

## **General Development Applications**

**Planning Application No: PAP/2010/0514**

**Plot 1, Phase 2, Birch Coppice Business Park, Dordon**

**Application for the approval of reserved matters following outline permission 2010/0102 – the erection of a distribution centre for**

**Ocado Ltd**

### **Introduction**

This report provides a recommendation for this planning application, and follows on from the report set out in the Agenda. It is not proposed to repeat the description of the site or the proposal as this remains as in the Appendix to that report. This report will update Members on the progress that has been made on the issues raised in Appendix A such that the application can now be recommended for approval.

Revised plans and elevation drawings have been received as a consequence of this ongoing discussion and these are attached as Appendices to this report. These cover landscaping and car parking matters as well as introducing a minor elevation change which will be dealt with below.

### **Development Plan**

Saved Policies of the North Warwickshire Local Plan 2006 – ENV4 (Trees and Hedgerows), ENV10 (Energy Generation and Conservation), ENV11 (Neighbour Amenities), ENV12 (Urban Design), ENV13 (Building Design), ENV14 (Access Design), TPT 6 (Vehicle Parking)

### **Consultations**

Severn Trent Water Ltd – No objection subject to a standard condition requiring the approval of drainage arrangements.

Fire Services Authority – No objection subject to a standard condition requiring approval of fire fighting water supplies.

Warwickshire Police (Crime Prevention) – No objection

### **Representations**

A letter has been received from a resident of Hill Top in Baddesley, expressing concern about noise and lighting.

## **Observations**

The issues raised in the previous report will be brought up to date and any other issues raised during the consultation period will now be considered.

## **Landscaping**

The applicant has accepted the matters raised by Members in regard for the need to supplement the original planting around this plot. The revised plans now show increased levels of planting generally; tree planting within the car park areas and grass provided over the areas that are shown to be safeguarded for possible future car parking. As a consequence, it is considered that this matter has been satisfactorily dealt with.

## **Facing Materials**

The applicant has agreed to use “goose wing” grey coloured cladding for the majority of the building. Other areas would be clad in either “apple” green or purple to reflect the corporate brand/image of the applicant company. A sample of the grey cladding will be available at the meeting.

As explained earlier, buildings within Phase One of the Birch Coppice development mainly use green and brown cladding colours. Those units on the more visible eastern side of Phase One are predominantly clad in a mushroom coloured cladding, however some buildings on the western side, underneath the spoil heap, do use grey coloured cladding where there is the dark backdrop of the spoil heap.

The Phase Two development will occupy lower ground to the south east of Phase One. Buildings here will be visible, as those currently are on the eastern side of Phase One, from the surrounding higher ground to the south and east. The use of grey coloured external cladding will thus depart from the pattern already set at Birch Coppice. The selected colour, goose wing grey, is however a light shade, and will soften the appearance of the large building. Additionally, the visual impact of the Ocado building will be reduced when the remaining plots to its east are subsequently developed. The use of appropriate coloured cladding for those buildings should reflect the trend already set on the estate in order to help integrate the site as a whole whilst respecting its surroundings.

## **Car Parking**

As reported in Appendix A of the main report, this has been recognised as a major issue. The applicant originally proposed 1172 car park spaces but after further discussion, this has reduced to a requirement for 825 spaces. As reported in Appendix A, it is considered that this reduced figure can be accepted. Sufficient land to accommodate any additional space has been safeguarded on the latest plan, and this land is shown to be grassed until it is needed. The recommendation includes a number of conditions to control the “release” of this safeguarded land. In essence, the applicant would have to provide evidence to show that it was essential for it to be used for car parking, and that evidence would have to be based on the

outcome/success of the measures included in the Green Travel Plan that will have been introduced to reduce private car travel. It is now considered that a reasonable balance of the various interests has been achieved.

### **Draft Section 106 Agreement – Transport**

Further discussions have continued on the transport content of the draft Section 106 Agreement. The applicant has explained the reasoning behind the £50k contribution suggested in the previous report. They say that the level of contribution to support the Bus-to-Work project as contained within the recent IM Properties Section 106 - £150K - should not be taken as an indicator or as a benchmark for the level of contributions from individual occupiers. They argue that the IM contribution was for the benefit of occupiers on the whole of the two phases of the estate, and that it would be unreasonable to expect the same level of contribution from an individual tenant. They suggest that because the application plot is around a third of the Phase Two estate in area, then the contribution should be pro-rata – in other words £50k. It is accepted that there is merit in this approach. However, Council officers have pointed out that Ocado's car parking requirement here is considerable, and that the apportionment suggested above, should really be supplemented by other measures, if not through a directly increased contribution. As a consequence it has been agreed firstly to recommend the controlling conditions as referred to in the previous section, and secondly to add clauses to the Green Travel Plan. Normally within a Green Travel Plan there are agreed financial penalties if targets outlined in the Plan for reducing car travel are not met. It is suggested in this case, that any financial penalty incurred through not meeting Ocado's Green Travel Plan targets would go towards the Bus-to-Work project. As a consequence, this package of measures – the contribution; the conditions and the approach to be adopted if Green Travel Plan targets are not met, is now considered to be acceptable.

### **Draft Section 106 Agreement – Training**

Officers have indicated to the applicant that the driving force behind the Council's support for the Ocado application has been the opportunity to secure a considerable increase in jobs for the area, particularly in the Polesworth/Dordon area. Much more work has now been undertaken between the applicant and the County Council's Economic Development team on understanding Ocado's requirements and its own corporate training provisions. As previously indicated, the intention here is not to replicate those measures but to provide the links between local people and the job opportunities that could potentially become available. The applicant points out that the County Council already has a significant contribution from the IM Properties Section 106 Agreement, and that this too should in part be used to Ocado's benefit. The ongoing discussions between the parties have made further progress and it is now considered that "bespoke" measures for Ocado's requirements, as set out in Appendix A to the main report, can be achieved with a £75k contribution. As mentioned above, this can be supplemented from the extant IM contribution if necessary. It is pleasing to report that Ocado has now agreed this level of contribution, and the County Council has also indicated that this will now be satisfactory. This is the level of contribution now being offered, and it is recommended that this now be accepted.

## **The Elevation Changes**

The main visitor entrance and reception were shown to be at ground floor level on the original plans. The applicant has decided that this should now be within a separate unit slightly divorced from the main building but connected to it at first floor level thus necessitating a glazed bridge connection. This removes the need for any visitor or staff member to cross an exit road from the site thus improving safety. Overall this has very little visual impact given the scale of the main building and the fact that the building is located at the lowest part of the Phase Two development.

## **Other Matters**

There is nothing arising from the consultation process that can not be dealt with by way of condition. The matters raised by the representation are acknowledged. A condition similar to that used at Hams Hall and Phase One at Birch Coppice is recommended in respect of the “reversing” alarms for HGV traffic, and the lighting plans submitted by Ocado reflect similar arrangements already accepted on the other plots at Birch Coppice. These plans confirm that there is very unlikely to be any spill of light outside the plot and that all light sources will be set horizontally so as to reduce the risk of glare.

## **Recommendation**

That subject to a Section 106 Agreement containing the matters as mentioned in this report, planning permission be granted for the approval of all matters reserved by conditions (iii) and (iv), together with condition 23 of planning permission 2010/0102 dated 19 August 2010, subject to the following conditions:

- i) Standard Plan numbers condition.
- ii) The building hereby approved shall not be brought into business use until such time as a Green Travel Plan has first been submitted to and approved in writing by the Local Planning Authority. This Plan shall include a set of objectives and measures to reduce the use of the private car, as well as support and enhance existing and new, more sustainable modes of transport to this particular site. It shall contain the method of reviewing and monitoring these objectives and measures, together with sanctions should these measures not be obtained.

Reason: In order to encourage and ensure sustainable modes of transport to this site

- iii) Space for 825 cars shall be provided in the locations shown on the approved plan defined by condition (i) above. These shall be constructed, laid and marked out in accordance with details that first shall have been submitted to and approved in writing by the Local Planning Authority. These spaces shall be made fully available prior to the first occupation of the building hereby approved for business purposes. For the avoidance of doubt these spaces as constructed under the terms of this condition shall be defined as “permanent” car parking spaces.

Reason: In the interests of securing on-site car parking provision.

- iv) Additional land shall be safeguarded in the locations as shown on the approved plan defined by condition (i) above for potential additional permanent car parking space. At the time of first occupation of these premises for business purposes, it shall be grassed and not used for any car parking purposes whatsoever. For the avoidance of doubt this land shall be defined as “safeguarded car parking space”.

Reason: In the interests of safeguarding future car parking areas so as to prevent on-street car parking.

- v) None of the land defined as “safeguarded car parking space” defined by condition (iv) above, shall be used for any car parking purposes without the written consent of the Local Planning Authority. Any such request under this condition, to use this safeguarded land for car parking purposes shall be accompanied by evidence to verify that such additional permanent space is essential with reference to the outcomes of the measures contained in the Green Travel Plan to be agreed under condition (ii) above.

Reason: In order to ensure that the objectives of the Green Travel Plan in encouraging more sustainable modes of transport are being effective.

- vi) The development hereby approved shall not be commenced until such time as a scheme for the provision of adequate water supplies and fire hydrants, necessary for fire fighting purposes at the site, has first been submitted to and approved in writing by the Local Planning Authority. The development shall not then be brought into business use until the scheme so approved has been fully implemented to the satisfaction in writing by the Local Planning Authority.

Reason: In the interests of fire safety.

- vii) The development hereby submitted shall not be commenced until details of the foul and surface drainage systems to be installed have first been submitted to and approved in writing by the Local Planning Authority. The building shall not be brought into business use until such time as the approved plans have been fully implemented.

Reason: To ensure that the development is provided with satisfactory means of drainage so as to reduce the risks of flooding and pollution.

- viii) The landscaping and planting scheme detailed on the approved plans shall be implemented in full within six calendar months following the date of first occupation of the premises for business purposes and in the event of any tree or plant failing to become established within five years thereafter, each individual tree or plant shall be replaced within the next available planting season to the satisfaction of the Local Planning Authority.

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

- ix) The sprinkler tanks and pump house shown on the approved plan shall not be constructed until elevations have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity.

- x) No gatehouse or other external structure including enclosures, screen walls and fences shall be erected unless details including elevations and materials have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and amenity.

- xi) No external lighting or sound amplification equipment shall be installed on any building on the site, or within the site until details have first been submitted to and approved in writing by the Local Planning Authority. Only the approved measures shall then be installed.

Reason: In the interests of amenity.

- xii) No building hereby permitted shall be occupied until the estate roads including footways and cycle ways as shown on the approved plans, have first been laid out and substantially constructed.

Reason: In the interests of highway safety and amenity.

- xiii) The use of the development hereby permitted shall not commence until the access roads, vehicle parking, turning, loading and unloading areas as shown on the approved plans have first been constructed, surfaced and marked out in accordance with the approved details. These areas shall thereafter not be used for any other purpose other than for parking, turning, and the loading and unloading of vehicles

Reason: In the interests of highway safety.

- xiv) The development hereby approved shall not be occupied for business purposes until the scope of an impact assessment of the noise associated with external activities to be undertaken at the premises, including noise associated with vehicle reversing manoeuvres, has first been submitted to the Local Planning Authority. This report shall make recommendations for measures to mitigate any adverse noise impacts identified by that report. The premises shall not be brought into business use until such time as these or other appropriate mitigation measures have been approved in writing and installed on site. All such measures shall be complied with at all times.

Reason: In the interests of amenity.

#### Policies:

As set out above

#### Justification:

The principle of a building of this size has already been agreed at outline stage and thus highway and drainage issues have been resolved during that process. This application deals just with the detail of the layout and appearance of this particular plot. Those details accord with Development Plan policies and reflect what has been approved elsewhere on this estate although here the plot and building are larger in scale. The significant visual impacts have been mitigated through the selection of suitable facing materials; landscaping and satisfactory lighting proposals. The large parking requirement has been accepted due to the particular circumstances of this occupier, but this too has been mitigated through the imposition of conditions restricting automatic use of safeguarded land for car parking use and the need to provide a Green Travel Plan. An accompanying 106 Agreement builds on measures already agreed at outline stage with the land owner relating to financial contributions towards alternative transport arrangements to the car, and to support training opportunities in the locality such that the local community can access the job opportunities here. The measures in this 106 Agreement are bespoke to the applicant.

## BACKGROUND PAPERS

Local Government Act 1972 Section 100D, as substituted by the Local Government Act, 2000 Section 97

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Background Paper No	Author	Nature of Background Paper	Date
1	The Applicant or Agent	Application Forms and Plans	4/10/10
2	Severn Trent Water	Consultation	22/10/10
3	Fire Services Authority	Consultation	5/11/10
4	Mr & Mrs Gray	Representation	2/9/10
5	Warwickshire Police	Consultation	10/11/10
6	Agent	E-mail	9/12/10
7	Agent	E-mail	20/12/10
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*Note: This list of background papers excludes published documents which may be referred to in the report, such as The Development Plan and Planning Policy Guidance Notes.*

*A background paper will include any item which the Planning Officer has relied upon in preparing the report and formulating his recommendation. This may include correspondence, reports and documents such as Environmental Impact Assessments or Traffic Impact Assessments.*





