

Sunderland Local Plan Examination

Cowie Properties LLP and Jomast

Matter 6 – Employment Land Supply, Employment Policies, Town Centres and Culture/Leisure/Tourism

Issued April 2019

1.0 Components of Employment land supply

(1.1) Will the up to date employment land supply position and the components of the employment land supply that will meet the employment land requirements of 95ha be clearly shown in the Plan (base date 31 March 2019)?

1.1 Cowie Properties LLP and Jomast does not wish to comment on this question.

2.0 Primary, Key and other Employment Areas

(2.1) Are Policies EG1, EG2 and EG3 consistent with paragraph 22 of the Framework and the long term protection of sites allocated or safeguarded for employment use?

2.1 Cowie Properties LLP and Jomast does not wish to comment on this question.

(2.2) Are the criteria within Policies EG1, EG2 and EG3 relating to the protection of employment sites and land and the introduction of alternative uses positively prepared and effective?

2.2 Cowie Properties LLP and Jomast does not wish to comment on this question.

(2.3) Are all the Key Employment Areas allocated and safeguarded by Policy EG2 worthy of protection for employment use?

2.3 Cowie Properties LLP and Jomast does not consider that land at Deptford (KEA6) is worthy of protection for employment use.

2.4 Our client's land at Deptford is approximately 6 hectares in area, broadly rectangular in shape, and positioned to the south of Deptford Terrace and north of Pallion New Road. The Queen Alexandra Bridge is located to the immediate west of the site. The site is currently vacant following the demolition of the former buildings.

2.5 Our client submitted an outline planning application for a mixed-use development on the site (LPA ref: 11/00917/OUT) in March 2011. The description of development was as follows:

“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; Class A1-A5 retail; 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”.

- 2.6 The application was approved at Planning Committee in October 2013, subject to the completion of a Section 106 Agreement. However, despite extensive discussions with the Council and our client’s best efforts, a realistic and reasonable S106 agreement was never produced by the Council. Nevertheless, the application is still a “live” application with the potential for the S106 to be agreed, the permission issued and implemented.
- 2.7 Despite having accepted that our client’s site was suitable to accommodate a mixed-use development the Sunderland Core Strategy Publication Draft includes our client’s land as part of the KEA6 allocation within Policy EG2 as a Key Employment Area to be safeguarded for B1 (Business – excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment uses. This is not considered a sound approach.
- 2.8 Paragraph 120 of the NPPF (2019) notes that planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans and of land availability. Where there is no reasonable prospect of an application coming forward for the use allocated in a plan the local planning authority should, as part of a plan update, reallocate the land for a more deliverable use that can help address identified needs. It also advises that in the interim, prior to updating the plan, applications for alternative uses on the land should be supported where the proposed use would contribute to meeting an unmet need for development in the areas. In that regard draft policy EG2 identifies that vacant land or premises allocated under Policy EG2 may be released for uses outside the B Use Classes where it can be demonstrated that:
- i the council’s current Employment Land Review recommends its release for another purpose, or it can be demonstrated to the council’s satisfaction that a site is no longer needed or capable of accommodating B Use Class employment uses;
 - ii the integrity, function and operation of the remaining Key Employment Area for employment purposes is not adversely affected;
 - iii the site is of an insufficient quality and/or suitability to accommodate existing types of industrial demand; and
 - iv the site has been unused for employment uses for at least 24 months, despite having been properly marketed on reasonable terms.
- 2.9 The draft plan itself acknowledges at paragraph 7.6 that the areas identified in policy EG2 are “... recognised as older and less effective employment areas, in locations of weaker demand” and in this context, it is considered that evidence already exists to demonstrate that the approach of limiting development at Deptford to B class uses is inappropriate. Much of the Deptford site has been vacant for a number of years and our client is satisfied that there is no realistic prospect of the site coming forward in its entirety for its allocated use. This view is supported by the findings of the Sunderland Employment Land Review (ELR) and ELR Post EU Referendum Forecasting Analysis.
- 2.10 The Sunderland Employment Land Review (ELR) (9 March 2016) identified the eastern part of the Deptford Terrace site for employment uses (2.5ha). However, the western part of the site

was not considered in the ELR or included on the site assessment maps produced as part of the ELR because it was not considered to be available for employment development. In this regard, the ELR states:

“Along the southern bank of the river to the west of the city centre are large manufacturing premises many of which date from the 1950s. Some of the larger industrial complexes such as Groves Cranes and Cornings have been cleared to make way for housing development”. (para. 5.20)

- 2.11 Following the completion of the 2016 ELR, Britain voted on 23 June 2016 to leave the European Union (EU). In response, and to ensure that the evidence base underpinning the city’s emerging Core Strategy remains as comprehensive and up-to-date as possible, the council sought to revisit a number of key technical reports to take into account of the possible impacts of Brexit. Accordingly, a ELR Post EU Referendum Forecasting Analysis (20 February 2017) was prepared in relation to future employment land needs. This was intended to supplement, rather than supersede, the more detailed evidence-base presented within the 2016 ELR. However, paragraph 1.6 advises that this report does seek to provide a partial update to Section 8.0 of the 2016 ELR (Demand-Supply balance) by amending a small number of site-specific recommendations. Paragraph 3.27 to 3.32 relate to South Sunderland. Paragraph 3.27 states:

“The site assessment exercise undertaken as part of this ELR identified 52.23ha of available employment land in Sunderland South. This would appear to represent an oversupply when considered against an indicative requirement for between 11ha and 14ha over the period 2015-2033.”

- 2.12 Having regard to the oversupply of land in South Sunderland, the Update Analysis suggests that further consideration is given to the future role of, and policy approach to be applied to, several sites, including Deptford Terrace. This Analysis suggests that Deptford Terrace is considered for a mixed-use allocation, stating:

“Former Corning Warehouse, Deptford Terrace – ELR 15 (2.50ha): SCC Officers have indicated that some uncertainty currently exists with respect to the future use of this site, whilst LSH have advised that viability issues may make its redevelopment for employment use difficult. As a consequence, and recognising the wider imbalance between demand and supply in South Sunderland, it may be appropriate for SCC to consider a mixed-use allocation on this site to provide greater flexibility moving forwards” (para. 3.30)

- 2.13 In this context and based upon our client’s experiences, it is clear that the Deptford site does not have a realistic prospect of being used for its allocated employment purpose. It is, therefore, inappropriate to allocate it under Policy EG2 for B Class uses.

- 2.14 A sounder approach would be to allocate the site in the forthcoming Allocations and Designations Plan as a mixed-use site with potential for a range of uses including: A1-A5 retail, B1- B8 uses; Class C3 residential; Class C1 hotel; Class C2 residential institutions; Class D1 non-residential institutions; Class D2 leisure and sui generis car showroom use as all of these have already been established as acceptable.

3.0 Employment Development

(3.1) Do the policies of the LP provide sufficient support for employment development within the area (Policies EG4 and EG5 in particular)?

- 3.1 Cowie Properties LLP and Jomast does not wish to comment on this question.

4.0 Main Town Centre Uses

(4.1) Is the requirement for 45,400m² of comparison floorspace within the Plan period justified?

4.1 Cowie Properties LLP and Jomast does not wish to comment on this question.

(4.2) Does Policy VC1 provide sufficient protection to existing town centres, taking into account the requirements for additional comparison floorspace in the Sub-Areas?

4.2 Cowie Properties LLP and Jomast does not wish to comment on this question.

(4.3) Is there any need to make specific allocations for retail development in this Plan taking into account the provisions of the UDP, the intention to make allocations in the A&D Plan and the fact that floorspace needs are primarily towards the end of the Plan period?

4.3 Cowie Properties LLP and Jomast does not wish to comment on this question.

(4.4) Are the thresholds for retail impact assessments within Policy VC2 justified?

4.4 Cowie Properties LLP and Jomast does not wish to comment on this question.

(4.5) Do the provisions of Policy VC3 provide for both protection and flexibility for retail and non-retail uses within primary and secondary frontages?

4.5 Cowie Properties LLP and Jomast does not wish to comment on this question.

(4.6) Are the provisions of Policy VC4 (hot food takeaways) and Policy SP7 justified, particularly Section 2 of Policy VC4 in relation to healthier communities?

4.6 Cowie Properties LLP and Jomast does not wish to comment on this question.

5.0 Culture, Leisure and Tourism

(5.1) Will Policy VC6 be effective in supporting all forms of leisure development?

5.1 Cowie Properties LLP and Jomast does not wish to comment on this question.