

# COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION NO:** 7/2011/0507/DM  
**FULL APPLICATION DESCRIPTION:** Change of use from industrial to indoor sport and leisure  
**NAME OF APPLICANT:** Mr Dan Lewis  
**ADDRESS:** Former Thrislington Partitions Building, Durham Way  
South, Aycliffe Industrial Park, Newton Aycliffe, County  
Durham  
**ELECTORAL DIVISION:** Aycliffe East  
**CASE OFFICER:** David Gibson, Planning Officer  
03000 261057, [david.gibson@durham.gov.uk](mailto:david.gibson@durham.gov.uk)

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### DESCRIPTION OF THE SITE AND PROPOSALS

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#### Site

1. The application site is located within the Aycliffe Industrial Park, which is situated on the south-eastern edge of Newton Aycliffe. The site is surrounded by industrial units of varying sizes and uses. The site consists of a single industrial unit with car parking for 40 cars. The site is currently vacant and the applicant has stated that he has an option to lease this unit, if planning approval were to be granted.

#### Proposals

2. The applicant seeks planning permission for the change of use the existing 7765sqm industrial building to an indoor leisure use focusing on 5 a side football, and for planning purposes, falls within Class D2 of the Use Classes Order, which covers such uses as cinemas, concert halls, skating rinks and gymnasiums. A small café area, changing facilities, meeting rooms and weight rooms take up about a third of the building. This accommodation would all be located on the ground floor.
3. The application is reported to committee as the proposal constitutes major development and represents a departure from the development plan.

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### PLANNING HISTORY

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4. There is no relevant planning history for the application site.

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### PLANNING POLICY

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#### NATIONAL POLICY

5. *Planning Policy Statement 1 (PPS1): Delivering Sustainable Development and Climate Change* sets out the Government's overarching planning policies on the

delivery of sustainable development through the planning system. The key principles including ensuring high quality development through good and inclusive design, and efficient use of resources.

6. *Planning Policy Statement 4 (PPS4): Planning for Sustainable Economic Growth* sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.
7. *Planning Policy Guidance note 13 (PPG13): Transport* sets out the objectives to integrate planning and transport at the national, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.
8. The Government has recently published its draft National Planning Policy Framework (NPPF), which seeks to provide a consolidated and shorter framework of national policies covering much the same issues as currently found in Planning Policy Statements and Guidance Notes. Since the document is only in draft at this time, it can be afforded little weight; however, it is of note that the thrust of the framework insofar as it relates to business and economic development, is that to achieve sustainable economic growth, the Government's key objective is, amongst other things, to promote the vitality and viability of town centres, and meet the needs of consumers for high quality and accessible leisure and retail services.

## **REGIONAL PLANNING POLICY**

9. The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021. In July 2010, however, the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can be attached to this intention.
10. The RSS sets out the region's housing provision and the priorities in economic development, retail growth, transport investment, the environment, minerals and waste treatment and disposal. Some policies have an end date of 2021 but the overall vision, strategy, and general policies will guide development over a longer timescale. The following policies are considered relevant:
  11. *Policy 2 (Sustainable development)* requires new development proposals to meet the aim of promoting sustainable patterns of development.
  12. *Policy 24 (Delivering Sustainable Communities)* sets out criteria for the assessment of land suitability of development having regard to locational factors and sustainability.
  13. *Policy 27 (Out-of-Centre Leisure Developments)* states that new out-of-centre leisure developments need to be considered and justified through the sequential approach and locational strategy to ensure developments are of an appropriate scale in relation to nearby settlements, and should not make provision for new out-of-centre leisure developments unless there are demonstrable benefits that would contribute to the sustainable growth of the local economy.

14. *Policy 54 (Parking and Travel Plans)* seeks to minimise parking provision for non-residential development and ensure travel plans are prepared for major developments.

#### **LOCAL PLAN POLICY:**

15. *Policy IB1 (Type of Industry and Business Areas)* states that the Council will normally approved development that maintain in appropriate locations a range of land available for industry and business.

16. *Policy IB2 (Designation of Type of Industrial Estate)* designates existing industrial estates as prestige business parks, general industrial areas or local industrial areas.

17. *Policy IB6 (Acceptable Uses in General Industrial Areas)* sets out that business, general industry and warehousing uses will normally be permitted in designated industrial areas, and that large food retail units will normally be refused, having regard to the purpose of the industrial area as set out under Policy IB1.

18. *Policy S1 (Promotion and Protection of the Role of Town Centres)* states that the role of the boroughs main town centres in Newton Aycliffe, Spennymoor, Ferryhill and Shildon as district shopping centres will be promoted and protected and will provide the aim locations for major retail developments.

19. *Policy D1 (General Principles for the Layout and Design of New Developments)* sets out several key principles for the layout and design of new developments.

20. *Policy D2 (Design for People)* requires developments to take account of personal safety and security of property, access needs of users and provision of appropriate facilities such as toilets, baby changing facilities, public seating etc.

21. *Policy D3 (Designed with pedestrians, cyclists, public transport)* aims to ensure that new developments are accessible and safe for pedestrians, cyclists, public transport, cars and other vehicles.

22. A number of other documents at a local level are considered relevant to the consideration of the proposals, and these include: County Durham Plan, Core Strategy Issues and Options (2010); Core Strategy Policy Direction (2011); County Durham Open Space Needs Assessment (2010); and, Durham Employment Land Review (2011).

*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://www2.sedgefield.gov.uk/planning/SBCindex.htm>*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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#### **STATUTORY RESPONSES:**

23. *Great Aycliffe Town Council* has no objections to the proposal.

24. *The Highway Authority* considers the proposals to be acceptable in highway terms. The site and building would appear to be able to accommodate the proposed sport and leisure facility with little or no detrimental impact on the adjacent public highway. The 40 no. car parking spaces, 5 no. disabled persons car parking spaces and 5 no. cycle parking spaces would be deemed to be an acceptable level of provision for a facility of this size.

## **INTERNAL CONSULTEE RESPONSES:**

25. *The Pollution Control Team* has no adverse comments to make on the proposals.
26. *The Planning Policy Section* notes that the sequential test that has been carried out identifying that no other alternative buildings / sites are currently available to meet the functional requirements of this particular proposal. Regarding local economy and health benefits the proposal would provide a service which appears to be poorly represented elsewhere across the town therefore potential benefits from the scheme are significant and similar town centre enterprises would not be impacted.

## **PUBLIC RESPONSES:**

27. The application has been advertised by way of both press and site notices and by letter to surrounding industrial units. No comments have been received.

## **APPLICANTS STATEMENT:**

28. The proposed development fully satisfies the sequential test in PPS4 Policy EC15. No alternative sites or premises in these centres are available, suitable and viable for the size and type of small leisure unit proposed. The vacant premises that are available in the centres could not accommodate the scale of development proposed in this scheme on one level as required.
29. There would not be an adverse impact on the viability and vitality of the town centre or the local centres. The scale of the development proposed is appropriate to the catchment area and to the particular site requirements.

*The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file.*

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## **PLANNING CONSIDERATIONS AND ASSESSMENT**

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30. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the schemes compliance with national policy in terms of sequential site assessment and wider town centre impacts, the loss of employment land, the sites sustainability, whether there would be detriment to highway safety or neighbouring land uses, and the community/economic benefits.

### Principle of development

31. As previously mentioned this planning application needs to be assessed against the provisions of the Development Plan and other 'material considerations'. In this instance, the Development Plan constitutes the saved policies of the Sedgfield Borough Local Plan and for the time being, the Regional Spatial Strategy for the North East. Other material planning considerations include PPS1: Delivering Sustainable Development, PPS4: Planning for Sustainable Economic Growth and PPG13: Transport
32. Policy IB2 of the Local Plan identifies Aycliffe Industrial Park as a general industrial estate. Local Plan Policy IB6 seeks to ensure that new development within Aycliffe

Industrial Park is within use classes B1, B2 and B8. The objective of general industrial estates is to support a wide range of industrial activities (uses falling within classes B1, B2 and B8) and other activities are only generally permitted where they are clearly complementary to the main uses in terms of their size and functional relationship in providing a service to existing businesses and employees already on the estate. This proposal would result in the creation of a non-class B use within Aycliffe Industrial Park, which has been designated in the Local Plan as a key employment area. The proposed leisure use is therefore a departure from the Local Plan.

33. However, more up-to-date development plan policy is contained within RSS, and Policy 27 in particular, which provides detailed criteria for the assessment of economic development proposals. It states that new out-of-centre leisure developments need to be considered and justified through the sequential approach and locational strategy to ensure developments are of an appropriate scale in relation to nearby settlements, and should not make provision for new out-of-centre leisure developments unless there are demonstrable benefits that would contribute to the sustainable growth of the local economy.
34. It is widely accepted that the manufacturing industry within the UK is in decline, and demand for industrial accommodation in the North East of England is currently low. This is highlighted by the slow take up rates of the undeveloped industrial land at Aycliffe Industrial Park. This demonstrates that uses away from the manufacturing sector (which are normally associated with industrial estates) must be considered as a way of regenerating and bringing empty land and buildings into active use.

#### *Sequential assessment*

35. PPS4 states that leisure and entertainment facilities, as proposed in this case, are town centre uses. Government guidance seeks to direct leisure and entertainment facilities to sites located within existing centres, with the aim of offering a wide range of services to communities in an attractive and safe environment, remedying deficiencies in provision and directing development into areas which can be easily accessed by a variety of transport modes.
36. As such, PPS4 requires all options in the town centre to be thoroughly assessed before less central sites are considered. Policy EC17 of PPS4 states that planning applications for main town centres uses that are not in an existing centre and not in accordance with an up to date development plan should be refused planning permission where the applicant has not demonstrated compliance with the requirements the sequential approach (Policy EC15); or there is clear evidence that the proposal is likely to lead to significant adverse impacts in terms of any one of impacts set out in policies EC10.2 and 16.1 (the impact assessment), taking account of the likely cumulative effect of recent permissions, developments under construction and completed developments.
37. The sequential test carried out by the applicant in support of this application considered various sites in and around Newton Aycliffe, Shildon, Durham, Darlington, Woodham and Rushyford. The particular characteristics of the use proposed are such that it requires an extremely large floor space of between 7,000 and 9,000 sq metres, which is not easily disaggregated, together with a large car parking area. Having considered the submitted sequential test and from consideration of a previous leisure use application within Aycliffe Industrial Park, it is apparent that at this time there are no suitable, available or viable alternative sites either within in any of the local town centres or within any edge-of-centre locations that are capable of accommodating a development proposal of this size or nature.

### *Impact assessment*

38. It is considered that the preferred location of this development would be in a town centre where this would help support the range of existing retail and other town centre uses. Policy S1 of the Local Plan states that the role of the former boroughs main town centres, including Newton Aycliffe, will be promoted and protected and that major retail and other town centre uses, such as the proposal, should be directed towards main town centres.
39. The more up-to-date PPS4 Policy EC16 requires that applications for main town centre uses that are not located within a centre and are not in accordance with an up-to-date development plan are assessed against various impacts such as vitality and viability of town centres and impacts of the proposal on in centre trade. Significant levels of trade diversion from a centre can seriously undermine its vitality and viability resulting in reduced footfalls and increased vacancies of units. PPS4 Policy EC17 requires an assessment of the impacts listed in Policy EC16.
40. As identified in the submitted statement accompanying the application, the surrounding town centres do not currently offer a similar facility that this development would compete with. It is therefore considered that the proposed development would be unlikely to have a demonstrable harmful effect on the vitality and viability of surrounding town centres that would justify refusal of the permission on these grounds, in the same way that out of town retailing might result in some trade diversion from town centres. It is considered that the development would not pull trade from these town centres as the proposed users for this development would generally have to travel outside of the area to use a service such as this. It is therefore considered that the development is in accordance with Policies EC15, EC16 and EC17 of PPS4.
41. Across the county and further afield across the north east, these types of facilities are prevalent within industrial estates. Most notably, "Soccarena" is located within the Dragonville Industrial Estate on the outskirts of Durham City, whilst "Soccer Sensations" is located within Bowesfield Industrial Estate outside of Stockton Town Centre and "Goals" is located on former railway sidings outside of Middlesbrough Town Centre.
42. Although this particular use is considered acceptable due to its specific circumstances in terms of the likelihood of limited trade diversion impacts and that the specific use is not easily disaggregated, other uses within the D2 use class would not necessarily be considered acceptable. For this reason, if Members are minded to approve the application, it would be appropriate to condition any planning permission specifically to a five-a-side football facility. This would help to protect the vitality and viability of the town centre from uses which might otherwise divert trade, and would help with the broader regeneration aims of Durham County Council by removing the ability to open such uses as a cinema, a bingo hall or skating rink outside of the town centre without specific justification.

### Sustainability

43. Compared to a town centre location this site is considered to perform poorly in sustainability terms. Although a number of bus routes serve Aycliffe Industrial Park, the timing of these services are infrequent with provision currently limited so that staff or visitors travelling to and from the premises are likely to be heavily reliant on the

private car, particularly on evenings and weekends when the facilities are likely to be most heavily used. More frequent bus services currently operate via Aycliffe village which is approximately 600m walking distance from the application site.

44. The Government is seeking to reduce the need to travel, reduce the number of car journeys and to encourage the use of public transport and reduce the reliance on private car use. It is also a key aim of the Government to facilitate multipurpose journeys and to ensure that everyone has access to a range of facilities.
45. Aycliffe Industrial Park employs a large number of people and it is envisaged that this use could provide a valuable service for the people employed in the area. It is within walking distance or a short car journey from thousands of people who would otherwise have to drive into the town centre on a lunch time or after work to play five-a-side football or use the gym. This development would therefore reduce the number of car journeys.
46. In accordance with Policy 54 of the RSS, in order to improve the sustainability credentials of this proposal further, a planning condition should be attached requiring the applicant to formulate a Green Travel Plan for the business prior to the commencement of use which would improve accessibility to and from the site and promote access via a range of transport modes. The Green Travel Plan would be likely to encourage car sharing and may, for instance, include other measures including the potential provision of a bus shuttle service between the site and adjacent areas. The content of the Green Travel Plan would need to be discussed in detail with the applicant, in order to maximize the effectiveness of any agreed scheme. It is considered that this would accord with RSS Policy 54 and PPG13.

#### Loss of employment land

47. Although this proposal would lead to a reduction in the amount of industrial floor space available on Aycliffe Industrial Park, it is considered that the proposed change of use would not harm the Council's employment objectives due to the large number of vacant units in the Industrial estate with this specific unit has been vacant for a number of months now. The draft Employment Land Review highlights the fact that there is a general over supply of industrial land within County Durham, and as such, the change of use to a leisure use would not have a detrimental impact on the supply of this land.
48. Finally, because of the nature of this proposal the existing building could, if necessary, be converted back to its current industrial use. It is therefore considered that this aspect of the proposal fully accords with Policy EC10 of PPS4.

#### Access and car parking

49. The application currently benefits from 40 car parking spaces and 5 disabled spaces. The Highway Authority is satisfied that the existing road system can accommodate the anticipated traffic flows arising from a proposal of this type and that the proposed level of car parking provision is acceptable and as such, they raise no objection to the proposed use. The proposed development is therefore considered to fully accord with Policies D1 and D3 of the Local Plan.

#### Impact on neighbouring properties

50. Given the commercial nature of the surrounding sites and the activities proposed as part of the development it is not considered that the proposed scheme would result in

any significant impacts on the amenity of the neighbouring occupants so as to justify refusal of the application.

### Community/economic benefits

51. The County Durham Open Space Needs Assessment undertaken in 2010 sought to identify areas of weakness, in terms of open space and play provision. Great Aycliffe Town Council identified that there were a number of areas of weakness, including that there were insufficient football pitches, poor quality playing pitches, and not enough facilities for teenagers. The proposed development would provide a year round football facility which would be particularly attractive to teenagers. As such, there would be therefore be substantial benefits to the community in terms of increased access to sporting facilities for the town residents, whilst addressing an area of identified shortfall.
52. The applicant has stated that the proposed development would create 4 full time jobs. The potential employment opportunities would, of course, be welcome in order to assist with the economic regeneration of the area.

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## **CONCLUSION**

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53. Whilst a town centre or edge of centre site would have been the preferred location for this leisure development the applicant's sequential assessment has not identified any suitable, available or viable alternative sites that would be capable of meeting the applicant's requirements. It is, therefore, considered that this proposal accords with the policies EC10, EC11, EC13, EC15, EC16, EC17 of PPS4 which in this instance is more up to date than Policies IB2 and IB6 of the Local Plan, and from which the scheme would depart.
54. The proposal would provide a range of leisure facilities which are not currently available to residents within this area.
55. Whilst there are some reservations regarding the sustainability credentials of the scheme, these reservations are on balance outweighed by the job creation and economic benefits the development could potentially bring to the area. It is considered that the implementation of a robust Green Travel Plan would help to improve accessibility to the site by encouraging visitors and staff to utilise a variety of modes of transport rather than relying upon the private car.
56. Bearing in mind the large number of vacant units on the Aycliffe Industrial Park the proposal would not have a detrimental impact on the future employment capabilities of the Industrial Park, and the proposal does offer the potential to create a number of employment opportunities with more in the future if the proposed use is successful.
57. It is considered that the proposal is a departure from Local Plan policies IB1, IB2 and IB6 as a non-industrial use within a defined industrial estate, however, the proposal accords with Policies S1, D1, D3 of the Local Plan and the more up to date Policies EC10, EC11, EC13, EC15, EC16 and EC17 of PPS4 and Policies 2, 24, 27 and 54 of the Regional Spatial Strategy, and therefore, on balance, is considered to be acceptable.
58. Approval of the application is therefore recommended, however, in accordance with section 5 of the Town and Country Planning (Consultation) (Direction) England 2009, the application represents defined 'development outside town centres' exceeding 5000sqm, and as such the application must be referred to the Secretary of State.



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## **RECOMMENDATION**

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That Members be **MINDED TO APPROVE** the application subject to referral of the application to the Secretary of State through the National Planning Casework Unit; and, in the event that the application is not called in by the Secretary of State that it be **APPROVED** subject to the following planning conditions:

1. The development hereby permitted 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 permitted shall be carried out in accordance with the following approved plans:  
1001 – 02

*Reason: For the avoidance of doubt and in the interests of good planning.*

3. Prior to the implementation of the approved use, a Green Travel Plan shall be submitted to and approved in writing by the Local planning authority. The development shall thereafter be implemented in accordance with the approved details.

*Reason: In order to encourage sustainable means of travel in accordance with PPG13 (Transport) and RSS Policy 54.*

4. Notwithstanding the provisions of the Town and Country Planning (Uses Classes) Order 1987, (or any Order revoking or re-enacting that Order with or without modifications), the premises shall be used for an indoor football facility only and for no other purpose, including any other activity within the same class of the schedule to that Order.

*Reason: To ensure that a town centre use is not opened up within the Aycliffe Industrial Park without specific justification, in accordance with Policies EC16 and EC17 of PPS4 Planning for sustainable economic growth.*

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## **REASONS FOR THE RECOMMENDATION**

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1. The proposed change of use to a five-a-side football facility is considered to be acceptable having regard to the sequentially preferable location of the site, the limited overall impact on other centres that would arise and the employment opportunities created by the development. As such the proposals are considered to comply with of Policies S1, D1, D2 and D3 of the Sedgefield Borough Local Plan 1996 (which is a saved plan in accordance with the Secretary of States Direction under paragraph 1 (3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004), Policies 2, 24, 27 and 54 of the North East of England Plan - Regional Spatial Strategy to 2021, and with the specific requirements of Policies EC10, EC11, EC13, EC15, EC16, EC17 of PPS4.
2. In particular the development is considered acceptable having regard to the availability, suitability and viability of other alternative development opportunities

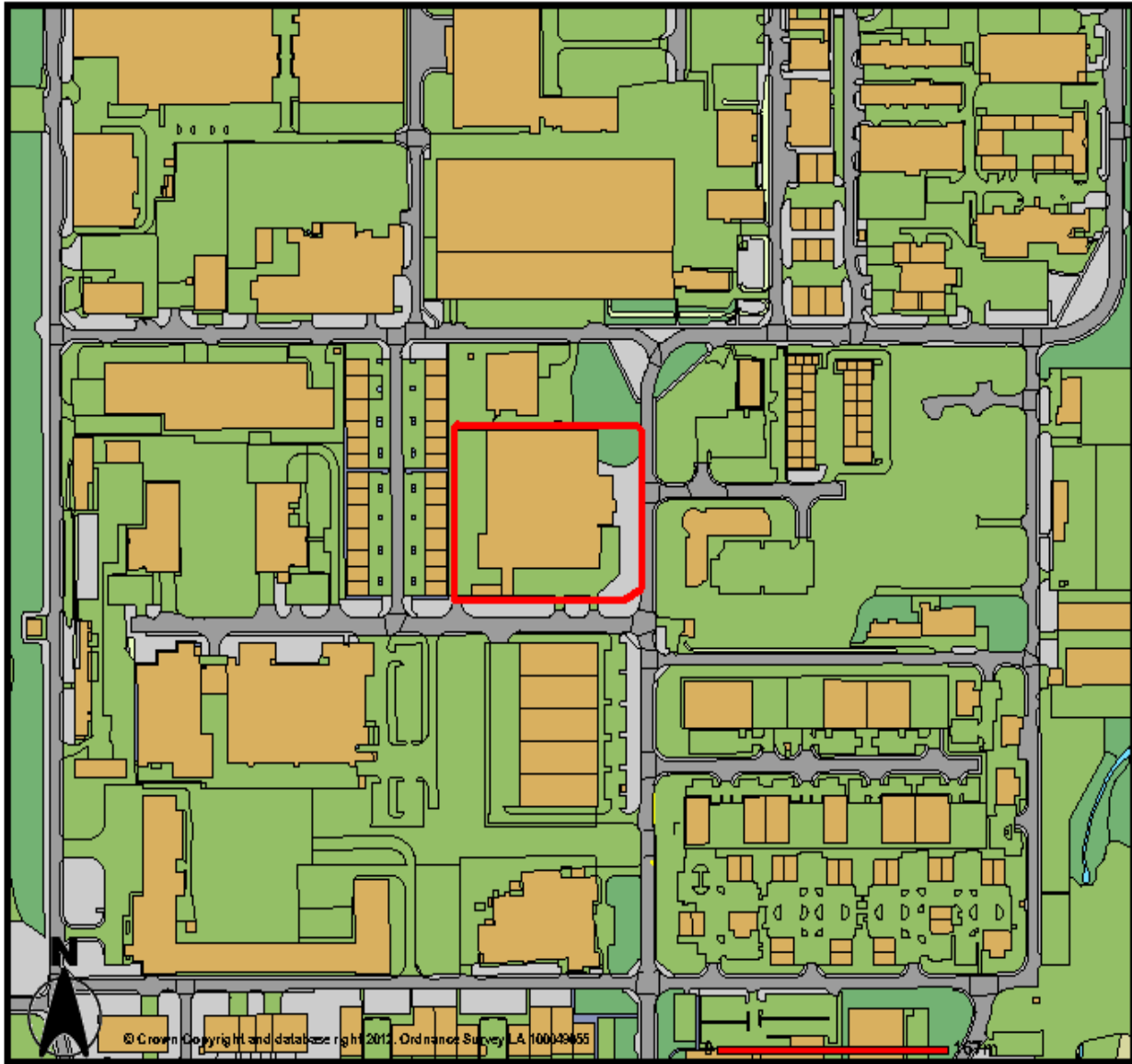
within the identified catchment areas. Although a departure from Policies IB1, IB2 and IB6 of the Sedgefield Borough Local Plan on balance it is considered that the proposal represents an acceptable form of development due to the proven need to be situated in this location and to the employment benefits arising from this scheme which would involve the bringing back into use a vacant unit and would assist in the economic regeneration of the area.

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## **BACKGROUND PAPERS**

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- Submitted Application Forms, Plans and sequential test
- Sedgefield Borough Local Plan 1996
- Regional Spatial Strategy
- Planning Policy Statements/Guidance notes: PPS1, PPS4 and PPG13
- Responses from Great Aycliffe Town Council, Highway Authority, Environmental Health and Planning Policy Section



**Planning Services**

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Change of use from industrial to indoor sport and leisure at Former Thrislington Partitions Building, Durham Way South, Co Durham

**Comments**

**Date** 16 February 2012

**Scale** 1:4500