

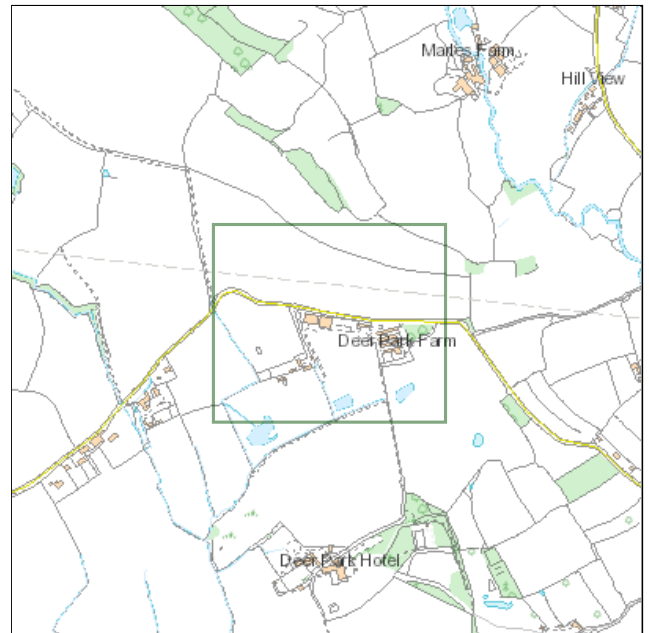
Ward Feniton

Reference 20/1636/FUL

Applicant Mr Donovan Galling

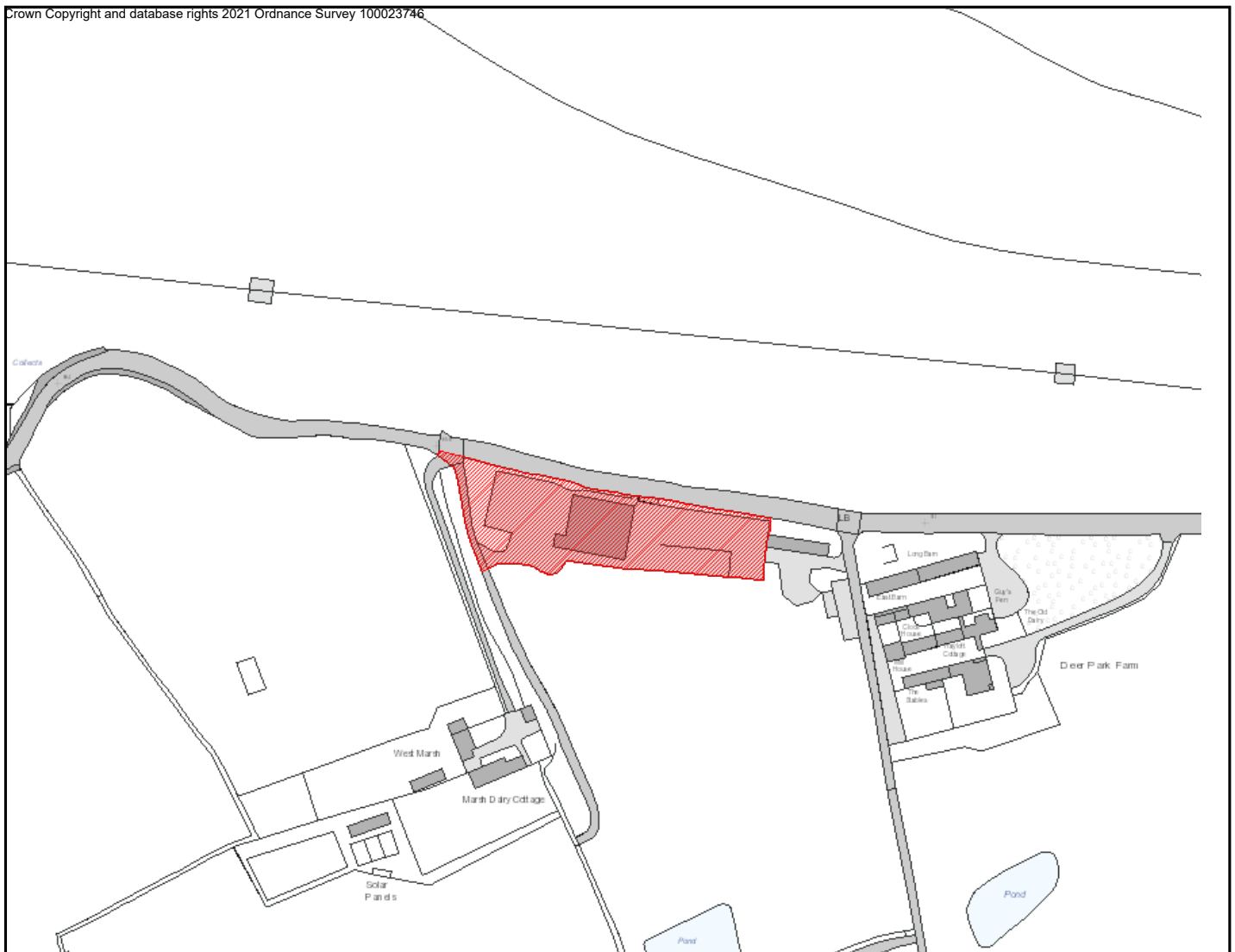
Location The Workshops Deer Park Farm Buckerell
Honiton EX14 3EP

Proposal Replacement of former showroom & workshop building with B1/B2/B8 units, extension and change of use to B1 and B8 of the existing stores building, addition of an entrance canopy and use of the yard for outside storage and parking



RECOMMENDATION: Approval with conditions

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		Committee Date: 17th March 2021
Feniton (Buckerell)	20/1636/FUL	Target Date: 19.10.2020
Applicant:	Mr Donovan Galling	
Location:	The Workshops Deer Park Farm	
Proposal:	Replacement of former showroom & workshop building with B1/B2/B8 units, extension and change of use to B1 and B8 of the existing stores building, addition of an entrance canopy and use of the yard for outside storage and parking	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before members as the officer recommendation differs from the view of the Ward Member.

The application site was the former base for kitchen fitters Martha Mockford. Prior to a fire in 2015, the site comprised of two agricultural buildings, one used as a workshop and showroom, the other as a materials store. The fire destroyed the workshop and showroom building, plus part of the storage building.

This application seeks permission for the construction of a replacement building and to secure permission for the commercial use of the site which has occurred since 1988.

The replacement building would be used for B1, B2 and B8 purposes. The storage building to the east would be B1 and B8 purposes. The application also seeks to regularise the use of the external storage area within the yard. This area, a previous silage clamp, appears to have been operated prior to 2005 as an external storage area for building materials.

Due to the application site's location in open countryside the proposed development shall need to be supported through specific policy that supports the scheme. In this instance the development shall utilise brownfield land and has support through the provisions of Policy E5 (Small Scale Economic Development in Rural Areas) of the Local Plan. The principle of development is therefore supported subject to further consideration to the development's impact upon the

rural character of the area, the impact upon nearby residents and upon the local highway network.

The Local Plan places importance on the development of its employment base and where established sites are successful, additional extension should be provided to concentrate and encourage economic development. Even small economic development in rural areas is needed to promote employment diversification however this should not be to the detriment of environmental interests or the open countryside.

The Parish Council and a Local Ward Member have raised concerns with regards to the replacement buildings scale and appearance. However the marginal increase in height of the replacement building compared to its predecessor is not considered to significantly increase the prominence of the building within the wider landscape. The overall scale and form of the replacement building would still be similar to that of an agricultural shed. The building would retain the scale and form of an agricultural building albeit constructed with materials that would reflect the building's commercial use.

Concerns have been raised by a third party highlighting the issue of noise emitted from the site and the need for this to be adequately considered. This issue has also been raised by the Parish Council who have requested that Environmental Health are consulted and their recommendations implemented to mitigate any potential adverse impacts. Conditions have been recommended below that seeks to restrict the level of noise emitted from the site to a level considered to unduly harm the amenity enjoyed at nearby residential properties.

Advice has been sought from the Highway Authority who have raised no objection to the scheme. Despite concerns raised by the Parish Council, the proposal, considering its past use, is not thought to add significantly to the number of vehicles to the site. Furthermore the site benefits from two accesses and ample parking provision.

The application is considered to comply with the relevant strategies and policies within the East Devon Local Plan. As such the application is recommended for approval subject to the conditions listed below.

CONSULTATIONS

Local Consultations

Parish/Town Council

The Parish Council recognises that this planning application seeks to replace a commercial premise that was destroyed by fire some years ago. It welcomes the employment opportunities that could be created but it has a number of specific comments to make on the application.

It is noted that the building is slightly bigger and taller than the building that had previously stood on the site. That could increase its visual prominence and it is important that the rural aspect of the road side is retained and it is vital that the hedge

is required to be retained by planning condition to screen the new building and that no advertisements should be allowed to be placed on the north elevation of the building.

The Parish Council objects to the use of metal cladding on the walls and the roof. It is considered that this is not appropriate material for a rural workshop, being akin to that used on an urban Industrial estate such as Heathpark in Honiton. It would be very stark and utilitarian in appearance when used over such a large area and the large expanse of roof will be visible from higher ground at the Knapp which will directly look down on the site, and which has a public footpath crossing it. A more muted material would be more suitable. It would be preferable if the masonry finish proposed for the south elevation to extend around all elevations.

In terms of the proposed uses of the building this needs to be clarified by the District Council as the use the application is proposing B1,B2 or B8.The Government has recently amended the Use Classes Order to create Class E, which now includes what was Class B1 (offices, light industrial workshops and research and development). The new Class includes these uses in the same use class as retail, financial establishments, gyms, crèches, nurseries and restaurants. That means the building could potentially be used for any of these uses without planning permission. The building appears to have been designed as workshops but it is hoped that such a use can be restricted by planning condition to prevent inappropriate uses which could generate significant traffic.

The issue of an alternative B2 use which is a general industrial use is more problematical, as it could include very noisy and smelly operations which could adversely affect the residential amenities of those that live at the Deer Park Farm properties and at West Marsh Farm. The Parish Council ask East Devon planners to consult the environmental health department to consider what controls could be imposed to restrict general industrial use so that it does not cause an environmental nuisance.

The application seeks to regularise the outdoor storage use of the outside yard. The Parish Council does not object to the use so long as the height is restricted to the equivalent of a single shipping container.

The geometry of the access into the site should be maintained so as to restrict the ability of commercial vehicles to enter or leave the site from / to the west so that commercial traffic does not pass through Buckerell Village.

Further comments:

This amended application was discussed at the meeting of Buckerell Parish Council on 11th November. The change was noted but it was agreed by Council that our original comments still applied. In addition there was concern expressed about the impact of unknown numbers of vehicles accessing a tight turn in at a point where the road going from Weston to Buckerell becomes single track.

Feniton - Cllr Susie Bond

I have no objection to the replacement of the Martha Mockford buildings on the same footprint as before they were demolished by fire. However, I have concerns about the larger scale application for which there appears to be no functional need.

The application would be tantamount to a small industrial area in a totally unsuitable location and, unless the plan is modified, should be refused.

Technical Consultations

Environmental Health

I have considered the application and have concerns relating to environmental health issues. I refer to the amended plans received 4 November 2020.

It is noted that the existing B1/B8 units will remain and provides some shielding from potential B2 uses in the new units. To minimise the risk of noise disturbance I recommend the following conditions

No powered plant or machinery shall be operated outside the buildings.

Reason: To protect the amenity of local residents from noise and/or dust.

Unless there are existing controls or established use prohibiting the imposition of hours, I would recommend the removal of the requested Sunday open hours.

Reason: To protect the amenity of local residents from noise.

Further comments:

I refer to the above application and correspondence relating to the requested use of the site.

The site is located in a very rural location with a small number of residential premises to the west/north of the site. As the B2 use of the is currently not determined it is necessary to control noise to protect residents from future uses of the site.

o The Rating Level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 3dB(A) between the hours of 0700 - 2300 (taken as a 15 minute LA90 at the boundary of the nearest sound-sensitive premises) and shall not exceed the background sound level between 2300 - 0700 and Sundays and Bank Holidays (taken as a 15 minute LA90 free field at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

Reason: To protect the amenities of nearby residents

o Hours of operation of 08.00-18.00 Mon to Sat are acceptable. Sunday and Bank Holiday use 08.00-18.00 should be restricted to the B8 storage facility only.

Reason: To protect the amenities of nearby residents

County Highway Authority

I certainly don't see a problem in the development, I'm just wondering if there is a strong enough desire to close up the track entrance and just have the main carriageway access??, I think there would still be sufficient parking through this option.

I won't be objecting either way in summary though.

Other Representations

One third party comments have raised concerns over the following issues:

- Visual impact of the new building.
- Noise caused by the commercial activity at the site.
- Noise produced from plant machinery and equipment within the yard area.
- Increase in commercial traffic and impact this would have on the local traffic network.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 38 (Sustainable Design and Construction)

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

EN22 (Surface Run-Off Implications of New Development)

E5 (Small Scale Economic Development in Rural Areas)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

National Planning Policy

National Planning Policy Framework

Nation Planning Practice Guidance

Site Location and Description

The application site is located east of Buckerell and west of Deer Park Farm. The site was previously occupied by Martha Mockford bespoke kitchen fitters. The site shares its primary access with the residential properties of West Marsh and Marsh Dairy Cottage that are both located approximately 90 metres to the south.

Currently the application site comprises of a large barn enclosed with breeze block and concrete walls with a metal corrugated roof. Presently the building contains 22 storage containers and three small workshops that are leased out by the applicant. A yard area also extends to the west. Upon site visit, a steel portal frame had also been erected immediately east of the existing store building. The application details that this was constructed after a fire destroyed a previous building in 2015.

The immediate area is predominantly rural in character with large hedgerows enclosing the adjoining lane that connects Weston to Buckerell. Despite the existing structure being fairly large, the building and yard are well screened by hedgerows and trees from wider public views along the adjoining highway.

Proposed Development

The application seeks permission for the building that has in part been constructed to replace the previous workshop and showroom that was destroyed. The replacement building is also proposed to be used for B1, B2 and B8 purposes. The storage building to the east would be retained for B1 and B8 purposes. The application also seeks to regularise the use of the external storage area within the yard. This area, previously a silage clamp, appears to have been operated prior to 2005 as an external storage area that is currently utilised by a local tradesman for the storage building materials.

The replacement building would have a slightly larger footprint than its predecessor having the same depth of the existing storage building. The overall height of the structure would be slightly larger with a ridge height of 5.7 metres. The building shall be finished in metal cladding and blockwork.

ANALYSIS

The main issues for consideration are the principle of development, visual impact, impact upon neighbours and highway safety.

Principle of Development

Strategy 7 of the Local Plan only permits development in the countryside where there is specific policy support elsewhere in the plan or in a Neighbourhood Plan. In this instance the application site is considered brownfield land and Policy E5 (Small Scale Economic Development in Rural Areas) is deemed most applicable. There is no 'made' Neighbourhood Plan for the area.

The site has operated since 1988 as a workshop and showroom for Martha Mockford. Despite a lack of planning history since the two original barn's conversion, there are various enforcement records and a past certificate of lawfulness (05/2884/CPE) linked with the site. Whilst the certificate for the use of the yard as open storage was refused,

there is strong evidence to suggest that the site as a whole has been operated for B2 and B8 purposes in excess of 10 years prior to submission of the current application.

The submitted Design and Access Statement details that Martha Mockford's presence at the site has deteriorated over time and in 2015 the eastern building ceased to be used as a materials store for the company and is now leased out for personal storage in shipping containers in addition to a couple of small workshops. The submitted existing floor plan details how the destroyed building largely comprised as a workshop with an ancillary showroom for the bespoke kitchen fitters. Upon the time of site visit the yard area was being used as open air storage of building materials for a local tradesman.

In light of the above history, there is considered to be an established commercial use at the site despite the demolition of the western building. This is because the use relates to the land rather than any specific structure or building. The application proposes B1, B2 and B8 uses within the replacement building, a B1 and B8 use for the eastern building and an open air storage use for the yard area. The application details that Martha Mockford shall occupy part of the site with any remaining floorspace being made available to lease. As such there are no details over potential occupiers of the units.

As the proposals relate to a replacement structure on previously developed land and use of an existing building the development is supported in principle by Policy E5 of the Local Plan subject to further considerations listed below.

Landscape Harm

The Town Council and Ward Member have expressed concerns over the replacement building's height and use of metal cladding for the roof and part of the north elevation. It is acknowledged that the overall ridge height of the replacement building would be approximately 0.3m taller than the original building. The structure would be partially visible upon your approach to the site from Buckerell during the winter months when the trees on the western boundary are not in leaf. Additionally views of the building would be available from the public footpath to the north that leads to Awliscombe. However the marginal increase in height of the replacement building compared to its predecessor is not considered to significantly increase the prominence of the building within the wider landscape. The overall scale and form of the replacement building would still be similar to that of an agricultural shed.

Furthermore, whilst it is noted that the use of metal sheeting for the north elevation and roof would give the building a more industrial appearance, it is not considered to be unduly harmful to the rural character of the area, particularly taking into account that the north elevation would be largely screened by the adjoining hedgerow and that the former building's roof was corrugated metal. The building would retain the scale and form of an agricultural building albeit constructed with materials that are indicative of the building's commercial use.

Impact on Neighbouring Amenities

The application proposes a B1, B2 and B8 uses within the replacement building to the west. The submitted floor plans indicated that the building would be subdivided into two units with associated toilet facilities and office space. Whilst the site is located within a rural location there is still potential for the development to harm the amenity of those residing within the residential properties to the south of the site and those to the east at Deer Park Farm through the emission of noise and increased traffic.

Concerns have been raised by a third party highlighting the issue of noise emitted from the site and the need for this to be adequately considered. This issue has also been raised by the Parish Council who have requested that Environmental Health are consulted and their recommendations implemented to mitigate any potential adverse impacts.

Upon submission the application a general industrial (B2) use was proposed within both buildings. After concerns expressed by Environmental Health were relayed to the applicant over the impact this could have on nearby neighbours revised plans were submitted indicating that a B2 use would only be operated within the replacement building. This ensures that there is a degree of relief between the eastern building and the residential units to the east at deer park.

Furthermore it has been suggested that any permission is conditioned to ensure that any sound emitted from any fixed plant or machinery associated with the development shall not exceed background sound levels by 3dB during the standard working week and shall not exceed background sound levels on Sundays and bank holidays. This ensures that the noise emitted from within the two buildings and yard area is controlled.

The prospective occupiers of the site are currently unknown and the proposed use classes for each building would permit a variety of business types to operate. As such, the conditions have been worded to control noise regardless and type of business introduced in order to protect the amenity of adjoining residents.

Concerns expressed by the Parish Council and Local Ward Member over the proposed industrial uses are duly acknowledged, however, It is also important to note that Martha Mockford and, more recently the storage business, have been operating from the site without any restrictions. The current application provides an opportunity, through the use of planning conditions, to protect the amenity of adjoining residents in the long term in an attempt to future proof the site.

Comments from the Parish Council with regards to the changes made within the Planning Class Use Order are acknowledged. The introduction of 'Class E' includes a broad range of uses that previously fell under the former class uses of A1, A2, A3 and, most relevant to this application, B1. The concerns raised stem from the ability for a B1 use to then change to any use within Class E without the need for planning permission. The Parish Council are concerned with the potential for an increase in traffic. Whilst it is difficult to ascertain whether other uses within Class E would cause an unacceptable level of traffic, it is acknowledged that some of the uses could be incompatible with surrounding land uses including those proposed within this application. As such, a condition shall be applied restricting the use of the buildings and outside yard area to what has been applied for. As the application was submitted

prior to the changes to the Use Class Order, it is right that then old use classes are referred to.

Parking and Highways

The site benefits from two points of access, one to the west that forks off to serve West Marsh and Marsh Dairy and another immediately north of the yard area. Both access points benefit from good visibility and would allow vehicles to enter, park and exit in a forward gear. 8 standard parking spaces have been proposed with 2 loading bays immediately south of the replacement building for larger HGV during deliveries.

Concerns have been raised with regards to the ability of the adjoining rural lane between Buckerell and Weston to accommodate the type of traffic associated with the commercial use of the site. The width of the rural lane, in addition to the availability of multiple passing points is considered to reduce the potential for problems or conflict between domestic and commercial vehicles. While it is appreciated that the lane narrows upon approaching the site from Buckerell, this is only briefly and the western access is particularly wide enabling larger vehicles to safely manoeuvre into the site.

However, in light of the Parish Council and Ward Member comments in relation to highway safety, further comments were sought from the Highway Authority. The County Highway Authority has indicated that they have no objection to the scheme and consider that the development provides a sufficient level of parking for the types of vehicle associated with the sites proposed industrial uses.

It is of course material to the highway situation the level of previous traffic that could have been associated with the buildings over the last 10 years.

CONCLUSION

The Local Plan places importance on the development of its employment base and where established sites are successful, additional extension should be provided to concentrate and encourage economic development. Even small economic development in rural areas is needed to promote employment diversification however this should not be to the detriment of environmental interests or the open countryside.

Subject to conditions to control the uses and hours of operation, and in light of the previous buildings and uses on the site, the proposal is considered to be acceptable.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(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 permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
3. The Rating Level of sound emitted from any fixed plant and/or machinery associated with the development shall not exceed background sound levels by more than 3dB(A) between the hours of 0700 - 2300 (taken as a 15 minute LA90 at the boundary of the nearest sound-sensitive premises) and shall not exceed the background sound level between 2300 - 0700 and Sundays and Bank Holidays (taken as a 15 minute LA90 free field at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.
Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.
(Reason: To protect the amenities of nearby residents in accordance with Policies D1 – Design and Local Distinctiveness and EN14 - Control of Pollution of the adopted East Devon Local Plan.)
4. The building and open storage area as annotated on the submitted Location Plan shall only be used for a uses falling within Use Class B1, B2 and B8 as indicated on the submitted Floor Plan, Drwg No: 348/05 REV D and for no other purpose (including any other purpose in Class E of the amended Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) without the prior express consent of the Local Planning Authority.
(Reason - To ensure that the use is compatible with the surrounding uses and to enable to the Local Planning Authority to retain control over future uses in the interests of amenity and sustainable development in accordance with Strategy 7 - Development in the Countryside and Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031.)
5. The uses hereby approved shall only be operated during the hours of 07.30-18.00 on Monday to Saturday. On Sunday's and Bank Holiday's the B1 and B8 uses only can operate between the hours of 08.00-18.00 with no B2 activity permitted to take place.
(Reason: To protect the amenities of nearby residents in accordance with Policies D1 – Design and Local Distinctiveness and EN14 - Control of Pollution of the adopted East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this

application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

348/05 Rev D	Proposed Floor Plans	09.02.21
348/01 Rev D	Location Plan	10.02.21
348/07 B	Combined Plans	24.08.20
348/06	Proposed roof plans	03.08.20

List of Background Papers

Application file, consultations and policy documents referred to in the report.