

PLANNING APPLICATION REPORT (06.01.2022)

Case Officer: Charlotte Howrihane

Parish: Ivybridge **Ward:** Ivybridge East

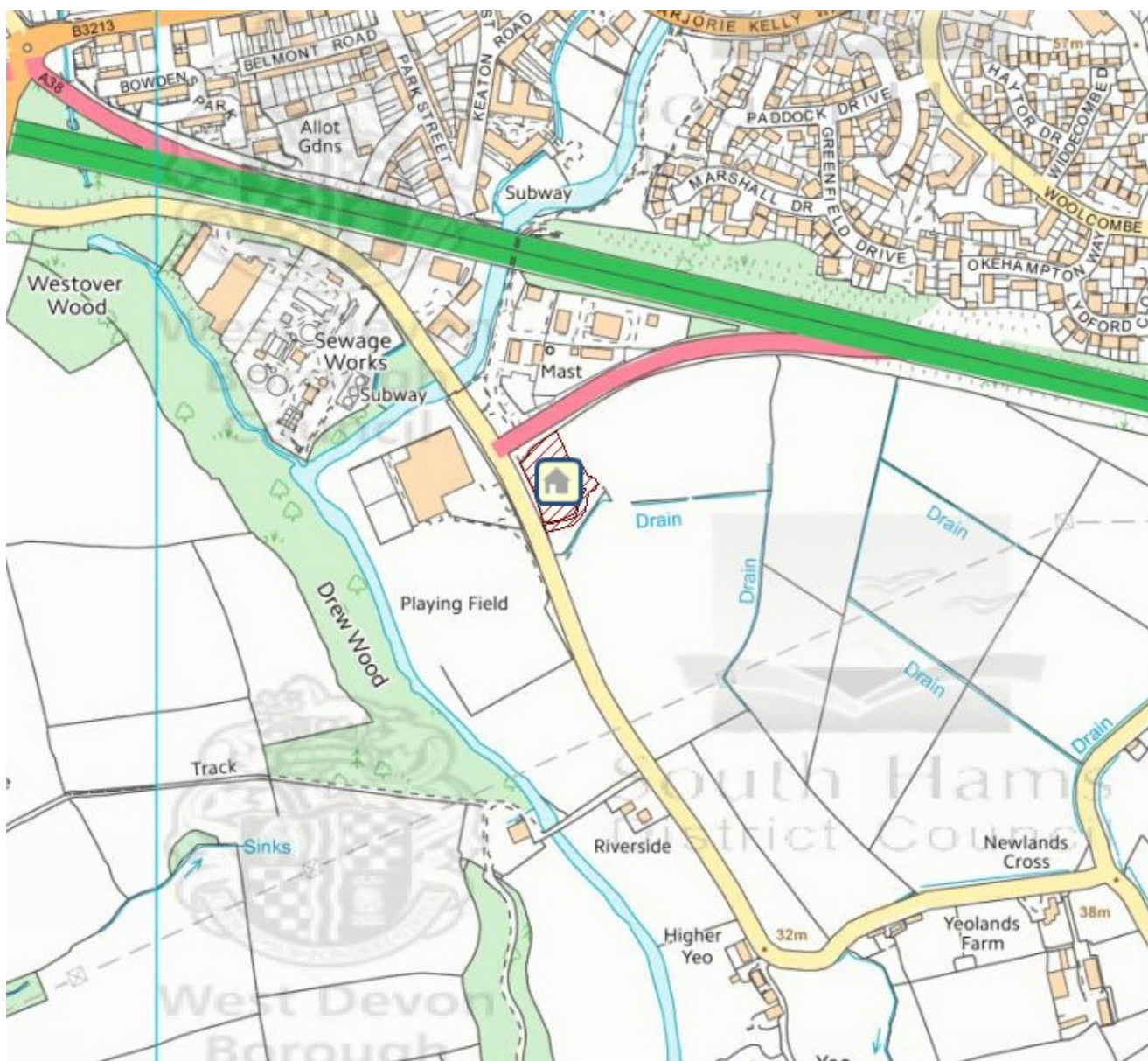
Application No: 3507/21/FUL

Applicant:

C/O Nick Baston - FCC Environment Limited
Ground Floor West
900 Pavillion Drive
Northampton Business Park
Northampton
NN4 7RG

Site Address: Land at SX 633555, Ermington Road, Ivybridge, PL21 9ES

Development: Change of use of land from storage to lorry parking in association with Ivybridge Waste Transfer Station



Reason item is being put before Committee: The applicant provides the Council's waste services and the Council could therefore be considered to have an interest in the outcome of the application.

Recommendation: Conditional approval

Conditions:

Standard time limit
Accord with plans
Accord with parking statement
Unsuspected contamination
Details of external lighting
Accord with drainage
Fence to be a black finish
Access to be restricted to the main access only
Use restriction- parking only (no maintenance, etc)

Key issues for consideration:

Principle of development, landscape impact, highways- access/parking, drainage

1.0. Site Description:

- 1.1. The site is a roughly square parcel of land located on the Ivybridge to Ermington Road. The site is to the south of the A38 slip road at Westover, south of the town centre and west of the Ivybridge Recycling Centre.
- 1.2. The site is currently vacant, but forms part of a larger parcel of land that is being used for storage, containing a series of shipping container-type containers. The site is not within any special areas of designation.

2.0. The Proposal:

- 2.1. The application seeks to change the use of part of the storage site, to allow refuse collection vehicles to park on the site overnight (between approx. 4.30pm- 7pm until 6.45am- 7am). Part of the site is already enclosed with fencing, and it is proposed to fence the rest of the site boundary with 1.8m high paladin fencing.

Consultations:

- County Highways Authority- no objections subject to vehicle access being restricted to the main recycling centre access road only
- Environmental Health Section- no objections
- Ivybridge Town Council- objection: *'In endeavouring to solve the inadequacies of the failing waste recycling service, Members highlighted that the introduction of a lorry park would only exacerbate other problems currently being experienced. There is already insufficient staff parking allocated for the FCC Waste Transfer Station approved in November 2019, and the nearby tennis centre and football club car park are suffering from their car park being abused. This is also creating congestion on the road network, including the inner road leading from the Waste Transfer Station shared with the Fire Service. Members fear that the introduction of an additional lorry park to the mix will intensify the congestion and could impede emergency service vehicles. No allocation for staff parking associated with the introduction of a lorry park is a clear lack of associated infrastructure essential to support this application, contravening SP2. - Spatial priorities for development in Ivybridge, 8. Ensuring appropriate infrastructure is delivered alongside new development, and the subsequent*

congestion of staff vehicle parking generated would indeed contravene 3. Improvements to the existing road connections and junctions to the south of Ivybridge, working with relevant authorities to look for appropriate solutions to manage traffic flow in and around the town. The Committee Members have assumed that the new land use classification will be Sui Generis in the change of use application. It is not clear how parking requirements for non-residential use of this land would be calculated. Approval of this application would impact and have a further detrimental effect on the sports and recreation facilities for the town. The Ivybridge Neighbourhood Plan places great emphasis on enhancing the town's reputation for sport, however this is hampered when the parking allocated for the town's sporting facilities is restricted by employees from neighbouring sites. It would cause further conflict with the function of the current sporting facilities, therefore contravening JLP DEV27 - Green and play spaces. Members were also concerned that no travel plan or transport assessment has been included with the application, which does nothing to allay fears over highway safety and the potential for minor roads in the town becoming rat runs, for example Woolcombe Lane. Approval would be a contravention of JLP DEV29.7. In summing up, this application and its lack of associated infrastructure and travel plan/transport assessment fails to satisfy Members on the grounds of highway safety, the potential to restrict fire emergency vehicles, and the harmful impact for sports facilities in the town. It is in conflict with the Joint Local Plan and the Ivybridge Neighbourhood Plan, and therefore Members were unanimous in objecting to the application.'

- Ugborough Parish Council- neutral: *'a travel plan is needed to ensure that unnecessary trips through residential areas to reach destinations are avoided'*

Representations:

Twenty-two letters of objection and four 'undecided' comments have been received. These letters can be seen in full on the Council website, but can be summarised as follows:

- Staff cars have been parking at the Tennis Centre and Football Club and causing parking issues
- Already a large number of vehicles parked in Ermington Road from nearby businesses and this poses highways safety issues (pedestrians and emergency access)
- The site does not have capacity to accommodate so many more workers
- Cars and HGVs would be using the same access- potentially dangerous, separate access should be used
- No fuel interceptors proposed so any leaks will go into the drainage
- No details of lighting

One letter of support has been received, which makes the following points:

- With all the complaints about refuse collections, people should be pleased that FCC are attempting to improve things
- Refuse lorries and staff cars are unlikely to be on the site together for long, so there would be space for parking within the site
- Reducing the distance lorries have to travel would reduce their environmental impact

The applicant has submitted additional information in response to the objections, as follows:

- Acknowledges that there has been disruption previously but this has largely been resolved now
- Explains that staff cars will be parked within the application site
- The applicant has given a presentation to staff to explain where is/is not acceptable to park. Since then the issues appear to have been resolved.
- The Tennis Club have been provided with contact details of the WTS so that issues can be communicated and addressed quickly if they arise again.
- Staff parking within the site would improve visibility on Ermington Road
- The access road has been designed for both cars and lorries and cross-over times will be limited
- No vehicle maintenance will be undertaken at the site, minimising pollution risks

- Vehicles will use established routes, avoiding residential areas unless required for waste collection
- FCC would be supportive of a reduction in the speed limit on this part of Ermington Road
- A banksman would be on site to ensure safe and organised vehicle movements in and out of the site

Relevant Planning History

- 1050/18/FUL- Change of use to allow storage (use class B8), laying of compacted hard surface, and erection of 2.4metre perimeter fence- conditional approval

ANALYSIS

3.0. Principle of Development/Sustainability:

- 3.1. The site and surrounding areas include services/facilities such as the existing Recycling Centre, garages, sewage works, Council yard, and fire station. The immediate landscape character is therefore relatively industrial and utilitarian, although there is an area of open space, including the football club and tennis centre, to the west of the site, on the other side of Ermington Road.
- 3.2. Policy SPT1(3) of the JLP supports the effective use of land - optimising the reuse of previously developed land, and policy DEV14 supports the maintenance of a flexible mix of employment sites.
- 3.3. The site currently has permission for B8 use (storage), and the proposed change of use is not considered to conflict with policies relating to land use and employment.
- 3.4. The principle of the development is therefore acceptable.

4.0. Design/Landscape:

- 4.1. The existing security fencing would be extended to enclose the whole site, in a material matching the existing fence (black paladin security fencing at a height of 1.8m). This is considered to be appropriate for the use and industrial character of the surrounding landscape.
- 4.2. A condition is recommended to require details of any external lighting proposed to be submitted for agreement by the Local Planning Authority, to ensure that any lighting is appropriate and does not impact upon the local landscape.
- 4.3. The existing hardcore surface would remain, and overall the development is considered to be of a design appropriate to the use of the site.
- 4.4. The development is not considered to harm the immediate landscape when compared to the existing site, and the proposal therefore accords with policies DEV20 and DEV23 of the JLP.

5.0. Neighbour Amenity:

- 5.1. There are no dwellings within the vicinity of the site, and the proposal therefore raises no concerns with regard to residential amenity.

6.0. Highways/Access:

- 6.1. The vast majority of objections received relate to parking of staff on the nearby road, and in the Tennis Club car park. Objectors state that increased lorry parking facilities will result in more parking at the Tennis Club and on nearby roads, and that this is not acceptable.
- 6.2. Officers would note that parking on the highway or outside of the development site is outside of the control of the Local Planning Authority. However, in an effort to reduce the likelihood of this happening, additional information has been submitted by the applicant to demonstrate that there is space within the site to accommodate staff parking. The nature of the site and its use means that there is only a short period of time when staff vehicles and the refuse lorries would both be on site, and there would be sufficient space for staff to park their vehicles within the site.
- 6.3. A statement has also been submitted by the applicant to detail how they have addressed the issue of staff parking outside the site (at the Tennis Club in particular). Whilst this is a civil matter, and not a material planning consideration, Officers consider that the measures taken so far, and those proposed in the application documents, are likely to resolve these issues.
- 6.4. Concern has also been raised about cars and lorries sharing the service road to the recycling centre. This road is designed for both cars and lorries, and Officers are mindful that the refuse lorries would be out on their rounds for most of the day; the period of time when the road is likely to be used by both users of the recycling centre, and numerous refuse lorries is very short, particularly as the refuse lorries would generally leave the site before the recycling centre is open. Safety measures have been outlined in the supporting statement, such as the use of a banksman to ensure safe access and egress by the lorries, and Officers would condition adherence to these measures as part of any planning permission granted.
- 6.5. Officers are satisfied that adequate parking provision has been provided, and that the development does not raise concerns with regard to highways safety. Disputes about parking outside the site lie beyond the control of the LPA, and a refusal could therefore not be justified on this basis. The Highways Authority has no objection to the proposal.
- 6.6. For these reasons, and subject to condition, the proposal is considered acceptable in terms of highways safety and access.

7.0. Drainage:

- 7.1. A drainage plan has been submitted which demonstrates how surface water drainage will be managed, and adherence to this plan would be conditioned if permission is granted.
- 7.2. Concern has also been raised about potential contamination from fuel; the Council's Environmental Health Team have reviewed the application and raise no objection. It should also be noted that the proposal is for parking only, and no maintenance or similar work is proposed to be carried out on the lorries at the site.

8.0. Travel Plan:

- 8.1. Ugborough Parish Council have requested a travel plan, with the reason given as '*to ensure that unnecessary trips through residential areas to reach destinations are avoided*'. The lorries are refuse collection lorries, and therefore need to travel to residential areas to carry out their collections. Officers do not consider it to be reasonable to request details of every route and destination carried out by the refuse

lorries, as this would be beyond the scope of the development proposed. It is therefore not considered reasonable to require a Travel Plan in this case.

9.0. Sport/Recreation:

- 9.1. Ivybridge Town Council have objected to the proposal in relation to open space and sports facilities.
- 9.2. The application would not encroach onto the designated open space, and would be on the other side of the road to the Tennis Centre and Football Club. This objection appears to focus on historic parking issues, which have been addressed in this report.
- 9.3. As such, the development would not be considered to result in an adverse impact on the provision of sports facilities or open space.

10.0. Summary:

- 10.1. The proposal would permit additional refuse lorries to park at the site, and is not considered to adversely impact on the local landscape character or overall design of the site.
- 10.2. All of the objections refer to historic parking issues outside the site, and this is considered to be resolved by the submitted plans and documentation, which demonstrate that the necessary parking can be provided within the site.
- 10.3. There are no objections from the Highways Authority with regard to access or highways safety, and the development is considered to be acceptable subject to the recommended conditions.
- 10.4. The application is therefore recommended for conditional approval.

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

Planning Policy

Relevant policy framework

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 Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

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

SPT9 Strategic principles for transport planning and strategy

SPT10 Balanced transport strategy for growth and healthy and sustainable communities
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV14 Maintaining a flexible mix of employment sites
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

Neighbourhood Plan

The site is within the Ivybridge neighbourhood plan area. This plan has been through a successful referendum and therefore forms part of the development plan. The relevant neighbourhood plan policies have been considered:

Policy INP5: Community Facilities

Policy INP6: Housing & Employment

Policy INP7: Traffic & Movement

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

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.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.
Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall in all respects accord strictly with drawing numbers NCB1002/01/01.0, NCB1002/01/02.0, 15347.202.P2, received by the Local Planning Authority on 23rd September 2021, drawing numbers J0047910-21-04B and J0047910-21-05C, received on 10th November 2021, and drawing number J0047910-21-06B received on 22nd November 2021.
Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.
3. The parking provision shall be implemented in accordance with the Parking Statement and accompanying plan, received by the Local Planning Authority on 24th November 2021. The parking provision shall be maintained and retained in accordance with the agreed details for the life of the development.
Reason: To ensure that sufficient levels of parking remain available at the site.
4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted

to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

5. Details of any external lighting (including security lighting) to be erected, placed, or sited within the site shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The work shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of visual amenity

6. The drainage scheme shall be installed in strict accordance with the approved plans, 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.

7. Notwithstanding the details shown on the submitted plans, the boundary fencing hereby approved shall be black Paladin fencing.

Reason: In the interests of visual amenity.

8. Access to the site for all vehicles shall be restricted to the main access road to the recycling centre.

Reason: In the interests of highway safety.

9. The site shall be used for the parking of vehicles only, with no vehicle maintenance, or similar operations to be carried out within the site without the further permission from the Local Planning Authority.

Reason: In the interests of the amenity of the area.