

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 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

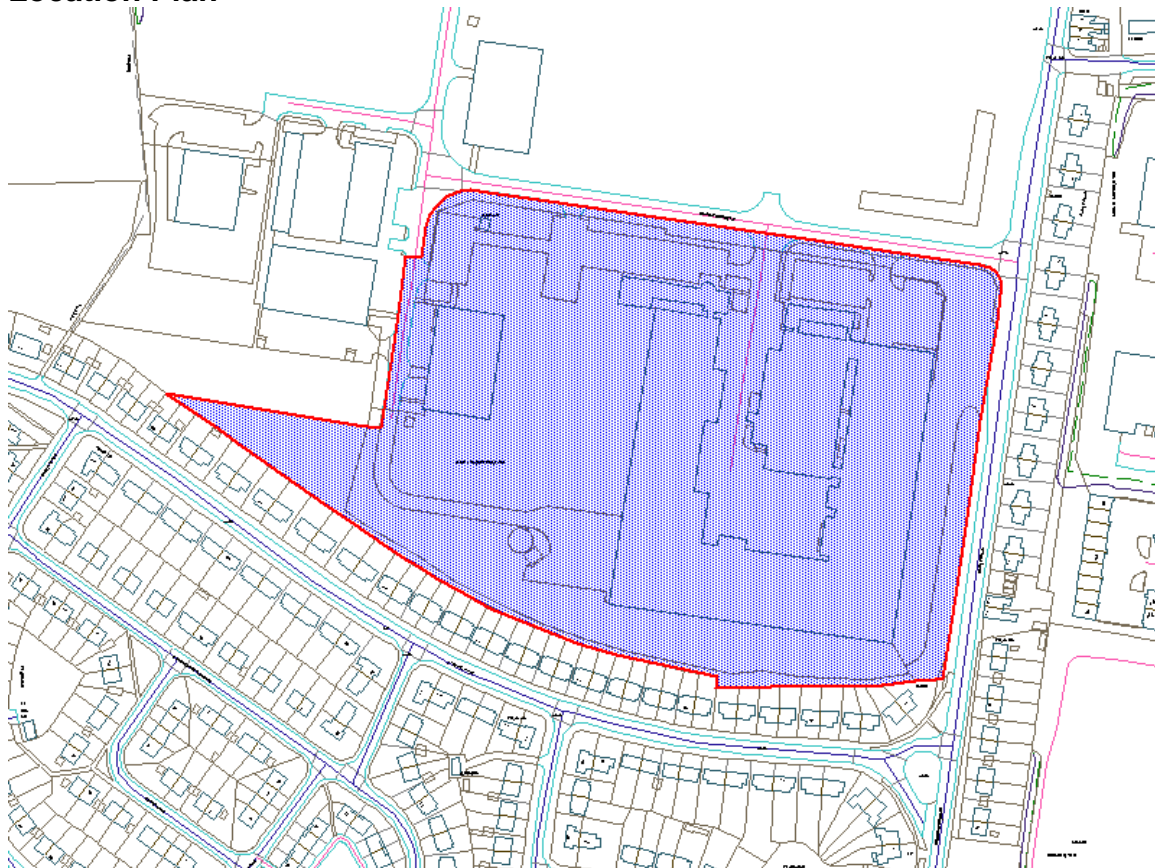
Reference No.: 09/04365/OUT Outline Application

Proposal: Mixed use development comprising the retention and refurbishment of Technical Centre Building to provide 1,440m² of single storey commercial accommodation (use class B2 or B8); erection of 6,558m² of single storey commercial accommodation (use class B2 or B8); erection of 15 flats in one three storey block, 17 bungalows, 6 two storey 4/5 bed detached houses and 33 two storey 2/3 bed semi-detached and terraced houses (use class C3) together with associated car parking, access roads (commercial access from Blackthorn Way and residential access from Sedgeleth Road), turning space and landscaped areas.

Location: SIG Combibloc Limited Blackthorn Way Sedgeleth Industrial Estate Houghton-Le-Spring DH4 6JN

Ward: Houghton
Applicant: SIG Finanz AG
Date Valid: 23 November 2009
Target Date: 22 February 2010

Location Plan



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PROPOSAL:

The submitted proposal is for outline planning permission for a mixed use development at the site of SIG Combibloc at Blackthorn Way, Sedgeleth Industrial Estate. The total site area is 5.56 hectares.

The indicative drawing shows the retention and refurbishment of the Technical Centre Building to provide 1440m² of commercial accommodation (use classes B2 and B8) and the erection of a further 6558m² of single storey commercial accommodation (use classes B2 and B8) with the remainder of the site developed for residential use with associated landscaping, car parking etc..

The application only seeks consent for access with appearance, landscape, layout and scale being reserved matters. The proposal is accompanied by indicative drawings

The indicative drawings show:-

- 15 Flats.
- 17 Bungalows.
- 6 x 4-5 bedroom Houses.
- 33 x 2-3 bedroom Houses.
- (Use Class C3)

The total number of residential units is 71 which are proposed to be served by 95 car parking spaces.

The commercial component is made up of:

- Block A 1,440m² (Refurbished Block)
- Block B1 1,800m².
- Block B2 1,100m².
- Block C 1,290m².
- Block D 1,200m²
- Block E 1,150m².

The total floor area including 1,440m² of retained buildings is 7,980m² (6,550m² exclusive) serviced by 162 car parking spaces.

The application is accompanied by:-

- A planning statement.
- Employment Land Review.
- Sustainability Report.
- Tree Survey Report.
- Noise Assessment.
- Flood Risk Assessment.
- Land Quality Statement.
- Transport Assessment.
- Travel Plan.
- Statement of Community Involvement.
- Design and Access Statement.

The proposal is a departure from the approved development plan and has been advertised as such.

Members may recall a similar application for this site was withdrawn (08/04425/OUT refers) on 3 March 2009 by the applicant as the recommendation was for refusal and the applicant wished to reconsider the position.

At the Sub-Committee meeting held on 5 January 2010 Members resolved to visit the site. The visit was undertaken on 14 January 2010.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Northern Electric
Director Of Community And Cultural Services
Director Of Childrens Services
Environment Agency
Northumbrian Water
Force Planning And Police Architectural Liaison Officer
One North East
Business Investment
Nexus

Final Date for Receipt of Representations: **24.12.2009**

REPRESENTATIONS:

CONSULTEES

Northumbrian Water.

Northumbrian Water Ltd has no objections to the proposed development. However, Northumbrian Water Ltd considers that the proposed development will only be acceptable provided that the following condition is imposed upon any permission granted:

Development shall not commence until a detailed scheme for the diversion of its apparatus or redesign of the proposal to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Reason

A network of existing public sewers (up to 450mm) cross the development site and are shown built over on the application. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost."

North East Assembly

The North East Planning Body (NEPB) commented on application 08/04425/OUT in January 2009 and concluded that although the redevelopment of the site for B2 and B8 employment use is consistent with RSS objectives, the proposal was not in general conformity with the RSS. This was because it proposed B1 office development outside of a town centre location and residential uses on an employment site when there is a defined employment land shortage in Tyne and Wear; and incorporated no energy efficiency standards or renewable energy generation proposals.

The NEPB has few additional comments to make from then although this application no longer includes B1 uses, reflecting comments made by the NEPB, the application still proposes residential uses in an employment site when there is a defined employment land shortage in Tyne and Wear. This does not reflect the objectives of the RSS.

The proposal is thus considered to present issues of conflict with regional planning as although the redevelopment of the site for B2 and B8 employment use is consistent with RSS objectives the proposal is not in general conformity with RSS because it proposes residential uses on an employment site when there is a defined employment land shortage in Tyne and Wear; and incorporates no energy efficiency standards or renewable energy generation proposals."

One North East

The Employment Land Assessment Report accompanying the application makes the statement that public funding by organisations such as One North East is being targeted into strategic development projects which offer the best prospect of return in terms of investment attracted and jobs created. Notwithstanding this, it should be noted that there are other avenues of funding provision which applicants can pursue.

Whilst acknowledging the difficulties faced by developers during the current economic climate, the Agency notes that there remain economic development projects which can be realised without public funding. Examples of recent development (both located at Sedgeleth Industrial Estate) include disposals of land by One North East to Fence Houses Truss Company and The Durham Company. Both companies particularly sought sites at Sedgeleth Industrial Estate despite site abnormalities which were accounted for in the site value.

It should also be noted that the figures quoted in paragraph 6.7 of the Employment Land Assessment relating to Agency funding appear to be inaccurate.

The supporting information which accompanies the application makes the case for the new housing and other non-employment uses by stating the need for a proportion of cross funding of the scheme by the inclusion of these higher value elements in order to achieve its implementation and delivery.

The application states that the proposals will deliver new employment opportunities for this area of Houghton-le-Spring with the potential to create between 200-300 new jobs to replace the 220 jobs at the site at its peak in 2004.

Whilst One North East welcomes the private investment and potential employment opportunities offered by the redevelopment and conversion proposals relating to employment land uses on this site, One North East also recognise that proposals relating to other non-employment uses such as housing require a sequential approach to ensure that appropriate justification is provided. The Local Planning Authority (LPA) should carefully consider the case made for the loss of employment land and should assess the application in the context of the LPA's overall employment land allocation. Clearly, the LPA should be satisfied that the applicants have provided sufficient evidence to justify the loss of employment land to these other uses and to demonstrate that the regeneration benefits cited by the applicants outweigh the loss in this instance.

Northumbria Police

Northumbria Police have no objections to the proposal providing that the details comply with Secured by Design standards.

Nexus.

The Transport report does not raise any concerns but it is disappointing that the level of bus service has been overestimated- the bus only runs every thirty minutes during the day, it does not run every 20minutes at peaks as stated. In addition the fact that the evening and Sunday service does not run through to Sunderland and requires a change of bus at Houghton le Spring to reach Sunderland has not been highlighted.

The Travel Plan is disappointing in that it does not offer any incentives to sustainable transport use other than a footpath on the west side of Sedgley Road and priority car parking spaces for car sharers. There was no mention of common travel plan incentives such as season ticket discounts or a subsidised cycle purchase. On the positive it is acknowledged that the footpath network through the whole site has tried to accommodate walking desire lines.

The area is served by the 71 bus route which runs daily and the revised site layout appears slightly more permeable leading to shorter walking distances to the nearest bus stops on Murray Avenue and to the south of the junction of Avenue Vivian and Sedgley Road. The former stop, for services towards Chester le Street, will however be a walking distance of 500m to the furthest of the proposed dwellings. It should be noted that the bus stops closest to the site on Sedgley Road are only served by a very limited number of work journeys.

Environment Agency (EA)

The Environment Agency would only find the proposed development acceptable if the following condition was imposed on any planning permission:

"Unless otherwise agreed with the LPA, prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the LPA. Roof water shall not pass through the interceptor. To prevent pollution of the water environment."

With regards to surface water drainage, as NWL have agreed to accept the surface water flows from the site EA are not in a position to agree discharge rates or storage requirements. The applicant and NWL should be aware that as the discharge is to NWL sewer, NWL are responsible for ensuring flood risk does not increase at the discharge point to the watercourse.

EA do not agree a discharge rate from the sewer, even though the letter from NWL in Appendix A of the FRA suggests they do.

Due to the flood risk on the Lumley Park Burn, EA would strongly encourage the developer to reduce the discharge to the sewer from the existing rate.

Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvement and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach.

In accordance with Approved Document Part H of the Building Regulations 2000, the first option for surface water disposal should be the use of sustainable drainage methods (SUDS) which limit flows through infiltration e.g. soakaways or infiltration trenches, subject to establishing that these are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries ground water pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work though an appropriate assessment carried out under BRE Digest 365.

With regards to sustainable development, EA consider that a planning application of this scale should incorporate Sustainable Construction and Renewable Energy Generation principles. Nationally, the Government seeks to minimise energy use and pollution, and move towards a higher proportion of energy generated from renewable resources. In line with the adopted Regional Spatial Strategy for the North East, EA consider the proposed development should incorporate Policies 38 (Sustainable. Construction) and 39 (Renewable Energy Generation).

In conforming to these policies the proposed development should be designed to ensure energy consumption is minimised- to achieve energy efficiency best practice to meet the Building Research Establishments Environmental Assessment Method (BREEAM) 'very good' or 'excellent' ratings. In addition, EA consider the proposed development should have embedded within it a minimum of 10% energy supply from renewable resources.

Executive Director of City Services-Transportation.

Comments are still awaited.

NEIGHBOURS

Four letters of objection from neighbours have been received concerning the following matters.

Cedar Terrace will become more dangerous. As it is a main road to school it is a 30 mph zone, but there are no signs in place.

The proposal would result in the loss of perfectly good factories.

The proposal would lead to noise and dust and an increase in heavy goods vehicles during construction.

A further junction on Sedgeleth Road would be dangerous.

Any increase in traffic in the area would be dangerous.

The proposal is considered overdevelopment.

The proposal would cause traffic generation

The plans indicate that the whole area will be redeveloped with a number of buildings (both commercial and residential) backing onto and almost encroaching on the current properties on Avenue Vivian. Previous developments have led to an increase in noise and light pollution, which are particularly disturbing on a night or early morning. The new development would almost certainly add to this.

The proposed development would increase traffic in the area, including Avenue Vivian. Over the past few years there has occurred an increase in traffic using Avenue Vivian as a through road despite there being restricted entry at either end of the street. Sedgeleth Road is extremely busy and cars are routinely parked by the side of the road. Should the development be approved, the concern would be that traffic would increase even further.

The estate has become a relatively nice area to live in recent years; an increase in the population would be detrimental to that.

POLICIES:

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

EC_5_Sites for mixed uses

CN_15_Creation of the Great North Forest

HA_1_Retention and improvement of established industrial / business areas

HA_2_New sites for business and industrial uses

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

H_1_Provision for new housing

H_6_Considerations in area based housing distributions

EC_2_Supply of land and premises for economic development purposes

EC_9_Locations for Hotels and Conference centres.

EC_15_Development or extension of bad neighbour uses
S_13_Resisting retail development on land allocated for industry
B_1_Priority areas for environmental improvements
B_2_Scale, massing layout and setting of new developments

COMMENTS:

The application is a departure from the adopted UDP and has been advertised as such.

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

- * The principle of the development.
- * Housing policy issues.
- * Infrastructure issues.
- * Highway issues.
- * Wildlife issues.
- * Amenity issues.
- * Children's play.
- * Sustainability.
- * Noise.

Prior to the previous application on this site (084425/OUT refers) a pre-application enquiry was responded to on 31 October 2008 negatively on the grounds that the proposal was contrary to the adopted Development Plan which specifically excluded residential use from land allocated for employment use and that such allocated sites should be retained and enhanced particularly in the Coalfield area where there is a perceived shortage of such land. Following the withdrawal of the above application further discussions were held with the agent when it was again stated that the principle of residential development was contrary to regional and local planning policy.

Notwithstanding this a further application for mixed use development has been submitted. The proposal is receiving further consideration in relation to the main issues identified above. It is anticipated that these considerations will be completed in time to enable a recommendation to be made on the supplement to this report.

RECOMMENDATION: Deputy Chief Executive to Report