

# PLANNING APPLICATION REPORT



**ITEM: 11**

**Application Number:** 11/01061/FUL

**Applicant:** The Una Group

**Description of Application:** Erection of workshop, office and storage buildings in association with use of site for storage, preparation and hire of portable accommodation units and provision of related storage and car parking areas for a temporary period of 9 years (revised scheme)

**Type of Application:** Full Application

**Site Address:** ELLIOTT HIRE EATON BUSINESS PARK, PLYMBRIDGE ROAD PLYMOUTH

**Ward:** Moor View

**Valid Date of Application:** 30/06/2011

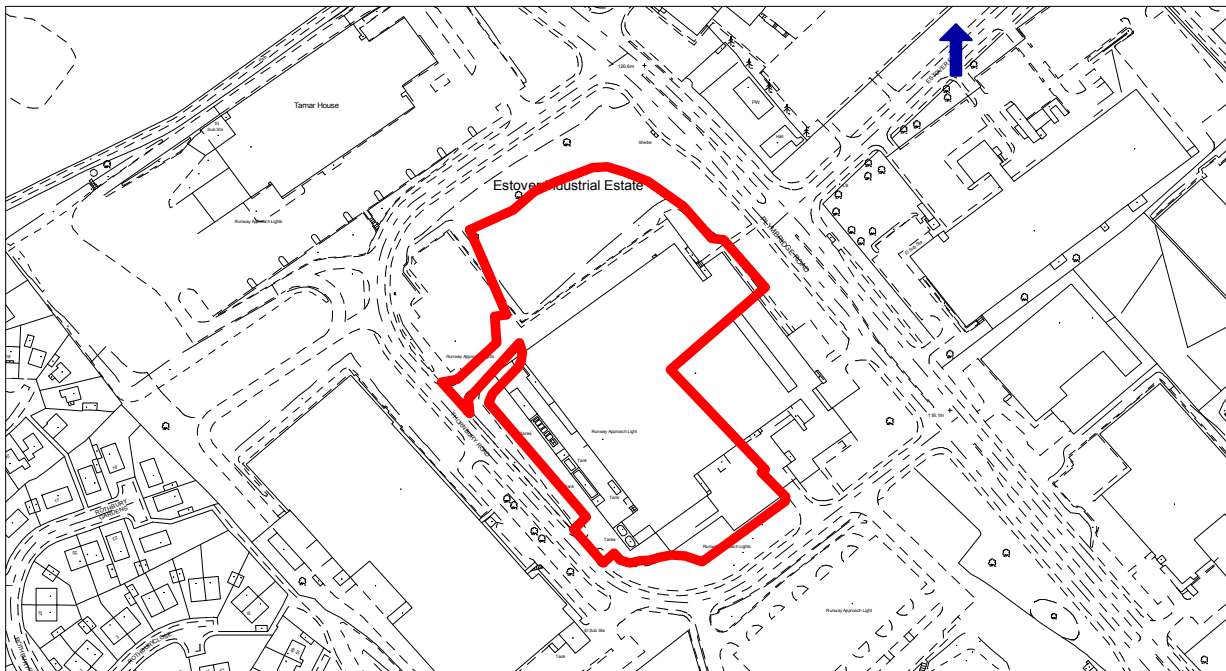
**8/13 Week Date:** 29/09/2011

**Decision Category:** Major Application

**Case Officer :** Carly Francis

**Recommendation:** Refuse

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## Officer 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, with temporary buildings on site relating to these uses. A Renal Unit has also recently been constructed.

### Proposal Description

Erection of workshop, office and storage buildings in association with use of site for storage, preparation and hire of portable accommodation units and provision of related storage and car parking areas for a temporary period of 9 years (revised scheme).

### Relevant Planning History

09/01404 (FULL) 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- APPROVED SUBJECT TO S106.

11/00487 (FULL) Retention of renal unit and associated plant (revision to part of scheme approved under planning notice 09/01404/FUL) - APPROVED CONDITIONALLY.

11/00516 (FULL) Erection of workshop, office and storage buildings in association with use of site for the storage, preparation and hire of portable accommodation units and provision of related storage and car parking areas for a temporary period of 10 years- WITHDRAWN.

### 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-** object due to no noise impact assessment having been submitted in support of the wind turbines.

**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, also providing no structure exceeds permissible heights in relation to the airport.

**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.

The use proposed for the site is to store and then prepare (refurbishment / repair / alter) portable buildings for hire in Devon & Cornwall.

This application differs from the previous application that was withdrawn as the number of employees proposed has been reduced and the position of the office building has changed. The office building is now just outside of the public safety zone.

Three buildings are proposed on site, the remaining area is for external storage. The workshop building would be used for the preparation of portable accommodation units and would be a single storey industrial building, with a shallow pitched roof, profiled metal cladding and roller shutter doors.

The office building would act as a sales hub and would be a 2 storey pre-fabricated unit; it would have a flat roof and an external metal staircase.

The Furniture building would be a single storey industrial building, with a shallow pitched roof and profiled metal cladding which would be used as a storage building for materials and consumables.

The buildings are all basic industrial buildings designed to be fit for purpose, given that the site is within an industrial estate and the buildings are temporary, their basic

industrial appearance is deemed acceptable and would not be at odds with surrounding buildings. It is therefore deemed that they accord with Policy CS02.

One of the constraints of this site is that the site is located within what as been designated as part of the Airport Safeguarding Zone. Despite an announcement that the airport may be closing, this is yet to be confirmed and therefore the impact to the airport must be assessed as a material consideration.

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.

This document points towards the importance of safeguarding land for future development. The applicants have now applied for a 9 year consent. The Council would support the principle of a temporary consent, providing it ends at the same time as the temporary consents granted last year. This application would accord with the temporary period set in earlier consents which was considered to be the maximum period we could allow. These proposals would not therefore hinder the plans for the airport and will allow this land to be used for future expansion of the runway if required.

Most of the site also 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. Almost all of the workshop building would fall within the zone, the office building would be just outside it and some of the storage area falls within it. It is proposed that there be a total of 18 staff, 6 would be drivers who would collect their vehicles and then leave the site for deliveries. 12 staff would be based on site with 4 based in the office building and the remaining 8 in the workshop and yard.

Circular 1/2002 'Control of Development in Airport Public Safety Zones' states that there should be a general presumption against new or replacement development within Public Safety Zones. There are some exceptions to this which includes development of a kind likely to introduce very few or no people on to a site. The uses that are proposed in this application however would have a significant number of staff and would therefore conflict with the guidance in the above documents. For this reason the application can not be supported. The applicant has provided no clear rationale as to why the buildings proposed can not be moved well outside of the public safety zone. Therefore despite the benefit of an employment use it is not deemed that this should be at the cost of public safety.

The existing uses on site 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. Permission was granted last year for a vehicle hire depot, concrete works, a motor cycle instruction centre, crane hire business and erection of a renal unit. Therefore while the uses proposed can not be supported due to the number of employees proposed, the principle of such uses is deemed acceptable given the wide range of existing uses on site and this proposal would not have a detrimental impact to any of the existing uses. The uses previously permitted on site were carefully considered and the only uses permitted within the public safety zone are the ones which involve few staff- the car wash just two employees and 3 staff for the concrete works. The other uses with more employees i.e. the renal unit are located outside the public safety zone.

Lighting is proposed as part of this application, the type of lighting described would accord with the horizontal flat glass lighting that the Airport require in order not to cause distraction to aircraft using the airport. This therefore accords with Policy CS22.

#### Renewable Energy

Wind turbines are proposed in order to meet the 15% renewable energy requirement under CS20. The wind turbines proposed would be attached to the lighting columns. It is not possible however to assess the full impact of these turbines as a noise impact assessment has not been submitted. The application can not be supported without a noise assessment as although the site is positioned adjacent to the airport, noise from the turbines could still be carried to nearby residential dwellings to the west of the site resulting in unacceptable noise pollution.

The Public Protection Service have considered the impact of the spray painting that would take place in the workshop, and do not raise any objections as an Environmental Permit for the activities of paint spraying will be required under the Environmental Permitting regulations 2007. Therefore any hazardous impacts can be controlled under this regulation.

#### Highway Considerations

The Transport Service comment that the application will introduce a further business into the site, which utilises the remainder of the site. A Transport Statement has been produced in support of the application which outlines the proposed use and provides details of the likely number of trips to this element at the

site. The applicant suggests that the business will generate approximately 80 trips during the course of a working day, which will be split between 2 access points. This level of traffic does not cause concern to the capacity on the local highway network. The applicant is proposing to provide 32 parking spaces, including 2 disabled bays. This provision accords with the current standards. The applicant should provide secure and covered cycle storage for use by staff members, the Transport Service suggest at least 4 units. In the previous application to develop the site from the historical large factory unit into smaller businesses, such as this, the consent was conditioned to provide a Travel Plan. This has subsequently been submitted to and approved by the City Councils Travel Plan Officer. It is therefore suggested that a suitable condition be attached to this consent to ensure that this unit signs up to this site-wide travel plan or provide their own. With the suggested conditions attached it is deemed that the proposal accords with Policy CS28.

### **Equalities & Diversities issues**

No further issues to discuss.

### **Section 106 Obligations**

B1 and B2 uses are currently exempt from paying a contribution and therefore there is no requirement for a S106 agreement in this instance.

### **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.

The proposed development may however result in noise pollution to nearby residents and would increase staffing levels for uses that fall within the Airport Public Safety Zone. It would therefore be contradictory to the guidance in Circular 01/2010 and be high risk in terms of public safety contrary to Policy CS34. For this reason it is recommended that this application be refused.

### **Recommendation**

In respect of the application dated **30/06/2011** and the submitted drawings 3065/SLPRW009 E, RW009/01, RW009/02, RW009/03, RW009/04 Rev E, RW009 / 05 Rev B, RW009/06, RW009/12, 3065/SLP and accompanying Design and Access Statement, Transport Statement, Energy Statement dated 25th March 2011 prepared by BFEC Design Solutions Ltd. And Geotechnical Investigation and Contaminated Land Report prepared by Ruddlesden Geotechnical Ltd, it is recommended to:

**Refuse**

### **Reasons for Refusal**

#### **PUBLIC SAFETY ZONE**

(1) The Local Planning Authority considers that by reason of the number of staff that would be employed to work within the Public Safety Zone, the proposal would be a considerable risk to public safety and therefore contrary to Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and Circular 01/2010 'Control of Development in Airport Public Safety Zones'.

## INADEQUATE WIND TURBINE INFORMATION

(2) The Local Planning Authority considers that there is insufficient information on which to assess the impact of the proposed turbines on surrounding uses, in particular a noise impact assessment, the proposal is therefore contrary to Policy CS22 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

### **Relevant Policies**

The following (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, were taken into account in determining this application:

- 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