

2014/667 SOLIHULL BUSINESS PARK MONKSPATH HALL ROAD

Application No: 2014/667/S

Ward/Area: SHIRLEY SOUTH

Location: SOLIHULL BUSINESS PARK MONKSPATH HALL ROAD
SOLIHULL

Date Registered: 11/04/2014

Applicant: IM PROPERTIES DEVELOPMENT LTD

Proposal: VARIATION OF CONDITION No. 1 ON PLANNING
APPLICATION 2013/2141 TO ALLOW B2 (GENERAL
INDUSTRIAL) AND B8 (STORAGE AND DISTRIBUTION) ON
PLOT 3.

Documents Online:

<http://www.solihull.gov.uk/planning/dc/ViewAppDetail.asp?Y=2014&R=667>

This application is being reported to Planning Committee for the following reason(s):

	The proposals are a substantial departure from the Development Plan
	A new section 106 agreement is required
	The proposals would have a significant impact outside of its immediate vicinity
X	The proposals have given rise to substantial weight of public concern
	The application has been called into Committee by a Member
	The application has been submitted by (or on behalf of) the Council (or it relates to Council owned land) and there has been one objection or more.
	The applicant is a Member or Officer of the Council (who has contact with Development Management) (or a close relative of such a person)
	The Head of Development Management has elected to refer the application to Committee

PROPOSAL

This is a Section 73 application to vary condition 1 on reserved matters planning application 2013/2141 to allow B2 (General Industrial) and B8 (storage and distribution) use for the proposed unit on Plot 3 rather than the B8 Use that was previously approved under the existing reserved matters approval.

This would be a use permitted by the outline approval 2010/2032 if a new reserved matters application were to be submitted.

CONSULTATION RESPONSES

Highways	: No observations
Environmental Protection	: No objections
Neighbours Notified	: 25/04/14
Site Notice	: 07/05/14
Press Notice	: 09/05/14

REPRESENTATIONS

1 objection from Councillor Brown, 1 from Councillor Hawkins, 1 from Solihull ratepayers, 4 individual representations and 17 online representations received from different addresses on Lakeside Drive although the e-mail and contact telephone number is identical for each. The content of these 17 representations are also identical and are therefore akin to a petition. An unsigned petition with 26 different address has also been received.

The reasons for objection are summarised as follows:

- Proposed new tenant uses a variety of tools in doing the final assembly of production lines the main concern being large machines such as band saws, guillotines and punch machines;
- Impact of noise from vehicles and building, large access doors on elevation facing Lakeside Drive
- Noise assessment is flawed and extremely understated;
- Evening and night time operation will significantly impact on residents;
- Concerns that it could operate over 24 hour period;
- If allowed screening, soundproofing, mounding and other measures, as appropriate should be carried out prior to occupation of the building;
- Site of the new development has been raised at least 6m out of a valley which provides an eyesore to residents and park users;
- Future suitable high screening must be provided;
- Traffic analysis states that increase in traffic at A34 junction will be minimal, however, size of lorries concerns with proposed operation will create serious traffic problems and increase air pollution;
- No air pollution surveys have been carried out;
- Government policy states that the amenities enjoyed by local residents should not be compromised and noise levels and blot on landscape seriously affects the enjoyment contrary to this policy.

- Impact on views;
- Detrimental impact on environment, wildlife with noise, pollution and traffic congestion;
- Will affect value of our homes;
- Site was originally designated for B1 use and object to planning application for change of use to B2 and B8 and for height of buildings to 13 metres;
- Buildings breach planning protocols and will have an extremely detrimental impact on local residents, park users and wildlife;
- No neighbour letters received

POLICY

Solihull Local Plan (2013)

P1 Support Economic Success
 P3 Provision of Land for General Business & Premises
 P7 Accessibility and Ease of Access
 P8 Managing Demand for Travel and Reducing Congestion
 P9 Climate Change
 P10 Natural Environment
 P11 Water Management
 P14 Amenity
 P15 Securing Design Quality

National Planning Policy Framework (2012)

The NPPF advises that there is presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - 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; or
 - specific policies in this Framework indicate development should be restricted.

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

● **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and

innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

● **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

● **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The NPPF also carries forward the thrust of Government guidance in the Ministerial statement "Planning for Growth" by attributing significant weight in the need to support economic growth through the planning system. The following sections are relevant to this application:

1. Building a strong, competitive economy
4. Promoting sustainable transport
7. Requiring good design
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment

Financial Considerations

The Localism Act makes provision for local financial considerations to be taken into account as a material consideration in determining a planning application. Such matters may include contributions as a result of section 106 agreements, as these are directly related to the development and necessary to make the proposals acceptable, such considerations will carry significant weight. Other financial considerations, including the benefit as a result of an increased New Homes Bonus (paid to authorities based on the number of new dwellings provided), are more general and whilst are a factor in favour of the grant of permission will only carry limited weight (unless otherwise stated in the later paragraphs of this report).

SPD's / SPG's

- Vehicle Parking Standards and Green Travel Plans (2006)

PLANNING HISTORY

- 2013/2141 Approved 25/03/14. Details of access, appearance, landscaping, layout and scale regarding erection of 2 no. B8 distribution centres (approval of RM pursuant to 2013/1525) related to plots 1 & 3.

- 2013/1934 (31 Jan 14) [Reserved Matters Approval] Details of access, appearance, landscaping, layout, and scale regarding the erection of b8 customer fulfilment centre on plot 2 with ancillary offices, car parking, landscaping and service yard (reserved matters pursuant to 2010/2032).
- 2013/1525 (23 Dec 13) [Approved] Variation of condition nos. 1, 2, 6 and 21 attached to planning application 2010/2032 (outline application for development of b1c/b2/b8 business park and associated parking/landscaping (all matters reserved)) to allow variation to approved plans; commencement of earthworks and site preparation works in advance of approval of reserved matters; commencement of development in a phased manner; all buildings to be a maximum of 13m in height; flexibility in the provision of parking across the site; and rewording of conditions 4 and 5 to state the date by which an application for the approval of reserved matters shall be made to the local planning authority.
- 2013/1490 (24 Sep 13) [Approved] Non-material amendment to (1) amend condition no. 6 to read: no building or any structure thereon shall exceed 13 metres in height, (2) amendments to parameters plan to allow proposed building heights up to 13 metres for the north eastern plot only on planning application 2010/2032.
- 2010/2032 (12 Apr 11) [Outline Planning Approval] Outline application for development of b1c/b2/b8 business park and associated parking/landscaping (all matters reserved).
- 2009/1816 (18 Feb 2010) [Outline Planning Approval] Development of B1 business park and associated parking.
- 2008/116 (4 Apr 2008) [Full Plans Approval] Erection of Porsche centre incorporating sales and servicing, creation of vehicular access and parking
- 2006/957 (1 Dec 2006) [Outline Planning Approval] Business hotel (155 bedrooms plus 1150 square metres of conferencing facilities and ancillary uses) together with parking and landscaping.
- 2004/2189 (11 Mar 2005) [Reserved Matters Approval] Completion of loop to estate road.
- 2004/456 (3 Jun 2004) [Full Plans Approval] Three-storey office building with associated external works, access road and car parking.
- 2004/62 (14 April 2004) [Reserved matters approval] Two-storey office building with associated external works access road and car parking.

- 2003/2227 [Withdrawn] Section 73 application to vary condition 9 and 11 of outline planning permission 1999/1901 to delete all references to A34 Stratford Road - Monkspath Hall Road roundabout improvements.
- 2003/2146 (26 Nov 2003) [Reserved Matters Approval] for a 2-storey office building with associated access road and car parking.
- 2002/1690 (8 Nov 2002) [Reserved Matters Approval] for two 3-storey office buildings with associated works, access road and car parking.
- 2000/1788 (2 Feb 2001) [Full Plans Approval] Development of B1 office with associated landscaping and parking.
- 1999/1901 (2 April 2002) [Approved] Outline application for development of B1 offices, business park and associated parking.
- 1986/1552 (9 Jan 1986) [Refused] Outline application for regional shopping centre and associated car-parking and service areas.
- 1986/1546 (5 Aug 1986) [Approved] Outline application for regional shopping centre and associated car-parking and service areas.

SITE DESCRIPTION

Solihull Business Park covers approximately 11.1 hectares to the north of the junction of Monkspath Hall Road with Highlands Road in Shirley. To the west the site is bound by industrial and commercial development adjacent to Highlands Road and to the south-west by a leisure complex. To the north the site is separated from Solar Park by the Cran Brook and associated areas of woodlands. To the south and east of the site are residential areas separated by Monkspath Hall Road and the southern extent of Hillfield Park respectively.

A number of sites included within the original outline application have been taken forward and are now complete. These include plot 1, Enterprise Inns to the site frontage with Monkspath Hall Road, following full approval in 2004 (2004/456); Plot 2, an L-shaped building to the north of Enterprise Inns at the junction of an internal roundabout junction (built following reserved matter approval 2002/1690) and Plot 11/12 to the centre of the site (partially erected by virtue of reserved matters approval 2004/62). All the landscaping associated with these units has been carried out. The loop road was constructed under the terms of Reserved Matters Approval 2004/2189.

Outline planning permission (2010/2032) was granted in April 2011 for the remaining plots (i.e. the plots that are currently being built) for use as B1, B2 & B8. This followed an earlier application which applied for just B1 use. This current application relates to plot 3 of reserved matters application 2013/2141.

MAIN ISSUES

- Neighbouring Amenity

- Highway Considerations

APPRAISAL

Neighbouring Amenity

Policy P14 of Solihull Local Plan states that, inter alia, the Council will permit development only if it respects the amenity of existing and proposed occupiers and would be a good neighbour. The Policy also advises that the adverse impact of noise should be minimised and development likely to create significant noise will be permitted only if it is located away from noise sensitive uses or it incorporates measures to ensure adequate protection against noise.

Third party letters of representation raise concerns over potential noise from industrial processes that may take place within and around the building. The representations also suggest that the submitted noise assessment is flawed and understated due to the size of the access doors on the elevation facing Lakeside Drive and that the sound survey took place when the guillotine was not operating. The representation also questions the statement that there will only be a marginal increase in ambient noise levels.

This application is proposed to accommodate a specific occupier, V Installations Mechanical Handling Limited who manufacture and assemble production lines. Although it must be borne in mind that the occupier of the building may change at a later date.

The Council's Environmental Protection Officer has been consulted on the application and is aware of the third party representations made. In his opinion the methodology used by the consultant is designed to anticipate the impact of noise from new developments and uses well established principles. He also considers that the report is robust and is of the opinion when bearing in mind that the existing permission would generate similar if not greater movement from transport movements, the variation in condition would not have any greater impact on nearby residents. Furthermore, it is important to note that the principle of B2 uses has already been established on this site through the outline planning permissions 2010/2032 and 2013/1525.

The Council's Environmental Protection Officer has suggested an additional condition that requires the development to meet or better the target noise limits for insulation, plant and machinery etc laid out in the supporting report. If to achieve this doors will need to remain closed and that no works using power tools should be carried out outside of the building, then this will need to be controlled via a condition. Condition 20 of 2013/1525 which will still require relevant measures necessary to protect residential noise including *"appropriate insulation/noise mitigation measures and control over any outdoor working"* an additional condition is not considered necessary in this instance, as that attached to the earlier outline consent will still need to be complied with. Details of target noise through insulation, plant and machinery, door closures and restricted activities outside will be expected within these measures when an application for discharge of condition is submitted.

In response to the concerns raised regarding the appearance of the building, the size, scale and design of the buildings have already been approved under the reserved matters applications and this application is varying the floor plans only. Impact on views and house valuations are not material planning considerations.

For these reasons the proposed application is not considered to cause any greater harm to residential amenity in accordance with Policy P14 of Solihull Local Plan.

Highway Considerations

Policy P8 of Solihull Local Plan states that all development proposals should have regard to transport efficiency and highway safety.

The proposal to vary condition 1 to allow for B2 and B8 use on plot 3, rather than just B8 use in the applicant's opinion would have no significant impact on the local highway network. Additional information has been provided by David Tucker Associates that provides a revised assessment on traffic generation of the site based on the known operational requirements of the end user, including overall staff numbers, shift patterns and HGV movements. The revised assessment suggest that in a worse case scenario (i.e. all the building were used for B2) the changes to traffic flows would not be significant in the overall context of the Business Park.

Your Highway Engineer has been consulted and makes no objections based on the additional information.

CONCLUSION

The proposed variation of condition to allow for the use of plot 3 for B2 and B8 use rather than just B8 is not considered to cause undue harm to the amenities of nearby residential properties or to the safety of the highway network in accordance with Policies P8 and P14 of Solihull Local Plan 2013 and guidance within the NPPF.

RECOMMENDATION

For the reasons outlined above the application is recommended for APPROVAL subject to the following conditions:

- (1) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 13043 P020; 13043 P021B; 13043 P022; 13043 P023; 13043 P024; 13043 P025; 13043 P026; 13043 P027; 13043 P031G; 13043 P032C; 13043 P033C; 13043 P034; 13043 P035B; 13043 P036; 13043 D3101A; 13-50-04; 13-50-05

To ensure compliance with the approved plans and details to safeguard amenity and the quality of the environment in accordance with Policy P14 and P15 of the Solihull Local Plan 2013

The decision to grant planning permission has been taken having regard to the policies and proposals in the Solihull Unitary Development Plan 2006 set out below, together with all other relevant material considerations, including Supplementary Planning Guidance, and the particular circumstances and reasons summarised below.

Government Guidance National Planning Policy Framework

Solihull Local Plan 2013

P1 - Support Economic Success

P3 - Provision of Land For General Business and Premises

P7 - Accessibility and Ease of Access

P8 - Managing Demand for Travel and Reducing Congestion

P10 - Natural Environment

P14 - Amenity

P15 - Securing Design Quality

Supplementary Planning Guidance

Vehicle Parking Standards and Green Travel Plans

In reaching this decision the Council is mindful of the particular circumstances and reasons set out below, namely:

The proposed variation of condition to allow for the use of plot 3 for B2 and B8 use rather than just B8 is not considered to cause undue harm to the amenities of nearby residential properties or to the safety of the highway network in accordance with Policies P8 and P14 of Solihull Local Plan 2013 and guidance within the NPPF.

NOTE : The conditions attached to outline approval 2013/1525 are applicable to the implementation of this permission and will need to be discharged/complied with accordingly.