

PLANNING APPLICATION REPORT

Case Officer: Lucy Hall

Parish: Ermington **Ward:** Erme Valley

Application No: 2738/18/FUL

Agent/Applicant:

Mr Jonathan Woodhouse 3D Home Design
Brook Croft
Sampford Spiney
Yelverton
PL20 7QX

Applicant:

Mr R Bridge Glanville Properties LTD
Unit 2 Central Court
Central Avenue
Lee Mill Ind. Est, Ivybridge
PL219PE

Site Address: Richmond Place, Central Avenue, Lee Mill

Development: Erection of six small business units for Classes B1, B2 and B8 Use including parking, turning and alterations to access.



Reason item is being put before Committee

At the request of the local ward member Cllr Holway 'on the grounds of the level of S106 contribution requested will stifle the increase in employment that we desperately need'.

Recommendation: Refusal

Reasons for refusal

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.

Site Description:

The site relates to a strip of land situated to the south of existing industrial units at Richmond Place within Lee Mill industrial estate. The site measures around 90m long by 25m wide and includes and existing access way, redundant parking area and long scrub bank. The site also includes part of an

existing car parking area currently used in association with the neighbouring units in Richmond Place to the north.

The Proposal:

The application seeks full planning permission for the provision of 6 modest double storey employment units on the site restricted to use classes B1, B2 and B8.

The buildings would be arranged in three blocks of two and situated fairly tight to the northern boundary. Each block would measure 9m by 18.6, providing a footprint of 162 sq. m, with a height of 5.3m to the eaves and 6.6m to the ridge. External materials include sandstone painted render walls to the ground floor with slate blue box profile walls to the upper floor. The roof would be finished with anthracite box profile. A series of openings are proposed on the front and rear elevations including full height doors on the southern elevation.

The existing sloping bank would be excavated and a retaining wall constructed. Level access is proposed from the rear elevation via a walkway to the proposed parking area behind. The proposal also includes a turning space for light goods vehicles.

Consultations:

- | | |
|--------------------------------|-------------------------------------|
| • County Highways Authority | Objection |
| • Environmental Health Section | no objections subject to conditions |
| • Drainage (SHDC) | no objection subject to conditions |
| • Emergency Planner (SHDC) | no objections |
| • Ermington Parish Council | stated 'no comments to make' |
| • Environment Agency | no objection subject to conditions |
| • Health and Safety Executive | No objection |

'Do not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.'

Representations:

No comments received

Relevant Planning History

None relevant

ANALYSIS

Principle of Development/Sustainability:

The principle of industrial development restricted to B1, B2 and B8 uses on this site does not raise any concerns. The site lies within an established industrial estate on the edge of Lee Mill, which is identified in the JLP as a sustainable village. A fundamental element of delivering economic growth is ensuring there is sufficient land to meet the need for new employment premises. JLP Policy SPT4 states that around 21,700 sq. m of B1/B2 and 33,100 sq. m should be provided within the Thriving Towns and Villages Policy Area within the plan period. Albeit limited the proposed development would make a valuable contribution towards meeting this target.

Design/Landscape:

Paragraph 124 of the NPPF states 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities'. The need for good design, which respects its setting and the crucial role this plays in creating a sense of place and identity is reinforced within the Council's policies. Policy DEV20 requires proposals to have regard to the *'pattern of local development and the wider development context and surroundings'*.

The existing site relates to a strip of land which includes a long scrub bank and tarmac area that provides access to the adjoining waste site. The loss of the scrub bank does not raise any concerns. The site lies within the heart of an established industrial estate and this proposal provides the opportunity to enhance the appearance of the site and provide additional employment units which brings associated economic benefits. The proposed modest buildings are considered to be well designed and appropriate within the industrial setting in which they would be located. The size and layout of the site presents a number of challenges but Officers consider that the proposal maximises its potential without appearing as an overdevelopment.

There is an existing tree close to the entrance of the site off Central Avenue and it is likely that this would be removed as part of the development. No tree information has been provided. The case officer has discussed its loss with the Council's Tree Specialist who has advised that the tree appears to be of low amenity value and compensatory planting to deal with its loss, could be secured as part of a landscaping condition relating to the wider site.

Neighbour Amenity:

The site is adjacent to Westcountry Waste Management, a waste treatment site. While the site benefits from an existing permit, according to information received from the Environment Agency the waste treatment site is not currently in use. JLP Policy DEV14 states that employment sites 'will be protected from inappropriate neighbouring development that will adversely affect the employment operations taking place on the site.'

The EA have advised that the proposed development overlaps the permitted area of installation but only on the access road and not the waste storage or treatment areas. They have also advised that they have no objections with the proposal to build light industrial/office units adjacent to the site or have reason to believe that it will impact on the permitted activities. They do however advise that should the waste treatment site come back into use, the new units may be impacted from odours from the plant at times. Officers note that the EA only refer to light industrial/office units as an appropriate adjoining use with no reference to the proposed B2 use. On the basis that B2 is typically more intensive and can generate its own noise and odour nuisances, it is not anticipated that this use would cause any more harm.

The HSE have also advised that the LPA should not withhold the granting of permission on safety grounds. While Officers accept that the waste treatment plant could resume operations at any time, having regard to the comments from the EA, HSE and the proximity of the plant to other industrial sites within the estate, on balance, the potential harm is not considered to be so significant to justify the refusal of the application on this basis. Any prospective tenants should be aware of the adjoining uses.

No concerns are raised with regards to the proximity to other waste sites within the estate. The EA have confirmed that these are far enough away and the development site will not impact on their operations.

Highways/Access:

The Highway Authority have raised objections on the basis of inadequate parking provision, inadequate on site turning for HGVs and the absence of an appropriate financial contribution towards the provision of a new junction at Lee Mill.

Parking

There is already an 'extremely high' on street parking demand in the area, which the Highway Authority considers is at capacity. The Highway Authority were initially concerned that there was inadequate on-site parking provision to service the additional demand created from the proposal; the spaces that were proposed would be difficult and impractical to use and that it would lead to a reduction in the number of spaces serving the adjoining units on Richmond Place. To address these concerns a revised parking layout has been provided. It confirms that 25 spaces are proposed for the units, and no reduction is proposed to the parking spaces for Richmond Place, who have 68 off road parking spaces. Having regard to the indicative parking standards set out within the emerging SPD, the number of spaces proposed for the new units is in broad compliance with the parking figures. The Highway Authority has not raised any objections.

HGVs

The site is very tight and the Highway Authority wanted confirmation that there is sufficient space for lorries to turn so they can enter and exit the site in a forward gear. The proposals were revised to show a turning space, but only for lights goods vehicles and cars with the applicants prepared to restrict access for smaller vehicles. While the principle of this is acceptable, the site also provides access to the adjoining waste site and as such it would be impossible to enforce who is using the site. The LPA cannot restrict the size of vehicles using the adjoining site.

The case officer and the Highway Authority have discussed the matter further. The Highway Authority suggested relocating the turning bay to the west so lorries don't have to reverse when serving the far western units. However, the site is narrower at the western end and as such this is not possible. To address this issue Officers have suggested a condition requiring a banksman to be present if an HGV is reversing. The case officer has discussed this with the agent who considers this to be a reasonable compromise.

Financial Contributions

The Highway Authority has also requested a financial contribution of £54,000 towards the provision of a new junction off the A38 into Lee Mill. The following comments have been received: -

'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 6 trips per 100m² of building, meaning a total expected net trip increase of 54 per day noting the proposed expansion is 892m². Therefore the Highway Authority would recommend a financial contribution of £54,000 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 6 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.'

As the applicant has not expressed a willingness to pay the full contribution being sought, the Highway Authority are raising an objection to the proposal. The applicant is prepared to pay a contribution and details on this will be provided at committee.

Additional information from the Highway Authority, reiterating their position has been received: -

S106 request – Design Fees for Lee Mill A38 Access Scheme

Devon County Council has obtained Cabinet Approval for a scheme to be progressed and this is firstly evidenced in the approved Transport Infrastructure Plan (TIP), which it mentions the Lee Mill

Slips on Pg. 15. The TIP was approved in March 2017. <https://www.ceca.co.uk/wp-content/uploads/legacy-media/273734/395-devon-county-council-incl-devon-plan.pdf>

Since that time in November 2018, Devon County Council specifically received Portfolio Holder for Infrastructure and Waste Member Approval to progress the Lee Mill Slip Road scheme design. Here is a record of that decision -

<https://democracy.devon.gov.uk/documents/s22232/Cabinet%20Member%20Decision%20Delegated%20Actions.pdf>

At this early stage there are various potential Lee Mill scheme options, which need to go through public consultation before a final scheme is decided on to progress to detailed design. The options are likely to vary considerably in terms of scheme delivery cost. Therefore it is unfortunately not possible to provide a detailed breakdown of how the secured figures should be broken down. However, indicatively I can say scheme costs would likely vary from between £5,000,000 - £10,000,000 and design fees are generally expected to be somewhere between 15 – 20% of the total scheme cost. Therefore as a worst case DCC is likely to require around £200,000 for detailed design fees plus the final scheme cost. To date if taking into account this planning applications S106 request amount and all other requested S106 agreed contributions DCC has managed to secure £763,000. If one excludes the 110 dwellings (Planning Application 1303/18/OPA) which was refused by South Hams District Council at planning committee, DCC has managed to secure £103,000 to date.

I can confirm if the application is formally refused on this basis that the Highway Authority would assist SHDC in defending any resultant appeal. It is unlikely that costs would be awarded against the Highway Authority since it would have plenty of guidance/evidence to present to an inspector should it unfortunately get that far.

In conclusion the request for £54,000 for the Lee Mill scheme will need to remain

Paragraph 56 of the NPPF states that 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.

In response to this the Highway Authority consider 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.

Officers are therefore recommending refusal of the application in the absence of a signed Section 106 agreement to secure the full contribution.

Other Matters:

The Council's drainage specialist initially objected to the proposal on the basis of inadequate information. Following the submission of additional information these concerns have been addressed and officers are satisfied that sufficient information has been provided to demonstrate a workable scheme, although the final design would need to be agreed which could be dealt with via condition. The EA have advised that the site is within an area that has separated foul and surface water drainage and as such they would not expect the surface water to be diverted to the foul even with attenuation. Again this could be looked at as part of a condition.

The site falls within the Zone of Influence for new residents have a recreational impact on the Tamar European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). However, because this proposal relates to the provision of industrial units this consideration is not relevant to the application.

The Council's Environmental Health Specialist initially raised an objection on the grounds that inadequate information had been provided regarding contamination. This objection was removed following the submission of a phase 1 contamination assessment. The Environment Agency has also considered the issue of contamination and following the submission of the report (phase 1) have advised that the proposal will only satisfy the EA if their suggested conditions regarding contamination are imposed.

Planning balance:

The principle of industrial development on the site is supported, however, the proposal has raised a number of issues regarding technical matters the majority of which can be dealt with via planning conditions. However the Highway Authority consider that for the development to be acceptable, having regard to highway safety the applicant must provide a contribution of £54,000 towards junction improvements. The applicant is not willing to provide the full amount and in the absence of a signed S106 agreement to secure the contribution the proposal is recommended 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
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT12 Strategic approach to the natural environment
SPT13 Strategic infrastructure measures to deliver the spatial strategy
TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV25 Development in the Sustainable Villages
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
DEV27 Green and play spaces
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) and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan

The site is not within an identified Neighbourhood Planning Area.

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.