

Construction of Three Industrial Units and Associated Works

Land at Marchington Industrial Estate, Stubby Lane, Marchington

November 2019

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Prepared By: Gemma Hiden, Senior Planner

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For and on behalf of GVA Grimley Limited t/a Avison Young

1. Introduction

1.1 Avison Young is instructed by New Street LLP to submit a detailed planning application for the construction of three industrial units and associated works, for land at Marchington Industrial Estate, Stubby Lane, Marchington in East Staffordshire.

1.2 The description of development is:

“Construction of three industrial units (Use Class B1c, B2 and B8) with service yards, vehicular accesses and associated works.”

1.3 Further detail on the proposals is provided at Section 2.

Site and Surroundings

1.4 The site comprises 0.47ha of brownfield land, located within the Marchington Industrial Estate, south of Marchington village in East Staffordshire. The industrial estate is accessed via Stubby Lane (B5017) and comprises approximately 1.3 million sqft of industrial floorspace. The site itself is accessed via an existing estate road.

1.5 The site currently comprises a mixture of ornamental grass and tarmac, as well as materials and building remnants including old concrete foundations, where two industrial units previously on site were demolished in 2017 following prior approval from East Staffordshire Borough Council (Ref. P/2016/01108). The floorspace of these buildings totalled 475sqm.

1.6 The site is surrounded by other industrial units, as well as being adjacent to a large shared car park.

Planning History

1.7 The site was originally owned and occupied by the Ministry of Defence (MoD). It is understood, based on information provided by officers, that the last military use of the estate was for the storage, service and repair of military vehicles. The military use of the site ceased in the late 1970s. The civilian use of the site was established under a consultation procedure between the Borough Council and the Ministry of Defence's Property Services Agency.

1.8 Officers have previously confirmed that because there is no original planning permission for the change of use of the site from military to civilian use there are no conditions restricting its civilian use. This means that, in theory at least, the following can take place without restriction:

- outside storage of materials and goods
- outside working
- 24 hour operation of units
- 24 hour deliveries to and from the estate.

1.9 The planning history for the estate is long and complicated and it is not necessary to rehearse it in detail in support of the current application. We would, however, note an appeal in 2011 which is relevant to use of the site more widely. As follows.

1.10 On the 18 October 2010 East Staffordshire Borough Council granted planning permission for the replacement of Unit 16 and 21 and refurbishment of Unit 17 (ref P/2010/00888/JI). The permitted use for all three units was B2 (general industrial) and B8 (storage and distribution).

1.11 The permission was subject to a total of 11 conditions, all of which were uncontentious with the exception of Condition 11.

1.12 Condition 11 states:

“Unless otherwise first agreed in writing by the Local Planning Authority, no machinery shall be operated, no processes should be carried out and no deliveries taken out or despatched from the site outside of the following times;

- 0730 to 2200 hrs Monday to Friday;
- 0800 to 2200 hrs Saturday; and
- 1000 to 1700 hrs Sunday Bank or Public Holidays”

1.13 The reason given for the condition was to protect the amenities of the adjoining properties and the locality in general in accordance with Planning Policy Guidance Note 24 (now superseded by the National Planning Policy Framework (NPPF)).

1.14 An appeal against the grant of planning permission subject to Condition 11 was subsequently lodged. The resulting appeal decision was issued on the 16 August 2011 (ref APP/B3410/A/11/2148527/NWF). The appeal was allowed and the condition quashed. In reaching his judgement the Inspector stated the following:

“There is no evidence of other potential unacceptable noise from the appeal units or other justification for a restriction in the hours when they could be used. The restriction of operating hours will undoubtedly limit the ability of uses of the buildings to maximise their use and it would undoubtedly affect their marketability. In the above circumstances I consider it unreasonable to restrict the hours of operation within these units.”

Submission

1.15 In addition to this Planning Statement, this application is supported by the following:

- architectural drawings;
- Landscape Plan prepared by Pegasus;
- Transport Statement prepared by Mode Transport;
- Phase I Ground Investigation Report prepared by Georisk;
- Flood Risk Assessment and Drainage Strategy prepared by OES Consulting;

- Planning Noise Report prepared by Sandy Brown; and
- Design and Access Statement prepared by Align Architecture.

1.16 In the Sections that follow we:

- Section 2 – describe the proposals;
- Section 3 – consider the relevant provisions of the development plan and other material considerations; and
- Section 4 – consider the planning merits of the proposals.

2. The Proposals

- 2.1 The application seeks planning permission for the construction of 3 new industrial units, denoted A to C on the Proposed Site Plan (ref 17181-PA03) in the place of two former units which were demolished in 2017.
- 2.2 Unit A will measure 719 sqm GEA. Units B and C are conjoined and together will measure 1,023 sqm GEA. The proposed units will have a total GEA of 1,742 sqm.
- 2.3 The units are proposed for Use Class B1c (light industry), Use Class B2 (general industrial) and B8 (storage and distribution). No specific occupiers have been identified at this time, however New Street LLP now wish to make efficient use of the land and to improve the visual amenity of this location. The application will also provide new accommodation of a different size and scale to much of the existing industrial estate units.
- 2.4 Unit A is located at the south of the site and is the largest of the units proposed. It comprises a steel-clad, portal framed unit with open plan interior. The southern elevation of the unit includes a roller shutter door and an entrance doors with two glazed windows. The eastern elevation also includes a fire escape door. The unit has a low roof profile, with roof lights.
- 2.5 Unit B/C is located at the north of the site and is formed of 2 conjoined units each of 466 sqm GIA. Both are of the same design as unit A, with a roller shutter, entrance door and two glazed windows on their respective main elevations, as well as a fire door for each unit on the eastern elevation.
- 2.6 All of the units have the same materiality comprising anthracite grey colour metal cladding in vertical and horizontal format. The roofs are also metal clad in light grey, as are the roller shutter doors and fire exits. Each unit has a low level kicker wall formed of blue/grey engineering brick.
- 2.7 The proposals also include the construction of a service yard for each unit, with its own access to the internal estate road. Unit A has a service yard to the south of the building, which is suitable for HGV access and manoeuvring. Units B and C have smaller service yards which are suitable for access and manoeuvring of vehicles of up to box size vans.
- 2.8 Further detail on design matters is provided within the Design and Access Statement prepared by Align Architecture.

Access and Transportation

- 2.9 Access to the wider industrial estate is taken from Stubby Lane (B5017). From there an existing internal estate road provides access to the site itself. Each unit will have its own access from the existing estate road.
- 2.10 The proposals include car parking within each service yard to service each unit. Future occupiers will also have access to the adjacent central car park provision.
- 2.11 Cycle parking provision will be provided within each warehouse such that opportunities for sustainable methods of access by employees are maximised.

- 2.12 Further detail on transportation matters is provided within the Transport Statement prepared by Mode Transport.

Amenity

- 2.13 The site is located within the centre of an established industrial area and the uses proposed are inkeeping with those already present, such that no specific amenity impacts are anticipated to arise. Further detail on noise considerations is provided within the Planning Noise Report prepared by Sandy Brown.

Landscaping

- 2.14 A Proposed Landscaping Scheme for the site has been prepared by Pegasus. It proposes a combination of flowering lawn and shrub planting beds, which will soften the appearance of the development.

3. The Development Plan and Other Material Considerations

- 3.1 This section outlines the principal planning policies at both local and national level that are relevant to the consideration of this planning application. It also notes any other material considerations that will need to be taken into account in the decision making process.

The Development Plan

- 3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 says that planning applications must be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise. In this instance the Development Plan consists of the East Staffordshire Borough Council Local Plan (adopted 2015) and the Marchington Neighbourhood Plan (made in September 2016).

The East Staffordshire Borough Council Local Plan

- 3.3 The East Staffordshire Borough Council Local Plan was adopted in October 2015 and covers a plan period from 2012 to 2031.
- 3.4 Strategic Policy 1 considers the Borough's settlement hierarchy and sets out that "*new development should be concentrated within the settlement boundary of the Main Towns, Strategic Villages, Local Service Villages and Rural Industrial Estates, as shown on the policies map.*" Marchington industrial estate is identified within supporting text at 3.105 as a rural industrial estate.
- 3.5 Strategic Policy 14 sets out policy in respect of the rural economy and states:

*"Within the Tier 1 and 2 settlement boundaries **and rural industrial estate boundaries, employment development**, including extensions to existing premises, mixed use development which would allow for an element of home working and change of use to employment development **will be approved** if the development:*

- (i) does not unduly affect the character of the settlement, amenity of neighbouring properties and will not detract from the environment; and*
- (ii) is in accordance with other Development Plan policies..." [our emphasis added]*

- 3.6 Strategic Policy 24 and Detailed Policy 1 both set out the Council's policies on design. They seek to ensure high quality design that is inkeeping with local character and that the layout and scale of development is appropriate.
- 3.7 Strategic Policy 27: Climate Change, Water Body Management and Flooding, seeks to ensure that proposals are appropriate for the level of flood risk to a site and do not increase flood risk elsewhere. It also seeks to ensure that water quality is maintained and sustainable urban drainage systems (SUDs) are incorporated into proposals.
- 3.8 Strategic Policy 35 seeks to encourage sustainable modes of transport and to ensure that development has appropriate infrastructure to support proposals.

Marchington Neighbourhood Plan

- 3.9 The Marchington Neighbourhood Plan was made in September 2016.
- 3.10 Overall Policy DP1: Sustainable Development Principles sets out the objectives for the plan, including as relevant here:
- providing a high standard of design that reflects the character of the surroundings and meets contemporary construction, energy efficiency and water management standards; and
 - providing forms of development which meet the economic, social and environmental needs of the area and are appropriate in terms of scale, location and design.
- 3.11 The Policy also sets out that development should not adversely impact on: neighbouring amenity; the character and appearance of the local area; or any historic, cultural or heritage assets.
- 3.12 Having regard to the associated Policies Map the site is allocated as LE2: Marchington Industrial Estate (Objective 7). This states that:

“Development for employment uses will be permitted within Marchington Industrial estate where it is related to the continued successful operation of the estate and will not lead to problems in terms of;

- Increased traffic beyond the capacity of local roads*
- Adverse impact on nearby housing*
- Increase risks in terms of flooding from surface water run-off. Where necessary, operating hours and other planning conditions will be applied to limit the adverse impact of otherwise acceptable development.”*

- 3.13 Policy DP2 covers infrastructure and seeks to ensure that development does not increase flood risk or exacerbate any existing drainage problems in line with national policy.

Other Material Considerations

The National Planning Policy Framework

- 3.14 The NPPF was published in February July 2018 and revised in February 2019. The Framework sets out national planning policy and Government priorities for planning in England.
- 3.15 At the heart of the NPPF is the presumption in favour of sustainable development. In defining sustainable development, paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives: an economic objective; a social role and an environmental objective.
- 3.16 Relevant to planning applications, paragraph 11 states:

“For decision-taking this means:

- *Approving development proposals that accord with the Development Plan without delay; and*
- *Where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. 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.”*

- 3.17 Footnote 6 to paragraph 11i identifies designations such as Sites of Special Scientific Interest (SSSI), Green Belt, and Areas of Outstanding Natural Beauty (AONB) etc. None of these designations are relevant in this case.
- 3.18 The Government's policies on building a strong and competitive economy are contained in Section 6 of the NPPF. At paragraph 80 it states "*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...*"
- 3.19 Paragraph 83 considers the rural economy and sets out (inter alia) that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 3.20 Paragraph 84 is also relevant which states:

"Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist."

- 3.21 Paragraph 118 is relevant which sets out that planning policies and decisions should, amongst other things, give substantial weight to the value of using suitable brownfield land, and to promote and support the development of underutilised land.

East Staffordshire Design Supplementary Planning Document 2008

- 3.22 The East Staffordshire Design Supplementary Planning Document (SPD) was adopted in 2008. It seeks to ensure high quality design and legible places, as well as providing detailed guidance and standards on matters such as layout, scale, massing and so on.
- 3.23 Chapter 3 of the SPD covers commercial development and seeks to ensure good quality buildings that create a high quality working environment. It sets out that development should take into account context, layout, relationships between buildings, form and massing, be of an appropriate scale and to consider factors as landscaping, parking, servicing and accessibility.

The East Staffordshire Borough Council Parking Supplementary Planning Document 2017

- 3.24 The East Staffordshire Borough Council Parking SPD was adopted in October 2017. It sets out parking standards for various types of developments. For Use Classes B2 and B8 it sets out that 1 space per 20 sqm is required for floorspace up to 240 sqm (gross), plus 1 space per 50 sqm for the next 240-1,000 sqm of floorspace, and 1 space per 80 sqm for any floorspace above 1,000 sqm.
- 3.25 It also sets out that 1 cycle stand per 300 sqm of gross floorspace will be required in a secure, weatherproof shelter.

3.26 These matters are considered further in the Transport Statement prepared by Mode Transport.

4. Planning Assessment and Conclusions

4.1 In considering the development plan, the NPPF and other material considerations, this section sets out the planning merits of the site and the development proposals

Principle of Development

4.2 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For planning applications it states that for decision taking this means approving proposals that accord with the relevant development plan without delay.

4.3 The site is identified with the Local Plan as a rural industrial estate in Strategic Policy 1 where new development is supported in principle.

4.4 Strategic Policy 14 sets out that within the boundaries of the industrial estate, employment development will be approved. It goes on to set out that development should not:

- (i) *unduly affect the character of the settlement, amenity of neighbouring properties and will not detract from the environment; and*
- (ii) *is in accordance with other Development Plan policies...*

4.5 In respect of i) the proposals are for industrial uses on a site formerly occupied by two industrial units within an established industrial estate where employment uses are supported. The proposals are of a similar design and style to surrounding buildings, such that we consider that they are inkeeping with their context.

4.6 We also demonstrate below that the proposals are in accordance with other Development Plan policies. On this basis we conclude that criterion i) and ii) are met and that the proposals accord with Strategic Policy 1 and Strategic Policy 14.

4.7 Policy LE2 of the Neighbourhood Plan also sets out that employment uses will be permitted within the estate where it would not:

- impact on local highway network capacity;
- impact on residential amenity; or
- increase the risk of flooding from surface water run-off.

4.8 We demonstrate below and within the supporting technical documentation comprising the Transport Statement prepared by Mode Transport, the Planning Noise Report prepared by Sandy Brown, and the Flood Risk Assessment and Drainage Strategy prepared by OES Consulting, that these factors have been considered and that there are no technical constraints to development in this location. We therefore consider that Policy LE2 is satisfied.

4.9 The proposals for employment uses on an existing employment site are also consistent with NPPF paragraphs 80 and 83.

Use of Brownfield Land

- 4.10 Paragraph 118 of the NPPF gives substantial weight to the value of using suitable brownfield land, and to promoting and supporting the development of underutilised land.
- 4.11 The site currently comprises a vacant area of brownfield land that includes remnants of the demolished industrial units. Development in this location would therefore bring back in to use a vacant, underutilised land supporting economic growth and improving the aesthetics of this part of the industrial estate. We therefore consider that the proposals comply with paragraph 118 of the NPPF.

Economic Benefits

- 4.12 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development.
- 4.13 Paragraph 80 sets out that decisions should create conditions in which businesses can invest. The proposals comprise a significant investment by the applicant to enhance the range of opportunities and spaces available to potential occupiers of the industrial estate through the provision of 3 new units.
- 4.14 The proposals will not only support the economic growth of future tenant's businesses, but will also create additional employment opportunities through the businesses that locate to the site. We therefore consider that the proposals comply with paragraphs 80 and 83 of the NPPF.

Compliance with Technical and Environmental Policies

Design, Layout and Scale

- 4.15 The site layout has been carefully designed to provide the optimal amount of floorspace on site, within smaller units than most on the estate so as to provide an alternative accommodation offering. The site layout also ensures that there is sufficient servicing and car parking space to serve the units.
- 4.16 The units themselves are modern and inkeeping with the design, materials and colour palette of those within the wider estate.
- 4.17 The proposals also incorporate soft landscaping, which will soften the appearance of the development.
- 4.18 We therefore consider that the proposals accord with Local Plan Strategic Policy 24 and Detailed Policy 1, and Neighbourhood Plan Policy DP1.

Access and Transportation

- 4.19 A Transport Statement has been prepared by Mode Transport in respect of the proposals. The Statement confirms that the proposals are anticipated to have a negligible impact on the operation and safety of the local highway network. The Statement also confirms that the site can be safely accessed.
- 4.20 Swept path analysis for each unit has been undertaken which demonstrates that each unit and service yard can be safely accessed and egressed, with sufficient room for HGVs or box vans as appropriate to manoeuvre. The Statement also confirms that there is adequate vehicular parking on site.

- 4.21 Whilst the site is rural in nature and therefore public transport options to the existing industrial estate are limited, cycle parking provision will be provided within each warehouse such that opportunities for sustainable methods of access by employees are maximised.
- 4.22 We therefore consider that the proposals accord with Local Plan Strategic Policy 35, Neighbourhood Plan Policy LE2 and Paragraph 84 of the NPPF.

Flood Risk and Drainage

- 4.23 The Flood Risk Assessment and Drainage Strategy prepared by OES Consulting shows that the site is at low risk of fluvial flooding. It also confirms that the site is at low risk of surface water flooding (between 1 in 100 year and 1 in 1000 year). The FRA demonstrates that the proposals have been designed in such a way as to ensure that the proposed industrial units are not at risk of flooding and the proposals will also not increase surface water flooding risk off site.
- 4.24 In addition the Report demonstrates that in respect of drainage, the site can be adequately drained and incorporates SUDs features in accordance with national policy.
- 4.25 We therefore consider that the proposals comply with Local Plan Strategic Policy 27 and Neighbourhood Plan Policy LE2, as well as with the national policy requirements set out in the NPPF.

Residential Amenity

- 4.26 The site is located within an existing and long established industrial estate where such uses are common place. However we note that Neighbourhood Plan Policy LE2 sets out that proposals should not impact on residential amenity.
- 4.27 A Noise Report has been prepared by Sandy Brown. It concludes that the nearest residential property is located 450m away from the site and no significantly adverse impacts are expected as a result of the proposals.
- 4.28 We therefore consider that the proposals comply with Policy LE2 and Strategic Policy 14.

Ground Conditions

- 4.29 A Preliminary Ground Investigation Report has been prepared by Georisk. It confirms that no evidence of contamination were found on site.

Conclusions

- 4.30 Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For planning applications it states that for decision taking this means approving proposals that accord with the relevant development plan without delay. The proposals are for employment uses on a site formerly occupied by two industrial units in an existing industrial site that is allocated for employment use. The principle of development in this location is therefore considered acceptable and to be compliant with Strategic Policies 1 and 14, Neighbourhood Plan Policy LE2 and NPPF paragraphs 80 and 83.

- 4.31 Development in this location would also bring back in to use a vacant, underutilised brownfield site, supporting economic growth and job provision in accordance with NPPF paragraphs 11 and 118.
- 4.32 We have also concluded that there are no technical considerations that indicate that planning permission should not be granted, having regard to design and layout, access and transportation matters, flood risk and drainage considerations, residential amenity and ground conditions.
- 4.33 Having regard to the above, and the compliance of the proposals with the Development Plan and the NPPF, together with the lack of technical, environmental or amenity based reasons why the development may not proceed, we conclude that the proposals are for sustainable development to which the presumption in the NPPF should apply.

Contact Details

Enquiries

Gemma Hiden

0121 609 8093

Gemma.hiden@avisonyoung.com

Visit us online

avisonyoung.co.uk

Avison Young

3 Brindleyplace, Birmingham B1 2JB

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