

ITEM: 05

Application Number: 09/01404/FUL

Applicant: The Una Group

Description of Application: Continue use as vehicle hire, concrete works, motor cycle instruction centre and crane hire business, retention of associated portacabins, containers and plant, and erection of a renal unit and carwash for a temporary period of 10 years

Type of Application: Full Application

Site Address: EATON BUSINESS PARK, PLYMBRIDGE ROAD
ESTOVER PLYMOUTH

Ward: Moor View

Valid Date of Application: 26/10/2009

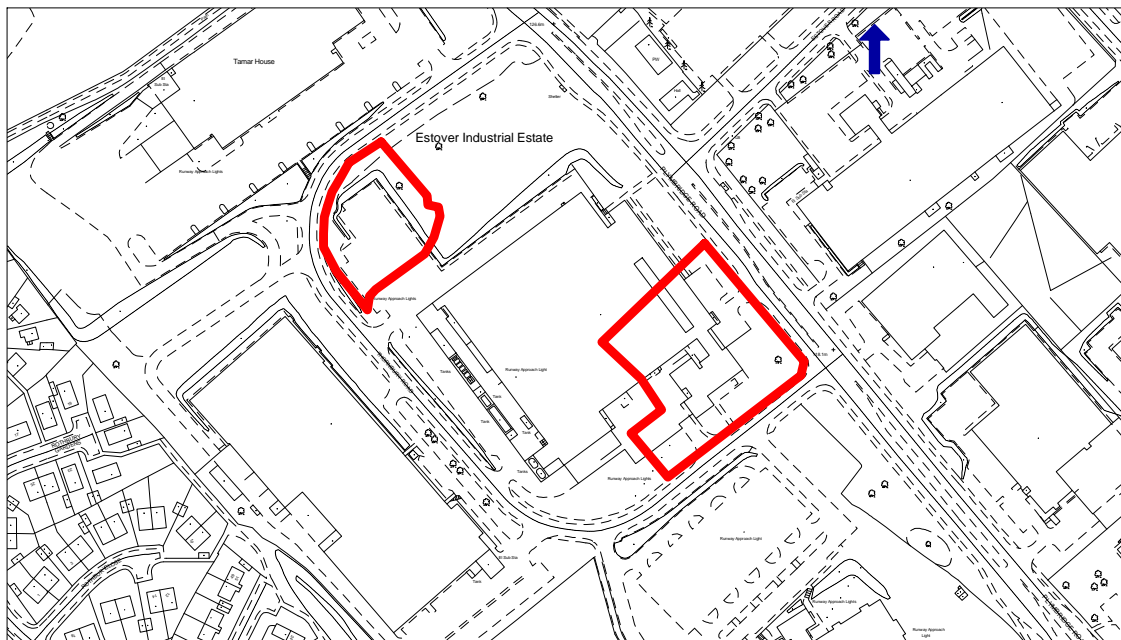
8/13 Week Date: **25/01/2010**

Decision Category: Major Application

Case Officer : Carly Francis

Recommendation: Grant conditionally subject to S106 Obligation delegated authority to refuse by 01/03/10

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OFFICERS REPORT

Site Description

This largely flat site is located in Eaton Business Park in Estover. The site roughly rectangular in site is surrounded by roads on all four sides. Plymbridge Road runs along the north-east boundary of the site and Thornbury Road runs around the other three sides. The surrounding area is characterised by low rise commercial and industrial premises. Some landscaping exists around the perimeter of the site and there is a green 2.5m high galvanised and colour coated welded metal wire and steel post fencing runs around the entire site. The site has already been divided into some existing commercial plots with similar fencing demarking some areas. Existing plots are already in use as a vehicle hire, crane hire depot, concrete works and motorcycle instruction centre. There are temporary buildings on site relating to these uses. Part of this application is to formalise these uses.

Proposal Description

Continue use as vehicle hire, concrete works, crane hire business and motorcycle instruction centre, retention of associated portacabins, containers and plant, and erection of a renal unit and carwash, all for a temporary period of 10 years.

The applicants have indicated that there are likely to be future planning applications for other plots on this site, however these will of course be subject to further detailed scrutiny and this recommendation should not be taken as approval in principle of any use not shown within the red lines of the site as described below.

More detail regarding the various uses is given below, including the staff numbers expected:

Renal Unit

A single storey temporary building will be erected with a floor area of 886m². The Renal Unit will operate from 0700 – 1900 Monday to Saturday with the potential of opening later on Monday, Wednesday and Friday if demand dictates, in which case it would close around 23.00 on those days.

No patients would stay overnight at the premises, the NHS Trust are anticipating treating 50-60 patients per day for Haemodialysis Out Patient treatment only. This is a method for removing waste products as well as free water from the blood when the kidneys are in renal failure

The Unit will employ approximately 8 members of staff at any one time.

Motor Cycle Instruction Centre

The centre will operate from 0800 – 1700 Monday to Saturday. The operation will entail motor cycle training. This will mostly be in a classroom environment on site with some on-site practical training and a limited amount of off-site on-road training.

The Centre will employ a maximum of 2 staff to provide the training.

Acorn Vehicle Hire

This unit will operate from 0800 – 1700 Monday to Saturday. The operation will entail the commercial hiring of cars and vans, most of which is to businesses. There are off hire vehicles parked on site but most vehicles are on long term hire to businesses.

There are 2 people employed on site.

Concrete Works

This unit will operate from 0700 – 1800 Monday to Friday and 0700 – 1200 Saturday. There are 2 mobile concrete batching vehicles operating from this unit which are parked overnight on the site. These vehicles collect the aggregate for the concrete mixes from the batching plant on site. The concrete is mixed either on route to its destination or on the site for delivery. There is no facility to mix concrete on site.

There are 2 drivers employed to operate the concrete batching vehicles and 1 on-site manager.

Crane Hire

This unit will operate from 0800 – 1700 Monday to Friday and from 0800 – 1200 Saturday. There will be 5 mobile cranes for hire which are generally out on hire daily. These vehicles will return to site and be parked overnight. There are 5 drivers employed to operate the mobile cranes and 1 sales/manager based on site.

Car Wash

This unit will operate from 0800 – 1700 Monday to Sunday. The operation will include the hand washing of cars and small commercial vehicles only. There will be a concrete hardstanding on which to wash the cars with a flat roof canopy over this area and a small portacabin.

There will be 2 staff employed on site to carry out these operations

Relevant Planning History

Nil.

Consultation Responses

Highway Authority- no objections providing conditions regarding vehicular access, cycle provision and details of a Green Staff Travel Plan be attached to any grant of planning approval.

Public Protection Service- no objections however recommend that conditions regarding a land contamination assessment be attached to any grant of planning permission.

Civil Aviation Authority/ Plymouth City Airport- no objections providing any lighting to be included in the development is of flat glass, full cut-off design with horizontal mountings so there is no light spill above the horizontal.

Sutton Harbour Company- no comments received.

Representations

Nil.

Analysis

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

The main considerations for this application are the compatibility of the uses proposed with each other and surrounding uses, the impact on future plans for Plymouth City Airport and the impact on the highway.

This application turns on policies CS01, CS04, CS22, CS27, CS28, CS31, CS33 and CS34 from the adopted Core Strategy, Plymouth City Councils 'Development Guidelines' SPD, Plymouth Airport Interim Planning Statement 16 and Derriford and Seaton Area Action Plan 2006-2021 (issues and preferred option consultation- February 2009). In addition to this local policy, national guidance includes; Circular 1/2002 'Control of Development in Airport Safety Zones', the Government White Paper: 'The Future of Air Transport' (Department for Transport, December 2003), Regional Planning Guidance Note 10 and the Devon County Structure Plan.

A pre-application enquiry was considered in respect of this application. The applicant was made aware of the constraints of the site and formed his proposals around these constraints.

One of the constraints is that part of this site lies within the Airport Public Safety Zone. Public Safety Zones are areas of land at the ends of the runways, within which development is restricted, in order to minimise the number of people on the ground at risk of death or injury in the event of an aircraft crash on take-off or landing. The uses proposed as part of this application that would fall within this zone, are part of the concrete works and the car wash.

Circular 1/2002 'Control of Development in Airport Public Safety Zones' describes some type of development that are permissible within Public Safety Zones. This includes open storage in which a very small number of people are likely to be present within a sizeable site. The uses that are proposed within

the Airport Public Safety Zone are the types of uses that have a limited number of employees, the car wash will have only 2 members of staff and the concrete works will have no more than 3 members of staff. The renal unit and other uses are proposed outside of the Public Safety Zone.

In addition to this, the site is also located within what has been designated as part of the Airport Safeguarding Zone. In addition to Regional Planning Guidance Note 10 and the Devon County Structure Plan, that identify the importance of Plymouth City Airport and the need to continue to improve how it functions, the Plymouth Airport Interim Planning Statement 16 discusses the need to safeguard land immediately to the east of Plymouth Airport (where the application site is) from development. This is to ensure that its future in relation to the operation of the airport plan can be given proper consideration in the development of a strategic master plan. This strategic master plan will be prepared in order to guide the future development of Plymouth Airport in accordance with advice contained within the Government White Paper 'The Future of Air Transport'. The Government White Paper recommends that as master plans are developed for airports, land outside existing airports that is needed for future expansion will need to be protected against future development in the intervening period. Therefore so that Plymouth does not restrict its ability to maintain a serviced airport facility into the future and in accordance with Government advice, it is important to keep options open.

The Derriford and Seaton Area Action Plan 2006-2021 lists improving Plymouth Airport as one of its objectives, it also details the conclusions of a study into the potential future of the airport which was undertaken by York Aviation (commissioned by the Council and Sutton Harbour Holdings). One of the conclusions was that the main (east- west) runway would need to be extended to accommodate the next generation of aircraft.

These documents point towards the importance of restricting development to that which involves a limited amount of people being present on site in Airport Public Safety Zones and to safeguard land for future development. The proposals have been carefully planned, so that the uses within the public safety zones are low density and involve minimal development. The applicants have also only applied for a temporary consent. The proposals will therefore not hinder the plans for the airport and will allow this land to be used for future expansion of the runway if required.

The proposed uses are very varied. The site has traditionally been in storage/ industrial use, having been a former warehouse facility, and forms part of Eaton Business Park where a range of commercial/ industrial uses exist. It may therefore be considered somewhat unusual for a Renal Unit to exist on a Business Park such as this. However given the unique site circumstances and need for this facility, the principle is considered to be acceptable.

The combination of this use with the other uses proposed is not of concern as due to the nature of the treatment, no patients will be staying over night. There may be an element of noise created by the uses but this is not of major concern given that there will be patients coming and going on a daily basis. The

uses are also sited far enough away from residential properties to have no impact on their amenity. For these reasons and given that the existing uses have not resulted in any complaints, the Public Protection Department raise no objection to the proposals.

All of the other uses are what may be considered to be more typically expected on a site such as this, and given that they involve minimal numbers of staff and little development they are considered to be acceptable here. A condition shall be attached to ensure that there can be no increase in staffing levels without prior consent being given by the Local Planning Authority.

Highway Considerations

The Transport Department have considered the application and supporting Transport Statement. A comparison has been made between the former use at the site and that proposed. It is accepted that the likely number of trips, if the proposal is approved, will be reduced. A development should be as sustainable as possible and it is likely that the majority of trips to the site would be made by private car. The former building, now demolished, provided a pedestrian link towards the bus stop in Plymbridge Road. Since demolition a security boundary fence has been provided around the site perimeter which acts as a barrier between the site and the local highway network. Further on-site delineation, to sub-divide the site into smaller plots, could act as a barrier in making the site permeable for pedestrians. Such security measures are accepted as being necessary, but it is still considered that non-car based travel must be promoted wherever possible and such measures should be addressed within a Travel Plan. A draft Travel Plan has now been submitted but a definitive plan shall be secured by way of condition.

It is also considered that secure cycle facilities should be provided for each of the future uses at the site, this shall also be secured by way of condition as although the nature of the facilities proposed within this application may not lend themselves towards promoting visitor trips by cycling, the use of such for staff can be promoted.

The vehicular access for the previous building was from Plymbridge Road, although the main car parking areas and access points were via Thornbury Road. The Transport Department have expressed concern about access to the Renal Unit being from Plymbridge Road and future uses further increasing the number of potential trips. Due to this and the fact that the existing access can only be accessed as a left-in - left-out junction, the Transport Department suggest that this access is downgraded to pedestrian access only and a route is provided from Thornbury Road, past the proposed motor cycle test centre, into the car park. The applicant has however provided evidence to illustrate that vehicle numbers will not be as great as they were with the previous use and therefore on this basis the proposed access arrangements are deemed acceptable for the uses proposed. Any additional uses proposed in future applications will be judged on their merits and alternative access arrangements agreed if necessary. The Transport Department raise no further concerns and it is considered that the proposal accords with policy CS28.

Equalities & Diversities issues

This proposal would provide facilities for those with specific medical needs.

Cycle storage will also be provided.

Section 106 Obligations

The tariff has been calculated on the basis of the buildings and portacabins that are being applied for within this application. The tariff has been calculated to be £14,652; this is with a 50% reduction as they have agreed to start on site within 2 years. Any future developments on this site will have the tariff applied separately according to the charges that apply at that time.

Conclusions

While we would not encourage any development that would contradict with the aims of the future expansion of the airport, it is not considered that the temporary uses proposed would affect these plans and the proposals would make use of what is otherwise likely to remain a vacant site. Minimal development would be required and staffing levels would be low, particularly for those uses that fall within the Airport Public Safety Zone. It is therefore considered that there would be minimal risk in terms of public safety. It is considered that there are benefits in utilising this site for the proposed uses with the Renal Unit providing a much needed facility. For these reasons it is recommended that this application be approved conditionally subject to the S106 being signed, with delegated authority to refuse should the S106 not be signed by 1st March 2010.

Recommendation

In respect of the application dated **26/10/2009** and the submitted drawings, **2721/SLP, 2721/13, 2721/15, 2721/16, 2721/14, 2721/11, 2721/17, amended plans 2721/10 B & 2721/12 A and Preliminary Risk Assessment- Desk Study and Site Renaissance by Reports 4 Planning, Design & Access Statement- Revision A, Transport Statement- Revision A and Draft Travel Plan.** , it is recommended to: **Grant conditionally subject to S106 Obligation delegated authority to refuse by 01/03/10**

Conditions

TEMPORARY USE: REINSTATEMENT

(1) The uses hereby permitted shall be discontinued, the buildings, containers and any associated equipment removed and the land restored to its former condition on or before 1st March 2020 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority before any works commence on site.

Reason:

In the opinion of the Local Planning Authority the temporary use to which this permission relates will need to be ceased in order to safeguard land for expansion of the runway at Plymouth City Airport. This condition is imposed to

comply with Policy CS27 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

LAND QUALITY

(2) Unless otherwise agreed in writing by the Local Planning Authority, conditions 3 to 5 must be complied with within three months of the date of this decision notice. If unexpected contamination is found the uses hereby approved shall be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 6 has been complied with in relation to that contamination.

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 use can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SITE CHARACTERISATION

(3) An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:

- (i) a desk study characterising the site and identifying potential risks from contamination;
- (ii) a survey of the extent, scale and nature of contamination;
- (iii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iv) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

SUBMISSION OF REMEDIATION SCHEME

(4) A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 policy CS34 of the Plymouth Local Development Framework Core Strategy (2206-2021) 2007.

IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(5) The approved remediation scheme shall be carried out in accordance with its terms within three months of the date of this decision notice, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be produced, and is subject to the approval in writing of the Local Planning Authority.

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 policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

REPORTING OF UNEXPECTED CONTAMINATION

(6) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

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 policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(7) Space must be laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for 12 bicycles to be parked, within three months of the date of this decision notice.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021)2007.

GREEN STAFF TRAVEL PLAN DETAILS

(8) The uses hereby permitted shall be carried out in accordance with details of a Green Staff Travel Plan which shall be submitted to and approved in writing by the Local Planning Authority within three months of the date of this decision notice. The Green Staff Travel Plan shall include the following elements:-

- The provision of secure and convenient cycle parking facilities
- The provision of shower and changing facilities for staff
- Measures to regulate the management and use of car parking areas to be permitted
- The appointment of a suitable on-site co-ordinator to monitor and record occupiers' progress in meeting the objectives of the plan. An initial survey of staff travel patterns to/from the site shall be carried out and the results, together with proposed targets for staff cycle and public transport usage and car sharing, submitted to the Local Planning Authority within six months of the development opening for trade. A report shall be submitted to the Local Planning Authority every two years monitoring the progress of the plan and achievement of the identified targets
- Measures for enforcement of the plan, should agreed objectives and targets not be met.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to reduce reliance on the use of private cars (particularly single occupancy journeys) and to assist in the promotion of more sustainable travel choices in accordance with Policy CS28 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

STAFF RESTRICTION

(9) The number of staff employed at the car wash and concrete works shall not be increased from those numbers specified in Appendix 1 of the amended Design and Access Statement, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the opinion of the Local Planning Authority, such measures need to be taken in order to assess the risk had to those working within the Public Safeguarding Zones in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Circular 1/2002 'Control of Development in Airport Public Safety Zones'.

INFORMATIVE: STAFF RESTRICTION

(1) With regard to condition 9, the numbers specified are 2 staff for the car wash and 3 staff for the concrete works.

Statement of Reasons for Approval and Relevant Policies

Having regard to the main planning considerations, which in this case are considered to be: the impact on public safety, the surrounding uses, on the highway and on the future plans of Plymouth City Airport, the proposal is not considered to be demonstrably harmful. In the absence of any other overriding considerations, and with the imposition of the specified conditions, the proposed development is acceptable and complies with (a) policies of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and supporting Development Plan Documents and Supplementary Planning Documents (the status of these documents is set out within the City of Plymouth Local Development Scheme) and the Regional Spatial Strategy, (b) non-superseded site allocations, annex relating to definition of shopping centre boundaries and frontages and annex relating to greenscape schedule of the City of Plymouth Local Plan First Deposit (1995-2011) 2001, and (c) relevant Government Policy Statements and Government Circulars, as follows:

PPS23 - Planning & Pollution Control
RPG10
CS28 - Local Transport Consideration
CS33 - Community Benefits/Planning Obligation
CS34 - Planning Application Consideration
CS18 - Plymouth's Green Space
CS22 - Pollution
CS01 - Sustainable Linked Communities
CS04 - Future Employment Provision
AV9 - Derriford/Seaton
CS31 - Healthcare Provision
CS27 - Supporting Strategic Infrastructure Proposals
1/2002 - Control of Development in Airport Safety Zones