

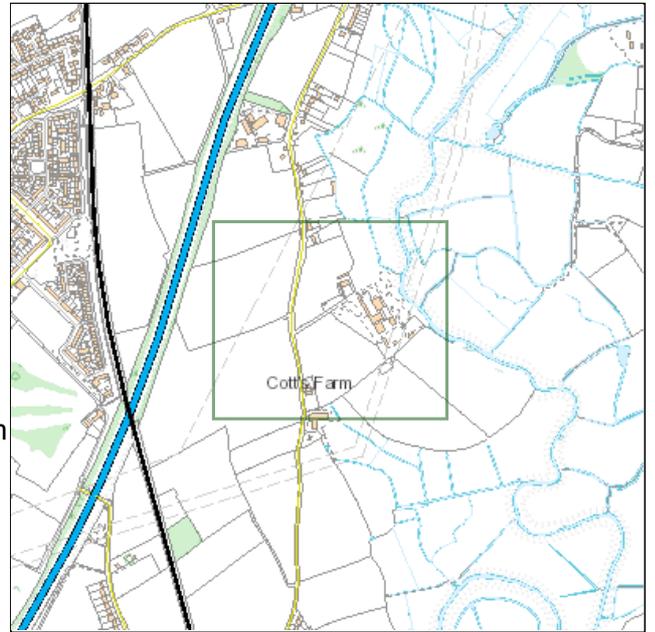
Ward Clyst Valley

Reference 21/0546/FUL

Applicant Miss D Self

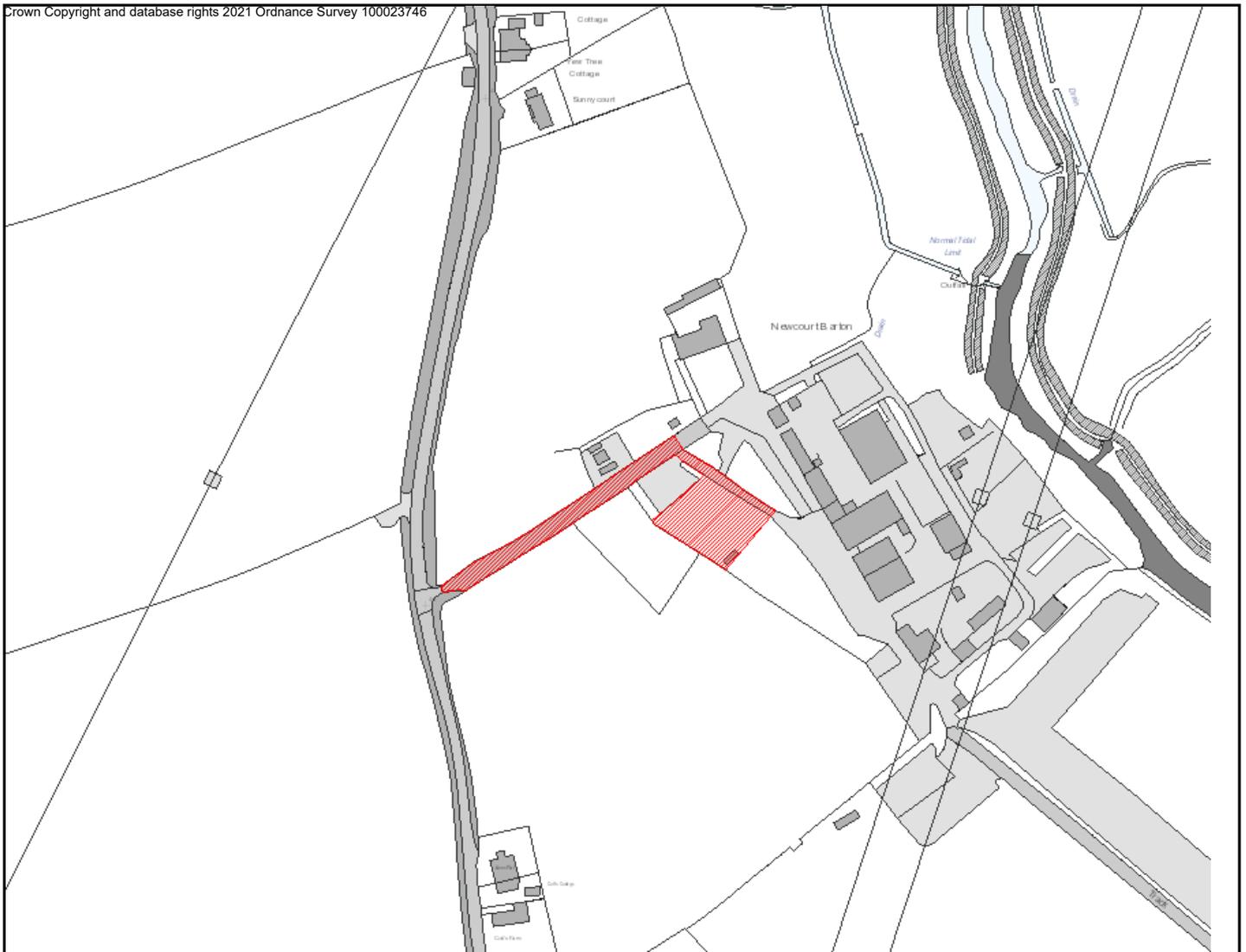
Location Newcourt Barton Clyst Road Topsham Exeter
EX3 0DB

Proposal Change of use of land from agricultural to a gym
(Use Class E (d)), to include the siting of
containers (x3), tarpaulin covering and parking
area



RECOMMENDATION: Refusal

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		Committee Date: 15th July 2021
Clyst Valley (Clyst St George)	21/0546/FUL	Target Date: 29.04.2021
Applicant:	Miss D Self	
Location:	Newcourt Barton Clyst Road	
Proposal:	Change of use of land from agricultural to a gym (Use Class E (d)), to include the siting of containers (x3), tarpaulin covering and parking area	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before Members because the views of the Ward Member are contrary to Officers.

Planning permission is sought for the siting of 3 storage containers in a U shape, with a covered central area which it is proposed to use as an outdoor gym facility. One of the containers would house a free weights area, another changing and toilet facilities, and the final one would provide other treatment rooms, reception and staff facilities.

The central covered area would be enclosed on three sides by the containers, with the western side open. Parking for 12 cars is proposed adjacent to the north eastern boundary of the site.

It is recognised that the proposal would allow the relocation and expansion of an existing business, and would provide a modest addition to employment, which weighs in its favour. It is also recognised that there are no objections raised in terms of impact on highway safety, flood risk, visual impact or residential amenity.

However the site lies outside of any built up area boundary or defined area for development, and is specifically contrary to Policy CSG19 - Business Development of the recently adopted Clyst St George Neighbourhood Plan. It would lead to the expansion of the business park into the countryside and lead to the proposed 120 members travelling to this rural location that cannot be reached by public transport.

Whilst finely balanced it is considered that the proposal would conflict with an up-to-date development plan and that the proposed development would fail to result in a sustainable form of development.

CONSULTATIONS

Local Consultations

Clyst Valley - Cllr Mike Howe

support - I believe that this is now a wasted piece of land and due to planning permissions for the road enclosing this site it fits perfectly within the site not the open countryside, That along with the belief the Site itself is full allowing for this small expansion of the site, As I can find no harm from allowing this I support it.

Technical Consultations

Parish/Town Council

We find this application is in contravention of our Neighborhood Plan on two counts:-

"CSG4 Areas of Ecological Significance, which we are advised not to support for development any area that has been designated."

This area is within a County Wildlife Site, or very close to it. Areas of rough grazing are important for a number of species.

"CSG19 Business Development:

Business development on the business parks listed below (and identified on Map 9) will be supported provided it is in keeping with those uses and business activity already on the site and does not lead to the outward expansion of the site. The following locations are currently in use as business parks."

This site is an extension to the New Court Barton site area.

We are also concerned that the clients of the Gym will be driving to the site and there is no public transport close to the site.

EDDC Landscape Architect - Chris Hariades

The site is situated on the edge of a light industrial complex set back 120m to the east of Clyst Road. Access is via the existing access track. The proposals is for a gym facility comprising container units laid out in a C shape around a central courtyard space measuring some 13x13m and spanned by a tarpaulin cover, maximum 4m high, to provide sheltered training area under.

The site is low lying and comprises part of a level paddock area to the southwest (Clyst Road side) of the existing complex of buildings and hardstandings and is currently used for general storage.

The site can be glimpsed through the roadside hedgerow to Clyst Road and from the entrances to Newcombe Barton and Cotts Farm to the southwest.

There are also a number of houses that have views to the site, the closest being Anns Plat, Cott's Cottage and Cott's Farm 160-220m to the southwest and a number

of newer properties on Jack Saddlers Way to the west of the motorway and railway, approx. 550m distant.

Recently planted hedgebanks either side of a trackway between the site and Clyst Road will if well maintained and extended slightly provide screening of the site to views from the west and southwest.

There is opportunity for enhancement of the site and its setting by extension and appropriate management of the new hedgebanks and additional tree planting which would in addition provide bio-diversity benefit.

There is no indication of the means of support of the proposed tarpaulin roof cover and this should be confirmed.

There is no indication of the proposed colour of the container units. This should be a dark grey or similar and BS or RAL colour reference should be confirmed.

The proposed location of the packet treatment works should be confirmed together with details of outlet and supply routes to the container units for water and electricity.

It is understood that surface water will be discharged to an existing soakaway. Secure covered bicycle parking should be provided and details of the proposed location and design of this should be provided.

Subject to satisfactory clarifications as noted above, the proposed scheme could be considered acceptable in terms of landscape and visual impact subject to conditions requiring extension of newly created hedgebanks to the southwest and further tree planting.

Other Representations

None received

PLANNING HISTORY

Newcourt Barton Business Park and units within it have been the subject of various planning applications over the years, however the most relevant of this was granted under reference 17/2357/MFUL which granted consent for the Business Park, widening of access, creation of visibility splays and passing bay on the drive.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

E5 (Small Scale Economic Development in Rural Areas)
E7 (Extensions to Existing Employment Sites)

TC2 (Accessibility of New Development)
TC7 (Adequacy of Road Network and Site Access)
TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)
National Planning Practice Guidance

Clyst St George Neighbourhood Plan

CSG1 – Sustainable Development
CSG3 – Flood Risk
CSG4 - Areas of Ecological Significance
CSG5 – Development Outside the Settlement Areas
CSG19 – Business Development

Site Location and Description

The application site comprises an area of land adjacent to the western edge of Newcourt Barton Business Park which is located to the east of Clyst Road. The business park is located within the open countryside around 1500m to the south of junction 30 (Sandygate) of the M5.

It is an open level site which is grassed, and adjacent to an informal parking area serving part of the business park to the east.

Proposed Development

Planning permission is sought for the siting of 3 storage containers in a U shape, with a covered central area which it is proposed to use as an outdoor gym facility. One of the containers will house free weight equipment, one changing and toilet facilities, and the other treatment rooms, reception and staff facilities.

The central covered area would be enclosed on three sides by the containers, with the western side open. Parking for 12 cars is proposed adjacent to the north eastern boundary of the site.

Supporting information states that the application is for an outdoor gym and training space which would be usable year round. It would be limited to 120 members with classes run by the applicant, and would also offer one to one personal training, physiotherapy and rehabilitation sessions to non-members.

ANALYSIS

The main issues to be considered in the determination of this application relate to the policy context and principle of the proposed development, highway safety, flood risk, and any impact on visual, residential or other amenity.

Policy Context:

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016, and together with the more recently adopted Clyst St George Neighbourhood Plan (July 2018) form the development plan and the policies contained within these are those against which applications for this site are to be determined.

Principle of Development

In planning terms the application site lies in the countryside, defined as being all those parts of the plan area that are outside Built-up Area Boundaries and outside of site specific allocations shown on the Proposals Map. Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031 states that development will be strictly controlled and will only be permitted where it is accordance with a specific local or neighbourhood plan policy that explicitly permits such development and where it would not harm the landscape, amenity or environmental qualities within which it is located.

Policy E5 (Small Scale Economic Development in Rural Areas) permits small scale development in villages and rural areas and the expansion of existing businesses designed to provide jobs for local people where certain criteria are met. These include the conversion of existing buildings; new buildings on previously developed land; or if on a greenfield site the buildings are well related in scale and form and in sustainability terms to the village and surrounding areas. The application site lies beyond the identified area of the business park, is unrelated to any village or existing business and would introduce a new business and the additional activity associated with it into the countryside. As such it would fail to comply with the provisions of Policy E5.

Policy E7 (Extensions to Existing Employment Sites) permits the small scale expansion of business and employment sites outside of Built-up Area Boundaries where it is clear that a business or employment site or estate is at or near full capacity and where there are no highway, residential, ecological or visual impact. This policy is considered to provide some support for the expansion of the business park, and the owner of the business park has stated that there is no other land available.

The Clyst St George Neighbourhood Plan (NP) was adopted in July 2018, and is therefore more up to date than the Local Plan (adopted Jan 2016). Policy CSG5 - Development Outside the Settlement Area, states that development proposals on land outside the confines of the settlement areas will usually be supported if they are necessary for the purpose of agriculture, or farm diversification or outdoor recreation, without harming the countryside. The proposal fails to satisfy this policy, being neither agricultural, a farm diversification project or outdoor recreation.

Policy CSG19 - Business Development recognises and supports employment initiatives on existing business parks, including Newcourt Barton, where it is in keeping

with those uses and business activity on the site and does not lead to the outward expansion of the site. Whilst adjacent to the existing site, it extends beyond the boundary identified in the NP and into an area of open agricultural land, and is therefore not considered to be supported by this policy.

There are not considered to be any other local plan policies which would offer support for the proposed use, and whilst the National Planning Policy Framework provides support for the prosperous rural economy and the development and diversification of agricultural businesses, it is not considered that it has been demonstrated that the proposed use would fulfil these criteria.

Planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance there is a recently adopted Neighbourhood Plan which identifies the boundary of the business park and which specifically excludes development beyond this. This is considered to be a determinative factor in the assessment of the current application and one which carries significant weight.

Overall it is considered that there is a fundamental conflict with the policies of the development plan, including those of the Neighbourhood Plan, such that the principle of the proposed development is considered to be unacceptable. There are not considered to be any other material considerations that would justify a departure from policy in this case.

Highway Safety

The application site is accessed from the main road into the business park, which has appropriate visibility splays at its junction with Clyst Road, and is capable of accommodating the additional traffic arising from the proposed development.

Whilst Newcourt Barton is not remote, it is not, in planning terms, considered to be a sustainable location where new development will normally be permitted. It is accessed via the C class Clyst Road and there are no pavements and no realistic access to public transport or the facilities and services within the nearest village of Clyst St Mary, or town of Topsham. As such clients visiting the site will be dependent on private vehicles to access the facilities. Whilst some may share lifts the proposal will result in further vehicles being attracted to an unsustainable location. With a membership of 120 people proposed with the addition of therapy sessions being provided to non-members the numbers of vehicle movements to and from this site could be substantial. Although development of land within Exeter City Council's area to the south west of Whitehill Lane brings a footpath closer to the site it would still be over 700m from the site to this new footpath and then a further 1km to the train station at Topsham and further still to the town. There are no dedicated cycle routes close to the site and although the applicants submission says that there would be ample space on site for the storage of bicycles no specific facilities are proposed. The level of car parking proposed, 12 spaces, is however considered to be sufficient for the indicated level of activity and vehicles attracted to the site.

Flood Risk

A small part of the northern side of the site is located within an area identified as flood zone 2, with the majority of the site within flood zone 1. However, as no buildings are proposed within this area which would be used for parking, it is not considered that the proposal would be unacceptable in terms of flood risk.

Landscape Impact

The proposed development is relatively modest and low lying, and from public views would be read against the existing buildings on the site. Whilst no details of the colour of the containers or the proposed roof covering have been submitted, it is considered that these could be subject to conditions should the proposal otherwise be found to be acceptable.

The consultation response from the Councils Landscape Architect suggests that subject to conditions to ensure appropriate materials, and additional landscaping, the proposal would have an acceptable landscape and visual impact.

Residential Amenity

The nearest residential properties are Newcourt Barton around 100m to the north east and properties along Clyst Road, around 150m to the south west. Whilst there is the potential for some noise nuisance arising from the proposed use in terms of amplified music and activity within the classes, particularly given the open sided south westerly elevation and additional traffic, the levels of activity proposed are not considered to be likely to be unreasonable, or constitute a nuisance.

Ecology

The concerns raised by the Parish Council in respect of the impact on the County Wildlife site are appreciated, however the site is not within the designated area, and the nature and intensity of the proposed use is not considered likely to have any significant impact on the wider ecological value of the area.

Planning Balance

The supporting information states that the proposal would provide an appropriate location for a well-established local business and that there are no alternative locations available which would fulfil the specific criteria or business model proposed. It is appreciated that the proposal is not a typical gym but operates as an outdoor training facility with complementary services, including rehabilitation and physical therapy, however it also requires physical development in the form of the containers and covered area, together with parking and associated development.

It is recognised that the proposal will allow the relocation and expansion of an existing business, and will provide a modest addition to employment, which weighs in its favour. It is also recognised that there are no objections raised in terms of impact on highway safety, flood risk, visual impact or residential amenity.

However the site lies outside of any built up area boundary or defined area for development, and is specifically contrary to Policy CSG19 - Business Development of the recently adopted Clyst St George Neighbourhood Plan. It's location means that patrons will almost certainly rely on private vehicles to access the site and given that they are unlikely to stay more than an hour to an hour and a half per trip the number of trips to and from the site each day would be significant. The Transport Assessment estimates these at 34 trips each way per day.

Whilst finely balanced it is considered that the proposal would conflict with an up-to-date development plan and that the proposed development would fail to result in a sustainable form of development. As such the application is recommended for refusal.

RECOMMENDATION

REFUSE for the following reason:

The application site falls outside of the built up area boundary of any defined settlement or a Strategic allocation within the Adopted Local Plan or Neighbourhood Plan and is therefore within the open countryside where new development is restricted. The proposal would result in the creation of new development situated in the open countryside which would be unsustainable and detrimental to the rural character of the area. Consequently, the proposal would be contrary to the provisions of Strategy 6 (Development within Built-Up Area Boundaries) and Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013 - 2031, and Policies CSG5 - Development Outside the Settlement Area and CSG19 - Business Development of the Clyst St George Neighbourhood 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 proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

01: Existing	Location Plan	04.03.21
04: Proposed	Location Plan	04.03.21
05	Proposed Block Plan	04.03.21

06

Proposed Combined
Plans

04.03.21

List of Background Papers

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