REPORT TO PLANNING & DEVELOPMENT COMMITTEE

TO BE HELD ON THURSDAY 16 June 2011

APPLICATION REFERENCE NO: 11/00587/FL
TARGET DATE: 17 June 2011
GRID REF: 503363-486733

REPORT OF THE HEAD OF REGENERATION & PLANNING – 11/275

SUBJECT: APPLICATION FOR EXTANT PERMISSION (REF. 08/01455/FL) FOR NEW BUILD INDUSTRIAL UNITS, IN ORDER TO EXTEND THE TIME LIMIT FOR IMPLEMENTATION AT LAND AT QUEEN MARGARETS ROAD, WEAPONNESS, SCARBOROUGH FOR THOMPSON PROPERTIES LTD

1.0 THE PROPOSAL

1.1 The application proposes the erection of a terrace of 4 no. industrial units for a mix of Class B1 (Light Industrial) and Class B8 (Storage and Distribution) uses on vacant land within Queen Margaret’s Road Industrial Estate. The site lies towards the northern end of the Industrial Estate on the western side of the estate road. The site has an area of 0.32 of an hectare.

1.2 The proposed building would measure approximately 54.5 metres by 26 metres and would comprise of 4 units, each having a floor area of 371 sq.metres (4,000 sq.ft). The building would have its roof and the majority of the walls finished in colour coated profiled sheet cladding, with the ground floor front elevation constructed in facing brickwork. The building would have an eaves height of 4 metres and overall height of 5.6 metres.

1.3 The site lies some 3 metres below the main estate road and a ramped access, together with some raising of levels is proposed to enable vehicles and pedestrians to access the site. The railway line into Scarborough runs along the western boundary of the site, the line being constructed on raised land.

2.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

2.1 None.
3.0 CONSULTATIONS AND COMMENTS

3.1 Highways Department (NYCC) – Comments awaited.

3.2 Head of Environmental Health and Housing Services- No objections.

3.3 Economic Development Manager – This proposal is supported as it will provide new workspace options at this popular industrial estate, in addition to those at the Scarborough Business Park.

3.4 Yorkshire Water Services – Initially objected to the proposal. The applicant has advised that discussions took place with Yorkshire Water following the original consent. It is understood that a plan of action was agreed at that time to satisfactorily deal with the surface water sewer that runs through the site. (Officer Note: An update on this to be provided at the meeting).

3.5 Architectural Liaison Officer – No objections to the application in principle. Comments that in order to protect vehicles parked within the site that it would be beneficial to install CCTV to cover the area, together with vandal resistant security lighting.

3.6 Network Rail – With reference to the protection of the railway, Network Rail has no objection in principle to the development, but have made recommendations that the developer will be required to meet. This information is to be passed on to the applicant.

3.7 CE Electric UK – No objections raised to the proposal.

3.8 Northern Gas Networks – No objections to the proposal.

3.9 Publicity - The consultation period expired on 27 April 2011.

4.0 RELEVANT SITE HISTORY


5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 54A of The Town and Country Planning Act 1990 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Attention is drawn to the following Planning Policy Guidance which is considered to be particularly relevant to the consideration of this application :-

Scarborough Borough Local Plan (saved policies)

Policy E5 Road and Rail Approaches to Resort Town
Policy E6 Protection of Open Space
Policy E12 Design of New Development
Policy I5 Employment Development within Settlements
6.0 ASSESSMENT

6.1 The principal areas for consideration are:-

- The Approaches to the Resort Town and the Protection of Open Space
- The Design of New Employment Development within Settlements
- The Protection of Residential Amenity

6.2 The proposed development is considered to be acceptable in principle, bringing into use a parcel of undeveloped land which clearly forms part of Queen Margaret’s Road Industrial Estate. The current site has a relatively low amenity value and does not contribute to the character of the locality. Therefore its development would not be considered to be contrary to Policy E6 of the Scarborough Borough Local Plan, which seeks to protect valuable open space.

6.3 The site lies adjacent to the main rail approach into Scarborough, where Policy E5 advises that new development should not be detrimental to the appearance, amenity and environmental characteristics of the approach corridor. The development of the site for industrial units would be compatible with neighbouring uses and would not be harmful to the character of the rail approach into Scarborough in relation to the existing context.

6.4 The proposal is also considered to comply with Policy I5 which permits new employment development within existing settlements subject to a number of factors. The proposal does not raise any material conflict with the majority of factors in the policy which require that the development should be easily accessible and not raise issues of highway safety, that the activities associated with the use should not harm amenity and that the building should not detract from the character of the area or conflict with residential amenity. The site is positioned a good distance from the nearest residential properties fronting Seamer Road and therefore industrial development of the site should not raise any concerns in terms of residential amenity and therefore would accord with Policy H10.

7.0 CONCLUSION

7.1 The development of the site for industrial units is considered to be acceptable in principle and accords with the relevant policies of the Scarborough Borough Local Plan.
8.0 RECOMMENDATION

8.1 That subject to the consideration of the comments of the Highway Authority that PERMISSION BE GRANTED, subject to the following condition(s) :-

1 The development hereby granted shall be carried out in strict accordance with the submitted plans unless any amendment is first approved by the Local Planning Authority.

Reason – For the avoidance of doubt.

2 Notwithstanding the details submitted, full details of the layout of the parking and manoeuvring areas within the site, including surface treatment, shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of development on the site. The works shall be carried out in strict accordance with the details so approved prior to the building first being brought into use and thereafter retained.

Reason – To safeguard the Local Planning Authority’s rights of control in respect of these matters in the interests of the safe and convenient use of the site by vehicular traffic.

3 Details of the siting and design of a secure, covered cycle parking facility for a minimum of 12 bicycles shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of the development above foundation level. The cycle parking facilities shall be provided on the site prior to the units hereby permitted first being brought into use, in accordance with the approved details.

Reason – To safeguard the Local Planning Authority’s rights of control in respect of this matter in the interests of the provision of safe and convenient bicycle storage for staff and visitors in the interests of sustainability.

4 Notwithstanding the details submitted, full details of the profiled metal cladding to the walls and roof the building, including colour finish and associated flashings shall be submitted to and be approved in writing by the Local Planning Authority before the development is commenced and all of the cladding and flashings used in the development shall conform to the details so approved.

Reason – To safeguard the Local Planning Authority’s rights of control in respect of this detail in the interests of the appearance of the development and the visual amenities of the locality in which it is set in accordance with Policy E12 of the Scarborough Borough Local Plan.
Before any development is commenced, the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site indicating, inter alia, the number, species, heights on planting and positions of all the trees, together with details of post-planting maintenance. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety within a period of six months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation.

**Reason** – In the interests of the visual amenity of the locality in accordance with Policy E12 of the Scarborough Borough Local Plan.

Before the commencement of the development hereby approved, details of the proposed boundary treatment, including appropriate treatments to the west boundary of the site with the railway line shall be submitted to and be approved in writing by the Local Planning Authority, and the details so approved shall be implemented in full before the development is first brought into use unless otherwise agreed in writing by the Local Planning Authority.

**Note:** The boundary treatment of the site with the adjacent railway line needs to be given consideration for two reasons; first is the potential increased risk of trespass which requires the installation of a trespass proof fence of a minimum of 1.8 metres in height, whilst the second issues is the requirement for vehicle barriers to be installed within the site adjacent to the boundary to protect against vehicles driving into or rolling onto the railway or damaging the line-side fencing. Network Rail’s existing fencing must not be removed or damaged during works.

**Reason** – In the interests of the appearance of the development and in the safety, operational needs and integrity of the railway in accordance with Policy E12 of the Scarborough Borough Local Plan.

Details of any external illumination of the site and building shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of works above foundation level on site and the lighting erected shall conform to the details so approved and thereafter retained.

**Note:** Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.
Reason – In the interests of the visual amenity of the locality, and the safety of the adjacent railway in accordance with Policy E12 of the Scarborough Borough Local Plan.

8 Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. This shall include:

1) Measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site resulting in a reduction in all vehicle trips and mileages;

2) Provision of up-to-date details of public transport services;

3) Procedures for monitoring the update of such modes of transport and for providing evidence of compliance.

The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason – To safeguard the Local Planning Authority’s rights of control over these issues in order to establish measures to encourage more sustainable non-car modes of transport.

9 To use of the site shall be restricted to uses within Class B1 and B8 of the Town and Country Planning (Use Classes) Order 1987 (or any order or statutory instrument revoking and re-enacting that Order). Any trade counter and display area shall remain strictly ancillary to the permitted Class B1/B8 Use.

Reason – For the avoidance of doubt and to ensure that the Local Planning Authority retains control over any future change of use of the building(s) in the interests of ensuring appropriate provision of parking on site and to ensure safe and convenient use of the public highway serving the site.

10 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 4 metres either side of the centre line of the sewer, which crosses the site.

Reason – In order to allow sufficient access for maintenance and repair work at all times.

11 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason – In the interest of satisfactory and sustainable drainage.
12 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

Reason – To ensure that the development can be properly drained.

13 Unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason – To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

14 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through an interceptor.

Reason – In the interest of satisfactory drainage.

15 Any liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

Reason – To ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents.

Informative: Method Statements may be required to be submitted to Network Rail’s Asset Protection Engineer for prior approval to works commencing on site. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a “fail-safe” manner, it will be necessary to restrict those works to period when the railway is closed to rail traffic i.e. “possession” which must be booked via Network Rail’s Asset Protection Engineer and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10 metres of the railway boundary a method statement should be submitted for NR approval.

The Method Statement will need to be agreed with:

Asset Protection Engineer Team
Network Rail (London North Eastern)
Floor 1B
George Stephenson House
Toft Green
York YO1 6JT
Email: assetprotectionlne@networkrail.co.uk

Planning Manager

Background Papers:

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT KAREN LAWTON ON 01723 384405 e-mail KAREN.LAWTON@SCARBOROUGH.GOV.UK