

Item 5.1

Site: Land at The Dove Way, Uttoxeter, Staffordshire

Proposal: Erection of 5 detached buildings to form 10 units for Classes B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution), including the formation of a new vehicular access

Report of Head of Service

This report has been checked on behalf of Legal Services by John Kirkham

Hyperlink to Drawing and Forms

Application No. P/2015/00875
Case Officer: James Norton
Application Type: Detailed Planning Application

Applicant: East Staffordshire Borough Council

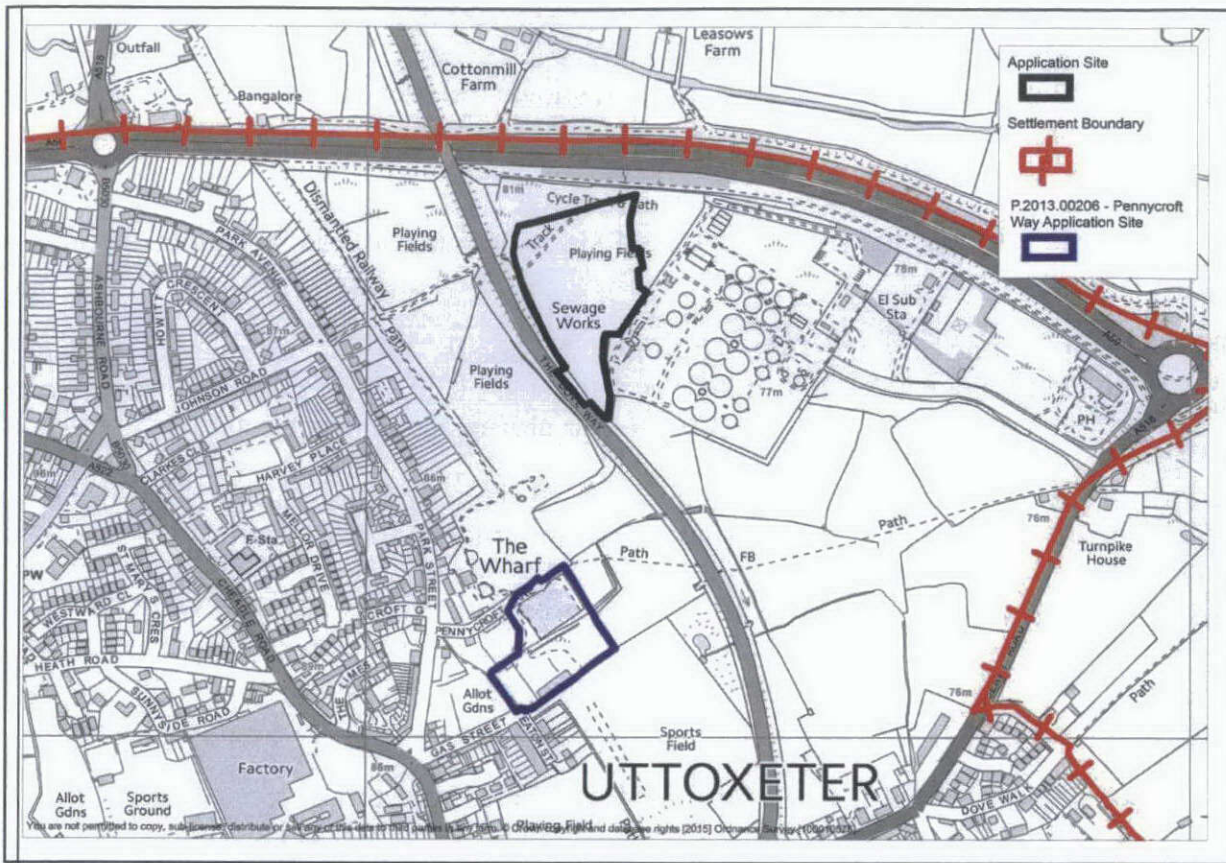
Ward: Heath
Ward Member(s): Councillor G A Allen
Councillor Ms L Shelton
Councillor Mrs S J McGarry
Councillor Ms K Haberfield

Registered: 12 June 2015
Expires: 11 September 2015

1.0 Executive Summary

- 1.1 The application site consists of land to the east side of The Dove Way, which runs along the north-eastern edge of Uttoxeter and consists of vacant grassland approximately triangular in shape and is enclosed by the A50 trunk road to the north, the embankment to The Dove Way the south-west, and land to the west of the sewage treatment works to the east.
- 1.2 This detailed application seeks to bring forward the commercial element of the outline consent (P/2011/01134) but as the access arrangements and size of proposal have changed a new detailed application proposing the erection of 5 detached buildings providing a revised figure of 10,569 Sq m of B1, B2 and B8 floorspace forming 10 units. This application considers all matters relevant to the determination of a full planning application.

- 1.3 The principle of developing the site was established by outline planning approval of P/2011/01134/JI/PO for a mixed use development of 17,427m² of commercial floorspace falling within Use Classes B1 (light industrial and offices), B2 (general industrial) and B8 (storage and distribution) on land to the east of Dove Way and the erection of 56 dwellings on a smaller parcel of land to the west of The Dove Way. Whilst this application is not a reserved matters application, the principle of development for a larger scheme has already been established.
- 1.4 The site is proposed to be served off The Dove Way and this access will become a left in, left out arrangement vehicular access point from Dove Way following the alterations to the A50 to the southern edge of this application site. However, the access will not be restricted until these works are implemented.
- 1.5 Neighbours have been informed, with site notices displayed in the vicinity of the application site. A notice was also published in the Uttoxeter Advertiser. The consultation period expired on 8th July 2015. At the time of writing this report, no letters of objection have been received.
- 1.6 It is considered that the development is of sufficiently high quality design within its context to comply with Saved Policy BE1 and The Council's adopted Design Guide and the provisions of relevant development plan policies and the National Planning Policy Framework.
- 1.7 The proposal will not have an unacceptably adverse impact on the existing highway network.
- 1.8 **Members are advised that the above is a brief summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**



1.0 The Site

- 1.1 The application site consists of land to the east side of The Dove Way, which runs along the north-eastern edge of Uttoxeter and consists of vacant grassland approximately triangular in shape and is enclosed by the A50 trunk road to the north, the embankment to The Dove Way the south-west, and land to the west of the sewage treatment works to the east. The site is approximately 2.6 ha.
- 1.2 The site is allocated as employment land in the Saved East Staffordshire Local Plan. It is also allocated in the emerging examined Local Plan for employment use.
- 1.3 Members are advised that this is a smaller scheme than was reported to Planning Applications Committee in April 2015 which was deferred and subsequently withdrawn due to the County Council seeking to locate a replacement Household Waste Recycling Centre on land at Dove Way and using an alternative access arrangement which necessitated a new and full planning application. The application for household waste and recycling centre will be submitted to the County Council as relevant Planning Authority for determining Waste applications.

2.0 The Proposal

- 2.1 This application is submitted by East Staffordshire Borough Council.

- 2.2 The application is submitted in full and proposes the erection of 5 employment units providing a revised figure of 10,569 Sq m of B1, B2 and B8 floorspace to form 10 separate units. The application shows the commercial floorspace divided between 5 units. This application considers all matters relevant to the determination of a full planning application.
- 2.3 The site is proposed to be accessed via a new left in, left out junction on The Dove Way.
- 2.4 The submitted layout (See Appendix A) shows the 5 commercial buildings subdivided into 10 individual workspaces. Unit 1 provides three storey accommodation and units 2-5 provide two storey accommodation.
- 2.5 The following supporting documents, which alongside the planning file, have been taken into account in the consideration of this application:-
- A **Planning and Sustainability Statement** which considers the planning policy context and concludes that the proposal will provide a sustainable development which will contribute positively to the employment needs of the Borough.
 - A **Design and Access Statement** concludes that the proposed built form of contemporary structures and landscaping will significantly improve what is currently general scrubland.
 - A **Utilities Statement** concluding that it is possible to bring all new services to the site.
 - A **Phase I Habitat Survey, Protected Species Scoping Report and Great Crested Newt Survey and associated Addendums** which concludes that the development is unlikely to impact upon great crested newts, but makes recommendations further surveys with respect to bats, reptiles and nesting birds.
 - A **Tree Survey** which identifies key trees and hedgerows and establishes root protection areas.
 - A **Transport Statement** which builds on the original Transport Assessment concludes that the development will have a lower traffic generation than that associated with the previously proposed scheme (P/2011/01134) and will therefore have a nominal impact on the surrounding road network, in the context that the mitigation measures proposed relating to capacity issues at the A50/A518 Derby Road roundabout, the A50/A518/B5030 roundabout, the Town Meadows Way/Dove Bank roundabout, and the Dovefields mini-roundabout are carried forward.
 - A **Travel Plan** which includes a package of measures to achieve modal shift away from private car travel.

- **Phase I and II Geo Environmental Assessments** which identify sources of contamination and recommends further assessments and mitigation measures.
 - **A Flood Risk Assessment and Drainage Strategy** concludes that the site is appropriate for the proposed uses and the drainage strategy incorporates suitable attenuation on site and satisfactory means of surface water discharge can be achieved.
- 2.6 The site has previously been subject to a Screening Opinion which concludes that a formal Environmental Impact Assessment is not required.

3.0 Relevant Planning History

- 3.1 PA/30166/003 – Erection of a cattle market and associated buildings and construction of an access and roundabout – Conditionally approved 10th August 2006
- 3.2 PA/30166/009 – Variation of Conditions 3-10 of Planning Permission PA/30166/003 to allow the construction of roundabout in advance of compliance with pre-commencement conditions – Withdrawn
- 3.3 P/2011/01134/JI/PO - Outline application for a mixed development scheme comprising Classes B1, B2 and B8 and up to 56 dwellings including details of the means of access – Conditionally approved 3rd September 2013
- 3.4 P/2015/00013 - Reserved Matters application for the erection of buildings for Classes B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution) – Withdrawn

4.0 Consultations

- 4.1 The Highway Authority Has no objections on Highway grounds to the proposed development subject to conditions being included on any approval relating to details of off-site highway works, parking turning and servicing areas, visibility splays, details of shower/changing facilities for employees cycling to work and submission and approval of a Construction Management Plan
- 4.2 The Highways Agency No objections
- 4.3 Environment Agency Has no objections subject to conditions relating to the submission of a remediation strategy to deal with contamination risks and there being no infiltration of surface water drainage into the ground.

- 4.4** Staffordshire County Council (Flood Risk) State the proposal shall be carried out in accordance with the submitted Flood Risk assessment and Drainage strategy including the mitigation measures set out in these documents.
- 4.5** Staffordshire County Council (Archaeology) Recommends a condition requiring the submission and approval of a scheme or archaeological investigation.
- 4.6** Police Architectural Liaison Officer Has no objection to the proposal but recommends a condition to secure CCTV to cover the underpass which he has concerns will offer access to the development out of hours whilst potential criminals are unchallenged.
- 4.7** Severn Trent Water Has no objection to the proposal subject to the inclusion of a condition requiring the submission and approval of drainage plans and an informative relating to multiple sewers across the site.
- 4.8** ESBC Environmental Health Recommends conditions relating to soil and groundwater contamination and imported soil.
- 4.9** Staffordshire Wildlife Trust No comments received at the time of writing this report.
- 4.10** The Ramblers Association No comments received at the time of writing this report.
- 4.11** Uttoxeter Town Council Awaiting Response - (Due 15/07/15) This response will be provided in the update.

5.0 Publicity/Representations

- 5.1** Neighbours have been notified of the application, a site notice posted and an advertisement placed in the local newspaper. The period for receipt of comments expired on the 8th July 2015. At the time of writing this report, no letters of objection have been received.

6.0 Policy Framework

6.1 National Policy

National Planning Policy Framework

National Planning Practice Guidance

6.2 East Staffordshire Local Plan Saved Policies

- E1 Employment Land Supply: General
- E2 Employment Site Allocations
- BE1 Design
- T1 Transport: General; Principles for New Development
- T6 Parking Areas: Design
- T7 Parking: Standards

6.3 Pre-Submission Local Plan Policies

- SP1 East Staffordshire Approach to Sustainable Development
- SP3 Provision of Homes and Jobs 2012 - 2031
- SP5 Distribution of Employment Growth 2012-31 (allocations)
- SP9 Infrastructure delivery and Implementation
- SP24 High Quality Design
- DP1 Design of New Development

6.4 Supplementary Planning Documents/Guidance

- East Staffordshire Design Guide
- Parking Standards

7.0 **Human Rights Act 1998**

- 7.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

8.0 **Crime and Disorder Implications**

- 8.1 It is considered that the proposal does not raise any crime and disorder implications.

9.0 **Equalities Act 2010**

- 9.1 Due regard, where relevant, has been taken to the East Staffordshire Council's equality duty as contained within the Equalities Act 2010.

10.0 **Main Issues/Evaluation**

- 10.1 It is considered that the key issues in the determination of this application are as follows:-

Principle of the development
Design and impact on the character and appearance of the area
Highway matters
Flood Risk
Impact on Ecology
Impact on the amenities of nearby residents
Viability and S106
Other matters including public footpaths and open space

10.2 Principle of the Development

10.2.1 The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development. It also re-emphasises that the starting point for decision-making is the development plan, and that where proposed development accords with an up to-date plan it should be approved, and where it does not accord with the plan it should be refused unless material considerations indicate otherwise. Paragraph 215 clarifies that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. Saved policies within the existing Local Plan can therefore be given weight providing they are in general conformity with the NPPF. The policies in the National Planning Policy Framework (NPPF) constitute material considerations, but take precedence on matters where there are no relevant up to-date policies in the development plan.

10.2.2 The development plan for East Staffordshire is comprised of saved policies in the Local Plan. The site lies within the development boundary and is allocated for employment use in both the adopted and examined East Staffordshire Local Plans. The starting point for decision-making in respect of the proposal therefore is Saved Policies E1 and E2 of the Local Plan which seek to ensure an adequate supply of land for employment development throughout the plan period.

10.2.1 This employment proposal is sited on land allocated for employment development and as such is acceptable in principle.

10.2.2 Outline consent has also been granted (P/2011/01134/JI) for a mixed use scheme of employment and housing development on two parcels of land to the east and west of The Dove Way. The Employment element of the scheme was in the same location as this proposal and was for a larger scheme of 14,783 Sq m. This scheme is therefore acceptable in principle.

10.3 Design and Impact on the Character and Appearance of the Area

10.3.1 Saved Policy BE1 of the adopted East Staffordshire Local Plan states that planning permission will only be granted for proposals that relate well in design terms to their surroundings. In establishing whether development is

acceptable in design terms, it requires that several factors be taken into account, including the scale, massing and height of the proposal and materials from which it is to be constructed in the context of the site and its surroundings.

10.3.2 The East Staffordshire Design Guide elaborates upon the requirements of Saved Policy BE1 and sets out the design challenges set by commercial development which includes:

- *the need to create large open plan spaces, which can be used flexibly;*
- *the requirement for large flat sites or plinths to carry large buildings;*
- *the resultant scale of these buildings and their elevations, which can be vast;*
- *the resultant building forms which can be very basic and often box like in form;*
- *the need to be cost-effective through design, materials and specification;*
- *the limited opportunities for activity generating edges of these buildings;*
- *the freestanding nature of many such buildings, located within individual sites and plots and surrounded by car parking and servicing areas which makes creating townscape and group value between buildings difficult to achieve;*
- *a requirement for substantial servicing and/or car parking areas;*
- *a need to accommodate substantial plant associated with the use; and*
- *a requirement for corporate branding of the building and/or signage.*

10.3.3 The Design guide goes on to state at paragraph 3.3.1 that; *'the layout of the development should create a positive response to the site and context. The layout should be based on a full design assessment of the site.'*

10.3.4 The proposed layout shows a range of commercial buildings of varying scales with a maximum height of 15m on unit 1 to the top of the atrium roof of the three storey office building located at the southern end of the site. This gateway/feature building gives the development an individual character and provides an imposing entrance feature for the smaller more functional units which are located further into the site. Buildings two to five range in height to ridge between 8.5m and 10.5m and vary in width and depth to a maximum of 75m and 30m respectively. These are a mix of one two storey unit, two pairs of larger two storey units and one curved block of four two storey units. This mix of accommodation provides a variety of commercial space including smaller starter units. The buildings are generally arranged to present frontages into the site but also present active frontages onto the circulation routes around the site creating a discreet new business park. The proposed commercial buildings would create their own character area but would be viewed in the context of existing and proposed development of the sewage treatment works and proposed relocated Household Waste Recycling Centre, forming the eastern site boundary, and as such are not considered to appear as unduly prominent in the streetscene.

- 10.3.5 The East Staffordshire Design Guide states at para 3.6.1 that *space requirements for commercial developments can often create low and wide buildings. Traditionally streets have a vertical emphasis with a variety of buildings and architectural styles side by side. Vertical emphasis to facades can help to break down wide building frontages into more visually comfortable and familiar elements. Breaking up the long and wide elevations into sections can help to sub-divide the building and create a more human scale.* The design of the proposed buildings has attempted to reduce the impact of the wide buildings by emphasising the vertical nature of the buildings through the use of contrast panelling and colour. In addition, the two buildings providing smaller multiple units at the north of the site have been designed to turn a corner which both helps to break down the unit and makes best use of the constraints of the site.
- 10.3.6 The proposed units are of harmonious design, the space frame buildings utilise similar materials with a mix of insulated render and composite smooth walled panels and composite trapezoid roof panels, the elevational treatment is a mix of dark and light grey and light blue panels to break up the mass of each building. The buildings themselves are functional in nature and provide an appropriate and acceptable design solution for a scheme of this type.
- 10.3.7 The layout shows the provision of bin and cycle stores distributed throughout the site. These are located in acceptable locations and will not compromise the integrity of the layout of the estate, whilst also ensuring that refuse storage is accessible.
- 10.3.8 A scheme of landscaping has been submitted to serve the development and this proposes a mixture of Woodland Mix planting to the periphery of the site, with a mixture of shrub, street tree and grass planting within the circulation routes of the estate. This provides an acceptable response to landscape context and will help, as it matures, to soften the impacts of the development on the streetscene.
- 10.3.9 Following careful consideration of the layout, scale appearance, and landscaping it is not considered the proposed commercial buildings would damage the character or appearance of the streetscene or locality in general. It is therefore considered that the proposal satisfactorily accords with the aforementioned policies and would meet the sustainability requirements of the NPPF by providing a high quality built environment.

10.4 Highway Matters

- 10.4.1 Saved Policies T1 and T2 of the Local Plan state that new development will be accepted where it will not adversely affect the safe and efficient use of adjoining highways, including strategic routes.
- 10.4.2 The Highway Agency and Highway Authority have confirmed that, subject to off-site highway works, the proposals will not in their opinion unacceptably

affect the safe or efficient use of the highway network. The off-site highway works proposed can be secured by planning condition.

10.4.3 With regards to the car parking provision all units are provided with dedicated spaces. A total of 266 spaces, 14 of which are disabled spaces. This figure falls short of the maximum number of 268 spaces which are required when calculated using the Council's adopted Parking Standards. As these are maximum standards this small deficiency is considered acceptable. The site is on the edge of the urban area and is accessible by a choice of means transport being on a bus route, relatively close to the town centre and railway station and within walking distance of other services and facilities. The site is therefore in a sustainable location and the parking provision provided is considered adequate, this view is backed up by the response of the Highway Authority who has raised no objections to the scheme.

10.4.4 The Highway Agency and Highway Authority have confirmed that there are no objections to this proposal.

10.5 Flood Risk

10.5.1 The NPPF seeks to ensure that new development does not increase flood risk. The planning application is accompanied by a Flood Risk Assessment which concludes that there is a risk of fluvial flooding from the Uttoxeter Brook which can be mitigated against through reprofiling of the brook and the incorporation of sustainable drainage techniques.

10.5.2 Given the response of the Environment Agency, Staffordshire County Council Flood Risk Team, it is not considered that the proposed development would be at an unacceptable risk of flooding, or that the proposal would increase the risk of flooding in the surrounding area.

10.5.3 Subject to recommended conditions in respect of drainage in accordance with the submitted FRA and Drainage Strategy, the proposal would meet the sustainability requirements of the NPPF.

10.6 Impact on Ecology

10.6.1 Paragraph 118 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused.

10.6.2 The application is accompanied by an addendum to the ecological assessment of 2011 which concluded that the development is unlikely to impact upon great crested newts. There was no evidence of badger activity but recommends the area of Japanese knotweed to the south of the site be

treated as controlled waste and disposed of according to guidelines for controlled waste disposal.

10.6.3 Staffordshire Wildlife Trust has been consulted on the proposals. No response has been received at the time of writing this report. Should a response be received this will be provided and considered in an update.

10.6.4 Whilst no response has been received, the supporting statement submitted with the application sets out that there are no reptiles or breeding birds on the list of European Protected Species that are active in this part of the country. The existing habitat on site is generally of poor quality and it is considered that the mitigation measures set out in the ecological assessments would adequately alleviate the impact of the development.

10.7 Impact on the Amenities of Nearby Residents

10.7.1 The National Planning Policy Framework and Saved Policy BE1 of the Local Plan seek to ensure new development will not have an adverse impact on the immediate and general environment on the amenities of existing residents and businesses.

10.7.2 The proposed commercial buildings are sufficiently distant from existing residential properties to avoid unacceptably affecting the amenities enjoyed by their occupiers.

10.8 Viability and S106

10.8.1 The applicants previously submitted a viability report as supporting information to P/2011/01134 which was independently assessed by the District Valuer. The report confirmed that the development as a whole (i.e. residential and commercial) is unviable even with nil Section 106 contributions and nil on-site affordable housing.

10.8.2 Paragraph 173 of the National Planning Policy Framework states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

10.8.3 As this application is a detailed application for the erection of five detached employment buildings with revised access, no Section 106 is required.

10.9 Other Matters including Footpaths and Open Space

10.9.1 This proposal does not affect a public right of way but is bounded by the public right of way that passes east from Pennycroft Fields under The Dove

Way and north along eastern edge of The Dove Way embankment to meet the footpath alongside the A50.

- 10.9.2 No formal public open space is shown on the site however the site does benefit from a landscaping scheme that includes landscaped areas, the largest of which is at the entrance to the development. The area to the north western corner of the site is proposed to be provided for seating for the benefit of employees. In addition, the site lies adjacent to significant areas of open space including play areas and sports pitches at Pennycroft Lane providing adequate access to open space.
- 10.9.3 It is not considered that there are any other material planning considerations relevant to the outcome of this application.

11.0 Conclusions

- 11.1 The National Planning Policy Framework gives a presumption in favour of sustainable development. The proposal lies in a sustainable location on the edge of an urban settlement and within its development boundary. The principle of the proposal therefore falls to be acceptable under the presumption in favour of sustainable development.
- 11.2 The principle of commercial development on this site was approved under Outline Planning Permission P/2011/01134/JI/PO as part of a larger scheme for mixed use development. Although this proposal is a separate full application, the proposal is very similar and of smaller scale to that proposed in the previous outline consent.
- 11.3 The development is of sufficiently high quality design within its context to comply with the parameters set by the outline planning permission and the provisions of relevant development plan policies and the National Planning Policy Framework.
- 11.4 There are no adverse effects on adjoining uses as the proposal is sufficiently distant from residential uses.
- 11.5 The proposal will not have an unacceptably adverse impact on the existing highway network and provides sufficient car parking giving regard to the sites sustainable location.
- 11.6 The proposal therefore accords with Saved Policies BE1 and T1 of the East Staffordshire Local Plan, the National Planning Policy Framework (in particular Sections 1, 4, 7, 10 and 11), and the East Staffordshire Design Guide.

12.0 Engagement

- 12.1 The Local Planning Authority has taken a positive approach to decision-taking in respect of this application concluding that it is a sustainable form of development which complies with relevant development plan policies and

material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has secured a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of Paragraphs 186 and 187 of the National Planning Policy Framework.

13.0 Recommendation

13.1 For the reasons set out in the above report then **PERMIT** subject to the following conditions:-

- 1) Time limit for commencement
- 2) Approved plans condition
- 3) Submission of details of materials
- 4) Submission of details of drainage
- 5) Submission of details of slab levels
- 6) Submission of details of off-site highway works
- 7) Submission and approval of details of the site layout, including means of surfacing access roads and parking/turning/servicing areas, means of surface water drainage, full road construction
- 8) Submission and approval of cycle storage details
- 9) Submission and approval of a written scheme of archaeological investigation
- 10) Submission and approval of a contaminated land assessment, and completion of necessary remediation measures
- 11) Submission and approval of biodiversity enhancement measures within the development including roosting and nesting facilities for bats and birds
- 12) Development to be carried out in accordance with the mitigation measures in the ecological statement
- 13) Development to be carried out in accordance with the flood risk assessment
- 14) Implementation of landscaping
- 15) Implementation of fencing and walling
- 16) Analysis of imported soil
- 17) Prevention of infiltration of surface water drainage into the ground.
- 18) No outside storage or working (industrial units)
- 19) Submission and approval of a construction management plan
- 20) Submission and approval of a commercial travel plan
- 21) Submission and approval of details of shower / changing and storage facilities for the development
- 22) Surface water interceptor to be provided to the rear of the access.

14.0 Informatives

1. Notification of outline permission conditions addressed by the reserved matters submission and which remain outstanding
2. Informative relating to gas migration
3. Informative confirming need for a Major Works Agreement and s.38 Agreement
4. Informative relating to public sewer

5. Applicant to consider and take into account the attached comments of the Police Architectural Liaison Officer
6. Compliance with pre-commencement conditions
7. Engagement Informative

15. Background Papers

15.1 The following papers were used in the preparation of this report: -

The Local and National Planning Policies outlined above in section 6
Papers on the Planning Application file reference P/2015/00875
The planning history outlined in Section 3

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