

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart
Ugborough

Parish: Ermington **Ward:** Ermington and

Application No: 3398/18/FUL

Agent/Applicant:

Mr Daniel Wallis - 3SIXTY Real Estate
16 Whiteladies Road
Clifton
Bristol
BS8 2LG

Applicant:

Mr Clive Smith - Delphic Holdings Ltd
The Display Works, East Way
Lee Mill Industrial Estate
Lee Mill
PL21 9GE

Site Address: The Display Works, East Way, Lee Mill, PL21 9GE

Development: Construction of side and rear extension to existing warehouse



Reason item is being put before Committee

Brought by the Ward Member on the grounds the level of S106 contribution requested will stifle the increase in employment that we desperately need.

Recommendation: Refusal

Reasons for refusal

1. In the absence of a signed Section 106 agreement to secure the required mitigation, the proposed development is likely to generate an increase in motorised traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to the National Planning Policy Framework (notably but not limited to paragraph 109); and Policies DEV29 and DEL1 of the Plymouth and South West Devon Joint Local Plan 2014-2034.

Key issues for consideration:

Principle of development, design, drainage, trees, highways.

Site Description:

The site is located within the Lee Mill Industrial Estate, on the south side of East Way to the east of the junction with Abbots Close. The site comprises an existing industrial unit (Use Class B1(c)) with associated parking/turning areas. Vehicle access points exist from both East Way and Abbots Close.

The Proposal:

Permission is sought for two extensions to the existing building – to the south (c.307 square metres) and to the east (c. 127 square metres). The proposed extensions would be no higher than the existing building, with external finishes to match the existing building. It is also proposed to alter the existing entrance on Abbots Close to improve access.

Consultations:

- County Highways Authority –

“Observations:

It is noted the proposed extension appears to be situated partly on the articulated lorry turning area of the site. This may lead to manoeuvring/reversing on the highway and a vehicle tracking exercise would confirm either way. However, the Highway Authority notes the service site entrance is located at the turning head of Abbots Close where traffic will be travelling slowly. If reversing and manoeuvring on the highway is required as a result of the extension, it is recommended the applicant to employ a qualified banksman to lead delivery drivers out onto the highway and ensure the vehicles have a reversing alarm.

The Highway Authority is currently developing and has an approved indicative road improvement scheme/s to mitigate the need for increased traffic needing to travel through the heart of Lee Mill to reach Lee Mill Industrial Estate and other suburban areas of the village. This scheme will be designed to aid road safety issues, air quality and capacity through the village for the future. Other developments have agreed to contribute towards

highway improvements to mitigate the issues in Lee Mill at a rate of around £1000 per trip. This development would generate around 8.1 trips per 100m² of expansion, meaning a total expected trip increase of 35 per day noting the proposed expansion is 434m². Therefore the Highway Authority would recommend a financial contribution of £35,000 is paid to the County Council by the applicant prior to commencement of the expansion to help mitigate the road issues in Lee Mill. This contribution will need to be incorporated in a legal agreement.

Other developments have agreed to contribute at a rate of £1000.00 per vehicle trip (i.e. a single house generates six two way daily vehicle trips on average and the agreed rate is £6000.00 per dwelling or £1000.00 per trip). The assumed 8.1 trips per 100m² of proposed use class comes from TRICS, which is the recognised computer software for evidencing likely vehicle trips from any proposed planning application use classes.

It is acknowledged the application is only an extension of the existing business, however personal circumstances should not be a factor in determining whether extra vehicle traffic will be generated from a building expansion, since the site could be developed and ultimately sold on to another business in the future, which could generate the suggested levels of traffic as evidenced using TRICS.

In particular the contribution needs to be secured for scheme detailed design purposes. If unspent within 10 years the Highway Authority would be able to repay the contribution.

Unfortunately as the applicant has refused the financial request in writing, the Highway Authority has no choice but to recommend refusal of the application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, RECOMMENDS THAT PERMISSION BE REFUSED FOR THE FOLLOWING REASONS

1. The proposed development is likely to generate an increase in motorised traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to the National Planning Policy Framework.”

- Tree Specialist – “No objection on arboricultural merit subject to submission of the following information prior to/ after any commencement on site including any demolition or earthworks
 1. Landscape plan detailing a medium final sized native tree including watering, staking and all other management prescriptions in accordance with BS8545.”
- Drainage – No Objection – “Based on the information provided we would support the current proposal. Full details of the surface water and foul drainage have been submitted. An evidence to demonstrate why offsite discharge has been considered and written permission from SWW to discharge surface water to their sewer, have been provided. Therefore if permission is granted please include the following condition.

Suggested conditions

1. The drainage scheme shall be installed in strict accordance with the approved plans (Drawing No: 15294-201 Rev P2), maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.”

- Ermington Parish Council – Support

Representations:

None received.

Relevant Planning History

- 21/1567/88/3: New industrial unit. Plot off East Way Lee Mill Industrial Estate Ermington. Conditional approval: 17 Aug 88

ANALYSIS

Principle of Development/Sustainability:

Policy SPT4 seeks to provide for a minimum of 21,700 sqm of additional B1/B2 industrial floorspace within the Thriving Towns and Villages Policy Area within the plan period. Policy DEV14 seeks to support a flexible supply of employment land and premises. Existing employment sites with potential to support future expansion are specifically protected. Policy DEV15 supports the following across the TTV area: *“Appropriate and proportionate expansion of existing employment sites in order to enable retention and growth of local employers will be supported, subject to an assessment that demonstrates no adverse residual impacts on neighbouring uses and the environment.”*

The site located within the established Lee Mill Industrial Estate and the proposal relates to the expansion of an industrial unit. The principle of the development is considered acceptable in accordance with the above policy framework.

Design/Landscape:

The proposed development would be read as relatively modest additions to the existing industrial unit, with the design in keeping with the existing character of the site and its surroundings. In wider landscape views the development would be seen in the context of the wider industrial estate, and given its scale and form landscape character would be conserved.

The proposal is considered acceptable in terms of design and landscape impact.

Neighbour Amenity:

There are no residential properties in the immediate vicinity of the site, however the Highway Authority have raised concerns about the impact of additional traffic on the amenity of residents living on the Plymouth Road.

Highways/Access:

DCC Highways have commented on the need for a banksman for reversing vehicles, but more fundamentally have requested a financial contribution to be secured via a Section 106 Agreement towards a road improvement scheme. As the Applicant has not expressed a

willingness to pay the contribution being sought (£35,000) the Highway Authority have raised an objection.

The road improvement scheme to which the Highway Authority is seeking a contribution is a relatively new issue. Following discussions between Officers at SHDC and the Highway Authority about the reasonableness of the contribution being sought, DCC provided an additional briefing note to support their case. This includes the following:

“Need for Scheme

The current situation at Lee Mill is most unsatisfactory, where a key junction connection to the Strategic Road Network (A38) only has three fit for purpose slip road connections. To accommodate the fourth, the Highways Agency made use of a historic street, Plymouth Road. Plymouth Road has private frontage access on both sides with a mixture of private and commercial premises. It has urban features such as double yellow lines, traffic calming, narrow pavements, a narrow carriageway (at points, less than 6m wide), driveways and on-street parking. This is a wholly inappropriate environment to be accommodating slip road traffic and leads to concerns about noise, air quality and safety....

Devon County Council have undertaken a number of traffic counts in Lee Mill to understand the travel patterns in the area. These have demonstrated that Plymouth Road currently carries approximately 5,400 vehicles per day. Of the 500 vehicles using Plymouth Road in the AM peak hour, only 5% are accessing the village itself. In the PM, this rises to 16% as commuters return at the end of the working day. Of the vehicle trips in the eastern, industrial area of Lee Mill, approximately 50% are destined for Plymouth. A further 13% are travelling west of Lee Mill and therefore nearly two thirds of all trips associated with the industrial estate traffic utilise the Plymouth Road slip road. In addition, 25% of the daily vehicles along Plymouth Road are Goods vehicles. This is significantly higher than would be expected along what would otherwise be a minor urban road in both character and function....

The need for improvement of the Lee Mill slip roads is identified in the Devon County Council ‘Transport Infrastructure Plan: Delivering Growth to 2030’ (March 2017), which can be accessed at <https://democracy.devon.gov.uk/documents/s6699/PTE1716Appendix2.pdf> .

Subsequent to the approval of the Transport Infrastructure Plan, Devon County Council received approval from the Portfolio Holder for Infrastructure and Waste, Councillor Andrea Davis, to progress the Lee Mill slip road scheme design. The record of the decision can be found at <https://democracy.devon.gov.uk/documents/s22232/Cabinet%20Member%20Decision%20Delegated%20Actions.pdf> ...

With reference to the National Planning Policy Framework (NPPF), para 56:

“Planning obligations must only be sought where they meet all of the following tests:

- a) necessary to make the development acceptable in planning terms;*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development”*

The current conditions at Lee Mill of the eastbound off-slip utilising Plymouth Road are unacceptable and an improvement is necessary to make it acceptable. Proposed developments add more traffic to an already unacceptable situation and therefore these

developments are related to the improvement which provides mitigation against the impact of increased traffic flows along Plymouth Road. The request for developer contributions is fair and reasonable in terms of scale towards the scheme development costs.”

On the basis of the information provided DCC Highways in support of their case, Officers are recommending refusal in the absence of a signed Section 106 Agreement to secure the full contribution sought.

Other Matters:

The application has been accompanied by an Ecological Assessment, which finds the existing building has ‘negligible suitability for roosting bats’ given the modern construction type and current use of the building and no further survey work is considered necessary. The site falls within an ‘impact risk zone’ for statutory sites but does not fall within one of the identified risk categories requiring consultation with Natural England.

Conditions would be required in respect of drainage and tree protection in the event of any approval.

The Planning Balance:

In the absence of a signed Section 106 Agreement to secure the financial contribution sought by the Highway Authority the proposal is considered unacceptable. For the avoidance of doubt the proposal is considered acceptable in all other planning respects and the highways objection is the only recommended reason for refusal.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT4 Provision for employment floorspace
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV14 Maintaining a flexible mix of employment sites
DEV15 Supporting the rural economy
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts
DEL1 Approach to development delivery and viability, planning obligations and the Community Infrastructure Levy

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8 and 11 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Neighbourhood Plan

N/A

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.