

FIRST SUPPLEMENTARY REPORT
TO THE PLANNING COMMITTEE
26th May 2020

Agenda Item 4

Application Ref. 20/00123/OUT

Land West of Pit Head Close, Lymedale Business Park

Since the publication of the main agenda report the applicant has queried a number of points in the report, particularly some of the recommended conditions.

Firstly, the applicant has raised concerns with the level of electric vehicle charging provision being requested. They believe that provision for 20% of all car parking spaces is excessive and that it would be more appropriate for 10% of spaces to have cable provision (passive installation).

Issues are also raised with regards to the need for conditions 7 (Traffic Regulation Order) and 18 (Landscape Masterplan). Also that planting outside of the red edge would not be possible on third party land.

The applicant also seeks clarification on the need for condition 9 (travel plan framework) to be worded as a Grampian condition as indicated in the key issues section of the report.

Finally, the applicant wishes to emphasise that the scheme includes a proposed pedestrian/cycle path which they believe is not made clear in the report.

The **Lead Local Flood Authority (LLFA)** have confirmed that they are content with the information submitted subject to a condition which secures a detailed surface water drainage design.

Officers Comments

Paragraph 3.12 of the main agenda report sets out that the Council currently has no adopted policy relating to electric vehicle charging. However, a Government consultation document 'Electric Vehicle Charging in Residential and Non-Residential Buildings' indicates that for new non-residential buildings with more than 10 parking spaces, it is proposed to introduce a requirement to have at least one chargepoint and cabling routes for every five spaces.

It is acknowledged that this document is only a consultation document and that responses and feedback on the document have not been given by the Government. However, notwithstanding this, the document is central to the delivery of the Government's aim of zero emissions by 2040, as part of the Road to Zero strategy. Therefore, without any adopted policy or other guidance documents it is considered that the requested level (provision for 20% of spaces) is justified and in accordance with the Government's aim of working towards zero emissions by 2040.

In terms of recommended condition 7 and the need for a condition to secure the removal of the TRO on Pit Head Close, your officers have discussed the matter with the Highways Authority. The TRO would need to be revoked as part of the wider Highway Works Agreement which is required in order to secure an acceptable

access construction and which would be submitted to the Highways Authority for approval. It is accepted that the condition is not necessary.

The reference to the implementation of a travel plan framework via a Grampian condition in the main agenda report (paragraph 3.13) was in error. However, a condition (condition 9) to secure the implementation and future monitoring of the travel plan still needs to be secured by condition. The S106 obligation will only secure the payment of the monitoring fee to the County Council.

The applicant contests that securing a Landscape Masterplan (condition 18) is premature and not necessary because landscaping is reserved for subsequent approval. Whilst your officers accept that full details of landscaping are reserved for subsequent approval, this matter is of particular importance due to the potential height of the proposed building and its relationship with the open space to the south and views from the Apedale Country Park. It is envisaged that the requested landscape master plan would go beyond a requirement to submit a soft landscaping scheme for approval and on this basis it is considered necessary to secure this at this stage. Furthermore, it is accepted that any planting outside of the red edge application site is not justified and this emphasises the need for the site to be the subject of a landscape master plan.

The application proposes infrastructure improvements in the form of a new foot/cycle path to connect the proposed development to Loomer Road. The proposed works will extend the existing shared/cycle path which connects the residential areas to the wider business park and beyond. This is a significant sustainable development benefit of the scheme and will contribute to reducing vehicle movements and give future employees an alternative mode of travel to access jobs.

Finally, the condition requested by the LLFA is covered by condition 16 of the revised recommendation as set out below.

The RECOMMENDATION is revised as follows;

A. Subject to the receipt of no objections from the Coal Authority by the date of the Committee meeting that cannot be overcome through the imposition of conditions or, if no comments are received by that date, the Head of Planning being given the delegated authority to determine the application after the 2nd June 2020 upon receipt and consideration of the Coal Authorities comments, and

B. Subject to the applicant first entering into a Section 106 obligation by the 1st July 2020 to secure a contribution sum of £2,407 towards Travel Plan monitoring,

PERMIT the application subject to conditions relating to the following matters:-

- 1. Standard time limits for submission of applications for approval of reserved matters and commencement of development;**
- 2. Approved plans;**
- 3. Any reserved matters application to comply with principles of the Design and Access Statement;**
- 4. The building(s) shall have a maximum height of 22 metres;**
- 5. Prior approval of full site access details, including the footway / cycle path;**
- 6. The existing site access on Loomer Road permanently closed off;**

7. Secure weatherproof cycle parking facility;
8. Implementation of Travel Plan Framework;
9. Prior approval of access gates;
10. Highway & Environmental Construction and Demolition Management Plan (CMP)
11. Reserved matters application to be accompanied by a noise assessment and noise a management plan;
12. Prior approval of external lighting
13. Electric vehicle charging provision
14. Land contamination investigations and mitigation measures;
15. Unexpected ground water contamination;
16. Reserved matters application to include a detailed surface water drainage scheme (SuDS);
17. Reserved matters application to be accompanied by a landscape masterplan;
18. TV reception mitigation measures;
19. Reserved matters application to include refuse collection arrangements;
20. Intrusive coal mining site investigations and remedial works implementation;
21. Recommendations as per the submitted ecological report

C. Should the matters referred to in (B) above not be secured within the above period, then the Head of Planning be given delegated authority to refuse the application on the grounds that without such matters being secured the development would fail to secure sustainable development objectives, or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.