

Development Control  
(Hetton, Houghton and Washington)  
Sub-Committee

## SUPPLEMENT

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Number: S2

Application No. 08/04425/OUT

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Proposal: **Mixed use development comprising of 44 residential units, 70 bedspace care home or 50 sheltered units, 2640-3960m2 live work units (sui-generis) conversion of existing industrial buildings to provide 6930m2 commercial accommodation (use class B1,B2, or B8) 1000m2 of offices (refurbishment), new commercial buildings 1862m2 (use classes B1, B2 or B8) together with associated car parking & servicing facilities, landscaped areas - creation of new access from Cedar Terrace / Sedgleletch Road.**

Location **SIG Combibloc Blackthorn Way Houghton Le Spring DH4 6JN**

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As stated on the main agenda the following issues needed further assessment. This has now been completed and is detailed below.

The Principle Of The Development.

Section 38 of the Planning and Compulsory Purchase Act 2004 defines the development plan and states that the adopted and emerging planning policies should be given weight when determining planning applications. Based on that advice the development plan comprises:-

The new RSS, The North East of England Plan (NEEP), published on 15 July 2008 and saved policies of the Sunderland Unitary Development Plan 1998 (UDP).

In addition under the Planning and Compulsory Purchase Act 2004 the policies in the Sunderland City Council Unitary Development Plan (UDP) 1998 were automatically saved for three years; to remain in force until September 2007.

In view of the need to consider policy coverage beyond this period, Authorities had to seek a direction from the Secretary of State (SoS) which confirms agreement of the policies that are to be saved for a further period, pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed saved policies was submitted to the Secretary of State via Government Office for the North East (GO-NE).

Confirmation of the saved policies and the direction provided by the SoS was received on the 4th September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain continuity in the Development Plan, and ensure a stable planning framework locally, and a continual supply of land for development.

In addition material considerations in determining this planning application include:-

1. Planning Policy Statement 3 Housing November 2006, this carries significant weight.
2. Draft local development framework Core Strategy Preferred Options November 2007. This carries some weight in view of the fact that it is in the consultation process following review to take into account recent changes in legislation.
3. Sunderland Interim Strategy for Housing Land (ISHL) February 2006. This carries considerable weight.
4. City of Sunderland Urban Capacity Study December 2002. This provided the analysis of housing land upon which the ISHL was based, and is the most recent critique of the various possible sites for housing development.

The proposal is not considered acceptable in relation to the need for the site in the context of housing land supply and loss of industrial land.

The site lies in an area allocated as an existing employment site to be retained and improved for office, research and development, light industry, general industry, warehousing and storage (Use Classes B1 (b) + (c), B2 and B8).

The site is considered a well established site location for employment with good public transport access as well as access to the main road network offering a choice of mode of travel.

The proposals to include Residential Institutions (C2) and Housing (C3) are contrary to policy EC4 as industrial land is considered a scarce resource both in the UDP and RSS. These uses are not considered to sit well with industry as they will suffer from noise and other nuisances associated with industry. As industrial land is considered scarce and replacement employment land is expensive to prepare for development this site is considered suitable for its purpose and should be retained.

The proposal to include C2 and C3 uses are also excluded from the acceptable uses defined in policy EC5 of the UDP which caters for mixed use sites.

The application also proposes B1 (a) offices uses outside a town centre. Planning Policy Statement 6 states that offices are now a town centre use and, if proposed elsewhere, must undergo a sequential test. All options in town centres should be thoroughly assessed before less central sites are considered. This is further supported by RSS policy 19 and paragraph 3.35. The application was not supported by a sequential test and the main arguments put forward by the applicants in support of this element were statements in the Planning Statement saying that the proposal represents retention of an existing office use on the site and a statement, unsupported by any evidence, that the proposal will not prejudice the Governments objectives in PPS6.

In view of the above the principle of the development is considered contrary to RSS and UDP policies and thus unacceptable in principle.

#### Housing Policy Issues.

The adopted RSS (July 2008) states that Tyne and Wear has a shortage of employment land, and the proposal for residential units, except the live work proposals are considered inconsistent with RSS 18a which seeks to protect employment land. The proposed use of some of this employment site for 44 residential units, 50 sheltered units and a 70 bed care home is inconsistent with RSS policies 18 and 29.

The applicant has failed to justify why this site should be released for housing. The site needs to be assessed in terms of policies SP1 and SP2 of the Interim Strategy for Housing Land (ISHL) which seeks to provide and control the release of land for housing.

The proposal would be classed as a windfall site. The application has failed to demonstrate that allocated sites in the Coalfield are less suitable for development, and that the proposal would not adversely affect the delivery of the ISHL.

There is an identifiable 5 years supply of housing in the City, sufficient to meet an immediate 5 year supply in the City without releasing part of the site for housing. The City Council 5 year Housing Supply Delivering a 5 year Supply of Land for Housing March 2008 states that there are 7,642 dwellings deliverable over the next 5 years, substantially greater than the 4,825 requirement, taking into account under performance. There is also a sufficient local supply of housing land identified on more sustainable sites within the Coalfield area, even before the demand for housing was adversely affected by the current "credit crunch".

PPS3 Housing states in paragraph 70 that where local authorities have an up-to-date 5 year supply of deliverable housing sites and applications come forward for sites that are allocated in the overall land supply, but which are not yet in the up to date 5 year land supply, LPA's will need to consider whether granting permission would undermine achievement of their policy objectives. As referred to above, the Council has a 5 year supply of deliverable sites (approved March 2008). The Inspector at the recent Black Boy Road, Chilton Moor, appeal (APP/J4525/A/08/2062926) (determined

August 2008) found that this was the case for both the City overall and also for the Coalfield area. It should also be noted that the proposal is not allocated in the overall housing supply and therefore not appropriate to be considered under the terms of PPS3 Para 70.

The Council are undertaking a Strategic Housing Land Availability Assessment (SHLAA). The site has been considered as part of this process. Proposals are still being considered by the Council, and it is expected that the SHLAA will be considered by Cabinet in March 2009, and is expected to be published by March 31 2009. In this respect the proposal is considered at least premature.

Given the above, at this stage, the site serves no purpose to achieving the PPS3 requirement for a 5 year supply of deliverable housing, either from a City or a Coalfield area perspective, both of which have already been shown to be deliverable. The use of the site for residential purposes is also as previously stated not consistent with RSS where there is a defined shortage of employment land in Tyne and Wear.

#### Infrastructure Issues.

Under policy HA28.1 the proposed Central Route, Washington Highway A182 to A690 will run to the north of the site improving accessibility and relieving traffic along the existing terraced streets of Fence Houses. This will also make this employment site more attractive as a job provider offering a variety of employment types, particularly blue collar, in addition to those on offer on Rainton Bridge.

In conjunction with policies elsewhere in the UDP it is considered essential that employment is available in locations which are accessible to the local workforce and provide local industries with adequate access to suppliers and customers. This proposal is a well established location for employment. It has good public transport services as well as access to the main road network offering a choice of modes of travel. This allocation complements proposed housing sites and contributes to the regeneration strategy for the area. Although the estate is well located for local residents, poor road access has made it less attractive to employers and so has hindered development. The proposed Central Route will improve general accessibility with Sedgelych obtaining particular benefit.

#### Highway Issues.

A detailed Transport Assessment and Framework Travel Plans have been submitted in support of the application. However, some of the details require modification or clarification to fully address the sustainability and impact of the development.

It is also considered the Illustrative Master Plan is generally not acceptable in highway terms as set out in detail overleaf.

## Transport Assessment

### Section 2 - Development Proposals

1) Para 2.10 states that in the eastern segment of the development (residential) lit footways will be provided throughout. However, the Illustrative Master Plan only shows a footway on the eastern side of the access road. Given the size of residential development proposed, there should be a footway on either side of the main access, although the short culs-de-sac could accommodate a shared surface layout.

2) Paras 2.11 -2.16 state that the car parking layout is indicative and is still to be finalised. The current arrangements of predominantly on-street bays to the east of the industrial area are unacceptable and a greater degree of in curtilage parking spread between the various units would need to be achieved.

### Section 3 -Surrounding Area

3) This identifies distances of various sites/facilities from the site. It is unclear where these distances are measured from and they appear to be inconsistent. (e.g. Station Road/Front Street Junction 500m, yet local facilities on Front Street are 450m-1 .3km). Clarification is needed as to how these relative distances are measured.

### Section 4- Sustainable Travel

4) Section 4 Pedestrians and Cyclists states that 2km and 5km are reasonable distances for such modes to access facilities. Depending how the distances have been calculated in Section 3, it is possible that these distances are exceeded for some facilities. It is considered the distances need to be calculated using available routes from the centre of the development site.

5) Para 4.11 identifies distances to local bus stops with the closest (113m) on Sedgeleth Road. This is approximately 113m from the northern access to the industrial units. The centre of the industrial site is approximately a further 120m from this stop which currently only has one bus per day serving Doxford Park. Regular services are only available from Avenue Vivien/ Murray Avenue. This is indicated as 553m (from the main site entrance) which is in excess of the desirable 400m for ready access to public transport.

6) As submitted with the Illustrative Master Plan the site is not considered sustainable for public transport use. Access to public transport could be improved by creation of a footpath link along the southern boundary of the site.

### Section 5 - Accident Analysis

7) The applicant provides a detailed consideration of collisions over the last 5 years on the surrounding network. Whilst the collisions are correctly identified, the junctions with Blind Lane/Coaley Lane and Coaley Lane/Front Street are noted to have 5 recorded collisions in

the period. The conclusion that these incidents are low and do not present a concern are disputed. It is possible (subject to agreement of traffic generation discussed below) that the proposals could adversely affect this situation.

## Section 6 - Traffic Generation and Distribution

8) TRICS 2008b) has been used to obtain vehicle and person trip rates for both the existing and proposed uses. However, the use of B1, B2 and B8 industrial estate 85th percentile trip rates is not considered appropriate for the existing use. The trip rates used for the proposed development are not considered appropriate.

9) The existing trip rates summarised in Appendix H identify a total of 323 vehicle movements and 364 person trips in the morning peak. However, in pre-application discussions it was stated that the peak employment on the site (2004) was only 270 people. It is therefore considered that the potential impact of continuing the existing B1/B2/B8 use on the site is overstated.

10) Trip distribution has been established by using information from the 2001 Journey to Work Census data and assigned to the local network using most likely route options. This give a directional split entering and leaving the site of 46% northwards and 54% southwards on Sedgelech Road. The traffic count of existing movements undertaken on Thursday 23rd October 2008 shows that currently 62% of traffic heads north and only 37% heads south. The distribution of potential trips should be amended to reflect this actual distribution as opposed to the historical figures used.

11) Consequently the impact on the local network detailed in Section 7 and 8 do not accurately represent the potential impact of traffic associated with these proposals. It is possible that the development could have an adverse impact on the collision situation at the junctions noted in 7) above. Further clarification and justification of the net impact of traffic from these proposals is needed, together with any potential mitigation measures.

## Travel Plans

12) Framework Travel Plans have been submitted for both the Employment and Residential uses. However, no detailed assessment of the walk and cycle distances has been made and no penalties have been identified should the proposed modal shift targets not be met. Detailed Travel Plans, with clear targets and penalties, for all uses need to be submitted and agreed.

## Illustrative Master Plan.

13) As noted above, the residential layout shows a footway only on one side of the access road. This is not acceptable. Consistent provision for all modes of travel needs to be provided throughout, in accordance with Council standards.

14) The blocks of parking on the eastern access road of the industrial area is not acceptable

and parking needs to be distributed more evenly throughout the estate.

15) The eastern access road to the industrial area appears to be too narrow for two-way traffic and vehicles reversing from the parking areas. The footway is also remote from the parking resulting in pedestrians walking in the roadway.

16) The need for a roundabout at the south-eastern corner of the industrial area is doubted and should be removed.

17) The site would benefit from a footpath link between the southern footway of the industrial area and Sedgeleth Road.

18) The main access to the site is shown opposite an access road stub leading to a potential development site on the north side of Blackthorn Way. The development would benefit by having this main access sited 60m to the west to create an appropriate stagger between accesses.

In view of the above the proposal is considered contrary to UDP policies T13-15 which deal respectively with strategic route network provision, highway standards for new developments and the protection of land for new highway developments.

#### Wildlife Issues.

The applicant has not raised any issues regarding wildlife and Natural England has raised no objections to the proposal.

#### Amenity

Despite the fact that in the past housing has been developed west of the site, the proposal to introduce residential development alongside industrial premises is not considered acceptable as it would not meet present expectations of residential amenity, which would be adversely affected by noise, smell and conflict with traffic.

#### Children's Play.

There is no allocation of space for play provision on the indicative Master Plan thus the proposal is contrary to policy H21 of the UDP. The applicant has offered to enter into discussion with regards securing provision via a section 106 agreement however as submitted there is no play provision.

## Sustainability.

The proposal is in outline with only the principle of the development and access forwarded for approval. The proposal is accompanied by a Sustainability Statement which appears generically to address sustainability issues though this would best be considered at the time of a Reserved Matters application which would deal with such detail. This would need to be the subject of an appropriate condition, should members be minded to grant consent.

## Noise.

The submitted Sustainability Report accepts that the proposal will bring existing and proposed dwellings into contact with commercial uses and that as such new noise sensitive development is proposed. However there is no evidence of measures to ameliorate any possible problems other than retaining the existing bund which separates the site from Avenue Vivian. The proposal fails to consider advice handed down in PPG24 Planning and Noise and is contrary to policies EN6 of the UDP.

## CONCLUSION.

In view of the above Members are recommended to refuse to grant planning permission for reasons relating to:-

- The principle of the development in terms of land use.
- The proposal is contrary to national, regional and local housing policy.
- The proposal is not in accord with highway standards.
- There is no provision for child play,
- The proposal fails to address the implications of noise.

## **RECOMMENDATION: REFUSE** for the following reasons

1. The development does not accord with the land use strategy contained in the City of Sunderland Unitary Development Plan and as such conflict with policy R1 and policy EC4 of the UDP and policies 18 and 19 of the Regional Spatial Strategy.
2. The development does not accord with housing policies SP1 and SP2 of the Interim Strategy for Housing Land and policies 29.4 and 29.5(parts a to e inclusive) of the RSS.
3. The development does not accord with transport policies T12 and T14 of the UDP.
4. The development does not include provision for children's play space on site and no planning agreement has been completed for alternative play space provision off site in conflict with policy L6 of the UDP.
5. The development proposals do not accord with policy EN6 of the UDP by reason of the failure to assess and mitigate for noise and vibration from adjacent industrial areas.



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Number: S3

Application No. 08/04694/FUL

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Proposal: **Erection of an extra care facility comprising of 40 no. 2 bed apartments, staff and communal areas with associated parking and landscaping works, including stopping up and realignment of existing highway.**

Location: **Land to the East of Hall Lane, Houghton Le Spring.**

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At the time of writing the main agenda report, matters relating to highways and parking were still to be resolved. Discussions have been ongoing in this respect and officers from the Transportation Section are now confident that a satisfactory parking arrangement can be achieved within the site, although the final details have not yet been received. The agreement of such details can be controlled via the imposition of appropriately worded conditions. As such, in order to ensure that the scheme is determined within the statutory period for determination which expires on 19 March 2009, Members are recommended to approve the application, subject to the conditions as set out below.

**RECOMMENDATION:- APPROVE Subject to conditions as 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, to ensure that the development is carried out within a reasonable period of time.
2. Prior to the commencement of works, the following details shall be submitted to and agreed in writing by the Local Planning Authority: Samples of all external materials and finishes, comprising roof cladding, wall facing materials, window glass, door and window frames (including a colour schedule), decorative features and rainwater goods etc. Sample panels of brickwork, demonstrating the colour, texture, face bond and pointing. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and in order to comply with policies B2 of the Unitary Development Plan.
3. Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure (including bin enclosures / garden stores) 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 Unitary Development Plan.

4. No ground works or development work shall take place until a programme of archaeological work (to include evaluation and where appropriate, mitigation) has been completed. This shall be carried out in accordance with a specification(s) provided by the County Archaeologist. The archaeological report(s) shall be submitted to and approved by the Local Planning Authority before the development commences in order to ensure the satisfactory recording of archaeological information from the site and in order to comply with Policy B14 of the Unitary Development Plan.
5. Prior to the commencement of development a plan shall be submitted to and approved in writing by the Local Planning Authority providing details of proposed ground level sections across the site and details of the finished slab levels of the building, showing the relationship to adjacent land / buildings. Once agreed the development shall be built in complete accordance with these details, unless otherwise agreed in writing with the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policy B2 of the Unitary Development Plan.
6. Prior to development commencing on the site precise details (and samples where necessary) of all surfacing materials to be used on footway areas throughout the development shall be submitted to and approved in writing by the Local Planning Authority, in the interest of highway safety and to achieve a satisfactory form of development on site and to comply with the requirements of Policies T14 and B2 of the adopted Unitary Development Plan.
7. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces, which shall include details of all proposed hard surfacing, (including the precise layout and location of footways, means of enclosure, lighting columns, bollards and any other street furniture) and planting (including a schedule of the sizes and species of plants), in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
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 Unitary Development Plan.
9. No operations shall commence on site in connection with development hereby approved (including soil moving, temporary access construction or any other operations that involve the use of motorised vehicles or construction machinery) until all areas for new tree planting have been plotted onto a site layout plan indicating such tree constraints. These areas shall then be protected from damage (especially soil compaction) by the erection of barriers and / or ground protection. The size and specification of these barriers is to be agreed in writing with the Local Planning Authority prior to its implementation, in the interests of visual amenity and in order to comply with policy B2 of the Unitary Development Plan.
10. Before the development commences details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road

network shall be submitted to and approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved Unitary Development Plan.

11. Unless otherwise agreed in writing with the Local Planning Authority, the construction works required for the development hereby approved (including deliveries made to the site) 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 policy B2 of the Unitary Development Plan.

12. 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, siting and organisation of the construction compound and site / sales 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 B2 of the Unitary Development Plan.

13. The building hereby approved shall not be occupied until the road which gives access to it has been surfaced to at least base course in accordance with the approved plans, in the interests of highway safety and in order to comply with Policy T14 of the approved UDP.

14. Before the development, hereby permitted, is commenced, a plan showing the proposed car parking arrangement within the curtilage of the site shall be submitted to and approved in writing by the Local Planning Authority. The amount of car parking provision shall be at a level to be confirmed in writing by the Local Planning Authority. Following which, the car park shall be laid out in accordance with the approved plan before the building is occupied. The area shall then be available for such use at all times and shall be used for no other purpose, in the interests of highway safety and to comply with policy T14 of the UDP.

15. Before the development hereby approved commences, details of the facilities to enable servicing of / deliveries to the premises shall be submitted to and approved by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details and such facilities shall be retained and kept unobstructed at all times, in the interests of highway safety and to comply with policy T14 of the UDP.

16. Within 6 calendar months of the completion of the development, a Post Construction Review Report undertaken by a licensed assessor and a BRE Final Code Certificate shall be submitted to and approved in writing by the LPA. For the avoidance of doubt, the results of the report shall conclude that the development has been constructed to the Code for Sustainable Homes level 3 rating, in the interests of sustainability and in order to comply with Policies R1 and R4 of the Unitary Development Plan. and Policy 38 of the Regional Spatial Strategy

17. Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) Order, and Circular 10/2005 details of the provision / location of any satellite antenna to be installed on the building or within the curtilage of the site shall be submitted to and agreed in writing with the Local Planning Authority, prior to installation in order that the Local Planning Authority may retain control over the development and to comply with Policy B4 of the Unitary Development Plan.