

ITEM: 08

Application Number: 10/01544/FUL

Applicant: Mr T Walke

Description of Application: Continue use of warehouse for temporary general industrial use (vehicle repair garage) until 14 February 2012

Type of Application: Full Application

Site Address: 3 TO 5 MARKET ROAD PLYMOUTH

Ward: Plympton Erle

Valid Date of Application: 10/09/2010

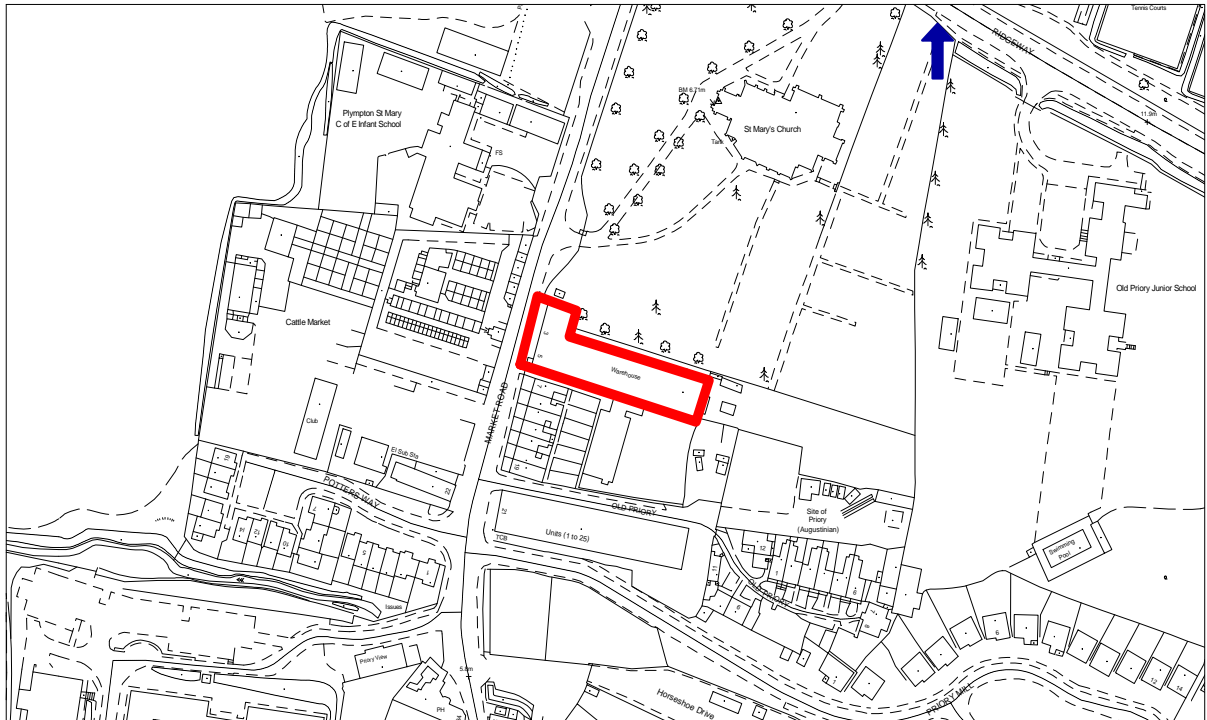
8/13 Week Date: 05/11/2010

Decision Category: Member Referral

Case Officer : Jon Fox

Recommendation: Grant Conditionally

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OFFICERS REPORT

This application is being considered by Planning Committee as a result of a Member referral by Councillor Terri Beer. This Ward Councillor is concerned about the health implications of spray fumes reaching nearby properties and car parking as the site is near to a school.

Site Description

The site consists of an old warehouse building situated on the eastern side of Market Road, just to the south of the grounds of St. Mary's Church and north of 7 Market Road. The land behind 7 Market Road includes an open courtyard area, which is used by a number of commercial operators and is connected to the warehouse. The courtyard is accessed from Market Road via Old Priory.

Proposal Description

Continue use of warehouse for temporary general industrial use (vehicle repair garage) until 14 February 2012. The proposals include the provision of eight car parking spaces in the courtyard at the rear of the premises and six parking spaces within the warehouse building. Another six spaces are proposed in the narrow lane on the side of the building.

The use of the building commenced following a fire at the applicant's business premises in the Colebrook area of Plympton. The proposals include an MOT bay and three hoists.

Relevant Planning History

10/00767 - Continue use of warehouse for temporary general industrial use (vehicle repair garage) until 14 February 2012. A plan showing six car parking spaces situated inside the building was submitted following concerns raised about relying on the use of the narrow lane on the southern side of the building for parking purposes. This application was refused for the following reason:

"Inadequate provision has been made for the parking of cars of both customers visiting and staff working at the car repair garage. Vehicles used by such persons therefore have to stand on the public highway giving rise to conditions that cause:

- (a) damage to amenity;
- (b) prejudice to public safety and convenience; and
- (c) interference with the free flow of traffic on the highway;

which is contrary to policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and to Plymouth's Development Guidelines Supplementary Planning Document."

Consultation Responses

Highway Authority

The six internal parking spaces, and the eight spaces proposed in the rear yard, are considered acceptable to meet the needs of the use but the sale of cars from the premises is considered unacceptable because of the spaces these cars take up and the traffic that they would generate in themselves. There is also no space for loading/unloading of such cars.

Public Protection Service

No objections. An informative on land quality is recommended.

Representations

One letter has been received, which objects on the grounds that:

1. Market Road is already busy.
2. There is only room for working on one motor home.
3. The drawings are out of scale.
4. What would be the impact of five or six cars parked within the building?
5. Is there a drop off point for clients to be picked up and dropped off when delivering their vehicles?
6. Parking for cars? The road becomes impassable at times due to drop off and pick up of school children and clients. The road also becomes blocked when large vehicles are driven into the building.
7. There is no scope for parking in the yard to the rear and will prove impractical due to the distance by road being over 300 yards.
8. The use should take place in Valley Road where there are suitable premises, rather than this residential area.
9. Cars are not being supervised at all times as they come in and out of the garage, which causes a danger to school children whose route is passed the site.
10. The cars are being washed in the street on a daily basis, which leaves silt on the road that is washed into the drains.
11. Where is the extraction taking place, is it towards the primary schools or residents' back gardens?
12. Cars are being sold from the site and this is creating more parking issues.

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 CS22 and CS28 of the Core Strategy of Plymouth's Local Development Framework 2007 and the main issues are the impacts on highway safety and convenience and neighbours' amenities.

With regard to the proposed car parking facilities on site, the area for car parking is a yard at the rear/south of the premises, which is accessed off Old Priory. Parking would be at the eastern end of the yard. This yard is currently used for parking by others; mostly Taurus van hire vehicles and some activities associated with a motorcycle repair place. The area for the proposed eight car parking spaces is currently used for parking and storage of skips. The plans show six car parking spaces inside the building. This makes a total of 14 car parking spaces, which is considered sufficient. The additional 6 spaces in the narrow lane do not meet acceptable standards and are not being relied upon in assessing the acceptability of the application.

The street outside the premises is often congested and with cars and it is vital that the use of the building does not exacerbate existing parking problems. To this end the applicant has been asked to provide a scale plan of the rear yard with the eight proposed car parking spaces drawn to scale on the plan; confirmation that the eight parking spaces in the rear yard will be constantly available for exclusive use of the transport repair garage and a statement on what impact the use of the eight parking spaces would have on existing users of the rear yard, i.e. where would existing users of these spaces go to? The agent has also been asked to provide written confirmation from Taurus Van Hire as to what effect the use of the eight spaces would have on their operation, i.e. would they lose any parking/manoeuvring or storage space?

Parts of the site are being used for the sale of cars. There are three spaces just off the highway that are being used for car sales and another car is situated in the narrow lane on the south side of the warehouse building. It is considered that there should be no sale of cars from the premises because sale cars take up space within the site and also attract traffic in their own right.

The neighbour letter raises the issue of fumes being extracted from the premises. Some paint spraying does take place in the far end of the building and the associated extract filter is on north side of warehouse wall adjacent to the church graveyard. The extraction unit is not within environmental permit regulations and the Public Protection Service advice is that the way the extractor is being managed is acceptable. It is considered that the extractor is unlikely to cause a nuisance.

Section 106 Obligations

None

Equalities & Diversities issues

None

Conclusions

It is considered that, providing the site has 14 usable off-street car parking spaces, the continued use of the building as a car repair garage would not be

prejudicial to highway safety and convenience and that the extract facilities would not prove harmful to neighbours. However, the use is not one that is considered sustainable over the long term in an area that has become even more residential in recent times, e.g. the new houses being constructed across the road. Therefore, while the use of the building is not in conflict with policies CS22, CS28 and CS34 of the Core Strategy, it is recommended that planning permission be granted only for the specified period, i.e. until 14 February 2012 and that the permission is made personal to the applicant.

Recommendation

In respect of the application dated **10/09/2010** and the submitted drawings, **OS location plan and site layout plan**, it is recommended to: **Grant Conditionally**

Conditions

TEMPORARY USE - REINSTATEMENT

(1) The use hereby permitted shall be discontinued and the building and land cleared of all facilities, machinery and equipment relating to the use on or before 14 February 2012 in accordance with a scheme of work previously submitted to and approved in writing by the Local Planning Authority.

Reason:

In the opinion of the Local Planning Authority the temporary use to which this permission relates will by the said date have fulfilled its required purpose. This condition is imposed to comply with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

PERSONAL LIMITATION

(2) The use hereby permitted shall be carried on only by Mr. T. Walke.

Reason:

In granting this permission the Local Planning Authority has had regard to the applicant's special circumstances but for which the application would have been refused, in accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION

(3) Within 14 days of this decision notice, space shall have been laid out within the site in accordance with the approved plan for (a) 6 cars to be parked within the building, (b) 8 cars to be parked within the yard to the rear of the premises and (c) vehicles to turn within the yard to the rear of the premises so that they may enter and leave the site in forward gear; in accordance with details previously submitted to and approved in writing by the Local Planning.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CAR PARKING PROVISION

(4) The car parking spaces and turning space referred to in condition 3 shall not be used for any purpose other than the parking and turning of vehicles attending or visiting the premises that are the subject of this application.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

NO SALE OF CARS OR OTHER VEHICLES

(5) There shall at no time be any sale of cars or other vehicles from the premises and no use of any part of the premises as an office for the sale of cars and other vehicles.

Reason:

To enable vehicles used by occupiers or visitors to be parked off the public highway so as to avoid damage to amenity and interference with the free flow of traffic on the highway in accordance with Policies CS28 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

INFORMATIVE - LAND QUALITY

(1) The Council's Environmental Protection Officer (Land Quality), Public Protection Service, advises that the site and adjacent land has been subject of a number industrial activities and there is the possibility of contamination of the site as a result. It is therefore recommended that appropriate assessments and site investigations are carried out and, depending on the results, appropriate measures put into place to remediate any contamination affecting the proposed development.

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 of the use of the building on highway safety and convenience and that of the extract fan on neighbours' amenities, 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 (until this is statutorily removed from the legislation) and (b) relevant Government Policy Statements and Government Circulars, as follows:

PPS23 - Planning & Pollution Control
CS28 - Local Transport Consideration
CS34 - Planning Application Consideration
CS22 - Pollution
SPD1 - Development Guidelines