

PLANNING APPLICATION REPORT



ITEM: 05

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 position of buildings)

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

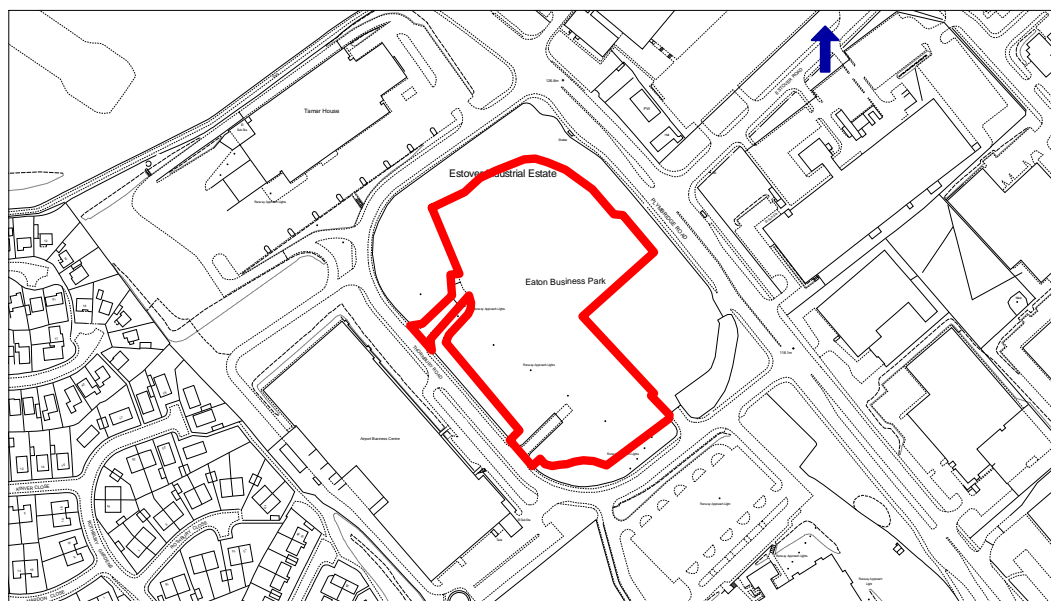
8/13 Week Date: 29/09/2011

Decision Category: Major Application

Case Officer : Carly Francis

Recommendation: Minded to grant conditionally subject to expiration of publicity period, delegated authority for the Assistant Director of Development and Regeneration to determine, if no letters of objection are received.

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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. 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 position of buildings).

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.

Three buildings are proposed on site, the remaining area is for external storage. This application differs from the previous application that was withdrawn and amended plans have been received following negotiation during this application process. The latest proposals have fewer employees than proposed in the last application and the position of the buildings has changed. The workshop building is now outside of the public safety zone, leaving the office building, furniture building and some of the storage area within the public safety zone.

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 has 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.

The applicants have now applied for a 9 year consent. The Council would support the principle of a temporary consent, as has been given for previous uses. These proposals would not therefore hinder any 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. The workshop building would now be outside of the public safety zone, the office building would be within 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 onto a site. The use proposed in this application is considered to be the type of use that would be suitable and the site has now been laid out so that most of the employees are based outside of the public safety zone. The only staff regularly based within the zone are those based in the office building, this would only be four members of staff and therefore would not conflict with the guidance in the above documents. Given this amended layout the application can now be supported. The site can now benefit the employment use without compromising 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. The principle of the use proposed is therefore deemed acceptable given the wide range of existing uses on site; it 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 applicant is confident that no noise pollution would be created and is producing a noise impact assessment to demonstrate this. 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. The applicant shall be working with our Public Protection Service to ensure that any noise pollution concerns are removed prior to committee, a full update regarding this shall be provided by way of an addendum.

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 Council's 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

This employment generating use is supported. The development proposed would not contradict any possible future expansion of the airport, and it is also considered that the type of use proposed is suitable for this site as few staff would be based within the public safety zone and therefore the proposal would comply with guidance in Circular 01/2010 and not prejudice public safety.

Unfortunately due to amended plans having been received the consultation period has not yet ended, it ends on the 30th August and therefore it is requested that delegated authority be given for the Assistant Director for Development to determine the application, once the public consultation period has ended, subject to no letters of representation raising objections being received.

Recommendation

In respect of the application dated **30/06/2011** and the submitted drawings 3065/01 F, RW009/05 C, RW009/04 Rev F, RW009/02, RW009/01, RW009/03, RW009/12, RW009/06 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: **Minded to grant conditionally subject to expiration of publicity period, delegated authority for the Assistant Director of Development and Regeneration to determine, if no letters of objection are received.**

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 September 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.

REPORTING OF UNEXPECTED CONTAMINATION

(2) 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. 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,
 - archaeological 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'.

Where remediation is necessary a remediation scheme must be prepared, which 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.

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 Plymouth Local Development Framework Core Strategy (2006-2021) 2007.

CYCLE PROVISION

(3) The development shall not be occupied until space has been laid out within the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority for at least 4 bicycles to be parked.

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

(4) 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 prior to the development opening for trade. 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

(5) The number of staff employed at Elliot Hire shall not exceed 16 with no more than 4 employees based in the office building, 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'.

APPROVED PLANS

(6) The development hereby permitted shall be carried out in accordance with the following approved plans: 3065/01 F, RW009/05 C, RW009/04 Rev F, RW009/02, RW009/01, RW009/03, RW009/12, RW009/06.

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy 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 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