

Development Control (South Sunderland) Sub- Committee

8 August 2017

Late Sheets

List of Public Speakers

In accordance with the Council's adopted scheme to allow the public to address meetings at Development Control Sub-Committees on planning and related applications and on site specific matters, the following persons have given notice of their wish to speak at this meeting on the applications/matters listed in the table below.

These applications/matters will be considered ahead of the other applications/matters on the Agenda and will be taken in the order indicated. Unless stated otherwise, the page number in the first column of the table refers to the page number on the List of Planning and Related Applications on the Agenda (Item 3).

In each case where an objector has given notice to speak, the applicant (or the applicant's agent) will have been informed and offered the opportunity to address the Committee in accordance with the Human Rights Act 1998. (Each Speaker shall be limited to a maximum of 5 minutes).

ITEM 3 – Planning and Related Applications

PAGE NO(s).	APPLN. NO	SITE	DETAILS OF SPEAKERS AND ATTENDEES
19 – 46	17/00417/FUL	Former Dewhirst Pennywell Ind Est Sunderland SR4 9EP	Mr Somal (objector) Cllr T Wright (objector) Karen Read (support) Simon Plumb (support)

Late Representations

Further to the circulation of the committee report, there have been two additional representations received raising issues around highways (in particular traffic congestion) and neighbourhood amenity (in particular pollution from vehicles and noise). The representations received also raise issues around the impact upon the city centre, local choice, traffic, whether demand exists for another supermarket and noise impacts.

The Council's Group Engineer has examined the late representations and advised that their earlier highway recommendation would still apply.

The Council's Environmental Health Officer has examined the late representations and advised that "it is predicted that, with the proposed mitigation the LAFMax will be 3dB below the guidelines stated by the World Health Organisation. In relation to the

accumulative effect of noise, this is addressed and taken into account within the noise assessments of all applications”.

Officers have also been able to give further consideration to the suggested conditions. If Members are minded to grant planning permission for the proposed development, officers would suggest accepting the small amendments to the conditions noted below. The amendments relate to implementation periods for any mitigation and to the conditions that define the consent. The deleted parts within the conditions are shown as a **~~bold strikethrough~~** with the additions in ***bold italics***

Condition 14:

i) Within 5 working days of the first operation of the A1 use, the site operator shall provide written confirmation of the start of operation of the A1 use to the Local Planning Authority (LPA).

ii) The hours in which the A1 use can be serviced, for the purposes of activities within the service yard (i.e. the area to the east of the proposed building and the west of Prestbury Road), such as loading/unloading of goods, shall be unrestricted for a period no longer than 6 months from the start of operation. These hours may continue beyond the 6 month period following written confirmation by the Local Planning Authority (LPA) that there have been no substantiated complaints in respect of noise from deliveries.

iii) Should the LPA receive substantiated complaints in respect of activities within the service yard such as loading/unloading of goods within the initial 6 month period, and on notification of this to the operator, the operator shall submit a noise assessment of activities within the service yard such as loading/unloading of goods within **28 days six weeks** in accordance with a methodology agreed with the LPA. If this assessment is submitted to and approved by the LPA and shows that noise emissions from activities within the service yard such as loading/unloading of goods do not exceed a rating level as determined in accordance with the procedures described in BS4142:2014 'Methods for rating and assessing industrial and commercial sound' of 42 dB LAr (15min) and/or a maximum noise level of 60dB LAFMax more than 15 times per evening (23:00 to 07:00) when assessed at the nearest noise sensitive property outside of the hours described in (iii), these unrestricted hours may continue.

iv) If this assessment shows that the rating levels defined in (iii) above exceed 42 dB LAr (15min) or 60dB LAFMax more than 15 times per evening, the operator shall, as part of the noise assessment noted in (iii) above, identify further physical or managerial measures to control activities within the service yard such as loading/unloading of goods. Any approved physical or managerial measures proposed in the noise assessment shall be fully implemented / provided within a maximum of **14 28** days following the written approval of the LPA and shall thereafter be managed and retained in accordance with the approved details.

v) Following the introduction of the physical or managerial measures within iv) above measures, a further noise assessment shall be carried out within **28 days six weeks** in accordance with iii) above, and if the rating levels defined in iii) above do not

exceed 42 dB LAr (15min) or 60dB LAFMax more than 15 times per evening , the unrestricted activities within the service yard such as loading/unloading of goods can continue.

vi) If following iii) and iv), a noise assessment as approved by the LPA pursuant to v) above demonstrates that rating levels defined in iv) above exceed 42 dB LAr (15min), the following hours of operation for activities within the service yard such as loading/unloading of goods can continue, shall be observed: deliveries to take place between 06:30 to 23.00 Monday to Sunday.

Reason: To ensure, in accordance with Unitary Development Plan Policy EN5, would not be likely to generate noise sufficient to increase significantly the existing ambient sound levels.

Condition 19

The comparison goods sales area of the new food store shall not exceed 250 square metres **and the convenience sales area shall not exceed 1,100 square metres.**

Reason: To ensure compliance with the submitted details and to protect the vitality and viability of nearby Local Centres.

Condition 20

The gross external ~~floor~~ area of the new food store shall not exceed 1,804 square metres.

Reason: To ensure compliance with the submitted details and to protect the vitality and viability of nearby Local Centres.

RECOMMENDATION:

If Members are minded to grant planning permission, the suggested conditions should be amended as noted above.