

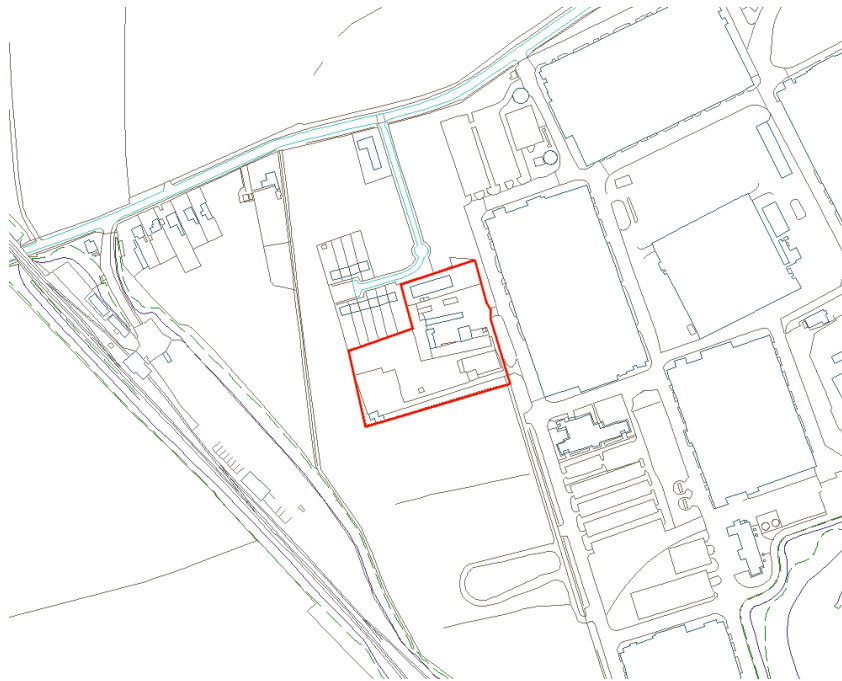
Reference: 11/00925/FUL

Date submitted: 23.12.2011

Applicant: Hamptonline

Location: Old Dalby Trading Estate, Station Road, Old Dalby

Proposal: Proposed flexible workspace units with associated parking, cycle shelter and bat roost and landscaping with drainage bowl.



Proposal :-

This application relates to full planning permission for the demolition of the existing redundant buildings on the site of the Old Dalby Trading industrial site to allow for the erection of flexible workspace units. It is intended to provide 8 small starter units which could be adapted through removal of internal walls to provide larger units to assist future occupiers with expansion. Access to the site is via the main entrance to the industrial estate off Station Lane with the existing accesses opened up on Bofols Road which is an internal estate road.

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

- **Impact upon residential amenity of residents living on Station Lane**
- **Impact upon highways**
- **Planning policy for industrial development in this location**

The application is presented to Committee due to the number of representations received.

Relevant History:-

There have been a number of separate planning applications for additional units within the boundaries of the industrial estate the most recent being:-

07/01362/FUL – Planning permission granted for erection of three warehouses with sub-units including associated service yard, parking and landscaping on vacant land within the trading estate.

07/00871/FUL – Planning permission granted for the upgrading of the service roads, security fencing, alterations to the front of unit 2, formation of parking areas.

00/00117/REV – An application under the Town and Country Planning Act schedule 15 section 302 for compliance determination in respect of Crown land for B1, B2 and B8 uses of the existing buildings within the confines of the Old Dalby Trading Estate. Consent was granted with conditions relating to specific uses for each numbered building and no outside storage. This established the lawful use of the site prior to its disposal by the Crown into private ownership.

There are no planning applications directly related to this part of the site.

Planning Policies:-

The National Planning Policy Framework was published 27th March and replaced the previous collection of PPS. It 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
- 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.

East Midlands Regional Plan

Policy 1 of the Regional Plan seeks to ensure that development within the east midlands is sustainable. It sets out Regional Core Objectives which should be met through LDFs and planning applications. The following parts of Policy 1 should be taken into account.

- e) - To improve accessibility to jobs, homes and services through the:
 - promotion and integration of opportunities for walking and cycling;
 - promotion of the use of high quality public transport; and
 - encouragement of patterns of new development that reduce the need to travel.
- h) - To reduce the causes of climate change by minimising emissions of CO2 through:
 - maximising 'resource efficiency' and the level of
 - renewable energy generation;
 - making best use of existing infrastructure;
 - promoting sustainable design and construction; and
 - encouraging patterns of new development that reduce the need to travel.

Policy 2 – promotes better design including design and construction that minimises energy use, uses sensitive lighting, improves water efficiency, reduces waste and pollution, incorporates renewable energy technologies and sustainably sourced materials wherever possible, and considers building orientation at the start of the design process. New development should also take account enhancement of biodiversity and landscape quality.

Policy 3 of the regional plan sets the approach to distribution of new development across the East Midlands. It concentrates new development and economic activity in and adjoining existing urban areas. At the regional level this sees a major proportion of the new growth required being concentrated in and adjoining the three conurbations of Leicester, Nottingham and Derby. Development of a lesser scale is directed to Sub-Regional Centres such as Melton Mowbray, whilst other settlements should receive development to meet their need. In assessing the suitability of sites development priority should be given to making the best use of previously developed land and vacant or under-used buildings in urban or other sustainable locations.

Policy 12 states that employment and housing development should be located within and adjoining settlements. Such development should be in scale with the size of those settlements, in locations that respect environmental constraints and the surrounding countryside, and where there are good public transport linkages.

Policy 19 focuses employment development on the areas of greatest identified need. The Policy priorities the Sub Regional Centres as the primary location for new economic development (Melton Mowbray) as says that development should be located in accordance with the urban concentration strategy as set out in Policy 3.

Policy 29 states that Local Authorities should work and deliver a major step change increase in the level of biodiversity across the East Midlands

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 EM9 - describes the circumstances in which industrial development is permissible and states that planning permission will be granted for industrial development within the confines of an existing industrial site outside the town and village envelopes provided:-

- A) the form, scale, design and construction materials of the development are appropriate to the surroundings and would not cause visual intrusion;
- B) there would be no loss of amenities by virtue of noise, smell, dust or the wider operational effects of the development;
- C) adequate access and parking provision can be made available;
- D) the development would not result in an unacceptable increase in traffic levels;
- E) landscaping can be provided to reduce the effect of the development in the locality.

The Melton LDF Core Strategy (Publication) Development Plan document: The Core Strategy has been published and is currently within a 6 week consultation period. The DPD seeks to support small scale extensions to existing rural business.

ABSDA Sub Depot, Old Dalby Development Brief: This document was approved in March 1999 and provides a framework within which alternative uses for the site can be considered.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority: No objection. The proposal seeks to replace existing buildings and will be accessed via the internal roads that are private.</p>	<p>The proposal intends to utilise the existing access to the site. The units are some distance from the highway and are accessed via the existing road network within the business park.</p> <p>There have been a number of objections regarding the proposed developments, and the traffic likely to be generated by them. However, no evidence has been submitted to suggest that the new uses would generate a significantly greater quantity of traffic than the existing use 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.</p> <p>The Highway Authority have stated that the local road network serving the site was not designed to cater for the type and volume of traffic generated by a large industrial estate, and as such the Highway Authority are having to spend a significant amount of money every year in carrying out repairs/maintenance to the roads. However, the traffic generated by the proposal is unlikely to result in a material increase in traffic</p>

	<p>to and from the Trading Estate, and therefore it would not be possible to substantiate a refusal of the application on these grounds.</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>Old Dalby Parish Council: Object</p> <p>The buildings on the site are not in use and the proposal seeks 6 new units which will increase the traffic to and from the site.</p> <p>The piecemeal development of this site means that there is no control of its overall size, use and traffic movements. We feel that these issues must be addressed before further applications are determined.</p>	<p>The Highways Authority have not objected to the proposed development. See commentary above.</p> <p>The site is an existing industrial site of which local plan policy OS2 and EM9 apply. OS2 allows for small scale development for employment use within the open countryside whilst policy EM9 allows for small scale expansion of existing rural industrial sites subject to being in keeping with the existing area, no impact upon residential amenity, adequate parking and that there would not be an unacceptable increase in traffic levels.</p> <p>The proposal seeks consent of the erection of an industrial building with a foot print of 974 m² which is to be divided to create 8 starter units but could be capable of adaption to create a larger unit for tenants that wanted to expand without relocating. The site currently contains a number of brick buildings, with the overall foot print being 902.2 m². The site has its own perimeter fencing with two accesses which are to be utilised for the new units. The site is contained wholly within the existing industrial site and only marginally increases the existing floor space however given the state of the existing buildings it would be difficult to conceive that the reuse of the buildings would be economically viable due to the repairs required. The NPPF strongly supports the reuse and new build for rural economic development subject to design and amenity considerations.</p> <p>The new buildings provide bespoke accommodation rather than re-using buildings originally designed for an alternative purpose. Although it is necessary to consider the cumulative impact of development on the site it is considered that in this instance the increase in floor space proposed is modest and is entirely contained within the confines of the Industrial site. The Highways Authority has not objected to the proposal and consider that there will not be a material increase in traffic to substantiate a reason for refusal.</p>
<p>Ecology – No objections subject to imposing conditions to safeguard the bats and provide a bat roost within the cycle store has recommended within</p>	<p>The proposal seeks consent for a bat barn which will also be used for cycle storage. This structure will be sited adjacent the car park for units and</p>

the submitted ecology survey.	near to the drainage bowl where new landscaping is proposed to enhance the biodiversity and amenity of the site. The cycle/bat barn will have a pitched roof to the height of 5.5 meters and constructed from timber having a roof void for the bats to roost. This is considered to be an acceptable arrangement.
MBC Environment Health Officer – No objection; subject to condition regarding noise.	<p>The Environment Health Officer has visited the site to undertake noise monitoring to assist with assessing the impact of the proposal upon the neighbouring residential properties. Noise readings were taken along Station Lane at three separate intervals (morning, afternoon and evening). The Officer is not objecting to the proposal and has requested a condition which restricts noise to below 44dB expressed as a 1 hour LAeq between 07.00 and 19.00 hours Monday to Saturday; 35 dB expressed as a 15 minute LAeq between the hours 19.00 and 22.00 hours Monday to Saturday and 25dB expressed as a 5 minute LAeq at any other time.</p> <p>It is considered that there noise impacts resulting from the proposal can be adequately controlled and that a reason for refusal could not be justified in this instance.</p>

Representations:

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

Representation	Assessment of Head of Regulatory Services
<p>Impact on residential amenity –</p> <ul style="list-style-type: none"> • Noise and pollution from traffic and uses • Working hours of the Industrial Estate • Light pollution • Still waiting for the screening around the perimeter from a previous application • Too close to the residents on Station Lane • Over looking will be created to no. 10 Station Lane • Loss of light from the building • Loss of privacy and security • Loss of value to house 	<p>The buildings are sited within the existing Trading Estate which is some distance away from the villages of Old Dalby and Queensway. A small group of residential properties lie on Station Lane which is a cul-de-sac immediately to the west of the site. The uses proposed are B1, B2 and B8 and are in keeping with the existing uses on the site. However given that the units are closer to the dwellings on Station Lane than some of the existing buildings, concerns have been expressed in regards to general industrial uses permitted under B2 and the applicant is willing to remove this use class from the proposal. The units would be situated 50 metres away from the first residential property; diagonally, leaving the area immediately behind the dwellings to be landscaped but natural looking. The units have been sited to be as far away as reasonably possible from the residential dwellings to eliminate loss of light and potential overlooking. At present the site is very unkempt and has a number of deteriorating buildings and creates a visual eyesore. The proposal will significantly</p>

	<p>enhance the area increasing the visual amenity whilst introducing features to support the existing wildlife and habitat.</p> <p>Concern has been raised about the potential for the units to be operated 24 hours per day. The existing units have no restriction on opening hours and the development would not therefore introduce activity into hours not currently possible. In addition, noise limiting conditions would require effective control at lower levels during night time hours.</p>
<p>Impact upon highways:</p> <ul style="list-style-type: none"> • Increase in traffic generation • Roads not design to cater for heavy industrial traffic • The existing network cannot cope with any more traffic • Danger for pedestrians from speeding traffic • Station Lane is a private road and often courier vans try to gain access into the estate • The design brief for the site says that traffic levels should not be exceeded those that would have been produced by the MOD. 	<p>The proposal falls below the threshold that requires the application to be accompanied by a full Traffic Assessment and Travel Plan however the Highways Authority have been consulted and they do not consider that the development will amount to a material increase in traffic. There will be sufficient parking made available within the site and covered cycle storage is also provided to encourage a more sustainable mode of transport.</p> <p>There is a public footway leading into the village and the road is restricted to 40MPH. The proposal is not considered to exacerbate the situation.</p> <p>Station Lane currently has gates and a sign advising that there is no access to the business park. The issues raised are existing and will not be further exacerbated by the proposal.</p> <p>The design brief for the business park (ABSDA Sub Depot, Old Dalby Development Brief) was adopted in 1999 and is considerably out of date and therefore can only be afforded limited weight in considering future development of the site. The brief has been superseded by more up to date planning policies contained within the Local Development Framework Published Core Strategy and National Policy Guidance as stated above. In any event, the proposal is only marginally larger than the existing and, with the proposal to omit B2 ‘general industrial’ uses, would be less likely to generate and attract HGV’s than the current unconstrained B2 use.</p> <p>It is considered that there is no evidence to substantiate a reason for refusal based upon Highway Safety.</p>
<p>Visual Impact and Ecology:</p> <ul style="list-style-type: none"> • There should be no outside storage which will have a negative impact and be very visual 	<p>A condition can be imposed to restrict the storage within the buildings which is also imposed on the 00/00117/REV application for the whole site. New screening is proposed around the site and</p>

<ul style="list-style-type: none"> • Screening should be provided and maintained – been promised in the past but never materialised • Concerned with the loss of wildlife should the site be developed. 	<p>will be subject to a condition requiring details of the boundary treatment and landscaping prior to occupation of any of the buildings.</p> <p>The site has been left to evolve over time however the application was supported with an ecology survey and Leicestershire County Council Ecologist has been consulted and raised no objection subject to the bat barn being provided. Further enhancement of the site in form of landscaping and drainage basin will help to provide natural habitats. The existing trees are to be retained.</p>
<p>Development of the site –</p> <ul style="list-style-type: none"> • Concerned that it could lead to the land being developed to the rear of the planned units which would enclose all the houses by industrial uses. • Collective impact of development and intensification of use • No demand/ justification for further development there are still empty units on the site • The design brief stated that no new builds would be done if there were still units unoccupied. • Concerned with fire safety and water capacity on the site. • Connection to the sewers should not be via Station Lane as these are private. • The units should be subject to noise or operating hours restricting the activities and potential noise issues. 	<p>The application proposes to build on the site where existing buildings are present. If further expansion is required in the future further planning application would need to be submitted and would be judged on its own merits.</p> <p>The site is an established industrial area of which there is policy support contained within policy OS2 and EM9 for small scale development. The proposal has been designed to provide small scale starter units which can be flexible to provide larger units by removing internal walls should the end user require it. The existing stock on the site does not lend itself well to smaller users.</p> <p>The units will be connected to the existing water supply and no objections have been received from the water authority.</p> <p>The application was supported with a drainage report which states that the sewers will be connect to the existing sewage system on the estate.</p> <p>The existing site has no operational hours stipulated and the applicant has requested a noise condition be imposed instead of operational hours as the end user may not have the potential to make noise but may wish to worker outside of a normal working day. The Environment Health Officer has been consulted and has suggested a suitable condition to safeguard residential amenities without compromising the use of the units, including night time hours..</p>

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
Application of the Development Plan Policies:	The proposal is located within the Old Dalby Trading Estate in an established industrial site. The Development Brief referred to for the site was adopted in March 1999 and despite it pre-

	<p>dating the Local Plan it is referred to in the preamble to Policy EM11. This policy has not been saved and therefore neither it, nor its dependent brief, retain relevance. However, Policy EM9 has been saved which allows for small scale expansion to existing rural industrial sites.</p> <p>It is considered that limited weight can be placed upon the design brief due to there having been a considerable lapse in its adoption and more recent policy on sustainable economic growth contained, firstly within national guidance PPS4 which has itself been replaced by the NPPF. The Published Core Strategy will replace the Local Plan and the aim is to seek and support rural economy.</p> <p>The Brief states that the construction of new buildings, unless they replace existing buildings and are no greater in floor area, will not be acceptable.</p> <p>This application does propose a slight increase in floor area (72m²) and is therefore contrary to the Development Brief in this respect. However, the increase is considered to be minimal and the units proposed are small bespoke units which are much more adaptable than the existing buildings. The application is considered to be supported in principle by the Local plan (see policies above) and the direction provided by the LDF Core Strategy recognises the need for existing industries to develop even if not ideally located. As such there is not considered to be a conflict between various levels of policy.</p>
<p>Design</p>	<p>There are a variety of materials used on the site with the buildings predominantly bricks of various colours with corrugated roofs. The proposed building will be constructed from brick but will have timber boarded gable features to break up the mass. The building will have a height similar to a domestic two storey dwelling at 8350mm and will have a pitched roof of blue grey cladding to replicate tiles. Windows are proposed on the ground and first floor to allow for a mezzanine floor if desired by the end user. The building design is totally flexible having no internal supports within each unit. All units have a small office and wc.</p> <p>The bat barn/cycling store will be constructed from timber and will have a pitched roof so that the roof void can be used by bats. The overall height will be 5550mm on a footprint of 42.64 square metres.</p>

	It is considered that the design is sympathetic to its surroundings and of higher standards than the ageing industrial stock on the site. The buildings scale and mass is considered to be respectful of the adjacent residential dwellings and subject to conditions requiring submission of boundary treatment and landscaping the proposal is considered to accord with the relevant development plan policies.
Compliance (or otherwise) with Planning Policy	As stated above, the development is considered to accord with the applicable Local Plan polices. In this instance, the policies are considered to be complemented by the NPPF and should not be set aside because of it. In terms of its promotion of economic growth, the NPPF advises that “significant weight” should be assigned and as such it is considered to weigh substantially in favour of the proposal.

Conclusion

The application site is part of the existing Old Dalby Trading Estate where development within the Estate boundaries is considered acceptable. The design of the building is considered acceptable, the direct impact on neighbours from the processes undertaken is considered minimal. Despite extensive concern regarding highways issues, no evidence has been produced to counter the applicants calculations that a very modest increase in traffic flow would result, nor that any such increase would significantly harm road safety interests. 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) – including the emerging LDF Core Strategy objectives - and no other material considerations indicate otherwise. The application is recommended to be conditionally approved.

RECOMMENDATION:- Permit subject to the following conditions:-

- 1 The development shall be begun before the expiration of three years from the date of this permission.
- 2 The development shall be carried out in strict accordance with the plan drawing nos. 796:100a, 796:102a and 798:101d submitted to the local planning authority on the 22nd December 2011 unless otherwise agreed in writing by the Local Planning Authority.
- 3 No development shall start on site until all materials to be used in the development hereby permitted 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 The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or

- diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 6 No outside storage is permitted at any time within the parking and landscaped areas.
 - 7 A plan of the detention basin which will include a cross section showing the depth of the basin along with details of the planned maintenance of the SUDs shall be submitted to the Local Planning Authority prior to development of any of the work units hereby permitted. The works shall be carried out in accordance with the details as approved.
 - 8 Prior to occupation of any of the units details of any floodlighting or other external illumination shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the approved details.
 - 9 No building hereby permitted shall be occupied until such time as the proposed parking and servicing facilities serving each unit has been provided, hard surfaced and made available for use. Once provided these facilities shall thereafter be permanently so maintained.
 - 10 Noise emitted from the site shall not exceed 44dB expressed as a 1 hour LAeq between 07.00 and 19.00 hours Monday to Saturday; 35 dB expressed as a 15 minute LAeq between the hours 19.00 and 22.00 hours Monday to Saturday and 25dB expressed as a 5 minute LAeq at any other time, as measured at any point along the boundary of this site and the residential properties on Station Lane

Reasons :-

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 For the avoidance of doubt
- 3 To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted
- 4 To ensure satisfactory landscaping is provided within a reasonable period.
- 5 To provide a reasonable period for the replacement of any planting.
- 6 To safeguard the character and appearance of the area
- 7 To ensure that flood risk is adequately addressed in the development of the site
- 8 To safeguard the character and appearance of the area
- 9 To ensure adequate parking and servicing facilities are provided within the site to ensure that the internal access roads are kept free from obstruction.
- 10 In the interest of residential amenity

Officer to contact: Mrs D Knipe

Date: 27th March 2012