

Item No: 5.3
Application No: 15/02018/FUL Author: Maxine Ingram
Date valid: 18 December 2015 ☎: 0191 643 6322
Target 18 March 2016 Ward: Killingworth
decision date:

Application type: full planning application

Location: Unit 2 The Mailing House, Wesley Drive, Benton Square Industrial Estate, Benton, NEWCASTLE UPON TYNE

Proposal: Change of use of site and buildings from storage and distribution use (B8) to car retail and preparation facilities (sui generis), including installation of new windows and external wall cladding, installation of new entrance steps and ramp and new canopy over existing east entrance door

Applicant: McDougall And Breen Ltd, Unit 5 Vroom Auto Retail Park Tyne Tunnel Trading Estate North Shields Tyne And Wear NE29 5SN

Agent: R & K Wood Planning LLP, FAO Mr Robin Wood 1 Meadowfield Court Meadowfield Ind. Est. Ponteland Newcastle Upon Tyne Northumberland NE20 9SD

RECOMMENDATION: Application Permitted

INFORMATION

1.0 Summary Of Key Issues & Conclusions

1.0 The main issues in this case are:

- Principle of the development;
- Impact on amenity;
- Design and appearance;
- Impact on highway safety;
- Other issues.

2.0 Description of the Site

2.1 The site to which the application relates is an existing commercial unit located within Benton Square Industrial Estate. Existing commercial units are located to the north, east and west of the site. Access to the site is gained via Wesley Drive.

2.2 The site is bound to the south by a public highway, Great Lime Road. Beyond this public highway is The Wheatsheaf public house. The residential properties of Bede Close are located to the south east of the site. The residential properties of Miller Close are located to the south west of the site.

2.3 Mature trees are sited outside the application site adjacent to the southern boundary.

2.4 The applicant has advised that the application site is currently vacant. The building was formerly used as a meat wholesale storage and distribution.

3.0 Description of the Proposed Development

3.1 Planning permission is sought for a change of use of the site and buildings from storage and distribution use (B8) to car retail and preparation facilities (sui generis). External alterations will include the installation of new windows, external wall cladding, new entrance steps and ramp and a new canopy over the existing east entrance door.

3.2 The applicant has advised that the development would generate 12 full-time employees.

3.3 The applicant has advised that the proposed hours of operation are: Monday to Friday 09:00 until 18:00, Saturdays 09:00 until 17:00 and Sundays and Bank holidays 10:30 until 16:30.

4.0 Relevant Planning History

74/00946/FUL - Extension to existing factory and alterations to internal partitions – Permitted 17.10.1974

85/02127/FUL - Extension to car park – Permitted 22.01.1986

5.0 Development Plan

North Tyneside Unitary Development Plan (adopted March 2002)

Direction from Secretary of State under Paragraph 1(3) of Schedule 8 of Town and Country Planning and Compulsory Purchase Act 2004 in respect of policies in the North Tyneside UDP (August 2007)

6.0 Government Policy

National Planning Policy Framework (NPPF) (March 2012)

National Planning Practice Guidance (NPPG) (As amended)

Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in the determination of all applications. It requires LPAs to apply a presumption in favour of sustainable development in determining development proposals. Due weight should still be attached to Development Plan policies according to the degree to which any policy is consistent with the NPPF.

PLANNING OFFICERS REPORT

7.0 Main issues

7.1 The main issues in this case are:

- Principle of the development;
- Impact on amenity;
- Design and appearance;

- Impact on highway safety;
- Other issues.

7.2 Consultation responses and representations received as a result of the publicity given to this application are set out in the appendix to this report.

8.0 Principle of the development

8.1 NPPF sets out 12 core planning principles, including proactively driving and supporting sustainable economic development.

8.2 The Government is committed to securing economic growth in order to create jobs and prosperity. The planning system should operate to encourage and not act as an impediment to sustainable growth. Significant weight should be afforded to support economic growth through the planning system.

8.3 NPPF paragraph 22 states “Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”.

8.4 The Council’s Employment Land Review (2014) recommends the retention of this site. The site is also forms part of the wider employment land designation in the Local Plan Pre Submission Draft (2015).

8.5 UDP Policy LE1/4 seeks to protect the borough’s economic based. Areas shown on the proposals map currently used for use classes B1, B2 and B8 shall be retained for these purposes unless exceptional circumstances can be clearly demonstrated.

8.6 UDP Policy LE1/7 sets out guidance on the control of development for commercial and industrial uses. Amongst other matters this includes the impact on adjoining land uses, the environment and local amenity and compliance with advice on design, landscaping and parking requirements.

8.7 The site is an existing storage use within an area identified for these purposes amongst others within the Unitary Development Plan. Whilst the use, subject of this application, does not conform to UDP Policy LE1/4, it would bring a vacant unit back into use and provide 12 full time jobs.

8.8 Members need to consider whether the principle of the proposal in this designated employment location is acceptable and whether it would provide employment opportunities within the local area. Given the advice in NPPF which states that significant weight should be afforded to support economic growth on balance it is considered to be acceptable, subject to the impact of amenity and highway safety being assessed in the later parts of this report.

9.0 Impact on amenity

9.1 NPPF paragraph 123 states 'Planning policies should aim to: avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development; mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise new development, including through conditions; recognise that development will often create some noise and existing business wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason'.

9.2 UDP Policy LE1/7 is set out in Section 8 of this report.

9.3 UDP Policy H13 states that in assessing proposals for non residential uses within or adjacent to residential areas or for changes of use from residential to other uses, or for the intensifications of an existing residential use will be approved only where the LPA consider that they would not adversely affect residential amenity. Uses that generate excessive noise, smell fumes, traffic, or on street parking problems will not be allowed. Applications for the expansion or intensification of existing non-residential uses within residential areas will be judged against the same criteria.

9.4 The Manager for Environmental Health has been consulted. They have raised concerns regarding potential noise arising from the site, as historical complaints about plant noise including tonal noises have been received from nearby residential properties in Bede Close. If new plant and equipment is to be installed a noise scheme would be required to ensure that any plant noise does not adversely increase the existing background noise levels. Should planning permission be granted a condition is recommended to secure a noise assessment to demonstrate the background noise levels.

9.5 The Manager for Environmental Health has also advised that complaints about odours from paint spraying have been received. The applicant has advised that the scale of paint spraying proposed is minimal. Essentially the paint spraying to be carried out on site is in relation to the repair of minor scratches or paint defects present on used car sales stock. This work is proposed to be undertaken in relation to the preparation of cars prior to them being advertised for sale on the forecourt. The applicant has advised that if the extent of repair required is such that more spraying is required then the vehicle would not be of a condition or quality that they would be seeking to sell. To put this in context when paint spraying of this nature is required as part of current operation for their existing stock, it is the type of work that can be undertaken by a mobile paint spraying company who visit the site. The applicant has clarified that a spray booth is not required due to the very small nature of the spray work undertaken. They have also confirmed that an Environmental permit is not required.

9.6 The Manager for Environmental Health has also expressed concerns regarding other noise sources such as pneumatic equipment. It is the view of

officers that should further extraction equipment be deemed necessary it is considered that these details could be conditioned.

9.7 Members need to consider whether the proposal is acceptable in terms of its impact on amenity. The application site is located within a designated industrial estate. The nearest residential properties are separated from the application site by the existing public highways. Members need to consider whether the imposition of conditions could satisfactorily accommodate the proposed development in this location. Officers consider that the conditions suggested by the Manager for Environmental Health would control the development in this location without any significant adverse impact on residential amenity. On balance and subject to conditions, it is officer advice that the proposal would accord with the advice in NPPF and UDP policies LE1/7 and H13.

10.0 Design and Appearance

10.1 The Design Quality SPD provides guidance on the design of buildings, places and spaces in North Tyneside. It states that the Council will encourage innovation in the design and layout, provided that the existing quality and character of the immediate and wider environment are respected and enhances and local distinctiveness is generated. It also states that all new buildings should be proportioned to have a well-balanced and an attractive external appearance.

10.2 A new canopy over the side vehicular access is proposed to the north elevation. External cladding is proposed to parts of all of the elevations. New steps and ramp-up are proposed to the customer/visitor entrance to the south elevation. Taking into consideration this industrial location, it is not considered that the proposed external alterations would result in any significant visual intrusion. The proposed alterations would improve the overall character and appearance of the building.

10.3 The trees sited outside the application site along the southern boundary would assist in providing some visual screening when viewed from the adjacent public highway, Great Lime Road. These trees are sited on Council owned land.

10.4 Members need to determine whether the proposal would have an acceptable impact on the character and appearance of the immediate surrounding area.

11.0 Impact on highway safety

11.1 The NPPF states that Transport policies have an important role to play in facilitating sustainable development and also in contributing to wider sustainability and health objectives. The NPPF also states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

11.2 The Council's parking standards are set out in LDD12 'Transport and Highways'.

11.3 The proposed development will consist of an indoor car showroom and the

display of outdoor vehicles for sale. Access to the site will be via the existing vehicular access with the secondary point being utilised for vehicle deliveries. The submitted site plan identifies parking areas for sales vehicles, staff parking and customer parking. The site plan also identifies an area for transporter vehicles to deliver and collect. The applicant has advised that these will typically be up to three times a week.

11.4 It is anticipated that the highest levels of car usage and visits to the site are likely to be at weekends due to the traditional patterns of private car viewings and purchases. The car movements at weekends will be at times when many of the other industrial and commercial premises on the site are closed.

11.5 The Highways Network Manager has been consulted. He has advised that parking for the proposed development accords with LDD12. He has recommended conditional approval.

11.6 Members need to determine whether the proposal would have an acceptable impact on highway safety. It is officer advice that it would.

12.0 Other Issues

12.1 The Council's Contaminated Land Officer has been consulted. She has raised no objections.

12.2 The Coal Authority has been consulted. They have raised no objections.

12.3 Newcastle International Airport (NIA) has been consulted. NIA has raised no objections.

12.4 Northumbrian Water has been consulted. NWL has raised no objections.

12.5 The Lead Local Flood Authority has been consulted. They have raised no objections as this development is for a change of use with minimal external alterations which would utilise all existing buildings, connections and drainage on site.

13.0 Conclusion

13.1 In conclusion, the application relates to a vacant building within an existing designated employment location. Members need to take into consideration all of the above and determine whether on the balance of issues they consider the proposal is acceptable in terms of the principle of development, its impact on residential amenity, its impact on the character and appearance of the area, and the impact on highway safety. Officers consider that subject to the imposition of appropriate conditions, the proposal is considered to accord with national and local planning policy guidance.

RECOMMENDATION: Application Permitted

Conditions/Reasons

1. In accordance with approved plans MAN01 *

2. Standard Time Limit 3 Years FUL MAN02 *

3. Veh Parking Garaging before Occ PAR04 *LE1/7

4. The premises shall only be open for business between the hours of 09:00 - 18:00 Monday to Friday, 09:00 - 17:00 Saturdays and 10:30-16:30 on any Sunday or Bank Holiday.
Reason: To safeguard the occupiers of adjacent properties from undue noise or other associated disturbance having regard to policy LE1/7 of the North Tyneside Unitary Development Plan 2002.

5. Noise No Tannoys Externally Audible NOI02 *LE1/7 and H13

6. Notwithstanding Condition 1, prior to the installation of any new plant and equipment, a noise assessment shall be submitted to and approved in writing by the Local Planning Authority. This assessment shall be carried out in accordance with BS4142:2014. The rating level shall not exceed the existing background noise level by more than 5dB at nearest sensitive receptor of Bede Close and Lime Gardens. Thereafter the plant and equipment shall be installed in accordance with these agreed details.
Reason: To protect the occupants of nearby residential properties from noise and disturbance having regard to policy LE1/7 and H13 of the North Tyneside Unitary Development Plan 2002.

7. Notwithstanding Condition 1, prior to the installation of any new plant and equipment, a scheme for sound insulation materials to cover all new plant and equipment shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the plant and equipment shall be installed in accordance with these agreed details and shall not be brought into use until the approved soundproofing has been implemented.
Reason: To protect the occupants of nearby residential properties from noise and disturbance having regard to policy LE1/7 and H13 of the North Tyneside Unitary Development Plan 2002.

8. Notwithstanding Condition 1, prior to the installation of any chimney or extraction to be provided in connection with the development details of the height, position, design and materials of this equipment shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.
Reason: In order to safeguard the amenities of adjoining properties having

regard to policy H13 of the North Tyneside Unitary Development Plan 2002.

9. Notwithstanding Condition 1, prior to the installation of any spray booth on the site details for the containment of solvent odours from spraying activities shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented prior to the spray booth being brought into use and permanently retained.

Reason: To protect the amenities of the occupiers of residential accommodation in the vicinity having regard to policy LE1/7 of the North Tyneside Unitary Development Plan 2002.

- | | | |
|-------------------------------------------|-------|---|
| 10. Flood Lighting Scheme Details | LIG01 | * |
| 11. Restrict Hours No Construction Sun BH | HOU04 | * |
| 12. Dust suppression during construction | SIT03 | * |

Statement under Article 35 of the Town & Country (Development Management Procedure) (England) Order 2015):

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirements in Paragraphs 186-187 of the National Planning Policy Framework.

Informatives

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action. From specific summary information on past,

current and future coal mining activity can be obtained from:
www.groundstability.com If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website: www.gov.uk/coalauthority

No Doors Gates to Project Over Highways (I10)

Do Not Obstruct Highway Build Materials (I13)

Advice All Works Within Applicants Land (I29)

Coal Mining Standing Advice (FUL,OUT) (I44)

Street Naming and numbering (I45)



Application reference: 15/02018/FUL

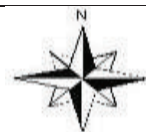
Location: Unit 2 The Mailing House, Wesley Drive, Benton Square Industrial Estate, Benton

Proposal: Change of use of site and buildings from storage and distribution use (B8) to car retail and preparation facilities (sui generis), including installation of new windows and external wall cladding, installation of new entrance steps and ramp and new canopy over existing east entrance door

Not to scale

Date: 25.02.2016

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Item 5.3

Appendix 1 – 15/02018/FUL

Consultations/representations

1.0 Internal Consultees

1.1 Highways Network Manager

1.2 This application is for the change of use of site and buildings from storage and distribution use (B8) to car retail and preparation facilities (sui generis), including installation of new windows and external wall cladding, installation of new entrance steps and ramp and new canopy over existing east entrance door at Unit 2, Wesley Drive, Benton Square Industrial Estate.

1.3 The site is located toward the south of the industrial estate and is located adjacent to the southern boundary of the estate where it bounds the east end of Great Lime Road. The building was formally used as a storage and distribution building and was related to their neighbouring company premises to the east. The building and neighbouring unit are now vacant since the last occupier vacated the premises.

1.4 The proposed use consists of the renovation and change of use of the building. The business activities on the site will consist of an indoor car showroom for the display and sale with the further outdoor areas used for the display and sales vehicles. It is anticipated that the highest levels of car usage and visits to the site are likely to be at weekends due to the traditional patterns of private car viewings and purchases. The car movements at weekends will be at times when many of the other industrial and commercial premises on the site are closed. Access to the site will be via the existing vehicular access with the secondary access point being utilised for vehicle deliveries. Parking for the proposal has been provided in accordance with those set out in LDD12.

1.5 It is for the above reasons and on balance conditional approval is recommended.

1.6 Recommendation – Conditional Approval

1.7 Conditions:

PAR04 - Veh: Parking, Garaging before Occ

No development shall commence until a scheme for surface water management has been submitted to and approved by in writing the Local Planning Authority. Thereafter, this scheme shall be implemented in accordance with the approved details before the development is occupied.

Reason: In the interests of effective surface water management

1.8 Informatives:

I10 - No Doors/Gates to Project over Highways

I13 - Don't Obstruct Highways: Build Materials

I45 - Street Naming and Numbering.

1.9 Lead Local Flood Authority (LLFA)

1.10 This application is for a change of use of the site and buildings from storage & distribution use (B8) to car retail and preparation facilities (sui generis), including installation of new windows and external wall cladding, installation of new entrance steps and ramp and new canopy over existing east entrance door

1.11 Whilst the site of the site does not require a Flood Risk Assessment (FRA), surface water will be discharged into NWL sewers at agreed rates. Conditional approval is recommended.

1.12 Manager for Environmental Health

1.13 I have concerns regarding potential noise arising from the site as historical complaints about plant noise including tonal noises have been received from neighbouring residents in Bede Close. If new plant and equipment is installed a noise scheme will be required to ensure any plant noise does not increase in the overall background noise levels.

1.14 There have also been complaints about odours from paint spraying. It is noted that a spray shop is to be provided. It is unclear from the layout plan if a spraybooth is to be installed. If so then the layout, location and height of the flue for any spraybooth will need to be provided. It may also be necessary for the applicant to apply for a Part B permit under the Environmental Permitting Regulations 2010, although this is dependent on the quantities of solvents used at the site. No details have been provided on the quantities of spraying to take place, other than to indicate that the preparation and spraying will be on their own car stock, or the types of odour extraction equipment provided as I assume there must be some type of extraction ventilation proposed to address fumes within the building when spraying the vehicles; it would not be adequate to leave the door open to address ventilation. I would also be concerned about other noise sources from the facility such as pneumatic equipment. This information must be provided to enable the determination of this application.

1.15 However, if planning consent is to be given I would recommend the following conditions.

HOU03 to those on application
NOI02

Prior to the installation of any new plant and equipment, an assessment shall be carried out in accordance with BS4142:2014 and submitted for approval in writing to the planning authority. The rating level shall not exceed the existing background noise level by more than 5 dB at nearest sensitive receptor of Bede Close.

NO104 this will include details of the noise levels expected to be created by the combined use of external plant and equipment to ensure compliance with the noise rating level.

EPL01 If any new flue installed at the site to minimum height of 3 m above roof ridge)
EPL04 odour abatement details for the containment of solvent odours from spraying activities.

LIG01 If any new external lighting installed.

HOU04
SIT03

1.16 Contaminated Land Officer

1.17 No objection.

2.0 Representations

2.1 None

3.0 External Consultees

3.1 Newcastle International Airport (NIA)

3.2 The proposal has been assessed by the aerodrome safeguarding team and I have the following comment to make.

3.3 Due to the scale and location of the proposed development, NIA would not consider that it would detrimentally impact upon the safe operation of the aerodrome. NIA would not therefore offer any objection to the scheme.

3.4 Coal Authority

3.5 I have reviewed the proposals and confirm that part of the application site falls within the defined Development High Risk Area.

3.6 Our information indicates that part of the application site is likely to have been subject to past coal mining activities, specifically historic unrecorded coal mine workings at shallow depth.

3.7 As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

3.8 However, when considering this particular proposal; the planning application is primarily for change of use of an existing building. The works proposed to facilitate this change of use, either fall outside of the defined Development High Risk Area, such as the steps and access ramp, or where they are within the defined Development High Risk Area, such as the canopy, the ground works required will be minimal. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

3.9 In the interests of public safety, however, the Coal Authority would recommend that, should planning permission be granted for this proposal, the

following wording is included as an Informative Note within the Decision Notice:

The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

3.10 Northumbrian Water

3.11 No comment to make.