

COMMITTEE REPORT

Case Officer: Lucy Hall

Parish: Ivybridge

Ward: Ivybridge West

Application No: 2306/23/FUL

Applicant: Palladium Building Supplies Limited
Higher Union Road
Kingsbridge
TQ7 1EQ

Agent: Mr Ian Hodgson - DMR Design
The Acorn Centre
Oak Court, Pennant Way
Lee Mill Industrial Estate
Ivybridge
PL21 9GP

Site Address: Ivybridge Motors Ltd, Fore Street, Ivybridge, PL21 9AE



Development: READVERTISEMENT (revised plans) Change of use from sale of motor vehicles to sale of building supplies and associated works

Reason item is before Committee:

At the request of the Head of Development Management due to the level of public interest and the scale of the development proposal.

Recommendation: Refusal**Reasons for refusal:**

1. The application site includes a shared access with Highlands Health Centre. Insufficient information has been provided to satisfy the Local Planning Authority that there will not be a conflict between users accessing Highlands Health Centre and large vehicles using and moving around the application site, contrary to the provisions of policies SPT2, DEV1 and DEV29 of the adopted Plymouth and South West Devon Joint Local Plan.
2. The proposed 2.4m high palisade boundary fencing and open storage area in front of Highlands Health Centre would create a stark and obtrusive uncharacteristic feature in this prominent town centre location which does not represent good design and would be detrimental to the character and appearance of the area including the setting of the Grade II listed Ivybridge Methodist Church. Insufficient information has been provided to demonstrate that the fence and storage area could be adequately screened. The development is therefore contrary to the provisions of policies SPT11, DEV20, DEV21 and DEV23 of the adopted Plymouth and South West Devon Joint Local Plan; policy INP1 and INP8 of the made Ivybridge Neighbourhood Plan and the National Planning Policy Framework (including but not limited to paragraphs 195, 203, 208 and section 12 'achieving well-designed and beautiful places').
3. Insufficient information has been provided to satisfy the Local Planning Authority that the proposal is acceptable in terms of providing adequate visibility splays and on-site parking/turning facilities to serve the use proposed contrary to policy DEV29 of the adopted Plymouth and South West Devon Joint Local Plan, policy INP7 of the made Ivybridge Neighbourhood Plan and the National Planning Policy Framework (including but not limited to paragraph 110).

Key issues for consideration:

Principle of development, design, trees, impact on setting of Grade II listed Ivybridge Methodist Church, impact on street scene, highways (access, parking, on site turning), impact on the shared access Highlands Health Centre, low carbon development, drainage, contamination, and neighbour amenity.

Site Description:

The application site is situated at the south-western end of Fore Street, close to the roundabout where Western Road, Fore Street and Majorie Kelly Way meet. The site is surrounded by a mix of uses. To the south, there are several residential properties, some commercial properties and Ivybridge Methodist Church. The Methodist Church and the boundary wall to the north and west are Grade II listed (list entry number 1325417). There are commercial uses, which adjoin the site to the east and beyond several residential properties. Highlands Health Centre is located to the west.

The site extends from Fore Street, around 70m northwards towards a group of trees on the northern boundary. The site also includes a parcel of land between Fore Street and

Highlands Health Centre. There are two buildings on the site, a larger one which fronts Fore Street, and a smaller single storey structure behind. The land rises towards the north and the smaller of the two buildings sits behind the larger building but on higher ground.

The site has two access points adjoining the highway (Fore Street). The first is on the south-western side and is a shared narrow access that also serves the health centre main entrance and customer parking area. This is well used by vehicles and pedestrians accessing the health centre. After the health centre entrance, the access continues into an existing triangular shaped hardstanding area to the north of the smaller building. The second access is located on the south-eastern frontage of the site.

The site benefits from a commercial use, historically as a petrol station and more recently by Iybridge Motors, for the sale and repair of motor vehicles. The hardstanding to the front of main building and to the west, beyond the access road, was used to display vehicles.

Most of the site is located within the primary shopping area for Iybridge (but excludes land to the north beyond the buildings). The whole site falls within a Critical Drainage Area which covers the majority of Iybridge. The group of trees on the northern boundary form part of a woodland TPO (ref 127) which covers a large swathe of land to the north.

The Proposal:

The application seeks full planning permission for the change of use from the sale of motor vehicles to the sale of building supplies. The site would be operated by Palladium Building Supplies, an existing and well-established local business. The business is expanding, and the applicants are keen to remain within the town.

The site includes 2 existing buildings, 'Unit 1', located within the lower part of the site, off Fore Street, and 'Unit 2', located behind Unit 1, but within the higher part of the site. Externally, the buildings would largely remain unaltered by the proposal. Currently there are two vertical roller shutter doors on the south-west elevation of Unit 1 which would be replaced with one door. Furthermore, a lean-to canopy structure is proposed off the south-east elevation of the single storey element of Unit 1. This is required for the storage of timber and would be constructed from timber posts set under a sloping roof, covered in profile metal sheeting. It would sit just below the eaves of the host building.

The site includes a large amount of hardstanding, all of which would be retained. The space to the south-west of Unit 1 and immediately south of Highlands Health Centre would be used for the storage of materials including dumpy bags (sand, gravel & aggregate), paving slabs and blocks. The space in front of Unit 2 (to the north) would be used for external bulk storage including paving slabs, drainage products, roofing materials and blocks/bricks, as well as parking for employees, lorries and sundry work vehicles. The area immediately in front of Unit 1 would be used for general parking.

The storage and parking areas would be enclosed by a 2.4m high galvanised steel palisade fence located inside the perimeter walls, accessed through security gates. A planted hedge/screen is proposed to screen the fencing on the south-western corner of the site opposite Iybridge Methodist Church.

The access way to Highlands Health Centre would remain unrestricted. The plans show a painted 'demarked pedestrian zone' on the western side of the access track.

During the life of the application additional information was received to address some of the comments raised. A revised red line plan was also provided as some of the proposed development was shown outside on the original iteration (specifically part of the gates within the south-eastern corner). The application was readvertised.

Consultations:

- South Hams District Council Trees
No objection
- Devon County Council Local Lead Flood Authority
No objection
- Devon & Cornwall Police 'Designing Out Crime'
No objection
- South Hams District Council Heritage
Objection

The site is presently an open yard of non-descript character that was previously used as a car sales site. JLP policies DEV20(5) and DEV21 are of relevance here and in accordance with DEV21 it is certainly desirable to look for enhancement of the setting of the grade II church in particular. To this end we have sought the provision of an appropriate hedgerow (perhaps beech?) along the frontage to both lessen the impact of the proposed security fencing and also achieve the desired enhancement to the streetscene and setting of the listed building. Hedges and forecourt planting are a positive feature as the town centre is approached along Western Road so continuation of that character is a reasonable expectation. Whilst this would take a few years to establish and would not entirely screen the materials stored on site it would improve the appearance.

I note that the revised plans indicate hedge planting opposite the listed church which is to be welcomed. It is not stated what species is proposed or at what height it is intended to maintain the hedge and that information is, of course, essential. It has been suggested that there is an issue with ground contamination preventing the establishment of hedging but that appears weak reasoning in this peripheral position on the site. It is unfortunate that more information has not been provided as a simple cross section drawing with a planting specification would suffice.

If you consider the plans presented are sufficient basis on which to apply an enforceable condition for the hedge planting then I would consider that achieves an appropriate level of enhancement to the setting of the church. On that basis I would accept that the aim of DEV21 to enhance the setting of the listed building would be achieved.

- South Hams District Council Environmental Health
Recommend conditions relating to noisy reversing alarms, plant noise, opening/delivery hours, and a CEMP. Safety concerns raised regarding the shared access with the health centre.
- Devon County Council Highways:
Objection

- Ivybridge Town Council:
Support

Comments below were received following the first round of consultation.

The Committee considered the numerous objections from the public, but had to balance these with material planning considerations and the information supplied in the application, responses from the applicant on the SHDC planning website and the information supplied by the speaker in support of the application during Public Participation. The main concerns raised included the appearance, deliveries to site and general traffic.

There is a precedent for deliveries as this site has long been used for commercial purposes including a petrol station, convenience store and car showroom, all requiring deliveries up to and beyond the size of vehicles to be used by the applicant. The unloading of deliveries will be taking place on site, not the road, and so it was felt this would not have a significant impact on traffic or parking. Many items are delivered infrequently, some only 3 or 4 times a year. The addition of a marked yellow vehicle exclusion path for pedestrians accessing the doctors surgery was welcome. It was understood that only the local customer delivery vehicle (up to four times a day), staff, plus the forklift, will be accessing the back area.

Traffic for the previous uses of the site would not have been insignificant, plus as the applicant is already in Ivybridge, the overall town traffic levels, including on Western Road and the Western Road/Fore Street/Marjorie Kelly Way roundabout should not be significantly affected. There is also on-site parking for staff (although many walk to work, another reason the applicant wants to stay in the town) and parking on site for the delivery vehicle. The Committee felt the planning authority should request a revision or impose a condition to make the fencing more attractive and in-keeping with the streetscene, either through design and appearance eg style/colour of fencing, or the addition of attractive signage, planting scheme, community use eg noticeboard, art work etc. The Committee were pleased that an adjustment had already been made to protect the view of Western Beacon for residents in Grosvenor House. It was understood the fencing is essential not only for security but health and safety and so could not be omitted. It was also recognised that a well-maintained visually enhanced fence would be more attractive than a derelict site. It was also noted that the application may result in 2 or 3 additional jobs at the site, on top of those transferred from the applicant's current site.

Representations:

Following the two rounds of consultation on the application, the Council has received over 100 objections (around 140). The comments received can be summarised as follows.

Highways/Access

- Vehicles will have to cross footpath which is well used by pedestrians with a range of mobility issues. Hazard in the morning during peak operational periods when children are going to school.
- Car parking provision is inadequate resulting in customers parking anywhere within the site.
- Roads are unsuitable for large vehicles and regular access to the site by HGVs will cause disruption to the high street.
- Exacerbate existing traffic congestion with traffic tail backing around the roundabout when deliveries are made causing significant disruption.
- Off a main route to a number of schools.

- This end of town is congested with vehicles always parked on the road and on driveways.
- Lorries need a big area to turn so there will be constant obstruction.
- Vehicle swept path analysis demonstrates 18t vehicles and articulated lorries can't use the site without tracking over parking spaces.
- Of the 10 proposed parking spaces, 1 isn't usable when the gate is open, 8 aren't available during artic vehicle movements and 4 aren't available at regular frequency due to lorry use.
- Disingenuous to suggest articulated vehicles only require 5-minute restrictions.
- Transport statement requested by DCC Highways has not been provided.
- Additional traffic will bring pollution and will be dangerous to pedestrians including school children and those accessing the health centre. Many ad-hoc trips from customers which haven't been considered; vehicles will reverse into the street.
- Proposal will have a detrimental impact on access to the medical centre which is in constant use between 8am and 6.30pm.
- One way system which visitors may not realise, creating hazards turning around.
- Western road is already heavily trafficked, and this will exacerbate existing issues.
- Access to health centre and dentist compromised.
- Will there be a full time banksman?

Neighbouring Amenity

- Adverse impact on amenity of surrounding properties including elderly residents of the adjoining retirement flats.
- Noise and dust from the site will adversely affect neighbouring properties and users of the town centre and adjoining health centre. Adjoining properties will not be able to open windows due to dust.
- Deliveries should be restricted to between 9am and 5pm.
- Disruption from reversing alarms.
- Will there be any floodlighting? If so it will have an adverse effect on local residents.

Design/Impact on high street

- Mess, dust and plastic waste will be unsightly.
- Adverse impact on local amenities
- Palisade fence (or any high security fence) will be obtrusive and change appearance of Fore Street. Suggest it is clad with wood to hide the metal.
- Why does the whole site need to be enclosed with security fencing?
- Proposed planting boxes won't work. Fencing will have a significant negative impact on the town centre, contrary to neighbourhood plan which seeks to enhance this part of the town.
- Adverse impact on the high street, acting as a deterrent.
- Proposal would dominate this end of town.
- Fore Street is a retail area, not industrial.
- No thought to landscaping.
- Footfall in the High Street is not keeping pace with growth of the town. Need more diverse range of shops.
- Outside storage area will look unsightly behind a heavy fence.
- Site is opposite a listed building and provides a focal point for the town. Turning the immediate area into an industrial landscape will be to its detriment.
- Methodist church is a place of worship as well as being used for foodbank, toddler groups, café and meals. All would be adversely affected by the proposals.
- Town already struggles to attract independent retailers like Totnes and Kingsbridge. Adding a builders merchant won't help to resolve this.

- Town needs recreational facilities for teenagers, bigger surgery with adequate parking and a choice of restaurants. Approval would deprive the town of this opportunity.

Other

- Wrong place for an industrial development. Proposed industrial development near rugby club.
- Site better suited to Aldi.
- Devalue house prices.
- Gradient of the site is unsuitable for the proposed development.
- Proposed extension to the health centre will attract more patients, making it busier, increasing potential risks.
- Ivybridge is the gateway to the Moors.
- Proposal would significantly increase CO2 emissions. Assured air quality would improve.
- No details on carbon reduction or renewable energy strategies.
- Potential conflict with Ivybridge Methodist Church which receives has a weekly attendance of over 100.
- Adequate building materials supplies on nearby industrial estates.
- Bigger doctors' surgery required to support the town.
- Better sites for the development.
- If the Council are keen to make improvements the road needs widening.
- Application should be assessed against the neighbourhood plan.

Comments have been received from the adjoining Highlands Health Centre. They have raised an objection to the proposal on the following grounds: -

- Echo concerns raised by Devon County Council Highways (22 August 2023).
- Significant concerns for patients who access the health centre through the site. Gradient is steep and road is already narrow 1:6.
- Annotated pedestrian strip is too narrow, at least one metre required for wheelchairs and prams.
- Patients using the access road are likely to be vulnerable – elderly, infirm, young, disabled, partially sighted or blind, hearing issues.
- Concerns regarding possible congestion accessing the health centre during busy times. Ambulances could be delayed.
- Proposed fence could obscure views.

Two letters from third parties who are 'undecided' have been received, with the comments summarised below.

- If the site remains undeveloped there is a risk it will be vandalised, falling into a state of disrepair and become an eyesore.
- Site should be redeveloped for affordable housing.
- Proposal is the best use for the site under the circumstances.
- Proposal will change the appearance of the street scene. Could the fence be screened with wood?

Five letters of support from third parties have been received with the comments summarised below.

- Proposal will add commercial vitality to the town; bring businesses to other shop owners and life to the town in accordance with the neighbourhood plan.
- Existing business employs local people and supports charities.

- No other suitable sites within the town for the business. If they don't expand, they will leave the town.
- Is planning consent required for the change of use?
- Proposal will make good use of a derelict site. With high rents, small businesses would struggle to thrive on the site.
- Don't consider proposal will result in much additional traffic.
- Thriving business at the end of the town would make the centre more attractive.

Relevant Planning History – application site

- 1805/21/TPO, T1: Monterey Cypress - Removal of lowest lateral branch at 6m from ground level on SW side back to main stem. Removal of small damaged branch at 6.5m from ground level on SW side back to main stem. Tree shedding failed limbs onto vehicles in car park, tree works allowed
- 27/0438/99/F, installation of air conditioning and refrigeration units to rear elevation, conditional approval
- 27/0662/98/3, enlargement of car showroom, conditional approval
- 27/1210/90/3, extension to form workshop, conditional approval
- 27/0009/90/3, replacement of shop front to existing retail shop, conditional approval
- 27/1711/88/3, provision of new repair bay, conditional approval
- 27/1710/88/4, existing workshop and stores to be converted to new convenience store, conditional approval
- 27/1709/88/3, new car sales showroom, conditional approval
- 27/1645/85/3, redevelopment of existing forecourt to provide self-service filling station with new showroom and shop area with offices, conditional approval
- 27/1529/78/3, new entrance to workshop, conditional approval
- 27/0443/75/3, Proposed installation of 5000 gallon single compartment underground petroleum storage tank, conditional approval
- 27/0365/74/3, new paint spray and de-waxing bay, conditional approval
- 27/0222/74/3, proposed shop, store and storage over existing petrol station, conditional approval

Relevant Planning History – Highlands Health Centre

- 3664/22/FUL, single storey front extension and internal alterations conditional approval
- 27/1136/05/F, extensions, alterations and new car park, conditional approval
- 27/0446/96/4, Use of land for extension to car park and temporary siting of a portakabin during building works, refusal
- 27/1980/88/3, Extension of car park and emergency exit, conditional approval

ANALYSIS

1.0 Principle of Development/Sustainability:

- 1.1 There are no in principle policy objections with the proposed development. Lybridge is identified within the Plymouth and South West Devon Joint Local Plan (JLP) as a Main Town, which are prioritised for growth to enable them to continue to thrive, achieve strong levels of self-containment, and provide a broad range of services for the wider area. The existing site has been vacant for some time and there would be clear economic benefits if the site was brought back into use, which weigh heavily within the planning balance.

- 1.2 However, this is a prominent site within the town, and there are many issues which need to be considered carefully.
- 2.0 Design/Heritage:
- 2.1 The changes proposed to Unit 1 are relatively minor and do not raise any concerns.
- 2.2 The main design change concerns the installation of a 2.4m high palisade fence around the site's perimeter, including the parcel of land to the south of Highlands Health Centre and in front of Unit 1. The fence is required for security purposes. The hardstanding behind the fence, immediately to the south of Highlands Health Centre would be used as an open storage area. As well as forming one of the main gateways into the town centre, the site is located opposite Ivybridge Methodist Church, which together with its boundary walls is Grade II listed.
- 2.3 The National Planning Policy Framework (NPPF) 2023 and adopted policies within the development plan require all development to display high quality design. *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve*' (NPPF par 131). JLP policy DEV20 requires all proposals to meet good standards of design which contributes positively to townscape and landscape by having proper regard to the pattern of local development and the context; building on existing assets; delivering locally distinctive design and 'enhancing the appearance of gateway locations.' The NPPF is clear that development which is not well designed should be refused (par 139).
- 2.4 Listed buildings are defined to within the NPPF as heritage assets and are an irreplaceable resource, which should be conserved in a manner appropriate to their significance. Under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council is required to have special regard to the desirability of preserving the listed building or its setting. This means that when harm to a listed building or its setting is identified, it gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one that requires considerable importance and weight to be given to the desirability of preserving the listed building or its setting even if the level of harm identified is less than substantial. The presumption can be outweighed in exceptional cases by material considerations powerful enough to do so.
- 2.5 Locally adopted policies including JLP policy DEV21 require proposals to 'sustain the local character and distinctiveness of the area by conserving and where appropriate enhancing the historic environment'. The relevant policies within the Development Plan and NPPF are clear that any harm to the significance of a designated heritage asset, including within its setting, will require clear and convincing justification (par 206). When a proposal leads to 'less than substantial harm', the harm will need to be weighed against the public benefits of the proposal (NPPF par 208 & JLP policy DEV21.2).
- 2.6 Ivybridge Methodist Church is a highly designed architectural building and is one of the most important buildings within the town. The boundary walls and surviving metal railings contribute to its significance and are included within the list description.

- 2.7 The introduction of an open storage area, just off Fore Street and proposed 2.4m high palisade fence is an uncharacteristic feature within a prominent edge of centre, gateway location in the town. The fence is an industrial, stark and obtrusive feature, made more significant by its height and limited relief from what it almost a continuous expanse along the frontage of the site. The fence and open storage area behind would be clearly visible and prominent from several public vantage points including beyond Fore Street. The palisade fence and open storage area does not represent good design and would be detrimental to the character and appearance of the area including the setting of the Grade II listed Iybridge Methodist Church. The Iybridge Neighbourhood Plan (NP) identifies as one of its main priorities enhanced gateway entrances at either end of Fore Street. To mitigate the harm, the case officer suggested that the applicant screen at least part of the fence with planting.
- 2.8 While the revised plans show a 'planted hedge/screen to the south of the storage area to screen the proposed fence no further information is provided. This matter has been explored in detail during the life of the application, and despite the applicants' best efforts to try and work with Officers to address this, regrettably none of the options proposed, (including a Russian Vine or English Yew (*Taxus Baccata*), planted in moveable boxes approx. 450(w) by 600(h), set on top of the existing wall), have been considered satisfactory to address the policy conflicts.
- 2.9 Due to the likely contamination within the site, and significant costs associated, the agent has explained that the applicant is reluctant to break into the ground. The Council's Environmental Health Officer also notes that there may be contaminated soils which could be mobilised during any ground works and affect the ability of any planting to establish. Further information would be needed to make an informed assessment. In terms of anything above ground, further work is required to understand soil volumes and understand whether a continual raised planter could provide the necessary dimensions. Furthermore, there would need to be a connection point into the ground to enable soil water options. The fence is 2.4m high and therefore whatever is planted needs to be substantial to provide an effective screen, allowing it to establish to around 2 or 3 metres.
- 2.10 At this stage insufficient information has been provided to demonstrate that the proposed mitigation will offer successful plant establishment, meeting the objectives of screening the site, and providing a development which improves the visual amenity of this important gateway location into the town. The harm to the setting of the listed church would be less than substantial and the public benefits associated with bringing the site back into use, are not considered sufficient to outweigh the harm identified and to rebut the statutory presumption in favour of preserving the listed building and its setting. The proposal would fail to comply with the relevant policies including NP policy INP1 and JLP policies DEV20, DEV21 and DEV23, and this weighs heavily within the planning balance.
- 3.0 Trees:
- 3.1 The group of trees on the northern boundary form part of a woodland TPO (ref 127) which covers a large swathe of land to the north. JLP policy DEV28 requires development to be designed to avoid the loss or deterioration of woodlands, trees or hedgerows. It goes onto say that development which results in the loss of

protected trees should not be permitted unless the need for, and benefits of the development outweigh the harm.

- 3.2 The proposal has been reviewed by the Council's tree specialist. *'I note the presence of TPO127 A1 which protects a group of highly prominent mixed species trees. Canopy parts appear to extend significantly over the proposed site and it is unclear what if any physical separation would prevent root incursion into area where construction activities or the storage of bulky materials may occur, however the previous use and land surface of tarmac may have limited root growth into the site.'*
- 3.2 A pre commencement condition is requested requiring the submission of a baseline tree survey, arboricultural impact assessment, tree protection methodologies and tree constraints plan. The agent has questioned whether a condition is necessary as no material change is proposed and the site will continue to be used for storage. If Members were minded to approve the application, this matter would be explored further before any conditions were imposed.
- 4.0 Highways Matters:
- 4.1 JLP policy DEV29 requires all development to contribute positively to the achievement of a high quality, effective and safe transport system. The policy sets out a number of requirements including providing safe and satisfactory movement, sufficient provision of parking and high quality, safe and convenient facilities for walking.
- 4.2 In their original response the Highway Authority requested service vehicle turning areas and vehicle tracking information to demonstrate the ability of a large 18T builder merchant lorry to enter and exit the site in a forward gear. The access ramp leading to the rear loading and parking area is also 1:6 gradient meaning there is a risk of large lorries grounding on the ramp. It was recommended vehicle tracking is provided showing staff parking and material storage areas accommodated simultaneously. Also, a longitudinal section should be provided demonstrating the gradient of the ramp will not cause a grounding issue for all types of vehicle. The Highway Authority also raised concerns regarding the positioning of the palisade fencing along the frontage perimeter of the site. *'Noting the busy footway serving the town centre and also as this is popular walking route to and from the schools and services in the area, concerns are raised that the fencing will impede the visibility of drivers using the access points and further endanger highway users. This concern should also apply to the health centre access.'* Within subsequent correspondence the Highway Authority have reiterated that this is a heavily trafficked footway and it is imperative sufficient visibility splays are provided.
- 4.3 The agent provided additional information to address the objections including a drawing demonstrating that a visibility splay can be achieved which is suitable for a 20mph zone for vehicles entering and exiting the site from both access points, and a drawing providing vehicle tracking swept path analysis for an 18 tonne flatbed builders merchant lorry and articulated lorry, representing the worst-case scenario. The swept path analysis demonstrates that the turning space required for the lorries includes some of the space allocated for customer parking. The Highway Authority have advised that it is not practical in terms of customer parking as presumably some deliveries will happen during operational hours and their objection remains. *'It would not be appropriate to suddenly say to customers that they need to move*

their vans/cars/pick up lorries when a delivery lorry turns up noting the town centre location and likely lack of on street parking availability. The customer parking needs to be of the correct quantum and be located in a convenient location or it is likely to impede deliveries and cause a potential safety issue for the public highway.'

- 4.4 While the business is in a town centre location, due to the nature of the products the business will be selling, it is likely that most customers will arrive at the site in a vehicle. As proposed, there is a conflict between deliveries and customer parking contrary to the adopted policies and insufficient information has been provided to address this. This weighs heavily within the planning balance.
- 5.0 Highlands Health Centre:
- 5.1 One of the accesses into the site is on the south-western side and is a shared narrow tarmacked track that also serves the health centre main entrance and customer parking area. The proposed plans show a painted hatched pedestrian path on the access track.
- 5.2 Many third-party comments raise concerns about the potential conflict between customers accessing the health centre and customers accessing the proposed builder's merchant. Separately an objection has also been received from the health centre. The Highway Authority and Environmental Health Officers have also raised safety concerns, although the Highway Authority stress that because it is not a matter of public highway safety concern they would not wish to object to the proposal on this basis.
- 5.3 Within their original response the Highway Authority raised concerns about potential conflicts between people accessing the health centre and the proposed development. *'With larger delivery lorries being 3m wide, the idea to locate the parking and loading vehicles to the rear of the property is likely to cause conflicts between pedestrian users of the shared access serving the health centre noting the available width of the access. These users are likely to consist of vulnerable users including the elderly, infirm, young, disabled, partially sighted or the blind.'*
- 5.4 The agent has responded stating that it is envisaged articulated lorries will visit the site two or three times per week. Lorry delivery timings are dictated by the business needs so arrival times will be known. The deliveries require a banksman, a requirement of the company's insurance policies, all employees are appropriately trained. The statement goes on to say that parking of other vehicles is managed during delivery times and it takes approximately 5 minutes in duration on arrival and departure to manoeuvre the lorries into the secure compound.
- 5.5 In response the Highway Authority stated that it doesn't ordinarily accept virtual footpaths as they give a false sense of protection. In response to the traffic movements, they stated *'it would appear that numbers appear to be low in terms of daily vehicle movements needing to access the higher tier car park area and the applicant has specified that there will be no loading and unloading of HGVs in the higher tier carpark only regular forklift truck transporting materials between the top tier and the bottom tier. It appears as though the applicant only intends to store HGVs overnight in the higher tier car park. Vehicle speeds are low and there is good forward visibility for drivers to gauge vulnerable users on the private road.'*

- 5.6 The Council's Environmental Health Officers also raised concerns regarding a likely conflict between health centre users and large vehicles using and moving around on the building supplies site and have stated that should an accident occur in the future the Health and Safety Executive will take into account the recommendations of the Environmental Health Officers and Highway Authority regarding this risk. They share the concerns raised by the Highway Authority regarding the virtual footpath and consider it would reduce the width of the drive, creating a greater driving hazard. They also consider that the creation of a storage area near the main road would encourage more activity in a space that was previously used to display cars. *'It might not be so bad if the driveway was wider and not on such a steep slope, but as it is it could be a problem. Perhaps the area in front of the Doctor's should just be used for parking - but I daresay that the large vehicles that would deliver the dumpy bags and concrete blocks etc would not be able to get up the narrow drive. All in all not an ideal site for the proposed use from a health and safety perspective.'*
- 5.7 Pedestrians can also access the health centre from two access points off Pound Farm Lane, 1) through a door on the western side of the building, further up Pound Farm Lane (requires steps) and 2) through a metal pedestrian gate immediately to the north of the proposed storage area. The Council has recently granted planning consent for works to the health centre which includes improvements to the footpath leading from the metal gate, adding a ramped pedestrian link from the car park, and handrail, ref 3664/22/FUL.
- 5.8 Although there are alternative pedestrian access points to the health centre that do not involve going through the application site, the shared access point exists, and it is well used. The alternative routes involve steps which will not be suitable for many users. There are plans to change this, but there is no certainty about when this would occur. Based on the information submitted Officers are concerned that there will not be a conflict between users accessing Highlands Health Centre and large vehicles using and moving around the application site, contrary to the provisions of JLP policies SPT2, DEV1 and DEV29. This weighs heavily within the planning balance.
- 6.0 Neighbour Amenity:
- 6.1 JLP policies SPT2, DEV1 and DEV2 all require development proposals to safeguard the health and amenity of local communities.
- 6.2 Concerns have been raised from local residents regarding potential nuisances including dust and noise from the operation. These matters have been considered by the Council's Environmental Health Officer. In addition to the comments below, conditions are recommended to restrict times of operation and requiring the submission of a construction and environmental management plan.
- 6.3 With regards to dust, it is noted that there would be potential for dust if any of the site is not properly hard surfaced (which it appears to be and with no plans to change this). However, all building materials will be delivered in suitable containers and bags to ensure that they can be transported appropriately and safely. Therefore, the risk of unacceptable levels of dust is low. They have also noted that they do not receive complaints about dust from similar operations elsewhere.

- 6.4 In terms of reversing alarms, there will be a fork-lift truck and other site vehicles, together with delivery vehicles from third party suppliers. Given that there are many residents close by, there is a high likelihood that they would be affected by noise from reversing alarms. The applicant has suggested that the need for reversing is low, but our experience of investigating complaints relating to these types of business is that the noise from high frequency reversing alarms is quite likely to impact on amenity. There are readily available no – or low – cost quiet alternatives and therefore a condition to ensure against this noise is proposed if permission is deemed to be forthcoming. This requirement is consistent with the requirement for the applicant to meet their health and safety obligations with respect to reversing vehicles.
- 6.5 In terms of potential noise from other equipment, although there are currently no plans to install additional or replacement mechanical plant, there is potential for this to be required in the future and it is necessary for residents who stand to be affected by noise, to be reassured that systems installed will not impact on them. A condition is recommended to cover this.
- 7.0 Drainage:
- 7.1 The site falls within a Critical Drainage Area which covers most of Ivybridge. JLP policy DEV35 requires the LPA to assist the Lead Local Flood Authority in the management of flood water and water pollution by directing development away from areas at highest risk and where it is necessary ensure it is made safe for its lifetime.
- 7.2 The proposal has been reviewed by the Local Lead Flood Authority who have not raised any in-principle objections from a surface water drainage perspective. *‘The applicant proposed change will not increase the amount of external hardscaped areas. SuDS Planters (or similar rain gardens) could be constructed at the base of rainwater downpipes. The applicant may wish to consider reuse rainfall, such as rainwater harvesting tank or for flushing toilets. The applicant should survey the existing surface water drainage system (including gutters and rainwater downpipes) to ensure that it is within a suitable condition.’*
- 8.0 Carbon Reduction:
- 8.1 The Council has declared a climate emergency, and Policy DEV32 of the JLP requires all development to contribute to the carbon reduction targets of the Plan.
- 8.2 There are no specific carbon saving measures proposed, such as renewable energy products. The applicants have advised that they do not consider the roof structure is adequate to accommodate solar panels, but in any case the energy use of the applicant’s business will be significantly less compared with the previous user, although no substantive information has been submitted to confirm this. They have indicated they would be prepared to install 2no. EV charging points, which could be secured via planning condition.
- 8.3 Reusing an existing building has significant benefits in terms of carbon reduction, compared to building a new unit. Policy DEV32 identifies in para. 1. that making the best use of existing buildings is a valuable opportunity for carbon reduction. Given the minimal physical works required to carry out the development, there are few opportunities for additional carbon reduction measures to be included in this

proposal. While the lack of specific carbon measures, weights negatively in the planning balance, this is balanced against the economic benefits of bringing the site back into use.

9.0 Other Matters:

- 9.1 While 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), it is not necessary to consider it for this proposal as it is solely commercial.
- 9.2 The proposal has been reviewed by Devon and Cornwall Police Designing out Crime Officer. While they have no objections in principle, they have raised several matters for consideration including the need to ensure all replacement roller shutter doors meet a minimum national security standard; installation of a monitored intruder alarm and recommend the applicants install a CCTV system. They also advise that care is taken to ensure the proposed palisade fence isn't installed next to anything that could be used as a climbing aid and recommend the fencing and gates meet the security standard (LPS1175 Issue 8A1).
- 9.3 The case officer has discussed CCTV with the agent, as this is something which could require planning consent. The agent has advised that there is an existing CCTV system in operation, and the applicants would look to retain this in the first instance but will investigate further if planning consent for the change of use is permitted.
- 9.4 The Council's Environmental Health Officer has requested a contamination survey which has not been forthcoming. The site is a former car sales and vehicle repair operation with other related historical uses, and there is potential for contamination to have been caused over the years of use. As a minimum a phase 1 contaminated report is required to consider whether any works are necessary to protect human health and underlying ground water. The agent has questioned whether this is necessary as there are no proposals to excavate any of the ground. The EH officer has indicated it might be possible to condition this, but if hedge planting is required this must be submitted before the application can be approved.

10.0 Planning Balance:

- 10.1 The applicant is an existing and well-established local business serving the construction industry, with depots in Plymouth, Kingsbridge and Ivybridge. The Ivybridge depot is thriving and has outgrown its existing premises. The business is therefore looking for alternative premises but with seven full-time employees, all of whom live locally, and strong ties with the local community, Palladium Building Supplies is keen to remain in the town. It is stated within the planning statement that the application site is the only available site within Ivybridge that has the potential to meet the business requirements. The site occupies a prominent position in the town and since Ivybridge Motors left, the site has remained vacant. Bringing the site back into commercial use, while at the same time enabling a local business to remain in Ivybridge carries significant weight which cannot be overlooked and weighs heavily in the planning balance.

- 10.2 However, the application is deficient in certain key respects. Officers have significant concerns regarding the potential conflict between users of the Highlands Health Centre and large vehicles moving around within the application site. While any commercial use may give rise to potential conflict, in this instance it is exacerbated by large vehicles which will be regularly using the site. The proposed 2.4m high palisade fence with storage area behind, does not represent good design and would be detrimental to the character and appearance of this prominent gateway location and the setting of the Grade II listed Methodist Church. There are also unresolved objections regarding visibility splays and on site turning by large vehicles and potential disruption with restricted customer parking on the site. These matters all weigh heavily against the proposal.
- 10.3 The nature of the issues identified mean that planning conditions would not remedy these matters and when assessed against the development plan as a whole, the application fails to accord with it. The recommendation is therefore that planning permission be refused for the change of use from the sale of motor vehicles to the sale of building supplies and associated works.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change. On 14th January 2022 the Department for Levelling Up, Housing and Communities published the HDT 2021 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 128% and the consequences are "None".

Therefore a 5% buffer is 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 5.97 years at end of March 2022 (the 2022 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2022 (published 19th December 2022).

[*now known as Department for Levelling Up, Housing and Communities]

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
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV6 East of Ivybridge
TTV7 Land at Filham
TTV8 Land at Stibb Lane
TTV9 Other sites allocations at Ivybridge
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
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Ivybridge Neighbourhood Plan. Following a successful referendum, the Ivybridge Neighbourhood Plan was adopted at Executive Committee on 7 December 2017.

INP1: Town Centre Regeneration
INP6: Housing and employment
INP7: traffic and movement
INP8: Historic and Natural Environment

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

following planning documents are also material considerations in the determination of the application:

- **Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (2020)**
- **Plymouth and South West Devon Climate Emergency Planning Statement (2022)**

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.