



Report to: Planning Committee, 21st February 2019

Report of: Deputy Director – Economic Development and Planning

Subject: APPLICATION P18D0480: THE DEVELOPMENT OF 1,392 SQ.M OF FLOORSPACE FOR USE CLASSES B1(C) (LIGHT INDUSTRIAL), B8 (STORAGE AND DISTRIBUTION) AND D1 (NON RESIDENTIAL INSTITUTION/ TRAINING CENTRE) WITH ASSOCIATED INFRASTRUCTURE AT CENTRAL PARK, GREAT WESTERN AVENUE

1. Recommendation

1.1 The Deputy Director – Economic Development and Planning recommends that the planning committee is minded to grant planning permission subject to the conditions set out in the plans list and the applicant and all parties with an interest in the land entering into a Unilateral Undertaking and subject to the Deputy Director- Governance being satisfied with the nature of such Undertaking to delegate to the Deputy Director - Economic Development and Planning approval to grant the planning permission.

2. Background

- 2.1 The application has been referred to the Planning Committee as it does not fall under the scheme of delegation.
- 2.2 The application was received on 22nd November 2018 and the target date for determination has been extended to 22nd February 2019.

3. The Site and Surrounding Area

- 3.1 The application site comprises a roughly 'L' shaped site which is accessed off Midland Road. The application site itself is bordered to the south by residential development (Sawmill Close) and to the east by a railway track which runs on a north-south axis, beyond which lie further industrial units. To the west the site is bordered by buildings in industrial uses including the Lea and Perrins factory. The site is bordered to the east by a chain link fence. To the western site boundary shared with Lea and Perrins the site is bordered by a screen of vegetation and trees, beyond which there is a significant drop down to the level of the factory.
- 3.2 The northern boundary of the site is bordered by a Fortis office block, currently under construction and which was approved as part of planning application P17D0195. Beyond this two storey office block, which will share an access with the proposed B1/B8/D1 floor space is a fence that separates the site from the Territorial Army premises to the north.

- 3.3 Surrounding residential properties at Compton Road, Wylds Lane and Midland Road comprise predominantly high density two storey terraced housing which does not benefit from off-road parking. There are parking restrictions in place along parts of Midland Road and Wylds Lane. The site is bordered to the north by a large building occupied by the Territorial Army beyond which are the existing Fortis head offices.
- 3.4 The site itself is predominantly flat and had been vacant for a number of years having previously been used as railway sidings until the recent construction period began. The site benefits from a screen of vegetation to the western and southern boundary and a culverted watercourse runs across the site. A drain runs through the site adjacent to the embankment to the site's western boundary, along with an 'exclusion zone' in which no buildings can be sited. There are no listed buildings, no known archaeological remains or trees subject to Tree Preservation Orders on the site and the site is not located in a conservation area.

4. The proposal

- 4.1 The submitted proposal follows the grant of planning permission P17D0195 (issued on 24th November 2017) as amended by application P18D0210 (which was minded to approve subject to completion of a Unilateral Undertaking with Worcestershire County Council) which granted consent for the erection of a 1393 m² office block (B1 use class) and the development of 1393 m² light industrial unit and storage and distribution floor space (B1c and B8). At the time that applications P17D0195 and P18D0210 were determined there was no end user identified for this light industrial unit/ storage and distribution floor space as this unit formed a speculative element of the proposal.
- 4.2 The current proposal seeks consent for a building of the same siting, design and layout as that which has been previously approved. However, it is proposed that one of the three units is used for D1 (non residential education) use. It is proposed that Heart Of Worcestershire College will use the unit as a training facility for Automotive Engineering and Plumbing and Heating Engineering training. As this building has not yet been constructed and the approved use implemented a change of use application can't be used to consider the proposed change in the use of the unit and as such a fresh planning application is required.
- 4.3 The proposed light industrial/storage and distribution/education units will be provided in a single terrace of three units. This comprises three 464 m² units which could easily be adapted through the provision/removal of internal walls to meet future occupiers' requirements.
- 4.4 The proposed palette of materials to be used comprise traditional materials for units of this form incorporating kingspan trapezoid roof/wall, composite metal panels, PPC aluminium door and glazed side screen and metal sectional shutter door with feature metal signage. All openings are positioned within the western elevation.
- 4.5 A new access road has been constructed to serve the wider development approved under application P17D0195 (as amended under application P18D0210). This runs along the site's western edge. The Fortis office block (not the subject of this application) approved under application P17D0195 is sited to the north of the site and the B1/B8/D1 units proposed as part of this application will be positioned to the south of the site with a car parking area separating the two.

In total 128 car parking spaces are proposed for the wider development site, 70 of which are sited in a car park between the two units with an additional 43 to the front/ side of the office block and 15 to the front of the light industrial/ storage block.

- 4.6 Photovoltaic panels will be added to the roof of the proposed building to meet the requirements of SWDP27 (requirement to incorporate measures for the generation of energy from renewable or low carbon sources equivalent to at least 10% of predicted energy requirements).

5. Planning Policy

- 5.1 The Town and Country Planning Act 1990 ('the Act') establishes the legislative framework for consideration of this application. Section 70(2) of the Act requires the decision-maker in determining planning applications/appeals to have regard to the Development Plan, insofar as it is material to the application/appeal, and to any other material consideration. Where the Development Plan is material to the development proposal it must therefore be taken into account. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the application/appeal to be determined in accordance with the Plan, unless material considerations indicate otherwise.

- 5.2 The Development Plan for Worcester now comprises:

- The South Worcestershire Development Plan (SWDP), which was adopted on 25th February 2016, and;
- The Worcestershire Waste Core Strategy, which was adopted on 15 December 2012

South Worcestershire Development Plan

- 5.3 The policies of relevance to this development proposal are as follows:

SWDP1:	Overarching Sustainable Development Principles
SWDP2:	Development Strategy and Settlement Hierarchy
SWDP8:	Providing the Right Land and Buildings for Jobs
SWDP21:	Design
SWDP22:	Biodiversity and Geodiversity
SWDP27:	Renewable and low carbon energy
SWDP28:	Management of Flood Risk
SWDP29:	Sustainable Drainage Scheme
SWDP43:	Worcester City Allocations/22- identifies the whole site as a site for employment.

Material Considerations

1. National Planning Policy Framework

- 5.4 The National Planning Policy Framework (NPPF) comprises national planning guidance which is relevant in the determination of this application. The Framework was published in March 2012 (updated in 2018) and replaced all former national planning policies, except for Planning Policy Statement 10: Waste. The Framework sets out the Government's planning policies for England and how these are expected to be applied.

It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. All the policies in the Framework constitute Government's view of what sustainable development in England means in practice. Economic, social and environmental improvement should be sought jointly and simultaneously.

2. National Planning Practice Guidance

- 5.5 On 6th March 2014 the Government also published National Planning Practice Guidance (NPPG) to compliment the NPPF. Of relevance to the application this consists of, amongst other matters, determining a planning application, Air Quality, Health and Wellbeing, Design, Noise, Use of planning conditions, and Planning obligations.

3. Case Law

- 5.6 Notwithstanding the above, the presumption under Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the proposal shall be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.7 Consideration of Development Plan policies is not a legalistic forensic exercise. Often policies will pull in different directions. Decision makers need to consider whether the proposal broadly accords with those policies as confirmed in the case of R. on the application of Laura Cummins and London Borough of Camden, SSETR and Barrett Homes Limited [2001] in which Ouseley J. cited R. v Rochdale MBC ex parte Milne [2000]. As Sullivan J. said in the Milne case 48. *"It is not at all unusual for development plan policies to pull in different directions. A proposed development may be in accord with development plan policies which, for example, encourage development for employment purposes, and yet be contrary to policies which seek to protect open countryside. In such cases there may be no clear cut answer to the question: "is this proposal in accordance with the plan?" The local authority has to make a judgement bearing in mind such factors as the importance of the policies which are complied with or infringed, and the extent of compliance or breach."*
- 5.8 Citing City of Edinburgh Council v. Secretary of State for Scotland [1997] Sullivan J. went on to say that *"I regard it as untenable to say that if there is a breach of any one policy in a development plan, a proposed development cannot be said to be "in accordance with the plan". Given the numerous conflicting interests that development plans seek to reconcile: the needs for more housing, more employment, more leisure and recreational facilities, for improved transport facilities, the protection of listed buildings and attractive landscapes et cetera, it would be difficult to find any project of any significance that was wholly in accord with every relevant policy in the development plan. Numerous applications would have to be referred to the Secretary of State as departures from the development plan because one or a few minor policies were infringed, even though the proposal was in accordance with the overall thrust of development plan policies. For the purposes of section 54A it is enough that the proposal accords with the development plan when considered as a whole. It does not have to accord with each and every policy therein."*

6. Planning History

6.1 The following applications relate directly to the application site.

P18D0210- The development of a 1,393 sqm two storey office building (B1(a)) and a 1,393sqm light industrial (B1(c)) and storage and distribution (B8) building with associated infrastructure and access

P17D0195- The development of a 1,393 sq. m. two storey office building B1(a) and 1,393 sq. m. of light industrial B1(c) and storage and distribution (B8) building with associated infrastructure and access. Approved.

P16D0078- 4no Proposed Industrial Units (B1, B2 & B8). Approved.

P13D0002- Hybrid application; full planning permission for the erection of 28 affordable dwellings and associated works. Outline planning permission for erection of maintenance depot (matters of appearance, landscaping, layout and scale reserved for future consideration). Refused and subsequent appeal dismissed. The Appeal Inspector upheld that the retention of the site for employment use as in the City of Worcester Local Plan 2004 was sound and that there was insufficient evidence to support it was unviable for a non-conforming use to that proposed in the plan.

P01L0698- The erection of industrial units, 34no affordable houses, service road and two storey office building. Approved.

7. Consultations

7.1 The following consultation comments have been received in relation to this proposal:

Worcester City Council Archaeological Officer: No objection

Worcester City Council Landscape Consultant: No objection

Worcester City Council Planning Policy Team: No objection

Economic Development Team: Support

West Mercia Constabulary: No objection

Worcestershire County Council Highways: No objection subject to condition

South Worcestershire Land Drainage Partnership: No objection

Worcestershire Wildlife Trust: No objection

Severn Trent: No objection subject to condition

Worcester Regulatory Services (Noise): No objection

Lead Local Flood Authority: Further information requested. Support of scheme not given until this information has been approved.

- 7.2 Members should note that the Lead Local Flood Authority (LLFA) have been consulted on this application and have commented that they are unable to complete an assessment of the site and provide full comments on this application in the absence of a Drainage Strategy or Sustainable Drainage System (SuDS) proposal including information on the management of surface water on site. The LLFA has confirmed that they are unable to support the submitted scheme for surface water drainage for the site until further information is supplied by the applicant.
- 7.3 The submitted proposal seeks the same layout and building form as that approved under previous recent permissions. The supporting documents, including drainage details, remain the same as those approved under application P18D0210. The LLFA did not raise any objections to the information submitted for P18D0210 subject to a condition which required the submission of a full drainage strategy including an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS) and shall provide an appropriate level of runoff treatment. However since this earlier application was submitted the County Council's SuDS guide has been introduced, and as such the LLFA consider that further information on drainage is now required as part of the application process.
- 7.4 In assessing the merits of this application and balancing the comments made by various consultees due consideration has been given to the fallback position that applications P18D0210 and P17D0195 could both be implemented in accordance with the conditions, one of which required the submission, approval and implementation of a drainage strategy. The information sought has been requested however it has not been forthcoming. I note the similarities between the approved proposal and the current submission and therefore suggest that it is reasonable to consider this application on the basis of the information submitted with the same condition relating to a drainage strategy as attached to P18D0210.
- 7.5 No neighbour letters of representation has been received in relation to this proposal.
- 7.6 Members have been given the opportunity to read all representations that have been received in full. At the time of writing this report no other consultation responses have been received. Any additional responses received will be reported to members verbally or in the form of a late paper, subject to the date of receipt.
- 7.7 In assessing the proposal due regard has been given to local residents and other interested parties comments as material planning considerations. Nevertheless, I am also mindful that decisions should not be made solely on the basis of the number of representations, whether they are for or against a proposal. The Localism Act has not changed this, nor has it changed the advice that local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it is founded on valid planning reasons.

8. Comments of Deputy Director – Economic Development and Planning

- 8.1 Following a comprehensive site visit and assessment of the submitted plans I consider the main issues in the determination of this application to be:
- Proposed land uses;
 - Design;
 - Car parking and access;
 - Impact of the proposed development on the amenity of adjoining land users;
 - Ecology and landscaping;

- Renewable technologies; and
- Drainage.

These matters will now be considered in turn.

Proposed land uses

- 8.2 The current application follows two previous similar submissions for the redevelopment of the site: the current proposal differs in that the previously approved light industrial/B8 storage and distribution use will now include one unit for D1 (education- non residential) use. This unit will be occupied by Heart of Worcestershire College who will offer courses in Automotive Engineering and Plumbing and Heating Engineering. The built form will remain the same as that approved in the previous submissions, as will the landscape, car parking and access. Consideration is therefore being given to the acceptability of the use of one of the units in D1 use when previous consents granted B1(c)/B8 use.
- 8.3 The application site is identified as an "Employment Allocation" in the SWDP (Site SWDP43/22) and is subject to the requirements of Policy SWDP43 – Worcester City. The policy confirms that the site is expected to provide one hectare of employment land towards Worcester City's overall employment requirement. The policy does not seek to place any form of restriction on the type of employment use that takes place on the site. The current proposal seeks to use one of the units in education use and this is therefore not in line with the site allocation. The unit would be used for educational purposes, specifically for Automotive Engineering and Plumbing and Heating Engineering training. This will equip young people and current workers with the skills and knowledge to address an identified skills gap at level 3 and above.
- 8.4 This facility will enable Heart of Worcestershire College to offer full time, apprenticeship and commercial courses in Automotive Engineering and Plumbing and Heating Engineering enabling the College to provide individuals with high quality skills through investment in new, industry standard equipment and technology to train engineers for the future, and will be aligned to new Apprenticeship Standards, T-Level development and industrial / commercial updating on new technologies. The Centre will also provide the facilities and equipment required to deliver the new Motor Vehicle Service and Maintenance Advanced Apprenticeship Standard supporting the Skills for Growth objective within the Worcestershire LEP Strategic Economic Plan. The project is also closely aligned to addressing The Construction Skills Gap Analysis for the Worcestershire Area and the skills provision required by the Construction Sector over the next 5 years.
- 8.5 The incorporation of Plumbing and Heating Engineering will support Worcestershire LEP and others in addressing the current labour demand in the area of plumbing and heating, ventilation, and air conditioning trades. The Chartered Institute of Plumbing and Heating Engineering (CIPHE) are working with Heart of Worcestershire College and a range of Industry Associates to design this future proofed Plumbing and Heating Engineering Centre that meets the needs and demands of the new T-Levels and Apprenticeship Standards whilst also providing up-skilling for current plumbing and heating engineers.

The facility will support partnership working; HoW College are part of the Worcestershire Technical Skills Partnership initiative working with Worcester Sixth Form College, WLEP, Worcestershire County Council, Worcester Bosch, Mazak, Malvern Panalytic and Morgan to review and re-shape engineering provision at intermediate and advanced levels to align qualifications delivered at College with the skills and behaviours required by local industry.

- 8.6 It is considered that the use proposed is similar to an employment use and furthermore would equip local students with the skills to take on skilled industrial employment to the benefit of the local economy. This is welcomed. Training of this type requires a unit of this scale and it is considered that the application site lends itself to the proposed use. There is therefore no in principle objection to the use of one of the units in D1 use and the partnership working this would enable and upskilling it would facilitate are welcomed. The principle of the B1(c)/B8 unit has been established and remains to be acceptable.

Design

- 8.7 The proposed building is sited to the south of the site. Materials typical to a unit in this use are proposed and the design is the same as that previously approved. I am satisfied that the proposed design is of an appropriate standard and will relate well to the existing Great Western Business Park and surrounding area. The proposed palette of materials is considered appropriate to the setting of the site and would be in keeping with the materials used within the surrounding area. The design of the proposed buildings is consistent with that of the extant permission. On balance, it is considered that the submitted proposal responds to the site setting and results in a scheme which is of a high standard of design in accordance with the expectations of SWDP 21 and the aims and objectives that the National Planning Policy seeks to protect and promote with regard to design.

Car parking and access

- 8.8 A new access road will be constructed to serve the development along the site's western edge. 128 car parking spaces are proposed to accompany the wider development including the office development and industrial/ education unit. These are located in a series of rows towards the central section of the site and to the west of the main office building. This level of car parking is proposed in order to help relieve the car parking problems currently associated with Progress House that result in on-road parking on Great Western Avenue. The level of car parking will help meet both the applicant's operational needs and improve the ease of use of the local highway network. County Highways have confirmed that they have no objections to the proposal subject to suggested conditions which are set down in the plans list.

Impact of the proposed development on the amenity of adjoining land users

- 8.9 The application site is bordered to the north and west by other commercial uses. To the east is the main Birmingham to Worcester Railway line. I do not consider that the proposed use and activity within the site would have a detrimental impact upon either of these. To the south of the site are residential units which have been accustomed to a long-term vacant site. As such, I consider that there will be an introduction of activity within the site as well as the visible presence of the buildings.

However, I consider that the boundary screening on the south boundary and the separation distance between the units and dwellings is sufficient to ensure it would not be above a reasonable level of activity which is generally created by living adjacent to a general industrial use. Furthermore, I consider there are sufficient powers under regulatory services to deal with site specific issues should they arise but consider the general relationship acceptable. The application is supported by a noise survey which has been scrutinised by Worcestershire Regulatory Services and no objection has been raised to this.

- 8.10 Due to the distance between the site and the nearest adjoining buildings, as well as the orientation of the residential and commercial buildings, it is considered that the proposal is unlikely to give rise to overlooking or loss of light to adjoining land users. The proposed building relates well to the existing neighbouring buildings and the site in general and, in my opinion, will not result in harm to the amenities of the occupants of adjacent or nearby buildings through loss of light or actual or perceived overlooking.
- 8.11 A noise impact assessment has been undertaken which concludes that the proposed development will not result in any harm to the amenities of adjoining land users and accords with the requirements of development within the South Worcestershire Development Plan. I do not consider that the current application for D1 use will have any greater impact on neighbouring amenity than the existing consent due to the similarities in these uses.

Ecology and landscaping

- 8.12 New areas of tree planting are proposed on the eastern section of the site in order to help separate the site from the railway track. In addition, the landscape area to the south of the site will be retained and enhanced as appropriate. There is already significant landscaping on the embankment to the west of the site and this will be retained.
- 8.13 The made ground on the site has been shown to contain localised asbestos fibres. In order to mitigate the risk of exposure to future site users the site should be covered by buildings/hardstandings or a minimum 600mm-thickness of clean cover material. The test soils are considered to present a sufficiently low risk to controlled waters and major ecological receptors. This is confirmed by the lack of objection raised by the Council's land contamination consultant.

Renewable technologies

- 8.14 SWDP 27 requires all new development to ensure that a minimum of 10% of the proposed energy use of the building comes from a renewable source. As such, the applicant proposes to use photovoltaic panels on both buildings as well as other low carbon technologies to limit energy and water use throughout the life of the development. This is proposed to reduce energy consumption by between 10.1 and 11% for each of the three units. As such I consider it complies with the relevant requirements of the policy.

Drainage

8.15 As detailed in sections 7.2-7.4 of this report the Lead Local Flood Authority have commented on this proposal and have requested the submission of additional information (a Drainage Strategy or Sustainable Drainage System proposal) to allow them to make their assessment of the proposal. This has not been forthcoming. However in assessing the merits of this proposal I note that a recent consent on this site P18D0210 required the submission of this detail by condition as recommended by the LLFA. Whilst I note that new guidance has been adopted by the LLFA in the meantime it is material in the consideration of this application that the existing permission (P18D0210) could be implemented in accordance with these conditions and this permits a development of exactly the same form and layout. Given this I do not consider it reasonable to resist this proposal and recommend that the same condition is carried forward to this very similar proposal. This condition is set out in the plans list.

Conclusion

- 8.16 The above assessment of the planning application demonstrates that the application responds to, and is in accordance with, the requirements of relevant planning policy and material considerations relevant to the determination of the application.
- 8.17 I acknowledge all comments received as part of the consultation process and consider all material planning issues have been considered including those of the NPPF including economic, environmental and social, as well as diversity, in the determination of this application.
- 8.18 In my opinion, the proposal is acceptable in principle and the site has the capacity to accommodate the proposed development in an acceptable manner in terms of the siting, size, scale, design and appearance of the development, impact on neighbouring residents amenities and car parking and would accord with the aims and interests that both the South Worcestershire Development Plan and the National Planning Policy Framework seek to protect and promote.

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Background Papers: Application P18D0480