

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

**SUPPLEMENT**

---

|                     |   |
|---------------------|---|
| Number:             | <b>S 1</b>  |
| Application Number: | <b>09/04365/OUT</b>   |
| Proposal:           | <b>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.</b> |
| Location:           | <b>SIG Combibloc Limited, Blackthorn Way, Sedgeleth Industrial Estate, Houghton-Le-Spring, DH4 6JN</b>  |

---

Further to the main agenda report comments have now been received from Environmental Services and Transportation (City Services Directorate). These can be summarised as follows.

**ENVIRONMENTAL SERVICES.**

**Contamination.**

The agent has submitted an assessment in respect of ground contamination which is currently under review. Until this has been fully assessed it is recommended that no works other than investigation works are carried out on the site prior to the receipt of written approval of the desktop study and any necessary remediation strategy. The responsibility for the safe development of the site rests with the developer.

**Noise**

The agent has submitted a preliminary noise assessment in respect of the proposals and the impact this is likely to have on the existing environment. There are existing residential properties directly to the south (Avenue Vivian) which benefit from existing protection by bunding along the southern boundary of the site.

Background noise data relies upon measurements taken in 2005 at which time the SIG factory was operating. Although operational noise is reflected in the daytime measurements, the factory did not operate while the night time measurements were taken.

Background levels have been assumed to be 50 dB(A) and 40 dB(A) for daytime and night time respectively at the rear of Avenue Vivian, and 55 dB(A) and 45 dB(A) on Sedgelych Road. The levels applicable to Avenue Vivian have also been assumed as representative of the proposed new residential units.

Internal noise levels within the proposed industrial units have been assumed to be 85 dB(A) to reflect current legislation with regard to workplace noise, and the likely extent of noise egress to the external environment has been assessed. The construction methods and materials have not yet been determined, but typical construction has been assumed (lower masonry walls completed with insulated metal panel walls and roof). Receptors have been assumed to be at a distance of 35 m away and anticipated noise levels based on the above are likely to be in the region of 46 dB(A). (Notwithstanding that some of the dwellings and gardens are less than 35 metres from the proposed industrial units).

It is therefore likely that given the assumptions made above, industrial noise from within the proposed units would not be an issue during daytime working periods in terms of British Standard 4142 or of World Health Organisation Guidelines that 55 dB (A) should not be exceeded within gardens, however based on these assumptions it is considered that noise would be of marginal significance at night to the proposed residential development.

Consequently, and notwithstanding this, it is considered that control measures will be required to minimise the anticipated impact of the operation of the proposed development on existing and future residential premises. As such, it is recommended that if consent were to be granted the applicant shall review and update the submitted Noise Assessment on determination of the site layout and construction methods etc to ensure that the assumptions and predictions used in the original report are accurate and valid. This would be necessary to demonstrate that existing and future residents are afforded a commensurate level of protection conducive to good sleeping or resting conditions, having regard to the guidance contained in World Health Organisation, Guidelines for Community Noise (1999) and British Standard 8233:1999, Sound insulation and noise reduction for buildings.

## Construction

In view of the close proximity of the proposed development to nearby residential premises the applicant should make application for prior consent in respect of work on construction sites under the Control of Pollution Act 1974, Section 61 Application should be made prior to the

commencement of any works.

Onsite operations should not commence before 07:00 hrs and cease at or before 19:00 hrs Monday to Friday inclusive and 07:30 and 14:00 hrs Saturdays. No works shall be permitted to take place on Sundays and Bank Holidays at any time without prior approval from the LPA.

- Consideration should be given to the selection of machinery and methods of operation in relation to noise generation.

The works on demolition and construction should be carried out in accordance with laid down practices to prevent nuisance from noise, vibration dust etc to nearby residential properties

## TRANSPORTATION.

Some of the nearby junctions are seen as problematic in terms of traffic flow and capacity, but the proposed development would not significantly worsen the situation.

The Transport Assessment and Travel Plan require further attention but at the outline stage are not considered critical.

The principle of both the vehicular access points is considered satisfactory but would require some improvement were the application to be recommended for approval.

The main highway concern is the need to address accessibility and connectivity for pedestrians by means of introducing a footway to the west of Sedgeleth Road which is not shown on the indicative plan and appropriate footpath links within the development. This is considered necessary to ensure a sustainable development with links to public transport and local amenities.

Pedestrian/cycle links with Sedgeleth Road located to the south-east corner of the residential development are also essential to minimise walking distances and provide accessible links through to the business units. Without the pedestrian link to the west of Sedgeleth Road this is not possible.

Thus it is considered a footway will need to be provided to the west of Sedgeleth Road which would serve both the prospective business and residential developments, and is considered essential to improve accessibility to local amenities, shops and bus services located within a reasonable walking distance. This provision along with appropriate pedestrian crossing facilities would also assist with access to and from bus services stopping on the eastern side of Sedgeleth Road.

There are further criticisms of the indicative layout but as the layout is a reserved matter these are not considered critical at this stage when the principle of the development is being examined.

## Comments

As stated in the main report the main issues to consider in determining this application are:-

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

### 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 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.

5. The Sunderland Housing Land Availability Assessment March 2009.

6. The Sunderland Employment Land Review (SELR) which has been prepared by consultants on behalf of SCC and was presented to the Planning and Highways Committee held on 29.9.09 where it was recommended to note the contents so that it can be used:-

- a) as part of the evidence base to inform the emerging Local Development Framework, and
- b) as a material consideration in determining planning applications for employment related developments.

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 modes of travel.

The proposals to include Housing (Use Class 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 C3 use is also excluded from the acceptable uses defined in policies EC4 and EC5 of the UDP (EC4 seeks to protect employment sites and EC5 caters for mixed use sites).

The adopted RSS (July 2008) states that Tyne and Wear has a shortage of employment land, and the proposal for residential units is considered inconsistent with RSS 18 and 29 which seeks to protect employment land.

In addition the SELR made recommendations as to whether existing employment sites should be retained or should be considered for release from the current allocation either as a whole or in part. In general most sites were considered to fulfill their function and should be retained whilst some were considered appropriate for release. The application site was not considered suitable for release and thus the proposed release of part of the site for residential use is considered contrary to the findings of the SELR.

The applicant has submitted a Land Quality Assessment which claims the site is no longer suitable

for Employment purposes yet proposes industrial use on part of the site in contradiction of this assessment and ignoring RSS, UDP and the recent SELR.

In view of the above the principle of the development is considered contrary to policies 18 and 19 of the RSS and UDP policies HA1 and EC4 and thus unacceptable in principle.

Housing policy issues.

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 seek 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 Strategic Housing Land Availability Assessment (SHLAA) March 2009 stated that there were 7,243 dwellings deliverable over the next 5 years, substantially greater than the 4,995 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 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 (SHLAA March 2009). In addition the Inspector at the nearby 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.

Thus the site was considered as part of the SHLAA process in March 2009. This document is an evidence base and in that document the site is seen as not being considered for development for housing for at least the next 11-15 years. The SHLAA preceded the Sunderland Employment Land Review (SELR September 2009) which recommends the site is retained for employment purposes and consequently would now be retained for employment use and unacceptable for housing purposes and contrary to policies HA1 and EC4 of the UDP. Further policy 29 of the RSS requires that land required for long term employment needs should not be released for housing

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.

Notwithstanding the principle of the development the application fails to consider the proposed Central Route which would run to the north of the site and it may be necessary for any development to make a contribution, controlled by a section 106 agreement, to help bring forward this section.

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 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 Sedgeleth obtaining particular benefit, providing further backing for the view that part of the site should not be released for housing.

#### Highway Issues.

A Transport Assessment has 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.

While there are concerns about the potential impact of the proposal on the junction of Sedgeleth Road with Front Street (A1052) and Blind Lane these are not sufficiently significant as to constitute a ground for refusal.

Similarly whilst there are concerns about the access road into the site, particularly its width, the detailed layout is not submitted for determination and these issues could be covered by condition in the event that Members were minded to approve the application.

However given that access is submitted for detailed consideration it is considered that the lack of provision of pedestrian footpaths on the western side of Sedgeleth Road, to connect the proposed housing area to the existing footpath network is significant. Policy T8 of the UDP seeks to give high priority to pedestrians in the planning of new developments. It is considered that failing to provide a new footway along the western edge of Sedgeleth Road; the submitted scheme fails to accord with these aims and should be refused accordingly.

While the main points of access to the site are acceptable the details of the internal layout would need to be determined at a later stage and could be conditioned accordingly if Members were minded to approve the application. However the footpath linkages to the existing network are considered unacceptable and should be refused accordingly.

#### Wildlife Issues.

Given the type and age of the buildings on the site and the lack of any significant landscaped areas it is not considered that there are any significant wildlife issues arising from the development. This view is supported by the fact that 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 is would not meet present expectations of residential amenity, which would potentially be adversely affected by noise, as identified by City Services- Environmental Health, as well as issues with smell and conflict with traffic (commercial- residential and pedestrian-vehicles).

The remainder of the Sedgeleth Industrial Estate would also remain allocated for business use and recent pre-application enquiries confirm that demand exists. This is further evidenced in that an application for a 2,750 square metre printing works on the vacant land to the north of Blackthorn Way is awaiting validation. The development of the remainder of the industrial estate has the potential for further conflict with the proposed residential development.

The proposal is thus considered unacceptable in terms of residential amenity and contrary to policies EN5, EN6 (both relating to noise), and EN9 (relationship between residential and other development) of the UDP.

#### 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 Noise Assessment accepts that the proposal will bring existing and proposed dwellings into contact with commercial uses. As such new noise sensitive development is proposed. The proposal has the potential to cause conflict in terms of residential amenity and noise as identified in the comments from Environmental Health. The proposal fails to consider advice handed down in PPG24 Planning and Noise as it is acknowledged in the noise assessment that at least part of the site falls within Noise Exposure Category C which states that "Planning permission should not normally be granted... because there are no alternative quieter sites available. The proposal is thus considered contrary to advice handed down in PPG24 and policies EN5 and EN6 of the UDP which seek to protect residential amenity from existing and proposed development. .

## 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 loss of employment land
- 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 proposed development would result in land allocated to be retained and enhanced for industrial purposes, the loss of that land for housing purposes would reduce the industrial land supply in an area where there is already a deficiency and as such would undermine the land use strategy for the area and as such would be contrary to policies 18 and 19 of the RSS and policies HA1 and EC4 of the adopted UDP.
2. The proposal would result in the development of employment land for residential use, which in the light of the existence of a 5 year housing land supply and the availability of more sustainable/sequentially preferable sites locally would conflict with the objectives of the Council's Strategic Housing Land Availability Assessment (SHLAA) and consequently, would be contrary to advice in Planning Policy Statement 3 (Housing), policy 29 of the RSS and policies H1 and H6 of the adopted UDP.
3. The development does not provide for a footpath on the west of Sedgely Road thus offering a poor provision of sustainable links to public transport and local amenities which is considered unacceptable and contrary to policies T8 and T14 of the UDP.
4. The proposed development makes no provision for children's play space on site contrary to the requirement of policies HA21 and L6 of the UDP.
5. The proposed development would result in the location of housing adjacent to industrial uses which would lead to their exposure to unacceptable levels of noise, such that they would fall within NEC category C of PPG 24 Planning and Noise which would be likely to result in an

unacceptable residential environment and thus would be contrary to the requirements of policies EN6 and EN9 of the adopted UDP.

---