

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	10 October 2012		
Application Number	N/12/01966/FUL		
Site Address	Deceuninck, Stanier Road, Calne, Wiltshire SN11 9PX		
Proposal	Change of Use of Existing Warehouse to Include Class B2 Use (General Industrial)		
Applicant	Mr Skinner Deceuninck Holdings (UK) Ltd		
Town/Parish Council	Calne		
Electoral Division	Calne North	Unitary Member	Councillor Chuck Berry
Grid Ref	399859 172521		
Type of application	Full		
Case Officer	Lee Burman	01249 706668	lee.burman@wiltshire.gov.uk

## Reason for the application being considered by Committee

The application was called in for Committee determination in order to consider the impact of the proposals on the existing residential amenities of nearby properties and their occupants.

### 1. Purpose of report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

### 2. Report summary

The main issues in the consideration of this application are as follows:

- Principle of development
- Impact upon neighbour amenity
- Highways Impact

The application has generated 8 representations in total including 5 objections from neighbours and members of the public; and support from Calne Town Council.

### 3. Site Description

Highly visible and accessed from the A3102 Calne bypass, the Deceuninck building is a large modern storage and distribution facility purpose built for the company, which also have other premises at Porte Marsh Industrial Estate. The building is positioned in its own 5.56Ha landscaped grounds, complete with internal access road and large dedicated car park. New dwellings have been constructed to the south and west boundaries of the site.

From its construction in 2005 and up until 2009 the building was occupied by Decuninck Ltd. However, following consolidation of the company's operations across the region, the building was deemed surplus to requirements and as such is now vacant.

In planning policy terms, the application site is located entirely within the Settlement Framework Boundary of Calne as set out in the adopted North Wiltshire Local Plan 2011.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
02/01280/FUL	Warehouse, 2no. class B2 industrial buildings class B1 office building and associated service areas and parking	Permission 04/09/02
06/00602/FUL	External storage and hard standing	Permission 02/10/08
07/01078/FUL	Erection of perimeter fence	Permission 19/06/07
11/02159/FUL	Change of Use of Existing Deceuninck Building to Provide Indoor Football Facility (Class D2) and Erection of Additional Floor Space For Same.	Permission 23/11/11

### **5. Proposal**

The proposal is for the Change of use of the existing Deceuninck building to extend the permitted range of uses to include B2 (General Industrial). There is no known occupant within this use class at this point in time and the broader spectrum of permitted uses would be intended to facilitate the marketing of the property to potential employers.

### **6. Planning Policy**

North Wiltshire Local Plan: policies C3 Development Control; BD3 Business Development on unallocated Sites

Central Government Planning Policy: National Planning Policy Framework

### **7. Consultations**

#### Public Protection Team

The Environmental Health Officer identified initially that that noise could be readily addressed by condition. Concerns were raised as regards potential odour dust fume effluvia arising from the B2 use and the potential impact on nearby residential amenities. Concern was identified that this could not be addressed by condition. The applicant has submitted suggested conditions including in relation to pollution control and these have been reviewed by the Environmental Health Officer. Following receipt of the conditions (discussed further below) the EHO/Public Protection Team raise no objection to the Scheme Proposals.

#### Highways

Officers have reviewed the submitted proposals and supporting transport statement and considering the transport network in place adjacent the site do not consider that the proposed traffic associated with the B2 use will have a material impact on the operation of the existing local highway network. Officers raise no objection to the scheme proposals subject to use of a condition requiring the submission of a travel plan for agreement by the Local Planning Authority prior to the commencement of development.

#### Calne Town Council

The Town Council supports and welcomes the proposals.

It is important to note that at the request of neighbours and the local ward member the consultation period was extended with the agreement of the applicant to allow interested parties an opportunity to comment. Officers requested this of the applicant to take into account the summer holiday

period. The applicant consented to this extension and there was no formal requirement to do so on their part in this regard. Furthermore despite the extended period of consultation a limited number of objections were received – 5 in total. Whilst the volume of objection is not a determining factor in itself the relatively limited scale of objection (18 letters were received in respect of the indoor football facility application) is considered relevant.

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

5 letters of letters of objection were received

Summary of key relevant points raised:

- The existing range of permitted use at the site is sufficient to support marketing and sale.
- Harmful impact of noise, pollution and general disturbance from an Industrial use within a rural/suburban area.
- Considered that the originally proposed warehouse use was relatively limited but was significantly greater than expected with a consequently greater impact. The proposed industrial use was never anticipated.
- The noise impact will be significant and harmful in the surrounding areas, especially so given the substantial and unusual size and proportions of the existing building.
- Given the apparent difficulty in letting/selling the existing building for the permitted uses dismantling and removal of the structure should be considered
- The local road network is already congested and the proposal will increase HGVs on this network contrary to residents' objectives.
- Dispute the Transport Assessment conclusions. There is no bus route along Beverbrook Road. Deceuninck is no with easy walking distance or accessible by public transport.
- Existing facilities and land uses e.g. Beversbrook Sports Facility are already over subscribed for parking demand.
- Acknowledge the importance of job creation but consider that the quality of life of local residents be taken into account.
- Limited residential redevelopment of the site should be considered as an option.
- Timing of the application conflicts with resident's holidays thereby restricting scope to review proposals and comment as necessary
- Re-examine the possible uses of the site in the light of changed circumstances since the building was first erected
- Consider use of the site for open space purposes.
- The previous/existing permitted B8 Warehouse use resulted in significant noise disturbance particularly during the night.
- The proposed use would have a harmful effect on the level of daylight and privacy enjoyed by neighbouring residents.
- Request detail as to the type of industrial operation that could be permitted under this change of use.
- Hours of operation restrictions of 8am – 6pm would be acceptable dependent on the type of operation involved.
- The existing permitted development and uses at the site (Including unimplemented elements) resulting harm to residential amenities which would be significant worsened by the change of use.

## **9. Planning Considerations**

### Principle of Development

The site is located within the defined framework boundary for the town of Calne and is part of a well established and safeguarded major employment location. The site itself is a long established employment location featuring a large scale modern warehouse facility with consent for further structures which already benefit from consent for B2 use. Similarly consent was previously granted

for the use for the existing building for indoor football. The site lies directly adjacent the Calne bypass and whilst on the outskirts of the Calne Town is a well established employment location which already features a range of B2 Use Class operators. As such in principle this is an entirely appropriate location for employment uses and indeed a location to which operators looking for sites would be directed and it is safeguarded under existing planning policies for these specific purposes. The Council's assessment work (Roger Tym Wiltshire Workspace and Employment Land Review October 2011) relating to employment activity and related land use requirements produced in support of the preparation of the Wiltshire Core Strategy (Submitted for examination) specifically reiterates and identifies the need to retain land within the Portemmarsh Industrial Estate for employment uses.

Any proposals for development must however be the subject of assessment of impact against all material planning considerations and policy C3 of the North Wiltshire Local Plan 2011 is relevant in this context, in particular, in respect of the impact on residential amenities. Representations and objections received to date relating to this matter also suggest that any application should now be considered in the changed circumstances resulting from the residential development that has taken place to the south east of the application site. In this context it is also important to recognize that the changed circumstances include a broader range of matters such as the preparation and adoption of the national Planning Policy Framework (NPPF) which introduces a presumption in favour of sustainable development. It is considered that the proposal meets the definition of sustainable development contained in the NPPF in that it is in a generally sustainable location and one that is supported and protected for employment uses. In this context environmental impacts in terms of pollution and Highways impacts are addressed in further detailed below. The proposals would clearly have the potential to contribute to economic development and is considered sustainable in this context and in providing for local employment opportunities for the residents of Calne is considered to contribute to the social well being of the town. It should also be noted that at Section 1 of the NPPF the Government specifies that the planning system should not act as an impediment to sustainable economic growth and should do everything that it can to support such growth. Furthermore that significant weight should be given to the need to support economic growth.

In this context it is also crucial to bear in mind the significant changed circumstances relating to the national, European and worldwide economy. The unprecedented scale of the economic downturn presents a significant requirement on the Local planning Authority to implement proactively these requirements of the NPPF and support sustainable economic development.

Clearly employment uses throughout the country including B2 industrial uses have managed to co-exist and operate in close proximity to neighbouring residential properties with appropriate safeguards and they cannot be considered to be fundamentally in principle inappropriate in the same location. Indeed as already noted existing B2 uses operate at the Industrial estate in close proximity to the neighbouring residential areas of Calne. The NPPF provides no policy basis for resisting employment uses located adjacent residential areas in principle and neither do the adopted policies of the North Wiltshire Local Plan 2011. Certainly many of the concerns regarding impact on residential amenities e.g. noise and dust can be addressed by the use of appropriate conditions. Given this and bearing mind the other material considerations relating to the NPPF, Existing use and consents at the site; supporting studies relating to the Draft Wiltshire Core Strategy and the Economic downturn it is considered that the proposal is acceptable in principle and should be supported.

As regards representations received that alternative uses of the sites should be considered and promoted including residential and public open space this is not a material planning consideration to the determination of this application. Certainly it would be wholly unacceptable to refuse a planning application solely on the basis that alternative uses may be more acceptable in principle. In the first instance and under national planning legislation Local Planning Authorities must assess and determine the proposals that are submitted. Only proposals causing harm to interests of acknowledged importance can reasonably be refused. The appropriate mechanism for considering and bringing forward alternative proposals and land uses of the site is the Development Plan Process including the Draft Wiltshire Core Strategy and in this instance the Calne Neighbourhood

Plan. Work is underway on both documents and as noted above the Draft Wiltshire Core Strategy seeks to safeguard the site for employment use. This will be a matter for consideration as part of the examination and testing of that document. The Calne Neighbourhood Plan provides a specific mechanism for bringing forward alternative schemes and proposals and work is underway on that document. As such it would be inappropriate to refuse the current application on the basis that there are potential alternative uses with some community support.

#### Impact on Neighbour Amenities

Neighbour objectors have submitted representations that the existing B8 use of the site caused disturbance in terms of noise and resulted in harm through lighting, vehicle movements to and from and within the site and in respect of loss of amenity from the use of CCTV cameras. Concerns are identified that this situation will be worsened with the presence of B2 industrial operators at the site. There is clear concern that the relatively broad nature of the B2 use class could result in significant industrial operations at the site with the potential to cause harm to residential amenities through noise, air (dust and smell) and lighting pollution. Similarly neighbours referred to objections previously raised in respect of the application for the indoor football facility and use of the building, which again highlighted noise impacts on residential amenities.

These concerns were in part initially reflected in the initial consultation response of the Council's Public Protection Team (Environmental Health Officers). Referred to above officers identified that noise matters could be addressed through condition but that other issues of pollution generated by B2 use i.e. dust and odour may be more difficult to control by this method. This was particularly considered to be the case given that the end use and exact nature of the B2 operation to take place was not known.

The applicant has responded to these concerns by suggesting a range of conditions as set out at the end of this report. Of particular relevance is condition 14 which requires the submission and agreement of an operational statement once the end user of the site is known and prior to operation. This will allow officers to assess how best the site should be laid out internally and externally to minimise impacts. It will also include the submission of a noise assessment to demonstrate that other related conditions limited noise outputs can be met. This operational method statement in combination with the other conditions is considered to allow the Council to control the detailed operation of the site in order that residential amenities would be protected to an appropriate level. Whilst at the same time the site can be flexibly and proactively market to a reasonable level sufficient to generate operator interest. Again in this context it is essential to bear mind other considerations regarding the existing consents at the site which include additional buildings which have consent for B2 use already; the NPPF and the importance of supporting sustainable economic development. Public Protection Officers (Environmental Health) have reviewed the revised suggested conditions and submitted an additional consultation response raising no objection to the proposals on the grounds of harm to residential amenities.

On balance it is considered that the potential impacts can be sufficiently mitigated through the implementation and application of these conditions such that consent ought not to be refused on the grounds of harm to residential amenities.

#### Highways Impact

The applicant has submitted a Transport Statement in support of the application and proposed use. One neighbour objector raised concerns regarding the findings and content of the statement, particularly in regard to the assessed location in relation to Calne and the availability of public transport services. The Council's Highways officers have reviewed the Transport Statement and fully cognisant of the existing site and locality circumstances and including location, proximity of other services and development; local highway conditions; and the availability of public transport services in the locality raised no concerns or objections in respect of the Transport Statement itself. Further more officers having assessed the proposals and the anticipated transport movements (albeit without the benefit of knowledge as to a specified end user) raised no objection to the proposed change if use as regards to the local highway network.

In this context it is important to note that the site is currently used as a B8 Warehouse Storage and Distribution Facility and one of considerable scale. The impact of that permitted use is significant in respect of HGVs on the local highway network. Proposals for B2 use must be considered with those conditions in mind. Similarly the site also benefits from unimplemented contexts which remain valid for B2 use. Highways Officers have assessed the worst case scenario under the B2 use of the site in terms of traffic generation scenario and consider that the impact on the highway network would not be so significant over and above the existing circumstances as to warrant and justify the refusal of the application. Again in this context it is essential to recognize that the site lies directly adjacent a major road, the Calne bypass with very good access to that road. Similarly it is essential to bear in mind the requirement within the NPPF to support sustainable economic development. The proposal is not considered to generate harm in respect of environmental conditions including the impact on the highway network. Despite representations to the contrary it is considered that the site is relatively well located in relation to potential employees being within reasonable distance of some residential areas of Calne and with some level of public transport access. Certainly the site is clearly within a reasonable cycling distance of much of the Town of Calne. Calne itself is a relatively small town and it is not considered that the application site is so remote from existing residential areas as to render it unsustainable such that the B2 use ought to be refused on these grounds. This is particularly the case given the existing and permitted uses at the site and the clear policies of the NPPF requiring that Local Planning Authorities should support sustainable economic development and not impose unnecessary obstacles to development.

Finally it is important to note that the suggested conditions agreed by the applicant include the preparation and submission of a Green Travel Plan by the future occupant and it is considered again that this offers sufficient scope to mitigate potential impacts such that consent ought not to be refused.

## **10. Conclusion**

The proposed B2 use is considered appropriate in principle to this location. The site is a location that already benefits from an extant consent for the proposed use. An extension and intensification of this use of the site is considered to be a sustainable form of development. It is considered that the proposed use will accord with a range of policy imperatives and objectives particularly in respect of economic development. As such development ought not to be refused unless there are significant harmful impacts to interests of acknowledged importance that cannot be reasonably mitigated. The proposed suite of conditions referenced below are considered appropriate and sufficient to adequately mitigate any potential harmful impacts particularly in respect of residential amenities.

## **11. Recommendation**

Planning Permission be GRANTED for the following reason:

The proposed development is considered to be sustainable and appropriate to the location in principle and the attached conditions provide sufficient mitigation to ensure that there will be no harm to residential amenities. The proposal is in accord with policies C3 and BD3 of the adopted North Wiltshire Local Plan 2011 and Paragraph 14 and Section 1 of the National Planning Policy Framework.

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: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

POLICY-C3

2. The level of noise emitted from the site shall not exceed a Rating level of 45 dB (1hr)(i.e. LAeq(1hr) and free from acoustic features) between 0700 and 2300 hrs Monday to Saturday and a Rating level of 35 dB(5 mins) (i.e. LAeq (5 mins) 35 dB and free from acoustic feature) at any other time as measured on all boundaries of the site at any position where the boundary is contiguous with any part of the curtilage of a residential property.

Reason: In the interests of protecting the amenity of residents.

POLICY: C3

3. No development shall commence on site until a Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include details of implementation and monitoring and shall be implemented in accordance with these agreed details. The results of the implementation and monitoring shall be made available to the Local Planning Authority on request, together with any changes to the plan arising from those results.

REASON: In the interests of road safety and reducing vehicular traffic to the development.

POLICY-C3

4. No development shall commence on site until details of secure covered cycle parking and changing and shower facilities have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for use at all times thereafter.

REASON: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

POLICY-C3

5. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site without the prior approval in writing of the Local Planning Authority in the form of a separate planning permission in that regard.

REASON: In the interests of the appearance of the site and the amenities of the area.

POLICY C3

6. No further external lighting shall be installed on site whatsoever unless otherwise agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

POLICY: C3

7. No development shall commence on site until a scheme for the discharge of surface water from the extended building and site, incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use/first occupied until surface water drainage has been constructed in accordance with the approved scheme.

REASON: To ensure that the development can be adequately drained.

POLICY: C3

8. No development shall commence on site until details of the works for the disposal of sewerage from the site and extended building has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

REASON: To ensure that the proposal is provided with a satisfactory means of drainage.

9. (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (Tree Work).

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

(c) No equipment, machinery or materials shall be brought on to the site for the purpose of the development, until a scheme showing the exact position of protective fencing to enclose all retained trees beyond the outer edge of the overhang of their branches in accordance with British Standard 5837 (2005): Trees in Relation to Construction, has been submitted to and approved in writing by the Local Planning Authority, and; the protective fencing has been erected in accordance with the approved details. This fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of five years from the first occupation or the completion of the development, whichever is the later.

REASON: To enable the Local Planning Authority to ensure the retention of trees on the site in the interests of visual amenity.

#### POLICY-C3

10. No development shall commence on site until details showing ventilation and extraction equipment within the site (including details of its position, appearance and details of measures to prevent noise emissions in accordance with the limits defined in condition 3) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the building/extension hereby approved is first occupied and shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area.

#### POLICY-C3

11. The change of use hereby permitted shall be implemented in complete accordance with plans relating to "Building A" granted planning permission under reference 02/01280/FUL and shall retain parking provision and manoeuvring spaces in accord with 02//01280/FUL. The extant and as yet unbuilt extensions to the building subject to this application shall be constructed strictly in accordance with the relevant plans approved under reference 02/01280/FUL unless otherwise agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.

Reason: To define the parameters of the planning permission for the avoidance of doubt.



12. The use hereby permitted shall only take place between the hours of 09:00hrs – 19:00hrs

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

#### POLICY-C3

13. Notwithstanding that shown on the submitted plans, there shall be no further doors, windows or any other form of opening inserted into the western or southern elevation of the extended building (i.e. the complete building including the additional floorspace yet to be constructed) whatsoever unless otherwise agreed in writing with the Local Planning Authority in the form of a separate planning permission in that regard.

Reason: For the avoidance of doubt and so as to ensure the amenity of neighboring residents is not adversely affected by the proposal.

14. Prior to the first use of the building or site for the permitted purpose, a 2.0m high close boarded acoustic fence shall be erected in a position adjacent the southern and south western site boundaries adjacent neighboring residential properties.

Reason: In the interests of securing a form of development that will not cause an unacceptable impact upon the amenities of the neighbouring residential occupiers.

15. Prior to the first use of the building for any purpose within Class B2 an Operational Statement shall be submitted to an approved in writing by the Local Planning Authority. The statement shall include but not be limited to:-

- A detailed description of the processes to be undertaken
- An internal and external layout of the building showing how the manufacturing areas will be laid and will operate, the location of storage and offices and the areas for lorry parking, manoeuvring, loading and unloading
- An assessment of the noise emitted from the building assessed on all boundaries of the site at any position where the boundary is contiguous with any part of the curtilage of a residential property and based on the full operational activities of the proposed occupant to assess compliance with condition 2 and noise rating levels contained therein.
- A description of any dust, fumes or odour likely to be produced by internal or external activities and how they will be monitored and mitigated.
- Hours of operation and servicing patterns
- Number of employees and shift patterns

The use shall thereafter operate in accordance with the approved statement unless otherwise subsequently approved in writing by the local planning authority

REASON: in the interests of safeguarding the residential amenities of neighbouring properties.

#### POLICY: C3

16. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Plans: 0158/73855; PL/01; PL/02 Dated 09/07/2012

REASON: To ensure that the development is implemented as approved.

