant and the suggested conditions in respect of car parking, servicing, travel plan and construction hours the proposed mezzanine floor is considered to be an acceptable form of development and as such it is recommended that Members be minded to approve the application subject to the conditions listed below.

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 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 No external noise generating construction works required for the development hereby approved shall be undertaken outside the hours of 07.00 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 scheme of improvements for the area adjacent to the internal 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.
- 7 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.
- 8 Before the development commences a Travel Plan to reduce the number of employees arriving by car and increase the number of employees using public transport, walking and cycling as a means of travelling to/ from their place of work shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented in complete accordance with the agreed details, in the interests of traffic mitigation and environmental sustainability and to comply with policy T14 of the UDP.
- 9 The internal service area shall be laid out in complete accordance with plan ref: 'SK-20-02 rev E' - Back of House Sketch prior to the mezzanine floor hereby approved being brought into use, in the interests of highway safety and to ensure a satisfactory form of development in accordance with policy T14 of the UDP.

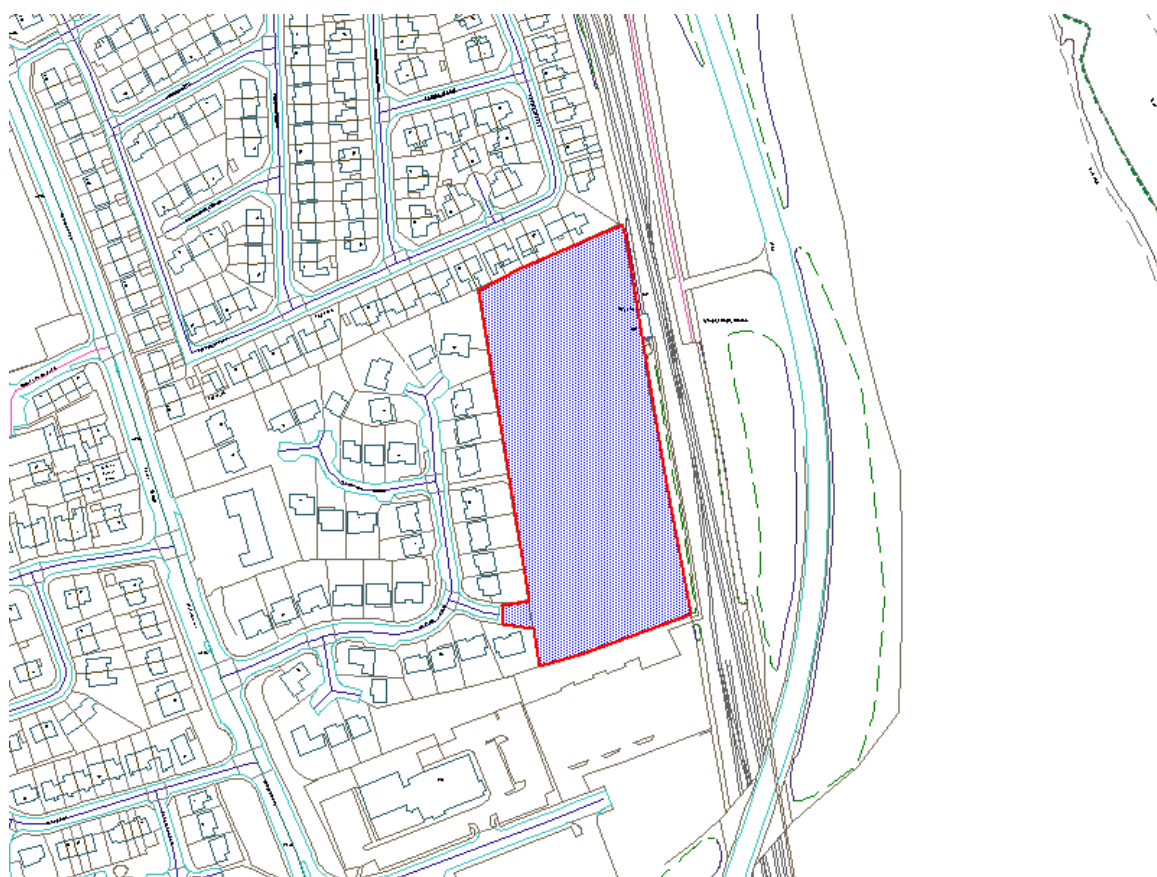
Reference No.: 09/01165/VAR Variation of Condition

Proposal: Removal of condition No. 11 of planning permission 06/03234/SUB for development of land to provide 19 dwelling houses with associated access, parking and landscaping (AMENDED DESCRIPTION 28.04.09).

Location: Land to rear of Angram Drive Sunderland

Ward: Ryhope
Applicant: Glenrose Development
Date Valid: 22 April 2009
Target Date: 17 June 2009

Location Plan



This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2008.

PROPOSAL:

The application seeks to remove condition 11 'provision of open space' imposed on consent 06/03234/SUB, which was for the development of land to provide 19 dwelling houses with associated access, parking and landscaping.

The original application for residential development was refused planning permission by the Development Control Sub Committee on 3 October 2006, however the developer subsequently appealed the decision and the appeal was upheld by the Planning Inspectorate. The consent granted for the development was subject to 11 conditions. The developer is seeking to remove Condition 11 by entering into a Section 106 Agreement whereby a financial contribution will be paid in lieu of the provision of off site children's play. The exact wording of condition 11 is as follows:-

'No development shall commence until details of a scheme for the provision of open space to meet the needs of the development, in accordance with the relevant UDP policies has been submitted to and approved in writing by the LPA. The scheme shall be carried out in accordance with the approved details'.

The application seeks to make a financial contribution in respect of the provision of off site children's equipped play by way of entering into a Section 106 Agreement. Paragraph 29 of the Inspector's decision notice states that:

'In discussions with the Appellant the Council indicated a requirement for a contribution towards open space provision in lieu of provision within the proposed development and a section 106 agreement was to be secured [...] It is not appropriate to require such agreement, or to seek a financial contribution, by condition on a planning permission. However, as the parties appear to be willing to reach an understanding on the matter of such a contribution a condition shall be imposed requiring that a scheme for the provision of open space arising from the proposed development is submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. It is this condition that will provide the basis for an agreement between the Council and the appellant in relation to the manner in which such provision is achieved'.

The sum of money subject of this agreement is £13,319, which it is proposed will be spent at either Ryhope Recreation Ground or the playground at Polperro Close. Whilst it is acknowledged that these play areas are not sited within the immediate vicinity of the application site, following consultation with Community & Cultural Services it was considered that these were the most appropriate sites for the sum of money involved.

The application is made under Section 73 of the Town and Country Planning Act 1990 and if Members resolve to recommend approval of the application subject to the signing of the Section 106 Agreement, it will result in the issuing of a new consent for the whole of the development site covered by consent 06/03234/SUB and for this reason the application is being reported to the Sub Committee.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Northumbrian Water
Force Planning And Police Architectural Liaison Officer
Director Of Childrens Services
Sport England
Director Of Community And Cultural Services

Final Date for Receipt of Representations: **27.05.2009**

REPRESENTATIONS:

Sport England - No objection to the application.

Network Rail - No observations to make.

Northumbrian Water - No objection.

Force Architectural Liaison Officer - No objection to the variation. In coming to this decision the crime and incident figures for this location were referred to and as such it has come to light that there has been no recorded crime for Angram Drive since 2003 and only 6 incidents reported to the Police since 2007. Therefore the level of crime in this area is regarded as low.

Neighbours

As a result of the consultation process 1no. petition representing 37 individuals and 5no. letters of objection were received. The main areas of concern are as follows.

1. Access arrangements to serve the development site.
2. Increase in delays when trying to access Ryhope Road.
3. Increased risk to children.
4. Sunderland is already overdeveloped.
5. The proposal is contrary to policy 30 of the Regional Spatial Strategy.
6. Increased volume of traffic.
7. Increased levels of noise, dust and air pollution.
- 8 There have been a number of near miss incidents.
9. The field is a much valued recreation space.
10. Increased levels of litter.
11. Increased levels of crime and disorder.
12. The basis of the Councils discussions regarding the Section 106 were based on dwellings and not 19.
13. 13 dwellings generates its own open space through garden provision, plot sizes, however this is not the case for 19 dwellings, which is more than 50% of what the Council considered to be acceptable.
14. Open space needs must be met on the site.
15. Requirement for Traffic Calming.
16. Landscaping to extend as far as the access to Angram Drive.
17. Attraction of vermin.
18. Encourage flooding.
19. Risk to families given proximity to the railway line.
20. The suggested play areas are too far away from the development site.

21. The 'Executive' dwellings will not reach their anticipated market value owing to the recession.

22. Paragraph 29 of the Appeal decision 'In its discussions with the appellant the Council indicated a requirement for a contribution towards open space provision in lieu of provision WITHIN the proposed development and a section 106 agreement was to be secured

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

L_7_Protection of recreational and amenity land

H_21_Open space requirements in new residential developments (over 40 bed spaces)

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

T_22_Parking standards in new developments

EN_5_Protecting sensitive areas from new noise/vibration generating developments

COMMENTS:

In determining this application the main issues to consider are the acceptability of the proposed loss of open space provision within the development site and the provision of a suitable alternative within the locality.

The previous application (06/03234/SUB) would, if approved by the LPA, have been subject to a Section 106 Agreement in respect of a contribution to off site children's play provision. However, because the application was refused by the Council the agreement was never completed. The Planning Inspectorate at the subsequent appeal imposed Condition 11 as a mechanism to facilitate such an agreement. In this regard the developer has taken the opportunity to propose the relevant S106 agreement, which will, if agreed and signed result in Condition 11 of the original consent being removed.

The layout of the development as approved at appeal identifies a number of small parcels of land which will provide open space and offer amenity value to the overall development. Having assessed the layout (remembering that the layout of the proposal is not under consideration as part of this application), it is not considered that any of the areas proposed would be of a satisfactory size or location to provide useable open space to serve as a children's play area. In this instance it is considered the most appropriate course of action would be to provide play facilities off site.

Furthermore, the general advice provided by the Director of Community and Cultural Services is that the provision of small play areas such as that which would be required by Condition 11 within small estates, is unsatisfactory as they tend to be difficult to maintain and result in almost immediate requests from nearby residents for their removal as a result of anti-social behaviour and disturbance by youths. In addition, the equipment is often quickly damaged or destroyed as a result of use / misuse by individuals much older than the age range for whom, the equipment is intended. Consequently, the Council strategy is

to provide larger play areas with facilities for a wide range of ages and set away from residential properties, usually in existing parks or playgrounds.

Representation

As a result of the consultation process 1no. petition representing 37 individuals and 5no. letters of objection were received, which as indicated above raised concerns on some 22 issues.

Members will note that the majority of the concerns relate to the principle or effects of the residential development itself and not to the variation per se. Only concerns 12, 13, 14, 20 and 22 are directly relevant to the application and these are considered below. However, in the interest of completeness responses to the other concerns are appended to this report.

12. The basis of the Councils discussions regarding the Section 106 were based on dwellings and not 19

It can be confirmed that the Section 106 Agreement drafted but never signed as part of the 2006 application was prepared on the basis of 19 dwellings being erected on the site and not 13.

13. A development of 13 dwellings generates its own open space through garden provision, plot sizes, however this is not the case for 19 dwellings, which is more than 50% of what the Council considered to be acceptable

Whilst 13 dwellings may have provided large plot sizes with more private open space, consent was granted at appeal for 19 units and this cannot be revisited under an application to vary Condition 11.

14. Open Space needs must be met on site

Whilst it is agreed that residential developments should incorporate a satisfactory and adequate supply of open space within a site, larger areas of open space which serve as children's playground are more difficult to accommodate owing to the size of the area required; the need to provide adequate surveillance of such areas and issues of ensuring acceptable levels of residential amenity are created when dwellings are in close proximity to play areas. Furthermore the general advice from the Director of Community and Cultural Services is that the provision of small play areas within small estates, is unsatisfactory as they tend to be difficult to maintain and result in almost immediate requests from residents for their removal as a result of anti-social behaviour and disturbance by youths. In addition, the equipment tends to become damaged and vandalised very quickly as a result of use / misuse by individuals much older than the age range for which it is intended to serve. For these reasons it is usually considered more appropriate to accept a financial contribution in respect of play provision with the money spent within 1km of the development site. It is considered that the approach results in greater benefits to the wider community than a small play area within the estate. Consequently the Council strategy is to provide larger play areas with facilities for a wide range of ages and set away from residential properties, often parks or playgrounds. In this instance it is considered that the contribution could usefully be put towards facilities at either Ryhope Recreation Ground or the playground at Polperro Close.

20. The suggested play areas are too far away from the development site

Following consultation with Community and Cultural Services it was decided that the identified sites of Ryhope Recreation Ground and the playground at Polperro Close were the nearest and most suitable sites for the money to be spent in.

22. Paragraph 29 of the Appeal decision 'In its discussions with the appellant the Council indicated a requirement for a contribution towards open space provision in lieu of provision WITHIN the proposed development and a section 106 agreement was to be secured'

With regard to this statement the objector fails to make reference to the remaining sentences of the paragraph which state that 'as parties appear to be willing to reach an understanding on the matter of such a contribution a condition shall be imposed requiring that a scheme for the provision of open space arising from the proposed development is submitted to and approved by the Local Planning Authority prior to the commencement of development'. The Inspector considered that this condition would provide the basis for the Section 106 Agreement given that such an agreement cannot be obtained by way of condition.

Having regard to all of the above the proposal to make a contribution of £13,319 towards improvement of existing facilities at either of the above sites, is considered to be acceptable. As a Section 73 application is essentially a new application, a new decision notice for the whole of the development has to be issued and the existing permission also remains in place.

In conclusion, it is considered that the conditions imposed by the Inspector in his decision should be imposed on any new consent with the exception of Condition 11. Members should however note that all of the pre-commencement conditions imposed on the 2007 consent have been discharged and essentially these conditions can also be considered to be discharged for the new consent. For the reasons given above, the proposal is considered to be the most appropriate course of action and therefore it is recommended that Members:-

RECOMMENDATION

Grant Permission subject to the following conditions and the completion of a Section 106 agreement by 22 July 2009, or such other date as agreed by the Director of Development and Regeneration.

Or

(ii) Refuse permission should the legal agreement not be completed by 22 July 2009, or such other date as agreed by the Director of Development and Regeneration.

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 Development shall not commence until replacement playing fields and associated facilities at least equivalent to those formerly use don the appeal site have been constructed and brought into use in accordance with planning application 04/02564/OUT approved February 2005, in order to ensure a satisfactory form of development, in accordance with policy H21 of the UDP.
- 3 No development shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, amongst other things, proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; including traffic claming measures; hard surfacing materials; minor artefacts and structures (e.g. street furniture, refuse or other storage units, signs. Lighting etc); proposed and existing functional services above and below ground together with all proposed planting of grass, trees and shrubs, in the interests of visual amenity and to comply with policy B2 and T14 of the UDP.
- 5 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 6 No development shall take place until a schedule of landscape maintenance for a minimum of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 7 No development shall take place until details of works for achieving an excellent `Eco-Homes' accreditation, or a similar accreditation, for all buildings on the site have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out as approved prior to the occupation of any of the buildings, or in accordance with a programme agreed with the Local Planning Authority, to ensure a satisfactory form of development in accordance with policy R4 of the UDP.
- 8 No development shall commence until a scheme for the control of site preparation and construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include hours of working, means of containing dirt and debris within the site, wheel washing facilities, means of maintaining the cleanliness of the surrounding road network, means of controlling noise, vibration and other effects of the works, and the siting of any sales office, construction compound, site

cabins, together with construction traffic routes to and from the site and the control thereof. The scheme shall be implemented as approved, in the interests of highway safety, in accordance with policy T14 of the UDP.

- 9 The mitigation measures identified in the submitted Assessment of Environmental Noise and Vibration, prepared by Waterman Environmental and dated July 2006, shall be implemented prior to the occupation of any of the properties identified, in the interests of residential amenity and ensure a satisfactory form of development, in accordance with policy EN6 of the UDP.
- 10 No development shall commence until details of schemes for the disposal of surface and foul drainage have been submitted to and approved in writing by the Local Planning Authority. The schemes shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings hereby approved, to ensure a satisfactory form of development, in accordance with policy B24 of the UDP.

Appendix A – Responses to other non-material concerns raised by objectors.

1. Access arrangements to serve the development site

The concerns raised in relation to the use of Angram Drive as a service route for construction traffic was considered in full as part of the request submitted to discharge Condition 8 'Scheme of Working'. Following the receipt of concerns the developer agreed to use the access road which serves the retail park to the south of Angram Drive. However, the access road is not adopted and is in private ownership, the developer did seek permission from the landowner to use the access road but regrettably consent was refused. The developer was then left with no alternative but to revert back to the original proposal which was to access the development site through Angram Drive. Following consultation with Environmental Health officers it was considered that based upon the information submitted the use of Angram Drive for construction traffic was acceptable in both highway and health terms. As such the condition was formally discharged on 2 June 2009.

2. Increase delays when trying to access Ryhope Road from Angram Drive

It is not considered that any resulting traffic increase associated with the proposed development will create any further significant traffic delays on Angram Drive owing to the relatively small number of units proposed (19). In addition, Angram Drive is considered to be of a sufficient width and construction to accommodate the potential increase in vehicular traffic movements.

3. Increased risk to children

Whilst it is accepted that the proposal will result in an increase in vehicular traffic on Angram Drive, the current speed limit through the estate road is 30 mph, which will not change as a result of the development and questions may be asked as to whether or not a 30 mph estate road is the most appropriate place for children to play. Within the last three years there have been no reported

accidents on Angram Drive and therefore there is not considered to be any need at this time for the installation of traffic calming measures.

4. Sunderland is already overdeveloped

The Sunderland Strategy identifies a declining population for the City as being a key issue to be overcome. Detailed work on this matter has been undertaken on the issues of population, housing and the economy and the figures suggest that in order to lessen the decline in population and to meet the population requirements and predicted household growth an additional 5,450 dwellings would be required between 2004 and 2011 with a further 3,300 dwellings needed between 2011 and 2016. Within the City there is an identified shortfall of executive dwellings and as such it is expected that the current proposal will go some way in bridging the gap in the market for this type of dwelling. The Regional Spatial Strategy further identifies the need in Sunderland for an addition 700 units 2004 to 2011, 940 units 2011 to 2016 and 1,070 units 2016 to 2021.

5. The proposal is contrary to policy 30 of the Regional Spatial Strategy

RSS policy 30 is concerned with improving inclusivity and affordability. The policy seeks to make provision for a range of dwelling type, size and tenure to meet the needs of all sectors of the community. Paragraph 3.77 of the RSS states that as the regions population increases further with economic prosperity, the housing stock will need to adapt to cater for the changing needs and circumstances. The availability of high quality housing and living environments will therefore be essential in facilitating and in supporting economic growth by helping to attract and retain the Regions workforce. In this regard policy 30 cannot be looked at in isolation and regard must also therefore be given to policy 29 of the RSS and local policy guidance namely the Interim Strategy for Housing Land and the Strategic Housing Land Availability Assessment.

6. Increased volume of traffic

As already stated in point 3 whilst it is accepted that the proposed development will result in an increase in traffic using Angram Drive, the likely increase resulting from 19 dwellings is not considered to be significant and the present condition of the estate roads is considered to be satisfactory and can accommodate the expected increase without proving detrimental to highway or pedestrian safety.

7. Increased levels of noise, dust and air pollution

It is accepted that the proposed construction works will give rise to increased levels of noise, dust and air pollution, however these will only be a temporary measure which should cease on completion of the works. In an attempt to minimise the resulting impacts the applicant has provide details of methods and means of reducing odour, noise and dust on the site which has been accepted by the Environmental Health section as being satisfactory.

8. There have been a number of near miss incidents

It is confirmed that within the last 3 years there have been no reported accidents on Angram Drive. In the absence of any statistical data the Council is not in a position to take action in this regard.

9. The field is a much valued recreation space

The site in question is a former rugby playing field which has not been in formal use for a number of years. The site is currently a vacant parcel of land which is not maintained and does not contain any recreational features. A condition attached to the consent for this site, Condition 2, requires the developer to replace the former playing field to an equal or greater standard than that which would be lost as a result of the development and that this new sport / recreation area should be in use prior to the commencement of any development works on the housing site. As is evident on site, the replacement sport / recreation area has been provided and Condition 2 was formally discharged on 12 December 2008. In addition, the developer has sought to make a financial contribution in respect of the provision of equipped children's play, which is the subject of this current application. The sum of money to be paid as part of the contribution will be used to upgrade and improve existing children's and playing facilities at either Ryhope Recreation or the playground at Polperro Close, which will benefit a wider area than if the site were to be provided within the confines of the development site.

10. Increased levels of litter

There is no reason to suggest that the proposed development will result in an increase in litter. This is a social issue and the LPA should not seek to control such issues through planning legislation.

11. Increased levels of crime and disorder

The application has been referred to the Police Architectural Liaison Officer who have stated that they have no objection to the proposal. In coming to this decision the officer checked through the crime and incident figures for this location and it showed that there has been no recorded crime for Angram Drive since 2003 and only 6 incidents reported to the Police since 2007. It is therefore considered that levels of crime in the area are low. In light of experience elsewhere in the City it is considered that the provision of play facilities within the estate will be likely to result in an increase in disorder.

15. Requirement for traffic calming

It is considered that traffic calming is not required at this time as there has been no reported accidents within the last 3 years. Should the situation change then the matter will be revisited.

16. Extension of landscape proposals to the entrance of Angram Drive

Whilst a landscaping scheme is proposed within the development site, no landscape works are proposed at the entrance to Angram Drive, which falls outside the boundary of the development site and therefore the control of the applicant. In this regard it would be unreasonable for the LPA to make such a request and furthermore no such condition was imposed by the Planning Inspectorate.

17. Attraction of vermin

This concern is made in respect of the existing uses to the south of Angram Drive, namely McDonalds and the Sandcastle Public House, and as such is not directly applicable to the proposal under consideration.

18. Encourage flooding

Northumbria Water were consulted on the application and have no objections to the removal of Condition 11.

19. Risk to families given proximity to the railway line

The scheme was originally designed to take into account the proximity of the dwelling houses to the railway line to the east. Furthermore Network Rail have been consulted on this application and have no objections to make in respect of the removal of Condition 11.

21. The 'Executive' dwellings will not reach their anticipated market value owing to the recession

The issue of market value is one for the developer to control and not the LPA. The developers decision to commence works on site does suggest that he is confident that the dwellings will sell in the current economic climate.

Reference No.: 09/01273/FUL Full Application

Proposal: **Redevelopment and extension to existing store, service area and adjacent retail units with associated works to car park and landscaping.**

Location: Sainsburys Silksworth Lane Sunderland

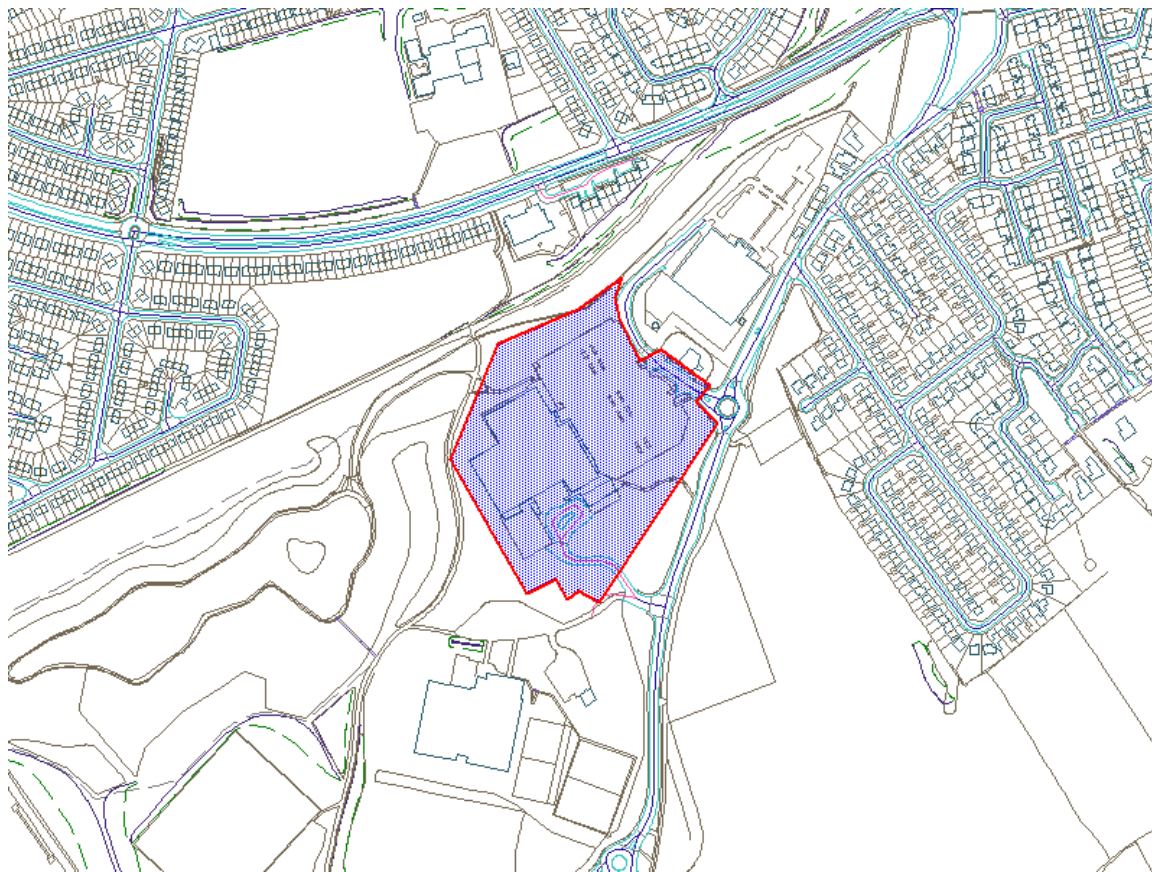
Ward: Silksworth

Applicant: Sainsbury Supermarket Ltd

Date Valid: 7 April 2009

Target Date: 2 June 2009

Location Plan



'This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2008.

PROPOSAL:

The proposal relates to an extension to the existing store which will increase the gross internal area from 7,332sq.m to 11,484sq.m. In this regard it is not considered that the proposal meets the criteria for referral to the Government Office for the North East as set out in the Town and Country Planning (Shopping development) (England and Wales) (No. 2) Direction 1993. It should be noted that the application is not subject to the provisions of the new Town and Country Planning (Consultation) (England) Direction 2009 owing to the fact that the application was received before 20 April 2009.

The main store extension proposals relate to two areas of the store and together, with other internal re-arrangements, the extensions will increase the sales area, provide a straight shop front line and relocate the ATM's. A new enclosed customer entrance lobby will also be created below the existing entrance gable.

1. South Extension

The existing customer café, pedestrian covered walkway and independent retail units to the south of the existing store will be replaced by an extension to provide increased sales and bulkstock with a new customer café and WC's. The customer café will be located at first floor level, towards the south-east corner of the store, next to the customer entrance and directly above the customer toilets. Access to the first floor will be via a staircase and lift.

Two new independent retail units are also proposed. The units will be located in the far south east of the store and face onto the customer car park.

2. North-East Extension

The existing customer lobby and shop front will be extended forward by approximately 3m to provide a straight shop frontage, with a projecting secure cash office and ATM room.

The extension will complete the straight shop front line, providing a more spacious internal environment, improved customer circulation and clearer retail offer.

3. Customer Entrance

The proposed new customer entrance lobby is to be created below the existing entrance gable and as such it is located in the same position as the current entrance to provide consistency for regular users of the store.

4. General Layout Changes

A total of 478 car parking spaces will be provided, including 24 disabled customers and 18 for parents with children.

The existing surface level car park is to be re-laid to improve circulation and to maximise parking numbers. This will be achieved by the extension of the car park to the south and the removal of the central circulation road.

Specialist parking bays will be located close to the new store entrance; 24 disabled customers and 18 for parents with children.

The recycling centre is proposed to be located within the customer car park.

New customer cycle parking will be introduced, close to the customer entrance lobby and under the shopfront canopy.

The service yard and unloading bays are located to the rear of the store and will be accessed via Silksworth Lane, which is the present arrangement.

The existing petrol filling station will not be affected by the proposal.

The application is accompanied by a Design and Access Statement, Sustainability Statement, Extended Phase 1 Habitat Survey, Landscape Appraisal in Support of the Proposed Extension, Interim Summary of Consultation, Economic Statement, Draft Site Waste Management Plan, Planning Statement and Phase 1 Desk Study 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:

County Archaeologist
Director Of Community And Cultural Services
Environment Agency
Northumbrian Water

Final Date for Receipt of Representations: 08.05.2009

REPRESENTATIONS:

Environment Agency

The development would only be considered to be acceptable if conditions relating to surface water drainage, risks associated with contamination, verification report/remediation strategy, details of any contamination previously not identified were to be imposed on any grant of consent.

County Archaeologist

No comment.

Neighbours

As a result of the consultation process 4no. letters of support and 2no. letters of objection have been received. The main grounds for opposing the development are as follows.

1. Increase in the volume of traffic.
2. Increased risk of accidents.
3. Increased levels of litter.
4. Inability of the elderly to cross Nursery Road.
5. Request for a pedestrian crossing on Nursery Road.

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
B_13_Sites and monuments of local importance affected by development
B_14_Development in areas of potential archaeological importance
CN_14_Landscaping schemes and developments prominent from main transport 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 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 the character and appearance of the existing store.

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 Governments main objectives for the planning system, which are in the main based on the principals of sustainable development. The Statement sets out the Governments 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.

Original Policy Submission

The application is accompanied by a Town Centre Uses Statement (TCUS) which addresses the issues highlighted in PPS6 in relation to assessing applications for extensions to existing development.

1. Need

Quantitative need - In line with the guidance in PPS6, the TCUS highlights changes in population levels, forecast expenditure in comparison goods along with efficiency in floorspace as a baseline guide to need. The TCUS states that the catchment population is projected to rise over the period from 122,000 in 2009 to 124,000 in 2014. The TCUS establishes that within the catchment area comparison expenditure will continue to rise - from £302m to £370m by 2014. Convenience expenditure will also rise from £182m to £199m.

Taking into account the projected growth in comparison goods (£41m over the period), the TCUS highlights that the turnover of the proposed extension (£14.5m) will amount to some 35% of available comparison goods expenditure in the Primary Catchment Area (para. 7.32). Whilst the TCUS states that stores within the catchment will continue to overtrade due to residual capacity, the share of the market captured by the extended store is significant and raises possible concerns over the potential impact on the viability of the City Centre.

It should be noted that the TCUS makes use of MapInfo Information Brief 08/02 which provides an estimate of future changes in expenditure. These estimates were recently reviewed in the light of the current economic downturn. As a consequence the likely levels of expenditure on convenience and particularly comparison goods has been significantly reduced. This information should be used as a basis of this application and revised estimates of expenditure prepared; the revised figures were made available in March 2009 and should have been included in the TCUS which is dated April 2009. This information was requested and revised figures have been provided (see section below - Revised Policy Information)

The Councils 2006 Retail Study indicated that whilst by 2010 there could be a need for some 4,800m² for additional comparison floorspace in non-central areas, existing commitments were in the order of 9,600m² and this effectively results in an oversupply of comparison floorspace of 4,700m². The Study

concludes that should applications come forward, these should be considered on their merit and assessed against PPS6.

A new retail needs assessment is currently being carried out to inform the Local Development Framework however the results will not be available in time for the determination of this application.

Qualitative need - this primarily relates to the improvement and enhancement of the overall shopping environment of the store for the benefit of shoppers. The anticipated increase in employment (70 new jobs) is an important factor in this respect.

2. Sequential testing

The plan which shows the catchment of the store (Appendix 2) cannot be found. As such it is not possible to ascertain whether a full range of alternative sites has been examined (as is required by PPS6, para 3.13). The TCUS tests a very limited range of alternative sites; Holmeside, Crowtree Leisure Centre, Vaux and Sunderland Retail Park; the latter site being somewhat inappropriate.

In paragraph 7.51 the TCUS states that the Holmeside site is edge of centre, this is not correct as the site sits within the defined City Centre Retail Core.

In paragraph 7.58 the TCUS states that the Crowtree Leisure Centre site is edge of centre, this is not correct as the site sits within the defined City Centre Retail Core.

3. Assessing Impact

PPS6 (para. 3.29) 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 for sale are proposed. As the application proposes an 80% increase in comparison floorspace, this issue needs to be carefully examined.

The TCUS (para. 7.36) states that the level of trade diversion will be minimal as in the main the comparison goods will be purchased by customers who already shop at Sainsburys. The main impact will be on existing free-standing stores (which are not afforded protection under PPS6). In para. 5.22 the TCUS states that the store will remain predominantly a convenience goods destination; as the proposal primarily involves over 3,000m² of comparison floorspace, it is difficult to reconcile this statement.

The section of the TCUS concerning impact is simplistic and does not provide sufficient detail to inform any decision on the issue; there is no specific consideration of impact on the City Centre and this is a major failing of the TCUS. This is considered especially important due to the high level of comparison expenditure likely to be captured by the extended store.

It is important that the retail 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. Due to the scale of the proposed extension and its

effect on expenditure, it is important that a detailed indication of impact on the city centre is obtained.

Interim Concluding Policy Comments

The proposed extension of this store will significantly increase the floorspace devoted to comparison goods and will make the store one of the largest in the City. The Town Centre Uses Statement submitted by the applicant addresses a range of issues highlighted in PPS6, however there are a number of aspects of this proposal which raise concern and which should be addressed before this scheme can be fully assessed. This is especially important bearing in mind the widespread and significant changes occurring within the retail industry and the overall prospects for the local economy and the City Centre.

Consequently, the applicant has been requested to provide the following information:- To this end, further information should be provided on:-

1. How the recently published revised retail expenditure projections will affect the potential capacity within the area to support the proposed floorspace;
2. An assessment of other potential sites within the wider catchment area as defined;
3. A more detailed indication as to how the proposal relates to the Councils strategy for retail redevelopment within the City Centre.

Revised Policy Information

In response the applicant has reviewed the Town Centre Uses Statement and offered the following comments.

Retail Expenditure - The retail expenditure projections have been revised as published by Pitney Bowes in their Briefings Update 'Retail Spending Outlook' (March 2009). The revised expenditure growth rates (2006 - 2013) have been applied to the likely expenditure in the catchment and based on the revised figures the Council considers that the forecasts demonstrate that there is sufficient capacity to support the proposed store.

An Assessment of Other Potential Sites within the Wider Catchment Area as Defined - The applicant has updated the TCUS in this regard, which has included an assessment of other sites within the City Centre. This assessment has shown that the identified sites within the City Centre would not be viable or suitable to accommodate the proposed development and as such the Council considers that the sequential testing process undertaken as part of this application is appropriate and acceptable.

A More Detailed Indication as to how the Proposal Relates to the Councils Strategy for Retail Development within the City Centre - The applicant acknowledges that whilst the impact of the proposed extension on the City Centre has been considered, this was only undertaken in broad terms as further detailed work was not considered to be required. However, following the original comments made the applicant has reviewed the impact on defined centres and conclude that the calculations made show that the proposed extension will have a negligible impact on convenience sales turnover in the defined centres. In terms of impact on comparison sales turnover the proposed development is

expected to have a 4.5% impact on the City Centre turnover in 2012 improving to 2.9% in 2014.

The revised assessment is accepted and it is considered that the impact on the City Centre will be minimal.

Final Policy Conclusion

Having raised a number of policy concerns with the applicant in respect of the supporting information submitted as part of the application, namely the need to revise (1) the retail expenditure projections, (2) make a more detailed assessment of potential sites in the wider catchment area and (3) provide an indication as to how the proposal relates to the Council's Strategy for retail development within the City Centre, it is considered that the revised information adequately addresses these concerns and as such the proposal is considered to accord with national and local policy guidance.

URBAN DESIGN

A number of urban design concerns were raised with the original proposal, namely the scale, massing, appearance and design of the proposed extension. In terms of scale and massing it was considered that the height of the proposed extension failed to have regard to the height and roof design of the existing store and as such it was recommended that the proposal be reduced in height and the roof design revised in order to replicate the characteristics of the existing building. With regards to the appearance and design of the building it was considered that the original proposal has little regard to that of the existing store. Whilst it is acknowledged that the existing store is not of any exceptional architectural quality, it was felt that any extension to the store should respect and sit comfortably with the building to which it forms an extension of. In this regard it was suggested that appearance and design of the development be revisited, having regard to the issues raised in respect of the original submission.

Revised Proposal - The above concerns have been accepted by the applicant and the proposal has been amended accordingly. The revisions made to the appearance and design development are significant and are detailed as follows.

1. The roof level of the proposed extension has been reduced by approximately 850mm with the parapet level to the sides and rear of the extension being reduced by 1200mm. Pitched roofs have also been incorporated to the front of the extension so as to match those of the existing building.
2. The proposed materials have been revised and it is now proposed that the front facade of the extension will be constructed from brickwork and not cladding as originally proposed, which is in keeping with the materials used on the existing store.

In response to the above design changes it is welcoming that all of the issues raised have been revisited and the development amended accordingly. The changes made to the height and roof design of the proposed extension have provided a marked improvement in the impact that the proposal has on the existing store and it is now considered that the proposal sits comfortably with the existing building. With regards to the changes made to the front facade and use of external materials it is considered that the revisions made illustrate a

significant improvement to the original proposals, reflecting the character and appearance of the existing store.

Urban Design Conclusion

Having regard to the comments made in respect of the original submission and the subsequent revised proposals it is considered that the development represents a well designed extension to the existing store in terms of scale, massing, design and external appearance. As such the proposal accords with policy B2 of the UPD.

HIGHWAYS

A Transport Assessment (TA) has been submitted to accompany the application. It is clear from this that the majority of trips to the store will continue to be by private car, although it is stated that the actual increase in car movements generated by the extension will not be significant.

Having reviewed the Transport Assessment submitted to accompany the application a number of issues were raised, which required further clarification. The issues related to:-

The use of the car park and number of spaces to be provided,
The failure to make reference to the Sunderland NHS Foundation Trusts Park and Ride Shuttle Bus which runs between Sunderland Royal hospital and the Sainsbury's store,
The circulation of the car park and its impact on the junctions which serve the site,
Servicing arrangements for the two proposed independent retail stores,
The impact of the proposal on Silksworth Lane, Premier Road and Essen Way, and
The absence of clearly defined targets within the proposed Travel Plan.

As such in its original form the proposal was considered to be contrary to UDP policy T14.

The above concerns were raised with the applicant and revised information has been submitted which now clarifies all but one of the original concerns. The one remaining outstanding issue relates to the operation of the Sunderland NHS Foundation Trusts Park and Ride Shuttle Bus in relation to Sainsbury's car park. In this regard whilst it is accepted that as a result of the extension there will be an intensification of use of the car park resulting in parking levels being at or near operational capacity for much of the day, which is acceptable on its own, no details of how this service will be accommodated within the car park has been provided. As such arrangements to allow for the continued operation of the Park and Ride scheme need to be provided and agreed prior to the new extension being brought into use.

In response to the highway concerns set out in the 'Representation' section the following justification is provided.

Increase in the volume of traffic.

Having regard to the data contained within the Transport Assessment submitted in support of the application it is considered that the additional traffic as a direct result of the proposed development will be minimal with any queues on site being dispersed within the peak hour. As such it is considered that the proposed development can be satisfactorily accommodated within the existing highway network.

Increased risk of accidents.

Having researched the incidence of reported road traffic accidents on Silksworth Lane over the last three years it would appear that during this time there has only been two reported 'slight' incidents, neither of which were related to traffic speeds and as such it is not considered that the proposed development would increase the risk of accidents on Silksworth Lane.

Inability of the elderly to cross Nursery Road.

The present situation whereby elderly persons find it difficult to cross Nursery Road is not directly applicable to the proposal under consideration.

Request for a pedestrian crossing on Nursery Road.

It is not considered that the proposed development will give rise for a pedestrian crossing on Nursery Road at the present time. However, should the situation change then the matter may be revisited should a request be received.

As such the proposal is now considered to accord with policy T14 of the UDP subject to the conditions relating to the Park and Ride Shuttle Bus and preparation of a Travel Plan which are listed at the end of this report.

LANDSCAPE

Whilst it is acknowledged that the proposal will have minimal impact on the area of landscaping which surrounds the existing store and car park, the proposal did intend to remove the avenues of trees which are currently situated within the car park as part of the proposals to improve the circulation of the car park. However, following concerns raised in this regard the landscape plan has subsequently been amended to illustrate two avenues of trees which are proposed to be reinstated within the car park. Furthermore, the tree species have been changed to *alnus spaethii*, which is considered to be a more appropriate and acceptable species for this location.

OTHER ISSUES

In response to the remaining outstanding concern as set out above the following justification is offered.

Increased levels of litter.

Whilst it may be the case that the area experiences high levels of litter there is no reason to suggest that the proposed development will result in an increase in litter. This is a social issue and the Council should not seek to control such issues through planning legislation.

CONCLUSION

Having considered all of the information submitted in respect of this application it is considered that the proposed development represents a satisfactory form of development and therefore it is recommended that Members approve the application subject to the conditions listed below.

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 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 be 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 B2 and T14 of the UDP.
- 3 During the construction of the 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 No external noise generating construction works required for the development hereby approved shall be undertaken outside the hours of 07.00 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 Before the development hereby approved is commenced details of the means of demolition shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policy B2 of the UDP.
- 6 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstanding shall be passed through an oil interceptor installed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor, in order to prevent pollution of the water environment in accordance with policy EN14 of the UDP.

- 7 Prior to the commencement of development approved by this planning permission, 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:
- (i) A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
 - (ii) A site investigation scheme, based on (1) to provide information for a detailed assessment of risk to all receptors that may be affected, including those off site.
 - (iii) 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.
 - (iv) 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 and the scheme shall be implemented in complete accordance with the agreed details, in order to ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment in accordance with policy EN14 of the UDP.

- 8 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, in order to ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment, in accordance with policy EN14 of the UDP.
- 9 If during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority, in order to prevent the risk of

contamination to controlled waters in accordance with policy EN14 of the UDP.

- 10 The development shall not commence until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority and the development shall not be occupied until these facilities have been provided and installed in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the UDP.
- 11 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 12 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 13 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.
- 14 Before the development commences a Travel Plan to reduce the number of employees arriving by car and increase the number of employees using public transport, walking and cycling as a means of travelling to/ from their place of work shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall then be implemented in complete accordance with the agreed details, in the interests of traffic mitigation and environmental sustainability and to comply with policy T14 of the UDP.
- 15 No development, including demolition, shall commence on site until details of the servicing arrangements for the Sunderland NHS Foundation Trusts Park and Ride Shuttle Bus has been submitted to and approved in writing by the Local Planning Authority. The car park shall then be laid out and the Park and Ride Shuttle Bus operated in complete accordance with the

approved details in the interests of traffic mitigation and environmental sustainability, to comply with policy T14 of the UDP.

- 16 Details of the proposed location of the sales/ 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.

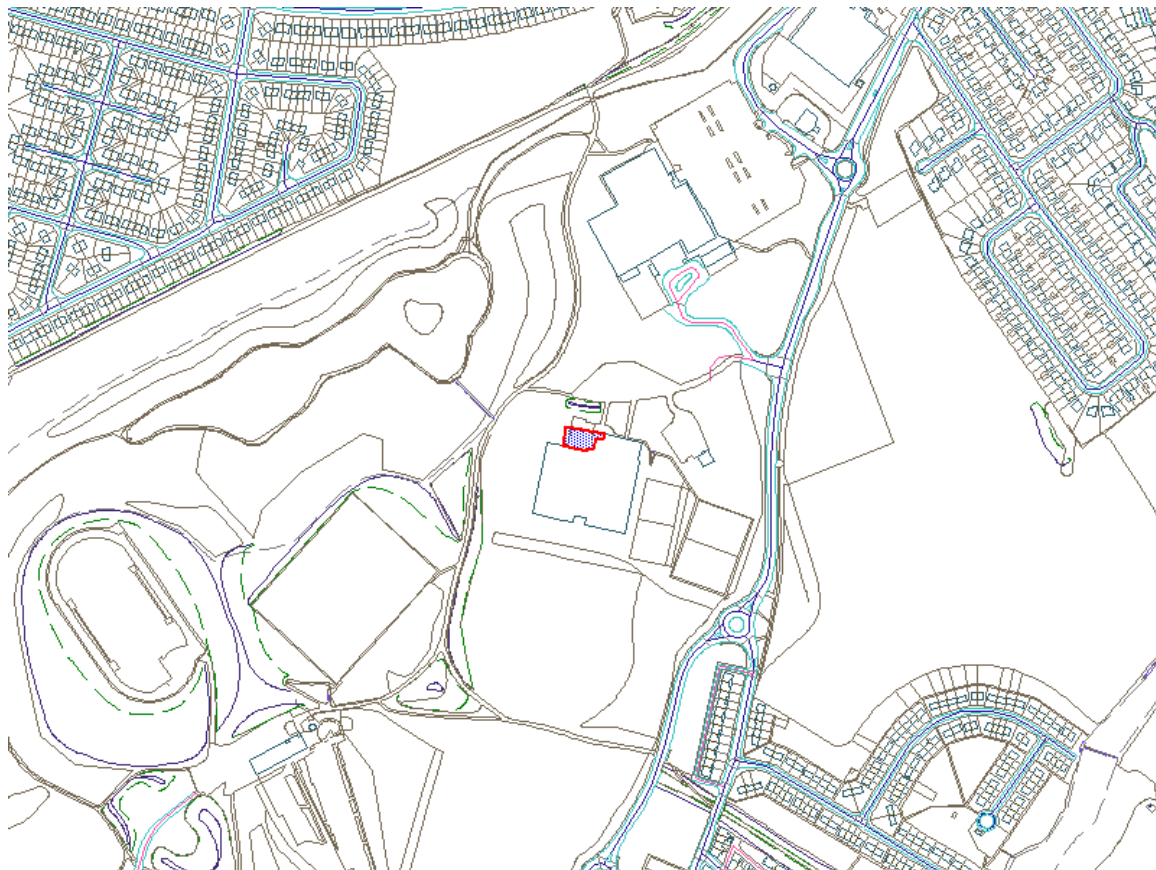
Reference No.: 09/01749/LAP Development by City(Regulation 3)

Proposal: Extension to existing tennis centre to provide play area.

Location: Silksworth Puma Tennis Centre Silksworth Lane
Silksworth Sunderland

Ward: Silksworth
Applicant: Sunderland City Council
Date Valid: 20 May 2009
Target Date: 15 July 2009

Location Plan



'This map is based upon the Ordnance Survey material with the permission of the Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence No. 100018385. Date 2008.

PROPOSAL:

Planning permission is sought to erect an extension to the existing tennis centre to provide a soft play area, associated facilities and storage with plant room above. The proposed extension would cover an area of 125sqm and would replace an existing outdoor play area situated between the existing tennis hall and changing areas of the new swimming pool building, which is currently under

construction. The extension would incorporate a mono-pitched roof with heights of 7.85m to ridgeline and 3.7m to eaves which inclines from east to west. The west facing elevation of the extension would be predominantly glazed and the remainder would be finished with timber cladding coloured Weston Red Cedar with the lower section of the north elevation being finished with Bathstone face blocks.

The application site lies to the south of the Sainsbury's supermarket and to the west of Silksworth Lane and consists of a tennis centre, meeting rooms, a wellness centre and community hall. The majority of the premises have been finished with blue cladding with red trimming. An extension to provide a 25m swimming pool and associated changing facilities is currently under construction and has been substantially completed; this structure has been finished predominantly with Bathstone.

Application no. 08/02625/LAP was approved in August 2008 for the aforementioned extension to the tennis centre to house a 25m swimming pool.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

No Consults

Final Date for Receipt of Representations: **23.06.2009**

REPRESENTATIONS:

No third party representations have been received to date.

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

T_22_Parking standards in new developments

COMMENTS:

The main issues to be considered in assessing the application are the impact of the design of the proposed extension on the external appearance of the centre and any highway/parking implications.

The statutory period for the receipt of consultations does not expire until 23 June 2009, after the preparation of this report but before the Sub-Committee meeting. As such, the above issues are still being considered and, accordingly, it is anticipated that these will be addressed on a supplement to this report

incorporating any consultation and third party responses received in the intervening period and a recommendation on the application.

RECOMMENDATION: Dir.of Dev. and Regeneration to Report