

PLANNING APPLICATION REPORT

Case Officer: Jacqueline Houslander

Parish: Buckland Monachorum
Ward: Buckland Monachorum

Application No: 1719/19/VAR

Agent/Applicant:

Mr Nigel Passmore - Unitbuild Ltd
Unitbuild Ltd
14 Reynolds Park
Bell Close
Plympton, Plymouth
PL7 4FE

Applicant:

Hill / Greeno / Hopkinson
Yelverton Business Park
Crapstone
PL20 7LS

Site Address: Land adjacent to Yelverton Business Park, Yelverton Business Park, Crapstone, PL20 7LS

Development: Application for variation of condition 2 to subdivide a single business unit into 3no. units with associated amendments to external fenestration, following grant of planning permission 4005/16/FUL (Appeal ref. APP/Q1153/W/17/3180733 - schedule 1, condition 2)

Reason this item is at the Planning Committee: Councillor Cheadle has requested that this application be heard by the Committee for the following reasons: Large units were required for the previous application because there were none available. Allowing this application will reduce the number of larger units (which are claimed to be in short supply) available to attract larger businesses and increase the number of smaller units for which supply outstrips demand



Recommendation: Approval

Conditions (list not in full)

1. Time limit
2. Accord with plans (changed plans)
3. Materials
4. Soft landscaping scheme
5. Contamination condition
6. Verification of remedial works having taken place.
7. Unexpected contamination
8. Surface water scheme
9. Access roads
10. Not occupied until a noise assessment undertaken (whilst this was discharged, it is considered necessary to add it again on this variation because of the potential different users of the buildings.)
11. Adherence to ecology report prior to commencement of use.
12. Time limit for deliveries 07.00 to 20.00 Mon to Sat No deliveries on Sunday and Bank Holidays
13. Use classes B1, B2 and B8 only
14. No external lighting unless details of design etc. have first been agreed by the LPA
15. No internal mezzanine floor without a further grant of planning permission.

Key issues for consideration: Impact of the variation on the content and conditions of the main consent; whether there will be any traffic impacts; design impacts, impacts on landscape

Site Description:

The application site is the site granted permission under the appeal reference APP/Q1153/W/17/3180732, following refusal of permission under planning reference: 4005/16/FUL. The appeal decision allowed for the extension of the existing Yelverton Business park with 3 new industrial units, measuring 960sqm 1x384sqm and 2x288sqm (576sqm) Use Class B1 (c) light industrial, Use Class B2 general industrial and Use Class B8 storage & distribution, together with associated access, parking and landscaping. 22 parking spaces were allowed. The buildings approved were 6.5 metres high to the ridge but only single storey use. They were approved with painted render walls and profile aluminium roofs. Timber effect panels were also approved.

The Proposal:

This application seeks to divide one of the three units into 3 smaller (1030 sqft) units. Plot 3, which is the unit on the far east of the site is proposed to be changed to three units. In terms of alterations to the building the proposal shows 3 large openings, with three pedestrian doors with a glass panel adjacent and a window in the upper parts of the front elevation. Both sides of the buildings remain the same and are blank in terms of fenestration and the rear elevation indicates 3 doors and 3 single windows.

Consultations:

- County Highways Authority: No comments
- Environmental Health Section:

- Town/Parish Council: No comments to make.

Tamar Valley AONB Unit: It is noted that the subdivision will not require any enlargement of the building or overall site from that previously approved. The proposal will therefore not result in a landscape visual or character impact that would harm the AONB.

It is noted that the number of units will result in an intensification of use and associated activities such as traffic flows. Given the sites context and use of existing infrastructure for access as well as that which has been approved to service the site, there does not appear to be a significant change to the likely impacts upon the AONB, which have already been deemed both during the previous application assessment process and at appeal as being acceptable.

In light of the above, the TVAONB does not object to the proposed variation.

Representations:

Representations from Residents

One letter of objection has been received with the following comments:

6 car parking spaces is inadequate for 3 units; no toilets kitchen spaces or amenities are shown on the plans, nor drainage

It is important that the use classes and hours of work and noise and lighting are tightly defined and controlled, also that the original landscaping design and conditions are restated.

Relevant Planning History

00396/2010 Extension to existing business park for B1, B2 and B8 units (33 units 6,216sqm total [4,200sqm light industrial and 2,016sqm office space]) Refused 28/08/2010 on the grounds that there is no exceptional need for development on this scale and that it would have a detrimental impact on the character of the AONB.

0124/16/FUL

Construction of a small single storey business unit with associated parking (A2/B1 use).

Conditional Approval 22/3/16

4005/16/FUL

Land Adjacent To Yelverton Business Park, Yelverton Business Park, Crapstone, PL207LS
Three business units, 960sqm (1x384sqm 2x288sqm (576sqm) Use Class B1 (c) light industrial / Use Class B2 (general industrial) / Use Class B8 Storage & Distribution), together with associated access, parking and landscaping.

Refused: 1/6/17

Appeal allowed: 29/6/18

3016/18/ARC

Application for approval of details reserved by conditions 3, 4, 5, 8

& 9 of appeal decision ref: APP/Q1153/W/17/3180733 (planning case 4005/16/FUL)

Decision: Discharge of condition Approved 30/11/18

0375/19/ARC

Application for approval of details reserved by condition 3

(Materials) of planning consent 4005/16/FUL (APP/Q1153/W/17/3180733).

Decision: Discharge of condition Approved 11/7/19

ANALYSIS

Principle of Development/Sustainability:

The principle of industrial buildings on this site was established under the original approval (granted at appeal) in 2018. This Section 73 application seeks to change the size of one unit to make 3 smaller units. The original application was approved at appeal. The Inspector imposed a number of planning conditions on the consent. A number of these conditions, 3,4,5,8 and 9 have subsequently been discharged.

It is worth noting the Inspectors comments in relation to the appeal when considering this current Section 73 application. The Inspector identified the main issues in the case as:
a) whether the type and scale of development being proposed is appropriate, having regard to the location of the sites outside the settlement boundary and their accessibility by modes of transport other than the private car; and
b) the effect of the proposed developments on the landscape and scenic beauty of the Tamar Valley Area of Outstanding Natural Beauty and Dartmoor National Park.

He concluded that: *“The proposal would meet the identified needs of a number of established companies who either wish to expand or consolidate their operations onto a single site. The scheme would bring significant economic benefits which are consistent with the objectives of national and local planning policy – adopted and emerging – to support economic growth in rural areas in order to create jobs and prosperity. This attracts considerable weight in the planning balance.”*

He also concluded that *“I have given great weight to the need to conserve landscape and scenic beauty, but am content that the sites are capable of accommodating the modest development being proposed, without material detriment to the special qualities of the AONB and DNP.”*

The Inspector gave great weight to the economic benefits the proposal would bring to this rural area which was consistent with the national and local policy at the time. He did acknowledge also that the proposal was meeting a need for local businesses to expand and consolidate. Some concerns have been raised that the proposal was originally for 3 large units which were meeting a local need. The proposal to split one of those units into 3 it has been suggested would not meet that previously identified local need. It has also been suggested that there are a number of smaller units available on the business park which could meet the need for smaller units.

In considering the Inspectors comments and the proposed variation to the consent, it is considered that the change is only proposed to one of the three units and that the original need no longer exists 3 years on. Provided the proposal meets current planning policy then there is no planning reason to refuse the proposal.

In planning policy terms since the approval of the main consent the JLP has been adopted. It is therefore appropriate under this section 73 application to consider the changes to planning policy and ascertain whether there are any additional matters or policies that may have changed since the consideration of the original planning application, which need considering in relation to this section 73 application.

Policy SPT4 is the strategic policy in relation to employment provision and indicates that *“The LPAs will provide for a net increase of at least 375,208 sq. of employment floorspace land within the plan period (equating to approximately 82 ha. of land) to ensure that land is available in sufficient quantity and of the right quality to drive the economic growth of the city*

and support the prosperity of rural South West Devon". Policy DEV15 provides more detailed advice on supporting the rural economy. The policy is supportive of, amongst other things "Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment."

The changes proposed through this section 73 application support this requirement. Part 8 of Policy DEV15 requires developments to:

- i. Demonstrate safe access to the existing highway network.
- ii. Avoid a significant increase in the number of trips requiring the private car and facilitate the use of sustainable transport, including walking and cycling, where appropriate. Sustainable Travel Plans will be required to demonstrate how the traffic impacts of the development have been considered and mitigated.
- iii. Demonstrate how a positive relationship with existing buildings has been achieved, including scale, design, massing and orientation.
- iv. Avoid incongruous or isolated new buildings. If there are unused existing buildings within the site, applicants are required to demonstrate why these cannot be used for the uses proposed before new buildings will be considered.

In this case, the access is as approved under the appeal decision; the site is located adjacent to Crapstone and so walkable and there are also buses which stop near to the site taking travellers to Yelverton and further to Plymouth. No Travel Plan has been submitted to support this Section 73 application. However in reviewing the Transport Assessment for the previously refused application, it concluded that it is a walkable site (within easy walking distance of Crapstone; 2 km walk from parts of Yelverton. It also concluded that the surrounding roads are suitable for cycles because of the relatively rural nature of the surrounding area. In terms of public transport the Assessment identified 3 bus stops within easy walking distance of the site. In terms of parking the Transport Assessment for the previous application indicated one car space for every 44sqm of GFA, plus one disabled space per unit. The current proposal to divide the same floor area into 3 units would still meet the general parking provision required.

The relationship of the building remains unchanged as it is located in the same place but merely divided into 3 units as proposed to one larger unit. The building is not isolated, or incongruous.

The proposal thus meets policy SPT4 and DEV15 in the current development plan policy.

The Buckland Monochorum Neighbourhood Plan has reached Stage 14 and so has limited weight in the decision making process. However Policy ED1 in the plan is supportive of the proposal. The proposal will provide local employment opportunities; it is not major development in the AONB; the previous traffic assessment provide suitable access; parking and vehicle movement information and the Highway Authority have raised no objection to the changes proposed; the proposed use has been accepted through the original planning consent and by complying with the planning conditions will comply with the other policies in the NP.

Design/Landscape: The alterations to the elevations of the building do not give cause for concern. The changes are typical for industrial buildings and reminiscent of other buildings in the vicinity.

Neighbour Amenity: There are no immediate residential properties which will be affected by the changes proposed.

Highways/Access: The Highway Authority have made no comments on the application. The proposed changes do not involve any changes to the parking arrangements. A letter of objection has raised a concern that there are insufficient parking spaces for the development. There are 5 spaces plus 1 disabled space available for the 3 units. There are no longer specified parking standards in the Joint Local Plan. Highways standing advice states: *On-site car and commercial vehicle parking and commercial vehicle loading and unloading facilities for all vehicles likely to attend the site(s) should be provided. Its design should be such that all vehicles can be parked within the site, with no necessity to reverse from or on to a public highway.*

In this case there are 5 parking spaces provided plus a disabled space and sufficient space for a commercial vehicle to park in front of the relevant unit as well as space to turn both commercial and domestic vehicles within the site. It is therefore considered that the parking and turning is acceptable.

Drainage: The drainage for the site will remain the same as for the original consent. A condition was attached to the original planning approval (APP/Q1153/W/17/3180733) which required a surface water drainage scheme to be submitted and then implemented (conditions 8 and 9). These conditions were discharged in November 2018. The proposed changes will need to discharge into the same approved drainage scheme.

Objection: The one letter of objection indicated concerns with regard to parking not being sufficient; the need for stringent conditions in relation to noise, use and lighting. no toilets kitchen spaces or amenities, nor drainage.

The parking issue has been addressed above and is considered to meet current planning policy. The drainage for the whole site has been implemented and the appropriate conditions discharged. The building will drain into that system. The conditions that were imposed on the original permission which have not already been discharged in relation to noise, lighting etc. will be re imposed on this Section 73 consent.

With regard to the lack of toilet and kitchen facilities, the application must be considered as it is proposed and it is therefore assumed that no such facilities will be provided in these smaller units.

Conclusion and Planning Balance:

The proposed changes to the original planning consent meet current planning policy and as such should be approved. It is accepted that the original planning permission was controversial and that the Inspector did acknowledge in his conclusions that the 3 units were meeting a locally identified need for larger units. However the greatest weight by the Inspector was on the fact that the proposal was supporting "*economic growth in rural areas in order to create jobs and prosperity*". This proposed change would also support that economic growth albeit in a different format. Two of the units are still meeting the need for larger units, this final one which has yet to be constructed is focussing on a different need, three years on from the original consent.

It is considered that the proposal is policy compliant and therefore should be approved.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT4 Provision for employment floorspace
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV24 Site allocations in the Smaller Towns and Key Villages
TTV25 Development in the Sustainable Villages
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV25 Nationally protected landscapes
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 11, 83 and 84 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Tamar Valley AONB Management Plan.

Neighbourhood Plan: Crapstone lies in the area covered by the Buckland Monochorum Neighbourhood Plan. The plan has reached Regulation 14 stage in the Neighbourhood Plan process. It can be given only limited weight in the decision making process at this time.

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed conditions

1. The development to which this permission relates must be begun not later than (insert date), which is the date of expiration of planning permission (insert original permission ref), which this application varies.

Reason: To comply with Section 73 of the Town and Country Planning Act, 1990 as amended.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. No development shall commence until a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met. It shall also include, where relevant, a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: To ensure the contamination risks have been appropriately dealt with on the site.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amended investigation and risk assessment and, where necessary, a[n amended] remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: This condition is required where no desktop study has been carried out, or if the desktop study failed to completely characterise a site.

5. No part of the development shall be occupied until a noise impact assessment in accordance with BS4142:2014 has been undertaken and a report submitted to the local planning authority. The assessment shall detail the current background noise levels, and stipulate both day time and night time noise ratings which future activities at the site shall not exceed. This limit once agreed with the local planning authority shall not be exceeded by activities on site without reasonable cause.

Reason: To ensure that noise emanating from the site is kept to a reasonable level.

6. The recommendations, mitigation and enhancement measures of the Ecological Report, by Eco Logic on 13/12/2016, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.
Reason: In the interests of ecology
7. Goods shall not be dispatched or delivered to any of the premises hereby approved except between the hours of 07:00 to 20:00 Monday to Saturday. There shall be no dispatch or deliveries on Sundays or bank holidays.
Reason: In the interests of residential amenity
8. The business units hereby approved shall be used for purposes within Use Class B1 (business), Use Class B2 (general industrial) and Use Class B8 (storage or distribution) and for no other purpose.
Reason: To control the acceptable uses in this area.
9. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking, re-enacting or further amending that Order), no external lighting shall be installed on the site unless details of its design (including the type, position, orientation and luminance of the fitting to be used, and any timer/sensor to turn the lighting off when not needed) has been submitted to and approved in writing by the local planning authority. The lighting shall be installed in accordance with the details approved by the local planning authority and maintained in its approved form thereafter.
Reason: In the interests of ecology and the dark skies of the AONB.
10. There shall be no internal mezzanine floors installed within the buildings hereby permitted without a further grant of planning permission.
Reason: To enable control over the size of the units in the future.