

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/16/03084/FPA
FULL APPLICATION DESCRIPTION:	Subdivision and refurbishment of the former NESS factory to create units for B1, B2 and B8 uses.
NAME OF APPLICANT:	Knight Frank
ADDRESS:	Ness Furniture Ltd, Thinford, Durham
ELECTORAL DIVISION:	Coxhoe
	Barry Gavillet
CASE OFFICER:	Senior Planning Officer 03000 261958 barry.gavillet@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. This application site lies within the settlement boundary of Sunderland Bridge and Croxdale as defined in the City of Durham Local Plan and comprises a large factory which has developed over a number of years until its recent closure. This is clear from the mixture of building styles and materials within the site. There are several buildings within the site, which is located just south of the junction of the B6288 and the A167 at Croxdale. The site lies in close proximity to four dwellings at Valley View.

The Proposal

2. This application proposes the sub-division and refurbishment of the former NESS furniture factory. The works would include demolition of redundant space to create service yards and the recladding of the existing building. In addition to these works it is proposed to introduce B1 (Offices) and B8 (Storage and Distribution) uses to the existing B2 (General Industrial) use on the site.
3. This application is being referred to Committee as it exceeds the floorspace threshold in the Councils scheme of delegation.

PLANNING HISTORY

4. There have been various applications approved over a number of years and the site has developed incrementally over a number of years through a series of extensions and new buildings.

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 dependent.
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’.
7. 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.

The following elements of the NPPF are considered relevant to this proposal;

8. *NPPF Part 1 – Building a Strong and Competitive Economy.* The Government attaches significant weight on the need to support economic growth through the planning system. Local Planning Authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
9. *NPPF Part 4 – Promoting Sustainable Transport.* Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
10. *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.
11. *NPPF Part 10 - 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:

12. Policy T1 - Traffic – General states that the Council will not grant planning permission for development that would generate traffic likely to be detrimental to highway safety and/or have a significant effect on the amenity of occupiers of neighbouring property.
13. Policy T10 - Parking – General Provision states that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.

14. Policies Q1 and Q2 (General Principles Designing for People and Accessibility) state that the layout and design of all new development should take into account the requirements of all users.
15. Policy Q3 – Sets out the requirements for new parking areas.
16. Policy H13 (Residential Areas – Impact upon Character and Amenity) states that planning permission will not be granted for new development or changes of use which have a significant adverse effect on the character or appearance of residential areas, or the amenities of residents within them.

RELEVANT EMERGING POLICY:

17. 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 (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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:

18. None.

INTERNAL CONSULTEE RESPONSES:

19. Environmental Health officers have no objections subject to conditions relating to noise mitigation measures, details of lighting and a restriction on operating hours.
20. Highways officers have no objection on the basis that the B1 use class (offices) is restricted to 550 m² in order to ensure on-site parking requirements are sufficient.

PUBLIC RESPONSES:

21. No responses have been received from nearby residents.
22. Northumbrian Water have no comments.

APPLICANTS STATEMENT:

23. Our clients New Equipment Holdings have owned the Croxdale site since 1945. My understanding is that it was essentially a base for the Ness Furniture manufacturing company which belonged to them until a few years ago when they sold the business assets (but not the property which the new owners leased from NEH). The site has become much more mixed use in recent years and is now home to Citroen, Subaru and Mitsubishi main dealerships along with a Croxdale Fast Fit centre all of which are ultimately owned by NEH.
24. In January 2015 the Ness Furniture business was placed in receivership and although it traded on for a number of months after that, by July 2015 it had ceased trading resulting in around 6,400 m² of vacant space of varying ages and conditions, including a small office block to the north of the plot which is partly used by NEH.
25. In November 2015 Knight Frank were asked by NEH to provide advice on the marketing of the vacant space and following our review of the property we concluded that because of its layout and the way the site had evolved, that it wouldn't re-let as a whole to a single occupier but that it will be much more attractive to the market as a series of smaller self-contained units. We attracted interest in Unit 6 at an early stage from Jewson who have won a contract to exclusively provide building supplies to County Durham Housing and that confirmed our belief in the attractiveness of the site to businesses seeking smaller modernised industrial/warehouse units.
26. Following further discussions and surveys a plan was drawn up to undertake a comprehensive sub-division and refurbishment of the buildings, integrating Jewson's requirements and allowing for demolitions of the older obsolete buildings to both improve the circulation and parking within the site and its appearance.
27. We are confident that if these proposals are approved by the Council that this can become an attractive thriving estate which will add further employment opportunities in the area. The owners are committed to a significant financial outlay to bring about the success of the site and this must be to the advantage of the local community.
28. It is also worth pointing out that from 1945 -2015 there was a major factory running on this site, containing very noisy, heavy industrial machinery throughout, including metalworking and wood working/machining shops together with a paint plant. The current proposals are likely to attract a much more mixed range of 'B' uses of a less industrial nature and better suited to the location of the site. I hope therefore that the Council will see this as a positive more in the long term interests of the county.

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

29. 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 principle of the development, the scale, layout and design of the development and residential amenity and highways issues.

Principle of the development

30. Although this application site is not allocated as an industrial site in the City of Durham Local Plan, the site has been used for use class B2 (general industrial) with some B1 (offices) for over 60 years. It is therefore considered that the site benefits from an established B2 use. This application proposes to refurbish the former NESS furniture manufacturing site and develop it into smaller modernised industrial/warehouse units which would be used for B1 (offices), B2 (general industrial) and B8 (storage and distribution). Although the site is not allocated for an industrial use in the Local Plan it is considered that, as a result of the very lengthy period of operation, the site benefits from an established B2 general industrial use where the uses mentioned above would be commonplace. It is also of note that B1 and B8 uses are generally to be regarded as of lower adverse planning impact than B2 and therefore the changes of use proposed represent an improvement in planning terms as compared to the established use. Therefore there are no objections raised with regard to the principle of development.

Scale, layout and design of the development and residential amenity

31. The NPPF's twelve core planning principles states that the planning process should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Good design, the NPPF states, is "indivisible from good planning."
32. The existing estate offers a range of industrial workshop premises together with a two storey office block. The units are arranged in such a way as that they can be leased in combinations or alternatively sub divided to create smaller unit sizes.
33. The original buildings on the site are of steel framed construction with brickwork walls and steel sheeted roof coverings. Internally they provide concrete floors throughout with an internal clear height of approximately 3.9 metres. To the rear of the site are three more modern interconnecting workshop buildings which are of steel portal framed construction with brickwork and insulated profile steel cladding to the external walls and double pitched roofs which are also of insulated profile steel sheet construction.
34. Internally the workshops have reinforced concrete, powder floated floors throughout and an internal clear height of approximately 4 metres. Each unit has vehicular access by way of either a roller shutter or an insulated sectional up and over door measuring 4.3 metres wide by 4 metres high. Externally, there are extensive concrete hard standing areas and parking space and Unit 6 has its own fenced compound of 1,480m² (0.37 acre).
35. To the front of the site is a two storey office block which provides an attractive entrance/reception area together with a series of private and general offices along with ladies and gents WC facilities.
36. The existing site contains an internal floor area of just over 7000 square metres, it is proposed to partly demolish some of the buildings on site and reduce this floor area by around 1500 square metres, leaving around 5500 of floorspace which would create 7 separate units. It is also proposed to re-clad and refurbish the existing buildings and utilise the redundant external space to create service yards and parking.
37. Overall, the newly refurbished development in terms of scale, design and layout is considered to be appropriate for this particular location. It is considered that the refurbishment would be of a high standard which would improve the character and appearance of the area and

therefore the proposals are considered to be in accordance with saved City of Durham policies H13 and Q8 and NPPF part 7.

38. In terms of the impact on residential amenity there are four properties adjacent to the site on Valley View to the west which is approximately 30 metres away. Until recently a manufacturing operation was carried out on this site, containing noisy, heavy industrial machinery throughout, including metalworking and wood working/machining shops together with a paint plant. It is considered that the proposals have the potential to improve the current situation which allows for B2 use (General Industry) across the whole site as the current proposals are likely to attract a much more mixed range of 'B' uses of a less industrial nature and better suited to the location of the site.
39. Environmental Health officers have confirmed that as the site currently has an established B2 use, there is potential for significant noise and other environmental impacts arising from the existing established use. Given that the current proposal is for a mix of B1, B8 and B2 uses, it is not considered that the proposal is likely to exacerbate the existing impacts and in fact is likely to reduce them. It is suggested however, that considering the proximity of the site to nearby residential properties, conditions should be attached that require details of lighting to be submitted, and that any commercial activities, including the operation of plant and machinery is limited to suitable hours.

Highways Issues

40. Highways officers have considered the proposals and have confirmed that the established access to the site is acceptable. There was some initial concern regarding the floor space of the B1 use class (offices) being unrestricted as this could potentially generate the need for more parking provision on the site. However, the applicants have confirmed that they are prepared to accept a condition which would restrict the floorspace of the B1 use class to 550 square metres and therefore the proposals for 86 car parking spaces are acceptable to highways officers.
41. In light of the above it is considered that the proposals are in accordance with saved policies T1 and T10 of the City of Durham Local Plan and part 4 of the NPPF.

CONCLUSION

42. Overall it is considered that the proposals are in accordance with the development plan and the National Planning Policy Framework. The proposed development would enhance the character and appearance of the area and would present new opportunities for continued employment on the site. The uses being proposed are also likely to reduce the impact on residential amenity especially in respect of the nearest properties at Valley View and Fowler Terrace which results from the completely unrestricted established B2 use of the site in connection with the previous furniture manufacturing business.
43. On the basis of the above, officers recommend that the application be approved.

RECOMMENDATION

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

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. Plan References;

3725A-02	FLOOR PLANS
3725A-03	FLOOR PLANS
3725A-04	ELEVATIONS
3725A-05	ELEVATIONS
3725A-06	PROPOSED SITE LAYOUT
3725A-07	PROPOSED UNIT SEPERATION
3725A-08	PROPOSED ELEVATIONS
3725A-09	PROPOSED ELEVATIONS
3725A-10	ACCESS ROAD MINOR ADJUSTMENT
3725A-11	PROPOSED UNIT SEPERATION - PARKING SPACES

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with saved policy Q8 of the City of Durham Local Plan.

3. The development hereby approved shall not create more than 550 square metres of B1 (offices) floorspace.

Reason: In order to ensure highway safety in accordance with saved policy T1 of the City of Durham Local Plan and Part 4 of the National Planning Policy Framework.

4. No machinery/plant shall be operated on site until a detailed noise impact assessment and scheme of sound attenuation measures is submitted to and approved in writing by the local planning authority. The scheme of attenuation measures shall ensure that the rating level of noise emitted from plant/machinery on the site shall not exceed the background (LA90) by more than 5dB LAeq (1 hour) between 07.00-23.00 and 0dB LAeq (15 mins) between 23.00-07.00. The measurement and assessment shall be made according to BS 4142: 2014. The development shall be carried out in accordance with the approved scheme.

Reason: In the interests of residential amenity and to comply with saved Policy H13 of the City of Durham Local Plan.

5. Details of the external lighting shall be submitted to and approved in writing by the Local planning authority prior to the development hereby permitted being brought into use. The detail provided must be sufficient to demonstrate adherence to the ILP guidance notes for the reduction of intrusive light. The external lighting shall be erected and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

Reason: In the interests of residential amenity and to comply with saved Policy H13 of the City of Durham Local Plan.

6. No commercial activities, including deliveries and vehicular movements shall take place before 0700 hours and continue after 1900 hours Monday to Friday, or commence before 0800 hours and continue after 1700 hours on Saturday. No works should be carried out on a Sunday or Bank Holiday.

Reason: In the interests of residential amenity and to comply with saved Policy H13 of the City of Durham Local Plan.

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

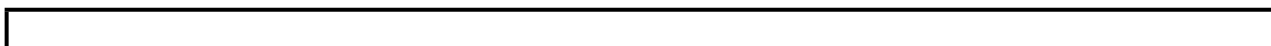
BACKGROUND PAPERS

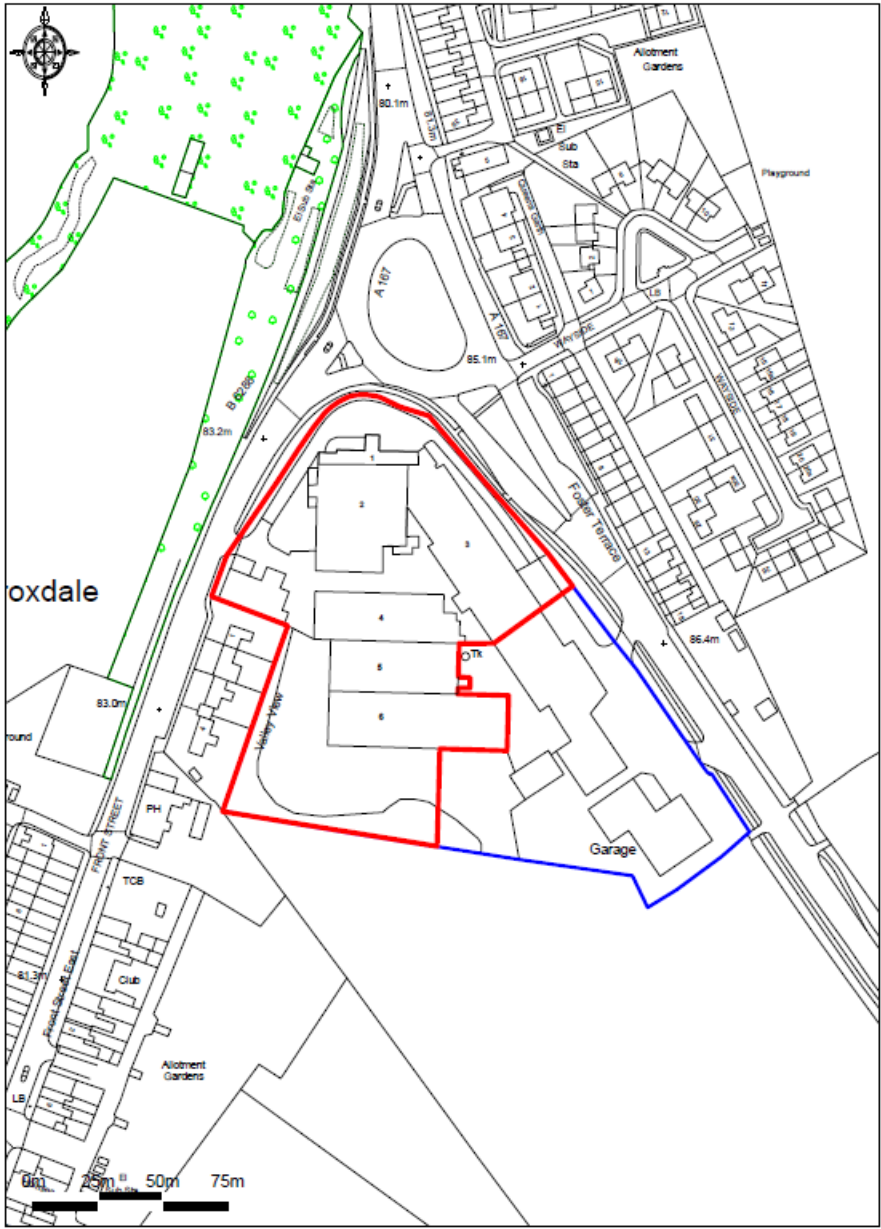
Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance Notes

Statutory, internal and public consultation responses





Planning Services

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Comments

Proposed subdivision and refurbishment of the former NESS factory to create units for B1, B2 and B8 uses.

Date January 2017