

PLANNING APPLICATION REPORT



ITEM: 03

Application Number: 12/00541/FUL

Applicant: Unit Build Ltd

Description of Application: Construction of 12 no industrial units, incorporating rooftop solar photovoltaic panels (in 5 separate blocks) with associated access road, parking and hard and soft landscaping

Type of Application: Full Application

Site Address: LAND AT BELL CLOSE (ADJACENT TO AND EAST OF PARKSTONE LANE) PLYMPTON PLYMOUTH

Ward: Plympton St Mary

Valid Date of Application: 03/05/2012

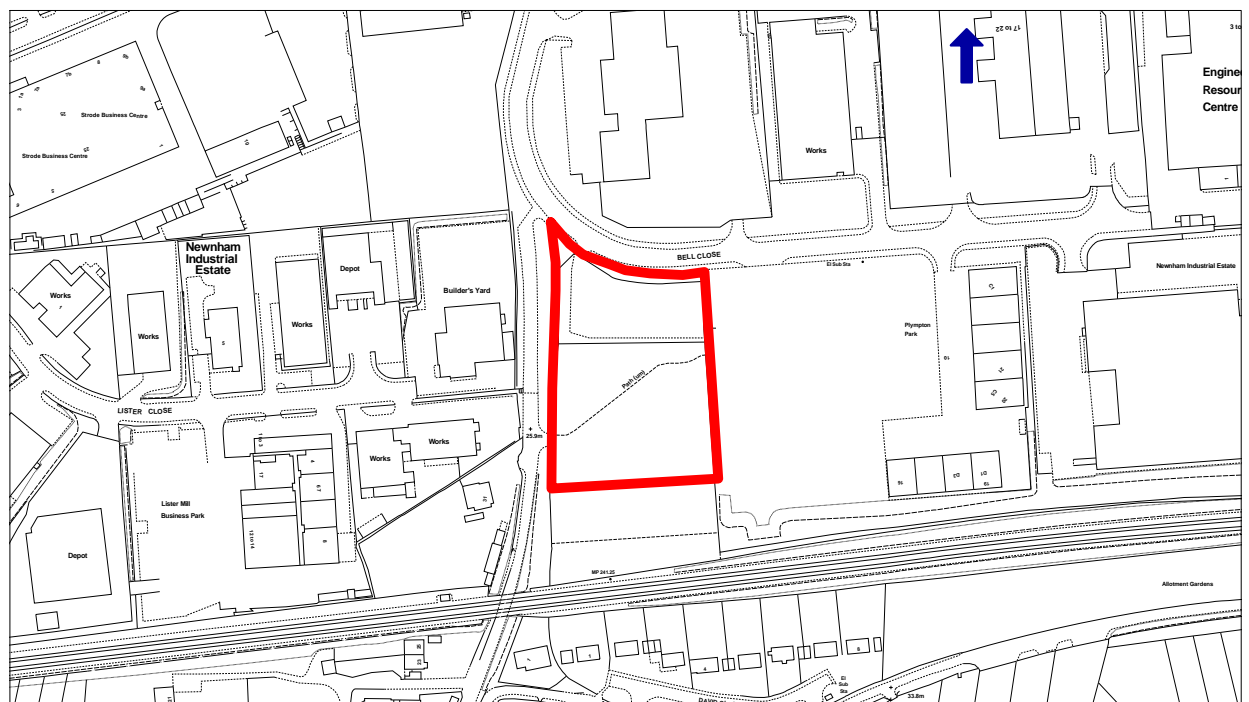
8/13 Week Date: **02/08/2012**

Decision Category: Member Referral

Case Officer : Jon Fox

Recommendation: Grant Conditionally

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This application is being considered by Planning Committee as a result of a Member referral by Councillor Patrick Nicholson. This Ward Councillor is concerned about the proposals on the grounds that the issues surrounding this application are finely balanced and greater public scrutiny will achieve a more appropriate development; the application lacked detail with regards to: landscaping, relationship with nearby houses and there were no drawings showing the scale of the proposed development against adjoining housing / factories / trees. The validity of the phase 2 and submitted drawings needed clarification.

Site Description

The site consists of a roughly rectangular shaped piece of vacant industrial land of approximately 0.55 hectares in size situated on the southern side of Bell Close, which is an industrial estate access road serving a number of employment sites in the north eastern part of Plympton. The site is bounded on the western side by a hedgebank and narrow band of trees. Beyond this Parkstone Lane runs south from Bell Close to join up with Glen Road. Parkstone Lane is blocked off to vehicular traffic approximately half way along its length, next to the site, and vehicles using this part of the lane are able to turn in a small turning head that abuts the site boundary. This part of the Lane provides access to 31 Parkstone Lane, situated on the western side of the road, which is a care home run by the Durnford Society. To the south the site is bounded by a smaller parcel of land that separates the site from the main intercity railway line, beyond which lie the residential properties in David Close and Stoggy Lane. This smaller piece of land is a potential phase 2 extension to the current application site. The eastern side of the site is a continuation of the industrial estate.

The land itself rises up from Bell Close to the railway line at the rear and has been largely cleared of all scrub and a number of trees, including a belt of trees near the railway line. The hedgebank on the western side of the site retains its trees, although many of these were cut back at the time of the site clearance. The adjacent industrial units at Plympton Park are on land that is lower than the site. As part of the site clearance a bund has been formed across the southern site boundary, which approximately 3-3.5 metres wide and approximately 0.9-1.0 metre high.

Proposal Description

Construction of 12 no industrial units, incorporating rooftop solar photovoltaic panels (in 5 separate blocks) with associated access road, parking and hard and soft landscaping.

Pre-Application Enquiry

None.

Relevant Planning History

10/00174 - Use of land as base for travelling showpeople (3 families). This application was refused permission. The proposal was that the site would be shared by three travelling showpeople's families, i.e. for mixed land use comprising the siting and occupation of showpeople's caravans for residential occupation together with the storage and maintenance of the individual showpeople's fairground equipment.

05/00183/FUL - Erection of warehouse for use in connection with adjacent factory, with car parking and lorry turning area and additional vehicular access. This application was permitted.

00/01264/FUL - Single-storey side extension to provide offices and inspection area (to replace cold store units) and provision of two canopies. This application was permitted.

Consultation Responses

Transport

No objections subject to conditions.

Transport state that the layout of the industrial estate was designed to accommodate associated commercial traffic movements, and the expected order of vehicle trips that the development would generate would be easily absorbed within the wider highway network.

The principal and basic layout of the proposed development is considered to be satisfactory for the proposed industrial use in terms of providing safe pedestrian access, with a footway running around the cul-de-sac, and a turning head. The development would be served by a 5.5 metre width carriageway and a turning head of sufficient size to allow all vehicles, including an articulated lorry, to be able to turn around and enter and leave the site in forward gear. Satisfactory forward and inter-visibility would be achieved at the junction with Bell Close.

The development would be served by a total of 41 parking spaces which would include 13 disabled spaces (the maximum permissible parking provision would be 47 spaces). Each of the 12 industrial units would have one disabled parking space at the front of the unit, and Transport considers that this is a satisfactory level of provision.

Cycle and motorcycle parking is required and a Staff Travel Plan would be required to support the proposed development.

Public Protection Service

Have no objections subject to conditions.

Having reviewed the noise impact assessment, Public Protection is satisfied that the noise from this development should not impact on the noise environment of the nearest dwellings. Noise during the day is the most significant as the area is unlikely to be used during night time hours, however according to the BS4147 assessment undertaken complaints during the day are below 'marginal significance' and therefore unlikely to be a problem.

Having reviewed the Phase I Desk Study and Phase II Geotechnical and Geo-environmental Investigation Report dated March 2012 submitted with the application, Public Protection Service are satisfied that the report demonstrates a low risk from contamination at the site, however, the site is in the immediate vicinity of industrial buildings and there is the potential for unexpected contamination not

identified during the current investigation, consequently PPS recommend a condition requiring the reporting of such contamination.

Economic Development

Are supportive of this application and welcome the development of 1,409 sq m of B1, B2 and B8 space on this long term vacant site in an established industrial area of the city. The application proposes a mix of units ranging in size from 60 sq m to 204 sq metres, which will provide space for start-up businesses and give those businesses the opportunity to grow into larger units on the same site.

Representations

At the time of writing this report four letters have been received. However, amended plans were advertised on 26th June 2012 and therefore further representations might be received before the planning committee meeting on 26th July.

Three of the letters, which were received before the amended plans were advertised, make the following observations:

1. Trees that provided a screen and amenity value were felled and now the site is open to the houses in David Close.
2. Conditions should be imposed in keeping with other developments on Bell Close in relation to type of industry, working times, noise levels and odours as has been so successful in relation to present properties on the Industrial Estate.
3. Are the trees on the plans already felled, or are they planned trees? Trees need to be planted along the railway boundary in order to provide a screen.
4. There should be no further damage to the hedge along Parkstone Lane.
5. The area closest to the railway line is described as a future development site and then alternative outlines are shown without detail. Planning permission needs to be considered in the light of development of the site as a whole, even if a part is envisaged as a future development.
6. The drawings should include the planned elevation of the buildings in relation to the railway line and neighbouring houses. This should ensure that the height of the industrial buildings is kept below the house sightlines.
7. The noise survey undertaken applies to the construction process; what about noise levels when the site is occupied and operational, will there be subsequent noise surveys?

One letter received, after the amended plans were advertised, states that the proposed landscaping to replace the felled trees, on the southern boundary, offers little to compensate. The two metre hedge on a two metre bund is considered ineffective and would not prevent bedroom windows from being exposed to the development.

Analysis

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.

The application turns on policies CS01 (Development of Sustainable Linked Communities), CS04 (future employment provision), CS18 (Plymouth's Green Space), CS22 (Pollution), CS28 (Transport Considerations) and CS34 (Planning Application Considerations) and the main considerations are the provision of employment opportunities, transport matters, the impact on the amenities of neighbours and the impact on existing trees.

Employment

With regard to employment provision, the proposals would bring about welcome employment opportunities in an existing industrial estate, which is designed for this purpose. The proposals are therefore in accordance with policies CS01, CS04 and CS34 in this respect.

Trees

With regard to the impact on trees and other greenscape features, it is regrettable that more trees were not retained at the time of the site clearance. However, the retention and bolstering of the hedge bank on the Parkstone lane boundary, which provides the principle screen from outside the Bell Close estate, is a significant factor and together with further tree planting and the retention of TPO'd trees, including two in the southern/eastern corner, and the proposed landscaped bund, would overall provide an adequate mitigation for the loss of trees on the site. In this respect negotiations are continuing with the developer to provide a dozen standard trees on the south side of the proposed bund, next to the railway line, and additional trees at the front of the site, facing Bell Close. There should also be a maintenance strip and root protection zone adjacent to the existing Parkstone Lane hedgebank and in particular in the proximity to TPO trees (TPO 489). On this basis the proposals are considered to be in accordance with policy CS18 of the Core Strategy.

Transport

The site is located within a designated industrial area and benefits from industrial estate roadways serving the site and the development includes adequate access roads and footways. Dedicated space for cycle storage is required and this could be secured by planning conditions. Further conditions are necessary in order to secure safe and convenient use of the development site. On this basis the proposals are therefore considered to be in accordance with policies CS28 and CS34 of the Core Strategy.

Amenity Considerations

The proposed development will introduce activity into what has been a dormant site for some years and a belt of mature trees had for many years helped to screen the site from houses in David Close, on the south side of the railway line. However, the proposed number and layout of industrial units and their relative level compared with surrounding industrial units and the dwellings in David Close are not considered to be harmful to residential amenity. In this respect the submitted noise assessment

is considered sufficient to demonstrate safeguarding residents from noise, providing the hours of operation on the site are appropriately conditioned.

With regard to screening of the development, one of the proposed screen bunds is outside the red line site area. This bund is next to the railway line and would also screen phase 2 of the development (if this phase were to come forward and be granted planning permission). This bund is within the applicant's control and is fundamental to the screening of the whole site. The bund is considered to be high enough, when planted with appropriate species, to make a significant contribution to screening the site from houses in David Close. While details of the size and position of the bund are shown on the plans and section drawings, negotiations are continuing to secure the method of construction and planting of the bund. In addition, it is considered necessary to require further planting by a number of standard trees, next to the southern boundary, in order to screen the site and to enhance the natural character of the area, which is evident on the adjoining bund that screens the existing units on the adjacent Plympton Park site. These larger trees will also assist with providing a noise and light barrier. In these circumstances the proposals are considered to be in accordance with policies CS22 and CS34 of the Core Strategy.

Section 106 Obligations

The proposals do not require mitigation under Section 106 of the Planning Act.

Equalities & Diversities issues

The proposals do not raise equalities and diversity issues.

Conclusions

The proposals bring into use a dormant industrial site and subject to satisfactory landscaping and tree protection (A BS5837 2012 Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) will be required to be submitted and implemented) are considered to make good use of the site while providing adequate retention and enhancement of natural screening in the interests of the residential amenity and the character of the area. Further conditions are also required in respect of lighting, transport matters (including provision of cycle storage and motorcycle storage), noise, code of practice, land quality, means of enclosure (including fencing to reduce activity in close proximity to trees), landscaping and landscape management, conservation mitigation and enhancement and sustainable resource use (energy and renewables).

Recommendation

In respect of the application dated **03/05/2012** and the submitted drawings 23229/99, 23229/101A (received 16/07/12), 23229/102H, 23229/103A, 23229/104B, 23229/105A, 23229/106A, 23229/107A, 23229/108A, 23229/109D, 23229/110, 23229/111C, noise assessment, energy statement, Extended phase I habitat survey, Arboricultural Inspection, Phase I Desk Study and Phase II Geotechnical and Geo-Environmental Investigation Report and accompanying design and access statement, 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.

APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: (23229/99, 23229/101A (received 16/07/12), 23229/102H, 23229/103A, 23229/104B, 23229/105A, 23229/106A, 23229/107A, 23229/108A, 23229/109D, 23229/110 and 23229/111C.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

DETAILS OF NEW JUNCTION

(3) Development shall not begin until details of the junction between the proposed service road and the highway have been approved in writing by the Local Planning Authority; and the building shall not be occupied until that junction has been constructed in accordance with the approved details.

Reason:

To ensure that an appropriate and safe access is provided in the interests of public safety, convenience and amenity, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

PRESERVATION OF SIGHT LINES

(4) No structure, erection or other obstruction exceeding one metre in height shall be placed, and no vegetation shall be allowed to grow above that height, within the approved sight lines to the site access at any time.

Reason:

To preserve adequate visibility for drivers of vehicles at the road junction in the interests of public safety, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

REINSTATEMENT OF FOOTWAY

(5) The development shall not be brought into use until the existing footway crossing (now redundant) has been removed and the footway reinstated.

Reason:

In the interests of public safety, convenience and amenity, in accordance with policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

CAR PARKING PROVISION

(6) The development shall not be occupied until space has been laid out within the site in accordance with the details submitted for cars and motorcycles to be parked and for the loading and unloading of vehicles, and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

In the opinion of the Local Planning Authority some provision needs to be made for parking and servicing of the development in the interest of safety and convenience, in accordance with policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

CYCLE PROVISION

(7) Notwithstanding the submitted plans the development shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 12 bicycles to be parked.

Reason:

In order to promote cycling as an alternative to the use of private cars, in accordance with policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

CYCLE STORAGE

(8) The secure area for storing cycles shown on the approved plan shall remain available for its 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 Core Strategy of Plymouth's Local Development Framework April 2007.

STAFF TRAVEL PLAN

(9) The use hereby permitted shall not commence until a Staff Travel Plan (STP) has been submitted to and approved in writing by the Local Planning Authority. The said STP shall seek to encourage staff to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the STP; and the name, position and contact telephone number of the person responsible for its implementation. From the date of (the commencement of the use)(occupation) the occupier shall operate the approved STP.

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 policies CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

CODE OF PRACTICE DURING CONSTRUCTION

(10) Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0830 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason:

To safeguard the amenities of the occupiers of adjoining properties and to comply with policy CS22 of the Core Strategy of Plymouth's Local Development Framework April 2007.

NOISE

(11) Noise from the development must not have a rating level that exceeds +5dB(A) including any tonal penalty in accordance with the BS4142 assessment that was conducted as part of the planning process, at the façade of any dwellings.

Reason:

To safeguard the amenities of the occupiers of adjoining properties and to comply with policy CS22 of the Core Strategy of Plymouth's Local Development Framework 2007.

REPORTING OF UNEXPECTED CONTAMINATION

(12) In the event that contamination or ground conditions are found when carrying out the approved development, that were not previously identified, expected or anticipated; they must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) 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,
- archeological sites and ancient monuments;

(iii) 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, CLR 11'.

Where remediation is necessary a remediation scheme must be prepared, which 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.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 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 offsite receptors, in accordance with policies CS22 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

TREE PROTECTION

(13) In this condition "retained tree or hedgerow" means an existing tree or hedgerow which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of completion or occupation of the last dwelling forming part of the development.

(a) No retained tree or hedgerow shall be cut down, uprooted or destroyed, nor shall any tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with BS 3998:2010 (Tree Work Recommendations).

(b) If any retained tree or hedgerow is removed, uprooted or destroyed or dies, or is lopped or topped in breach of (a) above in a manner which, in the opinion of the Local Planning Authority, leaves it in such a poor condition that it is unlikely to recover and/or attain its previous amenity value, another tree or hedgerow shall be planted at the same place and that tree or hedgerow 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) The erection of fencing for the protection of any retained tree or hedgerow shall be undertaken in accordance with the approved plans and particulars (or in accordance with Section 9 of BS 5837:2012 (Trees in relation to design, demolition and 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 areas 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 trees or hedgerows are protected during construction work and thereafter are properly maintained, if necessary by replacement in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

ARBORICULTURAL METHOD STATEMENT

(14) An Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority, which includes a construction method statement for all works, including a tree protection plan, all retaining structures, and which also details the location of any construction compound.

Reason:

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

DETAILS OF BOUNDARY TREATMENT

(15) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected including fencing to reduce activity in close proximity to trees. The boundary treatment shall be completed before any of the permitted units are first occupied and the development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policies CS18 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LANDSCAPING

(16) No development shall take place until full details of soft landscape works and a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These 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 numbers/densities where appropriate; the implementation programme.

Reason:

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

LANDSCAPE MAINTENANCE

(17) No development shall take place until a schedule of landscape maintenance for a minimum of five years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

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

ECOLOGICAL MITIGATION AND ENHANCEMENT STRATEGY

(18) The development shall be carried out in accordance with a Biodiversity Mitigation and Enhancement Strategy previously submitted to and approved in writing by the Local Planning Authority. The strategy shall cover construction phase and post-construction impacts and will need to show how Biodiversity Gain will be achieved on the site by comparing the quality and quantities of habitats before and after development.

Reason:

In the interests of the retention, protection and enhancement of wildlife and features of biological interest, in accordance with policies CS01, CS19 and CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

FLOODLIGHTING

(19) Details of the proposed floodlighting design and associated Isolux lines and lighting levels shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details.

Reason:

To ensure that the details of the development are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity and do not result in harmful light spillage, in accordance with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

RENEWABLE ENERGY PRODUCTION

(20) The development hereby permitted shall incorporate on-site renewable energy production equipment in accordance with details of the photovoltaic panels shown on the approved plans to be submitted to and approved in writing by the Local Planning Authority and such equipment shall be implemented before any of the units is first occupied and thereafter retained.

Reason:

In order to contribute towards reducing the city's use of non-renewable resources, in accordance with policy CS20 of the Core Strategy of Plymouth's Local Development Framework 2007.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the provision of employment opportunities, transport matters, the impact on the amenities of neighbours and the impact on existing trees, 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:

- CS34 - Planning Application Consideration
- CS18 - Plymouth's Green Space
- CS19 - Wildlife
- CS20 - Resource Use
- CS22 - Pollution
- CS01 - Sustainable Linked Communities
- CS02 - Design
- SO6 - Delivering the Economic Strategy Targets
- SPD1 - Development Guidelines
- SPD3 - Design Supplementary Planning Document
- NPPF - National Planning Policy Framework March 2012