



Area Planning Committee (South and West)

Date Thursday 21 January 2016
Time 2.00 pm
Venue Council Chamber, Council Offices, Spennymoor

Business

Part A

1. Apologies for Absence
2. Substitute Members
3. Declarations of Interest (if any)
4. The Minutes of the Meeting held on 10 December 2015 (Pages 1 - 4)
5. Applications to be determined
 - a) DM/15/01504/FPA - Unit 3, Jubilee Road, Shildon (Pages 5 - 16)
Change of use from Retail Unit (A1) to Hot Food Takeaway (A5)
 - b) DM/15/03207/FPA - Bridge Garage, Horndale Avenue, Aycliffe Business Park, Newton Aycliffe (Pages 17 - 28)
Change of use from Car Show Room (Use Class Sui Generis) to Office Accommodation (B1), Retail (A1) and Coffee Shop (A3)
6. Such other business as, in the opinion of the Chairman of the meeting, is of sufficient urgency to warrant consideration.

Colette Longbottom
Head of Legal and Democratic Services

County Hall
Durham
13 January 2016

To: **The Members of the Area Planning Committee (South and West)**

Councillor M Dixon (Chairman)

Councillor H Nicholson (Vice-Chairman)

Councillors B Armstrong, D Bell, D Boyes, J Clare, K Davidson,
E Huntington, C Kay, S Morrison, A Patterson, G Richardson,
L Taylor, C Wilson and S Zair

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DURHAM COUNTY COUNCIL

At a Meeting of **Area Planning Committee (South and West)** held in Council Chamber, Council Offices, Spennymoor on **Thursday 10 December 2015 at 2.00 pm**

Present:

Councillor M Dixon (Chairman)

Members of the Committee:

Councillors H Nicholson (Vice-Chairman), B Armstrong, D Bell, D Boyes, J Clare, E Huntington, I Jewell, C Kay, S Morrison, A Patterson, G Richardson and C Wilson

Also Present:

M O'Sullivan – Planning Officer

J McGargill – Highway Development Manager

N Carter – Solicitor – Planning and Development

1 Apologies for Absence

Apologies for absence were received from Councillors K Davidson, L Taylor and S Zair.

2 Substitute Members

Councillor I Jewell substituted for Councillor K Davidson.

3 Declarations of Interest

Councillor M Dixon declared an interest in planning application DM/15/02581/FPA – Travellers Green, Newton Aycliffe as he was a Member on the Board of Livin. The Member left the meeting when the application was considered.

Councillor J Clare also declared an interest in planning application DM/15/02581/FPA – Travellers Green, Newton Aycliffe. He believed that part of the land was owned by Great Aycliffe Town Council, on which he was a serving Member. The Member left the meeting during consideration of the application.

4 Minutes

The Minutes of the meeting held on 19 November 2015 were agreed as a correct record and were signed by the Chairman.

5 Applications to be determined

5a DM/15/03322/FPA - Ox Close Primary School, Ox Close Crescent, Spennymoor

Consideration was given to the report of the Planning Officer regarding an application for a school extension including new Multi Use Games Area (MUGA), staff and visitor parking and resurfacing of existing play yard (for copy see file of Minutes).

M O'Sullivan, Planning Officer gave a detailed presentation on the application which included photographs of the site.

Councillor K Thompson, local Member stated that although he was not against the application he disagreed with the 'elastoplast' approach to dealing with school capacity.

He agreed with the comments of the Highways Authority which stated that on the basis of previous and anticipated additional primary school classrooms in the Spennymoor and surrounding areas Highway Development Management Officers would have preferred to see a new primary school built which would take some of the pressure off the existing primary schools with regard to traffic/parking issues. He concurred with these views which had not been reflected in the report. The report stated that the additional classrooms would be supported by an additional 8 no. parking spaces bringing the total number of on-site car parking spaces to 30 which was well below the maximum permitted on-site car parking of 70, as required by the County Durham Parking and Accessibility Standards 2014.

He asked for an additional condition requiring the applicant to provide more on-site parking spaces to ease congestion in the street, and also that traffic flow be reviewed by the Highways Authority. He did not consider that the school should be required to do this. The Local Education Authority should work in partnership with other services within DCC to resolve the problems in the locality.

A housing need of 2000 properties had been identified for Spennymoor and proposals for a development of 400-500 houses had not taken into account the number of available school places. He acknowledged that similar concerns existed across the County but the traffic situation was very poor at Ox Close and attempts to improve the problems experienced had been unsuccessful.

D Coyle, on behalf of the applicant stated that this scheme represented significant investment for the primary school with proposals for 2 new classrooms, a MUGA, extension to the hall and additional car parking spaces. He was aware of the pressure on school places but the cost of a new build would be in excess of the total capital budget. The investment would enhance the educational curriculum at the school. He appreciated the Member's concerns about parking provision but every option had been explored and 8 spaces was the maximum that could be provided on-site.

The Highway Development Manager clarified that the standard requirement for 70 spaces applied to new build schools. The Highways Authority acknowledged that there would be an increase in traffic but this would be managed through a robust and effective Travel Plan. The street was hard paved on one side to accommodate the demand for resident parking and the street was traffic-calmed. Vehicular speeds around schools was generally low because of congestion at pick-up/drop-off times, and there was no history of accidents at the school.

The Solicitor – Planning and Development referred to Councillor Thompson's request for a condition requiring additional parking spaces. He advised that conditions had to be tested against certain criteria, one of which was that they must be necessary. Members had heard from the Highways Officer that the standards requiring a maximum of 70 on-site spaces applied to new build schools, and taking into account the impact of 2 additional classrooms, the Planning Officer considered that on balance 8 additional car parking spaces was acceptable. The Committee had also heard from the applicant's representative that the site could not be re-configured to increase the number of spaces.

Councillor Boyes made the comment that the congestion at Ox Close was experienced by the majority of schools across the County, and in response to a question from the Member about the MUGA, the Planning Officer explained that the facility would be closed outside school times and therefore a Noise Impact Assessment was not required.

The Chairman acknowledged the concerns expressed but considered that on balance these were outweighed by the benefits the proposals would bring to the school.

Following a question from Councillor Patterson, the Planning Officer advised that the trees on-site were a mix of both young and mature trees but none were protected. However the majority of the trees would be retained and those that were to be removed would be replaced with hedging.

Councillor Boyes moved and Councillor Armstrong seconded that the application be approved.

Resolved:

That the application be approved subject to the conditions outlined in the report.
Councillors Dixon and Clare left the meeting.

5b DM/15/02581/FPA - Travellers Green, Newton Aycliffe

Consideration was given to the report of the Planning Officer regarding an application for the demolition of 5no. bungalows and erection of 11no. bungalows and 12no. apartments (for copy see file of Minutes).

M O'Sullivan, Planning Officer gave a detailed presentation on the application which included photographs of the site.

Following a request for clarification about the Section 106 Legal Obligation, Members were advised that the Agreement would secure open space within the Division. Affordable housing would be secured in perpetuity and any request to amend this provision in future would require a Deed of Variation.

Resolved:

That the application be approved subject to the conditions outlined in the report and to the completion of a Section 106 Obligation to secure the payment of a commuted sum of £23,000 in lieu of adequate on site open space provision and affordable housing provision.

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/01504/FPA
FULL APPLICATION DESCRIPTION:	Change of use from Retail Unit (A1) to Hot Food Take Away (A5)
NAME OF APPLICANT:	North East Property Developments Ltd
ADDRESS:	Unit 3, Jubilee Road, Shildon DL4 2AL
ELECTORAL DIVISION:	
CASE OFFICER:	Paul Hopper (Planning Officer) Tel: 03000 263 946 Email: paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site comprises part of a former Training Centre at Jubilee Fields, Jubilee Road, Shildon which has been adapted to create 2 retail units. One of these is now trading as a local store. This application relates to an area of the building now known as unit 3 which is currently vacant.
2. The site has an open aspect to all sides and is bounded by a large residential area to the north and playing fields to the south, east and west. The wider site also includes a community centre, immediately to the west and an area of shared car parking which takes access directly from Jubilee Road to the north.
3. The existing building is single storey with a mix of pitched and flat roof arrangements and has external walls finished in engineering brick with concrete tiles to the roof. The principal elevation of the building fronts the associated car park to the north.

The Proposal

4. The current application relates to the change of use of unit No. 3 Jubilee Road from Retail (A1) to Hot Food Takeaway (A5) and represents a reintroduction of an A5 use which was removed from the original application in 2014.
5. With the exception of external extraction equipment to the eastern elevation the development does not propose any external alterations beyond those covered in the earlier planning permission. This included the creation of a shop front to the northern elevation comprising two panes of floor to ceiling glazing and a double width, glazed access door. Four existing windows to the eastern elevation would remain unaltered by the proposal.

6. Precise details of occupation and likely job creation are limited at this stage as it is understood that the applicant has not yet agreed terms with any potential tenant. However, it is anticipated that 3 or 4 part time employment positions could be created.
7. Vehicular access from Jubilee Road serving the existing shared car parking area would remain unchanged post development.
8. This application is being reported to Planning Committee at the request of the Local Councillor and Shildon Town Council in accordance with the Council's Scheme of Delegation because of concerns regarding the impact of the proposal upon the health of local children, disturbance to local residents from increased congregation of people and associated noise, odour vibration noise from extraction equipment and cooking activities and an associated increase litter, adverse impact on highway safety from increase vehicular movements conflict with the emerging County Durham Plan.

PLANNING HISTORY

9. When in use as a training centre the site was subject to two planning permissions relating to the erection of the community centre and car park extension in 1999 and the erection of an extension to the training centre itself in 2008.
10. More recently in 2014, planning permission was sought for the conversion of the former training centre to create 2 No. retail units, a storage facility and hot food take away. This was subsequently amended to replace the hot food takeaway with a third retail unit. A further application to amend this permission and amalgamate two of the three retail units into one larger retail unit was granted planning permission in 2015. A full summary of the recent planning history is summarised below;

DM/14/02130/FPA	Change of use from education/training centre to 3 retail units and 1 storage unit (Amended Scheme).	Approved 2014
DM/15/00072/VOC	Application to vary conditions 2 and 4 of Planning Permission DM/14/02130/FPA to amalgamate two of the three approved retail units to create a total of 2 no. retail units at the site.	Approved 2015
DM/15/00804/AD	Erection and display of externally illuminated fascia sign and 3 No. non-illuminated panels.	Approved 2015

PLANNING POLICY

NATIONAL POLICY

11. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;

11. *NPPF Part 1 Building a Strong, Competitive Economy*: The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
12. *NPPF Part 2 Ensuring the Vitality and Viability of Town Centres*: Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre uses sites be considered.
13. *NPPF Part 4 Promoting Sustainable Transport*: Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
14. *NPPF Part 7 Requiring Good Design*: The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 8 Promoting Healthy Communities*: The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion.
16. *NPPF Part 11 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

LOCAL PLAN POLICY:

17. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
18. *Policy D1 - General Principles for the Layout and Design of New Developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
19. *Policy D3 - Design for Access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
20. *Policy H18 – Acceptable uses within Housing Areas* – identifies a range of uses that will normally be granted planning permission within housing areas including residential

institutions shops up to 100sq m, offices, businesses, doctors/dentists and other surgeries, open space, leisure and recreation facilities, public houses and community facilities subject to these not significantly harming the living conditions of nearby residents and being appropriate in scale to character of the housing area. Development proposals for uses other than those listed above will be decided taking account of the above criteria.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

21. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the Sedgefield Borough Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
22. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

23. *Shildon Town Council* objects to the application and requests that the application be reported to Planning Committee for the following reasons;
24.
 - Adverse Impact upon Health as the site is located within 400 metres of a community centre used for child related activities and a primary school and there is concern about the adverse impact that the use would have upon obesity levels in the town's children in particular.
 - Oversupply of Hot Food Takeaways in Shildon and conflict with the aims of the County Durham Plan which advises a threshold of 5% of units in A5 use within town centres.
 - Adverse Impact on local residents as a result of noise both from the extraction equipment and groups of people congregating outside at unsociable times.
 - Increased nuisance from litter and vermin.

- Increased risk of crime and antisocial behaviour as a result of young people gathering outside of the unit late at night.
- Adverse impact to highway safety as a result of increase vehicle movements.

25. *Highway Authority* raises no objection to the application noting that the site benefits from adequate access and on site car parking provision.

INTERNAL CONSULTEE RESPONSES:

26. *Planning Policy* has confirmed that as the County Durham Plan has now been withdrawn, no weight can be attached to its policies.

27. *Noise Action Section* has no objection after the applicant confirmed the hours of operation and provided additional detail about the type of food to be prepared at the premises. This however, is subject to the inclusion of planning conditions restricting the hours of operation Sunday to Thursday 16:00 to 22:00 and Friday and Saturday between 16:00 to 23:00 and the submission of details of fume extraction (that accord with current DEFRA guidance on the control of odour and noise from commercial kitchen exhaust systems) for agreement by the Local Planning Authority prior to the commencement of the development.

PUBLIC RESPONSES:

28. The application has been publicised by way of site notice and individual notification letters to surrounding residents. 7 letters of objection have been received with one respondent also including a press cutting from a local newspaper dated 10 November 2015 which discusses the number of hot food takeaways within Shildon. The reasons for objection are summarised as follows;

- Oversupply of hot food takeaways within Shildon which has a total of 8.2% of all commercial units in an A5 Hot Food Takeaway use contrary to the aims of the emerging County Durham Plan that advises a threshold of 5%.
- Adverse impact upon Health as a further oversupply of A5 units in the area would have an adverse impact upon the health of residents, particularly children which would be exacerbated by the proximity of the unit to a primary school (within 400m) and adjacent to a local community centre.
- Adverse Impact to Residential Amenity from noise and odour from cooking activities which would affect the amenity of surrounding residents as would vibration from extraction equipment.
- The unit would create a focal point for youths to congregate which would likely give rise to crime and antisocial behaviour as evidenced by a similar existing takeaway at Coronation Terrace. This is also likely to cause noise disturbance to local residents during late night unsociable hours.
- The proposed use would create additional vehicle movements and congestion which would have an adverse impact upon both highway and pedestrian safety, particularly for users of the adjacent community centre. This would also result in increased disturbance to nearby residents given additional noise that would be generated.
- The proposed use would result in an increase in litter and vermin at the site that would adversely impact upon the appearance of the area and the amenity of local residents.
- The proposal would have an adverse impact upon those dwellings immediately opposite the site through loss of privacy.
- Concerns regarding the adverse impact that the proposed use would have on nearby property prices.

29. The Local Member, Councillor Stephens has raised objection to the application noting that takeaways should be located within town centres and not in predominantly residential estates where they would result in noise, fumes, disturbance to residents, additional traffic, antisocial behaviour and litter.

APPLICANTS STATEMENT:

30. The Jubilee Fields development has the potential to provide a cluster of outlets that could serve the immediate neighbourhood well and reduce traffic travelling to and from the town centre. Furthermore, such an outlet in operation will provide employment for the area. Although a particular tenant is yet to be confirmed, an operation of this type and size will likely require 3-4 employees during opening hours initially and, if popular, could rise to 5-7.

A noise and fume control strategy in respect of the Hot Food Takeaway unit has been dealt with under separately submitted supporting statements, and have been independently approved by Environmental Health via planning consultation process. The highways department have been consulted and predict that no issue regarding traffic or parking will occur as a result of the development, notably due to the ample parking to the front of the units.

We are aware that concerns have been raised with regard to anti-social behaviour and we cannot predict that a hot food takeaway in this location would generate such behaviour no more than if the unit were to remain dormant and attract vandalism and break-ins. However, it will be in the interest of the tenant to control behaviour outside the shop or risk deterring potential customers. Detailed discussions will be undertaken between the client and future tenants to ensure they are aware of their responsibilities in respect of this while operating the unit.

The applicant considers cleanliness a key part of any commercial operation, ensuring customers are attracted to their units in this manner. Therefore, strict rules will be imposed upon any future tenant contracts that the area to the street frontage will be de-littered during opening times as well as swept and cleaned on opening and closing to ensure the best hygiene and image is maintained. Furthermore, 1-2 refuse units will be located immediately adjacent the rear doors within the shared yard to the East and will only be put within the public domain on collection days. As the applicant owns the building, it is in their interests to maintain a clean operating stagey to ensure both units remain attractive letting ventures.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

31. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact of the proposal upon residential amenity, parking, access and highway safety.

The principle of development

32. The National Planning Policy Framework at Section 2 sets out a sequential approach to considering the location of developments for main town centre uses – including retail. It requires applications for main town centre uses to be located in town centres, then in

edge of centre locations and only if no suitable sites are available should out of centre locations be considered. However, at paragraph 26 the NPPF also states that the need for a sequential assessment is only applicable when the proposed floor space to be created exceeds 2,500m². In this regard the unit has a floor space of only 113m² and a sequential assessment was not required.

33. Policy H18 of the Sedgefield Borough Local Plan relates to acceptable uses in residential areas and these are listed. However it also states that applications for uses not falling within those specifically described in the policy would be acceptable where they would not significantly harm the living conditions of nearby residents, are appropriate in scale to the character of the area and comply with other policies of the plan.
34. The proposal relates to a change of use from A1 Retail to A5 Hot Food Takeaway and although not specifically listed in policy H18 can draw some support from it subject to detailed consideration of the impact of the proposal upon the living conditions of nearby residents and whether or not the proposal is of a scale in keeping with the character of the surrounding area.
35. The impact of the development upon residential amenity is considered in detail at paragraphs 39 to 47. However, the scale of the proposed use is limited and broadly in keeping with the 100sq m threshold for individual shops contained in policy H18. A small convenience facility of this nature is not uncommon within residential areas. The unit displays some detachment from the residential estate to the north being separated by Jubilee Road and is considered acceptable in principle.
36. Local residents and Shildon Town Council raise objection to the proposal suggesting that the development would add to an existing oversupply of A5 units within Shildon itself and highlight concerns that any addition to this oversupply would have an adverse impact upon public health, particularly children, given that the site is located within close proximity to a primary school to the north. In response, the applicant has amended the proposed opening hours to ensure that the unit would not be open during traditional school opening times.
37. In objecting the aims of policy 26 of the Emerging County Durham Plan are also referred to. This refers to a threshold of no more than 5% of units within town centres to be in an A5 use, and that no A5 uses should be permitted within 400 metres of a school or college building. However, the current development plan policies for the area are contained in the Sedgefield Borough Local Plan. The County Durham Plan was previously submitted for examination but has since been withdrawn and as a consequence no weight can be attached to these policies when determining this application.
38. Notwithstanding the above, it is noted that the 5% threshold previously contained within policy 26 of the Plan relates to town centres and the application site falls outside Shildon town centre as defined by the Local Plan. In addition, it would appear that the primary school to the north of the site is situated marginally in excess of 400 metres from the unit as stated in the policy.

Impact upon the residential amenity of surrounding residents

39. Policy D1 of the Sedgefield Borough Local Plan requires that new development display a comprehensive and co-ordinated approach which takes account of the sites natural and built features and its relationship to adjacent land uses and activities. Paragraph 123 of the NPPF requires that planning decisions should aim to mitigate and reduce to

a minimum, adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

40. Policy H18 relates to acceptable uses within residential areas and states that individual shops will normally be granted planning permission where they would not significantly harm the living conditions for nearby residents. Whilst not specifically relating to A5 Hot Food Takeaways this policy goes on to state that uses not listed in the policy itself will be considered acceptable where they do not significantly harm the living conditions of surrounding residents and are of a scale appropriate to the character of the surrounding area.
41. In this regard the nearest residential properties are located approximately 50 metres to the north of the unit on Jubilee Crescent and have principal elevations fronting the application site.
42. Surrounding residents and Shildon Town Council have raised objection to the application and consider that given the nature of the use and the hours of operation, the proposal would result in unacceptable disturbance from noise and odour, to the detriment of residential amenity and would also result in an increased risk of antisocial behaviour and crime arising from youths and young people congregating at the unit itself. Some residents also note that limited information was included with the application as regards to extraction and equipment and proposed opening hours.
43. At the request of the Local Planning Authority the applicant provided further clarification in this regard, confirming that hours of operation would be 16:00 to 22:00 Sunday to Thursday and 16:00 to 23:00 Friday to Saturday. In addition, further detail of the proposed extraction equipment was also provided. This would include an internal centrifugal fan that can be attenuated to ensure that external noise is minimal, and an odour neutralising unit to control odour dispersal. It is understood that the neutraliser is a bespoke unit specifically designed to neutralise odour arising from the type of food to be prepared at the unit. The Council's Noise Action Team has reviewed the additional information and offers no objection to the application subject to the inclusion of planning conditions restricting the hours of use and the submission, agreement and implementation of precise details in this regard. It is therefore considered that the proposal would not result in any unacceptable impact upon the amenity of surrounding users in terms of noise or odour.
44. Some resident's concerns about noise also extend to that arising from additional vehicle movements to and from the site. However, it is likely that any increase in this regard would be heard in the context of the existing use of the adjacent convenience store and an arterial estate road that provides a route between Spout Lane and Albert Street which is used by cars and a local bus service. In addition, the level of use proposed is likely to be comparable to that which would be generated through the permitted use of the site as a retail unit. Consequently, any increase in noise is likely to be limited and not sufficient in this instance to sustain refusal of the application.
45. As regards to antisocial behaviour, issues of this type are subject to primary legislation falling beyond planning control. However, it is accepted that in some cases small parades of shops can become a focal point where groups of young people may congregate. Whilst this can be intimidating, particularly for older residents, there is no evidence to suggest that a takeaway would be any more likely to generate behaviour of this nature than the permitted retail use. It is noted however that the site benefits from street lighting to its northern boundary and has an open aspect in the wider area that may help to deter behaviour of this nature. Despite the concerns raised it is not

considered that issues of antisocial behaviour and the fear of crime are sufficient to sustain refusal of the application.

46. One resident has cited a loss of privacy in objecting to the scheme. However, it is noted that no new openings or alterations to the external appearance of the building are proposed beyond those approved through previous planning permissions. In any event, given the single storey nature of the building and the separation distances achieved, there would not be any adverse impact to surrounding residential properties and the proposal would accord with saved policies D1 and H18 of the Sedgefield Borough Local Plan.
47. Subject to the conditions stated relating to hours of operation and submission and agreement of extraction equipment it is considered that the proposal would accord with the requirements of saved policies D1 and H18 of the Sedgefield Borough Local Plan as amended by Saved and Expired Policies September 2007.

Parking, Access and Highway Safety

48. Policy D3 of the Sedgefield Borough Local Plan requires that new development should make satisfactory provision for pedestrians, cyclists, public transport, cars and other vehicles. In addition, part 4 of the NPPF requires that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
49. Whilst it is anticipated that most users would visit the proposed takeaway on foot or by private vehicle, the site is located approximately 1 km from the commercial centre of Shildon and within 300 metres of two bus stops providing public transport links to the wider area.
50. The level of car parking provision and increased vehicle movements generated by the proposal have been raised by residents who are concerned that the amount of parking available at the site is not adequate and that the increase in vehicle movements would have an adverse impact upon pedestrian safety, particularly for users of the adjacent community centre.
51. Notwithstanding these concerns it is noted that site includes an area of existing car parking under the control of the applicant with approximately 22 spaces, including one disabled space that also serves the existing convenience store. In addition, this area forms part of a larger car park which also serves the adjacent community centre and cumulatively includes adequate space to serve both existing and proposed facilities. The Highway Authority raises no objection to the application with regard to access, vehicle movements or parking provision which is considered to accord with the requirements of Policy D3 of the Sedgefield Borough Local Plan and the aims of paragraph 34 of the NPPF in that it provides safe satisfactory means of access, manoeuvring, turning and parking space for the number and type of vehicles using the development.

Other Matters

52. Some residents have raised objection to the application suggesting that there would be an increase in instances of litter in the locality as a result of the proposal. Whilst this is not a material planning consideration in determination of the application, the applicant has nevertheless confirmed intention to include a requirement in any lease for future

tenants to undertake regular de-littering of the shop frontage during opening times and adequate bins within the unit to service any need generated, which is welcomed.

53. Concern regarding the devaluation of surrounding residential properties is also not a material planning consideration to which any weight can be attached in determination of this planning application.
54. Residents have also noted ongoing non-compliance with condition 4 of Planning Permission DM/15/00072/VOC restricting delivery times at the convenience store. This condition restricts deliveries prior to 09:00 and after 18:00 Monday to Saturday and no deliveries on Sundays or Bank and Public Holidays. The Local Planning Authority has raised this issue with the operator (who was not aware of the condition having leased the unit from the applicant) who has altered agreements with suppliers to ensure that deliveries by larger vehicles are not received prior to 9:00 as required by condition. However, it noted that deliveries by small/medium vehicles such as bread and newspapers are still required to be received prior to 08:00 and as such application is to be made to alter the requirements of this condition. Interested parties will be given the opportunity to comment upon receipt of the application.

CONCLUSION

55. The proposal relates to the change of use of a vacant unit within a larger building to A5 hot food takeaway. Although the unit benefits from planning permission for A1 retail use this has not been taken up and the floor space was last used as part of a training facility.
56. Policy H18 of the Sedgefield Borough Local Plan provides in principle support for convenience style uses within residential areas where they would not adversely impact upon the living conditions of surrounding residents and would be of a scale in keeping with the character of the surrounding area. This approach is considered to accord with the aims of the NPPF, particularly paragraph 215 which requires that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.
57. The impact of the development upon the amenity of surrounding residents and highway safety has been taken into account together with all other material relevant planning considerations. In this regard it is considered the proposal could be satisfactorily accommodated at the site subject to conditions to control opening hours and the agreement, implementation and use of appropriate extraction equipment. Subject to these conditions the proposal would accord with the requirements of policies D1, D3 and H18 of the Sedgefield Borough Local Plan as amended by Saved and Expired Policies September 2015 and the general aims of parts 1, 2, 4, 7, 8, 11 of the NPPF.
58. All representations have been carefully considered, however when taking all matters into account, there have not been any adverse impacts identified to outweigh the presumption in favour of granting planning permission in this case. The proposal is therefore recommended for approval.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Drawing No.	Description	Date Received
C-100	Site Location Plan	13/05/2015
C-102	Proposed Floor and Site Plan	
C-103	Proposed Extraction Location Plan	

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. No development shall commence until details of the fume extraction equipment that accords with the current DEFRA guidance on the control of odour and noise from a commercial kitchen exhaust systems has been submitted to, and agreed in writing by, the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved details, prior to the first preparation of food at the unit and at all times when cooking is being carried out on the premises.

Reason: In the interests of the amenity of nearby users in accordance with policies D1 and H18 of the Sedgfield Borough Local Plan as amended by Saved and Expired Policies September 2007 and paragraph 123 of the NPPF.

4. The premises shall not be open to customers outside the hours of 16:00 to 22:00 Sunday to Thursday or 16:00 to 23:00 Friday and Saturday inclusive of bank or public holidays.

Reason: In the interests of the amenity of nearby users in accordance with policies D1 and H18 of the Sedgfield Borough Local Plan as amended by Saved and Expired Policies September 2007 and paragraph 123 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)


National Planning Practice Guidance Notes

Sedgfield Borough Local Plan 2007

The County Durham Plan (Submission Draft)

Statutory, internal and public consultation responses



 <p>Durham County Council</p> <p>Planning Services</p>	<p>Change of use from Retail (A1) to Hot Food Takeaway (A5)</p>	
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	<p>Date 11 January 2016</p>	

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/03207/FPA
FULL APPLICATION DESCRIPTION:	Change of use from Car Show Room (Use Class Sui Generis) to Office Accommodation (B1) Retail (A1) and Coffee Shop (A3)
NAME OF APPLICANT:	Mr Simon Davies, Crafters Companion, Collingwood House, Collingwood Street, Bishop Auckland, County Durham.
ADDRESS:	Bridge Garage, Horndale Avenue, Aycliffe Business Park, Newton Aycliffe
ELECTORAL DIVISION:	Aycliffe East
CASE OFFICER:	Paul Hopper (Planning Officer) Tel: 03000 263 946 Email: paul.hopper@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application relates to the former Bridge Garage, Newton Aycliffe situated off Horndale Avenue, Aycliffe Business Park. The site is currently vacant and was last occupied as a car sales showroom with associated workshop and office accommodation. One large building remains in situ at the site which has a floor space of approximately 1162sq m including a mezzanine to the first floor. This is finished in a mix of glazing and grey cladding with a mono pitched roof.
2. The building sits within an extensive area of hardstanding and is bordered to the north by a warehousing and distribution facility, to the south by Horndale Avenue and to the east by a vehicle repair garage. An area of soft landscaping including mature tree planting is located to the west of the site. The site has an open aspect to Horndale Avenue and is delineated by palisade securing fencing to the northern and western boundaries.
3. Vehicular access to the site is taken primarily from Horndale Avenue to the south although a secondary access is available from Jowett Way to the north.

The Proposal

4. Planning permission is sought for the change of use of the existing building on the site, from car sales showroom to a mixed use comprising office accommodation with ancillary retail/demonstration space and ancillary coffee shop.

5. The applicant is a successful internet based supplier of hand and paper craft equipment currently based at Coundon, and also has storage facilities in Spennymoor and in California in the USA.
6. The business has outgrown its current premises and is looking for a larger base from which to run its international operations whilst also offering some onsite retail space and an associated area for product demonstration. It is therefore proposed to utilise the new building to provide approximately 603sq m of office space, 500sq m of retail/demonstration space and a 59sq m coffee shop. It is anticipated that the use would create an additional 51 full time and 6 part time positions, together with the relocation of 23 posts from the existing operation at Coundon which is to be closed.
7. The external appearance of the building would remain unaltered as part of the proposal although some external signage is anticipated (not part of the current application). Vehicular access would remain unchanged and would be taken from Horndale Avenue serving an area of car parking which would be accommodated on existing hardstanding.
8. This application is being reported to Planning Committee in accordance with the Council's Scheme of Delegation as it relates to development where the floor space is 1000sq m (gross) or more.

PLANNING HISTORY

9. The application site has previously received planning permissions relating to the demolition of existing workshops and their replacement with new structures, in addition to extensions to previous forecourt arrangements.

PLANNING POLICY

NATIONAL POLICY

10. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent.
10. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'. The following elements of the NPPF are considered relevant to this proposal;
11. *NPPF Part 1 Building a Strong, Competitive Economy*: The Government is committed to ensuring the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.
12. *NPPF Part 2 Ensuring the Vitality and Viability of Town Centres*: Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up to date Local Plan. They should require applications for main town centre uses to be located in

town centres, then in edge of centre locations and only suitable sites are not available should out of centre uses sites be considered.

13. *NPPF Part 4 Promoting Sustainable Transport*: Transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. Smarter use of technologies can reduce the need to travel. The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
14. *NPPF Part 7 Requiring Good Design*: The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
15. *NPPF Part 11 Conserving and Enhancing the Natural Environment*: Planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.

LOCAL PLAN POLICY:

16. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
17. *Policy D1 - General Principles for the Layout and Design of New Developments* - requires the layout and design of all new developments to take account of the site's relationship to the adjacent land uses and activities.
18. *Policy D3 - Design for Access* - seeks to ensure new development makes satisfactory provision for all road users and pedestrians.
19. *Policy D4 – Layout and Design of New Industrial and Business Development* – states that the layout and design of all new industrial and business development will normally be expected to have a standard of building design appropriate to the type of estate upon which the proposal is located, accommodate traffic generated by the development without causing danger or inconvenience to other road users, have an appropriate standard of landscaping, including screening of open storage areas, and have regard to policies D1, D2 and D3 of the Plan.
20. *Policy IB1 – Types of Industry and Business Areas* – states that the Council will normally approve planning applications that maintain in appropriate locations a range of land available for industry and business comprising the following types of sites (prestige business areas, general industrial areas, local industrial areas and business areas). Proposals that assist the regeneration of existing industry and business will be encouraged.
21. *Policy IB2 – Designation of Type of Industrial Estates* – designates this part of Aycliffe Business Park as a General Industrial Area.

22. *Policy IB6 – Acceptable uses within General Industrial Areas* – states that business, general industrial and warehousing uses will normally be considered acceptable in such areas as would retail warehouses, premises for the sale of vehicles and vehicle parts and lorry parking provided the development does not lead to such areas forming more than a small part of the total estate area, existing uses of adjoining land being adversely affected and a loss of environmental quality on the estate. Planning permission will normally be refused for large food retail units and scrapyards and car breaking yards and development proposals for other uses will be decided taking account of the purpose of general industrial areas as set out under policy IB1.
23. *Policy S1 – Town Centre Developments* – seeks to protect and promote existing commercial town centres through granting planning permission for further shopping, office, leisure, recreation and community developments of an appropriate scale within or on the edge of the town centre and by granting planning permission that leads to the improvement of town centres through the redevelopment, conversion or modernisation of the buildings, environmental improvements and improvements to access, traffic circulation, public transport infrastructure and parking arrangements.

EMERGING COUNTY DURHAM PLAN:

The County Durham Plan

24. In considering this proposal due regard should be had to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act (2004) which requires that proposals be determined in accordance with the statutory development plan, unless other material considerations indicate otherwise. In respect to this part of County Durham the statutory development plan currently comprises the 'saved' elements of the Sedgefield Borough Local Plan that are consistent with the National Planning Policy Framework (NPPF). Due regard should also be had to relevant parts of the National Planning Policy Framework (NPPF) and national Planning Practice Guidance (PPG) as a material consideration. In conjunction with these material considerations regard should also continue to be had to the most up to date relevant evidence base.
25. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP from examination. In the light of this, policies of the CDP can no longer carry any weight at the present time.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

26. *Great Aycliffe Town Council* has no comment to make on the application.

27. *Highway Authority* notes that the proposal incorporates twice the level of on-site car parking provision that would normally be permitted had this been a new build proposal but raises no objection to the application.
28. *Northumbrian Water Limited* has no objection to the application.

INTERNAL CONSULTEE RESPONSES:

29. *Planning Policy Section* notes that the proposal comprises a retail unit and coffee shop as well as B1 office use in what is an out of town centre location and that as such the applicant has considered more central locations through a sequential assessment submitted in support of the application. The development will provide economic and social benefits in terms of its contribution to the local economy as well as employment given the predicted growth potential and employment creation and that it would also make use of an existing site which has already fallen out of general industrial use. As such no objection is offered.
30. *Noise Action Section* has no objection to the application.
31. *Business Durham* notes that the business is a local family company with its headquarters in Coundon and it is important to retain the business within the County.

PUBLIC RESPONSES:

32. The application has been publicised by way of site notice, individual notification letters to neighbouring industrial units and local press advertisement. No representations have been received as a result of this process.

APPLICANTS STATEMENT:

33. The business was formed in October 2005 and is presently based in Coundon, Bishop Auckland DL14 8LG. The current Head Office is 3000 ft² with 23 permanent staff, there is also a separate 26000 ft² warehouse in Spennymoor DL16 6JB with 12 staff. There is also a US business, CC International, formed in 2007 and based in 17000 ft² premises in California.
34. Growth of the business is expected to triple within the next 5 years & 5 to 6 times within the next 10 years. The current Coundon Head Office is already at capacity and is not capable of accommodating the expected growth in business & associated staffing needs. Unit 1, Horndale Avenue will allow Crafters Companion to expand the staff as necessary to accommodate the expected business for at least the next 10 years. It is only 7 miles from their current location and also only 10 minutes from the warehouse so existing staff should be retained & links with the warehouse also maintained.
35. Crafters Companion also see a national opportunity to open a number of large craft retail warehouses, and believe there is a significant gap in the market for this kind of offer & anticipate 23-30 new stores nationally, with Unit 2, adjacent to the proposed Head Office being the first site. The proposal is to create a 6000 ft² retail environment & offer 8-10000 products over a wide craft portfolio. Intrinsic to the model will be regular education & demonstration events that will be held most days, creating an additional draw for customers to travel from an expected radius of 50 to 60 miles. Furthermore, Unit 2 offers a significant parking opportunity which they believe is a core requirement for their customer demographic.
36. The retail roll out is a significant part of Crafter's Companion's planned business growth over the next 10 years, so co-locating the first flagship store with the Head Office is

believed to offer the best chance of success. Additionally, the combined 1400 ft² head office and flagship retail site will give a strong aspirational impression allowing them to attract & relocate staff providing business security and ensuring suppliers will want to work with them. The Crafter's Companion brand is intrinsically linked with the North East & this specific area, and it is believed that this venture only adds weight to the notion of a family company from the North East with a global reach & will be creating local employment opportunities to realise their goals.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

37. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development, the impact on Newton Aycliffe town centre, the aims of the Council's employment strategy, the amenity of adjoining users and issues of parking, access and highway safety.

The principle of development

38. The application relates to an existing building located within Aycliffe Business Park which is allocated for general industrial use through policy IB2 of the Sedgefield Borough Local Plan. Policy IB6 of the Plan states that in such areas business, general industry and warehousing uses are considered acceptable and that proposals for other uses will be considered taking account of the purpose of general industrial areas as set out in Policy IB1 of the Plan which seeks to support the development of a wide range of industrial activities and maintain an adequate supply of land available for industrial and business to be provided. The Local Plan states that other activities not falling within general industry, business or warehousing will only be considered acceptable where they are clearly complimentary to the main uses in terms of their size and functional relationship in providing service to existing business and employees already on the estate.

39. This approach is considered to display broad accordance with the overarching principles and aims of the NPPF which seeks to deliver sustainable development in sustainable locations, supporting new development which would assist in building a strong, competitive economy.

40. Whilst the proposal relates to a mixed use development which includes some retail/demonstration space and cafe, these non-industrial uses would be directly related to the principal B1 use of the site as an operational base and headquarters for an internet based paper and hand craft company that would create 51 full time employment positions and 6 part time posts. As such the principle of development is considered acceptable subject to appropriate consideration of the impact of the proposal upon the viability and vitality of the Aycliffe town centre, the Council's employment strategy and other material planning considerations.

The impact upon the Council's Employment Strategy

41. The site falls within an existing employment allocation on which policy IB6 seeks to encourage general industrial (B1), business (B2) and warehouse uses (B8) although it was last used as a car sales showroom (Sui Generis).

42. The B1 office element of this proposal represents a use specifically permitted through policy IB6 of the Local Plan and is therefore acceptable as it would both secure existing jobs within the County and create new employment opportunities fuelling economic growth in accordance with paragraphs 18 to 21 of the NPPF.
43. With regard to the proposed retail use, this would normally be considered contrary to the general aims of policy IB6 of the Local Plan although it is noted that recent Planning Practice Guidance suggests a more flexible approach to uses on employment sites in recognition of the diverse nature of employment generating uses. As the building was previously occupied by a non-industrial use prior to being vacated for a number of years the proposal would not diminish the availability of employment land in the locality. In addition, the non-industrial elements proposed would be directly linked to, and associated with, the principal B1 use of the site as office accommodation and would both create and safeguard employment posts.
44. The café would be of limited scale and available for use by visitors to the retail/demonstration area and as such is unlikely to become a destination in its own right.
45. The Council's Spatial Policy Section has been consulted and offers no objection to the application, as has Business Durham which supports the proposal noting the importance of retaining a local and successful business within the County. It is therefore considered the proposal would not undermine the primary objective of Aycliffe Business Park as an employment centre and would accord with the recent guidance for greater flexibility on employment sites.

The impact of the proposal upon the vitality and viability of Newton Aycliffe town centre

46. Retail uses and cafes are considered town centre uses by the National Planning Policy Framework and the application site occupies an out of centre position to the south of the commercial centre of Newton Aycliffe. Policy S1 of the Sedgfield Borough Local Plan seeks to guide retail and office development to existing town centres first before edge of centre and out of centre locations are considered, in order to protect their roles as retail centres. This approach is consistent with the NPPF which recognises town centres as the heart of their communities and includes a requirement that a sequential approach should be applied to planning applications for main town centre uses that are not in an existing centre.
47. The applicant has therefore undertaken a sequential assessment which identifies one available unit within Newton Aycliffe town centre and 6 units located within Aycliffe Business Park. Given the nature of the mixed use proposed it is unlikely that these would be of adequate size to accommodate the current proposal. In this regard the conclusions of the sequential assessment, that none of the identified sites could be considered preferable to the application site in terms of suitability or viability, are accepted.
48. The applicant has demonstrated, to an adequate degree that no alternative town centre units are available in accordance with the requirements of the NPPF and as such it is considered that the proposal would not have any adverse impact upon the vitality and viability of Newton Aycliffe town centre in accordance with the aims of Part 2 of the NPPF.

Impact upon adjoining users

49. Policy D1 of the Sedgefield Borough Local Plan requires that new development display a comprehensive and co-ordinated approach which takes account of the sites natural and built features and its relationship to adjacent land uses and activities. Paragraph 123 of the NPPF requires that planning decisions should aim to mitigate and reduce to adverse impacts on health and quality of life arising from noise from new development to a minimum, including through the use of conditions.
50. The application site occupies a position within Aycliffe Business Park and is surrounded by industrial premises to the north, south and east including a distribution centre and vehicle repair garage. The nearest residential properties are located at a distance of around 210 metres to the north at Finchale Road.
51. As the proposal involves the re use of a currently vacant unit, some increase to existing noise levels can be expected. However, any increase in this regard would be limited given the nature of the proposed use and would be heard in the context of an existing and well established industrial area that already contains a range of industrial uses including manufacturing. The Council's Noise Action Team has been consulted and do not raise any objection to the application which accords with the aims of policy D1 of the Sedgefield Borough Local Plan and paragraph 123 of the NPPF.

Parking, Access and Highway Safety

52. Policy D3 of the Sedgefield Borough Local Plan requires that new development should make satisfactory provision for pedestrians, cyclists, public transport, cars and other vehicles. In addition, part 4 of the NPPF requires that plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
53. The site is located approximately 1.2 km from Newton Aycliffe town centre and within 320 metres of two bus stops providing links to the wider area and as such is relatively well served by public transport. It also includes areas of existing hardstanding to the south and west which the applicant intends to use to provide on-site car parking for staff and visitors to be served by the existing access. Whilst the precise details of the layout and surface finish of the proposed parking provision is not included with the application, further detail in this regard can appropriately be required through planning condition, as can its implementation prior to the first use of the building. Despite the lack of detail in this regard the site is nevertheless considered to be of adequate size to accommodate sufficient parking provision.
54. The Highway Authority raises no objection to the application and subject to the conditions described the proposal is considered to accord with the requirements of Policy D3 of the Sedgefield Borough Local Plan and aims of paragraph 34 of the NPPF.

CONCLUSION

55. The development involves the change of use of a vacant existing building on Aycliffe Business Park for mix use purposes.
56. In terms of the proposed retail elements the application has been informed by a sequential assessment which demonstrates that no alternative sites are available within

the existing town centre in accordance with guidance contained within the NPPF and as such an out-of-centre location is considered acceptable in this instance.

57. In other respects the proposal would result in the reuse of a building located within an existing and well established industrial area that was last used for non-industrial purposes. As such the proposal, which primarily relates to office accommodation (B1), would not result in any net reduction in the number of industrial units available within the locality and would not have any significant adverse impact upon the Council's Employment Strategy outlined by policies IB2 and IB6 of the Sedgfield Borough Local Plan.
58. From a detailed perspective the proposed change of use can be satisfactorily accommodated at the site and would not have any adverse impact upon the amenity of adjoining users or highway safety in accordance with policies D1 and D3 of the Sedgfield Borough Local Plan.

RECOMMENDATION

That the application be **APPROVED** subject to the following conditions:

1. The development hereby approved shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

Drawing No.	Description	Date Received
6833_01	Location Plan	15/10/2015
6833_02 REV A	Proposed Floor Plans	14/11/2015

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Notwithstanding the information submitted with the application the combined area of the A1 retail/demonstration and A3 café uses as shown on approved drawing No. 6833_02 REV A 'Proposed Floor Plans' received 14 November 2015 shall operate in association with the B1 use of the site and not exceed a floor space of 559sq m.

Reason: In the interests of the amenity of adjoining users and to protect the viability and vitality of Newton Aycliffe town centre in accordance with part 2 of National Planning Policy Framework.

4. Prior to the occupation of the premises for the use hereby approved details of the proposed car parking provision including layout, number of spaces and surface treatment shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the agreed details. Thereafter the car parking shall be used and maintained in such a manner as to ensure their availability at all times for the parking of vehicles.

Reason: In the interests of highway safety and to encourage sustainable means of transport in accordance with the requirements of the policy D1 of the Sedgfield Borough Local Plan and the National Planning Policy Framework.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND PAPERS

Submitted application form, plans supporting documents and subsequent information provided by the applicant.

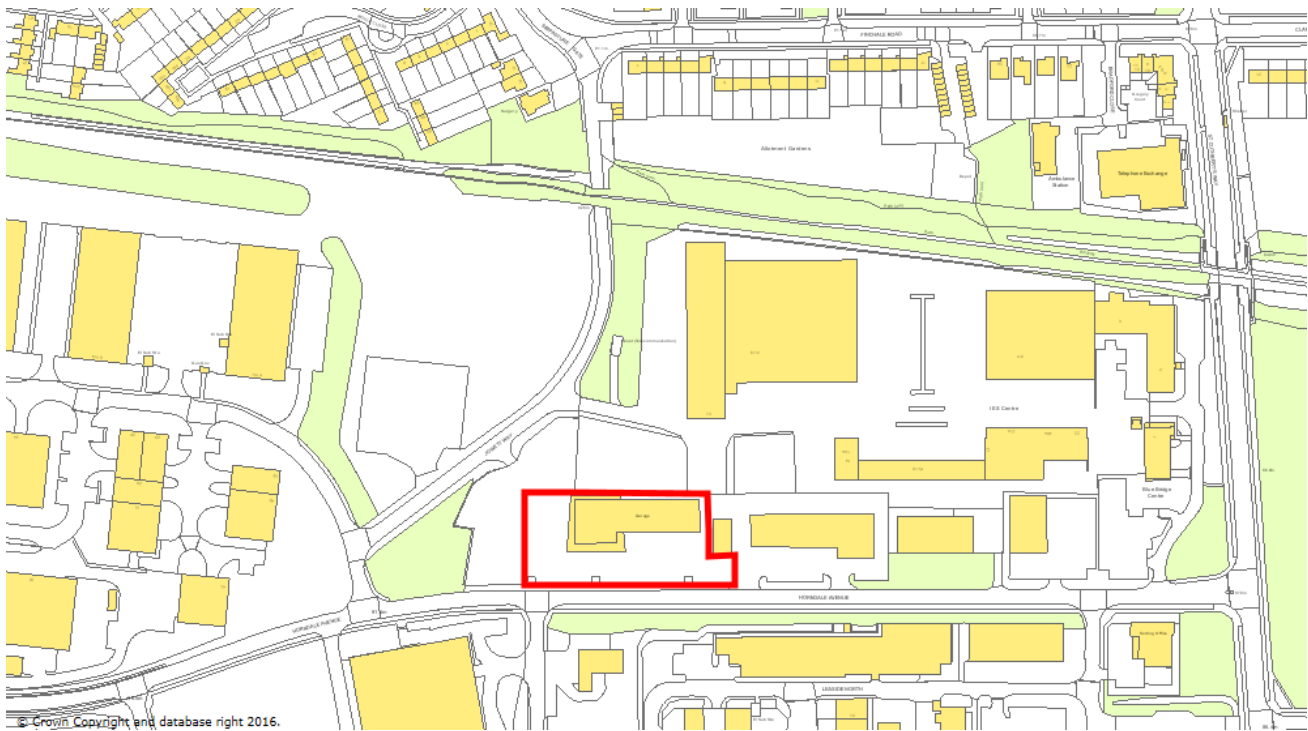
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Statutory, internal and public consultation responses



Planning Services

Change of use from car sales showroom
(Use Class Sui Generis) to Office
Accommodation (B1) Retail (A1) and Coffee
Shop (A3)

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Comments

Date 11 January 2016

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