

PLANNING APPLICATION REPORT

Case Officer: Oliver Gibbins

Parish: Sparkwell **Ward:** Newton and Yealmpton

Application No: 0062/19/FUL

Agent/Applicant:

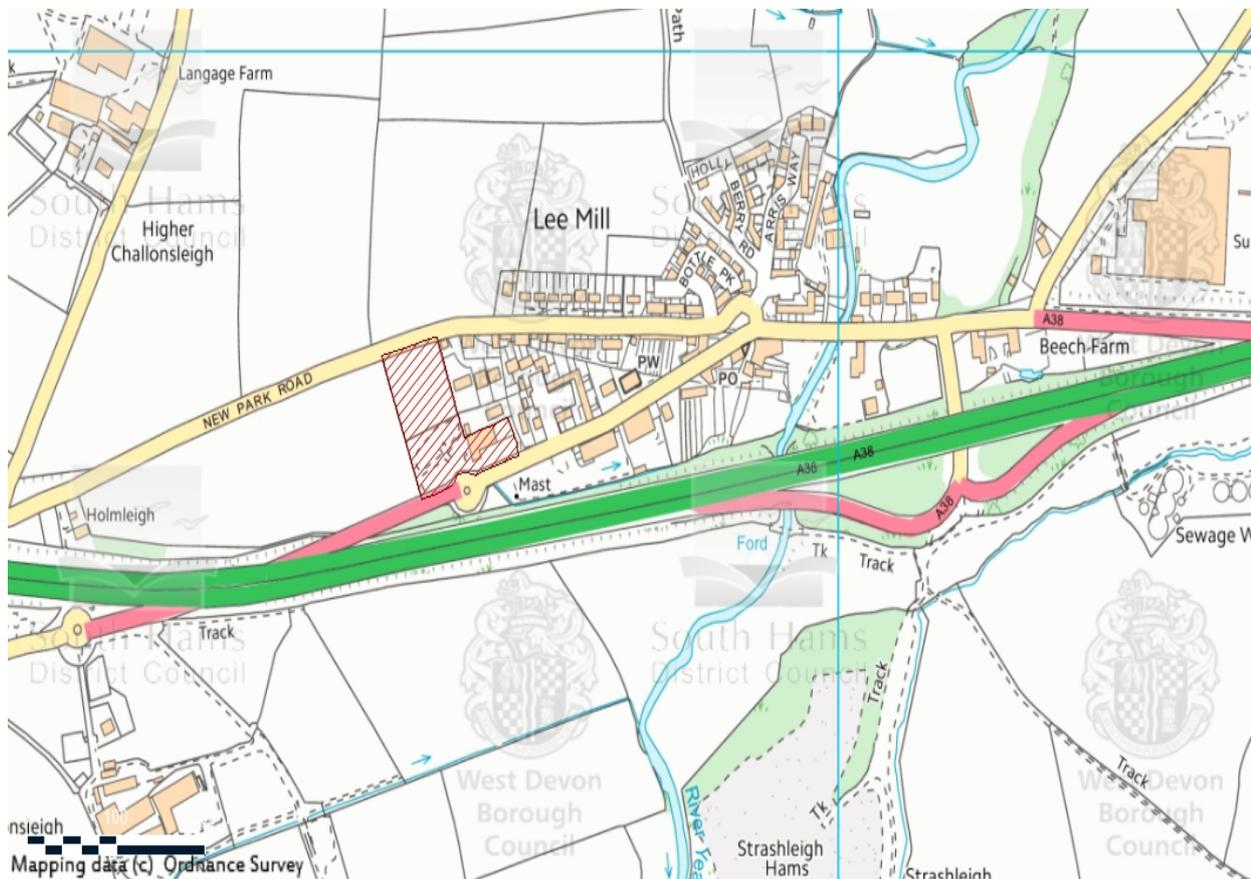
Andrew Lethbridge Associates
102 Fore Street
Kingsbridge
TQ7 1AW

Applicant:

Mr Brand - Marquis Motorhomes &
Caravans
Marquis Devon,
Lee Mill
Ivybridge
PL21 9EG

Site Address: Marquis Devon, Lee Mill, Ivybridge, PL21 9EE

Development: Demolition of existing workshop/office building. Erection of office and workshop buildings, extension to vehicle display area and alteration to existing access.



Reason item is being put before Committee

The Local Ward Member has requested that the application is determined by the planning committee to consider whether the S106 request is reasonable.

Recommendation: Refusal

Reasons for refusal

The applicant has failed to complete a S106 agreement to contribute towards the improvement of the Lee Mill Slip road and will therefore fail to mitigate against the environmental impacts of the development or contribute towards meeting the wider strategic transport infrastructure needs generated by the cumulative impact of the development in the area. As a result the proposal is contrary to Policy DEV29 of the Plymouth and South West Devon Joint Local Plan.

Key issues for consideration:

The key issues to consider is the principle of development as well as the impact on the character and appearance of the area, the impact on amenity and the local highway.

Site Description:

The application site is an L shaped piece of land located on the northern side of Plymouth Road, located on the western side of Lee Mill.

The existing use is motor home service and retail use.

The areas is characterised by mixed use development including large employment/retail located on the southern side of the Plymouth Road and residential properties located behind and to the east of the site. The A38 is also a key feature of this area.

The site is not located within an AONB or a Conservation Area.

The Proposal:

This application is for planning permission for the demolition of existing buildings on the site and replace them with two new buildings on the site to provide an office and a separate workshop.

The existing buildings provide a total of 526 sq.m, split between 286 sq.m office and 240 sq.m workshop.

The new buildings will provide a total of 943 sq.m, which will provide 265 sq.m of office and 684 sq.m of workshop. The will provide a significantly larger workshop and a slightly smaller office. Overall the development will result in 423 sq.m of additional floor space.

The proposed office will be located on the southern frontage of the site that fronts onto Plymouth Road and the workshop will be located on the western side of the site.

The buildings will be constructed from modern materials and clad in steel with aluminium windows.

Although the application has detailed that there is a mix of B1 and B2 land uses, this type of use is a Sui Generis use, as it does not fall within a specific land use.

Consultations:

- County Highways Authority - Therefore the Highway Authority would recommend a financial contribution of £28,000 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.
- Environmental Health Section - Request unsuspected contamination condition.
- Town/Parish Council – Although the Parish Council is surprised that this site has not come forward as proposed in the Joint Local Plan, it will support the application subject to the provision of safe access and the opportunity to enhance the national cycle route.
- Drainage – No objection subject to conditions.

Representations:

2 letters of representation are reported, 1 neutral and 1 objecting on the following material planning considerations:

Contrary to the Joint Local Plan allocated site;
Impact on infrastructure – cycling.

Relevant Planning History

49/0699/02/F - Extension to sales building including provision of customer wc facilities and extension of vehicle display area – Approved.

ANALYSIS

Principle of Development/Sustainability:

The site is not allocated for any form of development within the Joint Local Plan, neither is there an emerging Neighbourhood Plan for Lee Mill. The site is currently used as a motor home show room with workshop and office buildings located on the site.

Although as previously identified the land use is a Sui Generis use, as such does not fall within a specific use class the use does have the characteristics of employment land uses. This is because the development provides employment to 21 people (15 servicing and 6 marketing). The development will provide for additional employment for 24 new jobs (12 in servicing and 12 in marketing).

Policy SPT4 Provision of employment floor space identifies that a total of 375k sq.m of new employment floor space will be provided for in the plan area during the plan period which is

2014-2034. The distribution identifies that within the Thriving Towns and Villages Policy Area, which includes Lee Mill, in the region of 84k sq.m of B1a, B1/B2 and B8 floor space will be required.

Lee Mill is identified within Policy TTV1 – Prioritising growth through a hierarchy of sustainable settlements as being a Sustainable Village- where development to meet locally identified needs and to sustainable limited services and amenities will be supported.

Policy TTV2 – Delivering sustainable development in the Thriving Towns and Villages Policy Area identifies, amongst other objectives, that the growth and expansion of rural businesses and enterprise will be supported.

Policy DEV14 – Maintaining a flexible mix of employment sites identifies that a flexible supply of employment land and premises will be maintained to support investment and expansion of existing business.

This development is located on an existing site and the site area will not be expanded through this development. Instead the existing buildings will be demolished and replaced with new larger buildings. As already detailed in the proposal section of this report this will result in a net increase in floor space of 423 sq.m. This will provide two new buildings, a slightly smaller office and a larger servicing building increasing in size from 240 sq.m to 684 sq.m, which is a net additional 444sq.m of floor space.

As a result it is considered that providing additional floor space on an existing site will be supported in principle through policy SPT4, TTV2, DEV14 of the Joint Local Plan, subject to the materials planning considerations being acceptable, which will be assessed in the following sections of this report.

Design/Landscape:

The proposed buildings have been sited to provide an attractive street frontage with the main show room and administrative functions of the use being sited along the road frontage. This will provide an attractive modern building which will be sympathetic with the existing character and appearance of the area.

The larger workshop has been positioned on the western side of the site which helps to enclose the boundary of the site and define the parameters of the site. There is extensive planting positioned on the western boundary which will soften the appearance of the building, although if approved a landscaping and tree condition would be necessary to secure the landscaping and deliver effective screening.

The area is characterised by mixed use development, with employment/retail buildings located opposite the site at the 'Famous Lee Mill' as well as smaller scale residential dwellings. In terms of scale although the buildings are larger than the existing building they are of a scale that is appropriate for the site and will be compatible with the character and appearance of the area.

The buildings will be constructed from steel cladding buildings with aluminium doors and windows. This is considered acceptable for this part of Lee Mill.

Overall it is concluded that the development will meet a good standard of design given the context of the area and as such would comply with Policy DEV20 of the JLP.

Neighbour Amenity:

There are residential properties located to the north east of the site. The site is currently used by the existing business so it forms part of the established character of the area. The existing building on the site is located closer to the northern boundary than the proposed siting of the new buildings.

The first building which will provide the show room will be repositioned away from the boundary. The development will result in an acceptable layout that will not give rise to significant loss of residential amenity.

The new workshop building has been positioned away from the residential boundary and will be positioned on the western boundary. Given the existing use of the site together with the servicing capacity already on the site it is not considered that the workshop will give rise to a significant loss of amenity. It is also noted that the Council's Environmental Health Officer has raised no objection.

Given the proximity of the site to residential uses it is considered necessary to control the hours of operation through planning condition, if the application is approved.

Notwithstanding the above it is noted that the justification for highway improvements, as detailed in the next section of this report, includes noise, air quality and safety.

Highways/Access:

The advice from the Highway Authority has been:

Lee Mill is a village located in the South Hams, immediately to the north of the A38 and approximately 6 miles east of Plymouth. The dwellings are located in the west of the village, with a large industrial estate located in the east.

The main junction connecting Lee Mill to the A38 is missing a formal slip road. It is unclear why the fourth slip road was not constructed. However, Lee Mill has evolved since the A38 was built and it is likely that initially the slip road could not be justified.

In recent years, Lee Mill has evolved as a bigger and more sustainable Devon village and the large industrial estate has gradually increased in size. The estate has approximately 400,000 sqm gross of B2 employment including a Tesco Extra with approximately 700 parking spaces. This is served predominantly by a slip road that is not fit for purpose.

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.

These effects are exacerbated by the fact the missing slip road is the west facing off-slip from Plymouth. Plymouth is the main traffic generator for Lee Mill, providing employment opportunities for the residents and important business connections for the businesses located in the village and industrial estate.

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.

This data demonstrates the significant volume of traffic demand travelling along the Plymouth Road off-slip which are not directly associated with the development in the west of Lee Mill. The road itself is designed to operate a different function to that of a slip road connecting to the Strategic Road Network.

The situation as it stands has emerged over a period of time. Devon County Council, as highway authority, have been aware of the substandard nature of the environment in Plymouth Road and as a result installed traffic calming features.

In the meantime, a number of planning application for the area have continued to take place further exacerbating the existing situation. These include a variety of developments such as waste sites in the local vicinity, residential development in Lee Mill village and employment development in the village and industrial estate. All these developments will generate additional vehicular demand accessing and egressing the A38 towards Plymouth, and therefore increasing current demand on the sub-standard off-slip via Plymouth Road. Without a meaningful scheme to alleviate the situation, these applications have progressed unabated.

The adopted Plymouth and South West Devon Joint Local Plan identifies Lee Mill as a village able to accommodate around 20 dwellings during the plan period up to 2034 under the TTV30 'Sustainable Villages' policy. This specifies that the development should respond to local needs and ensure that it maintains or improves the viability of the villages whilst also being of an appropriate scale and meeting the needs of local people. It does not specify any level of employment development. In order to ensure Lee Mill continues to be an attractive location to live or work with future-proofed infrastructure appropriate to the level of demand, it is important that suitable connections to the A38 are provided which improve on the existing substandard situation.

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>

An opportunity arose for the County Council to be proactive and purchase land that could potentially be used to provide the missing slip road. This is a substantial change in position. As a result, a decision was made by Devon County Council to progress the design of the missing slip road. Once the design is finalised, the scheme will be ready to bid for funding.

An initial 2D design has been developed for the slip road improvements utilising the land under Devon County Council's control. Further design work is required to develop a detailed 3D design that could proceed to construction. The cost of the design is significant, potentially £0.5m (10% of scheme cost), and to allow the scheme to progress there is a need for funds to accelerate the delivery of the slip road. As a result, now an option exists for alleviating the traffic generation caused by further development in Lee Mill proportionate contributions will be sought from developers.

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.

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 6.2 trips per 100m² of expansion, meaning a total expected net trip increase of 28 per day noting the proposed expansion is 444m² extra B2 use class and -21m² of B1(a). Therefore the Highway Authority would recommend a financial contribution of £28,000 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.

The applicants have been advised of the request from the County Council for a S106 contribution and advised that they will not agree to the costs for the following reasons:

1. This request has come a complete surprise and never been mentioned before.
2. The said road and roundabout is some distance from our premise.

3. Our investment budget is derived from after tax income. One can see our Group contribution to the Treasury and the community as a whole at <http://www.auto-sleepers.com/corporate/>
4. This development would increase our business rates and therefore community contribution moving forward.
5. This investment is marginal at best. In addition we have the looming uncertainty of Brexit, significant increases in vehicle taxation for our industry all contributing to uncertainty moving forward.
6. We have numerous other projects within the Group all completing for investment funds.

Policy DEV29 – Specific provisions relating to transport – identifies that development will be required to contribute positively to the achievement of a high quality, effective and safe transport system. Amongst other requirements the policy identifies that:

- development should mitigate the environmental impacts of transport, including air quality, noise pollution, landscape character and the quality and distinctiveness of urban and rural environments;
- Contribute towards meeting the wider strategic transport infrastructure needs generated by the cumulative impact of the development in the area.

To conclude the Highway Authority object to this proposal as without the improvements to the infrastructure the development results on an unacceptable and harmful impact on the highway network.

Drainage:

Subject to conditions an acceptable drainage design has been proposed.

Conclusion:

Although the principle of the development can be supported and the design and impact on immediate and local amenity is acceptable the development, without mitigation, will result on an unacceptable impact on the local highway network and the application is therefore 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
SPT5 Provision for retail development
SPT6 Spatial provision of retail and main town centre uses
SPT7 Working with neighbouring areas
SPT8 Strategic connectivity
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
TTV3 Strategic infrastructure measures for the Main Towns
TTV24 Site allocations in the Smaller Towns and Key Villages
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
DEV16 Providing retail and town centre uses in appropriate locations
DEV17 Promoting competitive town centres
DEV18 Protecting local shops and services
DEV19 Provisions for local employment and skills
DEV20 Place shaping and the quality of the built environment
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development
DEV33 Renewable and low carbon energy (including heat)
DEV34 Community energy
DEV36 Coastal Change Management Areas
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 14 and guidance in Planning Practice Guidance (PPG).

Neighbourhood Plan

None identified.

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.