

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (General Development Procedure) Order 1995.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the Development and Regeneration Directorate Services in the Civic Centre.

Philip J. Barrett

Director of Development and Regeneration Services.

Reference No.: 09/02281/REM Approval of Reserved Matters

Proposal: **Construction of a new manufacturing facility (35,250sqm) to include office and welfare block with ancillary loading bays and access road.**

Location: Dunlop Tyres Limited Birtley Road Washington

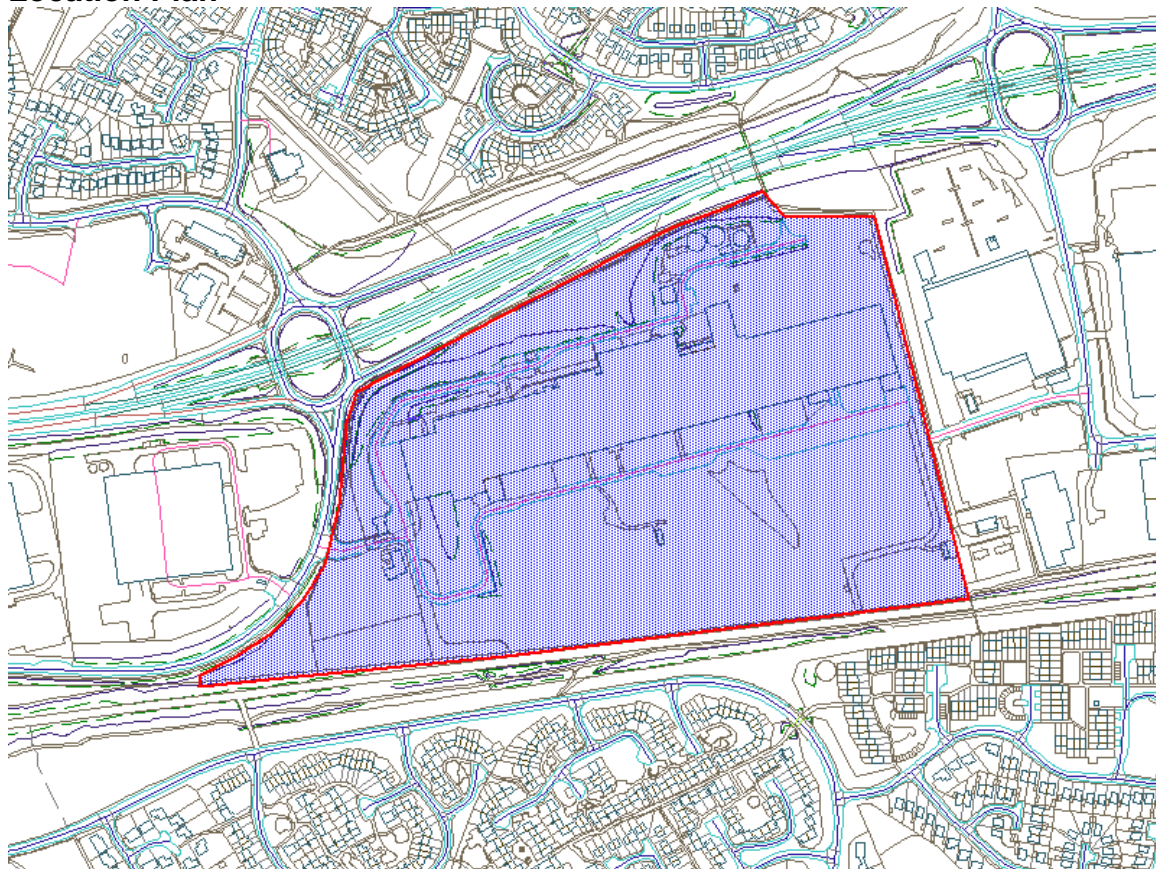
Ward: Washington South

Applicant: Mr Scott Ashall

Date Valid: 17 June 2009

Target Date: 12 August 2009

Location Plan



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

PROPOSAL:

The proposal being considered is the first of a series of reserved matters planning applications for the redevelopment of the former Dunlop Tyres factory, which ultimately will result in the provision of a mixed use development of manufacturing, warehousing, offices hotel, public house and coffee shop. This initial reserved matters application is for the erection of a new 35,250 sq metre (3.6 Hectare) manufacturing facility, on the 6.6 Hectare eastern end of the site, which is located to the south of the A195 on the Wear Industrial Estate, Washington. The application seeks to agree all matters in relation to access, appearance, landscaping, layout and scale for this eastern portion of the overall site.

Members may recall that outline consent for the demolition of the existing factory to enable the redevelopment of the 18.2 ha site, was agreed at the Development Control Sub-Committee held on 06 January 2009. (application ref:- 08/03879/OUT). Members should note that Reserved Matters applications are not applications for planning permission and are generally delegated to the Director of Development and Regeneration under the Council's scheme of delegation. However, in this instance, when considering the outline application, Members requested that the details of the buildings in the scheme be brought to the Sub-Committee for consideration.

The new facility proposed is for BAE systems, who have been established in Birtley since 1916. Their current site and buildings have developed organically over time and as a result are no longer capable of accommodating the modern day production lines and practices that are required by the company. Various options have been considered and tested by the applicant prior to the submission of this application, including the redevelopment of the existing site in Birtley plus several other site options in and around the area.

It is proposed that the existing entrance to the overall site on Birtley Road together with the internal northern access road are to be retained 'as is' to allow access to the section of the site which is being considered as part of this Reserved Matters application. It is envisaged that the arrangement of the internal site roads will be reconsidered as and when the remainder of the site comes forward for redevelopment in the future.

The building that is proposed measures approximately 300 metres by 100 metres and is of a similar height and appearance to the existing buildings on and around the site, having a ridge height of approximately 11 metres to the north, east and west, increasing to approximately 18 metres in height to the southern elevation. A gatehouse controlled single entrance / exit point to the site has been introduced for security purposes, allowing for greater control over access to the site. A 2.4 metre high perimeter fence will contain the site and will be powder coated green.

In terms of landscaping / planting to the site, a framework habitat masterplan has now been submitted in order to discharge conditions attached to the outline planning permission granted for the whole of the site. It is evident that the part of the site being considered is bounded on two sides with habitat which the submission shows as being retained and enhanced.

A Design and Access Statement, Sustainability Statement and Landscaping Statement accompany the application.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Northumbrian Water
North East Regional Assembly
One North East
Gateshead Council
County Archaeologist
Business Investment
Nexus
Director Of Community And Cultural Services
Community And Cultural Services Sports And Leisure
The Highways Agency
Fire Prevention Officer
Director Of Community And Cultural Services
Final Date for Receipt of Representations: 20.07.2009

REPRESENTATIONS:

Neighbours:-

Some 517 letters were sent to occupiers of nearby properties following which 1 representation was received. The main concerns raised related to the effect that the development might have on birds, bats and general wildlife.

Consultees:-

Following consultation with a number of statutory consultees the following responses have been received.

- Highways Agency.
Advised at the outline application stage that the revised Travel Plan was to the Agency's satisfaction. As such, they raise no objection to the proposed development at this Reserved Matters stage subject to the implementation and monitoring of the agreed Travel Plan.
- Association of North East Councils (ANEC).
Advise that it considers the proposal may present potential issues of conflict with regional planning policy. The applicant needs to give consideration to the incorporation of SUDS and provision of 10% of its energy supply from decentralised renewable / low carbon sources in order to be in general accordance with regional policy. These matters are considered in the following sustainability section.
- One North East.
Advise that it welcomes the new employment opportunities presented by the redevelopment and notes that a 'Very Good' BREEAM rating will be achieved in the building's design elements. Subject to the resolution of

any highway, design and environmental issues to the LPA's satisfaction, One North East raises no objection to this proposal.

- **County Archaeologist.**
Advise that an archaeological excavation has been undertaken on the above site to investigate a network of three eighteenth century wooden waggonways (later to become branches of the Fatfield Waggonway). Further works are still required to be undertaken in order to satisfy the County Archaeologist, which are discussed in the following Archaeology section.
- **Nexus.**
Indicated as per the outline permission that they consider the proposed site to be difficult to access by non-car modes and that the applicant should seek to improve links to the Sedling Road area to encourage the greater use of existing public transport services. It is disappointed that the orientation of the building does not lend itself to allowing pedestrian access via Sedling Road and consider that bus operators will be unlikely to divert services into the site, without a financial subsidy. Access to the site as a whole and the permeability throughout are issues that have been raised with the developer and are discussed in the highways / access section below.

POLICIES:-

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

B_11_Measures to protect the archaeological heritage of Sunderland (general)
CN_18_Promotion of nature conservation (general)
EN_5_Protecting sensitive areas from new noise/vibration generating developments
CN_16_Retention and enhancement of existing woodlands, tree belts and hedgerows
CN_17_Tree Preservation Orders and replacement of trees
WA_1_Retention and improvement of established industrial / business area
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
B_2_Scale, massing layout and setting of new developments
EN_12_Conflicts between new development and flood risk / water resources
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
T_22_Parking standards in new developments
T_8_The needs of pedestrians will be given a high priority throughout the city.
T_9_Specific provision will be made for cyclists on existing/new roads and off road
R_1_Working towards environmentally sustainable development
R_2_Taking account of spare infrastructure / reduced travel / vacant & derelict land
EC_4_Retention and improvement of existing business and industrial land
CN_23_Measures to conserve/ improve wildlife corridors

CN_14_Landscaping schemes and developments prominent from main transport routes

CN_13_Protection and enhancement of important views

WA_26_Identification of Strategic multi-user routes and their protection from development

COMMENTS:-

The key issues to consider in relation to the application are:-

- The principle of the use on the site.
- The appearance and layout of the development.
- The impact upon neighbouring properties.
- Highways / Access Issues.
- Wildlife.
- Environmental Considerations.
- Archaeology.
- Sustainability.

The principle of the use on the site.

As this proposal is a reserved matters application, the principle of B1 (office) and B2 (general industrial) uses has been previously agreed at the outline application stage. Other than the re-location of a pedestrian access point into the site from the eastern to the southern boundary of the site, the application is in general accordance with the approved outline application and supports the delivery of the development and wider regeneration of the site. As such, the principle of development is considered appropriate and in accordance with policies B2 and WA1 of the Unitary Development Plan.

The appearance and layout of the development.

The Design and Access statement submitted provides a clear justification for the approach taken with regards to the siting and layout of the development and how it integrates with the masterplan that was agreed at the outline stage.

Given the location of the proposed facility it is encouraging to see that the developer has appreciated the role of the building in creating a 'focal point' at a particularly prominent pedestrian access route within the context of the wider former Dunlop site.

The security gatehouse and office element of the proposal are earmarked to be of a higher standard of design than the main industrial building which will enhance the views of the building taken from the pedestrian/cycle route adjacent to the application site. The incorporation of a variety of windows and glazed panels is welcomed upon this elevation and serves not only to provide visual interest to the development but, also serves to create natural surveillance onto the adjacent pedestrian/cycle routeway.

Overall the elevational treatments of the main building, welfare block and office block are deemed appropriate and raise no urban design issues. However the submitted plans fail to show elevations of the security block, which has been

raised with the applicant and it is anticipated that these will have been received in time to report at the Sub Committee meeting. In terms of the final finish of the building, the applicant will be required to submit samples of the materials to be used, as required under condition no 12 of the outline approval, thus ensuring that the LPA can secure the highest achievable visual quality of development.

In terms of landscaping, the proposed factory unit is bounded on two sides with retained habitat which will be protected and enhanced with new planting. To this effect a habitat creation, retention and management plan has been submitted prior to this submission of this Reserved Matters application, in order to discharge condition no's 9 and 10 of the Outline Permission. The following treatment and planting has been proposed:

During Construction:-

The plantation areas will be clearly demarcated by an easily visible boundary fencing erected to the appropriate BS standard to afford protection of those trees to be retained from accidental damage during the construction works.

Proposed Planting:-

A great deal of the woodland will be retained. The wildlife habitats of the plantations will be improved by making them more like natural woodland by doing the following:-

- The existing trees will be underplanted with native tree species which will eventually replace the present non-native canopy species. (Planting rates of 200 per hectare) .
- The shrub layer is under-developed in all of the plantation areas. To meet the Forestry Commission woodland condition assessment of 20% shrub cover, native shrubs will be planted at rates of 400 per hectare.
- Dead wood habitats, providing cover and micro-habitats for woodland flora and fauna, are lacking at present. Log piles, using the woodland that has been agreed to be felled, will be created at a density of 20 per hectare.
- Where the soil is disturbed by necessary works within the plantations, for example by the new pedestrian access through the northern plantation, a native woodland ground flora seed mix suitable for the north east of England will be used to sow the disturbed ground.
- Along the eastern boundary it is proposed that approximately 300 metres of new hedgerow will be planted to provide green corridor link north/south on the site.

Whilst these proposals are acceptable, more information on stock size and a description of a new plantation mix has been requested, together with a schedule of operations to ensure their successful establishment in their first year of growth.

Notwithstanding the requests for this further information, the proposal in terms of the overall appearance of the building and the general landscaping principles that

are to be employed is considered to be acceptable and as such is in accordance with Policies B2, CN16, CN17, CN18, and CN23 of the Unitary Development Plan.

The impact upon neighbouring properties.

In terms of the position of the building and the effect that this may have on residential properties, it is noted that the southern elevation is the closest point that the proposed building comes in relation to dwellings, located on Laburnum Avenue, some 40 metres away. As such, it is considered that this is the most 'sensitive' part of the site, which requires particular analysis. Taking into consideration the fact that the site and the surrounding land is already home to industrial buildings and uses and that the proposed siting of the building is not considered to present a situation substantially different to that which already exists in the streets to the east, namely Chestnut Avenue and Sycamore Avenue. The proposed positioning of the building is considered to be acceptable from a visual amenity perspective. However, it has also been noted that a loading bay is proposed in the southern elevation, to facilitate the delivery of raw materials to the facility and as such, further consideration has been given as to whether the proposal will have any negative effect upon these premises in terms of disturbance. In this respect, the applicant has advised that the loading bay is likely to only be used once or twice a day at the most and in addition, the submitted drawings indicate that at this point on the southern boundary, the building will be set down at a lower level than the boundary landscaping, which is to be heavily planted and is considered to provide a substantial buffer between the building and the residential properties.

Notwithstanding the above, in order to ensure that residents amenities will not be affected, further details have been requested from the applicant, including sectional drawings depicting the actual finished ground / roof levels, to accurately demonstrate the visual impact of the development. These are anticipated to have been received in time to report at the Sub-Committee meeting. Additionally, it should be noted that condition no. 36 of the Outline Application requires a noise assessment to be approved by the LPA, including the specification of any necessary mitigation measures prior to the commencement of development. Whilst such details have not yet been submitted at this stage, it is considered that the confirmation of the finished levels of the development together with any sound attenuation measures, if deemed necessary, will result in an acceptable form of development that will accord with UDP Policies B2, EN1 and EN5 of the Unitary Development Plan.

Highways / Access Issues.

To date, a number of meetings have taken place between the applicant and officers with regard to vehicular access and parking on site. The internal road and parking layout has been subject to a number of changes throughout the course of the application, in order to achieve a satisfactory arrangement. A supplementary Transport Assessment (TA) was initially submitted which was not based upon the relocation of staff from the existing premises in Birtley. To this effect the TA is being revised by the applicant and additional data provided in order to establish the travel patterns and routes that users are likely to take to reach the premises. It is anticipated that this will have been received in time to

allow its assessment and its implications to be set out in a report at the sub-committee meeting.

In terms of numbers of staff present on site, the building will be operational 24 hours per day, 356 days of the year, with 50 to 60 shop floor employees per shift and 60 office employees. It should be noted that the proposed staff levels are far less than a typical B2 land use, and as such the parking demand is less. The car parking on site has been set out to accommodate peaks of parking demand at shift change over times. At present, the current car park layout is shown as a stark, large expanse of hard surfacing to the front of the development. As such, it has been suggested to the applicant that the large parking area is broken up with soft landscaping in order to create a more aesthetically pleasing form of development. Further details are awaited in this respect.

A Travel Plan (TP) has been prepared to accompany the planning application, which when implemented should help to minimise the number of cars associated with the development and should encourage some members of staff to travel by other modes where feasible. At present the TP is being evaluated by the Council's Travel Plan Officer and it is understood that the TP appears to be satisfactory.

Whilst it is noted that the proposed site layout does not allow direct pedestrian access via a central point in the eastern boundary into the site, (as depicted in the Masterplan approved at the outline application stage and preferred by Nexus), the applicant has been in discussions with Sustrans, who are the body responsible for the Consett and Sunderland Railway Path (CSRP), which runs along the southern boundary of the site. Further details have now been submitted, showing the creation of a new pedestrian / cycle access point leading from the CSRP into the site, to the immediate west of the BAE site. An additional cycleway / footpath is also shown exiting the north of the site, thus creating permeability. Whilst not in strict accordance with the Masterplan, the location chosen for the southern cycleway / footpath is the closest physical point that an alternative means of access can be accommodated and as such, on balance, it is considered as having the potential to be an acceptable means of access, provided it can be demonstrated that this is close enough to existing bus routes.

At the outline application stage the importance of establishing strong and permeable links such as these to Lambton and Harraton to north and south of the application site was noted. In order to ensure that these routes are used to their full capacity and do not fall victim to antisocial behaviour, further clarification has been sought from the applicant in order to clarify how the routes will integrate with the surrounding area and provide access to passing bus routes, particularly at its southern terminus. Officers have queried whether any signage / lighting etc is to be utilised to ensure the public are aware of the existence of the routes from the outset of the development becoming operational and that they are actively encouraged to use these routes and feel safe using them. The applicant has been asked to submit further information to this effect which is anticipated will be received in time to be reported at the Sub-Committee meeting.

Wildlife.

At the outline application stage the site, (in particular, the existing building and a copse of trees to the south of the site) was identified as having the potential to house nesting / roosting areas for birds and bats. To this end, further dusk emergence and dawn re-entry surveys have been undertaken in order to demonstrate that no such areas are present and that the demolition of the existing building and the removal of the copse of trees would only cause minimal harm to any such species. The survey, (which was submitted prior to the application being considered in order to discharge condition no 8 of the associated Outline Application), is considered to be acceptable, provided that bat bricks and tiles are incorporated into the new units on site particularly the ancillary buildings shown on the outline application masterplan, such as the hotel, public house and coffee shop. As such, it is understood that demolition and tree removal works are already underway.

Following on from this, the proposed habitat creation and enhancement measures, already agreed, as explained in the preceding landscaping comments are considered as being acceptable and appropriate in order to provide a suitable environment for wildlife in the future. As such, the proposal is considered to accord with policies CN16, CN17, CN18, and CN23 of the Unitary Development Plan.

Environmental Considerations.

No geoenvironmental reports for the site have been submitted in support of the application, due to these matters having already been identified at the outline application stage, where conditions were imposed to ensure the remediation of the site, prior to the commencement of development. As such, it is anticipated that all necessary reports will be submitted in due course, via a separate discharge of conditions application, in order to accord with Policy EN14 of the Unitary Development Plan.

Archaeology.

In accordance with the discharge of conditions 17 and 18 of the associated Outline Application, the on-site archaeological work has now been finished but the results have yet to be written up. The findings were significant enough to warrant publication in an archaeological journal to ensure that the work is in the public domain, as advocated by PPG16. Before the excavation area is backfilled, the County Archaeologist has recommended that a protective membrane must be placed over the timbers of the waggonway and a watching brief will be required on the sites of Milbank and Thorald coal pits, which are shown on a map of 1851.

In order to comply with condition 18 of the Outline Application, the building shall not be occupied / brought into use until the final report of has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the archaeological remains on the site can be preserved by record, to accord with Policy B13 of the Unitary Development Plan.

Sustainability.

A brief sustainability statement accompanies the application which states that due to the inherent high energy consumption from the production processes within the facility, aiming to achieve a renewables obligation of 10% has not been considered an economically and technically viable target. However a key priority within the design is to reduce the overall building energy consumption in other aspects of the building design to compensate for this. In particular the applicant has stated that this will include the provision of: -

- High levels of fabric insulation to reduce the heating energy demand.
- Low building air leakage rate targets to minimise heating energy consumption.
- High efficiency heating, ventilation and comfort cooling systems that will maximise the use of heat recovery and free cooling.
- Energy metering and monitoring systems to target and reduce energy consumption.

The viability of the installation of solar water heating to the office block will also be considered within the design process. An important concession made by the applicant is that a BREEAM 2008 Very Good rating will be achieved through the key elements of the building design including: -

- Low environmental impact material specification.
- Low energy consumption and the building carbon emissions rate.
- Reducing water consumption.
- Reducing ecological impact.

It is encouraging that the developer is demonstrating a commitment to sustainability and energy conservation issues and that the proposed measures meet some of the requirements of condition no 35 of the outline consent granted for the site. It is also acknowledged that in these exceptional circumstances it will not be possible to achieve a 10% renewables target for this part of the site. In light of this and in acknowledgement of the requests made by ANEC, the applicant has been asked to give further consideration to the use of SUDS on the site, in order to achieve an as environmental friendly form of development as is possible. It is anticipated that this information will be received from the applicant in order to report the matter at the Sub Committee meeting.

CONCLUSION.

Whilst in general terms, the proposal appears to be compliant with the principles established at the Outline Application stage, further details are awaited from the applicant with regard to:-

- The inter - relationship between the new facility and nearby residential properties.
- Revisions to the TA and TP.
- Revisions to the Car Park.
- Accessibility to the proposed pedestrian routes.
- The incorporation of sustainability / environmental measures.

It is anticipated that the required information will be received in time to allow its full consideration prior to the Sub Committee meeting.

RECOMMENDATION:- Director of Development & Regeneration to Report.