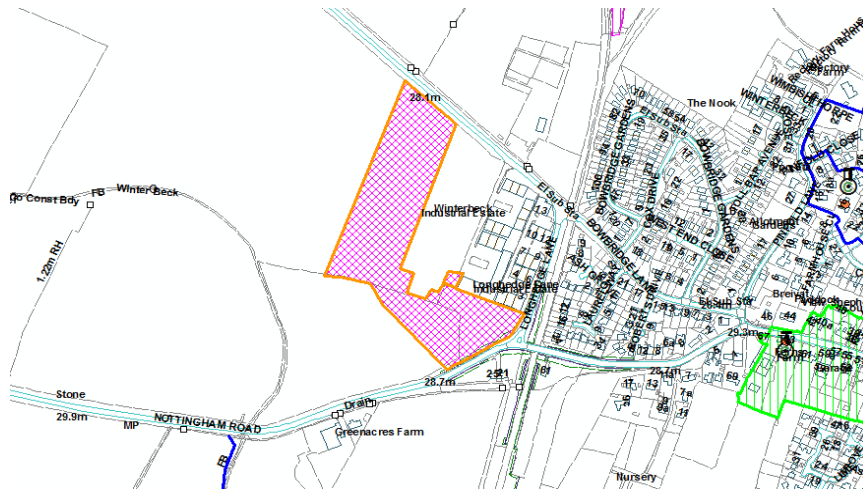


Reference: 14/00468/OUT
Date submitted: 04.06.14
Applicant: S and P Industrial
Location: Land at Orston lane Bottesford
Proposal: Proposed industrial development.



Proposal :-

This application relates to outline planning permission for development of arable land adjacent to the existing business park at Orston Lane to create a further 19 units of industrial space, amounting to an addition of 5,500 square metres for B1 uses (light industrial) in Bottesford.

The outline proposal seeks consent for the principles of development with all matters reserved for later consideration. The indicative layout plan makes use of the substantial existing access road with an extension at the south end of the site to serve 2 larger units and access roads feed off the main access road to serve the remaining 17 units.

It is considered that the main issues for consideration of the application are:-

- **Application of Development Policies and NPPF**
- **Impact upon highways**
- **Impact upon flooding**
- **Impact upon residential amenity of residents**

The application is presented to Committee as it is a major planning application which has attracted a number of representations objecting to the proposal.

Relevant History:

No relevant planning history

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS2 - states that permission will not be granted for development outside town and village envelopes with some exceptions for agriculture, employment, recreation and tourism.

Policy BE1 - Siting and design of buildings: Allows for new buildings subject to criteria including the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

Policy EM10 advises that outside of the town and village envelopes, the extension of an existing industrial or commercial site will only be permitted where:-

- A) The use cannot be accommodated within an existing building;
- B) There are no suitable alternative sites within a town or village envelope
- C) The proposed development is small in scale;
- D) The form, scale, design and construction materials of the proposed development minimises its impact on the surroundings;
- E) The proposal is in accordance with the other policies of the plan.

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively support sustainable economic development to deliver business and industrial units,
- promoting sustainable transport
- Supporting a prosperous rural economy
- Effective use of brownfield land

On Specific issues relevant to this application it advises:

Building a strong competitive economy

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth
- The planning system does **everything it can** to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.
- **Significant weight** should be given to the need to support economic growth

Sustainable Transport:

- Safe and suitable access to the site can be achieved for all people.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

Prosperous Rural Economy

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both new buildings and conversions.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objection, subject to conditions.</p> <p>The site is on the very edge of the village and outside the existing 30mph speed limit with no separate street lighting or footway provision. Longhedge Lane is not of an ideal standard to serve an industrial development, however given the existing industrial estate and that there does not appear to be a history of recorded personal injury road traffic accidents on Longhedge Lane or at its junctions with Nottingham Road or Orston Lane, it may be difficult to sustain a highway reason for refusal on the grounds of highway safety.</p> <p>However to help make the site more sustainable in transport terms and to encourage pedestrian movements to and from the site, the developer should provide a footway from the site access along Orston Lane, to connect into the existing footway facilities on Bowbridge Lane. The details of the footway including any dropping pedestrian crossing points will have to be submitted and approved before development commences, and should be designed and constructed to Highway Authority standards. Care and consideration would have to be taken upon the location of any pedestrian crossing points, to ensure that they do not cause dangers for highway users and particularly for users of the footway.</p>	<p>The proposal intends to utilise the existing access to the site. The application seeks outline approval with all matters reserved. An indicative site layout plan has been submitted which shows three cul-de-sacs coming off the main drive that would have the small industrial units situated either side. To the south, rear of the existing industrial site, two further units would be sited at the head of the driveway.</p> <p>The applicant has agreed to provide a new footpath along Orston Lane to link to the village.</p> <p>There have been a number of objections regarding the proposed development, and the traffic likely to be generated. However, no evidence has been submitted to suggest that the new uses would generate a significantly greater quantity of traffic than the existing permission on the site, nor has it been demonstrated that any such increase would be significant in terms of the quantity of traffic present in the area and using the local road network, or give rise to road safety hazards. Whilst vehicle movements will no doubt be increased there are no reported capacity issues on the highways network and the Highway Authority has not objected to the proposal.</p> <p>The entrance into the site is from Orston Lane, utilising the existing access to the business park and is in the applicants' ownership. Conditions are requested to ensure that adequate visibility splays are provided and maintained.</p>

	<p>Taking account of all of these issues it is not considered that a highway reason for refusal can be substantiated in this instance.</p>
<p>Bottesford Parish Council – No objection</p> <p>We would like more information about this application as there are already a lot of empty units so where is the demand coming from?</p> <p>Is the nature of this application speculative in response to Bottesford developing a Neighbourhood Plan?</p> <p>The proposed development sits outside the village envelope.</p> <p>We would like to see details of flood management.</p> <p>There was a sense that this is a premature application.</p> <p>Query if a S106 can be secured to require a footpath to link the site to the village.</p>	<p>The application seeks outline consent to extend the existing business park to provide 19 further units, 15 to be small starter units and 4 larger units to allow established businesses to expand or relocate to the area. The NPPF is clear that planning decisions should seek to support economic development where the impacts are or can be made acceptable. Whilst the parish are seeking to provide a Neighbourhood Plan, it is at very early stages and has not progressed to consultation stage. It therefore has no weight in the determination of the planning application.</p> <p>The site is outside of the village envelope and it is not considered that the proposal complies with the local plan however it is not considered that there would be any demonstrable harm through allowing the proposal and supports the clear objectives of the NPPF in promoting economic development.</p> <p>The application has been supported with a Flood Risk assessment and the Environment Agency has no objection subject to conditions to mitigate flood risk.</p> <p>Each application has to be considered on its own merits and the authority cannot delay determination of a proposal which is supported by national policy.</p> <p>There is no requirement for a S106 to be entered as the proposal has not triggered any contributions. The applicant has advised that footpath will be installed to the front of the site and this can be a condition of any approval.</p>
<p>LCC Ecology - No objection</p> <p>The ecology report submitted in support of this application (Scarborough Nixon Associates, July 2014) is satisfactory. No protected species were identified and the grassland to be developed was considered to be species poor semi-improved, indicating that it is not of a high ecological value. However, we would recommend that a note to applicant is added to any permission granted to draw the applicants' attention to the recommendations in the report.</p>	<p>Noted.</p>
<p>Environment Agency – No objection, subject to conditions requiring</p> <ul style="list-style-type: none"> • floor levels to be no lower that that specified 	<p>The application site lies partly within the known flood zone 2 and 3. The Authority has applied the Sequential Test as required by the Environment</p>

<p>within the FRA,</p> <ul style="list-style-type: none"> • A scheme of flood compensation • Management of surface water • Implementation of the flood resilient design • Enter the development on the EA's flood warning system. 	<p>Agency and it considered that due to the nature of the proposal development, development within the flood zone was acceptable subject to mitigation measures to minimise flood risk.</p> <p>The application is in outline form with all matters for approval. Mitigation will therefore be considered at the detailed design stage. There is no objection to the principle of development subject to the requested conditions.</p>
<p>Seven Trent Water Authority: No objection subject to a condition requiring details of the surface and foul water management.</p>	<p>Noted.</p>
<p>LCC Archaeology – No objection</p> <p>Having reviewed the submitted geophysical survey and trial trenching investigation, it appears clear that the site possesses a lower archaeological potential than initially expected. On that basis there is no reason for further archaeological involvement.</p> <p>Whilst the most recent trial trench investigation identified the presence of buried remains, these appear to relate to an undated field system associated with a former water course (palaeochannel in Trench 2).</p> <p>The absence of finds from any of the excavated features, suggest that the features represent non-domestic activity, consequently their interpretation as field boundaries. The orientation of the features approximately parallel to the existing field boundaries, suggests they may date to the post-medieval period. Based upon the available evidence we are now of the opinion that the site is of limited archaeology significance.</p>	<p>Noted. The applicant has already undertaken some investigative work through trial trenching and the County Archaeology Officer is satisfied that no further work is necessary.</p>

Representations:

A site notice and press notice was posted and neighbouring properties consulted. As a result 9 letters of objections from 7 separate households have been received to date objecting on the following;

Representation	Assessment of Head of Regulatory Services
<p>Highway Safety</p> <p>More traffic along Long Hedge Lane will cause safety concerns to users or Little Jacks farm</p> <p>An increase in traffic will be a danger to walkers and children of the village.</p> <p>Concerned over the increase in HGV's through the village.</p> <p>Concerned with the increase in traffic along the lane and the bend.</p>	<p>Please see full commentary above on Highways.</p> <p>Little Jacks Farm as part of the planning proposal is to provide a pedestrian access to the site at the south east corner which meets with the existing footpaths from the village at the edge of the built form.</p> <p>The application will utilise the existing access into the site and a new footpath will be provided. The Highways Authority have no objection to the proposal.</p>

<p>Impact upon Residential amenities</p> <p>Don't want any more noise coming from the site enough is enough.</p> <p>HGV's will cause noise disruption to the residents in this area.</p>	<p>The nearest residential dwellings are sited to the east approximately 180 meters away from the rear boundary of the properties on the Bow Bridge estate. The extension will be positioned to the west of the existing estate and it is considered that the residential amenities as a result of light industrial noise will not adversely affect the residential amenities as currently enjoyed.</p> <p>The application is in outline form with no details provided in regards to types of business that may occupy the buildings. The proposal seeks consent for 15 small starter units and 4 larger units and the uses will be restricted to the actives associated with light industrial uses (B) due to the location on the edge of the settlement. The Highways Authority have no objection to the proposal</p>
<p>Character of the Area</p> <p>Will destroy the greenfield land with sheds and miles of concrete around them.</p> <p>No way can a village of this size sustain the proposed 19 industrial estate and its associated heavy vehicles.</p> <p>Negative impact upon the surrounding landscape.</p> <p>Loss of green space.</p>	<p>The application is in outline form with no design details provided. The appearance and design of the buildings will be considered at the reserved matters stage.</p> <p>Bottesford is identified as a service centre given that it is one of the largest villages in the borough with a good range of services available. Employment opportunities are also good having good transport links via the A52 trunk road. There are other employment sites within the village but this site offers direct access to the A52 without the need for vehicles to travel through the village centre.</p> <p>The proposal will extend into 2.13 hectares of flat arable land. It is not considered that the impacts will be demonstrable or significant in the terms of the NPPF and the benefits of economic development in a sustainable location outweigh the limited degree of harm on the local landscape.</p>
<p>Other Matters Raised</p> <p>The proposal will devalue my home</p> <p>Not all of the existing units are full. One has a car wash business in it as no one wanted it how can the economy support a further 19 units!</p> <p>Is there a need for it?</p>	<p>Noted, this is not a material planning consideration.</p> <p>The Borough is currently working towards a New Local Plan which will address economic growth within the Borough. Whilst employment studies have yet to be updated the evidence to support the now withdrawn Core Strategy identified the need for an additional 5 hectares of industrial land at both Bottesford and Long Clawson with a total assumed supply of 6ha up to the period of 2026. It is expected that more provision will be required above the levels of the previous study given that the latest figures from the Strategic Housing Market Area Assessment has predicted a higher level of growth for the borough and that the plan</p>

<p>Did not receive any notification of the proposal it appears to have been kept quiet.</p>	<p>period will also extend to 2036 with the new Local Plan. The NPPF, which is a material consideration, advises that authorities should be supportive of economic development unless there any “demonstrable” or “significant” harms identified. In the case of the proposal it will extend an existing industrial estate that has been identified as a “good” employment site having a good transport links to the A1 and motorways.</p> <p>There are no immediate neighbours due to the separation distance however a site notice was placed at the site and the Parish Council were consulted in the wider public interest.</p>
---	---

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Compliance (or otherwise) with Planning Policy</p>	<p>The proposal is not considered to be small scale and represents a departure to the development plan policy OS2 being sited in the open countryside. As the proposal lies outside of an existing industrial estate policy EM10 is also applicable. Policy EM10 allows for small scale expansion of existing rural industrial sites subject to certain criteria having been met.</p> <p>The local plan is considerably out of date and the weight attributed to it is weakened. Paragraph 215 of the NPPF advises that due weight should be given to existing local plan policies according to their degree of consistency with the NPPF. Policy OS2 seeks to restrict development outside of the village envelope unless it is of small scale commercial and this is supported by policy EM10 for a commercial development of this nature. It is not considered that the proposal is small scale and therefore it does not comply with the local plan policies and it is recommended that a departure to the local plan is approved. Policy OS2 is now of considerable age and recent appeal decisions has advised that it is no longer suitable to rely upon OS2 to steer development. It is therefore necessary to adjudge whether any harms would arise if development was approved and if so can they be successfully mitigated. Given the location of the proposal which is further away from residential dwellings it is not considered that harms would arise in this instance and the proposal would not have any adverse impact upon the countryside and will provide an extension to an existing industrial site which will have greater benefits to the economy.</p> <p>The NPPF is a material consideration and postdates the local plan and is supportive of</p>

	<p>economic development. In terms of its promotion of economic growth, the NPPF requires that planning should do “everything it can” to encourage economic development and advises that “significant weight” should be assigned and as such it is considered to weigh substantially in favour of the proposal.</p> <p>The units would be sited to west of the existing estate and situated on former arable land. It is considered that, subject to the detailed planning applications for the units themselves, the development of the site would not have an unduly detrimental impact upon the character of the area and due to separation distances will not have an adverse impact upon residential neighbours at Bottesford. The existing industrial park is situated on the edge of the village itself and is therefore closely related in sustainability terms. The proposal will extend this employment site by a further 5,500 square meters, it will not appear as a standalone site isolated from the settlement. The proposal would be read as an extension to the existing industrial park and therefore it cannot be demonstrated that significant harm to the countryside would be had should the proposal be allowed due to its close relationship to the existing industrial park</p> <p>The proposal has not generated an objection from the Highways Authority who consider that the existing highways network is capable of accommodating the vehicles anticipated from the enterprise units.</p> <p>It is considered that the facilities the proposal will provide will be of assistance to the business sector and support economic growth in the Borough and this commands significant benefit when weighed against the limited harm to the countryside location.</p>
--	---

Conclusion

The application site is adjacent an existing industrial estate on the edge of the village of Bottesford and seeks consent for the principle of additional employment land with the borough. Design, layout and appearance of the site is for further consideration at the reserved matters stage but it is considered that the principles of the development is acceptable in this location. Despite concerns regarding highways issues, no evidence has been put forward that any such increase would significantly harm road safety interests and the Highways Authority have confirmed that the roads serving the site do not have a capacity issue and neither is there a traffic accident issue. Accordingly, it is not considered that these concerns can be substantiated and withstand challenge. For these reasons the proposals are considered in accordance with local and national planning policy (NPPF) and no other material considerations indicate it should depart from these. The application is recommended to be conditionally approved.

RECOMMENDATION:- Permit subject to the following conditions:-

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development to which this permission relates shall begin not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. No development shall commence on the site until approval of the details of the "layout, scale, external appearance of the building(s), access and the landscaping of the site" (hereinafter called "the reserved matters") has been obtained from the Local Planning Authority.
3. No development shall start on site, on land to which the reserved matters relate, until all external materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority.
4. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
5. Hard and soft landscaping works shall be fully carried out in accordance with the approved details, including the approved timetable, and to a reasonable standard in accordance with the relevant provisions of appropriate British Standards or other recognised codes of good practice.

Any trees or plants which, within a period of five years after planting are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of similar species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

6. Development shall not begin until details of design for off-site highway works being the construction of a footway from the site entrance along Orston Lane, to connect to the existing footway facilities on Bowbridge Lane have been approved in writing by the local planning authority; and no part of the development shall be occupied or brought into use until that scheme has been constructed fully in accordance with the approved details.
7. Vehicular and pedestrian access to the site shall only be taken via the existing vehicular access serving the adjacent industrial access from Orston Lane, as shown generally on the submitted plan.
8. Before the development hereby permitted is first used, off-street car parking/lorry parking and turning provision shall be made within the application site. Details of which shall be submitted to and agreed in writing by the Local Planning Authority. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.
9. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
10. No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a

timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

- 11 Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
12. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (version 1, May 2014) and the following mitigation measures detailed within the FRA:
 - Finished floor levels must be set no lower than those specified in the FRA, ie. Plot 1 – 28.40mAOD, Plot 2 & 3 – 28.60mAOD, Plot 4 & 5 – 28.40mAOD, Plot 6 & 7 – 28.40mAOD, Plot 8 & 9 – 28.50mAOD and Plot 10 – 28.80mAOD.
 - A scheme of floodplain compensation must be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency.
 - The surface water runoff created by the development will be disposed of using infiltration techniques.
 - The flood resilient design details identified in the FRA must be implemented.
 - Users of the development should register with the Environment Agency’s flood warning system.
13. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme to be submitted shall demonstrate:
 - Surface water runoff created by the development will be disposed of using infiltration techniques, designed in line with the requirements of BRE 365.
 - Surface water drainage system(s) designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should be in force when the detailed design of the surface water drainage system is undertaken.
 - Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm to zero, as specified in the FRA.
 - Provision of surface water run-off attenuation storage in accordance with the requirements specified in ‘Science Report SC030219 Rainfall Management for Developments’
 - Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
 - Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

14. Site clearance operations that involve the destruction and removal of vegetation on site shall not be undertaken during the months of March and August inclusive, except when approved by the Local Planning Authority.

The reasons for the conditions are:-

1. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. The application is in outline only.
4. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
5. To ensure the provision, establishment and maintenance of landscaping to a reasonable standard in accordance with the approved proposals.
6. In the interests of pedestrian safety and to encourage walking to and from the site
7. In the interests of highway safety.
8. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
9. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
10. To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.
11. To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.
12. To reduce the risk of flooding to the proposed development and future users, and to prevent the increased risk of flooding to others.
13. To prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures
14. To ensure that breeding birds are not adversely affected.

Officer to contact: Mrs D Knipe

Date: 9th January 2015