

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

UPDATE

This application was deferred from your Planning Committee on 11th June 2014 to enable more information to be provided to Members on potential noise impact from the development and what ecological information was previously taken into account.

Additional information has been received in respect of the above matters which will be discussed throughout the report and additional background information is provided in statements attached to this report.

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 unit on Plot 3 which is now under construction.

Under the outline application 2010/2032 the principle of B1, B2 and B8 use was approved without restriction on Solihull Business Park, however, the floor plans submitted with the reserved matters application 2013/2141 stipulated B8 (storage and distribution) use only for this particular building.

The application has been submitted to enable an existing business (V Installations) to move into the borough. The company provides mechanical handling solutions for JLR and other car manufacturers. The move will safeguard 27 current jobs and allow growth to create 15 additional jobs.

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

Councillors Brown, Doyle and Hawkins have raised objections together with 5 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 addresses 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;
- EIA submitted for original outline application for B1 but not for the B1, B2 & B8 application;
- Buildings breach planning protocols and will have an extremely detrimental impact on local residents, park users and wildlife;
- No neighbour letters received
- Local nature reserve and quiet residential area will be disturbed by a manufacturing plant;
- With recent change of style with offices being built and high end car dealerships locating on site, this is no longer an appropriate location for manufacturing businesses;
- Residents had long understood that the sites were designated for B1 offices as a buffer between houses and Cranmore industrial area;
- Residents have visited the present V Installations at Cartwright Road, Stoke Prior and have reported a very noisy environment by working practices requiring the large doors to front and rear being permanently open and in constant use;
- Solihull Ratepayers visited V Installations and carried out observations between 10.30am and 12.00 noon on 3rd June 2014 - It was noted that the working practices required constant access/egress of people and fork lift trucks making it impractical to close the doors which were the main source of noise outlet;
- In order to comply with condition 20 on 2010/2032 the developer will need to make the following changes to plot 3:
 - Doors/large openings face only to the front or sides directly angled away from housing

- Building should be constructed of such materials so that it addresses noise mitigation containment – this would allow the building to absorb a large proportion of the noise created by manufacturing process
- Noise levels at boundary when taken over an 18-24 hour period that are as recorded ignore random bangs, thumps and crashes that occur or when Fork Lift Trucks move items around or load and unload HGV's

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

Overview

The site was originally the subject of a proposal in the Solihull Structure Plan which was adopted in 1975 and which, following modification by the then Secretary of State proposed that it would be used to create 4,000 jobs spread between manufacturing and service matters.

This Policy was retained in the West Midlands Structure Plans of 1982 and 1986. The site was also proposed for industrial development in the Cranmore/Widney Local Policy Plan of 1983.

The approved Solihull Unitary Development Plan 1997 Policy E2 stated that the Council will allocated land for business activities to serve the needs of the Borough and proposals E2/1 reaffirmed the designated of 22 hectares of land at Monkspath for Business purposes and advises that the land is suitable for general B1 purposes which includes offices, research and development and light industry.

Solihull UDP Plan 2006 proposal E2/1 again reaffirmed the land at Monkspath for general business purposes. Paragraph 4.2.5 of the UDP stated that the site was suitable for B1, B2 and B8 uses. The UDP was the up to date development plan when application 2010/2032 was determined. B1, B2 and B8 is also identified as the preferred use class purposes for Solihull Business Park in the newly adopted Solihull Local Plan 2013.

There is therefore a longstanding policy commitment for B2 uses to be accommodated on the site.

- 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.

Condition 20 of this decisions is as follows:

(20) Prior to the occupation of any units on the site for B2 uses (as defined under the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010), a scheme shall be submitted and approved in writing by the Local Planning Authority showing any

relevant measures necessary to protect residential amenity. Depending upon the nature of the operations to be carried out, such a scheme may include appropriate insulation / noise mitigation measures and control over any outdoor working. Thereafter, any B2 occupation of the unit(s) shall be in accordance with the agreed scheme.

To protect the neighbourhood from dust, fumes, odour or noise emissions in accordance with policy P14 of the Solihull Local Plan 2013.

- 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.

There is therefore a commitment to B2 uses on the site via the 2011 approval (as varied in 2013).

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 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. All three plots are now under construction and are due to be completed and occupied before the end of the year.

MAIN ISSUES

- Employment
- Neighbouring Amenity
- Highway Considerations
- Ecology/Landscape
- Other

APPRAISAL

Employment

The applicants have indicated that the proposed move by V Installations will safeguard 27 jobs and allow 15 to be created.

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.

Following on from Planning Committee on 11th June Legal advice has been in sought to establish whether the Council could, at the reserved matters stage, impose a condition to restrict where B2 use is allocated on the overall site. All matters were reserved at outline stage and all details in reserved matters application must be in line with the outline approval as any subsequent approval of reserved matters does not constitute the grant of a further planning permission. Conditions relating to anything other than the reserved matters should not be imposed at the reserved matters and crucial conditions (which in the Council's Legal Officer's view would include use restrictions) should be imposed when outline planning permission is granted. Guidance states that the outline is the controlling permission that must set out clear expectations and parameters enabling any future reserved matters applications to be dealt with swiftly and easily concentrating purely on those matters (appearance, means of access, landscaping, layout and scale). The development parameters approved under the outline application (drawing no. 13043 P002) illustrates car parking and service yard areas to the east and south of plot 3 adjacent to the park with landscaping areas shown in the small strips of land between the building and boundary to the north and west. Therefore, with this in mind there are no restrictions on plot 3 being used for B2 and the parameters approved at outline suggest that servicing is permissible on the east and southern elevations.

The representations received also suggest that 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 representations 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 as originally submitted 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 warehouse 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 amenity from noise includes *"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.

Following on from Planning Committee on 11th June additional information has been submitted by the applicants in response to Members concerns. This information includes a background to V-Installations, additional information on noise including a draft noise management plan. The Council's Environmental Protection Officer has been consulted on this information and comments as follows:

Noise Assessment.

The noise assessment by Resound Acoustics is dated 28 March 2014. The consultants use 2 main methodologies to compare the existing prevailing noise climate with levels predicted from the proposed development.

These methodologies are one based on the noise procedures recently introduced to support the NPPF and also BS 4142 1997 "Method for rating industrial noise affecting mixed residential and industrial areas".

Both these methods employ measurements of baseline noise with predicted noise levels from the proposed activity. In this case, the consultants took noise measurements at suitable locations close to residential properties that would be considered as noise receptors. The measurements were carried out

at times of the day and at locations where relatively low background noise would be expected, and they then selected the periods where the lowest noise occurred as the baseline. This is a robust method.

Noise from plant and machinery used at the applicant's current premises were taken. These measurements were close to the machines inside the factory. Again this is a robust method.

A reasonable adjustment was made for noise attenuation through the structure of the building to arrive at a figure for the internally generated noise and allowance was also made for external activities involving transport, loading etc.

The resulting predicted noise was then compared with the prevailing background and under both methodologies; an adjustment of +5dB was applied to allow for noise with a distinctive character. Again this is a conservative approach.

The output of these calculations show that the noise levels are well below any level that would enable the Environmental Protection Officer to justify, through objectively assessed evidence, a basis for refusing the application. Whilst this does not mean to say that they would be inaudible at any dwelling, the evidence does suggest that for much of the time, this may be the case as the levels predicted are below the prevailing background. It is also worth reiterating that the background levels chosen were the lowest found so that "real life" may be that be noisier, and the monitoring location selected was deliberately away from most of the local road traffic effects (as opposed to the wider effects of the highway network).

Noise Control Scheme

Further discussions with the company show that they intend to control some noise at source by use of new machinery eg a plasma cutting machine would remove much of the need to use angle grinders.

Furthermore, it is understood that a system would be put in place that automatically opens and closes the main doors to the factory to allow through passage of fork lift trucks etc. Experience has indicated that such interlocked doors are used successfully in other applications and that they are reliable and effective.

It is therefore anticipated that any noise breakout would be limited by this to a matter of a few seconds at a time.

These details will need to be formally submitted in order to discharge condition 20 of the outline approval and this will also provide the mechanism to prevent any outdoor working.

In concluding on noise matters, the Environmental protection Officer believes that the applicant has provided a robust noise assessment, that the

methodologies used were appropriate and the conclusions appear to be sound. He raises no objection on noise grounds subject to the continued applicability of condition 20.

Appearance

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 distant 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.

Ecology/Landscape

Outline planning application 2010/2032, which was the subject of a landscape and ecology strategy, was subject to the following condition:

(18) No development shall take place until further badger survey work has been carried out by a qualified surveyor and full details of measures for badger mitigation have been submitted to and approved in writing by the planning authority.

To secure the protection of protected species, species identified as uncommon, declining or under threat in the Warwickshire local Biodiversity Action Plan or its habitats in accordance with Solihull Unitary Development Plan 2006 Policy ENV13

IM properties instructed Middlemarch Environmental Ltd to undertake and Extended Phase I Habitat Survey and Badger Survey of the remaining plots within Solihull Business Park in order to satisfy the above mentioned condition. The survey was undertaken on site in August 2013 and was submitted as part of discharge of condition application 2013/5127. Condition 18 was formally discharged on 31st January 2014 following consultation with the Council's Ecologist.

Landscaping for the site was approved under the reserved matters applications which secured additional planting along the site boundaries adjacent to the park.

Notwithstanding the above, in addition to the 1-2m tall (growing circa 1m per year) woodland blocks of whip planting IM properties are prepared to commit to additional planting on the eastern site boundary to include 10 no. Alder specimens that would be 7m tall when planted. The applicants proposed to include this enhanced landscaping scheme as part of the suite of measures proposed to address the requirements of planning condition 20.

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.