

PLANNING APPLICATION REPORT

Case Officer: Wendy Ormsby

Parish: Dartmouth **Ward:** Dartmouth and East Dart

Application No: 2686/17/VAR

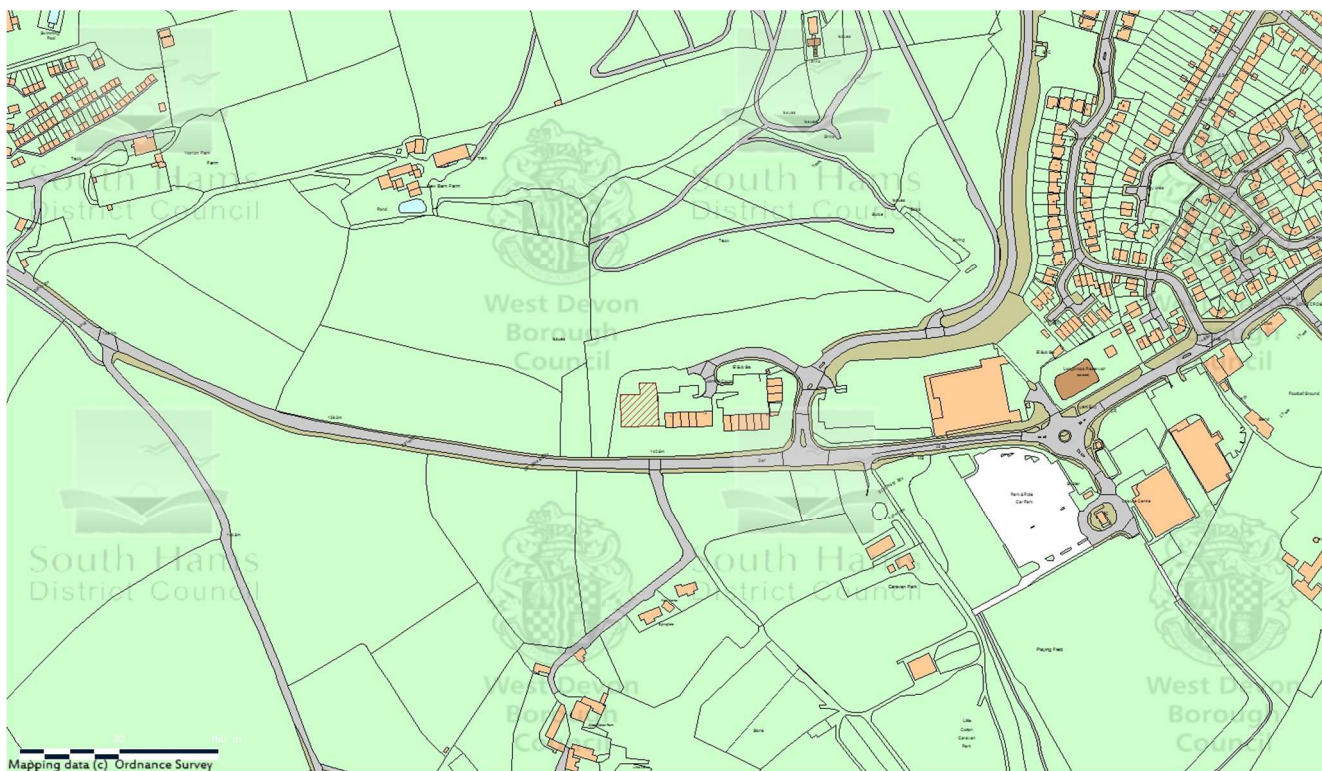
Agent/Applicant:

SHDC
Follaton House
Plymouth Road
Totnes
TQ9 5NE

Site Address: Admiral Court, Nelson Road, Dartmouth, Devon

Development: Application for variation of condition 2 of granted planning consent 0901/16/FUL.

Reason item is being put before Committee: Applicant is SHDC



Recommendation: Conditional Approval

Conditions

Accords with plans
Drainage to be agreed
Materials to match existing units within site
Unsuspected contamination
Details of hardsurfacing to be agreed
Parking to be provided and retained

Site Description:

Admiral Court is an existing, small industrial estate on the western edge of Dartmouth. Access is from Nelson Road which runs to the east of the site, the A3122 main road into Dartmouth runs along the southern site boundary. Open countryside lies to the north and west.

The site is well screened from the main road by mature vegetation and bunds and there is screen planting surrounding the site.

Admiral Court currently accommodates 14 light industrial units with parking and circulation space. Work has commenced on site to implement planning permission 0901/16/FUL

The Proposal:

Planning permission has been granted for the erection of 7 industrial units at Admiral Court. This application seeks permission to insert one high level window in the rear elevation of each of the units. The windows measure approx. 1m x 1.2m.

Consultations:

- County Highways Authority – no comment
- Environmental Health Section - no comment
- Town/Parish Council – recommend approval

Representations:

No letters received

Relevant Planning History

0901/16/FUL - Erection of 2no. terraces of industrial units (class B1) – Conditional approval

15/0041/98/10. Engineering works to form access and levelled site for future industrial development Regulation 3 LPA own development pursuant to Economy & Employment Committee Minute EE 29/97. Land to the north of the A3122 West of Townstal Estate Dartmouth.
Conditional approval: 05 Mar 98

15/0535/06/DC

Construction of 5 industrial units and associated parking Regulation 3 LPA own development pursuant to a decision by Executive Minute No. E107/05 dated 5th January 2006
Admiral Court Nelson Road Dartmouth

Conditional approval: 18 May 06

15/0683/00/F

Construction of factory and offices Dartmouth Gateway Townstal Industrial Estate Dartmouth

Conditional approval: 20 Jul 00

15/0610/75/3

Outline application for part residential and part employment use B.1 B.2 & B.8 including landscaping and reservation of land for a proposed link road. Area west of Townstal Dartmouth.

Conditional approval: 26 Sep 96

ANALYSIS

Principle of Development/Sustainability:

The principle of the development has been accepted in the original grant of planning permission 0901/16/FUL

Design/Landscape:

The site is well screened from the main road and the wider landscape. The proposed windows will have no adverse visual impact nor will they result in detrimental light spill.

Neighbour Amenity:

There are no properties nearby that would be adversely affected by the proposals

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development

CS7 Design

CS9 Landscape and Historic Environment

CS10 Nature Conservation

CS11 Climate Change

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP4 Sustainable Construction

DP5 Conservation and Wildlife

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV15 Supporting the rural economy

DEV24 Landscape character

DEV28 Protecting and enhancing biodiversity and geological conservation

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Proposed conditions in full

1. The development hereby approved shall in all respects accord strictly with drawing numbers 1981-000, 1981-001, 1981-005, 1981-006 and SK1-UA008196-UU41 submitted in respect of application ref 0901/16/FUL and drawing numbers 1981-002 revB, 1981-003 rev B submitted in support of this variation of condition application.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

2. The materials to be used in the external surfaces of the buildings hereby approved shall match the materials used in the existing buildings within Admirals Court unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area.

3. Notwithstanding the submitted details, the development hereby permitted shall not be occupied until further details for the management of surface water that are SUDs complaint have been submitted to and approved by the Local Planning Authority. The approved drainage scheme shall be installed in strict accordance with the approved

details, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with.

Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

5. Prior to the construction of the buildings above slab level details of the materials to be used for hardsurfacing within site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of the area.

6. The buildings hereby approved shall not be occupied until the parking and servicing areas relating to them, as shown on the submitted drawings and in accordance with details that shall have been previously been agreed pursuant to condition 6 have been properly consolidated, surfaced, laid out and constructed. The parking and servicing areas shall be kept permanently available for the parking and manoeuvring of motor vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate and satisfactory provision is made for the parking and manoeuvring of vehicles clear in the interests of road safety and amenity.