

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Unitary Development Plan - current status

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

Reference No.: 12/03269/FUL Full Application

Proposal: **Erection of a foodstore with associated access, car parking and landscaping; and relocation of an existing substation.**

Location: Site Of Hahnemann Court Carley Hill Road/ Thompson Road Sunderland

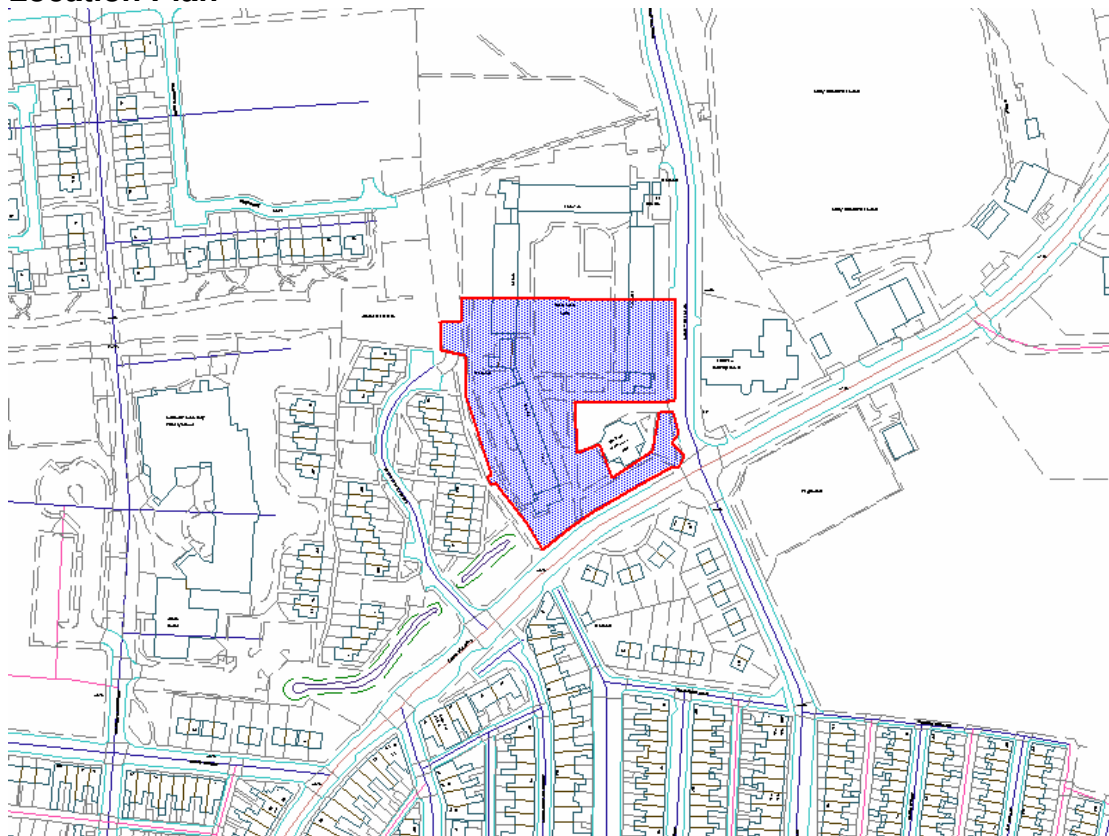
Ward: Southwick

Applicant: Aldi Stores Ltd

Date Valid: 7 December 2012

Target Date: 8 March 2013

Location Plan



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PROPOSAL:

Planning permission is sought for the proposed erection of a new food store with associated access, servicing and car parking at the site of Hahnemann Court, Carley Hill Road/Thompson Road, Sunderland.

The proposed food storey will be a single storey building with a gross internal floor area of 1473 sq.m and a sales area of 990 sq.m. The building is proposed to be sited towards the north-western section of the site with an entrance out onto Thompson Road. The remaining area of the application site will be predominantly occupied by customer car parking (99no. spaces in total of which 4no. will be designated for disabled persons and 9no. parent/child spaces) with access proposed to be taken off Carley Hill Road. Two further pedestrian access points are proposed, one off Thompson Road and one adjacent to the public house (The Mill). 4no. cycle stands are proposed within the site providing secure parking for 8 bicycles.

It is also proposed that part of the existing palisade fence to the western boundary will be removed in order that residents living in Coldstream Avenue can gain direct access to the footpath.

The application site covers approximately 0.76 hectares and comprises previously developed land which was part of the former Hahnemann Court flats complex and the junction of Carley Hill Road and Thompson Road in Southwick. Following the demolition of the flats the site was levelled and has not had any particular use. The application site is approximately 370 m to the north-east of Southwick Green Local Centre.

The proposed single storey food store will have a parapet height of 5.46m and be of a flat roof design. A cantilevered canopy is proposed to cover the shop front which will also wrap around the store to provide shelter over the store entrance. The building is proposed to be constructed from modern, contemporary materials with large elements of glazing along the frontage.

A soft and hard landscaping scheme is proposed around the site which will consist of low level, hardy shrubs ranging between 1.8m and 10m in depth, similar planting is also proposed along the sites frontage with Carley Hill Road.

The proposal also intends to enhance existing planting along the western boundary.

The application will require the relocation of the existing sub station towards the western boundary of the site.

The applicant has indicated within the submitted proposal that they seek to operate the building between the hours of 08.00 and 22.00 Monday to Saturday and 10:00 - 18:00 Sundays and Bank Holidays. 20 persons are proposed to be employed at the store.

The application has been advertised by way of site notices, a press notice and neighbour letter notification.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management
Environmental Health
Northumbrian Water
Director Of Children's Services
Northern Electric
Southwick - Ward Councillor Consultation
Force Planning And Police Architectural Liaison Officer
Business Investment
Nexus
North Gas Networks

Final Date for Receipt of Representations: **25.01.2013**

REPRESENTATIONS:

Consultee Bodies

Nexus - No objection however they would request the provision of a 2.5 bay cantilever shelter with electronic connection at the northbound bus stop on Carley Hill Road. Contractors must not obstruct the bus services in the area during construction.

Northumbrian Water - Impose a condition in relation to the diversion of apparatus or redesign the proposal to avoid building over NWL apparatus.

Northern Gas Networks - No objection however diversionary works may be required and will be addressed by the applicant should permission be granted.

Environmental Health - No objection in principle with matters of noise and ground contamination having been resolved.

Neighbour/Local Representation

1 objection to the proposed development

The main grounds for opposing the development are as follows:-

Over representation of food stores in the area (Tesco and Sainsbury's) and local centre of Southwick

Impact of the proposal on smaller retail outlets

Hours of operation

Nature of the goods to be sold at low prices namely alcohol resulting in anti-social behaviour

Detrimental to the immediate area

Loss of view

Increased levels of traffic (included within six letters of support)

1 email stipulating no initial objection to the proposal but concern raised with regards to the timing of deliveries and noise from reversing vehicles, loading and unloading of goods. Such activities should not commence before 7am.

1 piece of correspondence agreeing with the principle of retail development but considers the proposal to be detrimental to the immediate area, loss of view and questions why Gentoo have sold housing land for retail development.

41 pieces of correspondence in support

The main grounds for supporting the proposal are as follows:-

Positive development for Southwick

Value for money

Job creation

Boost for the area

Attract visitors to the area

Create convenience shopping in the area

Good community facility

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

NA_36_Proposed strategic footpath link from Fulwell Quarries to Harbour View

CN_23_Measures to conserve/ improve wildlife corridors

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

COMMENTS:

policy B2 dictates that the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy. The main issues to be considered in determining this application are:-

- 1) Principle of the Development.
- 2) Siting and design of the building and amenity issues.
- 3) Highway issues.
- 4) Noise and disturbance issues.
- 5) Ground Contamination.
- 6) Other issues raised in representations.
- 7) Section 106 Contributions

NB: The Local Planning Authority (LPA) considered the content of the Planning and Retail Assessment and concluded that due to the specialist nature of the information submitted a retail specialist should be appointed to scrutinise and comment upon the content of the reports and advise the Council in its consideration of this application.

In February 2013, the LPA instructed hollissvincent to undertake an audit of the retail policy aspects of the application proposal.

1 Principle of Development

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) provides that:

‘...if regard is to be had to the Development Plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.’

The first test, and the statutory starting point is whether the application is *‘in accordance with the plan’*, which is a phrase that has been the subject of debate in the High Court in the context of Section 54A of the Town and Country Planning Act 1990. In his judgment of 31 July 2000 (R v Rochdale Metropolitan Borough Council ex parte Milne), Mr Justice Sullivan (as he then was) concluded as follows:

‘...I regard as untenable the proposition that if there is a breach of any one Policy in a development plan a proposed development cannot be said to be “in accordance with the plan”...’

‘For the purposes of Section 54A, it is enough that the proposal accords with the development plan considered as a whole. It does not have to accord with each and every policy therein.’

This Rochdale judgment is applicable to the interpretation of Section 38(6) of the 2004 Act and the Council must reach a decision, therefore, as to whether the application is in accordance with the development plan when it is considered as a whole.

The Unitary Development Plan (the UDP) was adopted in 1998. On commencement of the Planning and Compulsory Purchase Act (September 2004), the policies of the UDP were automatically ‘saved’ for three years, remaining in force until September 2007. The Council subsequently notified the Government Office of the policies it wished to retain and confirmation from the Secretary of State of the agreed saved policies was received on 4 September 2007.

As of 27 March 2012, the National Planning Policy Framework (NPPF) became a material consideration in the determination of planning applications and superseded a large number of previous planning policy guidance notes and statements. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

Whether or not the development plan is up to date is a material consideration in determining how much weight should be attached to the relevant policies in the development plan in light of other material considerations. In particular, Paragraph 214 of the NPPF states that where the relevant provisions of the

development plan were not adopted in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 (which is the case with the Council's Development Plan which was adopted in 1998), due weight should be given to the relevant policies of the plan according to their degree of consistency with the NPPF.

Paragraph 14 of the NPPF provides that in respect of decision making:-

- development proposals that accord with the development plan should be approved without delay;
- where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless:-
 - (i) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole; or
 - (ii) specific policies in the NPPF indicate that development should be restricted.

Unitary Development Plan (UDP)

Policy S1, which is saved, seeks to enhance the role of the city's shopping service by encouraging a wide range of attractive, well distributed, facilities to meet future shopping and related needs. Developments - such as the application proposal, which are located outside existing centres - are subject to the sequential test, must be in accordance with other policies in the UDP, and should complement existing facilities. It is considered that Policy S1 incorporates the sequential approach and some aspects of the impact tests set out in the NPPF.

In this regard, in relation to the sequential test incorporated in paragraphs 23 and 24 of the NPPF it is accepted that there is no site within, or on the edge of Southwick Green Local Centre which meets each of the 'available', 'suitable' and 'viable' components of the sequential test and as a consequence the application is consistent with the sequential aspect of Policy S1.

With reference to impact considerations, the application proposal falls below the 2,500sq.m threshold set in paragraph 26 of the NPPF, and given the absence of any local threshold, it does not face the two national policy impact tests. Nevertheless, the proposal has been considered in relation to the potential resulting impact on Southwick Green Local Centre and it is concluded that a development of this size is unlikely to cause any significant adverse impact on the centre and will have the potential to provide for some spin-off benefits by enhancing the retention of expenditure in the local area and attracting some inflow of expenditure from customers seeking a discount food supermarket offer.

Therefore, in light of the above it is considered that the proposal is consistent with the overall objectives of Policy S1 of the UDP.

Area Proposals

The host site is not allocated for any specific land use in the adopted Unitary Development Plan. Consequently, the proposal needs to be considered against Policy EN10 which envisages that the existing land uses will remain but also seeks to ensure that all proposals for new development are compatible with the principle land use of the site and neighbouring area.

The immediate vicinity of the application site is predominantly residential in nature with small scale community type uses, such as a school, also evident. Beyond the immediate area lies Southwick Green Local Centre and in this regard it is considered that the proposed food store does accord with the land uses found within the surrounding area. As such, the proposal is considered to accord with Policy EN10 of the UDP.

Conclusion in Relation to the Development Plan

Based upon the above, it is considered that the Aldi planning application is consistent with the sustainability and sequential aspects of the shopping policies of the UDP.

Emerging Local Development Framework

There are no local development documents that have reached a sufficiently advanced stage for more than limited weight to be given to them, although it is noted that Policy CS1.2 of the Draft Revised Preferred Options Document of March 2010 identifies North Sunderland as a priority for new convenience retailing. It must be accepted, however, that much of the quantitative need for enhanced convenience provision in North Sunderland is being met by the recently opened Sainsbury's store at Riverside Road, and by the imminent opening of the Tesco store at Sunderland Retail Park.

Quantitative and Qualitative Need

The assessment of expenditure capacity, or need, is not a development management test in the NPPF, or indeed in the earlier Planning Policy Statement 4. Thus, the absence of sufficient need, on its own, can no longer form a ground for refusal of an application for a town centre use development. Conversely, the existence of need, on its own, does not necessarily mean that there will be no adverse impacts.

Nevertheless, the Planning for Town Centres Practice Guidance, which has not been replaced by the NPPF, makes it clear that an assessment of need informs the consideration of the sequential approach and impact, both of which are requirements, under the NPPF, for applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date development plan.

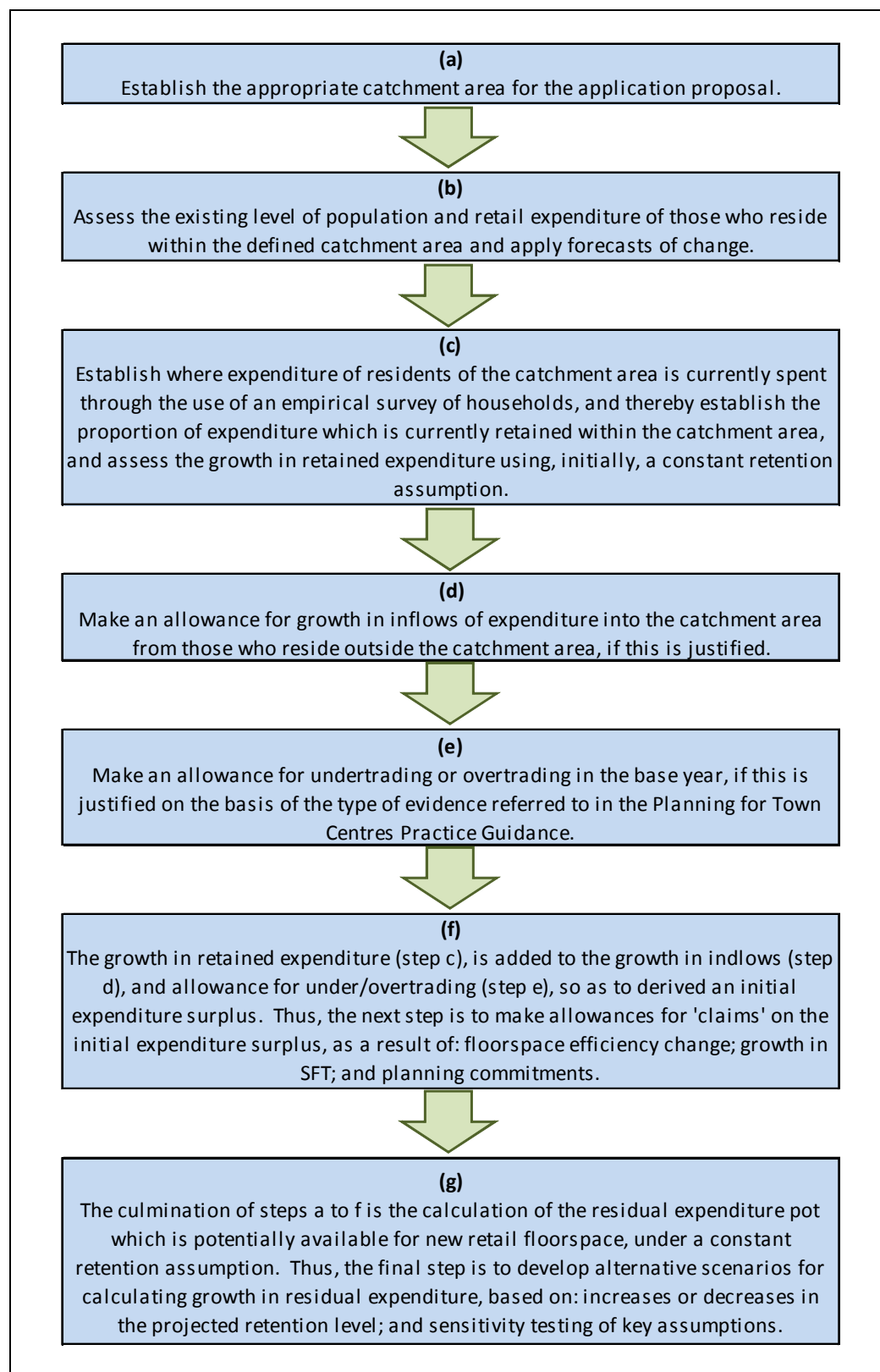
NB: the weight that can be attached to the Practice Guidance as a material consideration will differ depending upon the circumstances of each particular case.

Methodology for Assessing Need

Section 3 and Appendix B of the Planning for Town Centres Practice Guidance provides advice on the assessment of quantitative and qualitative need. It is noted, however, that the Practice Guidance states that it does not '*...seek to prescribe a single methodology...*' and that '*...alternative approaches may be equally acceptable, provided they are compliant with national policy objectives and clearly justified, transparently presented and robustly evidenced*' (paragraph 1.22).

There are seven essential steps in the assessment of quantitative need, which represents a refinement of the five step approach set out in Appendix B of the Practice Guidance. These seven steps are set out below.

Methodology for the Assessment of Expenditure Capacity



In this regard, it is noted that the application is not supported by an assessment

of expenditure capacity and for this reason the findings of the Sunderland Retail Needs Assessment Update (SRNAU) will be used in order to establish whether there exists a quantitative or qualitative need for the application proposal.

Sunderland Retail Needs Assessment Update

The Sunderland Retail Needs Assessment Update (SRNAU) found that, for the overall Sunderland catchment area, even under an uplift in retention scenario, there was a negative residual expenditure capacity in the convenience goods sector in the period to 2017, and a relatively small residual in the period to 2022 of £21.5m (Spreadsheets 15a and 15b of Volume 3). Moreover, the SRNAU recommends, at paragraphs 4.31 and 4.32, that this residual should be channelled towards the Coalfield area, and the City Centre, where gaps will remain following implementation of commitments. These commitments include the recently opened Sainsbury's store at Riverside Road and the soon to open Tesco store at the Sunderland Retail Park.

The application proposal falls within the 'North sub-area', as defined by the map on page 29 of the SRNAU. Within this area, it was acknowledged, at paragraph 4.26 of the SRNAU, that food superstore commitments at Sunderland Retail Park (Tesco) and Riverside Road (Sainsbury's) will *'...meet all of the quantitative and qualitative need likely to arise in North Sunderland for the foreseeable future'*. Indeed, Table 4.1 of the SRNAU indicates that implementation of these two commitments would take the localised retention level for the North sub-area from 51 per cent, to around 86 per cent, the highest retention level of all five sub-areas within the Sunderland catchment area.

Thus, on the basis of the evidence provided by the SRNAU, it would appear that there is no quantitative need for additional foodstore provision in the Southwick area, at least in the short to medium term. Nevertheless, the existence or otherwise of expenditure capacity is no longer a development management test, and there is a need to consider qualitative issues. In this regard the following assessment is made.

Figure 4.2 of the SRNAU indicates that the application site is located within an area of acute deprivation, falling within the 3 per cent most deprived Local Super Output Areas within the country, and accessibility to convenience facilities in these areas should be a priority for the Council. Indeed, it is noted that car ownership is particularly low in this area. Whilst it is acknowledged that convenience provision will be improved by the Sainsbury's supermarket at Riverside Road, the introduction of a discount retailer, such as the application proposal foodstore, will assist in improving social inclusion in this acutely deprived area.

The application proposal foodstore is estimated to have a total turnover of approximately £6m, which is relatively insignificant when considered against the total convenience and comparison turnover of nearby stores such as the Sainsbury's at Riverside Road (estimated turnover of £53m in 2016) and the Tesco at Sunderland Retail Park (estimated turnover of £81m in 2016).

The nature of the discount retail offer provided by the application proposal foodstore is such that there is some weight in the applicant's argument that the store will 'complement' rather than compete with existing facilities (see paragraph 5.9 of Signet Planning's PSRA). However, it is noted that the convenience offer

in Southwick Green Local Centre, which includes Iceland, Heron Frozen Foods and B&M stores, is also focused towards the discount sector.

Paragraph 7.9 of the applicant's PSRA states that *'There is clear support for a new Aldi neighbourhood foodstore which has been demonstrated through the public consultation exercise with 83.5% of the local community stating their support.'* This demonstrates that there is localised demand for the application proposal.

Conclusion in Relation to Need

The SRNAU has not identified a quantitative need for additional foodstore provision in the Southwick area, over and above existing commitments. However, given the acute deprivation that characterises the Southwick area, and the community support for the application proposal foodstore, it is considered that there is evidence of a localised need for a food discount operator such as Aldi.

Nevertheless, given the limited projected expenditure growth in the convenience goods sector, and the existence of two large food superstores at Riverside Road (Sainsbury's) and Sunderland Retail Park (Tesco), it is considered that particular attention must be given to the cumulative impacts on the nearby Southwick Green Local Centre, which performs an important retail and service function for residents of the area. The issue of cumulative impact are considered later in this report.

The Sequential Test

Paragraph 24 of the NPPF sets out the sequential test that applies to planning applications for main town centre uses, which are not in an existing centre, and are not in accordance with an up-to-date Local Plan. The test is set out in terms similar to those previously contained in Policy EC15 of PPS4.

The application site is located approximately 370 metres from the nearest defined centre, Southwick Green Local Centre, so that it is in an 'out of centre' location for the purpose of the definitions contained in Annex 2 of the NPPF. On this basis, the applicant must demonstrate that the requirements of the sequential approach, as set out in Paragraph 24 of the NPPF, have been satisfied.

Appraisal of the Applicants Sequential Assessment

The applicant's review of sequential sites is set out in Section 5 of their PSRA. Southwick Green Local Centre is the only defined centre that is located within the catchment area of the application proposal, and so the applicant's assessment has only focused on sites within this centre. The catchment area, as defined by the applicant, is set out in Appendix 4 of the PSRA, and it is stated at paragraph 5.12 of this document that the catchment area has been defined having regard to existing discount provision, geographical features and barriers to movement (such as the railway line to the east of the application site).

Given the proximity of Sea Road Local Centre – which is located less than a five minute drivetime from the application site - it could be argued that the applicant should also include this centre within its area of search for sequentially preferable sites. Indeed, Sea Road Local Centre is located along the B1291 road, which, at

its junction with Carley Hill Road, is also the location of the application site.

However, it is considered that there exists a localised qualitative need for a discount foodstore in the Southwick area. This qualitative need is based on the existence of acute levels of deprivation in the Southwick area, low car ownership and support for the application proposal demonstrated by Southwick residents (see the applicant's Statement of Community Involvement, which demonstrates that 84 per cent of residents surveyed support the proposal).

In contrast, Sea Road Local Centre is located in one of the least deprived parts of the Sunderland catchment area, and benefits from a Metro station which provides direct access to retail facilities located in Sunderland City Centre. Moreover, the railway line, which separates the immediate vicinity of the application site from Sea Road Local Centre, may present an obstacle to linkages between the two, thereby limiting the extent to which their respective catchments overlap.

When considering 'location specific' needs, the Planning for Town Centres Practice Guidance advises that:

'...it is important to distinguish between cases where needs arise because of a gap or deficiency in the range, quality or choice of existing facilities, and where the commercial objectives of a specific developer or occupier are their prime consideration.'

In the circumstances of this case, it is considered that there exists a localised need for a discount foodstore in the Southwick area and as such the LPA are satisfied with the applicant's approach of only applying the sequential test to sites located within, and on the edge of, Southwick Green Local Centre.

With this background in mind, it is noted that Southwick Green contains just seven vacant retail units¹, the largest of which is the former Heron Frozen Foods unit, which has a total retail sales area of 158 sq.m. Thus, there are no vacant retail units within the centre that are suitable to accommodate the proposal, even allowing for an appropriate degree of flexibility.

Elsewhere within the District Centre, the Southwick Social Club has been vacant for some time, and is currently on the market. The site is therefore available, and given its in-centre location, it is also clearly suitable in planning policy terms. However, it is noted that the site is just 0.2 hectares, which is substantially smaller than the site size required by the application proposal of 0.8 hectares. Thus, it is acknowledged that, even allowing for flexibility, the site is not physically suitable for the application proposal foodstore.

The only edge of centre site that has been identified by the applicant is the former St Hilda's RC School. The site is currently on the market, and is therefore available for the development proposed. However, at just 0.5 hectares, it is accepted that the site is too small, and is not, therefore, physically suitable for accommodating the application proposal foodstore. Also, the applicant's concerns, that the site may not be suitable for foodstore development given access constraints for delivery vehicles, are noted.

¹ At the time of writing our report, and since the time of the applicant's land use audit of the centre in October 2012, the former market building has been taken up by Heron Foods, leaving its previous unit vacant, so that the number of vacant units remains constant, at seven.

In this regard, the LPA are not aware of any other sequentially preferable sites located either within, or on the edge of, Southwick Green Local Centre.

Conclusion in Relation to Sequential Test

In conclusion whilst it could be argued that the applicant should be required to search for sequentially preferable sites in the nearby Sea Road Local Centre, the LPA have identified a localised need for a discount foodstore in the Southwick Green area. Therefore, the LPA are satisfied with the applicant's approach to only look for sequential sites that are located within, and on the edge of, Southwick Green Local Centre.

On this basis, the LPA can confirm that none of the sites that the applicant has assessed meet each of the 'availability', 'suitability' and 'viability' components of the sequential test. Therefore, the overall conclusion is that the application conforms with the provisions of paragraph 24 of the NPPF, and that the application passes the sequential test.

The NPPF Impact Tests

Paragraph 26 of the NPPF sets out the impact tests for applications for retail, leisure and office development that are located outside town centres and which are not in accordance with an up-to-date Local Plan. The tests require (for applications of over 2,500 sq.m gross) an assessment of:

'the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.'

Paragraph 27 then confirms that *'Where an application fails to satisfy the sequential test, or is likely to have a significant adverse impact on one or more of the above factors, it should be refused'*.

So far as interpretation of impacts is concerned, the Planning for Town Centres Practice Guidance states that *'it will be for the decision maker to determine what constitutes an "acceptable", "adverse" or "significant adverse" impact based on the circumstances of each case, having regard to national and local policy objectives'* (paragraph 7.3 of the Practice Guidance). The Practice Guidance then goes on to state that *'...there are no meaningful benchmarks of what constitutes an "acceptable" level of trade diversion... the relevant factors will depend on the circumstances of each case'* (paragraph 7.29 of the Practice Guidance).

Thus, in forming a judgment as to whether the effects of a proposal are likely to reach the 'significant adverse' threshold, the decision maker is likely to take account of:

- The vulnerability of the town centres likely to be affected by the application proposal and their state of health (the box in paragraph 7.8

- of the Practice Guidance, and paragraph 7.10);
- The impact on the market share of the town centres (the box in paragraph 7.8 of the Practice Guidance);
- The effect on planned investment in the town centres (the boxes in paragraphs 7.21 and 7.25 of the Practice Guidance);
- The impact on vacancies and quality of the retail offer in the centres affected (the box in paragraph 7.25 of the Practice Guidance and paragraph 7.30); and
- The impact on investor confidence (the box on paragraph 2.21 of the Practice Guidance).

The application proposal is in an out of centre location, however, it is noted that the floorspace proposed is 1,473 sq.m gross, which is substantially lower than the 2,500 sq.m gross threshold above which an impact assessment is required (in the absence of a locally set threshold). Signet Planning argues, therefore, that there is no requirement for the applicant to undertake an assessment of impact under the terms of the two tests set out in Paragraph 26 of the NPPF.

In this regard, the LPA would broadly agree, however, given the limited projected expenditure growth in the convenience goods sector, and the recent and imminent openings of two large food superstores at Riverside Road and Sunderland Retail Park, it is considered that attention must be given to cumulative impact on the nearby centre of Southwick Green. In this regard, the LPA agree with the applicant's approach of undertaking an assessment of impact in order to present a robust case.

Appraisal of the Applicants Assessment of Quantitative Impact

The applicant's assessment of quantitative impact is set out in Appendices 5 to 12 of the PSRA, and this analysis draws on the findings of the NEMS Market Research household survey, to establish householders shopping expenditure in comparison and convenience goods, that was commissioned to inform the 2009 and 2012 Sunderland Retail Needs Assessments.

Having reviewed the applicant's impact tables, the following observations have been made in relation to the methodology and assumptions adopted by Signet Planning:

The convenience goods turnover of the store, as set out in Table 3 of Appendix 10, appears to have been calculated incorrectly. Table 3 sets out a convenience goods sales density of £5,271 per sq.m and a convenience goods sales area of 743 sq.m. This results in a convenience turnover of £3.9m, but in the fifth row of Table 3, the applicant sets out a convenience goods turnover of £3.5m, some £400,000 short of the correct figure.

Notwithstanding this miscalculation, the LPA consider that the convenience goods sales density adopted by the applicant is too low, at just £5,271 per sq.m sales². The footnote to Table 3 of Appendix 10 states that the Aldi sales density is derived from Mintel. It is the LPA's preference, however, to use Verdict's Food and Grocery Report, which results in a sales density of £6,571 per sq.m (for the year 2012, in 2009 prices), equating to a convenience goods turnover of £4.9m

² Given the low levels of expenditure growth (negative in the period 2010 to 2013), the applicant does not apply a sales efficiency growth rate to the turnover of the foodstore.

(£1.4m more than the figure the applicant has set out in the fifth row of Table 3). The applicant has not undertaken an assessment of trade draw, and instead has gone straight to applying trade diversions; this approach omits Step 3 of the impact methodology set out in Appendix D of the Planning for Town Centres Practice Guidance. However, given the relatively small scale nature of the application, it is not considered that the applicant should be required to rectify this omission. Indeed, it is noted that the advice contained in paragraph 7.6 of the Planning for Town Centres Practice Guidance to the effect that ‘...the scope and level of detail required [by the impact assessment] should be proportionate to the nature of the policy or proposal under consideration.’

The impact percentages set out in the summary table on page 27 of the PSRA, and in Table 4 of Appendix 10, do not provide an accurate reflection of cumulative impact. This is because Signet Planning has calculated the percentage impacts on the basis of the post-commitment turnover of destinations, rather than a no-development turnover. The percentage impact figures are therefore ‘incremental’, as opposed to ‘cumulative’. It is noted, however, that the overwhelming majority of the cumulative diversion from Southwick Green Local Centre is attributable to the recently opened Sainsbury’s at Riverside Road, and the Tesco at Sunderland Retail Park. Both of these foodstores were identified by the SRNAU as filling a ‘gap area’ in convenience goods provision in north Sunderland and will improve retention in this area. The focus, therefore, shifts to an appraisal of the incremental impact of the application proposal.

In this regard, it is considered that the applicant has underestimated the proportion of the proposed Aldi store’s trade that is likely to be diverted from Southwick Green Local Centre. Indeed, the summary table on page 27 of the PSRA indicates that only 1.8 per cent of Aldi’s convenience goods turnover is expected to be diverted from existing retailers located in Southwick Green. Given that the existing convenience retail offer in the centre is discount focused, with representation from retailers such as Iceland, Heron Frozen Foods and B&M, and given the proximity of the application site to Southwick Green, it is anticipated that at least 5 per cent of Aldi’s convenience turnover would be diverted from existing retailers in Southwick Green Local Centre. Applying this adjusted proportion to the higher turnover that we have estimate for Aldi would result in an incremental convenience goods diversion from Southwick Green Local Centre of £0.25m.

Thus, on the basis of the post-commitments turnover of Southwick Green Local Centre (£2.0m, Table 4 of Appendix 10), this equates to an incremental convenience impact of around 12.3 per cent.

Conversely, it is considered that the applicant has slightly over-estimated the proportion of trade diversion from larger, out of centre, foodstores. In particular, it is noted from the table on page 27 of the PSRA, that 24 per cent of the turnover of the Aldi is expected to be diverted from the Tesco store which is soon to open at Sunderland Retail Park.

Thus, with this background in mind, the LPA turn to the appraisal of the implications of the trade diversions for the impact tests set out in Paragraph 26 of the NPPF.

Impact on Existing, Committed and Planned Investment

Within the catchment area of the application proposal, the LPA are not aware of any existing, committed or planned investment in centres that might be impacted by the Aldi application proposal. Indeed, the only retail commitments that are in the vicinity of the application proposal are located in out-of-centre destinations, and do not benefit, therefore, from policy protection.

Moreover, it is noted that the total turnover of the application proposal would be no more than around £6m³, and the discount nature of the goods offered means that the competitive effects of the proposal will be felt most strongly by retail outlets that provide a similar discount oriented offer such as the Aldi at Hylton Riverside and the proposed discount store at the North Hylton commitment (ref: 11/00288/FUL). On this basis, it is not considered that there is any clear evidence that the application proposal would lead to a 'significant adverse' impact on investment

Impact on Town Centre Vitality and Viability

Within the catchment area of the application proposal, the main centre of concern is Southwick Green Local Centre, which is located 370 metres to the south west of the application site. According to the land use survey undertaken by Signet Planning in October 2012, the centre contains 75 retail and service units, of which 10 are convenience units and 31 are comparison units.

There are seven vacant units in the centre, equating to a vacancy rate of 9 per cent, which is comfortably below the national average of 14 per cent. Since the time of the Signet Planning survey, the former market has been occupied by Heron Frozen Foods, so that the former Heron Frozen Foods unit has become vacant. The vacancy rate remains, therefore, at 9 per cent.

In relation to the general health of the centre, Signet Planning makes the following observations in Appendix 2 of its PSRA:

- the convenience offer in Southwick Green is '*quite strong for the size of centre*';
- the centre performs an important administrative and community service role, with representation from a post office, two banks, a health centre, a dentist and an opticians;
- at the time of visiting (morning of 25th October 2012), the centre was relatively busy, with good levels of footfall (no mention of where footfall was highest);
- the environmental quality of the centre is considered to be '*moderate*', with some units in poor condition and in need of refurbishment, although the public realm is in good condition and appears to be regularly maintained;
- the centre is easily accessible by public transport and also provides surface parking for car-users; and
- that Southwick Green Local Centre is relatively healthy, with most retailers appearing to trade well.

³ £4.9m convenience turnover (as calculated by hollissvincent) plus £1m comparison turnover (as calculated by Signet Planning)

Moreover, since the time of the 2009 Sunderland Retail Needs Assessment, there has been a reduction in the number of vacant units, down from 11 units to 7. Thus, whilst the centre could benefit from environmental improvements, and refurbishment of some of the more dated and inefficient retail units, it is considered that it adequately serves its role as a top-up convenience and service centre. On this basis, the LPA do not consider that the incremental convenience diversion from the centre – which is in the range⁴ £0.06m to £0.25m – would result in a ‘significant adverse’ impact. Indeed, much of the impact in Southwick Green would fall on the three discount traders, Iceland, Heron Frozen Foods and B&M, all of which appear to be trading healthily. Indeed, we note that Heron Frozen Foods has recently moved to a larger unit within the centre, indicating retailer confidence in Southwick Green.

It is noted, however, that whilst the overwhelming majority of the cumulative impact is attributable to recently opened and imminent foodstores - in particular the Sainsbury's at Riverside Road and the Tesco at Sunderland Retail Park - the issue is whether or not the Aldi application proposal would ‘tip’ the balance of impact past the ‘significant adverse’ threshold.

In this regard the LPA does not consider that this would be the case. Whilst the turnover of Southwick Green Local Centre might appear low, and therefore susceptible to even low levels of trade diversion, it is possible that the centre's turnover has been slightly under-recorded in the household survey, and attributed to ‘other destinations’ located in the centre's home zone, which is Zone 2.

Moreover, the proposed Aldi store, being in relatively close proximity to Southwick Green Local Centre, would help to draw some trade back to the Southwick area, and could, therefore, generate some linked trips with existing retail and service traders located in the district. On this basis, the Aldi proposal could assist in offsetting some of the impact attributable to the Sainsbury and Tesco superstores.

The only other defined centre located within the five minute drivetime catchment area is Sea Road Local Centre, which is situated to the north-east of the application site. The 2009 SRNA indicates that Sea Road is an attractive centre that is highly accessible, with a retail offer that is largely characterised by independent and specialist comparison retailers, so that there would be very little overlap with the type of goods offered at the proposed Aldi.

The convenience offer in Sea Road is anchored by a small Sainsbury store, and we anticipate that the majority of the incremental convenience diversion from Sea Road Local Centre – approximately £0.03m - would fall on this store. Indeed, Spreadsheet 13a of the SRNAU identified a convenience goods turnover of around £10m for Sea Road Local Centre, which is a healthy turnover for a small local centre. Thus, it is not considered that the impact on Sea Road Local Centre would be ‘significantly adverse’.

Conclusion in Relation to the NPPF Impact Tests

At the outset, it was acknowledged that the application proposal does not face the impact tests set out in Paragraph 26 of the NPPF. This is because the quantum of floorspace proposed falls well below the 2,500 sq.m gross threshold

⁴ Depending on whether you take the applicant's calculation of trade diversion, or our own sensitivity test.

for applications that require an impact assessment. Moreover, there is no locally set alternative threshold. However, for the purposes of robustness, it was felt that the applicant should consider the issue of impact, particularly in respect of the nearby Southwick Green Local Centre.

In this regard, it is considered that in assessing cumulative impact, the applicant has underestimated the convenience goods turnover of the application proposal, and underestimated the level of diversion from Southwick Green Local Centre. Thus, having adjusted for both of these factors, the LPA estimates that the incremental convenience diversion from Southwick Green Local Centre will be approximately £0.25m. This equates to an incremental impact of around 12.3 per cent on the convenience goods turnover of Southwick Green Local Centre.

So far as impact on investment is concerned, the LPA are not aware of any existing, committed or planned investments that will be adversely impacted by the application proposal. Indeed, all existing commitments that are located within the vicinity of the application site are in out-of-centre locations, and do not benefit, therefore, from policy protection. On this basis, it is considered that the application proposal foodstore will not lead to a 'significant adverse' impact on investment.

The only two defined centres located within the catchment area of the application proposal are Southwick Green Local Centre and Sea Road Local Centre. Southwick Green has a convenience offer that is anchored by an Iceland store, Heron Frozen Foods and B&M, and so the offer is very much 'value focused' which will overlap, to some extent, with that offered by the proposed Aldi. However, it is noted that each of these stores appear to be trading healthily, and Heron Frozen Foods has recently moved within the centre to a larger unit, thereby demonstrating retailer confidence in Southwick Green. Therefore, on this basis, it is considered that these stores would withstand the incremental convenience goods diversion we have identified of £0.25m, or 12.1 per cent.

The overwhelming majority of the cumulative impact is attributable to the Sainsbury's and Tesco superstores, and it is considered that the Aldi application proposal could help to claw back expenditure from these large out of centre superstores, to the Southwick area.

Sea Road Local Centre is anchored by a small Sainsbury's store, and has a retail offer that is largely characterised by independent and specialist comparison retailers. For this reason, there is likely to be very little competition between the application proposal and existing retailers in Sea Road Local Centre, and it is not considered that the incremental convenience goods diversion of £0.03m would result in a 'significant adverse' impact.

Thus, in the absence of any clear evidence of 'significant adverse' impacts, the LPA consider that there is no ground to resist the application on the basis of the impact tests set out in paragraph 26 of the NPPF.

Conclusions

Conclusions in Relation to the Development Plan - It is considered that the Aldi planning application is consistent with the sustainability and sequential (priority to previously developed land) aspects of the shopping policies of the UDP.

Conclusion in Relation to Need - The SRNAU has not identified a quantitative need for additional foodstore provision in the Southwick area, over and above existing commitments. However, given the acute deprivation that characterises the Southwick area, and the community support for the application proposal foodstore, it is considered that there is evidence of a localised need for a food discount operator such as Aldi.

Nevertheless, given the limited projected expenditure growth in the convenience goods sector, and the existence of two large food superstores at Riverside Road (Sainsbury's) and Sunderland Retail Park (Tesco), it is considered that particular attention must be given to the cumulative impacts on the nearby Southwick Green Local Centre, which performs an important retail and service function for residents of the area. The issue of cumulative impact is discussed above.

Conclusion in Relation to Sequential Test - Whilst it could be argued that the applicant should be required to search for sequentially preferable sites in the nearby Sea Road Local Centre, a localised need for a discount foodstore in the Southwick Green area has been identified. Therefore, the LPA accepts the applicant's approach to only look for sequential sites that are located within, and on the edge of, Southwick Green Local Centre.

On this basis, it can be confirmed that none of the sites that the applicant has assessed meet each of the 'availability', 'suitability' and 'viability' components of the sequential test. Overall the conclusion is that the application conforms with the provisions of paragraph 24 of the NPPF and the application therefore passes the sequential test.

Conclusion in Relation to the NPPF Impact Tests - At the outset, it was noted that the application proposal does not face the impact tests set out in Paragraph 26 of the NPPF. This is because the quantum of floorspace proposed falls well below the 2,500 sq.m gross threshold for applications that require an impact assessment. Moreover, there is no locally set alternative threshold. However, for the purposes of robustness, it was felt that the applicant should consider the issue of impact, particularly in respect of the nearby Southwick Green Local Centre.

In this regard, the LPA consider that in assessing cumulative impact, the applicant has underestimated the convenience goods turnover of the application proposal, and underestimated the level of diversion from Southwick Green Local Centre. Thus, having adjusted for both of these factors, we estimate that the incremental convenience diversion from Southwick Green Local Centre will be approximately £0.25m. This equates to an incremental impact of around 12.3 per cent on the convenience goods turnover of Southwick Green Local Centre.

So far as impact on investment is concerned, the LPA is not aware of any existing, committed or planned investments that will be adversely impacted by the application proposal. Indeed, all existing commitments that are located within the vicinity of the application site are in out-of-centre locations, and do not benefit, therefore, from policy protection. On this basis, it is considered that the application proposal foodstore will not lead to a 'significant adverse' impact on investment.

The only two defined centres located within the catchment area of the application proposal are Southwick Green Local Centre and Sea Road Local Centre.

Southwick Green has a convenience offer that is anchored by an Iceland store, Heron Frozen Foods and B&M, and so the offer is very much 'value focused' which will overlap, to some extent, with that offered by the proposed Aldi. However, it is noted that each of these stores appear to be trading healthily, and Heron Frozen Foods has recently moved within the centre to a larger unit, thereby demonstrating retailer confidence in Southwick Green. It is therefore considered that these stores would withstand the incremental convenience goods diversion we have identified of £0.25m, or 12.1 per cent.

The overwhelming majority of the cumulative impact is attributable to the Sainsbury's and Tesco superstores, and it is considered that the Aldi application proposal could help to claw back expenditure from these large out of centre superstores, to the Southwick area.

Sea Road Local Centre is anchored by a small Sainsbury's store, and has a retail offer that is largely characterised by independent and specialist comparison retailers. For this reason, there is likely to be very little competition between the application proposal and existing retailers in Sea Road Local Centre, and it is not considered that the incremental convenience goods diversion of £0.03m would result in a 'significant adverse' impact.

Thus, in the absence of any clear evidence of 'significant adverse' impacts, it is considered that there is no ground to resist the application on the basis of the impact tests set out in paragraph 26 of the NPPF.

Balance of Positive and Negative Impacts

Where a negative has been identified – and in this case the main negative impact is trade diversion from Southwick Green Local Centre – it is considered good planning practice to undertake an assessment of the balance of positive and negative impacts. In this context, the following benefits associated with the Aldi application proposal are noted:

- re-use of a previously developed and vacant site;
- employment for up to 20 local residents, including training;
- improvement of consumer choice through the introduction of a discount retailer in an area which suffers from high levels of deprivation; and
- clawback of trade to the Southwick area, which could potentially benefit existing retail and service traders located in the district centre.

Recommendation

On the basis of the above conclusions, it is considered that there are no retail policy grounds to warrant refusal of the application.

2) Siting and design of the building and residential/visual amenity issues

Paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Paragraph 57 states the importance attached by Government to planning positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Furthermore, paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Design and Access Statement which accompanies the planning application details the constraints and opportunities of the site. These factors have then been used to inform the overall layout, scale, massing and external appearance of the foodstore.

Taking each point in turn:-

Layout – The proposed single storey foodstore has been sited towards the north-western corner of the site so as to (1) ensure maximum accessibility for pedestrians travelling from the south (Thompson Road) and west (Coldstream Avenue), (2) provide a physical barrier between the existing residential dwellings along Coldstream Avenue and the proposed loading and refrigeration areas, (3) ensure that adequate amenity levels are created between the existing public house and the proposed foodstore and (4) locate customer parking to the front of the store, so far as is practicable, in order to minimise disruption from car doors, car horns and general customer noise and disturbance.

Note: The proposed development will necessitate the relocation of the existing substation from within the application site to outside of the western application site boundary. In this regard, it is not considered that the 'new' location of the substation will give rise to any amenity issues.

Scale and Massing – The footprint and height of the proposed foodstore has had regard to the characteristics of the surrounding built form, namely the public house, care home and residential dwellings, and, as such, the single storey flat roof approach is considered to be appropriate for this location.

External Appearance – A modern elevational design approach has been employed which respects the surrounding built form whilst introducing a features which will enhance the visual amenity of the local streetscene, creating a high quality environment.

For the above reasons it is considered that the proposal demonstrates careful consideration of the above matters which is in accordance with the principles of the NPPF and policy B2 of the UDP.

Amenity Issues

In terms of overlooking and privacy it would appear that the proposed foodstore has been sited within the north-west corner of the site so as to minimise the impact of the building on the neighbouring dwellings along Coldstream Avenue. In addition, the design of the building is such that the number of openings within the rear elevation has been kept to a minimum in order to reduce the potential for overlooking, loss of privacy and general noise and disturbance. Also, it is considered that the presence of vegetation along the western boundary will provide a degree of screening between the foodstore and residential dwellings.

3) Highway issues

Policy T14 of the UDP aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

In this regard, Network Management has considered the application and the following observations are offered.

The application is accompanied by a Transport Assessment and a supplementary document (Technical Note 1). These documents include analysis on both traffic and road safety issues.

The traffic analysis which has been carried out indicates that the increase in traffic can be accommodated without the need for any capacity improvements. Notwithstanding this fact the applicant has proposed to carry out minor modifications to the road markings on the southbound approach to Thompson Road, to potentially increase the road width on the approach to the give way line. The layout is as shown on the applicants drawing no. ALDICARLEY.1/03.

Existing facilities to assist pedestrian movements in the area include an adjacent Zebra crossing for crossing Thompson Road. In this regard a review of the traffic accidents in this location does not indicate any exceptional hazards or deficiency in the local road network.

Future Improvements - The Council has an aspiration to convert the existing Thompson Road / Carley Hill Road junction to traffic signals. As a contribution to carrying out these works in the future, the applicant has offered a sum of £50,000 towards this scheme. It is proposed that this sum would be subject to an Agreement under Section 106 of the TCPA 1990 (see below).

Concluding Highway Comments – It is considered that the proposed foodstore development is acceptable on highway grounds subject to a grampian condition requiring minor improvement works to be carried out as illustrated on plan ref: ALDICARLEY.1/03.

For the above reasoning the proposal is considered to accord with policies T14 and T22 of the adopted Unitary Development Plan.

4) Noise and disturbance issues

UDP policy EN5 seeks to ensure that where development is likely to generate noise sufficient to increase significantly the ambient sound or vibration levels in residential or other noise sensitive areas, the Council may require the applicant to carry out an assessment of the nature and extent of likely problems or to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission may be refused.

In addition, UDP policy EN10 seeks to ensure that all proposals for new development, including applications for the change of use of existing buildings will be judged in accordance with the policies and proposals on the plan.

Particularly pertinent is the requirement that proposals for development need to be compatible with the principal use of the neighbourhood.

The site to which this application relates was previously used for residential purposes, which was compatible with the surrounding land uses. In this regard, whilst it is acknowledged that the proposed development will generate levels of noise greater than that of the former use it is not considered that this will be significant owing to the fact that the main store building will afford some shielding to the nearest residential properties in Coldstream Avenue.

However, notwithstanding this fact the Council, acting in its capacity as Local Planning Authority, need to be assured that the resultant noise emissions do not adversely impact on the amenity of the surrounding residential properties. Therefore, in order that this matter could be addressed fully, and to comply with Policy EN5 of the UDP, the LPA requested that the proposed plant/refrigeration unit be enclosed within an acoustic fence which would ensure that noise, as result of the operation of the plant/refrigeration unit, does not cause nuisance or disturbance to local residents.

In this regard, the solution put forward by the applicant has been considered by Environmental Health Officers who have confirmed that the approach proposed will ensure that residents are not adversely affected by way of noise and is therefore acceptable.

In addition, the issue of noise and disturbance resulting from delivery vehicles throughout different times of the day has also be considered by EHO's the conclusions of which confirm that the installation of an acoustic fence around the plant/refrigeration unit in conjunction with the orientation of the loading bay and siting of the main food store should mean that the loading and unloading of goods will not cause unreasonable disturbance to nearby residents.

In conclusion it is considered that any potential issues that arise in respect of noise and disturbance have been adequately addressed to the satisfaction of Environmental Health. Therefore, the proposal is considered to be acceptable from a noise and disturbance perspective, in accordance with policy EN5 of the UDP.

5. Ground Contamination

The proposed development site has previously accommodated an industrial activity that may have resulted in contamination of the land and, as such, further information was requested from the agent/applicant in this regard.

The respective assessments, namely a Geo-Environmental Assessment and Gas Assessment, have been provided and based upon the findings of both of these reports Environmental Health have confirmed that there are no issues/concerns with regards to ground conditions.

Therefore, on this basis the proposed development is considered to be acceptable and in accordance with the requirements of UDP Policies EN14 which states that:

Where development is proposed on land which there is a reason to believe is either:

- i. Unstable or potentially unstable;
- ii. Contaminated or potentially at risk from migrating contaminants;
- iii. Potentially at risk from migrating landfill gas or mine gas

The Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of instability, contamination, or gas migration would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

6. Issues raised in Representations

Whilst the majority of the representations made to the application are supportive of the proposal, there has been concern raised with regards to the following issues:-

- 1) Over representation of foodstores in the area
- 2) Impact of the proposal on smaller retail outlets
- 3) Hours of operation
- 4) Nature of the goods to be sold at low prices resulting in anti-social behaviour
- 5) Detrimental to the immediate area
- 6) Loss of view
- 7) Increased levels of traffic resulting / Impact on the local highway network
- 8) Why had Gentoo agreed to sell housing land for retail development?

In respect of the above issues the following justification is offered.

- 1) As set out, in some detail, in the policy section above the issue of overrepresentation of food stores is considered in the section titled 'Sunderland Retail Needs Assessment Update'.

The application site is located within the 'North sub-area' as defined by the SRNAU. Within this area it is acknowledged that the foodstore commitments at Sunderland Retail Park and Riverside Road will meet the quantitative and qualitative need likely to arise in North Sunderland for the foreseeable future. Therefore, on the basis of the evidence provided by the SRNAU there is no quantitative need for an additional foodstore in the Southwick area (in the short/medium term). However, notwithstanding this fact the existence or otherwise of expenditure capacity is no longer a Development Management test, and there is a need to consider qualitative issues. In this regard, whilst the SRNAU has not identified a quantitative need for an additional foodstore in the Southwick area, over and above the existing commitments, given the acute deprivation that characterises the Southwick area, the relatively insignificant total turnover of approximately £6m and community support for the application, it is felt that there is sufficient evidence of localised need for a discount food store in the Southwick area.

- 2) As set out in the policy section above, the impact considerations as set out in the NPPF are not strictly applicable to this development proposal

given that the floor area proposed falls below the minimum threshold requirement of 2,500sq.m. However, notwithstanding this fact it was considered prudent to undertake an impact assessment given that there was no quantitative need for an additional foodstore in the Southwick area. As set out in some detail above, the findings of the impact assessment conclude that it is unlikely that the proposed development will cause any significant adverse impact on Southwick Green Local Centre. Rather, it is considered that the proposal will have the potential to provide for some spin-off benefits by enhancing the retention of expenditure in the local area and attracting some inflow of expenditure from customers seeking a discount food supermarket offer.

It should be added that the applicant has undertaken a sequential assessment which looked at sites within and on the edge of Southwick Green Local Centre. The findings of this assessment showed that none of the vacant units/sites met each of the availability, suitability and viability components of the sequential test.

- 3) The proposed hours of operation, 08:00-22:00 Monday to Saturday & 10:00-18:00 Sundays and Bank Holidays, are required in order that Aldi operate within their business model. In this regard, whilst it is acknowledged that there will be activity on the site up until 22:00hrs Monday to Saturday it is not considered that any resulting noise and/or will be such that nearby residents will be adversely impacted upon. To further ensure that this will, in fact, be the case then the applicant has agreed to install an acoustic fence around the plant/refrigeration unit which will minimise noise emissions from this source. Furthermore, it is considered that the development has been laid out so as to ensure that the car parking, associated plant and loading bay have been sited away from the nearest residential properties with the foodstore building providing a physical barrier.

Finally, it should also be added that to the south-east of the application site is a Gastro pub / public house which will, in itself, generate a degree of noise and disturbance on an evening and weekend.

In this regard, it is considered that all reasonable steps have been taken to ensure that the proposal does not give rise to unreasonable disturbance to nearby residents.

- 4) With reference to the goods to be sold from the store and the stores pricing structure, neither of these issues are something that can be controlled through planning legislation. Whilst the concerns in relation to anti-social behaviour are acknowledged it is considered that the planning system is not the appropriate arena to control issues of low cost alcohol and anti-social behaviour. Furthermore, in the case of the latter, should any incidences occur in and around the store then these should be reported to and dealt with by the Police.
- 5) It is not understood in what respect the proposal would be detrimental to the immediate area. From what is set out in the above sections of the report it is considered that the proposal will bring about physical (development of a currently unused vacant site) and financial (local job

creation, inflow of expenditure) benefits to the area. Furthermore, the proposal is considered to be acceptable from a highway perspective and therefore it is not clear how the proposal will prove to be detrimental to the area.

- 6) The issue of loss of outlook/view is often cited as a reason for opposing a development proposal. However, the fact of the matter is that the loss of a private view or outlook is not a material planning consideration and therefore cannot be taken into account.
- 7) It is acknowledged that the proposal will bring about an increased level of traffic in and around Thompson Road / Carley Hill Road area and the respective junctions, however, based on all of the information available, to date, Network Management, has concluded that the predicted increase in capacity can be accommodated without the need for any capacity improvements. Notwithstanding this fact the applicant has proposed to carry out minor modifications to the road markings on the southbound approach to Thompson Road to potentially increase the road width on the approach to the give-way line. These works will need to be undertaken prior to the store being brought into use. In addition, the applicant has also made a financial contribution to the sum of £50,000 towards the Council's 'aspired' signalisation works at the junction of Carley Hill Road and Thompson Road.
- 8) The decision made by Gentoo to sell the site for retail development is not a material consideration in the determination of this planning application.

Section 106 Agreement

As referred to in the sections above the applicant has offered to enter into a Section 106 Agreement with the Council in respect of signalisation works at the junction of Thompson Road and Carley Hill Road. A sum of £50,000 will be paid to the Council in respect of the aforementioned works. It is anticipated that the agreement will be agreed in advance of the Committee meeting.

Conclusion

The principle of the development is considered to be acceptable with due regard to policy EN10 of the Council's adopted Unitary Development Plan.

The siting, design and relationship between the application building and nearest residential properties is considered to respect the surrounding built form and as such it is felt to be an appropriate form of development for this location having had due regard to paragraphs 56, 57 and 64 of the National Planning Policy Framework and policy B2 of the adopted Unitary Development Plan.

Whilst it is acknowledged that the development will result in an increase in vehicles on the local highway network in this area, it is considered that there is sufficient capacity within the existing network to accommodate the predicted increase. In addition, the applicant has proposed to undertake some minor highway works to further improve capacity in the immediate area. For the reasons set out above the proposal is considered to be satisfactory in accordance with UDP policies T14 and T22.

Subject to the installation of an acoustic fence around the plant/refrigeration unit it is considered that the proposed development would not create any significant level of noise and disturbance for any neighbouring residential properties. For this reason the proposal is considered to be acceptable from a noise and disturbance perspective and therefore accords with policy EN5 of the UDP.

For the reasons set out above, the proposal is considered to be acceptable with due regard to the relevant national and local planning policy.

As such, Members are recommended to approve the application subject to signing of the Section 106 agreement and the conditions set out below:

1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Site Location Plan ref: 0208 – AL(0)01
Existing Site Plan ref: 0208 – AL(0)03
Proposed Site Plan ref: 0208 – AL(0)04 Rev A
Proposed Floor Plan ref: 0208 – AL(0)05
Proposed Detailed Building Elevations ref: 0208 – AL(0)07 Rev A
Proposed roof plan ref: 0208 – AL(0)06
Proposed Streetscape Elevations ref: 0208 – AL(0)08 Rev A
Proposed Landscaping Plan ref: 0208 – AL(0)10
Close Boarded Fence ref: 0208 – AA(9)16
Proposed substation ref: 0208 – A(0)11

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

- 3 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.
- 4 During construction no deliveries shall be taken at or despatched from the site outside the hours of 07:00-19:00 Monday to Friday, 07:30-14:00 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 and EC13 of the UDP.

- 5 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 B2 and EN5 of the UDP.
- 6 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.
- 7 The premises shall only be operated for the purposes hereby approved between the hours of 08:00 and 22:00 Monday to Saturday and 10:00 and 18:00 Sundays, in order to protect the amenities of the area and to comply with policy EN5 of the UDP
- 8 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
- 9 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.
- 10 The development hereby approved shall not be brought into use until the highway works as detailed on plan ref: ALDICARLEY.1/03 have been undertaken to the satisfaction of the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policy T14 of the UDP.
- 11 The development hereby approved shall not be brought into use until details (height, colour treatment etc) of a noise barrier/fence to be installed around the plant/refrigeration unit serving the foodstore have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the noise barrier/fence shall be installed in full accordance with the agreed details prior to the foodstore being brought into use, in order to protect the amenities of the area, in accordance with policy EN5 of the UDP.

12 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.

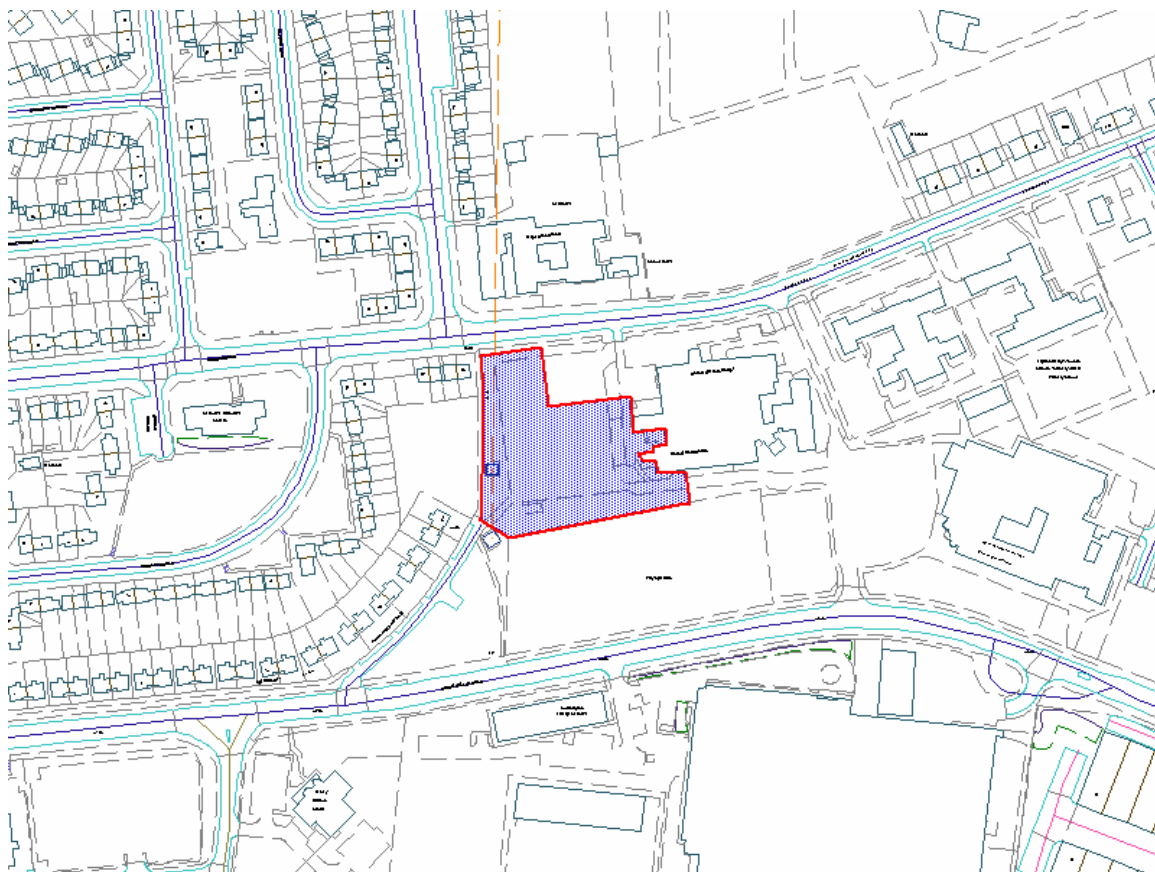
Reference No.: 13/00378/FUL Full Application

Proposal: **Erection of two storey building to provide new facilities for the college's construction trade courses including engineering, welding, plumbing and electrical installation.**

Location: Western Car Park/Adj The Beechwood Building City Of Sunderland College Hylton Skills Campus North Hylton Road Southwick Sunderland SR5 5DB

Ward: Southwick
Applicant: Red Box Architecture
Date Valid: 19 February 2013
Target Date: 21 May 2013

Location Plan



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PROPOSAL:

The application relates to the erection of a two storey building to provide new educational training facilities on land at the western car park, adjacent the

Beechwood Building City of Sunderland College, Hylton Skills Campus, North Hylton Road, Sunderland.

The proposed facility has a ground floor area of 872 sq. metres and seeks to provide workshops for engineering, welding and fabrication on the ground floor with workshops for plumbing and electrical teaching labs on the first floor of 872sq.metres. Other facilities include stores for materials and tools and student's changing rooms and toilets.

The location identified for the new construction workshop is currently an area of car park and hardstanding next to the road serving the west end of the Beechwood building. The site is in close proximity to the west end of the Beechwood building and the south facade of the existing workshop, with playing fields and industrial units located immediately to the south and amenity green space and residential properties to the west of the campus.

The proposed development will lead to a maximum number of spaces for 11 no classes of 24 students (totalling 264 students and 15 staff) and seeks to operate both during the day and up to 9pm in order to deliver evening classes.

The exact siting of the building will result in the loss of 21 parking spaces.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

City Services - Network Management
Environmental Health
Northumbrian Water
Environment Agency
Force Planning And Police Architectural Liaison Officer
National Grid Transco
Southwick - Ward Councillor Consultation
Nexus

Final Date for Receipt of Representations: **03.04.2013**

REPRESENTATIONS:

Neighbour

No letters of representation were received.

Consultees

Northumbrian Water - No observations to report.

Nexus - Nexus have advised that the travel plan states that student travel cards are available and that interest free loans may be negotiated for staff to buy season tickets. Nexus would like the travel plan coordinator to be aware that

Network One and the bus operators offer bulk buy discounts for season tickets for staff. Nexus urge the use of easy payment methods such as salary sacrifice schemes to encourage take up.

The above observations are noted and the relevant comments shall be forwarded to the travel plan coordinator.

In addition to the above, Nexus have highlighted that the proposed development will lead to a reduction in parking spaces which could potentially lead to an increase in parking outside the bounds of the college. Nexus have asked that parking controls and enforcement be put in place in the area surrounding the college, particularly Redcar Road and Maplewood Avenue.

Following consultations with the Highways Engineer it is noted that the proposed development can be satisfactorily accommodated on site and will not exceed 85% of overall parking capacity.

Environment Agency - No objections to the proposal.

POLICIES:

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

NA_14_Development of Redcar Road Campus for college related uses

B_2_Scale, massing layout and setting of new developments

R_4_Incorporation of energy saving measures

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

T_22_Parking standards in new developments

COMMENTS:

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

- Principle of the development
- Design and external appearance
- Impact on residential amenity
- Sustainability
- Highway issues

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the adopted development plan be regarded as the primary consideration by the Local Planning Authority (LPA) in determining a proposal for development unless the material considerations dictate otherwise.

The site lies within an area which is identified on the saved adopted Unitary Development Plan (UDP) for the further development of the Redcar Road Campus for educational facilities (policy NA14). The proposal accords with that policy and therefore the principle is considered to be acceptable.

Design and External Appearance

Policy B2 of the UDP is concerned with new developments, redevelopment and alterations to existing buildings. The policy states that the scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas.

The layout of the building provides a maximum footprint of 36.7 metres in length and 27.6 metres in width and has been sited so as to continue the existing building line parallel with North Hylton Road. In this regard, the location of the proposal is considered to maximise the development potential for the college whilst minimising the impact upon the neighbouring residential developments by retaining a parking area that acts as a buffer to the west.

The scale of the proposed development is considered to be consistent with the surrounding built form, reaching a maximum height at the top of the entrance block parapet wall that reaches 12.3 metres in height, although the main roof structure measures 10.6 metres. This variation in building heights serves to provide variety and visual interest to the development. The two storey construction which increases in height at the eastern elevation further aids the building in corresponding with the three storey Beachwood building and is considered to be acceptable.

The materials to be used have been selected to give the building a contemporary appearance with colours and massing of the building designed to complement the existing campus buildings. It is considered that the pallet of materials identified, will create an industrial character which compliments the existing workshop and positively contrasts with the Beachwood building.

In light of the above, it is considered that the design and appearance of the proposal is satisfactory within the street scene and as such the proposal complies with policy B2 of the adopted UDP.

Impact upon residential amenity

The nearest residential properties are located to the west on Redcar Road, and the Aged Miners Homes with the minimum distance measuring approximately 45 metres. It is considered that the provision of a soft landscaping buffer to the western edge of the site, acts as an appropriate break, limiting the dominance of parking when viewed from the residential properties. The increased level of boundary planting along the western boundary also seeks to improve the visual appearance of the site when viewed from the aforementioned dwellings.

The proposal has no significant impact upon levels of existing residential amenity and is considered to comply with policy B2 of the UDP.

Sustainability

The introduction of the National Planning Policy Framework (NPPF) in March 2012 has reinvigorated the need for promoting sustainable development with the emphasis now on approving development which is sustainable without delay.

Paragraph 17 of the NPPF outlines the core planning principles and includes supporting sustainable economic development and seeks to secure a high quality design and a good standard of amenity.

In addressing the above, the proposal has sort to construct a building that is inherently low carbon, whilst also adding the renewable technologies in addition. In order to achieve the aforementioned three key steps have been incorporated into the design.

1: Reducing the need for energy via maximising solar gain, natural ventilation and careful selection of building fabric.

2: Use energy more efficiently through automatic lighting controls, service zones to match occupant patterns and energy and water use monitoring.

3: Supply energy from renewable sources.

In adopting the above design criteria it is noted that the proposed building will be built using fabric performance and materials that are over and above those set out in the building regulations requirements, with the equipment selection adding to the provision of the highest possible efficiencies in energy use before the introduction of any renewables, Furthermore the addition of the photovoltaic's (90 square metres in total) will provide a significant proportion on the buildings energy requirements.

With all the above in mind, it is considered that the build and operational design of the proposal does seek to achieve a sustainable form of development and these concepts and actions are considered to be acceptable.

Highways Issues

UDP policy T14 states that proposals for new development should be readily accessible by pedestrians, cyclists and all forms of public and private transport, not cause traffic congestion or highway safety problems, make appropriate and safe provision for access and egress, make appropriate provision for the loading and unloading of commercial vehicles and finally, indicate how parking will be accommodated. Further, policy T22 seeks to ensure that new development makes appropriate provision to meet its own car parking needs.

With the above in mind the application has been accompanied by a Transport Statement, which includes an assessment of the traffic effects of the proposal, parking demand/capacity, road safety analysis and accessibility.

As a result of the proposed development the car parking capacity on the campus will reduce by 21 spaces from 225 spaces to 204 spaces, access to the development will be via the internal campus roads, with the main access onto North Hylton Road being retained.

The parking assessment has indicated that the proposal will involve a moderate increase in attendance by students (aged 16-19), adult day release students and adult evening education. The analysis indicates that peak demand will be satisfactorily accommodated on site, and will not exceed 85% of overall parking capacity. Any increase in traffic on North Hylton Road is predicted to be less than 1% of existing traffic flows.

In light of the above, it is considered that the proposal is in accordance with policies T14 and T22.

Conclusion

In light of the above, it is considered that the principle of the development is acceptable. Furthermore it is considered that the proposal is unlikely to have any significant impact upon the amenities of nearby residents in terms of visual intrusion, overshadowing or loss of privacy. The major issue in terms of loss of parking has been carefully addressed in the supporting transport statement and the analysis of the data has indicated that the current proposal can be accommodated within the site without any significant impact upon highway safety. In summary the proposal to erect a new two storey teaching facility is considered to comply with the NPPF and UDP policies and is therefore considered to be acceptable. It is therefore recommended that Members approve the application subject to conditions set out 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 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Drawing No.302 Site Location Plan received 19.02.2013.
Drawing No.303 Existing Site Plan received 19.02.2013.
Drawing No.304 Proposed Site Plan received 19.02.2013.
Drawing No.305 Existing Site Sections received 19.02.2013.
Drawing No.306 Proposed Site Sections received 19.02.2013.
Drawing No.307 Floor Plan Level 0 received 19.02.2013.
Drawing No.308 Floor Plan level 1 received 19.02.2013.
Drawing No.309 Floor Plan level 2 received 19.02.2013.
Drawing No.310 Roof Plan received 19.02.2013.
Drawing No.311 Typical Cross Sections received 19.02.2013.
Drawing No.312 Proposed Elevations received 19.02.2013.
Drawing No.313 Proposed Site Sections received 19.02.2013.

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

- 3 Notwithstanding any indication of materials which may have been given in the application, 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.

- 4 No deliveries shall be taken at or despatched from the site outside the hours of 07.00 and 19.00 Monday to Friday inclusive, 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 of the UDP.
- 5 The construction works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policies EC12 and B2 of the UDP
- 6 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.
- 7 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 EC12 and B2; of the UDP.
- 8 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.
- 9 A Travel Plan shall be prepared by the applicant and agreed in writing by the local planning authority, in order to reduce the number of arrivals by car and increase the number of arrivals by using public transport, walking and cycling as a means of travelling to/ from school and be so implemented prior to the occupation of the proposed development in the interests of traffic mitigation and environmental sustainability and to comply with policy T14 of the UDP.