
SUPPLEMENTARY REPORT ON APPLICATIONS

REPORT BY DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report is circulated a few days before the meeting and includes additional information on the following applications. This information may allow a revised recommendation to be made.

LIST OF SUPPLEMENTARY ITEMS

Applications for the following sites are included in this report.

South Sunderland

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| S1 | Former Cornings Site, Deptford Terrace, Sunderland |
| S2 | Land at Mill Hill Road, Doxford Park, Sunderland |

**Development Control
(South Sunderland) Sub-Committee**

SUPPLEMENT

1 October 2013

Number: S1

Application Number: 11/00917/OUT

Proposal: Outline planning permission (with all matters reserved) for one or more of the following land uses: B1 (a) offices; Class C3 residential; Class C1 hotel; Class C2 residential institutions; Class D1 non residential institutions; Class D2 leisure and sui generis car showroom use. Such development to include: highways and public transport facilities; vehicle parking; laying out of open space; landscaping; groundworks; drainage works; provision and/or upgrade of services and related media and apparatus; and miscellaneous ancillary and associated engineering and other operations.

Location: Former Cornings Site, Deptford Terrace, Sunderland

The application site, which is roughly rectangular in shape is located between Pallion New Road and Deptford Terrace. It has an area of approximately 6 hectares, the majority of which is occupied by buildings and hard standing. The site slopes from south to north, from approximately 27m Above Ordnance Datum (aOD) to 14 m aOD, towards the River Wear. Pallion New Road is located to the south of the site and sits around 10 metres above the level of the application site.

There are two large warehouse buildings located centrally on the site. To the north of the western warehouse building is a circular tank, understood to be used for oil storage.

A disused brick factory building is located in the southwest of the site. An electrical sub-station with associated brick building is located within the central western area. A garage/workshop is also present in the western area adjacent to the electrical sub-station.

There also are large areas of hardstanding located within the site.

The grade II listed Queen Alexandra Bridge is located to the immediate west of the site. It is proposed to take access to the site from a junction located in the western boundary on Deptford Terrace.

The proposed development is a departure from the adopted Unitary Development Plan and has been advertised accordingly. The application is also accompanied by an Environmental Statement for the purposes of Environmental Impact Assessment (EIA).

Representations

3 letters of objection have been received in connection with this application, the three letters received are from:

1. Liebherr (Cranes)
2. Alex Smiles Ltd. (Waste Recycling Logistics)
3. Willowcrete (Pre-cast Concrete products, steel fabricators and fencing contractors)

Objection 1 (Liebherr) is submitted on the following grounds:

Major concerns relating to road access and the impact of residential development in the locality for the industrial operation of the company which uses road traffic to receive supplies and ship finished goods on very long vehicles. Liebherr state that without the proper ability to properly transport goods efficiently from their site, severe impacts upon Liebherr's operational business in Sunderland will result.

Concern that proposed residential development will severely affect the current operational business of the company.

Objection 2 (Alex Smiles Ltd.) is submitted on grounds of:

The vehicle movements in connection with this established business, which involves large goods vehicles, wide loads for plant and heavy loads, appear to be at odds with the proposed residential and hotel uses. Concerned that roads may become subject to weight limit, speed restrictions, hours or other restrictions due to "proximity to residential areas".

Objector points out that the business is located in an industrial area not a residential area.

Objection 2 points out that the company objecting is an industrial user of land in an industrial area, which operates 24 hours a day. Activities undertaken by the objector include crushing and screening of minerals which can create noise and dust and handle municipal waste which can smell. Concerned that other areas of the City e.g. Teal Farm, has had restrictions placed upon pre-existing industrial uses following the location of residential development in the area.

Objection 3 (Willowcrete Ltd.) is submitted on the grounds that:

Willowcrete Ltd. Is a long established business (50 years in this location) who's activities give rise to noise and traffic not compatible with residential development.

The objector also points out that other local operations include waste recycling, maritime crane manufacturing, bus depot, construction training facilities and ready mixed concrete.

The Proposal

The application under consideration seeks outline planning permission (with all matters reserved) for one or more of the following land uses: B1 (a) offices; Class C3 residential; Class C1 hotel; Class C2 residential institutions; Class D1 non residential institutions; Class D2 leisure and sui generis car showroom use. Such development to include: highways and public transport facilities; vehicle parking; laying out of open space; landscaping; groundworks; drainage works; provision and/or upgrade of services and related media and apparatus; and miscellaneous ancillary and associated engineering and other operations.

The application is in outline and seeks a flexible planning permission for several different uses across the site which will allow the applicant some flexibility in the preparation of reserved matters applications.

As Members will be aware, the purpose of an outline planning application is to establish the acceptability of the principle of proposed development on the application site.

Matters of detail, for example the final layout of the development etc. are matters reserved for future approval via subsequent applications for approval of “reserved matters” in the event outline permission is granted.

Phasing

It is proposed to carry out the planned development in three phases. Phasing of the development is required because the site is constrained by highway capacity at the Queen Alexandra roundabout (located at the southern extent of the bridge).

This means that the application site cannot be developed in its entirety at the current time because entire development of the site would result in overcapacity on the surrounding highway network. This would lead to excessive waiting times at the aforementioned roundabout. The remainder of the site will come forward for full redevelopment following the implementation of the Sunderland Strategic Transport Corridor (SSTC) which will increase capacity on the surrounding highway network.

In order to overcome this highways constraint, it is proposed to develop the site in 3 phases.

Phase 1 of the development (which will occupy a maximum area of 2 hectares of the site) will not exceed the maximum peak trips associated with the existing permitted use for the site, i.e. the development of phase 1 will not create any more traffic than the existing B2 use would create.

The maximum peak trips associated with the development proposed will not exceed:

200 trips in the AM peak; and
240 trips in the PM peak.

(The above maximum trips are the same as those that would be created if a B2 General

Industrial use were to move on to the site in accordance with the current permitted use of the site).

In terms of proposed land use, phase one of the development will be located in the western most portion of the site (nearest to the Queen Alexandra Bridge). Phase 1 will comprise residential development falling within classes C2 (residential schools, colleges and hospitals and convalescent/nursing homes) and/or class C3 (dwellinghouses) in the northern portion of the phase (adjacent to Deptford Terrace) and one or more of the following land uses in the southern portion of the phase: Class B1a (offices); Class C1 (hotels) and Class D2 (leisure) of the Town and Country Planning (Use Classes) Order, 1987 (as amended). The southern portion of Phase 1 will also comprise Sui Generis car showroom use.

Phase 2 of the proposal comprises residential development (classes C2 and C3) and public realm.

Phase 3 of the proposal comprises B1a Office use.

Consideration

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

- Principle of development;
- Highway considerations;
- Impact upon the setting of the Queen Alexandra Bridge;
- Compatibility with neighbouring land uses.

The Principle of Residential Development

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012, (which is a material consideration for the purposes of Section 38(6)), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

The NPPF sets out a presumption in favour of sustainable development. Paragraph 14 of the NPPF is clear and states that this means that authorities when determining planning applications should:

- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date, granting permission unless:-

(a) there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted; or

(b) any specific policies in the NPPF indicate that development should be restricted.

The proposed development site is allocated in the Council's adopted Unitary Development Plan as an area to be retained and improved for economic development. However, the application site has been vacant for a number of years and the applicant has indicated that there is no realistic prospect of the site coming forward for its allocated use.

Paragraph 22 of the National Planning Policy Framework (NPPF) states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The NPPF further states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Furthermore the application site is identified in the Sunderland Strategic Housing Land Availability Assessment (SHLAA, 2010) (site 224) as being suitable and available for housing purposes for up to 156 dwellings (developable in years 6-10).

On the above basis it is clear that the application site does not have a realistic prospect of being used for its allocated economic development purpose, the Local Planning Authority is therefore obliged to consider the appropriateness of alternative uses for the site in accordance with the provisions of the NPPF.

The site's inclusion in the SHLAA demonstrates that the site has been considered by the Local Planning Authority for housing purposes and has been found to be both suitable and developable for those purposes. The location of development falling into classes C2 and C3 of the Town and Country Planning (Use Classes) order, 1987 (as amended) is therefore considered, on balance to be acceptable in this location.

Due to the site's sustainable location close to the City Centre and to Metro Stations at Pallion and Millfield the remaining proposed uses (hotel, leisure and non-residential institution e.g. training centre, and office use) are considered to be appropriate in principle.

On the basis of the above, and taking in to account the requirements of the NPPF, the proposed use of the site for the range of uses proposed is considered to be acceptable in principle with no clear significant adverse impacts apparent.

Highway Considerations

The submitted application is accompanied by a Transport Assessment and has been assessed by the City Council's Network Management Team which has advised that the application is acceptable on the basis that the number of trips generated by the proposal does not exceed those of the current permitted use of the site prior to the SSTC being in place and subject to only a single point of access from Deptford Terrace being used prior to

the SSTC coming forward. These requirements are reflected by Phase 1 of the proposed development.

If Members are minded to approve this application a Grampian style condition will be applied to any approval granted limiting the development to implementation of Phase 1 prior to the SSTC being implemented.

Additional information will be required at the reserved matters stage of the application for this site to establish any further points of access to the application site and support detailed proposals for development with updated transport assessments and supporting highways information.

On the above basis it is considered that, on balance, the outline application being considered is acceptable in highway terms subject to the imposition of a condition to the aforementioned effect.

Impact Upon the Setting of the Queen Alexandra Bridge

The Grade II Listed Queen Alexandra Bridge is located to the west of the application site. English Heritage has been consulted regarding this application and has raised no objection to the proposed development.

The application under consideration is accompanied by plans which indicate maximum heights for the proposed development of 30m AOD in the northern part of the application site (closest to the River Wear) and 45m AOD in the southernmost part of the site (adjacent to Pallion New Road). The road level of the Queen Alexandra Bridge is 29m AOD. The proposed development will therefore be higher than the bridge nearest to Pallion New Road and will be slightly lower than the height of the bridge in the area of the application site nearest to the River Wear.

The proposed development will undoubtedly alter the setting of, and views towards the Queen Alexandra Bridge, particularly when viewed from the northern banks of the River Wear. It is considered however, on balance, that the regeneration benefits of the proposed development outweigh the impact upon the setting of the listed bridge and on this basis it is considered that the impact upon the bridge, although likely to be significant, is acceptable.

Furthermore, the applicant will be required to provide detailed plans at the reserved matters stage to demonstrate how the impact upon the setting of the Queen Alexandra Bridge will be minimised to ensure that any impact is not significantly adverse.

Compatibility with Neighbouring Land Uses

The proposed development site is allocated in the Council's adopted Unitary Development Plan as land to be retained for economic development and currently forms part of a wider area of general and heavy industry located between the River Wear and Pallion New Road. the construction of residential development on the former Pyrex site (to the south of Pallion New Road).

Notwithstanding the industrial nature of the locality the proposals for development restrict the residential elements of the proposal to the northern and western areas of the site,

furthest away from the industrial activities to the east of the site, with B1a office development being positioned in the area between the proposed residential components of the scheme and the existing industry. The location of offices in this area of the site will offer some screening/buffering of the existing industry from the proposed residential use.

In addition to the above, the applicant will be required to provide detailed designs and layout plans at the reserved matters stage to demonstrate how the proposed uses on the site will succeed adjacent to heavy industrial uses in terms of noise attenuation, heavy traffic movements and amelioration of dust and smell.

Section 106 Agreement

Due to the wide range of land uses proposed on this site a legal agreement will be required in order to ensure that appropriate sums are available to cover the associated costs of development that cannot be met through the development proposals, for example, off site play provision and provision of education provision in connection with the residential development proposed.

Summary

The outline proposals for the uses proposed above are considered, on balance, to be acceptable in principle in this location and on that basis this application is recommended for approval (subject to conditions and the signing of a Section 106 agreement)

Details of proposed condition headings will be reported on a report for circulation.

RECOMMENDATION: APPROVE

Number:	S2
Application Number:	13/01337/FUL
Proposal:	Erection of 155 No. residential units with associated access roads, landscaping and infrastructure works, including stopping up of highways.
Location:	Land at Mill Hill Road, Doxford Park, Sunderland

Further to the Agenda report this supplement considers the development proposal's highway engineering considerations. In this regard Unitary Development Plan (UDP) policy T14 requires new development to be readily accessible by pedestrians and cyclists, whilst proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress.

As explained in the Agenda report the applicant has recently submitted an amended layout in response to initial observations from colleagues in Network Management (Street Scene). The amended layout has since been assessed and it is considered that it is on balance acceptable, in accordance with policy T14.

The amended plan introduces an additional vehicular access point at the western boundary of the site, between plots 135 and 155, thereby improving connectivity and permeability with the wider area. Furthermore, road widths within the site have been increased to 5.5m, with only those roads serving the proposed cul de sacs, which comprise no more than 3 dwellings, being 4.8m in width. Additionally, clarification has been given by the applicant that these 4.8m wide roads will be shared surfaces, thereby complying with the request of Network Management. Furthermore, the applicant has also confirmed that a 3m shared footpath/ cycle route will be provided throughout the site as part of the development proposal.

In respect to the number of visitor parking bays within the scheme, it is noted that the amended plan has increased provision throughout the development. However, colleagues in Network Management have requested that consideration be given to additional visitor parking bays in the road between plots 127 and plot 150. In response, the applicant has highlighted that the majority of properties throughout the site will benefit from two in-curtilage parking spaces, thereby providing additional space for the parking of vehicles. It is therefore considered that the proposal is on balance acceptable in respect to visitor parking provision.

Nevertheless, and notwithstanding the on balance acceptability of the proposal in this respect, additional bays are still be sought with the applicant, and given the limited impact this is considered to have on the scheme in terms of Members determining the development proposal, and in light of the timescales involved in completing this Supplement Report, it is considered that this aspect of the scheme could be further explored as the Section 106 Agreement for off-site children's play is progressed, should Members be minded to approve the application.

Regarding the comments from Network Management in respect to what discussions have taken place with the adjacent Mill Hill Primary & Nursery school, given that part of the development will be served from a road that will also provide access to the school, the applicant has explained that numerous attempts to contact the school have been made and thus far no response has been forthcoming. Moreover, as part of the planning application public consultation process a neighbour notification letter was sent direct to the school, while the Council's Children's Services section were also consulted. To date no objection or representation has been received from either party.

Furthermore, colleagues from Network Management have explained to the applicant that a 20 MPH zone within the vicinity of the school will be required and the applicant has confirmed their acceptance to this request. Members should note that this will be administered and controlled by the Council, as the Local Highway Authority, via a Traffic Regulation Order. As a consequence, and for the purposes of determining this planning application, given that the applicant has attempted to contact the school and in recognition of the fact that no adverse comments or representations have been made by the school as part of this planning application's consultation process, it is considered that there should be no delay to the timely determination of the proposal and as such, from a planning perspective, the proposal is considered to be on balance acceptable in respect to highway engineering concerns, in accordance with policy T14.

- Executive Director of City Services (Environmental Health)

In view of the close proximity of the proposed development to nearby residential premises the applicant should make an application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974. An application should be made prior to the commencement of any works, and as such, should Members be minded to approve the application, a suitably worded informative shall be placed on the decision notice.

In view of the proximity of the proposed development to residential properties it is recommended that noisy on-site operations should not commence before 07:00hrs and cease at or before 19:00hrs Monday to Friday inclusive, and 07:30 and 14:00hrs Saturdays. No noisy construction works should be permitted to take place on Sundays and Bank Holidays at any time, whilst consideration is also required regarding the selection of machinery and methods of operation in relation to noise generation and the minimisation of noise emissions. It is also considered that issues pertaining to vibration and dust arising from the development should be satisfactorily mitigated. Therefore, if Members are minded to approve, a condition should be included which limits the hours of construction and requires the agreement of a construction methodology.

Furthermore, a Desk Study by Solmek dated 2005 has been provided for the site for redevelopment as new housing. This is regarded as a sensitive land use. In addition, and in view of a few remaining residential properties that have not been demolished, a risk of asbestos presence is noted from experience in Phase 2 of the Doxford Park redevelopment, whilst the site is within a Mining Reporting Area and although the risk appears to be low Environmental Health recommend that a Mining Report be provided for the site. As a consequence it is recommended that should Members be minded to approve the application standard land contamination conditions should be placed on the approval certificate.

Conclusion

It is considered that the principle of the development is acceptable and represents a form of development which is not considered to have a significantly adverse impact on residential and visual amenity, highway safety, ecological or arboricultural considerations.

As the application proposes in excess of 10 residential units of 2 bedrooms UDP policy H21 requires that provision is made for children's formal play. It is considered appropriate to allow a financial contribution to be made for provision in St Matthews Playing Fields and/ or Silksworth Sports Complex play areas in lieu of on-site provision via an agreement under Section 106 of the Town & Country Planning Act (1990). The financial contribution would amount to £108,655 (calculated at £701 per dwelling for 155 dwellings). The completion of this agreement will ensure that the scheme complies with UDP policy H21.

RECOMMENDATION: Delegate to the Deputy Chief Executive to:-

- 1) Grant Permission subject to the following conditions listed below and subject of a completion of a Section 106 agreement by a date to be agreed by the Deputy Chief Executive.
- 2) Refuse permission should the legal agreement not be completed by a date to be agreed by the Deputy Chief Executive.
 1. Three Years
 2. Accordance with plans
 3. Accordance with Flood Risk Assessment
 4. Travel Plan
 5. Submission of materials
 6. Accordance with Ecological Mitigation & Recommendation Measures
 7. Accordance with Arboricultural Method Statement
 8. Tree replanting scheme
 9. Agreement of Hard & Soft Landscaping
 10. Landscaping - 5 years
 11. Boundary Enclosures
 12. Construction Methodology
 13. Hours of Construction
 14. Land contamination 1 (Accordance with following land contamination conditions)
 15. Land contamination 2 (Site Characterisation)
 16. Land contamination 3 (Submission of remediation scheme)
 17. Land contamination 4 (Implementation of approved remediation)
 18. Land contamination 5 (Unexpected contamination)
 19. Off Street Parking