Item: **06**

Reference: **11/00583/FUL**

Applicant: **Leicestershire Fire & Rescue Service**

Location: **Caterpillar Uk Ltd Peckleton Lane Desford**

Proposal: **CONTINUED USE AND SITING OF A CARBONACEOUS LIVE FIRE TRAINING UNIT**

Target Date: **21 September 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, at the request of a local member as it raises local controversial issues.

Application Proposal

Members may recall that planning permission (ref: 11/00015/FUL) was approved for the continued siting and use of a carbonaceous live fire training unit for the period of an additional six months at committee in March 2011. This application seeks full planning permission for the continued siting and use of the Carbonaceous Fire Training Unit which comprises of three 'shipping' container style units arranged in an 'H' shape to the north east of an existing building, and two smaller units, measuring 5.9 metres by 3 metres and a height of 2.3 metres, sited to the north west of the 'H' block, providing storage for the materials to be burnt in one and a room scenario in the other. The units forming the 'H' block measure 12 metres by 12 metres in overall footprint and stand 3.3 metres high. Another smaller unit, 3 metres square with a height of 2.3 metres, is located adjacent to the existing warehouse which has a power supply to a compressor used to charge the breathing equipment used in the training exercises.

The units provide a training facility for the fire officers of the Combined Leicester, Leicestershire and Rutland Fire Authority only. The unit is used to demonstrate how fire behaves in certain circumstances and conditions and to train fire officers how to deal with the different scenarios and reduce potential risk and loss of life. Fires of dry white timber and paper are lit in the containers and vents control how the fire behaves allowing operators to simulate different conditions fire officers may face when tackling real life situations.

The Site and Surrounding Area

Caterpillar is located within a designated employment site, outside the settlement boundary of Desford, as defined by the adopted Hinckley and Bosworth Local Plan (2001). The containers are sited on a piece of land located in the Caterpillar compound at the northern side, close to a pressurised water hydrant on an existing area of hard standing to accommodate the weight of the units and provide space for fire appliances. There is a large warehouse building located to the south west of the application site with other buildings that form part of the Caterpillar complex to the south of the site. The units are separated from the edge of Desford by an area of

open space. The nearest residential property is located due east of the application site, approximately 250 metres in distance. Other properties forming the edge of the main built up area of Desford are located 330 metres to the north.

Technical Documents submitted with application

The application is accompanied by a Design and Access Statement and Supplementary Information document which outlines the composition of the units and their use. The submitted details indicate that the unit will be managed in accordance with the following guidance rules:-

a) The units will be used on three set days during the week - Tuesdays, Thursdays and Saturdays. Use on a Saturday is necessary to train staff who are on a Retained Duty System and have alternative primary employment from which they are subject to employers permission to attend training.

b) On training days involving a live burn the units will be used for two burning sessions limited to 45 minutes each in duration, the first will take place between 12:00 - 13:30 and the second between 14:30 - 16:00. The actual start time is dependent upon such factors as weather and time of arrival of fire officers.

c) A daily log will be kept to record start and finish times of the training and to note climatic conditions at the time of the live burns.

d) The local community is to be notified of the live fire training to be taking place via the applicant's website and the Parish Council website along with direct arrangements with the owner of Oak View, Peckleton Lane.

The Supplementary Information document submitted advises that the fire authority has a legal obligation under the Health and Safety at Work etc. Act 1974 to ensure adequate training to their staff and reduce the risk of loss of life. The need for the training that the unit provides is highlighted by the loss of life of 18 fire-fighters in active duty, mostly in similar situations to those which the training unit tries to simulate. It further advises that clean, dry white timber pallets are burnt, together with Sterling Board and paper is burnt in the unit as it is more environmentally friendly than standard chip board and produces little or no ash residue. To accommodate training needs, the applicant makes an assumption that 124 potential training days per year will be required in order to account for cancellations due to adverse weather, absences or operational requirements. The numbers and composition of the fulltime and retained staff will result in a requirement for a minimum of 82 training days per year and a worst case scenario of 100 training days in order to cover training requirements, an average of 90 actual training days per year including, ideally 20 Saturdays each year to accommodate Retained staff. It is proposed that 90 days actual training be split over the months of September to June, with no burns during the main summer months of July and August. Of the 44 weeks over which burns can potentially take place it is proposed that 24 weeks will have burns only on weekdays, 12 weeks will have burns on two weekdays and a Saturday and that 8 weeks will have burns on a weekday and a Saturday. Any training that cannot be carried out as a result of restrictions in the use of the unit would result in the fire authority having to source training externally and result not only in added costs to the service but also the removal of the staff and their fire appliances from their local operational duties, although cross-border arrangements with regional neighbours may be available. It is estimated that if the training unit was not available to train its staff, the additional costs to the service would be in excess of £170, 000 per year.

A draft Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 has been submitted to restrict the use of the unit to the training of the staff of the Combined Leicester, Leicestershire and Rutland Fire Authority only.

History:-

The wider Caterpillar site benefits from numerous planning applications granted to enable the site to adjust to changes to manufacturing processes. The following applications relate directly to the fire training unit.

11/00015/FUL	Continued Use & Siting of a Carbonaceous Live Fire Training Unit	Approved	09.03.11
10/00040/FUL	Installation of a Carbonaceous Live Fire Training Unit	Approved	17.03.10
09/00476/FUL	Installation of a Carbonaceous Live Fire Training Unit	Refused	17.08.09

The proposal was initially refused in August 2009 (ref: 09/00476/FUL) due to insufficient information to demonstrate that the proposal would not harm the amenities of nearby residents. Since this refusal and subsequent grant of temporary permission the Head of Community Services (Pollution) has visited a similar training unit located at Birmingham International Airport and has been monitoring the use of the unit that is the subject of this application to further understand the impact that its use may have on residential amenity.



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Consultations:-

No objection has been received from:-

Director of Environment and Transport (Highways)
Head of Community Services (Land Drainage).

No objection subject to conditions have been received from Head of Community Services (Pollution).

Site notice posted and neighbours notified. Five letters of objection have been received raising the following concerns:-

a) detrimental impact on health; inhalation of smoke, fumes and pollution
b) serious nuisance/inconvenience, strong acrid smell, have to keep doors and windows closed
c) unsuitable site, no alternative sites explored
d) too close to housing, day nursery, school and sports centre
e) large amounts of smoke affecting people using gardens, the bridle path and public right of way.

At the time of writing the report comments have not been received from:-

Desford Parish Council
Peckleton Parish Council.

The consultation period remains open at the time of writing this report and closes on 13 September 2011. Any further consultation responses received before the closing date will be reported and appraised as a late item.

Policy:-

National Planning Guidance

Planning Policy Statement 23 (PPS23): 'Planning and Pollution Control' sets out national planning guidance on pollution of land, air and water.

Regional Policy Guidance

The Court of Appeal, in April 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that it is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

This is the Regional Spatial Strategy for the East Midlands and provides a broad development strategy for the East Midlands. There are no relevant policies that apply to this proposal.

Local Development Framework Core Strategy 2009

There are no relevant policies that apply to this proposal.

Hinckley and Bosworth Local Plan 2001

The site is located outside the settlement boundary of Desford but within a designated employment site as defined in the adopted Hinckley and Bosworth Local Plan.

Policy EMP1 considers existing employment sites throughout the borough. The Caterpillar site falls under criterion a) of the policy which seeks to retain these sites for employment purposes.

Policy BE1 considers the design and siting of development and seeks development that safeguards the existing environment, complements the character of the surrounding area, and does not adversely affect the occupiers of neighbouring properties.

Policy NE2 states that planning permission will not be granted for development which would be likely to cause material harm through pollution of the air or soil or suffer material harm from either existing or potential sources of air and soil pollution.

Policy NE5 considers development within the countryside and seeks to protect the countryside for its own sake however supports development where it is important for the local economy and cannot be provided within or adjacent to existing settlements, and where it would not have an adverse impact on the appearance or character of the landscape.

Other Material Policy Documents

The Employment Land and Premises Study undertaken in May 2010 identifies Caterpillar as a key/flagship employment area which it seeks to retain for employment uses.

Appraisal:-

The main considerations with regards to this application are the impacts of the development on the amenities of nearby residents, the character and appearance of the surrounding area and other issues.

Impact upon Residential Amenity

The unit is used to train fire officers by imitating fire emergencies. To do this timber is set alight without any accelerants within the units to demonstrate the behaviour of fire under different circumstances and to train fire officers on how to deal with the different scenarios. As a result of the training 'burns' some steam and smoke is expelled into the environment through vents designed to control airflow through the containers to create the different fire scenarios. Two different training 'burns' were carried out on 23 August 2011 that were attended by a number of the members of the Planning Committee and the Head of Planning. Whilst some steam and smoke was observed during the training exercise, the applicant's advised that a majority of this was steam (white smoke), with a significant amount of the smoke produced by the fire being burnt within the unit itself which acts in a similar fashion to a catalytic converter on a normal road car and results in cleaner emissions. Little ash or residue was seen to be emitted from the unit.

Whilst a small degree of pollution may occur as a result of the proposal, how much material harm this will cause will be influenced by a number of factors including the

materials being burnt, the distance of the development to residential properties, the strength and direction of the wind at the time of burning, the number and duration of burnings and any landscape features between the proposal and residential properties. The nearest residential dwelling is Oak View, Peckleton Lane located approximately 250 metres to the east of the application site. Other properties forming the edge of the main built up area of Desford are located 330 metres to the north. It is considered that the distance between the fire training unit and the nearest residential properties will allow for the majority of the steam and smoke to disperse naturally, with the open area of planting between the unit and Peckleton Lane assisting in the dispersal of emissions blown in this direction. However, this is largely dependent upon the strength and direction of the wind at the time. For the smoke to carry to the residential properties a strong southerly or westerly wind blowing at the time of the training burns would be required and it is unlikely that this will be the case on every occasion.

The Head of Community Services (Pollution) recommended that the previous applications be granted on a temporary basis and restricted by conditions in order to enable monitoring of the impact from the development on the amenities of local residents to take place. Four complaints from three complainants have been received since operation of the unit began approximately 12 months ago, relating to the impact of smoke on health, the adjacent bridle path, wildlife and Desford in general. Similar issues have been raised in the five letters of objection that have been received in relation to the current application. The Head of Community Services (Pollution) has undertaken selective monitoring of the use of the unit occurring either on a Tuesday or Thursday since March 2011. Since then 75% (9 out of 12) scheduled training days have been monitored to assess the impact on the surrounding area. Monitoring was also carried out on 30 August which was not on the schedule but the unit was being used. None of the monitoring showed burns taking place outside the permitted hours with the exception of 30 August where smoke was noted between 13:50 and 14:00. Monitoring has been carried out during this period as this time of year is likely to be more sensitive to residents because people are more likely to have windows open and use garden areas than during the colder months. Monitoring was also undertaken in response to the complaints received in February and March regarding smoke from the unit potentially affecting residential properties. Based on the evidence from these monitoring visits no significant impact on the residents of Desford in respect of air pollution has been identified from the operation of the training unit. In addition, Air Quality has been monitored for many years in Desford and levels of Nitrogen Dioxide (a gas associated with combustion processes) remain well within current Air Quality Objective Limits set by legislation. Information submitted in previous applications shows that the expected emissions of Formaldehyde from the unit are well below the limits that would be applied, through an Environmental Permit, to an industrial process carrying out a similar operation.

Notwithstanding this, it is recognised that the prevailing wind direction is south westerly and that burning on such occasions has the potential to impact on the behavioural patterns of the occupiers of Oak View on Peckleton Lane to some degree. Therefore, in the event that planning permission is granted, the Head of Community Services (Pollution) recommends the imposition of a number of conditions in order to minimise any potential impact on residential amenity. The recommended conditions relate to the restriction of the total number of days, days of operation, times and duration of the burns, together with the time of year of the burns and monitoring of burn time weather conditions (wind direction/speed). Since the consultation response of the Head of Community Services was received, additional information has been submitted by the applicant's to demonstrate that more training days are required than the recommended conditions would allow. This matter is

ongoing and therefore the outcome of any further discussions will be reported as a late item to this agenda.

The Head of Community Services (Pollution) also comments that it is disappointing that no alternative sites appear to have been considered by the Fire Authority and that consideration should be given to whether there are more suitable sites within the Caterpillar complex. The current application has to be considered on its merits and the site is the only one being offered by Caterpillar and has sufficient areas of hard-standing to support the weight of the fire training unit and the two fire appliances required together with access to a pressurised water hydrant and power supply to enable the breathing apparatus to be re-charged by compressor.

The issuing of temporary planning permissions is subject to advice contained within Circular 11/95 which generally suggests that a temporary permission should only be used when there is sound justification to do so and should be set sufficiently long to indicate at the end of that period whether the development is acceptable in planning terms or not. The fire training unit has now been operating for approximately 12 months and there is no evidence from the monitoring that has taken place that the operation of the training unit has a significant impact on residential amenity. Subject to appropriate control of the use of the unit through the imposition of the conditions, it is considered that the nature and degree of nuisance would not be sufficient enough to warrant refusal of the application on residential amenity grounds.

Visual Impact on Character and Appearance of the Area

The application site relates to a small section of an existing industrial complex occupied by Caterpillar which consists of a number of large industrial warehouse buildings with associated areas of hard standing between them. The site contains other shipping and portacabin type accommodation, providing temporary and flexible accommodation. Due to its location and association with the Caterpillar site, it is considered that the compartment fire training unit and associated storage containers required for the fire training facility would not be out of character with other buildings on the site. It is therefore considered that the proposed development would not have an adverse visual impact on the character or appearance of the area.

Other Issues

The proposal will help fire officers train to deal with fire scenarios so that they minimise the risk to themselves and others in the event of a real emergency. To comply with government legislation all fire officers must undertake training of the nature provided by the proposed fire training unit on a regular and ongoing basis. Whilst there are similar facilities located in the West Midlands, to attend these would remove the fire appliances and their crews from the local area and they would be unable to respond to operational requirements. In addition, the service would incur significant additional costs to use the facilities of another authority. As a result the current facility provides an invaluable resource to the Fire Authority which serves the local community.

Whilst objections have been received to the application on the basis of impact on users of the bridleway located approximately 120 metres to the north west of the unit, this is likely to be occasional and transient and it is considered that any adverse impact would not be sufficient to warrant refusal of the application on that basis.

The application is located within a designated Employment site. The operation of the fire training unit does not affect the employment use or capabilities of the site which

remains in the control of Caterpillar by lease and the use is therefore considered to be acceptable.

Conclusion

The Fire Authority needs to comply with government legislation in respect of the training of its fire officers and this fire training facility provides a valuable resource to the service and the community it serves. There are concerns expressed by a number of residents regarding the effect of smoke and fumes generated by the compartment fire training unit on the amenities of neighbouring residents. However, given the separation distances, the completion of a Unilateral Undertaking and the imposition of appropriate conditions to control the way in which the unit is to be operated it is considered unlikely that the use would have a material adverse impact on the amenities of neighbouring residents on a regular or sustained basis. Given its location within an industrial site and proximity to existing warehouse buildings the unit will not have an adverse impact on the character or appearance of the surrounding area. The application is considered to comply with policies BE1, EMP1, NE2 and NE5 of the adopted Local Plan and therefore recommended for approval subject to conditions.

RECOMMENDATION:- That subject to the completion of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to restrict the use of the fire training unit to train the staff of the Leicester, Leicestershire and Rutland Combined Fire Authority only, the Deputy Chief Executive (Community Direction) shall be granted delegated powers to grant planning permission subject to the conditions below. Failure to complete the said agreement by 21 September 2011 may result in the application being refused.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development by virtue of the limited periods of its use, the separation distance from residential properties and appropriate appearance together with the benefits to the wider community identify above, the proposal would be in accordance with the development plan.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies EMP1, BE1, NE2, NE5.

1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: CAT/P/09/104 B received 27 July 2011.

2 The compartment fire training unit hereby permitted shall only be used for a maximum of 80 days per year and shall not be used during the calendar months of July or August in any year.

3 The compartment fire training unit hereby permitted shall only be used on Tuesdays, Thursdays and Saturdays.

4 The compartment fire training unit hereby permitted shall only be used on a maximum of 12 Saturdays per year in total and limited to a maximum of once per calendar month during the months of March, April, May, June, September and/or October each year and twice per calendar month during November, December, January and/or February each year.

5 The compartment fire training unit hereby permitted shall only be used on the permitted days: once between 12:00 noon to 13:30 hours and once between 14:30 to 16:00 hours and each session shall be limited to 45 minutes of burning time with all fire extinguished at the end of each session.

6 The use of the compartment fire training unit shall not begin until a scheme for monitoring the proposed activity has been submitted to and approved in writing by the local planning authority; and all works which form part of the approved monitoring scheme shall be installed and be fully operational prior to first use and shall be maintained in use at all times thereafter.

Reasons:-

1 For the avoidance of doubt and in the interests of proper planning.

2-5 To mitigate any impact of the development hereby permitted on the amenities of local residents in accordance with policies BE1 and NE2 of the adopted Hinckley and Bosworth Local Plan.

6 To safeguard the amenities of neighbouring properties to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 The Fire Authority is advised that an action plan to inform local residents, the Desford and Peckleton Parish Council's and Caterpillar Community Liaison Group of all upcoming fire training dates in advance together with any cancellations should be drawn up and thereafter regularly published in an appropriate manner in order to ensure that all resonable steps are taken to keep the public informed of the active training days.

6 With reference to condition No. 6 of this permission the on-site weather station should be used to document weather conditions during the use of the training units and details placed in a daily log.

Contact Officer:- Richard Wright Ext 5894