

**ITEM: 08**

**Application Number:** 09/01801/FUL

**Applicant:** Mr Terry Purdy

**Description of Application:** Demolition of former plant hire building and erection of 4 two storey light industrial workshop units, extension to existing factory, recladding of existing factory and provision of associated vehicle parking and turning areas and alterations to access from Oreston Road.

**Type of Application:** Full Application

**Site Address:** 52A ORESTON ROAD PLYMOUTH

**Ward:** Plymstock Radford

**Valid Date of Application:** 08/12/2009

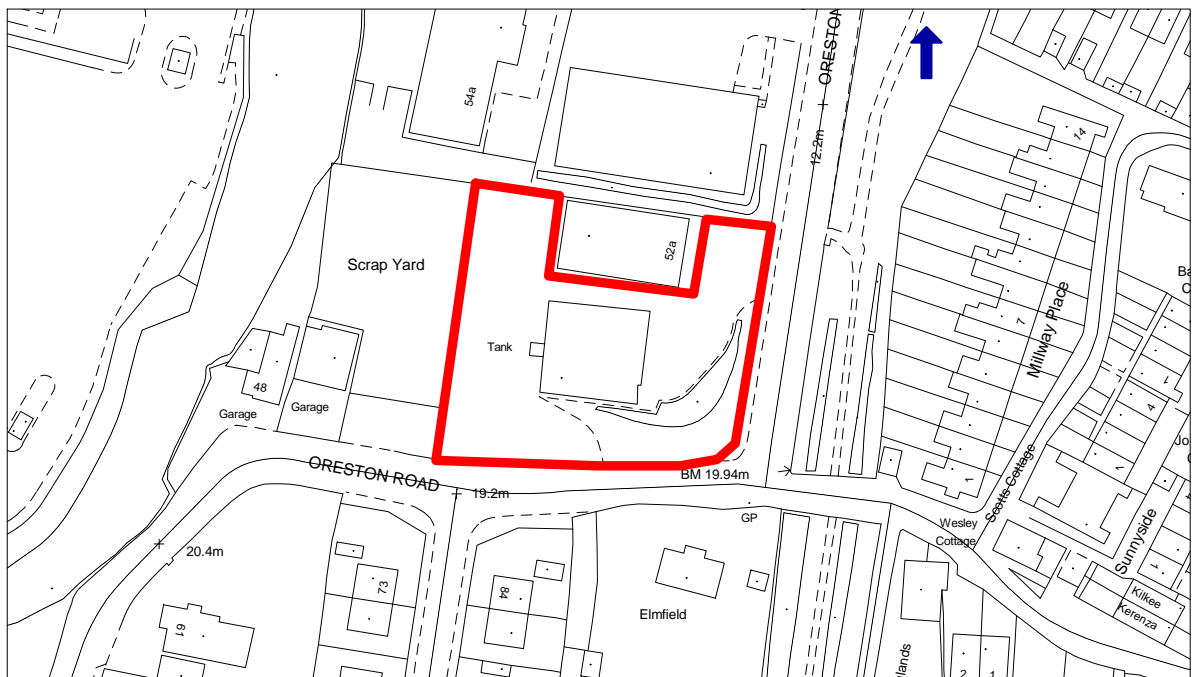
**8/13 Week Date:** **09/03/2010**

**Decision Category:** Major Application

**Case Officer :** Jon Fox

**Recommendation:** Grant conditionally subject to the satisfactory completion of the S106 Obligation. Delegated authority to refuse the application should the S106 Obligation not be signed by the 9<sup>th</sup> March 2010.

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## **OFFICERS REPORT**

### **Site Description**

The site is just over a quarter of a hectare in size and is situated on the western and southern sides of Oreston Road. Beyond Oreston Road, to the east, there is the old railway line and the terrace of houses in Millway Place; and the south the semi-detached houses in Thornyville Villas. The site is bounded on the northern and western sides by commercial properties. The site contains two buildings at present; the TJ Purdy premises, on the northern portion of the site, and a separate industrial building in the centre/southern part of the site. The southern part of the site is set well below the adjacent Oreston Road.

### **Proposal Description**

The original proposal was for six industrial units, which has been amended as follows: Demolition of former plant hire building and erection of 4 two storey light industrial workshop units, extension to existing factory, recladding of existing factory and provision of associated vehicle parking and turning areas and alterations to access from Oreston Road. The four new units are laid out in two pairs of semi-detached buildings, each approximately 15 metres by 18 metres. Mezzanine floors are proposed on one half of each of the four units.

### **Relevant Planning History**

09/01065/FUL - Demolition of former plant hire building and erection of 6 two storey light industrial workshop units, extension to existing factory and provision of associated vehicle parking and turning areas, pedestrian entrance and alterations to access from Oreston Road. This application was withdrawn.

### **Consultation Responses**

#### **Transport**

A Transport Statement accompanies the application that considers the traffic impact of the proposal for the commercial site, and concludes that comparison of the traffic generation of the existing and proposed development indicates that the proposal would have a lesser impact on the local highway network than the combined current and former plant hire business. Overall the proposed redevelopment may be expected to result in a reduction in vehicle trips associated with the application site, trips that during peak periods should not have a material impact on the highway network, therefore overall the proposed development is not predicted to have an adverse impact on the local highway network.

The development would provide 26 car parking spaces for staff and visitors to the site in addition a loading and unloading area is provided in front of each of the small business units for light commercial vehicles. The development would have an indicative loading /unloading area for larger lorries, as shown on the amended application drawing along the east side of the private access road, controlled and managed by the applicant. Covered and secure parking

would be provided for cycles and motorcycles to encourage cycling and motorcycling as a more sustainable alternative means of transport to the private car; secured conditionally.

Transport does not wish to raise any objections to the proposal and recommend conditions are included in any grant of planning permission.

### **Public Protection Service**

Have no objections subject to conditions relating to land quality and a code of practice.

### **Environment Agency**

This proposal falls within the scope of the Environment Agency's Flood Risk Standing Advice. In addition, the EA recommend conditions relating to land quality.

### **Representations**

Five letters were received in respect of the original scheme for six industrial units. The amended scheme is being publicised and any further letters of representation will be reported separately to the planning committee. The letters received so far raise the following objections and concerns:-

1. There will not be enough parking at the site and vehicles will therefore park on Oreston Road and Thornyville Villas.
2. The proposal will add to traffic on the existing, congested main road into Plymouth.
3. Noise and pollution affecting residences and schools.
4. The proposed pedestrian access will encourage parking on the highway.
5. There are insufficient footways in the locality and the additional traffic will cause a danger to pedestrians together with the proposed pedestrian access, which is located on a blind bend. This access is too steep for use by disabled people and therefore they would have to use the vehicular entrance, which is potentially dangerous.
6. The site is too far for cyclists to commute to.
7. The site is not well connected to bus routes and most people would have to use their own transport.
8. The proposed parking bays appear to be small and some spaces would be unusable if a HGV is on site.
9. Each of the 6 new units would have roller doors leading to a bay to be used for loading/unloading but also for additional parking which is surely contradictory in terms of use.
10. Large vehicles will attend the site, despite aims to encourage the use of smaller vehicles, and such vehicles would have to stand on the highway causing an obstruction.
11. Traffic surveys referred to in the Transport Statement relate to sites outside of Plymouth and therefore should not be taken into consideration.

12. The Transport Statement figures and traffic comparisons, i.e. comparisons between existing and proposed traffic generation are biased in favour of the proposals and should be ignored.
13. The projected demand for parking is totally unrealistic.
14. The road layout in the area is sub-standard and existing commercial traffic leads to blocking of the roads in the vicinity.
15. The scale of the development is excessive.
16. The developer should make improvements to the footways outside the site.

### **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 application turns on policies CS04, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and the main issues are the impact on neighbours; highway safety and sustainability and the character and appearance of the area and employment benefits.

With regard to the impact on neighbours, the four new units are situated on the southern part of the site, which is below the level of the adjoining Oreston Road. As such the units would project approximately 4.5 metres above the boundary wall when viewed from the south. The nearest unit to the eastern boundary with Oreston Road is approximately 15 metres away and overall the impact of these four units is not considered to adversely affect neighbours' amenities. The existing TJ Purdy building, which would be overclad, and the proposed extension to this building, would stand well above the commercial properties to the north, but given the industrial nature of surrounding development this relationship would not be harmful.

The use of the units would be between 0800 to 1700 hours Mondays to Saturdays inclusive with no opening on Sundays/Bank Holidays. The extended TJ Purdy building would be opened at the same times. These hours are considered appropriate and would not lead to unreasonable noise and disturbance for surrounding residential occupiers.

With regard to traffic generation, parking and the impact on highway safety, this is the main concern/objection raised by neighbours. The road layout is such that the movement of large vehicles around the site has, and would lead to vehicles having to stand on the highway. However, it is considered that the proposed development would not increase this activity. The parking levels on the site are also considered to be adequate. The site is within an industrial area and has previously been used for industrial purposes. Therefore the question is whether the scale of the proposals is within the general scale of

existing development and use and whilst the proposals make more use of the available site space they are considered to be within these general parameters.

With regard to the character and appearance of the area, the modern, curved roof design of the buildings is considered appropriate - The nearest unit to the eastern boundary with Oreston Road is approximately 15 metres away and the buildings would therefore not stand out in the street scene. In this respect the four new units are situated on the southern part of the site, which is below the level of the adjoining Oreston Road. As such the units would project approximately 4.5 metres above the boundary wall when viewed from the south. Therefore, although closer this boundary (two metres at their nearest), the buildings would not impose unduly in the street scene.

With regard to employment, the proposals make good, and more efficient, use of the site and are considered to deliver an appropriate quantity and quality of industrial development that supports the city's economic vision and strategy.

With regard to the Environment Agency's comments these are essentially calling for the same land quality assessment and remedial measures that are recommended by the Council's Public Protection Service.

#### **Equalities & Diversities issues**

There are no equality and diversity issues in respect of this application.

#### **Section 106 Obligations**

There is no Section 106 application in respect of this application.

#### **Conclusions**

The proposals are considered to provide good employment/economic opportunities and make good use of the site without imposing on residential amenity or the character and appearance of the area. The highway safety concerns of neighbours have weight but are not considered to warrant refusal in view of the existing use of the site and the overall scale of the proposed development. The proposals are therefore considered to be in accordance with policies CS04, CS28 and CS34 of the Core Strategy of Plymouth's Local Development Framework 2007 and it is recommended that planning permission be granted.

#### **Recommendation**

In respect of the application dated **08/12/2009** and the submitted drawings, **1:2500 location plan, AS/1, AS/2, AD/10A, AD/11A, transport statement and accompanying design and access statement**, it is recommended to: **Grant conditionally subject to the satisfactory completion of the S106 Obligation. Delegated authority to refuse the application should the S106 Obligation not be signed by the 9<sup>th</sup> March 2010.**

## **Conditions**

### **DEVELOPMENT TO COMMENCE WITHIN 3 YEARS**

(1) The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

### **CAR PARKING PROVISION**

(2) The development shall not be occupied until space has been laid out delineated and marked within the site in accordance with the Approved plan for 26 cars to be parked and for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason:

To make adequate provision for parking and servicing, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

### **CYCLE & MOTOR CYCLE PROVISION**

(3) The development shall not be occupied until space has been laid out within the site in accordant with details previously submitted to and approved in writing by the Local Planning Authority for a minimum of 5 bicycles and 5 motorcycles to be parked.

Reason:

In order to promote cycling & motorcycling as an alternative to the use of private cars, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

### **CYCLE & MOTOR CYCLE STORAGE**

(4) The secure area for storing cycles & motorcycles shown on the approved plan shall remain available for its intended purpose and shall not be used for any other purpose without the prior consent of the Local Planning Authority.

Reason:

To ensure that there are secure storage facilities available for occupiers of or visitors to the building, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

### **STAFF TRAVEL PLAN**

(5) The development hereby permitted shall not be occupied until a Staff Travel Plan (STP) has been submitted to and approved in writing by the Local Planning Authority. The said STP shall seek to encourage staff to use modes of transport other than the private car to get to and from the premises. It shall also include measures to control the use of the permitted car parking areas; arrangements for monitoring the use of provisions available through the operation of the STP; an the name, position and contact telephone number of

the person responsible for its implementation. From the date of occupation the occupier shall operate the approved STP.

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 Core Strategy of Plymouth's Local Development Framework April 2007.

#### DETAILS OF PEDESTRIAN ACCESS/CYCLE & MOTORCYCLE PARKING/SITE DRAINAGE

(6) No work shall commence on site until details of the following aspects of the development have been submitted to and approved in writing by the Local Planning Authority, viz:- Pedestrian access and circulation areas; cycle & motorcycle parking; site drainage. The works shall conform to the approved details.

Reason:

To ensure that these further details are acceptable to the Local Planning Authority and that they are in keeping with the standards of the vicinity, in accordance with policy CS28 of the Core Strategy of Plymouth's Local Development Framework April 2007.

#### LAND QUALITY

(7) Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 8 to 11 have been complied with. If unexpected contamination is found after development has begun, development must 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 11 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 development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy CS34 of the Core Strategy of Plymouth's Local Development Framework April 2007.

#### SITE CHARACTERISATION

(8) An investigation and risk assessment, in addition to any assessment provided with the planning application, must 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 must 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 must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) 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,
  - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must 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 Core Strategy of Plymouth's Local Development Framework April 2007.

#### SUBMISSION OF REMEDIATION SCHEME

(9) 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 Core Strategy of Plymouth's Local Development Framework April 2007.

#### IMPLEMENTATION OF APPROVED REMEDIATION SCHEME

(10) The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must 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 must 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 Core Strategy of Plymouth's Local Development Framework April 2007.

#### REPORTING OF UNEXPECTED CONTAMINATION

(11) 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 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, 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 10.

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 Core Strategy of Plymouth's Local Development Framework April 2007.

#### CODE OF PRACTICE

(12) Prior to the commencement of the development hereby approved, a detailed management plan for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the management plan.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects during construction works and avoid conflict with Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### EXTERNAL MATERIALS

(13) No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

#### Reason:

To ensure that the materials used are in keeping with the character of the area in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### BOUNDARY TREATMENT

(14) Notwithstanding the submitted plans, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected on the Oreston Road frontages of the site. The boundary treatment shall be completed before any of the units is first occupied. The development shall be carried out in accordance with the approved details.

#### Reason:

To ensure that the details of the development are in keeping with the standards of the vicinity in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### OPENING HOURS

(15) The light industrial workshop units and extension to existing factory hereby permitted shall not be opened for business and no deliveries taken at or dispatched from the said premises outside the following times: 0800 to 1700 hours Monday to Saturday inclusive; nor at any time on Sundays, Bank or Public Holidays.

#### Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises, and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### **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 neighbours; highway safety and sustainability and the character and appearance of the area and employment benefits, 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:

- CS28 - Local Transport Consideration
- CS34 - Planning Application Consideration
- CS04 - Future Employment Provision