

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 (Development Management Procedure) (England) Order 2010

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.: 14/00632/FUL Full Application

Proposal: **Extensions to existing production building to east of site to provide; new production line floor space, re-location of existing external air treatment plant, installation of new external air treatment plant, new enclosed loading area, overhead conveyor link and construction of new sprinkler tank.**

Location: Tacle Unit 2 Phoenix Way Rainton Bridge Industrial Estate
Houghton-le-Spring DH4 5SA

Ward: Hetton
Applicant: Tacle Seating U K Ltd
Date Valid: 26 March 2014
Target Date: 25 June 2014

PROPOSAL:

The proposal relates to the extension of the existing production hall to provide 2,893 sq.m. (gross external area) of new floor space to allow for the installation of a new production line; relocation of the existing air treatment plant from outside the north west of the existing production hall to a location outside the north east of the new production hall. Installation of new external air treatment plant to service the extension; to be located adjacent to the relocated existing plant. Construction of a new enclosed loading area to the south west of the existing production hall. Construction of an overhead conveyor link between the new production hall and the existing foam plant building to the south west and the construction of a new sprinkler tank to the north west of the proposed extension at Unit 2, Tacle, Phoenix Way, Rainton Bridge Industrial Estate, Houghton-le-Spring.

The host unit shares a larger site with the Lear Corporation to the immediate south west, however the Sunderland facility is a joint venture, providing seats, sequence wire harnesses and smart junction boxes for the nearby Nissan manufacturing plant.

The factory currently employs 106 staff, the proposed extension seeks to increase this number by an additional 102 with a total number of parking spaces provided within the site for 272 vehicles.

Located to the west side of Rainton Bridge Industrial Estate, approximately 0.5 km to the west of the A690 and approximately 1.5 km to the southwest of Houghton-le-Spring town centre. The main residential areas of Dairy Lane Estate and Chilton Moor Estate both lie to the north east and north west of the site respectively, with the nearest dwelling separated by a distance of approximately 150 metres.

The site contains a number of young trees currently planted along the shared common boundary of both the Lear and Tacle units, of these trees, one specimen is highlighted for removal due to disease in order to facilitate the introduction of an area of additional hardstanding leading to the new production hall.

The proposal has been subject to pre-application discussions with the agent, the City Council's Business Investment Team and the Local Planning Authority and the submitted application has been informed accordingly. Both the Lear Corporation and Tacle units area sited on land owned by Sunderland City Council.

The application has been accompanied by a number of supporting documents as follows:

- External Lighting
- Environmental Noise Report
- Ecology
- Geotechnical Desk Study
- Transport Statement
- Drainage Strategy
- Flood Risk Assessment
- Contractor's Site Proposals
- Proposed Tree Protection Plan
- Pre-development Tree Condition Survey.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Hetton - Ward Councillor Consultation
Environment Agency
Hetton Town Council
Environmental Health
Network Management
Natural England
Nexus
Force Planning and Police Architectural Liaison Officer
Northumbrian Water
Business Investment

Final Date for Receipt of Representations: **26.04.2014**

REPRESENTATIONS:

Natural England - Statutory Nature Conservation Sites - No Objection. The application is in close proximity to the Joe's Pond and Hetton Bogs Sites of Special Scientific Interest (SSSI).

Protected Species - comment that the application should be determined in accordance with their Standing Advice, and the relevant supporting documents have been forwarded to the Natural Heritage Team for consideration. Their findings will be summarised in the accompanying Supplement Report. Natural England do note that the proposal may provide opportunities for both landscape and biodiversity enhancements within the site.

Nexus - No objections to the proposal.

Northumbrian Water - No comments to report. Additional information sought relating to discharge rates and response to be reported in the supplementary report.

Environment Agency. No objections to the proposal.

Neighbours - One letter of representation was received raising concerns over noise disturbance.

With reference to noise, the supporting noise survey has outlined acceptable levels that the development should be seeking to achieve via mitigation of the existing and proposed plant equipment. Subject to consultation responses from the Environmental Services Section over agreed acceptable noise levels, a scheme of noise attenuation will need to be submitted and approved prior to the installation of any plant equipment. With reference to the overhead conveyor link, whilst this is internal, it is not considered that it will effect the existing levels of noise already surveyed in the supporting report.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_5_Protecting sensitive areas from new noise/vibration generating 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

EC_4_Retention and improvement of existing business and industrial land

HA_1_Retention and improvement of established industrial / business areas

CN_17_Tree Preservation Orders and replacement of trees

CN_22_Developments affecting protected wildlife species and habitats

EC_4_Retention and improvement of existing business and industrial land

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

COMMENTS:

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

- The Principle of the Use.
- The Layout and Design of the Proposal.
- The Access, Parking and Service Arrangement.
- The Impact Upon Wildlife/Trees on Site.
- Environmental Considerations.
- The Impact on Neighbouring Properties.

The Principle of the Use.

In assessing the principle of the land use, and the overall development of the site, due consideration has been given to both the National Planning Policy Framework (NPPF) and City of Sunderland Unitary Development Plan (UDP).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay unless material considerations indicate otherwise.

The application site is located within Rainton Bridge Industrial Estate, which is an allocated industrial/business area on the approved Unitary Development Plan (UDP) and as such is covered by policies HA1.5 and EC4. The proposal is for the extension to the existing unit and as such the principle of the scheme is therefore considered to be acceptable.

The Layout and Design of the Proposal.

Within the NPPF in paragraph 17 are a set of 12 core land-use planning principles that should underpin both plan-making and decision-taking. In this instance the fourth principle is of particular relevance and states that:

"planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings."

Whilst policy B2 of the UDP requires that:

"The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas."

In terms of layout, the proposed production hall extension which is to be attached to the north west facing elevation is approximately 58.0 metres in length and 55.0 metres in width and is the same height (7.9 metres) as the existing production facility. Set in 5 metres from the western boundary fence, the building is splayed in shape, to accommodate the constraints of the site and provides a footway

around the building. The proposed enclosed loading area on the south east facing elevation is approximately 29.0 metres in length and 20.0 metres in width and is the same height. The loading area will be open at two ends to allow vehicles to drive through for loading/unloading. The proposed overhead conveyor link is approximately 64.0 metres long with its general floor level at 3.0 metres although this rises to 6.0 metres over the main vehicle route. The proposed new Sprinkler tank will be 7.8 metres in diameter and approximately 7.06 metres high. The north and west of the site is enclosed behind a 1.8 metres high palisade fence with mature planting located on the outer edge of the fencing providing considerable screening to the site.

Existing vehicular access is maintained from Phonenix Road, and internally the site will be slightly modified to provide a new access point to the proposed extension.

With reference to design, the appearance of the new buildings will mirror the aesthetics of the existing buildings in terms of the colours and types of materials used on the roofs and external walls. The external wall will be constructed with a cavity brick/block walling up to approximately 2.1 metres high with horizontally profiled cladding above, whilst the sprinkler tank will be finished in a grey galvanised steel.

Two external air treatment plants are proposed to the north of the proposed extension, with potentially an enclosure detail to follow to mitigate the levels of noise produced from the equipment. Pending the overall acceptable sound levels of the proposed equipment the final design of the enclosure is yet to agreed. Should members be minded to approve the proposal it is recommended that a condition shall be imposed to enclose the plant within a suitably designed building prior to the installation of the proposed plant.

The site requires the removal of small areas of palisade fencing to facilitate the development proposals and introduces new boundary enclosures to match existing along the western boundary.

In light of both national and local planning policy, the layout of the proposed development is considered to be acceptable, minimising any significant intrusion into the existing site flora and fauna, whilst the design of the proposal is considered to be both sympathetic and harmonious to the host unit in terms of appearance and design. The proposal is considered to comply with both NPPF guidance in paragraph 17 and policy B2 of the UDP.

Access, Parking and Service Arrangements.

Paragraph 32 of the NPPF states that:

"All developments that generate significant amounts of movement should be supported by a Transport Statement" and that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe." The application has been supported by a Transport Statement.

Policy T14 of the UDP relates to new developments and seeks to ensure that proposals apply up-to-date standards in terms of accessibility, parking, loading/unloading, access and egress and not causing congestion on the existing road network.

The proposal does not seek to introduce any new access points to the site, merely utilise the existing access points off Phoenix Way. Within the site, the internal road network requires only a minor modification and widening to provide access to a new entrance to the extended production hall. The proposed development seeks to increase the capacity of the site and subsequently increase the staff on site, with overall numbers increasing from 40 to 76 per shift. With this increase in mind, it is noted that existing parking levels within the site are more than adequate to accommodate the increased demand.

Following the expiry of the consultation period, comments received from the Network Management Section have indicated that the figures provided within the Transport Statement in terms of staff numbers, trips and on site parking are all at a level that are sustainable, resulting in no significant impact on the surrounding highway network. The proposal is therefore considered to be in accordance with policy T14 of the UDP.

Impact Upon Wildlife / Trees on Site.

There are a number of policies that relate to the site from a nature conservation perspective. Paragraph 118 of the NPPF is of particular relevance and requires in part that development proposals where the primary object is to conserve or enhance biodiversity should be permitted, whilst UDP policies CN17 and CN22 seek to ensure that both habitats and species are safeguarded from unmitigated development.

Following pre-application discussions and a site visit it was identified that a number of trees may have to be removed to facilitate the expansion of the hardstanding element of the proposal. A supporting tree survey has been provided in support of the application, this report has identified possible mitigation measures to retain nineteen of twenty trees, with only one tree identified as been infected and requiring removal. (T3 Common Alder - Die back in crown).

Policy CN17 of the UDP states that:

"The city council will encourage retention of trees which make a valuable contribution to the character of an area by the making of tree preservation orders and replacing trees in highways and other public areas, with species which help maintain the character of the locality. The retention of trees, hedges and landscape features in all new developments will be required where possible."

Whilst it is recognised that all of the 20 trees are of low to moderate arboricultural value, should Members be minded to approve the application it is recommended that the mitigation recommendations of the "Pre-Development Tree Condition Survey" by E3 Ecology received March 2014 be attached as a condition to safeguard these species throughout the construction process. In light of the limited works required to the existing trees on site, it is considered that this element of the development complies with policy CN17.

In addition to the tree survey, the site has been subject to an ecological assessment, which looked at significant aspects of flora and fauna within the site, including bats and birds and other features where conservation or biodiversity may be affected by the proposed development.

Policy CN22 of the UDP states that:

"Development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city."

The phase 1 survey was undertaken during March 2104 by E3 Ecology that indicated current habitats within the survey area are considered to be generally LOW value, primarily comprising relatively species-poor area of well managed amenity grassland, hardstanding, industrial units and a thicket of hawthorn scrub and coarse grassland.

Following the expiry of the consultation period, the following comments have been received from the City Council's Natural Heritage Team:

1. If this planning application is approved the measures detailed in section F Mitigation and Recommendations of the ecology report should be implemented as part of the development, and include the long-term management of the biodiversity features proposed.
2. The field assessment was carried out at a sub-optimal time of year and past evidence of passerines nesting in scrub on site is noted in part of the report. The ecological and arboricultural mitigation and enhancement measures are generally mindful of this and should be adopted accordingly.
3. In addition to the above, it may be advisable to carry out a checking survey of the water tank and ditch (for amphibians) prior to the commencement of removal, clearance or infilling works.
4. The impact of the development on the hydrology of the area, in particular quantity and quality of flows in to Rainton Burn and any offsite drainage works, should not be to the detriment of key species and habitats, and offer opportunity for (wetland/riparian) habitat enhancement where possible.

In light of the above and should Members be minded to approve the application, it is considered that the imposition of appropriate conditions, the proposal is in general accordance with relevant UDP policy CN22.

Environmental Considerations

Policy EN14 of the UDP is relevant. This policy requires development proposals on land where there may be contamination, instability or gas from landfill to carry out necessary investigations and to provide appropriate mitigation, where necessary. In this case a Phase 1 : Geotechnical and Geo-environmental Desk Top Study Report dated 10.03.2014.

In light of receiving comments from the Environmental Health/Pollution Control section, it is recommended that should members be minded to approve the proposal, the full suite of land contamination conditions be attached to be discharged on receipt of the findings of the above reports.

Flood risk and drainage.

Policy EN12 of the UDP seeks to ensure that new development will not impede the flow of water or increase the risk of flooding elsewhere, nor adversely affect the quality of ground or surface water or other waters. The proposal has been supported by a Flood Risk Assessment which has identified that the site lies within Flood Zone 1 and therefore is less than 0.1 per cent (1 in 1000) chance of flooding occurring each year. Furthermore and in accordance with Table 2 of the NPPF, as a general industry site, the development is classed as less vulnerable and as such the proposed development is compatible and in accordance with the NPPF.

In terms of drainage, the proposed development will create approximately 0.48 hectares of additional hard area to be drained, the proposed building extensions contributing 0.34 hectares and the rest being additional hard landscaping. The application has been supported by a drainage strategy dated 14.03.2014 that has identified that initial investigations have demonstrated the additional surface water flows generated by the development can be drained in to the existing on site drainage system. However, notwithstanding the above, any surface water flows to be discharged are to be attenuated via a 50 cubic metre attenuation tank located to the south west of the proposed extension. The size of the attenuation has been based on restricting runoff from the new development to the adopted sewer system to 3.5 litres per second. Subject to agreement with Northumbrian Water Limited (NWL) over discharge rates, it is considered that the mitigation of channelling any surface water into this storage tank as opposed to discharging into the watercourse and potentially Rainton Burn will add a degree of betterment to the existing arrangement on site.

With the above in mind and subject to receiving confirmation from NWL regarding discharge rates that will be reported in a supplementary report, the proposed attenuation system is considered to be acceptable.

The Impact Upon Neighbouring Properties.

The application site and proposed extension is located within an established industrial estate and separated from the nearest residential properties to the north east within Dairy Lane Estate by a distance in excess of 200 metres, with the vast majority of the northern boundary of the industrial estate screened by trees.

The design of the extension is such that it is to be connected to the north west elevation of the existing unit, projecting 7 metres further to the north of the site than the existing unit, with a further encroachment to the north of 13.5 metres to

accommodate the external air treatment plant. Immediately north of this area is a dedicated area for parking, with a perimeter fence and tree screening enclosing the site to the north. In light of the proposed dimensions of the extension which mirrors that of the existing unit, it is not considered that the proposal will be detrimental to the visual amenities of the residents on Dairy Lane Estate or Chilton Moor Estate.

In terms of residential amenity, and in particular noise, the processes undertaken on site are not considered to be noise sensitive, however the noise associated with the existing and proposed plant is worthy of consideration and a supporting noise survey and assessment has been carried out to identify acceptable levels of noise in mixed residential and industrial areas.

Policy EN5 of the UDP states that:

"Where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in residential or other noise sensitive areas, the council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission will normally be refused."

British Standard (BS) 4142 sets out methodology for assessing the likelihood of complaints from industrial type noise sources. The assessment methodology involves comparing the background noise level in decibels (dB) at sensitive receptors (residential properties) to the level of noise generated by the industrial type source of interest. The standard states that where the rating level is 10dB below the background noise level that this is a positive indication that complaints are unlikely. Therefore in summary, the report concludes that the cumulative rating noise level from the relocated and new air treatment plant should be designed to be 10 dB below the existing background noise level when assessed at 1 metre from the nearest affected residential facade. With this in mind, it is recommended that the maximum noise levels when measured at the Chilton Moor Estate should not exceed 31 dB whilst at Dairy lane Estate the level should be reduced to 30 dB.

Subject to confirmation from the City Council's Environmental Services Section over acceptable noise levels, mitigation measures will be required to reduce noise levels from the air treatment plant to within the agreed proposed limiting levels. This mitigation is most likely to consist of a noise barrier located around the relocated and new air treatment units, however subject to confirmation over desired noise levels, a mitigation scheme has yet to developed. Should Members be minded to approve the proposed development, it is considered that a condition requiring a suitable mitigation scheme is submitted prior to the installation of the plant equipment and that a subsequent checking noise verification survey is submitted with a month post development to assess the actual levels of noise measured at the two residential estates.

In light of the above and subject to the clarification of the noise of the proposed plant, it is considered that the proposal will not lead to conditions prejudicial to either visual or residential amenity and complies with policies B2 and EN5 of the UDP which seeks to ensure that development, does not increase significantly ambient sound levels in residential areas.

Conclusion.

The proposal is considered to be generally acceptable; however comments are still awaited from the Environmental Services Section and Northumbrian Water Limited. It is anticipated that these consultations responses and supporting information will be received in time to allow a recommendation to be made on the supplement report.

RECOMMENDATION: Deputy Chief Executive to Report