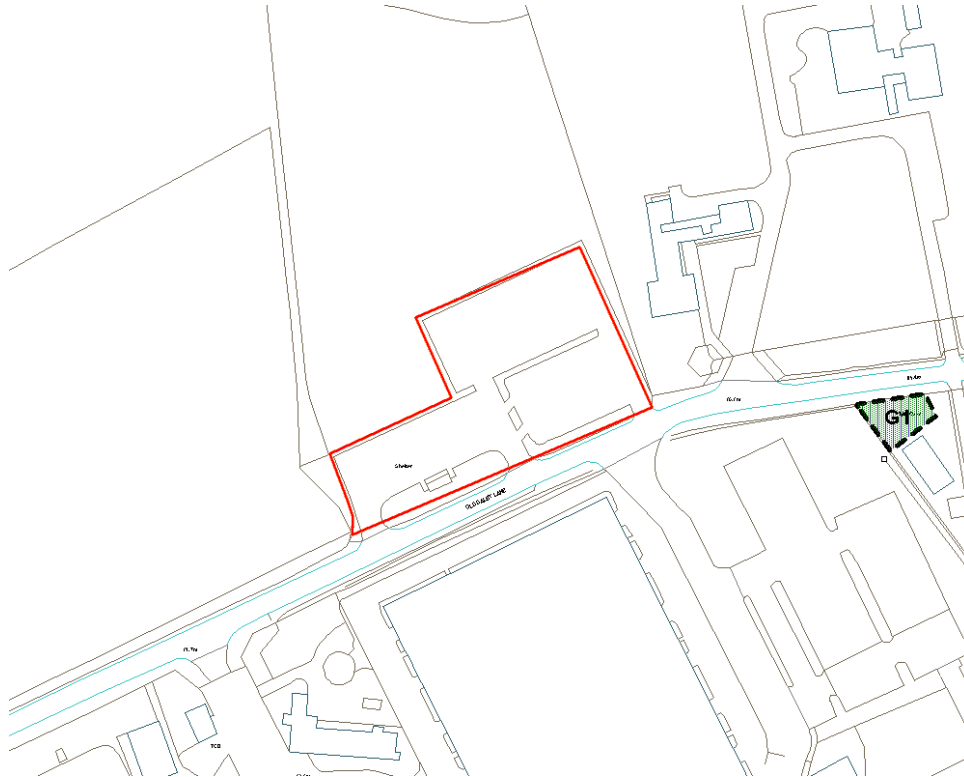


Reference: 12/00218/OUT
Date submitted: 21.03.2012
Applicant: AE Faulks Ltd
Location: Car Park, Station Road, Old Dalby
Proposal: Outline application for operations centre for AE Faulks Ltd.



Proposal :-

This application relates to outline planning permission an operations centre. The application is outline with some matters reserved and seeking approval for the access, layout and scale. The appearance and landscaping has been reserved for future consideration. It is intended to provide a new operations centre for a construction plant vehicle and machinery hire business. The proposed building is to have a B1 and B2 use and also proposed some outdoor storage of materials (B8). Access to the site is proposed from existing access points on to Station Road.

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

- **Impact upon highways**
- **Planning policy for industrial development in this location**

The application is presented to Committee due to conflicting policy issues.

Relevant History:-

01/00454/FUL – Proposed office/workshop building to include car parking areas was withdrawn 02.10.2001.

02/00908/OUT - Proposed erection of B1/B2 industrial units was approved 07.04.2003

04/00774/CL – Proposed Certificate of Lawfulness for Commercial Vehicle Park for parking of lorries, buses, and cars was granted on the 23rd Nov 2004.

06/00919/COU - Parking and storage of temporary buildings and portable cabins was refused 29/11/06 and was the subject of an enforcement appeal which was allowed and planning permission granted. The permission included restrictions which restricted the height of the buildings to not exceed a height of 3.5 metres.

Planning Policies:-

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 prioritises 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.

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.

The Melton LDF Core Strategy (Publication) Development Plan document: The Core Strategy has been published and is currently within a 6 week consultation period. 80% of total development needs will be delivered at Melton Mowbray by 2026. The DPD seeks to support small scale extensions to existing rural business.

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.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority: Concerned that Station Road was not built to cater for the size and volume of traffic it now caters for, and the County Council have to spend large sums on maintaining the carriageway. Any increase in HGV traffic would only exacerbate this problem. The proposed development would also lead to an increase in turning traffic at the junction of Main Road and Old Dalby Lane in Nether Broughton, this junction is on a sharp bend in the road where visibility is restricted. Since 1 January 2007 there have been 4 recorded personal injury road traffic accidents at this junction. The highway Authority recommended refusal.</p> <p>Following subsequent information from the applicant the Highway Authority have stated:</p> <p>The Highway Authority are concerned with any increased use in Station Road by heavy goods vehicles partly due to the maintenance liabilities and partly due to road safety issues. The Highway Authority have recently carried out alterations to the junction of the A606 and Dalby Road in Nether Broughton, which should improve the safety aspect of this junction, along with the recent reduction in the speed limit on the A606 through Nether Broughton. There have been two reported personal injury road traffic accidents between the site and the the A606 junction in Nether Broughton, neither of which involved HGV's. As such it would be more difficult to resist the development on the grounds of highway safety, especially if the access to the site were amended from that originally shown, so that it was served by a single point of access that conformed to current standards.</p> <p>Although the traffic figures submitted for the previous use of the site are disputed, it is accepted that the site does have a lawful commercial use and therefore could legitimately generate movements by goods vehicles. Notwithstanding the Highway Authority's concerns, it is felt that given the history of the site it would be difficult to justify a highway reason for refusal of this application.</p>	<p>The proposal intends to utilise the existing access to the site and an objection was received from the Highway Authority.</p> <p>There have been a number of objections regarding the proposed developments, and the traffic likely to be generated by them. The agent has stated that amendments can be made to the access to utilise a single point of access. There is no evidence submitted to suggest that the proposed uses would generate a significantly greater quantity of traffic than the existing authorised 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 site does have a lawful 'commercial' use and therefore could legitimately generate movements by goods vehicles and improvements have been made to the junction with the A606, and therefore it would not be possible to substantiate a refusal of the application on these grounds.</p> <p>NPPF advises that permissions should only be refused where the impact of residual impacts is 'severe'. Given the authorised use of the site and existing traffic flows, it is not considered that levels would be severe and as such refusal on this basis would not be sustainable.</p> <p>Taking account of all of these issues it is not considered that a highway reason for refusal can be substantiated.</p>

On that basis the Highway Authority are reluctantly prepared to change its recommendation to one of conditional approval.	
Broughton and Dalby Parish Council: Object The Parish Council are in full agreement with the report submitted by Highways and also object to what amounts to an 'extension' of the 2 existing business parks on the opposite side of the road. This is further intrusion and expansion into the country side which is unnecessary.	The Highways Authority originally objected to the proposal but have subsequently withdrawn this objection and are recommending a conditional approval. See commentary above. The impact on the countryside is assessed below in the report.
Severn Trent Water – No objections subject to imposing conditions in relation to surface water drainage.	Noted, this can be imposed by means of a condition

Representations:

A site notice was posted and neighbouring properties consulted. As a result 2 letters of objections have been received to date commenting on the following;

Representation	Assessment of Head of Regulatory Services
Melton and District Civic Society; Concerned that the additional traffic movements may cause damage to the local roads. Could an assurance be sought from the company that no damage will be done?	Noted, the concern of the Civic Society on the impact on the local road network is shared by the Highway Authority. However, the site has a lawful commercial use and therefore movements by goods vehicles are associated with this. It is considered that given the history of the site it would not be possible to demonstrate that an increase in traffic (quantity or type) is unsustainable to justify a highway reason for refusal of this application.
Impact upon highways: Over the last 12 years the area has seen a substantial increase in the volume of large heavy goods vehicles, this new planning application will add to the volume of traffic to a small, residential community area.	Noted, the proposal would generate traffic in the area. However, the site has a lawful use for parking and storage of temporary buildings and portable cabins which would generate traffic movement in this area and does not require planning permission. It is considered that there is no evidence to substantiate a reason for refusal based upon Highway Safety.
Visual Impact The proposal will add to the increasing industrialisation of a small, rural community. It will also be visually unattractive, as the footpath that passes this site is often used by walkers, ramblers, joggers and cyclists.	The application site lies within the designated open countryside. The existing site has planning permission for the storage of temporary buildings and portable cabins, with a condition that no buildings or cabins are stored higher than 3.5 metres. The permission also limits and prevents the storage of other items without requiring further planning permission. Prior to this the site was used for the parking of vehicles, including lorries and buses. This application seeks approval for a B1/B2 building, staff parking, road sweeper parking and

	<p>lorry parking as well as an area of outdoor storage for materials. The proposed building is of some significant scale being 37.5 metres by 18.5 metres with a roof height of 8.5 metres. The applicant has stated that the outdoor storage area would not 3.5 metres in height in line with the previous approval. The proposed development is considered to have an impact on the open countryside as it is not considered to be small scale and would involve external storage. However, taking into consideration the lawful use on the site and the previous approval it is not considered that a refusal on the grounds of a detrimental impact on the open countryside could be substantiated.</p>
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of the Development Plan Policies.</p> <p>The applicant has been submitted with a supporting economic statement. The statement states that the company is a long established, local, family owned and run business, which specialised in the hiring out of construction plant, vehicle and machinery. It also undertakes recycling, earthworks and demolition activities. The company employs a total workforce of 33 and has a yearly turnover of £2m. Its geographical area of activity principally covers a radius of 30 miles around Old Dalby. The statement explains that the company provides services for many local developers, local contractors, local authorities and the general public. About 80% of clients are located within a 30 mile radius of this application site and if not available locally it would have to be obtained from firms and depots located further away from the local market with consequent increase in vehicle miles, greater pollution and increased cost for businesses in the local economy. The applicant has stated that their existing operations centre at Hickling is at capacity with no space for additional expansion.</p> <p>The applicant has states that the advantages of the proposal are;</p> <ul style="list-style-type: none"> • Regeneration of a brownfield site • Continuation and increase of local employment, business to business dealings and additional future employment. • Receiving business rates <p>As the site has a commercial use the vehicular movements associated with the proposal would not be more harmful than those likely to occur under the existing uses</p>	<p>The proposal is located within the open countryside and therefore OS2 is the applicable policy. The application proposes a large commercial building, parking and outdoor material storage and therefore it is not considered that the proposal complies with OS2 of the Local Plan.</p> <p>The East Midlands Regional Plan supports economic development but states that it should be promoted in sustainable locations and concentrates new development and economic activity in and adjoining existing urban areas. The application site is some distance from any sustainable settlement and therefore it is not considered that the proposal complies with the requirements of the Regional Plan.</p> <p>The Core Strategy supports small scale economic development, this proposal is not considered to be small scale.</p> <p>Therefore, it is not considered that the proposal accords with the Development Plan.</p> <p>The National Planning Policy Framework is a material consideration in the determination of this application that is considered to be of significant weight . The NPPF is clear in its advice that the presumption is in favour of sustainable development. The guidance also states that where the development plan is absent, silent or relevant policies are out-of-date, local planning authorities should grant planning permission unless “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits”.</p>

	<p>The NPPF supports economic development and states its commitment to securing sustainable economic growth, explaining that planning should do “everything it can” to facilitate this. Paragraph 28 of the NPPF relates to supporting a prosperous rural economy. It states that local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural area. The key to this policy is considered to be the consideration of ‘sustainable’.</p> <p>The NPPF defines sustainable development as economic, social and environmental. The site proposed is located within the open countryside, some distance from any settlement and some distance from Melton Mowbray. The location of the proposal would mean that all employees and visitors would be reliant on the motorcar as there is limited public transport. The NPPF seeks to ensure that land is provided in the right places to support growth and innovation. This site is heavily reliant on the motor car, is detached from the adjacent business park. The proposal would also not meet the provisions of the Core Strategy (Publication) DPD which seeks to focus development in sustainable locations.</p> <p>Whilst it is considered that the proposed development would provide employment in a rural area it is not considered that the site is in a sustainable location and therefore does not meet this requirements of the NPPF.</p>
<p>Layout</p>	<p>The application is in outline with access, layout and scale for approval. The appearance and landscaping has been reserved for future consideration.</p> <p>The layout of the proposed operation centre is for a main building (B1 and B2 use) which is proposed to be set back 20 metres from the road sited along the eastern boundary. There will be parking and turning facilities in the central part of the site and along the road frontage. The application also includes a materials storages area (B8) to the west of the site. The main building is to include a covered wash bay, lorry workshop and offices. The parking has been segregated into staff/office parking, road sweeper parking, low loader parking and 8 wheeler lorry parking.</p> <p>The layout of the proposal is considered to be acceptable.</p>
<p>Design</p>	<p>The application is in outline with access, layout</p>

	<p>and scale for approval. The appearance and landscaping has been reserved for future consideration.</p> <p>The appearance of the building is not for consideration of this application. However, the design and access statement submitted with the application states that it is envisaged that the external elevations will be constructed in facing bricks/cladding under a slate grey coloured curved roof. An indicative plan has been submitted with the application.</p> <p>The proposed building is to have a footprint of 18.5metres by 37.5 metres with a maximum height of 8.5 metres.</p> <p>The building is considered to be of some scale and would be prominent in this location. However, given the previous usage on the site (see commentary above) and in relation to the nature of the buildings opposite in the business park, it is not considered that a commercial building in this location would be unacceptable.</p> <p>The precise design of the building has been reserved for future consideration.</p>
<p>Impact on adjoining properties</p>	<p>The application site is located on Station Road, Old Dalby adjoining the former MOD site to the east. To the north and west is open countryside and to the south is the Crown Business Park. The nearest property is over 80 metres away from the site on the opposite side of the highway.</p> <p>It is not considered that the proposal would have a detrimental impact on the amenities of adjoining properties.</p>

Conclusion

The application site lies in the designated open countryside and as such there is no presumption in favour of development under policies OS1 and BE1. The application has been submitted with supporting information which states that the proposal would provide local employment and would be of economic benefit. The proposal is not considered to have a detrimental impact on the character and appearance of the open countryside or any adjoining residential properties. The Highway Authority have expressed concern over the suitability of the highway network but due to the existing lawful use on the site a grounds for refusal is not considered to be substantiated on these grounds. The NPPF post-dates the Development Plan and supported rural economic growth. However, the NPPF seeks to support sustainable new development and the site is considered to be in an unsustainable location. Accordingly the application presents the need to **balance economic growth considerations with those of sustainable development**. In view of the poor transport services in the location and absence of any exceptional factor (such as the need to locate in the specific location) it is considered that economic development considerations do not outweigh those of sustainable development. The proposal is considered to be contrary to Policies OS2 and the NPPF and is recommended for refusal on this basis..

RECOMMENDATION:- Refuse for the following reasons:-

In the opinion of the Local Planning Authority the proposal would, if approved, result in the introduction of commercial premises on a site in an unsustainable location. The development would be sited within the open countryside where future occupants are likely to be heavily dependent on the use of the car. The proposal is therefore considered to be contrary to the Policy OS2 of the Local Plan and the NPPF.

Officer to contact: Mrs J Wallis

Date: 23rd July 2012