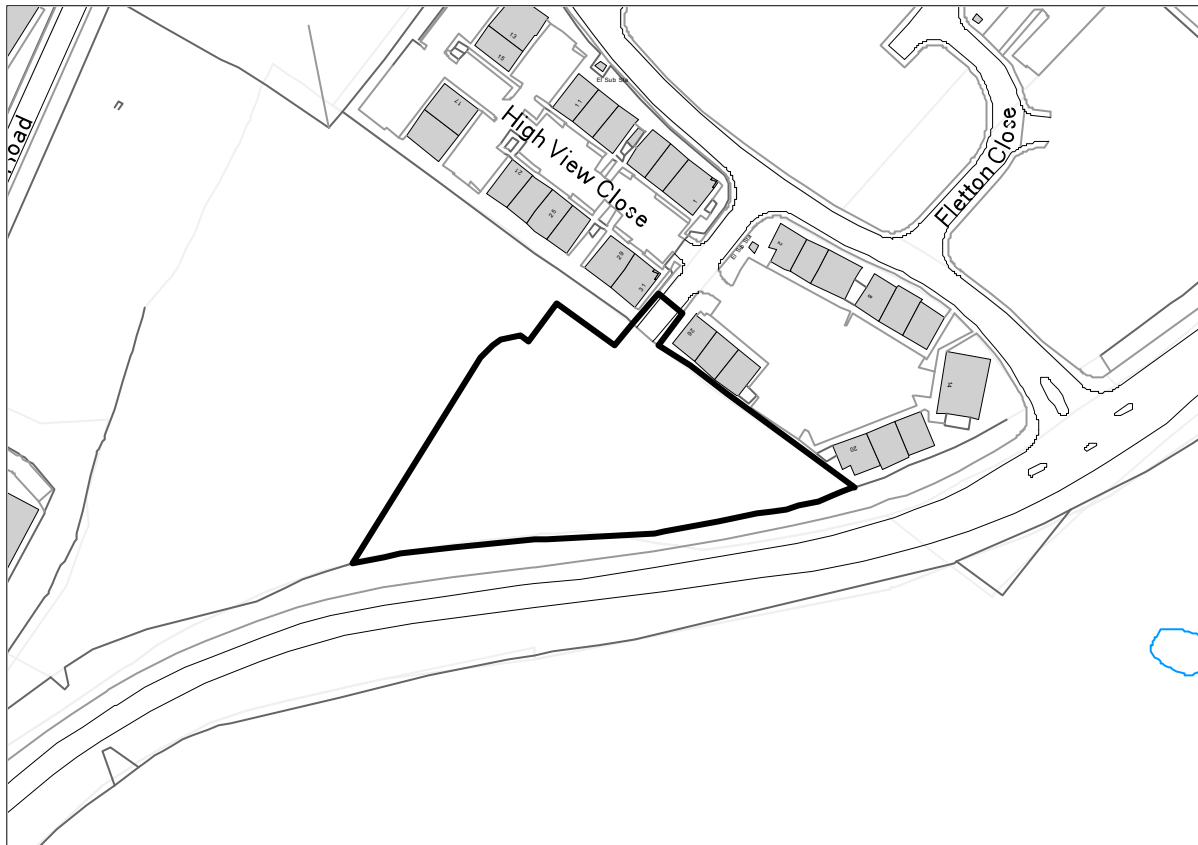


Recommendation: Conditional approval	
20131286	HIGH VIEW CLOSE, LAND TO SOUTH
Proposal:	INDUSTRIAL UNITS (CLASS B1/B2): ASSOCIATED ACCESS, PARKING AND LANDSCAPING (AMENDED)
Applicant:	LEICESTER CITY COUNCIL
App type:	City Council Regulation 3
Status:	Smallscale Major Development
Expiry Date:	12 September 2013
SJM	WARD: Rushey Mead



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Summary

- This is part of a larger site known as Gipsy Lane Brickworks, some of which has already been developed, and identified as a Business Park.
- It is proposed to develop nine food grade production units designed to encourage start-up and smaller grow-on units for food manufacturing businesses.
- One objection has been received – potential access difficulties, noise disturbance, changes to air quality and an increase in vermin.
- The main issues to consider are: the principle of development, layout and parking/service provision, access, impact on neighbouring units and mitigation proposals for any loss of wildlife habitat and for sustainable drainage.
- Recommended for approval.

Introduction

Gipsy Lane Brickworks is an area identified for employment use and also comprises a Scheduled Site of Special Scientific Interest (SSSI) and a Local Wildlife Site (LWS). The western half of the site is identified for Employment Development Proposals and the eastern half as a Proposed Business Park. This application site falls within the eastern half. The site is currently owned by the City Council.

Background

Outline consent was granted on the 5th July 2002 for the "Development of Land for Industrial Use (Class B1/B2), Warehousing (Class B8), Offices (Class A2), Retailing (Class A1), Hotel Class C1), Restaurants Class C3), Nursery (Class D1) and Car Showroom (No Use Class); Parking (Amended Plans). Consent was granted with the approval of siting only with all matters reserved. Since it was not possible to achieve the submission of reserved matters applications in respect of the entire site prior to the expiry of the outline consent on 5th July 2005, a further outline application was submitted to, in effect, extend the life of the outline consent. This was approved in September 2005, subject to the same conditions and a further condition restricting the size of any Class B1 unit to reflect provisions in the new Local Plan.

Subsequently a further outline planning application was submitted for plots 7 and 8 in the north eastern corner of the Brickworks site. Having reviewed potential demand, and in the light of the granting of planning permission for alternative land uses on neighbouring plots, planning permission was sought and gained to develop the application site in a different form to that previously approved on the original outline application relating to the whole of the brickworks site. This included the use of part of the site as a car showroom, complementary uses and industrial uses.

A further outline application relating specifically to the area of land to the southwest of the application site for the 'development of land for industrial use (class B1b/c/B2), public house and restaurant (class A4/A3) (max 0.36ha); mixed use comprising hotel (class C1), retail (max 603 sqm.) (Class A1), coffee shop (max 200 sqm.) (Class A3), creche and children's nursery (class D1) (outline application) was approved in June 2008. This has now expired.

Following the grant of the original outline permission the main access road running through the site linking Lewisher Road to Victoria Road East Extension (VREE) was completed. Work to the SSSI and Local Wildlife Site and a surface water lagoon was carried out by the City Council as part of the VREE contract.

The Brickworks site has been marketed in plots. Six detailed or reserved matters planning applications have already been approved, all have now been implemented. The development of the two office parks, Hamilton Office Park and Vantage Park, immediately to the north of the application site and accessed off High View Close, were the most recent to be built.

There is no extant planning permission relating to the application site.

The Proposal

It is proposed to develop this area of land as industrial units ranging in size from 92sq m to 465sq m.

The layout of the proposed development would consist of 3 blocks comprising 2, 3 and 4 units respectively, in a courtyard arrangement. All units would be served from the courtyard and a hub building would be located at the entrance to the site as a focal point for contact. The development site is a triangular shape and slopes from west to east. Whilst the finished floor levels have been designed to follow existing contours to minimise earthworks, some changes to land levels would be made to achieve adequate access for all units. Some retaining walls will be required with landscape areas around the periphery of the site. The retaining walls will be in the form of interlocking, natural finish concrete blocks.

The buildings would be designed to a uniform style, and the scale of the proposed buildings is in keeping with the neighbouring office development to the eastern boundary. The proposed larger buildings are located on the west side of the site away from the neighbouring development. They will have a single pitch roof form, with solar panels fitted to the south facing roof slope of the building adjacent to VREE. The main shell of the units will be constructed in steel faced composite panels which will sit vertically inside the steel supporting structure. High level walls and soffits will be horizontally laid. The curtain wall system will comprise aluminium powder coated frames with tinted double glazed units. The materials proposed are Colorcoat Prisma metallic silver grey colour "Sirius", Colorcoat HPS200 Pure Grey. Feature panels of colour to individual units would be provided on the front elevations.

A colour coated grey profile metal insulated cladding system is proposed for the roof. The Hub office would be slightly smaller in scale with a flat roof behind a parapet. It would be finished in metallic silver grey composite wall cladding panels to reflect the materials used on the car showroom to the east of the site and also to relate to the main body cladding of the production buildings.

Small plant units have been provided at the front of each unit (previously shown to the rear of units) to minimise clutter on the periphery of the site and any impact of noise disturbance on closest offices.

The application is supported with a Design and Access Statement, Transport Statement, Flood Risk Assessment, Habitat Survey, Sustainable Energy Statement, Ground Investigation and Outline Travel Plan.

Policy Considerations

Development plan policies relevant to this application are listed at the end of this report.

SPG on Vehicle Parking Standards adopted September 2002.

SPD Employment Land Study

National Planning Policy Framework.

Consultations

Local Highways Authority - has no objection in principle to the application but discussions are on-going in respect of point of access and the extent of adoption.

Concern is expressed over the limitations of the local bus services and access to them.

Noise Team – accepts that the submitted background noise levels are representative and that there should be a limit to noise levels from plant and machinery. Further details in this respect are suggested. Noise from vehicles will not cause any further detriment to the area than vehicles serving existing developments and on surrounding roads but some concern over the potential noise from refrigeration units on delivery vehicles was made.

Representations

One letter has been received objecting to the application for the following reasons:

- The only access into the site is from High View Close which may be of an inadequate width for articulated lorries to safely negotiate resulting in a reduction in highway safety.
- Overspill parking from the office parks often occurs on High View Close. Parked cars would restrict access for large goods vehicles.
- Queuing goods vehicles waiting to enter the Food Park would cause an obstruction on High View Close, potentially blocking the only access to and egress from the parking areas for both office park developments. This could also affect access for emergency vehicles.
- Problems have occurred in the past from ice on High View Close during extreme cold weather periods which is exacerbated from run-off water and the funnelling of air flow through the office parks, resulting in vehicles sliding into Lewisher Road Extension. This hazard would be exacerbated if large goods vehicles are unable to break on High View Close.
- The majority of office users are “professional” firms, operating with low background noise. The potential noise disturbance from the proposed industrial use is likely to have a significant and detrimental impact on productivity for existing occupiers of the offices.
- The proposed food production will result in significant changes to air quality and in an increase in vermin which would have an adverse impact on the area.

Consideration

Policy

The designation of this part of the Brickworks site is as a Business Park. Policy E04 of the local plan states that within Business Parks, (including Gipsy Lane Brickworks) planning permission will be granted for appropriate high quality B1 and B2 uses. Other uses that are complementary to a Business Park will be considered on their merits. A high level of design and landscaping will be expected within Business Parks. The consents already implemented for uses on this eastern half of the Brickworks site demonstrate a high level of design and landscaping.

It is intended that the proposed units would accommodate relatively small businesses that could be classed as B1 or B2.

The development of the plot within the Brickworks site will contribute to the overall provision of employment opportunities within Leicester and the approval of this application will help to facilitate this development. Without conflicting with current policy, this should be encouraged.

The Food and Drink sector is identified by the Leicester and Leicestershire Economic Partnership (LLEP) as a priority sector for the local economy, and the lack of affordable food grade units in the city has been identified as a clear barrier to business growth. Leicester's Economic Action Plan 2012-2020 also identifies the food and drink manufacturing sector as a priority for the City. As part of the support to accelerate growth in the sector, the City Council is committed to working towards providing food grade workspace. I consider that this would potentially deliver sustainable private sector employment and raise investor confidence in the sector.

Layout and Design

The scheme would be an inward looking development with all activities taking place within an enclosed service and parking service area. However, I consider that the proposed elevations to the highway will give an acceptable image from beyond the site boundaries. Signage to the VREE elevation would highlight the presence of the Food Park.

The site has presented a number of constraints to development due to its shape, its location within a local wildlife site, the requirement for good visual presence from VREE, its location close to the office park and access off High View Close which will be shared with any potential developer on the remainder of the larger site.

I consider the design of the buildings and the layout of the proposed development to be acceptable.

Landscape and Ecology

The site is designated as a Local Wildlife Site (LWS) The amount of open space within this development proposal has been concentrated to the periphery of the site. It has been designed to maximise opportunities for SUDs and water attenuation and habitat connectivity and to use native species where possible. Although opportunities are constrained by the scale of development and it is likely that there will be a net loss of biodiversity on site, the principle of the development area was established by the original outline permission.

The site is part of an area identified as a local wildlife site, but it has limited value. In accepting that the principle of developing the site has long since been established, I consider that the proposed landscape scheme is generally acceptable but could be enhanced to improve its quality. Green roofs would have provided additional landscape and biodiversity value but it is accepted that by the nature of the development being for food production, requirements for building design restricts this potential. Suggestions have been made to seek a financial contribution to enhance the biodiversity potential of the land to the west but given that this has not been highlighted as a requirement on earlier applications it would be difficult to enforce.

Highways

The access from High View Close rises to the site and will split two ways to access both the Food Park and potential development to the west. The road is only used at

present by office park employees and visitors and concern has been expressed about its use by larger vehicles. The use of the land has, for many years, been designated for industrial purposes and the access from Lewisher Road Extension was designed to accommodate large commercial vehicles from this part of the Brickworks site. The office park developments were approved with a maximum provision of parking spaces. The necessity for High View Close to be used for overspill car parking would suggest that either, alternative methods of managing the internal car parking provision is required and/or that Travel Plans need to be reviewed to encourage sustainable travel. It is possible that parking restrictions on High View Close would be required to ensure that access for large goods vehicles is maintained at all times. Discussions into the extent of highway adoption are still taking place.

A delivery management plan will be required as the operation of the loading area will not work if deliveries and pick-ups to individual units occur at the same time. It will be essential that the delivery management plan is in place to ensure that delivery vehicles do not park on High View Close waiting to load and unload. This will be important given the possibility of the rest of the site being developed with access also across High View Close.

The total floor space for the development on completion will be about 2000m². The Parking Standards SPD identifies the site as being within Zone 4 of the City requiring 21 spaces. The proposed car parking provision would be 30 spaces. This is considered to be acceptable and suitable for this location. As some of the car parking is unallocated the site will require a Car Parking Management Plan. One space will be required to be fitted with Electric Charging Vehicle Infrastructure and another shall be marked for car sharing, a measure the City and County's car sharing scheme (Leicestershare).

4 cycle parking spaces and 2 spaces for powered two wheelers are required. The cycle parking provision is acceptable subject to the details of the shelter to be agreed.

A draft Travel Plan has been submitted which outlines the commitment that will be made by the developer to encourage sustainable travel and alternative modes of transport. This needs some further work before it can be accepted and would be further developed with individual unit users once known.

For the travel plan to be effective it will be important to ensure that the site is well connected to bus and cycle routes. There is currently no formal crossing facility for pedestrians at the Lewisher Road/VREE junction to get to the bus stop on the eastern side of VREE. The cost estimate for such works is about £80k. VREE was constructed by the Local Highway Authority. No other developer on the Brickworks site has been required to contribute to highway improvements. Neither was this required at the time the original outline permission was granted. I do not consider it appropriate to require it at this time.

Drainage

I accept that the site has limited permeability potential. An existing gravel filled drain is located along the north eastern boundary and it is proposed that all run off from the proposed development will likewise discharge to receiving infrastructure located on the north-east boundary. The proposed surface water management system therefore mimics the surface water flows associated with the site prior to development.

The run-off from the site will be restricted, allowing for climate change and storm periods in accordance with the standing advice issued by the Environment Agency. I accept that there are limited methods of applying sustainable drainage systems on the site due to limited ground permeability and undeveloped areas of the site.

I consider that the pre-treatment of surface water through the use of separators and permeable paving sub-bases and source control through the provision of geo-cellular storage in combination with permeable paving tanked storage are appropriate SUD's devices for the site.

Energy

The renewable energy provision of 17% at 24,890kWh/annum is to be provided from roof mounted solar PV panels. The layout of the proposal is acceptable from a sustainable design view point.

Amenity

The proposed development would be unlikely to prejudice the development of adjacent land. Two of the proposed units are sited approximately 3m from units on the neighbouring Vantage Park. Whilst there are facing windows in these offices there is a dense, tall hedgerow within a meter of these windows which reduces outlook from and light to these units. This hedgerow will be retained as a landscape corridor. The proposed units would not have any windows in the rear elevation and thus there would be no loss of privacy for office users. I consider that the units would be of sufficient distance beyond the hedgerow to result in any significant reduction in natural light to the offices.

I consider the proposed development to be acceptable in design and acknowledge the benefits that it is could bring to the local economy.

I recommend that the application be APPROVED subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. The new section of High View Close and turning head shall be built in accordance with details to be agreed with the Local Highway Authority. (In the interests of highway safety and in accordance with policy AM01 of the City of Leicester Local Plan and policy CS3 of the Core Strategy).
3. Before the occupation of any part of the development, all parking areas shall be surfaced and marked out. The 10 car parking spaces for the use of

disabled people shall be provided as shown on the approved plans. The hard standing car parking spaces shall be built with permeable surface treatment to allow for rainwater management. At least one of the car parking spaces shall be marked out for car sharing with appropriate signing and lining and another shall be provided with Electric Vehicle Charging Infrastructure. All spaces shall be retained for parking and not used for any other purpose. (To ensure that parking can take place in a satisfactory manner, and in accordance with policy AM11 of the City of Leicester Local Plan and Core Strategy policy CS3.)

4. No part of the development shall be occupied until a minimum of four secure and sheltered cycle parking spaces and 2 powered two wheeler parking spaces have been provided within the curtilage of the site. The details of the cycle parking and powered two wheeler parking shall be submitted to the LPA for approval and retained following installation. (In the interests of the satisfactory development of the site and in accordance with policy AM02 of the City of Leicester Local Plan and Core Strategy policy CS3).
5. No part of the development shall be occupied until a Travel Plan for the development has been finalised and approved in writing by the City Council as local planning authority and shall be carried out in accordance with a timetable to be contained within the Travel Plan, unless otherwise agreed in writing by the Council. The Travel Plan shall include a Delivery Management Plan and a Car Parking Management Plan. The Travel Plan shall be maintained and operated thereafter. (To promote sustainable transport and in accordance with policies AM01, AM02, and AM11 of the City of Leicester Local Plan and policies CS14 and CS15 of the Core Strategy).
6. LOADING AND UNLOADING WITHIN SITE
7. TURNING SPACE WITHIN SITE
8. LANDSCAPING TO BE CARRIED OUT
9. ALL TREES, SHRUBS, HEDGES TO BE PROTECTED
10. DRAINAGE DETAILS OF SURFACE AND FOUL WATER TO BE AGREED AND CARRIED OUT
11. SUDS SCHEME TO BE IMPLEMENTED AS PER APPROVED DETAILS
12. No development shall be carried out until a Phase II ground investigation report, with a scheme of remedial works to render the site suitable and safe for the development (as recommended in the submitted desk top study), has been submitted to and approved by the City Council as local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the City Council as local planning authority before any part of the development is occupied. Any parts of the site where contamination was previously

unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the City Council as local planning authority prior to the occupation of the development. (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 policy PS11 of the City of Leicester Local Plan.)

13. NO DETRIMENT TO AMENITY
14. Refrigeration units on vehicles delivering or making collections on site shall be switched off while the vehicle is stationary and undertaking a delivery/collection of goods.(in the interests of amenity and in accordance with policy PS10 of the City of Leicester Local Plan).
15. Any deep excavations should be covered or ramped to ensure badgers have a means of escape should they become trapped. If during the proposed development works any badger setts are found at the site or within 30 metres of the site, all works should cease immediately and a suitably qualified ecologist should be consulted. (In the interest of biodiversity and in accordance with policy CS 17 Biodiversity of the Core Strategy)
16. No works shall commence on the site until ecological mitigation schemes have been submitted and approved in writing by the local planning authority. The schemes should include details of methodologies for the protection of existing features such as trees and hedgerows and associated fauna and should include details of fencing and timing of operations; tree, shrub and hedgerow planting and aftercare proposals; and habitats [meadow, tree planting] to be newly created or existing habitats to be enhanced and ten years aftercare proposals including construction, seeding, planting and establishment and replacement details (In the interest of biodiversity and in accordance with policy CS 17 Biodiversity of the Core Strategy).
17. Before the development is begun a detailed design plan of external lighting to be used shall be submitted and approved in writing by the local planning authority. The lighting should be designed to cause minimum disturbance to protected species that may inhabit the site. The approved scheme shall be implemented and retained thereafter. (In the interests of protecting wildlife habitats and in accordance with policy BE22 and policy CS 17 Biodiversity of the Core Strategy)
18. Before the construction commences on the site full design details of the proposed solar photo voltaic installations on each of the units to meet the required target of 17% of renewable energy of the total predicted energy demand for the site shall be submitted to and agreed in writing with the City Council as local planning authority. Before the development is occupied satisfactory evidence will be required demonstrating satisfactory operation of the agreed scheme, including on-site installation, in accordance with the

agreed details. The installations shall be maintained in working order for the life of the development. (To ensure sustainable energy efficiency in accordance with saved Policy BE16 of the Leicester local plan)

19. This consent shall relate to the submitted plans as amended by plan ref. no's. NK017557_SK016A; SK018; SK019; and SK020 received by the City Council as local planning authority on 15th August 2013, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

NOTES FOR APPLICANT

1. With regard to the condition about the new adoptable highway including street lighting please contact Ravi Mohankumar 0116 225 6600.
2. With regard to the travel plan please contact Bal Minhas: 0116252 6523.
3. The applicant is advised that in order to ensure that provisions of condition 13 can be satisfied supplementary details in respect of the predicted noise emissions of all external plant and machinery from individual units should be provided.
4. Development at the High View Close site may impact on protected species of wildlife. It is a criminal offence to kill, injure or disturb protected species and their habitat in accordance with the Wildlife and Countryside Act (1981) as amended and The Habitat & Species Regulations (2010). If, during the development a protected species is found, work must cease immediately and a suitably qualified ecologist or Natural England be contacted. Contact details for Natural England are: 0845 600 3078 8.30am - 4.15pm (Monday - Friday)
Great Crested Newts and Reptiles are UK and European protected species. The ecology survey found the habitat to be suitable for both species and during development appropriate action is required should any protected species be found.
5. Should the development not commence within 12 months of the date of the last protected species survey (June 2013), then a further protected species survey shall be carried out of all buildings, trees and other features by a suitably qualified ecologist. The survey results shall be submitted to and agreed in writing with the local planning authority and any identified mitigation measures carried out before the development is begun. Thereafter the survey should be repeated annually until the development begins. (To comply with the Wildlife and Countryside Act 1981 (as amended by the CRoW Act 2000), the Habitat & Species Regulations 2010 and CS 17 of the Core Strategy)
6. Condition 18 assumes an estimated net total annual operational energy demand of 140,673 kWh/yr. The agreed scheme will need to operate to a satisfactory performance in terms of a renewable energy actual percentage of actual consumption, which shall be confirmed at the time of condition discharge.

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006_BE16 Planning permission will be granted for the development of renewable energy installations where local impacts are not outweighed by wider benefits. Major developments must realise their potential for incorporating renewable energy technologies.
- 2006_BE22 Planning permission for development that consists of, or includes, external lighting will be permitted where the City Council is satisfied that it meets certain criteria.
- 2006_E04 Planning permission granted for appropriate high quality B1 and B2 and complementary uses within the Business Parks identified on the Proposals Map if they meet criteria.
- 2006_GE01 Permission not normally granted if development adversely affects Sites of Special Scientific Interest.
- 2006_GE02 Permission not normally granted if development adversely affects Sites of Importance for Nature Conservation, Local Nature Reserves and the Regionally Important Geological Sites.
- 2010_CS01 The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
- 2010_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2010_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2010_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2010_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.