

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.: 14/00192/FUL Full Application

Proposal: **Erection of extension to west elevation of existing factory including creation of additional car parking.**

Location: Unit 9 Mercantile Road Rainton Bridge Industrial Estate
Houghton-le-Spring DH4 5PH

Ward: Hetton
Applicant: Mr Aidan Jackson
Date Valid: 31 January 2014
Target Date: 2 May 2014

PROPOSAL:

The proposal relates to the erection of an extension to the west elevation of the existing factory including the creation of additional car parking and a plant/refuse store enclosure at Unit 9, Mercantile Road, Rainton Bridge, Industrial Estate. The extension is required to house new production lines and has been designed as a stand-alone facility, with a controlled lobby linking to the west gable of the existing premises. The building seeks to provide a gross external floor space of 4706 square metres, with a foot print that mirrors the width of the existing unit and a length of approximately 108 metres. The volume of the proposal is similar to the existing unit with the parapet detail running through at the same level at a height of 7.575 metres.

The scheme includes the provision of 24 car parking spaces and will utilise the existing access in to the site of Unit 9, providing a re-designated one way route around the development and egress from the existing junction onto Phoenix Way.

Located on land to the north of Mercantile Road, the east of the site is made up of land associated with the existing Unit 9 factory with staff parking provision located to the east and north of the building within a secure compound. The proposed development site extends to the west and comprises a site made up of rough grassland currently within the confines of the existing unit and the adjacent land that was formerly occupied by a cardboard factory that was raised to the ground in 2008 following extensive fire damage.

A number of trees are present within the area along the northern, north western and southern boundaries with Rainton Burn running to the north of the site. The proposal seeks the removal of a copse of trees to the west of the existing staff parking to accommodate additional staff parking and to facilitate the forming of dedicated HGV deliveries and car access lanes.

The proposal has been subject to pre-application discussions with the agent, developer, the City Council's Business Investment Team and the Local Planning Authority and the submitted application has been informed accordingly. Both sites are owned by Sunderland City Council.

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

- Design and Access Statement
- Flood Risk Assessment
- Ecological Assessment
- Arboricultural Impact Assessment
- Transport Statement
- Phase 1 Desk Top Study
- Phase 2 Site Investigation Report
- Envirocheck Report
- Sustainability Report.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Hetton - Ward Councillor Consultation
Hetton Town Council
Environmental Health
Northumbrian Water
Durham Wildlife Trust
The Highways Agency
Natural England
Force Planning And Police Architectural Liaison Officer
Fire Prevention Officer
Business Investment
Environment Agency
Surface Water Drainage Team

Final Date for Receipt of Representations: **21.03.2014**

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 main body of this 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 - Response, to be reported in the supplementary report.

Neighbours - One letter of representation was received raising concerns over noise disturbance and the possibility of flooding.

With reference to issues pertaining to noise, the site has been designed with a one way traffic system, thus removing the need in many instances for delivery and dispatch vehicles to reverse. In terms of other noise the reconfiguration of the road network around the site prevents the movement of uncontrolled traffic and should remove any possibility for the dragging of pallets around the northern elevation of the site.

In terms of the development increasing the potential for flooding, it is considered that the removal from the site of the grassed area with any potential run off associated with this area in to Rainton Burn being redirected into the attenuation tank and later the main sewer network will mitigate and reduce the potential for flooding.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

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

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

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

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. In addition the majority of the site has previously been developed with all utilities and road networks installed to facilitate the previous unit. The use of both this previously developed area of the site and the land within the curtilage of the existing factory is considered to be acceptable and in accordance with the aforementioned policies of the approved UDP. 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 application proposes to site the new building to continue the existing south and north facing elevations of the existing unit, a width of approximately 43 metres, with the southern elevation set back from Mercantile Road a distance of 25 metres and screened behind an existing bund and landscaped border. The north of the site, lies to the south of an area of open space with Rainton Burn meandering along the perimeter of the site, a spacing varying between 25 -50 metres is to be retained between the development and the northern perimeter of the site. The nearest residential properties are located to the north of the site at a distance in excess of 250 metres.

Existing vehicular access is maintained from Mercantile Road, and will be rededicated as ingress only, but will serve both Heavy Goods Vehicles (HGV) and cars. The visitor parking will continue to use the existing junction with this principle entrance (for both ingress and egress), but will then follow the new one

way system to the rear of the site, where dedicated HGV and car lanes circuit the building connecting to the existing junction onto Phoenix Way.

On entering the site the staff parking ingress bears right from the shared entrance and then follows the HGV lane with separation provided via a raised island. The island allows for the grading of the HGV lane to provide a level threshold entrance at the goods loading bays to the north and the west.

In terms of design, the proposal is rectangular in shape, and designed with an open span portal frame, abutting the gable end wall of the existing premises via a link structure which will serve as an entrance / weather lobby to both buildings. The roof is formed as single pitched with hipped ends and perimeter gutter behind parapet up stand wall and supports a series of roof lights running in parallel within all structural bays to maximise natural lighting within the new production facility. The external appearance of the unit is to be constructed above a blue grey engineering brick at ground floor level to match the existing unit with a horizontal profiled cladding above. Openings within the external facade are functional, providing two goods in/out loading/unloading bays underneath protruding canopies on the north facing elevation and a new dispatch shipping opening on the western elevation. Other openings are provided for pedestrian access and escape, with additional high level louvers to serve air handling plant.

A small enclosure and plant building is proposed within the existing car parking area to the north of the site to house compressors, sprinkler tanks, gas storage vessels and refuse storage, linking back to the main building via underground trenching, this element is to be constructed in the same materials as the factory extension.

The site is proposed to be secured behind an extension of the existing 2.0 metres high ornamental railed fencing, with entry and egress from the site via two double sets of gates.

In light of both national and local planning policy, the layout of the proposed development is considered to be both functional and ergonomic, 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 Mercantile Road and Phoenix Way. Within the site the internal road network is to be reconfigured to separate HGV and cars with dedicated pedestrian crossing and access points to the factory unit. The proposal also seeks to increase the number of existing parking spaces up to 139, with a further area of the site, shown indicatively on the submitted site plan illustrating that potentially the site could provide up to a further 28 parking spaces.

Following consultations with the Network Management Section, the proposals are considered to be satisfactory. Furthermore the findings of the supporting Transport Statement conclude that the site is accessible by sustainable transport and trip generation of the development would be small, resulting in no significant impact on the surrounding highway. 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 with the agents, it was identified that a number of trees would have to be removed to facilitate the proposal. A supporting tree survey has been provided in support of the application.

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."

It is proposed to fell nine individual trees across the site and one small tree group to facilitate the development. Five trees are identified as of moderate amenity value, although these are still relatively young, the remaining trees with the exception of one Ash tree (identified T4, which is a veteran species with considerable amounts of dieback) are considered to be of low amenity value. Further tree preservation measures including the demarcation of a construction exclusion zone and the erection of protective barrier fencing to safeguard retained species.

In light of the limited amenity value of the above species identified for removal within the tree survey, it is considered that this element of the development complies with policy CN17 and should members be minded to approve the

proposal, conditions can be attached requiring the planting of suitable replacements and safeguarding of the existing species.

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 survey was undertaken during January 2104 and overall no protected plant species were observed. In terms of fauna, whilst Rainton Burn flows to the north of the site it is considered unsuitable for a great crested newt breeding habitat, one tree has been noted worthy of further survey work however, identified as T4, the ash tree also earmarked for removal has been singled out as having potential to support roosting bats, as it contains several suitable features. In light of these findings, an endoscopic survey of the tree is to be carried out and findings of the survey shall be reported to Members in a supplementary report.

Notwithstanding the above, and any further mitigation measures that may need to be imposed as a result of findings of the endoscopic survey, following consultations with the City Council's Natural Heritage Team, the application and supporting documentation are considered to be acceptable and should Members be minded to approve the proposal can proceed subject to the adoption and implementation of the recommendations contained in the Ecological Assessment dated 3rd January 2014.

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 : Desk Top Study and Phase 2 : Site Investigation Report were submitted for consideration.

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 proposal seeks to introduce a 225 cubic metres attenuation storage tank to which it is intended the surface water drains will feed across the development site. 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 is located within an established industrial estate and separated from the nearest residential properties to the north within Dairy Lane Estate by a distance in excess of 250 metres, with the vast majority of the northern boundary of the industrial estate screened by trees.

The majority of the application site also previously provided an industrial unit, with all the necessary infrastructure and utilities intact. With this in mind, and given the limited overall height of the development, 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.

In terms of residential amenity, and in particular noise, the processes undertaken on site are not considered to be noise sensitive (laboratory conditions) and are contained within the proposed unit and hence a noise assessment was not required with the proposal. Notwithstanding the aforementioned, and further to a site visit, the agent for the development is preparing evidence of the actual levels of noise produced from the units machinery which shall be reported to Members in a supplementary report.

In light of the above and subject to the clarification of the noise of the proposed production lines, 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 Environment Agency and Northumbrian Water Limited, and additional information in the form of the results of the endoscopic survey and noise levels of plant are awaited. It is anticipated that these consultations 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