

ITEM: 03

Application Number: 10/01300/FUL

Applicant: Unit Build Ltd

Description of Application: Erection of building containing three units for light industrial office, industrial and warehouse purposes (use class B1 and B2 and B8) with associated parking and landscaping. Amendment to approved application 08/01725

Type of Application: Full Application

Site Address: SISNA PARK ROAD ESTOVER PLYMOUTH

Ward: Moor View

Valid Date of Application: 23/08/2010

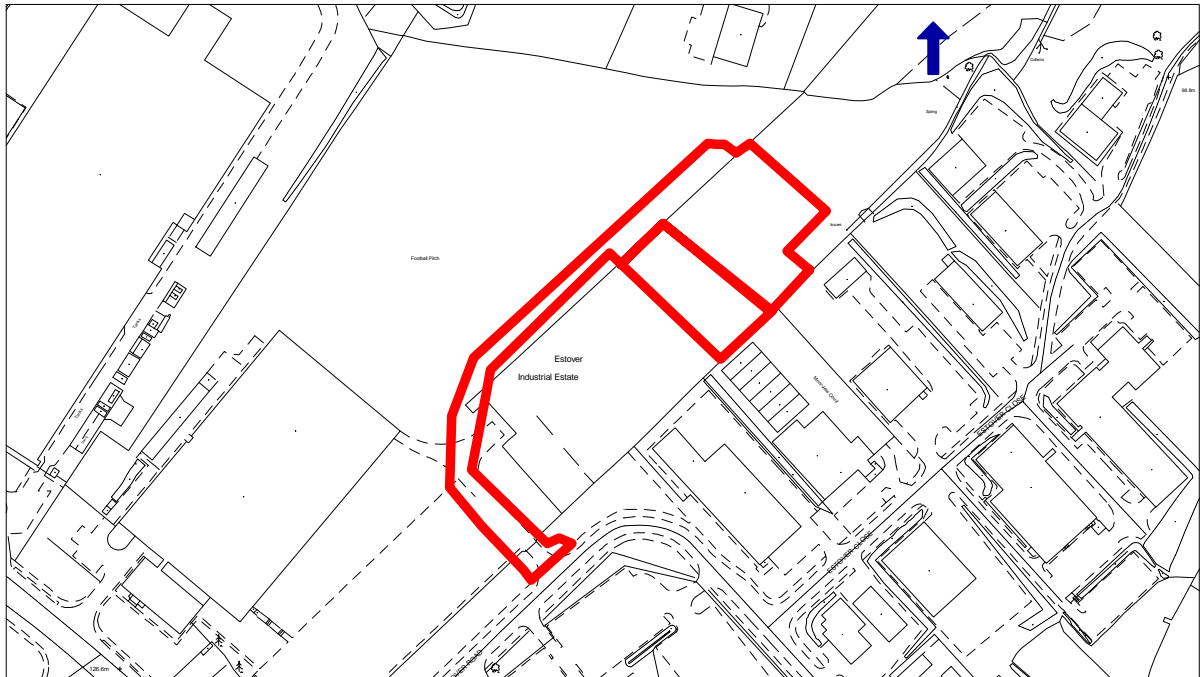
8/13 Week Date: **22/11/2010**

Decision Category: Major Application

Case Officer : Janine Warne

Recommendation: Grant Conditionally

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OFFICERS REPORT

Site Description

Sisna Park is an industrial estate located in the Estover area of the city. Phases 1 and 2 of the Sisna Park development have been constructed and are nearing complete occupation. Phase 3 is under construction. The application site comprises the final phase (known as 3.2), sited in the north-eastern corner of the estate.

Proposal Description

This application seeks consent for the erection of a building containing three units for light industrial office, industrial and warehouse purposes (use class B1, B2 and B8) with associated parking and landscaping. This application comprises an amendment to approved application 08/01725.

Relevant Planning History

02/01065/OUT - Outline application to develop land for light industrial / office, industrial and warehouse purposes (Use Classes B1, B2 and B8) – (granted)

06/01647/REM - 16 industrial units (for uses within Classes B1, B2, and B8) with associated access road, service yards and car parking areas – (withdrawn)

06/02069/REM - 16 industrial units (for use within Use Classes B1, B2 and B8) (approval of reserved matters) – (granted)

08/00532/FUL - Additional employment unit (for use in Classes B1, B2 and B8) (extension to previously approved scheme 06/01407) – (granted)

08/01725/FUL - Development of land for light industrial office, industrial and warehouse purposes (use class B1, B2 and B8) – (granted PS106)

09/01288/FUL - Erection of building comprising 2 units for light industrial office, industrial and warehouse purposes (use class B1, B2 and B8) Amendment to approved application 08/01725/FUL – (permitted)

10/00033/FUL - Conversion of units 24 and 25 to form a single unit (Use Class B1, B2 and B8) with associated parking and landscaping (amendment to previously approved scheme 08/01725/FUL) – (permitted)

10/00441/FUL – Unit 8 – Use within Use Class D1 (c) (provision of education) in addition to Use Classes B1, B2 and B8 – (withdrawn pending a Contamination Risk Assessment).

10/00652/FUL – Erection of building containing two units for light industrial office, industrial and warehouse purposes (use class B1, B2 and B8) with associated parking and landscaping. Amendment to approved application 08/01725 – (permitted).

10/00941/FUL – Unit 8 – Use within use class D1 (c) (provision of education) in addition to use class B1, B2 and B8 – (permitted).

Consultation Responses

Transport – No objections, subject to recommended conditions relating to car parking provision, cycle storage and a staff travel plan

Environmental Services – No objections, subject to a recommended condition relating to a code of practice during construction

Environment Agency – No objections, subject to recommended conditions relating to flood risk and land contamination

Plymouth City Airport – No objections

South West Water – No objection; observations made

Representations

No letters of representation have been received regarding this planning application.

Analysis

Introduction

The primary planning considerations in this case are the impact on the character and appearance of the area, the impact on trees, soft landscaping and wildlife, the impact on the highway and the risk of flooding. The policies relevant to this application are CS18, CS19, CS21, CS22, CS28, and CS34 of the City's adopted Core Strategy.

Under application no. 08/01725, the site benefits from planning approval for one large industrial unit measuring approximately 1395m² (with proposed future expansion of 465m²). The current proposal comprises an amendment to this scheme.

The proposal is for the erection of a single structure measuring approximately 1200m² in total. This building shall be subdivided into three units for light industrial office, industrial and warehouse purposes (use class B1, B2 and B8) with associated parking and landscaping. Specifically, unit 29a comprises a 730m² production area (with 195m² x2 ground- and first-floor office accommodation); unit 29b comprises a 218m² workshop and unit 29c comprises a 216m² workshop.

Visual Impact

The design deviates from that originally approved (app. no. 08/01725). The depth of the units has been reduced by approximately 12m and the length of the block has increased towards the south-eastern boundary by approximately 16m. The revised footprint facilitates the enlargement of the access/parking area in front of each unit.

The revised layout is deemed acceptable; it follows the established building line to the highway (created by the side – northwest – elevations of the units) and does not protrude beyond the established boundary to the southeast.

The front elevation of the premises has been redesigned. Industrial access doors, fenestration and signage are spread throughout the entire frontage; this helps to 'break-up' the space and add interest to the front façade. In addition, a two-storey glazed curtain wall has been proposed wrapping around the south-eastern corner of the building. Whilst this corner is not especially prominent, the glazed design feature promotes an active frontage and is supported by the Local Planning Authority. Therefore it is considered that the external appearance of this utilitarian building is both functional and attractive.

Trees

The land has already been leveled. At the closest point, the proposed development will be approximately 9m from the base of the hedge along the south-eastern boundary. Therefore a restrictive condition is recommended to ensure that protective fencing is erected to prevent any accidental damage to the trees roots and canopy during construction.

The soft landscaping shown on the plan shall be implemented once the development is complete. Therefore a restrictive condition is recommended to ensure that the original landscape plan, which covers the entire Sisna Park, (submitted under application no. 08/01725) is updated to reflect the amendment to this plot.

Wildlife

In respect of the possibility of protected species on the site, the developer should again be advised of his responsibilities under the Wildlife and Countryside Act, since these apply regardless of any planning control. This is recommended as an informative.

Highways/Parking etc

As noted above, the Transport Authority have raised no objections in principal to the proposal that would alter phase 3.2 of the overall previously approved development, to permit a substitution of the approved industrial building on the application site.

From a Transport perspective the proposed relatively minor changes and substitution of an alternative industrial building would make little difference, where all of the significant transport impacts such as access/egress, trips and traffic attraction, parking and servicing including deliveries etc, have been previously properly considered.

The application considers sustainable means of travel, but further details are required to be provided in respect of cycle and motorcycle storage facilities, and the maintenance of Staff Travel Plans. Therefore restrictive conditions are recommended in this regard.

Contaminated Land

Beyond the remit of this application, the applicant has carried out further ground investigations at Sisna Park and submitted findings to the Council's Public Protection Service for consideration. As a result, the Authority is satisfied that the development does not pose any risk to human health. However, the Environment Agency (EA) has not yet reviewed this additional information and therefore is unable to confirm, at this stage, that the proposed development does not pose a risk to controlled waters. Therefore, in accordance with the EA's recommendation the conditions attached to 08/01725 have been reiterated in this case.

Flood Risk

During the determination of the original application (08/01725), the Environment Agency (EA) recognised the site as being in an area where flooding is an issue. At that time, a Flood Risk Assessment and plans were submitted and it was agreed to catch surface water in an attenuation pond on the eastern boundary of the site (outlined in blue in the current application). This proposal is still accepted in principle. However, the EA has now recommended a restrictive condition (see condition (2) below) which differs from previous conditions recommended for applications on this site because the EA understands that the surface water drainage for the proposed development required some recalculation of surface water drainage rates from those contained in the Flood Risk Assessment dated December 2008 by Jubb Consulting.

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Section 106 Obligations

In accordance with the Local Development Framework Planning Obligations and Affordable Housing Supplementary Planning Document adopted August 2010, no tariff is sought in this case. The associated Market Recovery Scheme 2010/11 confirms that B1/B2 uses benefit from up to 100 % discount on tariff for development. This is justified on the grounds of economic viability and the urgent need to support employment growth given the continuing fragility of the local and national economy. A viability assessment has not been requested in this case having regard to the planning history of the site. No financial contribution is therefore being sought.

Equalities & Diversities issues

The application confirms that the unit has 'level' access through the main entrance doors, which allows wheelchair accessibility to all areas and together with a wheelchair accessible toilet, the unit will accord with current legislation.

Conclusions

For the reasons discussed above, this application is recommended for conditional approval.

Recommendation

In respect of the application dated **23/08/2010** and the submitted drawings, **21376/100 Rev.A, 21376/01 Rev.D, 21376/02 Rev.F, accompanying Design and Access Statement and supporting information (Travel Plan and Renewable Energy Analysis; Contamination Risk Assessment dated August 2010)** , it is recommended to: **Grant Conditionally**

Conditions

DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

SURFACE WATER DRAINAGE

(2) No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management have been submitted to and approved in writing by the Local Planning Authority. The details shall include:

- details of the drainage during the construction phase;
- details of the final drainage scheme;
- provision for exceedance pathways and overland flow routes;
- a timetable of construction;
- a construction quality control procedure; and
- a plan for the future maintenance and management of the system and overland flow routes.

Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason:

To prevent the increased risk of flooding and minimise the risk of pollution of surface water by ensuring the provision of a satisfactory means of surface water control and disposal during and after development in accordance with policies CS21, CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION

(3) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with the approved plan and for the loading and unloading of vehicles, and for vehicles to turn so that they may enter and leave the site in a forward gear.

Reason:

In the opinion of the Local Planning Authority, although some provision needs to be made, the level of car parking provision should be limited to assist the promotion of sustainable travel choices in accordance with policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STAFF TRAVEL PLAN DETAILS

(4) The uses hereby permitted shall be carried out in accordance with details of a Staff Travel Plan which shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development. The Staff Travel Plan shall include the following elements:

- the provision of secure and convenient cycle parking facilities;
- the provision of shower and changing facilities for staff;
- measures to regulate the management and use of car parking areas to be permitted;
- the appointment of a suitable on-site coordinator to monitor and record occupiers' progress in meeting the objectives of the plan. An initial survey of staff travel patterns to/from the site shall be carried out and the results, together with proposed targets for staff cycle and public transport usage and car sharing, submitted to the Local Planning Authority within six months of the development opening for trade. A report shall be submitted to the Local Planning Authority every two years monitoring the progress of the plan and achievement of the identified targets; and
- measures for enforcement of the plan, should agreed objectives and targets not be met.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

EXTERNAL MATERIALS

(5) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SURFACING MATERIALS

(6) No development shall take place until details of all surfacing materials to be used have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE STORAGE

(7) The secure areas for storing cycles shown on the approved plan shall be provided prior to the occupation of the development hereby permitted, and shall remain available for their intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building. in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

OPEN STORAGE

(8) No goods, plant, machinery or trade refuse shall be stored in the open on the site, without the prior consent in writing of the Local Planning Authority.

Reason:

To safeguard the amenities of the area and the appearance of the site, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SOFT LANDSCAPE WORKS

(9) The units hereby permitted shall not be occupied until further details of soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The landscape works shown on drawing number 19244/370 (submitted under application 08/01725/FUL) shall be amended to reflect the development hereby permitted, and details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; the implementation programme. The landscaping shall be of a type that does not cause bird strikes to aircraft. The submitted scheme shall show that the wildlife value of the site has been enhanced.

Reason:

To ensure that satisfactory landscaping works are carried out in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CONSTRUCTION PHASE MANAGEMENT PLAN

(10) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

In the interests of the residential and general amenity of the area and highway safety, from any harmful polluting effects during construction works to avoid conflict with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LIGHTING

(11) All lighting in the development hereby permitted shall be of flat glass, full cut-off design, with horizontal mountings such that there is no light spill above the horizontal.

Reason:

To ensure that the lighting does not confuse or distract pilots in the vicinity of the nearby aerodrome, in accordance with policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

TREE PROTECTION DURING CONSTRUCTION

(12) The existing trees and/or hedgerows shown to be retained on the approved plans shall be properly protected with appropriate fencing during construction works. The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with Section 9 of BS 5837:2005 (Trees in relation to construction - recommendations) before any equipment, machinery or materials are brought onto the site for the purposes of the development, and 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 written consent of the Local Planning Authority.

Reason:

To ensure that any trees or hedgerows to be retained are protected during construction work in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LAND QUALITY

(13) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 14 to 16 have been complied

with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 17 has been complied with in relation to that contamination.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SITE CHARACTERISATION

(14) An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a desk study characterizing the site and identifying potential risks from contamination;
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments;
- (iv) an appraisal of remedial options, and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUBMISSION OF REMEDIATION SCHEME

(15) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be

prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(16) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in Planning Policy Statement 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

REPORTING OF UNEXPECTED CONTAMINATION

(17) In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the

approval in writing of the Local Planning Authority in accordance with condition 16.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - CONSTRUCTION PHASE MANAGEMENT PLAN

(1) With regard to condition 10 of this permission, the management plan shall be based upon the Council's Code of Practice for Construction and Demolition Sites which can be viewed on the Council's web pages, and shall include sections on the following:

- a) Site management arrangements including site office, developer contact number in event of any construction/demolition related problems, and site security information,
- b) Construction traffic routes, timing of lorry movements, weight limitations on routes, initial inspection of roads to assess rate of wear and extent of repairs required at end of construction/demolition stage, wheel wash facilities, access points, hours of deliveries, numbers and types of vehicles, and construction traffic parking; and
- c) Hours of site operation, dust suppression measures, and noise limitation measures.

All sensitive properties surrounding the site boundary should be notified in writing of the nature and duration of works to be undertaken and the name and address of a responsible person, to whom an enquiry/complaint should be directed.

INFORMATIVE - WILDLIFE

(2) The applicant's attention is drawn to the requirements of the Wildlife and Countryside Act 1981. It is an offence to disturb wildlife habitats, and should habitats be found on site, it is recommended that Natural England are consulted for further advice, and all requirements of the act are met. The applicant's attention is drawn in particular to the existence of what appears to be either badger setts or fox dens on the site. It is strongly recommended that these features be properly surveyed and that appropriate mitigation proposals are produced before any work commences on site.

INFORMATIVE - SURFACE WATER DRAINAGE

(3) The applicant is advised that the wording of condition (2) above differs from previous conditions for applications on this site because the Environment Agency consider that the surface water drainage for the proposed development requires some recalculation of surface water drainage rates from those contained in the Flood Risk Assessment dated December 2008 by Jubb Consulting.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: wildlife, flood risk, impact on trees, visual impact, impact on surrounding area, aircraft safety and highways/parking issues, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS22 - Pollution
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS21 - Flood Risk