

APPLICATION NO: 14/02003/FUL	OFFICER: Miss Michelle Payne
DATE REGISTERED: 7th November 2014	DATE OF EXPIRY: 2nd January 2015
WARD: College	PARISH: None
APPLICANT:	Bushurst Properties
AGENT:	Mr Clive Petch
LOCATION:	Unit 3 Naunton Park Industrial Estate, Churchill Road
PROPOSAL:	Construction of 2no. B1 light industrial units following demolition of existing light industrial building (revised proposal following withdrawal of planning application ref. 14/00566/FUL)

Update to Officer Report

1. OFFICER COMMENTS

- 1.1. Members will recall that this application was deferred at the March committee meeting to enable further discussion and negotiation to take place with the applicant/agent in respect of the size of the building and the works to an adjacent TPO'd tree – this update should therefore be read in conjunction with the main officer report published last month.
- 1.2. The building considered by Members at the March committee meeting was 19.5m wide by 11.8 metres deep, with an eaves height of 4.3m and a ridge height of 5m.
- 1.3. Since then the scheme has been further reduced in scale and the building now proposed has an eaves height of 4m and a ridge height of 5m; the ridge height now being comparable to that of the demolished building.
- 1.4. It should be noted that under permitted development, a new industrial building could be erected on this site, with a gross floor space of up to 200sqm, to an overall height of 5 metres if between 5-10 metres of the boundary; with no restriction on the eaves height. The proposed building achieves 9.7m at its closest point to the boundary with the properties in Asquith Road which back onto the site.
- 1.5. In addition to the revisions to the building, a revised Arboricultural Method Statement has been submitted which now only proposes to lift the crown of the TPO'd tree to 4.5m on the side facing towards the proposed building; it is no longer proposed to reduce the height of the tree. The Tree Officer has reviewed the revised information and commented as follows:

The Tree Section does not object to this application.

Provided all steps recommended within the revised Tree King Arboricultural Method Statement are undertaken, and the proposed foundation is constructed using a pile foundation as described in para B4, there should be minimal/negligible damage to the rooting area and roots of this tree.

A crown lift of up to 4.5 metres on the building side of this tree will have no visual impact on the tree (and is likely only secateurs/handsaw work. It could be argued that due to previous pruning when the tree was not protected and its current unbalanced nature, remedial work would provide a scaffold framework for this comparatively young tree to grow and improve the visual amenity in the longer term.

- 1.6. Additional comments from local residents in response to the revisions have been circulated to Members separately.
- 1.7. The recommendation remains to grant planning permission subject to the following conditions, which have been updated to reflect the revisions:

2. CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with Drawing Nos. 21410/05 and 21410/06A received by the Local Planning Authority on 5th February 2015 and 2nd April 2015.
Reason: To ensure the development is carried out in accordance with the revised drawings, where they differ from those originally submitted.
- 3 Prior to the commencement of development, a site investigation of the nature and extent of contamination shall be carried out in accordance with a methodology which has previously been submitted to and approved in writing by the Local Planning Authority (LPA). The results of the site investigation shall be submitted to and approved in writing by the LPA before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the LPA. The site shall be remediated in accordance with the approved measures before development begins.
If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the LPA. The remediation of the site shall incorporate the approved additional measures.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy NE4 relating to development on contaminated land.
- 4 The development hereby permitted shall be implemented strictly in accordance with the details set out within the revised Arboricultural Method Statement TKC Ref: 33.12, dated April 2015.
Reason: In the interests of local amenity in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 5 Any works taking place within the root protection area of T1 (Common Ash) as shown on Drawing No. 33.12.01 (Tree Constraints Plan) shall be carried out by hand and no roots over 25mm shall be severed without the prior advice of a qualified arboriculturalist or without the prior written permission of the Local Planning Authority's Tree Officer.
Reason: To safeguard the retained/protected tree(s) in accordance with Local Plan Policies GE5 and GE6 relating to the retention, protection and replacement of trees.
- 6 Prior to the first occupation of the development hereby permitted, the car parking spaces shown on Drawing No. 21410/05 shall be completed and marked out in

accordance with the approved plan and shall thereafter be retained and kept available for use as car parking.

Reason: To reduce potential highway impact by ensuring adequate car parking is available within the curtilage of the site in accordance with Local Plan Policy TP1 relating to development and highway safety.

- 7 The B1 industrial units hereby permitted shall only accept deliveries to the site and be operational from 08:00 - 18:00 Monday - Friday and 08:00 - 13:00 on Saturdays with no working or deliveries on Sundays or Bank Holidays.

Reason: To safeguard the amenities of adjoining properties and the locality in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

- 8 Prior to the installation of any extraction systems and/or flues, a scheme for the control of noise (and odour if necessary) for the system shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to the extraction system being brought into use and shall thereafter be maintained and operated in accordance with the approved scheme.

Reason: To prevent neighbouring properties from loss of amenity through noise or odour in accordance with Local Plan Policy CP4 relating to safe and sustainable living.

INFORMATIVE:

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, the authority sought revisions to reduce the scale of the building in order to mitigate any impact on neighbouring amenity.

Following these negotiations, the application now constitutes sustainable development and has therefore been approved in a timely manner.