

**KEY INFORMATION****Ward** Pitkerro**Proposal**

Erection of 3850m<sup>2</sup> class 6 warehouse, 4 No. new loading docks in existing warehouse, 21.9m<sup>2</sup> office and 1.6m high boundary wall

**Address**

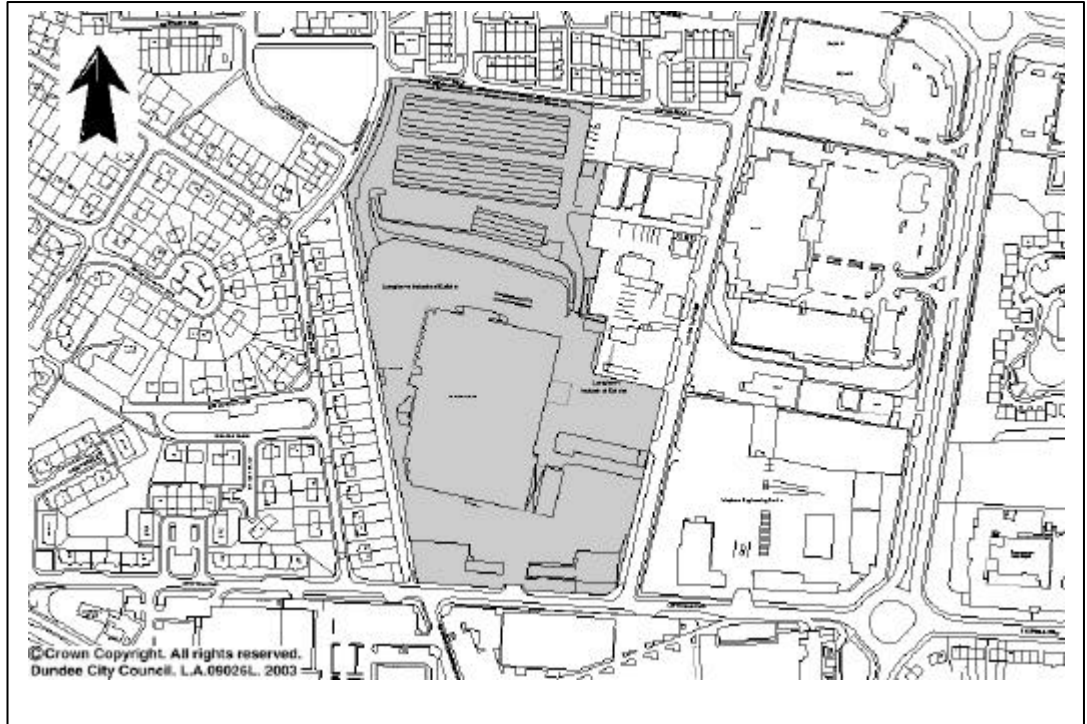
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**Applicant**

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**Agent**

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**Registered** 6 July 2005**Case Officer** J Young

# Proposed Extension to Warehouse in Longtown Road

Erection of 3850 m<sup>2</sup> Class 6 warehouse, 4 No. new loading docks in existing warehouse, 21.9 m<sup>2</sup> office and 1.6m high boundary wall is **RECOMMENDED FOR APPROVAL subject to conditions**. Report by Director of Planning and Transportation

**RECOMMENDATION**

It is considered that the proposal complies with Policies 1 and 26 of the Dundee Local Plan Review 2005. The proposal will consolidate the operations of the business into one location and there will be no significant impact on noise levels or traffic movement within and around the site. Therefore the application is recommended for **APPROVAL subject to conditions**.

**SUMMARY OF REPORT**

- The application was deferred from the Development Quality Committee agenda on 31st October 2005 to allow the applicant an opportunity to address Committee due to concerns from the Local Member.
- Planning permission is sought for the erection of 3850sqm warehouse building, 4 new loading docks in existing warehouse, 21.9sqm office space and 1.6m high boundary wall.
- 3 letters of objection and a petition with seven signatures were received to the application. The main grounds of objection relate to increased noise levels and traffic movements within and around the site.
- The site is specifically allocated for industrial use and Policies 26 and 1 of the Dundee Local Plan Review 2005 are of relevance to the determination of the application. Policy 26 supports the expansion of classes 4, 5 and 6 and indicates that the protection of residential amenity is a key factor in the assessment of any proposal to extend an existing industrial business. Policy 1 is relevant as there are residential properties within close proximity to the north and west boundaries of the site. It is considered that the application complies with the development plan policies. A noise impact assessment was submitted and assessed and it is considered that noise levels will not reach unacceptable levels for neighbouring residents or to levels that merit refusal of the application.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the erection of 3850sqm warehouse building including two new loading docks, 4 new loading docks on south elevation of existing warehouse, 21.9sqm office space and 1.6m high boundary wall at the CJ Langs distribution depot at Longtown Road, Dundee. The proposed extension to the warehouse building will use materials to match the existing warehouse, such as grey metal wall cladding, grey metal roof sheeting and dark engineering brick for the small office extension.

The applicant submitted a noise impact assessment and traffic statement with the application and submitted supporting information at a later stage, which assesses the application against relevant development plan policies and justifies the proposal.

## SITE DESCRIPTION

The application site extends to approximately 5.75 hectares and is located on the north side of Longtown Road.

The site is predominantly occupied by a storage and distribution warehouse and covers approximately one fifth of the total site. The warehouse stores general groceries, cigarettes and alcohol for distribution to shops and supermarkets within Scotland. The existing warehouse buildings are located to the south of the site. The northern end is covered in tarmac and is used to park HGV lorries. It sits at a lower level, with a steep embankment separating the two areas. The remainder of the site is made up of small ancillary buildings, such as offices and a garage for regular maintenance of the vehicles.

The site is located within a mixed use area, with a retail warehouse park located to the south and residential to the north and west. To the east of the site are BT premises and further industrial uses.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

### Dundee Local Plan Review 2005

The following policies are of relevance:

Policy 1: Vibrant and Sustainable Communities - New development should seek to minimise any effect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell.



Policy 26: General Economic Development Area - proposals for class 4, 5 and 6 uses will be supported.

### Scottish Planning Policies, Planning Advice Notes and Circulars

The following is of relevance:

#### Planning Advice Note 56: Planning and Noise

This advice note recommends that a noise impact assessment will greatly assist the planning authority to determine a planning application that raises significant noise issues. A noise impact assessment was submitted by the applicant at the time of submitting the planning application.

### Non Statutory Statements of Council Policy

There are no non statutory Council policies relevant to the determination of this application.

## LOCAL AGENDA 21

Key Theme 4 indicates that local needs should be met locally. It is considered that the expansion of this distribution depot will comply with these aims.

## SITE HISTORY

Planning permission was granted on 2.9.05 for the erection of a 3.5m high acoustic fence along a 90m section of the west boundary of the CJ Lang site. This was to address complaints from residents to the west at Bellisle Drive about unacceptable noise levels at night time.

Other applications which were granted permission on the site are as follows:

- 04/00101/FUL - Formation of vehicle loading bay and change of use from storage area to freezer store - Approved with conditions 26.03.04;
- 03/00333/FUL - Erection of sprinkler storage tank and enclosed pump house - Approved with conditions 01.07.03;
- 01/30032/FUL - Erection of new section of security fencing - Approved with conditions 25.07.01.

## PUBLIC PARTICIPATION

Three letters of objection and one petition letter with seven signatures were received to the application on the grounds of:

- 1 Contrary to national and local policies;
- 2 Traffic congestion;
- 3 Noise issues.

## CONSULTATIONS

The Head of Environmental Health and Trading Standards has provided comments on the noise impact assessment, which was submitted as part of the planning application submission. Noise readings were taken using internal noise levels within residential properties with windows closed. It was concluded that these levels were satisfactory.

## OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

### The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

The site is allocated under Policy 26 of the Dundee Local Plan Review 2005 and it supports an expansion of class 6 at this location. The preamble to the Policy specifies that:

"Where existing industrial areas are close to housing, the protection of residential amenity will be key in assessing the acceptability of development proposals. Proposals for new business/industrial development or expansion of existing businesses provide an opportunity to improve the environmental quality of business and industrial areas."

Therefore the proposal has been assessed against Policy 1 to determine whether it will be acceptable in terms of any impact on residential amenity.

Policy 1 of the Dundee Local Plan Review 2005 seeks to protect the amenity of surrounding residents. As previously discussed in the "Consultations" section the applicant submitted a noise impact assessment as part of the application submission and the comments from the Head of Environmental Health and Trading Standards are as follows.

Firstly, the extension to the warehouse and additional number of loading bays were assessed. The bays on the west elevation are designed to accommodate specific vehicles already within the company's fleet (using the existing bays) and not to cope with additional workload/vehicles. Whilst it is in this area that noise complaints originated, the proposed development should not result in any increase to the current noise levels. Alterations to traffic flow should actually reduce the number of vehicle movements along the west

elevation. Secondly, the extension will result in a small increase of usage of the lower yard to the north of the compound. This area will be used by traffic wishing to exit the compound via the east gate on Longtown Street. Shunting vehicles already use this area for moving trailers back and forth to the loading bays. Predicted noise levels at the housing on Linfield Street will remain within established guidelines. Lastly, there is the issue of the additional loading bays on the south elevation to facilitate the new freezer aspect of the warehouse. At present, freezer lorries are loaded up at the company's Clepington Road depot and brought to Longtown Road to have additional ambient stock loaded. The vehicles are then parked on the south elevation. While there may be additional noise from the loading practice, it is considered that it will be within acceptable parameters.

In summary, it is considered that the proposal complies with the policies of the Dundee Local Plan Review 2005 in terms of noise and residential amenity. It is considered appropriate to apply conditions to ensure that noise levels are kept within acceptable levels for nearby residents, should Members be minded to support the application.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

### Other Material Considerations

The other material considerations to be taken into account are as follows:

#### PAN 56: Planning and Noise

PAN 56 requires that "applications for planning permission that may raise issues of noise generation, should be examined in terms of:

- level of noise that is likely to be generated;
- character of the noise;
- way in which it is likely to be transmitted; and
- time periods involved." (paragraph 12)

Paragraph 15 provides minimum design measures that will assist in controlling or limiting people's exposure to noise:

- 1 Engineering and building design:
  - reducing noise at point of generation, for example by using

quiet machines and quiet methods of working;

- containing noise, for example by insulating buildings which house machinery and providing purpose built barriers around a site; and
- protecting noise sensitive buildings and areas, for example by improving sound insulation in these buildings and screening them with purpose designed acoustic barriers."

The conclusion of the noise impact assessment indicates that:

- A noise control barrier should be provided along all or part of the west boundary;
- The development of the proposed additional accommodation and increased provision of loading docks will not increase noise impact at the boundary and could reduce it;
- The intensification of the use of the lower park-up area should not impact on received sound levels at housing to the north of the park-up area. However, in the interests of good neighbourliness night-time HGV movements in the lower site area should be managed to occur away from the boundary wherever practicable.

The noise consultant concludes that the noise impact assessment demonstrates that the operation of the CJ Lang Ltd's logistics facility, subject to the mitigation measures outlined in the report, will comply with and meet recommended guidelines for the control of noise. Accordingly, they conclude that noise issues should not present any impediment to the proposed development, subject to appropriate conditions being applied to protect the residential amenity of neighbours.

An application for a 3.5m high acoustic fence was granted permission on 2nd September 2005. It is considered that this will protect adjacent residents from unacceptable noise levels. The noise impact statement was assessed by the Head of Environmental Health and Trading Standards and the conclusion is that noise levels will be acceptable for residents and not breach national guidance recommendations.

#### Traffic Movement

Pre application meetings took place between the applicant and the City Council regarding traffic movement within and around the site. Information was requested from the Council to be included within a traffic statement. This was submitted by the applicant at the time of submitting the planning application. The statement concludes that:

- The Longtown Road depot will generate around 100 additional two-way HGV movements per day at an average rate of 8 per hour. These are not new trips to the wider highway network but are re-diverted trips from the Clepington Road depot;
- Clepington Road will benefit from the proposed development as the current 150 two-way HGV movements generated by CJ Lang's depot will be removed. Kings Cross roundabout will also benefit from reduced HGV movements;
- The development proposal will realise a reduction in HGV usage on the Kingsway, as all eastbound lorries will no longer have to travel west to Clepington Road prior to commencing their journey. This could see a reduction of 38 HGV miles per day on the Kingsway and improved conditions at 6 intermittent roundabouts;
- The increase in traffic levels around Longtown Road will be minimal and do not give rise to a requirement for detailed analysis of any local junction. It is anticipated that there is ample capacity within the local network to allow for the traffic increase;
- Road safety at Clepington Road will be improved through the reduction in HGV movements;
- The road layout and conditions around Longtown Road do not present difficulty to drivers. The accident statistics for the period considered show no accidents involving HGVs.

The consultant concludes that the proposal will bring net benefits to the existing highway network. This is mainly due to the relocation of the existing frozen foods warehouse at Clepington Road to the proposal site. The combined traffic movements of

the two sites will enable an overall reduction in HGV usage on the Kingsway.

The traffic statement findings have been analysed and it is considered that given the information within the traffic statement, there will be no adverse impact on the traffic movement within and around the CJ Lang site at Longtown Road.

## Objections

The main objections are regarding the adverse impact on residential amenity due to noise disturbance, traffic congestion and contrary to national and local policies. The noise issues have been discussed in considerable detail above and it is concluded that there will not be a significant increase in levels that would merit refusal of the application. A number of conditions will be imposed to restrict night-time movement within the site so that residential amenity is protected.

It is concluded from the foregoing that insufficient weight can be accorded to any of the material considerations such as to justify the refusal of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be granted with conditions.

## Design

The extension to the warehouse building will match the existing and is considered acceptable at this industrial location.

## CONCLUSION

It is considered that the proposal complies with Policies 1 and 26 of the Dundee Local Plan Review 2005. Any potential noise concerns can be dealt with by the imposition of conditions, which will limit the traffic movement around the site between 11pm and 7am and thereby protect the residential amenity of surrounding neighbours. Therefore the application is recommended for APPROVAL subject to conditions.

## RECOMMENDATION

It is recommended that planning permission be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be commenced

within five years from the date of this permission

- 2 There shall be no traffic movement or "lay-up" of vehicles in the south west corner of the site from 2300 to 0700 hours.
- 3 The lower parking area, within 40m of the north boundary, shall not be used for traffic movement by HGV vehicles between the hours of 2300 and 0700 hours
- 4 Any HGV vehicles being used within the application site between 2300 and 0700 hours shall have special sound reduction reverse warning units installed, as detailed in page 24 of the noise impact assessment, and details shall be submitted to the City Council prior to any development commencing on site.
- 5 The 90m length of 3.5m high acoustic fencing (ref: 05/00546/FUL applies) shall be implemented on site prior to the commencement of development, or as agreed in writing with Dundee City Council
- 6 Noise from all mechanical and electrical plant shall not exceed NR35, as measured 1 metre from the facade of the nearest residential accommodation.

## Reasons

- 1 To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997
- 2 To protect the amenity of adjoining residents from unacceptable traffic movement noise during night-time hours
- 3 To protect the amenity of adjoining residents from unacceptable traffic movement noise during night-time hours
- 4 To protect the amenity of adjoining residents from unacceptable traffic movement noise during night-time hours
- 5 To protect the amenity of adjoining residents from unacceptable noise levels from traffic movements
- 6 To protect the amenity of adjoining residents from unacceptable noise levels