

16/10/2001

Item B1**Reg. No.** 9 2001 0741 F**Applicant:**

Y Pas Garages Ltd
 A38 Burton Road
 Egginton
 Derby
 DE65 6GY

Agent:

Malcolm Dyke
 Malcolm Dyke Designer
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Proposal: The erection of a two storey office for Y-Pass Garage group administration at Y Pas Garage Northbound Derby Road Egginton Derby

Ward: Hilton

Valid Date: 29/08/2001

Site Description

The site is rough pasture lying on the south side of Carriers Road that forms the slip road from the northbound A38. Between the A38 and the site boundary, on land in the ownership of the applicants, hedges have been removed to improve visibility at the junction. A post and rail fence forms the west boundary of the site. Behind the hedge, a considerable amount of tree planting has taken place. Hedges form the other boundaries to the site. The land is at a significantly lower level than the overbridge to the A38 and its approach roads. This and the vegetation on the boundary would completely screen the site from the south. The site is level with the slip road

Proposal

The proposal is for a two-storey building the same size as and having a similar appearance to a house.

Applicants' supporting information

This supporting statement is intended to provide background information on the company; the form of the development proposed; to demonstrate the need; address the highways issue; and relevant policies in the Derby and Derbyshire Joint Structure Plan and South Derbyshire Local Plan. It also assesses the environmental implications of the proposal and describes the proposed landscaping. Where referring to the Derby and Derbyshire Joint Structure Plan we refer to the Deposit Edition, April 1998.

Y-Pas Garages

The company is a family-run business and has owned roadside developments since 1951. Its sites are located on the north and southbound sides of the A38 at Willington Crossroads, one mile

south of the A50/A38 junction and at 475 Burton Road, Littleover. Y-Pas Garages is the major employer in the Willington area, with a workforce of over fifty. A number of the employees have been with the company for 20 years and in some cases, there are several generations from the same family. The sites attract over one million customers per annum and the company has a turnover of twenty million pounds. The sites are open three hundred and sixty five days a year, with two of the sites operating a twenty-four hour day. The public often only see three or four staff on site, however three shift changes are required to provide a twenty-four hour operation.

Development Proposal

The Y-Pas Northbound site is the largest of the three company sites, with suitable land adjacent for expansion of the business. It is proposed to build a new headquarters on the adjacent field off Carriers Road, freeing the main site for the approved development of the petrol filling station, hgv parking and restaurant facility.

The proposal is for a two-storey office of 225m², of traditional brick and tile construction to be located on the company-owned vacant parcel of residual land at the bottom of the road embankment. The field was created by the elevation of Carriers Road over the A38 and the formation of a re-positioned access onto the A38. The usable area for development is severely restricted by a public sewer and sludge main, with a 10-metre restriction zone preventing building or tree planting to either side, which crosses the site. The land has no agricultural value.

Need

The existing Group office is positioned centrally on the northbound petrol filling station, historically the Group's headquarters. It is not possible to accommodate the current Group office requirement on the recently approved northbound site.

There is a requirement to provide accommodation for the company-managing director and assistant, three site managers, accounting department, secretarial, centralised record, storage and training facilities. The core business of the Group is the retailing of vehicle fuel which requires regular staff training to ensure employees are aware and conversant with the constant stream of changing legislation, affecting all aspects of the Group activities.

Although a number of the staff have been with the Company for many years there are always new members due to staff turnover, who require training. With constant changes in Government legislation relating both to the industry, and Health & Safety at Work there is a real need for a continuous programme of staff training, for all employees, to ensure they are adequately informed and aware of current practice. Space for training facilities is a prime requirement.

See Appendix A, an extract from the Journal of the Association for Petroleum & Explosives Administration, Volume 39, Issue 2, May 2001 which refers to a recent Nottinghamshire County Council Trading Standard exercise to ascertain whether licensees of petrol filling stations were complying with current Petroleum Regulations.

In all companies staff morale is maintained by management presence and accessibility. A Group Office site adjacent to the two A38 sites is the only sustainable option.

Y-Pas Garages have looked at all options for the building of Group offices. It can be seen from the Location Plan accompanying this application the building and parking requirements could not be incorporated into the Northbound development without the loss of a substantial element of

that development. The loss of any one of the elements will destroy the economic viability of the Northbound scheme.

The Local Planning Authority in their letter dated 11 March 1997 suggested a Group office could be located on the site of the proposed motel on the southbound side of Burton Road. The planned Highways Agency changes to the A38 to incorporate three lanes in each direction will result in the loss of the existing petrol station and restaurant on the southbound side. The land at the rear of the Southbound site should therefore remain vacant until the highway design has been resolved, as any office building would prejudice the re-building of the existing facilities and a loss of an important element to the overall Group.

The third site within the Group is located at 475 Burton Road, Littleover. Negotiations for a possible land acquisition with the adjacent landowner, Kwiksave, were begun in January 1999 although the available site is quite small. After considerable design work, consultation with the local Planning Authority and interested parties over a fourteen-month period, the landowner withdrew from the discussions stating they did not wish to reduce their land ownership around their site.

All options for building close to the sites have been explored and the only option is the current application site. Y-Pas Garage's wish not to move away from the business in order to expand their operation fully accords with paragraph 4.23 of the South Derbyshire District Council Local Plan.

Highways

The Rowland Bilstrand Traffic Report dated 26 March 2001 attached to the application covers the traffic details. The predicted traffic generation for the office development is twenty-two vehicles visits per day or less than two vehicles visits per hour on average, throughout the day. The Institute of Highways and Transportation Guidelines suggest threshold levels of 5% and 10% to determine whether or not additional traffic represents a material change. The predicted volume of traffic for the office development could not have any material effect on traffic conditions on the A38 or on the Carriers Road Link.

During formal discussions with Mr Alan Rossiter of the Highways Agency and their consultants Mr Chris Tooth and Mr Michael Thorne, of W S Atkins, no objections were raised to use of the existing field access position and the development. The limited traffic movements to and from the Group office were not considered an issue. The access and vision splays for the proposed development have been designed to the standards advised by the Highways Agency and W S Atkins.

At the meeting held at the Derbyshire County Council with Mr Graham Fairs on 16 July 2001, the proposal for the group office development was outlined.

Site access location to be in the same position as the existing agricultural access.

Access width to be a minimum of 6 metres.

Corner radii to be 10.5 metres.

Turning area to be provided within the site for delivery vehicles.

Parking spaces to be provided in accordance with South Derbyshire District Council parking standards.

Site access visibility to be a minimum of 4.5 metres x 90 metres splay, to the left, and maximum 4.5 metres x 120 metres splay, to the right, for vehicles emerging from the site.

It was agreed that the access location, geometric details and site access visibility are all technically acceptable for the proposal. It was agreed the estimate of 22 vehicles per day, given in the Transport Statement was reasonable.

At the specific request of Mr Fairs, we have included a short length of footway to the north side of Carriers Road link, around the entry radius of the service area site access.

In the recently published "A38 Development Control Strategy, Final Report September 1999" commissioned by the Highways Agency, the study looks at the development control issues on the A38 between the A5 junction at Weeford and the A50 at Willington. The conclusion based upon the current development position, is that two sections of the A38 are forecast to experience unacceptably low levels of service by 2014. These sections are southbound movements from the A50 to Burton and Branston to Barton Turns in both directions. Widening of the A38 in some sections may be unavoidable. The study indicates there will be a large increase in traffic in the vicinity of the site and the Highways Agency have instructed consultants to prepare a detailed study of highway widening, increasing the number of lanes to three in each direction.

Planning Policy Context, Joint Structure Plan & Local Plans

It is our opinion the overall proposals satisfy the local Planning Authority's requirements as set out in the deposited Derby and Derbyshire Joint Structure Plan and South Derbyshire District Council Local Plan. The following are of particular relevance in this proposal:

Derby and Derbyshire Joint Structure Plan

Economy Policy 4 Expansion and Re-location of Existing Business etc.

Provision will be made for the extension or expansion of existing business, general industrial and distribution uses, unless unacceptable local environmental conditions would result.

General Development Strategy Policy 5: Development Beyond Settlements.

Beyond existing settlements and those areas closely related to them where new development is proposed, development will be permitted only if it can be shown to be necessary in such a location.

If development is permitted beyond settlements it would be so designed and located as to minimise adverse impact on the environment.

South Derbyshire District Council Local Plan

EMPLOYMENT PROPOSAL 1: EXISTING INDUSTRY

4.22A. The expansion of industrial and business uses on or adjacent to, their existing sites, or the continuation of temporary uses, will be permitted, provided that the proposal is not detrimental to the character of the locality or residential amenity and does not cause environmental or traffic problems.

- 4.23 The District Council wishes to encourage the expansion of existing firms as a means of improving the local economy. In most circumstances, firms do not wish to move in order to expand their operations so it is essential that planning applications for extensions or expansion are considered favourably unless there are overriding planning reasons for refusal.
- 4.24 It is recognised, however, that there is a need to maintain the amenities of areas adjoining industrial concerns. In such circumstances, regard will be had to the nature and proximity of adjoining land uses, the impact of the development and any increased traffic flows.

EMPLOYMENT PROPOSAL 5: INDUSTRIAL & BUSINESS DEVELOPMENT IN RURAL AREAS

- 4.45 The importance of economic activity in villages and other rural areas is recognised by the District Council as a means of providing employment, preventing the loss of services and maintaining the rural economy. Central Government advice places emphasis on the promotion of small firms, and has indicated that such activities are acceptable in rural areas, provided that their operations do not give rise to an unacceptable level of disturbance or cause intrusion into open countryside.

ENVIRONMENT PROPOSAL 1: DEVELOPMENT IN THE COUNTRYSIDE

- 5.25 A Outside settlements new development will normally be permitted provided that:
- (ii) Unavoidable in the countryside, and
 - (iii) The character of the countryside, the landscape quality, wildlife and historic features are safeguarded and protected.
- B If development is permitted in the countryside it should be designed and located so as to create as little impact as possible on the countryside.

The Rural Employment Study Consultation Paper dated October 1997 sets out national and local policy directives, and confirms Repton and Willington as having the highest portion of long-term unemployed in the area. With the closure of Willington Power Station and the calling in of Official Receivers at Atkins Transport at Findern, there is an urgent need to encourage employment in the locality.

In consideration of the application number 9 2000 1041 0, The Development Control Sub-Committee Report of 06 February 2001 states: "The sticking point in this case is the proposal for the office building on the opposite side of Carriers Road. This land is remote from the main centre of business activity and would be capable of separate use. The imposition of a condition requiring it to be used solely for the Y-Pas Garages would not be sustainable at Appeal".

This argument is illogical, as an office could be built on the Northbound site and be capable of separate use. Also, an office built on the Southbound site, as suggested by the Local Planning Authority in their letter of 11 March 1997 could also be capable of separate use.

It is a reasonable planning principle where a new physical barrier is introduced, in this instance the altered road and bridge over the A38, development can be taken up to the new feature, taking in small otherwise unusable parcels of land.

Planning Issues

The Development Control Sub-Committee Report of 06 February 2001, Planning Assessment states, "the sticking point in this case is the proposal for the office building". The Notice of Refusal identifies the submission being contrary to General Development Strategy Policy 5 in the Derby and Derbyshire Joint Structure Plan and Environment Policy 1 of the adopted South Derbyshire Local Plan, both of which seek to restrict development in the countryside to that which is necessary.

The modest proposal for offices associated with this long-established business has of necessity to be located in the countryside as it is adjacent to the existing Northbound site. The site was established in early 1950 in agreement with the Authority, to prevent the need for traffic to cross the highway to obtain fuel. The A38 at that time was one lane in each direction.

The Authority further cite the Economy Policy 4 of the Joint Structure Plan and Employment Policy 1 of the Local Plan which make provision for the extension or expansion of existing business, unless unacceptable local environmental conditions would result.

The Local Authority's claim there is an unacceptable local environmental condition based upon the County Highway Authority statement that the construction of a new access onto Carriers Road would introduce a new point of conflict. There is no supporting evidence to substantiate the claim of how or why less than two vehicle visits per hour would be cause a problem. On analysis this is found to represent a wholly unjustifiable reason for Refusal.

In the Reasoned Justification, Provision for Expansion and Relocation, Item 4.110 states:

In most cases firms do not wish to move in order to expand their operations, so a positive attitude is required to ensure that applications for expansion or extension are considered favourably, unless there are overriding planning reasons for refusal, such as unacceptable environmental impact. In addition, wherever possible, changes of use to industry should be allowed on sites adjacent to existing firms. This is particularly important in older urban areas, where obsolete buildings and cramped sites can impair efficiency and preclude expansion, with the result that opportunities to create additional jobs may be lost.

The Authority, in all of the discussions held have not set out or demonstrated any unacceptable environmental impact. Contrary to being a reason for Refusal the Reasoned Justification sets out why the application should be approved.

Finally the local Authority claim the proposal is contrary to Employment Policy 5 of the Local Plan as it is outside and beyond the edge of any settlement. The location of the submission site is acknowledged, but the proposal is for the expansion of and is inextricably linked to, a business that has been in the same location for over fifty years.

Effect of Development Proposal on Local Environment

The Economy Policy 3 of the County Structure Plan & Employment Policy 1 in the Local Plan allows for the expansion of firms in the countryside, provided the proposal is not detrimental to the character of the locality, or residential amenity and does not cause environmental or traffic problems. The site does lie adjacent to the existing site, although separated by the A38 slip road; a dictionary definition of adjacent being:

“Lying near to, neighbouring, but not necessarily in contact with: adjacent villages, houses, etc.”

Y-Pas Garages in October 1999 completed improvements to the visibility splay at the junction of the A5132 Carriers Road and the A38 northbound. The planting of 170 mixed broadleaf trees farther back into the site compensated for the removal of the hedge, to improve the visibility of the main site access.

Careful consideration has been given to the siting of the development, scale, design and landscape treatment. The office will be built at the existing ground level, has been designed to be domestic in scale and to fit in with the local vernacular.

The site benefits from being surrounded by mature trees and hedging. To the south-west by the densely-planted embankment of the A5132 road and the recently-planted trees to the south-east will soften the oblique view from the nearest residential properties in Carriers Road, on the opposite side of the A38, over 200 metres away. The enclosed aerial photograph clearly demonstrates this. Topsoil from the developed area will be used to create embankments to the north-west perimeter with planting to the slopes further reducing the visual impact. Although not in itself sufficient reason to allow development, consideration should be given to the existing screening of the proposal.

There will be no effect on the area by way of noise emanating from the development or lighting within the site.

Landscaping Proposals

We are aware the site is in an area designated for the New National Forest. A detailed landscape proposal is included with the submission, the species to be from a planting pallet of indigenous varieties to this area of South Derbyshire and to reflect the New National Forestry guidelines.

Since Y-Pas Garages acquired the land in 1996, regular cutting of the hedging and weeds has been carried out. When the public sewer and sludge main were laid across the site the topsoil was not reinstated. Sub-soil now covers a large area and will not sustain a reasonable growth of meadow grass. A substantial investment is required to correct this environmental problem. As part of the proposal the area will be overlaid with topsoil and seeded with a meadow grass mix appropriate to this area of Derbyshire.

The Authority is able to see the level and standard of maintenance Y-Pas Garages apply to their sites, as at the Southbound site. Few opportunities arise to apply current design; landscape and environmental considerations to a site where the Authority can have confidence the proposals will be carried out and maintained to a high standard.

Conclusion

In summary, the proposed modest development is designed to maintain and enhance the landscape quality creating, as little impact as practicable on the countryside, and will provide a much-needed facility for the Y-Pas Group. In accordance with the Derby and Derbyshire Joint Structure Plan, Strategy Policy 5 and the South Derbyshire District Council Adopted Local Plan Environmental Proposal 1, the applicant has clearly demonstrated the necessity for the development, which due to the location of the existing business is unavoidably in the countryside.

During the consideration of application number 9 2000 1041 0 by the Local Planning Authority, there were no objections from the consultation and eight positive letters of support in response from publicity to the development.

Vehicle visits of twenty two per twelve hour day or less than two vehicles visits per hour, throughout the day cannot constitute a highway objection.

The overall conclusion is there would be no unacceptable effect on the amenity of local residents through traffic, noise, visual intrusion or other nuisance. It is our opinion the relevant policies are heavily weighted towards the granting of permission for the development.

Planning History

The last application relevant to the land related to a larger application for the redevelopment of the North bound Y Pass garage site. It was refused and a note was attached to the notice indicating that favourable consideration may be given to an application that incorporated the group HQ on the northbound site. A later application for the northbound site was permitted but did not include any proposal for an office element beyond what was necessary for the operation of the roadside facility.

Responses to Consultations

Egginton Parish Council has no objection to the development but remains concerned about access to the petrol filling station. This latter comment is not related to the consideration of this application.

The County Highways Authority states that the technical requirements of the access have been achieved but has reservations that the proposal remains contrary to the Governments advice on sustainability. If the Local Planning Authority were to recommend refusal of the application then the County Highways Authority would support refusal on sustainability grounds. However, if the Local Planning Authority were minded to grant permission further consideration of the necessary highway conditions would be necessary.

The Environment Agency has no objection to application subject to conditions controlling drainage from the site and control of any fuels stored on the site. Attention is drawn to the proximity of landfill sites.

Severn Trent Water has no objection subject to its rising main being protected from any development.

The Highways Agency has no objection.

The Environmental Health Manager has no objection.

Responses to Publicity

6 letters from 5 households have been received supporting the application for the following reasons: -

- a) This is a thriving enterprise that should be supported by the Local Planning Authority, a cash machine has recently been installed that has further enhanced this use. They have also spent money tidying up the whole Y pass site and this piece of derelict land would be enhanced by the erection of the office building for the company. The land has no agricultural value, as it is so isolated.
- b) There is clearly a need for the office to be well related to its main site. If it were located on the application site, then existing staff would not have far to go to get to the offices. There would be no loss of amenity either from a visual, highway or noise point of view.
- c) The creation of new jobs should be a major factor in this determination of this application. Unemployment in the area is high.

Structure/Local Plan Policies

The relevant policies are:

PPG 13

Joint Structure Plan: General Development Strategy Policy 5; Economy Policy 4.

Local Plan: Environment Policy 1; Economy Policies 1 & 5

Planning Considerations

The main issues central to the determination of this application are:

- The need for the development to be located in the countryside.
- The impact on the countryside
- The highway implications

Planning Assessment

The applicant has provided an extensive justification for the development on the site separate from the main Y Pass site. In the statement reference is made to 'it not being possible to accommodate the current Group office requirement on the recently approved northbound site.' This is not apparent from the rest of the submission, which does not demonstrate why this is the case. No consideration has been given to the possibility of expanding one of the buildings that would be necessary on that site to accommodate the office. If it had been then it would be reasonable to expect a justification for such an option not being acceptable.

Planning policy requires that development in the countryside be unavoidable in the countryside and designed and located to make as little impact as practicable. Beyond saying that it is convenient, the applicant's do not address why this location is necessary. Despite the possibility that the development could be accommodated on the site without significant intrusion into the countryside because the site could be well screened, the proposal would extend a ribbon of development adjacent to the A38. This section of the trunk road is under considerable pressure

for development that would undermine its rural character. No reason has been advanced why a modest enlargement of the building permitted on the opposite side of Carriers Road could not be accommodated, producing far less impact without any loss of functionality.

Recommendation

REFUSE permission for the following reason:

1. The development as a whole represents the unnecessary expansion of an existing business in the countryside onto land that is divorced from the site by a slip road to the A38. This is contrary to the provisions of General Development Strategy 4 of the Derby and Derbyshire Joint Structure Plan and Environment Policy 1 of the adopted South Derbyshire Local Plan both of which seek to restrict development in the countryside to that which is appropriate/unavoidable and which minimises the impact on the environment. The expansion of the business onto the land south of Carriers Road would represent an unnecessary intrusion into the countryside to the detriment of the rural character of the area contrary to the above policies and those set out in Economy Policy 4 of the joint Structure Plan and Employment Policies 1 of the Local Plan. These make provision for the expansion of businesses within and adjacent to their existing sites provided it does not cause environmental or traffic problems. The proposal is also contrary to Employment Policy 5 of the Local Plan for the reason that it is outside of and beyond the edge of any settlement .
2. The proposal would be contrary to General Development Strategy Policy 1 and Economy Policy 2 of the Structure Plan because it fails to make full and effective use of brownfield land.
3. In the light of the other reasons for refusal, the formation of a new access would result in an unnecessary point of vehicle conflict for traffic to the detriment of highway safety.