

# Delegated Report for P/2019/00129

<b>Application Number</b>	P/2019/00129	
<b>Planning Officer</b>	Graham Northern	
<b>Site Address</b>	Land at Fauld Industrial Estate, Fauld Lane Fauld DE13 9HS	
<b>Proposal</b>	Outline application for B1, B2, & B8 uses including means of access	
<b>Expiry Dates</b>	<b>Weekly List</b>	20/03/2019
	<b>Neighbours</b>	28/5/2019
	<b>Consultations</b>	28/5/2019
	<b>Site Notice</b>	28/5/2019
	<b>Newspaper Advert</b>	
<b>Environmental Assessment</b>	<b>Screening opinion undertaken</b>	N/A
	<b>Schedule 1 or 2</b>	N/A
	<b>EIA Required</b>	No
<b>Relevant Planning Policies/Guidance</b>	<b>Government Documents</b>	The National Planning Policy Framework The National Planning Practice Guidance
	<b>Local Plan Policies</b>	Principle 1 – Presumption In favour of sustainable development. SP1 East Staffordshire's Approach to Sustainable development SP3 – Provision of Homes and Jobs 2012 – 2031 SP5 – Distribution of Employment Growth SP6 – managing the release of Housing and Employment Land SP9 – Infrastructure Delivery and Implementation SP13 – Burton and Uttoxeter Existing Employment Land SP14 – Rural Economy SP24 – High Quality Design SP27 - Climate Change, Water Body Management and Flooding SP29 – Biodiversity and Geodiversity SP35 – Accessibility and Sustainable Transport DP1 – Design of New Development DP7 - Pollution DP8 – Tree Protection
	<b>Supplementary Planning Documents</b>	East Staffordshire Design Guide Parking Standards SPD
	<b>Other Policies/Guidance</b>	Neighbourhood Plan
<b>Relevant History</b>	None relevant	
<b>Consultation Responses</b>	Highways – No objections Environment Contaminated land – No objections Environment Air Quality – No objections SCC Flood Risk – No objections Highways England – No objections Health and Safety Exec – No objections Environment Agency – No objections BPA Pipelines – No objections Severn Trent – No objections	
<b>Parish Council</b>	Originally raised no objection but asked planning department to consider the traffic	

	<p>implications of this application on traffic through the village.</p> <p>They would like to request that the traffic accessing this unit uses the route to the A50</p>
<b>Neighbour Responses</b>	No objections received
<b>Human Rights Act Considerations</b>	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 issues have been taken into account in the determination of this application.
<b>Crime and Disorder Implications</b>	It is considered that the proposal does not raise any crime and disorder implications.
<b>Equalities Act 2010</b>	Due regard, where relevant, has been given to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.
<b>Planning Officer's Assessment</b>	<p><b>Site Description</b></p> <p>The site is located approximately 1.5 km west of Tutbury within Fauld Camp. The site is located in the south western corner of the defined Industrial Estate and is accessed off the dedicated Industrial Estate Road. This road runs south from Fauld Lane before turning west to serve the Estate and the subject site. The applicant has acquired this Road within Fauld Industrial Estate. The Estate is now a fully operational and established employment park on the former Military Camp and is a major contributor to the Borough's economy, The estate has been continually developed over a number of years with the subject site being the final remaining corner of the allocation.</p> <p>The site is easily accessible from the A50 at the A515 Junction to the North.</p> <p>The site comprises 3.4 hectares including the already complete private road from Fauld Lane to the site. The area to be developed via this consent comprises 2.86 hectares.</p> <p>The site is adjacent to Tutbury Public Footpath number 34 which runs along the northern and western boundaries, but is outside the site boundaries.</p> <p><b>Proposal</b></p> <p>Permission is sought in Outline for B1, B2, &amp; B8 uses, including means of access.</p> <p>The indicative layout depicts 5 main buildings and a gatehouse, together with parking and manoeuvring areas. In addition indicative landscaping and a SUDs balancing pond show how the surface water will be controlled and how the site can add additional planting to the location.</p> <p>The following reports have been submitted in support of the application:</p> <p>Planning Statement  Transport Assessment  Travel Plan  Air Quality Report  Land Contamination Report  Ecological bat appraisal  Bat Activity report  Flood Risk Assessment</p> <p><b>Assessment</b></p> <p><b>Principle</b></p> <p>The site forms part of the Fauld Industrial Estate allocated within Inset map No 14 of the Local Plan, and as such given the proposals are for employment uses they comply with</p>

the policy in principle.

Paragraph 3.105 lists 3 former military camps which form rural Industrial Estates with Fauld being one of these.

Strategic Policy 13 Burton and Uttoxeter Existing Employment land Policy seeks to ensure that a mix of employment types are developed on sites with exceptions cited. Given the proposals put forward a mix of B1, B2 and B8 uses the policy is met.

The proposals are therefore considered acceptable in principle subject to consideration of other criteria, considered below.

### **Environmental Factors**

#### **Land Contamination (Phase 1 desk top)**

The risk from ground contamination is considered to be very low for the majority of the site. If present contamination is likely to be limited to the built up areas in the south and east of the site where risk is considered moderate.

#### **Ground Gas**

The risk from ground gas is considered to be very low.

**Recommendations** – a phase II ground investigation covering the items on page 15 of the phase I desktop assessment.

#### **Air Quality**

The assessment of the significance of the effects associated with the proposed development with respect to NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> exposure is determined to be 'negligible' for all existing receptors.

The following mitigation measures are recommended during construction, which results in a non-significant impact.

#### **Communications**

Display the name and contact details of person(s) accountable for air quality and dust issues at site boundary. This may be the environment manager/engineer or the site manager.

Display the head or regional office contact information

#### **Dust Management**

Record all dust and air quality complaints, identify cause(s), take appropriate measures to reduce emissions in a timely manner, and record the measures taken.

Make the complaints log available to the local authority when asked.

Record any exceptional incidents that cause dust and/or air emissions, either on- or offsite, and take action taken to resolve the situation in the log book.

Carry out regular site inspections to monitor compliance with the DMP, record inspection results and make an inspection log available to the local authority when asked

Increase the frequency of site inspections by the person accountable for air quality and dust issues at site when activities with a high potential to produce dust are being carried out and during dry or windy conditions.

Plan site layout so that machinery and dust causing activities are located away from receptors as is possible.

Erect solid screens or barriers around dusty activities or the site boundary that are at least 2m high around any stockpiles on site.

Avoid site runoff of water or mud.

Ensure all vehicles switch off engines when stationary – no idling vehicles.

Avoid the use of diesel or petrol powered generators and use mains electricity or battery powered equipment where practicable.

Only use cutting, grinding or sawing equipment fitted or in conjunction with suitable dust suppression techniques such as water sprays or local extraction, e.g. suitable local exhaust ventilation

Ensure an adequate water supply on the site for effective dust/particulate matter suppression/mitigation, using non-potable water where possible and appropriate.

Use enclosed chutes and conveyors and covered skips

Minimise drop heights from conveyors, loading shovels, hoppers and other loading or handling equipment

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equipment and use fine water sprays on such equipment wherever appropriate. Avoid bonfires and burning of waste materials.

*W. Wilson*

Environmental protection raise no objection in terms of the above subject to conditions.

### **Flood risk**

A Flood Risk and Runoff Assessment has been supplied which concludes that the site is located within Flood Zone 1 and may be classified as a site with a low residual flood risk potential from fluvial sources and that the proposed development type is appropriate for this location.

The drainage masterplan illustrates a SUDS pond type system located in the natural low spot for the site.

This strategy will not only control runoff from the development site but also reduce flood risk downstream by providing a significant reduction in the peak runoff from the site.

The site flows restriction will need to be negotiated but it is suggested that the equivalent greenfield runoff rate of 10l/s is used. With a total drained area of approximately 2.45ha this will require a storage volume of around 1450m<sup>3</sup> to balance these flows before being discharged from the site.

It is considered that an appropriate drainage scheme can be designed depending on the final layout that will not result in any increased flood risk.

The Lead Local flood Authority, Environment Agency and Severn Trent raise no objections.

### **Ecology**

A preliminary Ecological Appraisal and Bat Inspection dated May 2017 has been submitted and considers,

- The building B1 to B5 on site show potential for use by bats.
- Loss of the building may affect birds that use the site for breeding by causing a decrease in nesting sites. Loss of these habitats may directly harm nesting birds if carried out during the breeding season (March to September inclusive).

### **Recommendations**

It is considered that further survey needs to be conducted at the main time of year when bats are active and when roosts are established (May to September). The activity surveys should consist of at least two activity surveys, comprising one dusk and one dawn, or a dusk emergence and dawn re-entry survey within one 24-hour period, which is classed as a single survey visit.

#### **2<sup>nd</sup> Survey (June 2017)**



A further activity survey was undertaken with a dawn and dusk survey late May into June 2017 to assess the buildings where low levels of common pipistrelle and soprano pipistrelle bat activity was recorded but no evidence that any of the buildings were used.

### **Conclusions**

Whilst the surveys have rendered that the buildings are not being used – this was in 2017 and is nearly two years ago. Given the age of survey and that reserved matters are required a condition is considered necessary that requires an updated emergence survey to be submitted with the reserved matters and prior to demolition of any buildings.

### **Highways**

Vehicular access to the site is proposed via the existing priority T-junction access on

	<p>Fauld Lane. This access junction was designed and constructed to modern design standards in terms of its layout, and the access road itself, although not forming part of the adopted public highway, has a tarmacadam surface, kerbs on either side of the carriageway and highway drainage.</p> <p>The site access road has a general carriageway width of 7.3m with a 3.5m wide verge to the west and a 1.2m wide verge to the east. There are no footways along the site access road and no street lighting along the route.</p> <p>An assessment of the cumulative impact of development traffic on the local highway network has been undertaken; specifically, the impact upon the operation of the existing Industrial Estate access on Fauld Lane. The site access junction would operate with spare capacity during the weekday peak hours in a future assessment year of 2023 and it is therefore considered that the traffic impact of the proposed development can be accommodated on the local highway network.</p> <p>The Lead Highway Authority have raised no objections to the proposals subject to a travel plan that meets their requirements at reserved matters.</p>
<p><b>Planning Officer's response to Parish Council</b></p>	<p>The highway implications have been assessed by the Highway Authority and are summarised above.</p> <p>It is not considered that the planning department could control how the units are accessed or the route taken to them as this would be unreasonable and unenforceable.</p>
<p><b>Conclusion</b> <b>(including Signature &amp; date)</b></p>	<p>The proposal seeks a mixture of employment units on an allocated site which complies with policy SP13. All matters are reserved except access and the information provided demonstrates the access is appropriate and the Highway Authority raises no objections. There are not considered to be any significant Environmental, Flood Risk, drainage or ecology constraints that can't be addressed at reserved matters and as such the proposal is considered in accordance with the Local Plan and NPPF.</p> <div style="text-align: center;">   29/05/2019 </div>
<p><b>Engagement</b></p>	<p>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 Paragraph 38 of the National Planning Policy Framework.</p>
<p><b>Section 106 required?</b></p>	<p>No</p>
<p><b>Draft Decision Notice checked by Planning Officer or Team Leader</b></p>	<div style="text-align: center;"> 12/6/19   </div>
<p><b>Team Leader Comments</b></p>	

