

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/15/02533/FPA
FULL APPLICATION DESCRIPTION:	Change of use from use class B8 (Warehousing) to use class B2 (General Industry)
NAME OF APPLICANT:	LCP Investments Limited
ADDRESS:	Unit B To C, Enterprise City, Green Lane Industrial Estate, Spennymoor
ELECTORAL DIVISION:	Tudhoe
CASE OFFICER:	Steven Pilkington, Senior Planning Officer, 03000 263964, steven.pilkington@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site measures 0.10 ha in area and relates to an unoccupied storage and distribution unit located to the north east of Spennymoor. The 8130sqm building forms part of a wider commercial and industrial complex known as Enterprise City, located within Greenlane Industrial Estate a Prestige Business Area for employment purposes. The site is accessed off Meadowfield Avenue via an internal estate road which also serves an adjoining Boots distribution centre and Durham Constabulary police dog training centre. The Durham Gate redevelopment site lies to the south, comprising housing and land allocated for commercial units.
2. This application seeks planning permission for the change of use the existing 8130 sqm storage and distribution unit (use class B8) and associated hardstanding to a B2 use (General Industrial). No external changes are proposed to the building.
3. This application is being reported to Planning Committee as it falls within the definition of a major development involving a change of use with a floor area in excess of 5,000 sqm.

PLANNING HISTORY

4. There is no relevant planning history associated with the application site. However the units were constructed in the 1980's and is now currently empty with the previous occupier vacating the site.

PLANNING POLICY

NATIONAL POLICY

5. 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 dependant.
6. 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.
7. *Part 1 – Building a strong, competitive economy.* The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
8. *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.
9. *Part 10 – Climate Change.* Meeting the challenge of climate change, flooding and coastal change. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

LOCAL PLAN POLICY:

10. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policies 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, however, the following policies of the Sedgefield Borough Local Plan are considered relevant.

11. *Saved Policy IB1 – Types of Industry and Business Areas* – Sets out that development proposals, , that maintain in appropriate locations a range of land available for industry and business comprising, prestige business areas, general industrial estates, local industrial areas and business areas.
12. *Saved Policy IB2- Designations of Type of Industrial Estates* - Designates a range of industrial estates for different types of uses, including Green Lane which is designated as 83ha for Prestige Business uses.
13. *Saved Policy IB 5 – Acceptable uses in Prestige Business Areas* – Sets out that within Prestige Business Areas, business, general industry and warehousing uses will be considered acceptable. Planning permission for material reclamation, lorry parks and retail developments will normally be refused. Development proposals for other uses will be decided taking into account of the purpose of prestige business areas, while a high standard of site layout, building design and landscaping will be required in accordance with policy D4.
14. *Saved Policy D2 – Design for people* – Sets out that the requirements of a development should be taken into account in its layout and design, with particular attention given to personal safety and security of people.
15. *Saved Policy D3 - Design for access* - Requires that developments should make satisfactory and safe provision for pedestrians, cyclists, cars and other vehicles.
16. *Saved Policy D4 – Layout and Design of new Industrial and Business Development* – Sets out that the layout and design of all new industrial and business development will normally be expected to have a high standard of building design, accommodate traffic generated by the development without causing danger or inconvenience to other road users and have an appropriate standard of landscaping including screening of open storage areas.

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://content.durham.gov.uk/PDFRepository/SedgefieldLPSavedPolicies.pdf> and

EMERGING PLAN:

17. In 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, no weight can be afforded to the CDP at this stage.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

18. *Highway Authority* – Advise that the development of this nature would be expected to provide a degree of car parking on site. It is identified that the unit has an amount of hardstanding which is utilised for vehicle manoeuvring and informal parking, this should be laid out and formalised.
19. *Spennymoor Town Council* – No comments received

INTERNAL CONSULTEE RESPONSES:

20. *Environmental Health (Pollution Control)* - Offer no objections recommending a conditional approach to mitigate potential noise generated from the development and to control any means of extraction.
21. *Environmental Health (Air Quality)* – Advises that the development is not located within or in close proximity to an Air Quality Management Area and the impact of the proposal on local air quality is not likely to be significant. However it is considered that further information should be provided on the likely average vehicle trips generated by the development due to the large floor area to establish whether further assessments on air quality are required.

PUBLIC RESPONSES:

22. The application has been publicised by way of press and site notices, and individual letters to neighbouring businesses. No representations have been made.

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: <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NT137WGDLWB00>

APPLICANTS STATEMENT:

23. The end user of the unit will be ADM Pressings who are currently located in Gateshead and Scotswood, Newcastle upon Tyne. This site will be their third manufacturing location and they will invest some £1.5 million in the region to provide a paint processing facility.
24. Over recent years ADM customers have showed an increasing interest in buying higher level modular assemblies which are ready to fit directly to the final product on their production lines. This generally means the supplier needs to have the ability to surface finish and paint products and then complete the final assembly of components that will facilitate direct line fit at the customers plant. In order to be able to offer this increased level of service at a competitive rate ADM needs to establish a new facility to accommodate the additional processes required. The key elements are a new electro-phoritic paint facility and powder coating line. This will be installed in a new facility providing factory space of between 60000 to 90,000 sqft with additional yard space for material handling. The project will create over 25 new positions including a senior management roll, a chemist, a material scheduler, plant supervisors and maintenance technicians.

25. In addition, the facility allows for expansion of ADM's assembly and pack operations that will offer the opportunity for further job creation. The location in Spennymoor was chosen as it provides the correct size facility, with good transport links in the direction of travel from our existing manufacturing facilities to our biggest Customers in the Midlands.

PLANNING CONSIDERATIONS AND ASSESSMENT

26. 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 principal planning issues raised relate to the principle of development, highway safety and amenity of adjacent land uses.

The Principle of Development

27. The application site is designated for employment purposes as a prestige business area by policy IB2 of the Sedgefield Borough Local Plan as part of the wider Green Lane Industrial Estate. The Local Plan defines prestige business areas under Policy IB1 as high quality major industrial sites capable of competing against attractive sites elsewhere in the country. It recognises a requirement for a high standard of accessibility in terms of road connection, telecommunication links, availability of a skilled workforce and proximity to areas of housing, shopping, education and leisure facilities while seeking to promote a high standard of building design and landscaping.
28. Policy IB5 of the Local Plan states that business, general industry and warehousing will normally be considered acceptable within Prestige Business Areas. The proposed change of use of the building from B8 (Warehousing) to use class B2 (General Industry) would therefore conform with Local Plan Policy in this respect.
29. The Sedgefield Borough Local Plan was adopted in 1996 and consideration of more up to date guidance provided by the National Planning Policy Framework and National Planning Policy Guidance is necessary. The key emphasis of national guidance is delivering sustainable development. The NPPF recognises the need to build a strong, competitive economy. The NPPF also states that significant weight should be placed on the need to support economic growth and investment in business. In this respect the proposed development would bring inward investment into the County providing direct employment in an appropriate location for business and industry contributing to the economic dimension of the NPPF.
30. The development would represent the change of use of an existing underutilised unit on an established employment site, in line with the sites designated employment use in the Local Plan. The development is therefore considered acceptable in principle, subject to a detailed analysis of the potential impacts of the proposal.

Highway Safety

31. Saved Local Plan Policy D3 requires that development proposals achieve a satisfactory means of access onto the wider highway network while seeking to protect highway safety in terms of vehicle movements and traffic generation.
32. The site is accessed off Meadowfield Avenue through an internal estate road which also serves an adjoining Boots distribution centre and Durham Constabulary police dog training centre. The Highways Authority offer no objections to this access. However it is advised that provision should be made for staff parking within the site.
33. The current use is served by a large hardstanding area to the southern elevation of the building measuring approximately 3600 sqm in area. Although predominately used for vehicle manoeuvring, informal areas of parking are evident on site. The Highways Authority advise that this will need to be formalised to ensure that there is sufficient onsite car parking, space for vehicle turning and storage of materials as required. A conditional approach to this is recommended.
34. Overall it is considered that the proposed development could be served by an appropriate means of access, while an appropriate level of car parking would be secured by condition.

Impact on amenity of adjacent land users.

35. Local Plan Policy D1 highlights that developments should have regard to the sites relationship to adjacent land users and activities. In this respect the development site is substantially surrounded by other businesses on the estate the nearest residential dwelling is located approximately 170m away. In considering the potential uses permitted under a B2 use class, no objections in principle are raised to the development by the Council's Environmental Health Unit but a conditional approach is recommended in order to mitigate potential noise generated from the development informed by an acoustic report. This would deal with internal operations and would likely include the installation of acoustic attenuation where necessary once the exact nature of the operations and machinery involved are understood.
36. The Council's Air Quality Section advise that the application site is not located within or close proximity to a designated Air Quality Management Area (Durham City and Chester-le-Street). Whilst the impact of the proposal on local air quality is not likely to be significant, it is advised that further information should be provided on the likely average vehicle trips generated by the development due to the large floor area. This has not been included as part of the application. In considering this request, mindful of the longstanding lawful use of the site as a storage and distribution unit and indicated staff numbers, it is considered highly unlikely that there would be an increase in traffic from the site to a level that would require further scrutiny or this matter.
37. It is also highlighted that the new industrial activities in themselves may give rise to air quality pollutants. However other primary legislation control emissions from specific industrial operations and it is not considered that it is the role of the Planning Authority to regulate this matter. Notwithstanding this subject to securing an appropriate means of extraction and odour abatement it is considered that amenity of neighbouring land uses could be protected.

CONCLUSION

38. The proposed development represents a business development investment opportunity on an established employment site for general industrial purposes. The scheme would involve the change of use of a large existing warehouse unit in line with the sites designated employment use in the Local Plan. The indicated end use would bring jobs and investment into the County and enable the expansion of an established firm in the North East, consistent with the economic dimension of the NPPF.
39. The existing scale and location of the unit on the industrial estate is such that it would not give rise to conditions that would have a negative impact on the amenity from neighbouring land users or highway safety, subject to appropriate conditions.
40. There are no other material considerations which indicate otherwise and the development is recommended for approval.

RECOMMENDATION

That the application is **Approved** subject to the following 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 approved shall be carried out in strict accordance with the following approved plans:

Location Plan, ref 10-855/02, Received 13th August 2015

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

3. Prior to the first use of the building hereby approved, a site plan setting out areas of external storage, vehicle parking and circulation space shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter and outside storage shall be limited to the areas approved.

Reason: In ensure that sufficient space remains on site for the parking and motor vehicles and the unloading of goods in the interests of highway safety in accordance with policies D1, D3 and D4 of the Sedgefield Borough Local Plan.

4. The use hereby approved shall not commence until an acoustic report has been submitted to and approved in writing by the Local Planning Authority. The report shall establish whether sound attenuation measures are required to protect adjacent residents from sound emanating from the building and detail appropriate mitigation measures. The approved mitigation scheme shall be implemented prior to the first use of the building hereby approved and permanently retained thereafter.

Reason: In the interests of the residential amenity of future occupants in accordance with policies D1 and D4 of the Sedgefield Borough Local Plan.

5. Notwithstanding the submitted information, prior to their installation, full details any means of external mechanical extraction or ventilation shall be first submitted to any approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and retained thereafter.

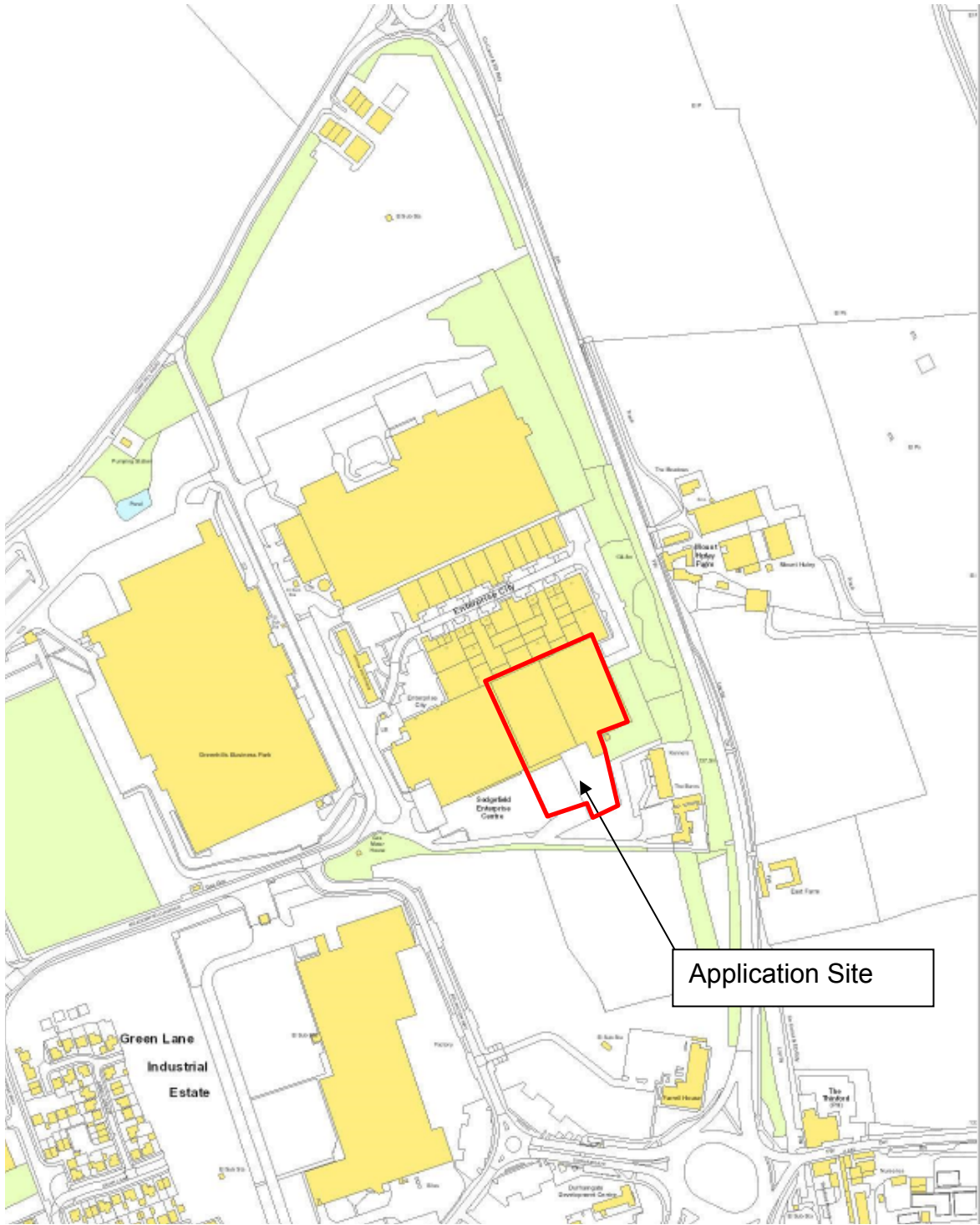
Reason- In order to control odours and noise generated by the development in the amenity of neighbouring land users in accordance with policy D1 of the Sedgefield Borough Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

In assessing the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner to seeking to resolve issues during the application process.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Sedgefield Borough Local Plan
Statutory responses from Highway Authority.
Internal responses from Environmental Health.



Planning Services

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Comments

Date October 2015

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