

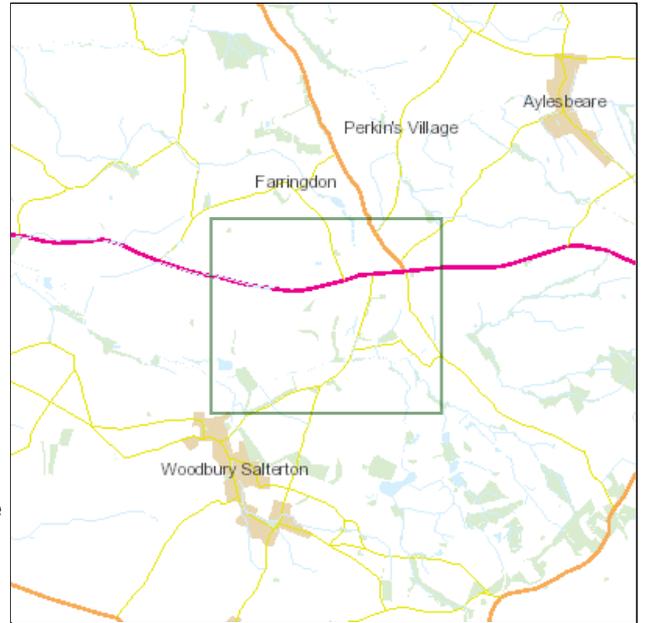
Ward Woodbury And Lymptone

Reference 21/2123/COU

Applicant FWS Carter & Sons Ltd

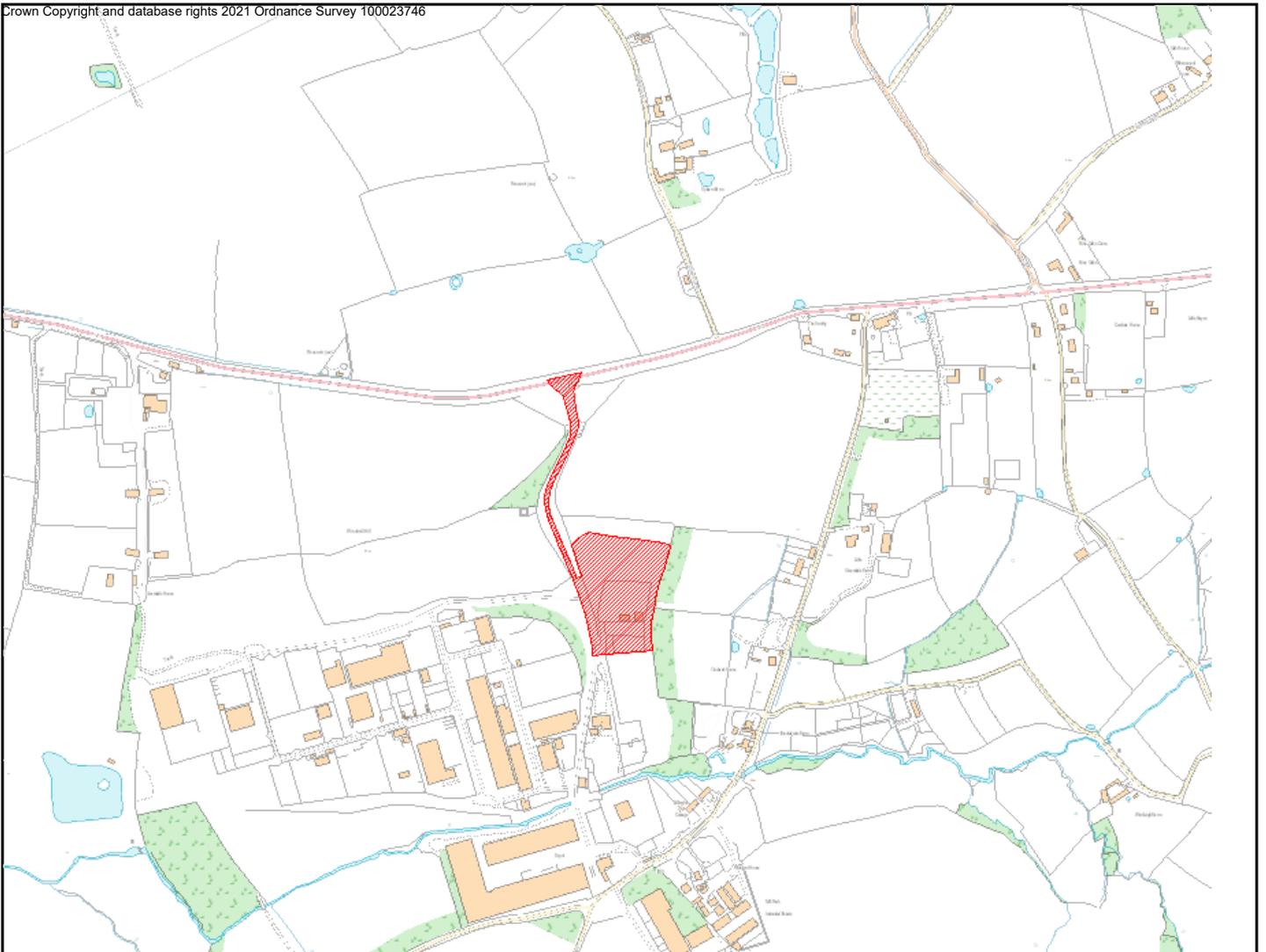
Location NHS Vaccination Centre Greendale Business Park Woodbury Salterton EX5 1EW

Proposal Continued use of Greendale Vaccination Centre by the NHS until 31st December 2022



RECOMMENDATION: Approval with conditions

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		Committee Date: 19th January 2022
Woodbury And Lympstone (Woodbury)	21/2123/COU	Target Date: 01.10.2021
Applicant:	FWS Carter & Sons Ltd	
Location:	NHS Vaccination Centre Greendale Business Park	
Proposal:	Continued use of Greendale Vaccination Centre by the NHS until 31st December 2022	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before Members as the proposal represents a departure from adopted development plan policy. The parish council and both ward members support the proposal on the basis that the use and building is only allowed for a short period of time for the NHS during the fight against Covid 19.

The site lies in the open countryside outside of the established developable area of Greendale Business Park as defined by Strategy 7 of the EDDC Local Plan and the Villages Plan DPD on a site where retrospective planning permission for employment use has previously been refused and enforcement action has successfully been taken to return the land to its former condition. The application has been advertised as a departure.

Clearly, the use of the land and building would not normally be permitted on this site, however, the government introduced emergency legislation in 2020 to enable the NHS to commission buildings to be built to aid in fighting the global pandemic meaning that the building that has been built and its use as a vaccination centre did not require planning permission. However, this permitted development right was due to run out on 31st December 2021. Permission is now sought to retain the use of the site and building for a further year until 31st December 2022. Although immediately prior to the publication of this report, and from the 11th January 2022, the Government have extended the Permitted Development Right until the 31st December 2022. As such this proposal no longer requires planning permission. IT is however before members as the applicant did not want to withdraw the application.

Given that the proposal will be Permitted Development from the 11th January 2022, and given the need for the facility to deal with the emergency global pandemic treatment required to the wider public, it is in the public interest for the use to

continue on site until 31st December 2022 and planning permission can be granted even though it is not now required. After the 31st December 2022, the applicant will have a year to remove the buildings or require a new permission would be required to continue the use and retain the building.

Issues of the character and appearance of the countryside, residential amenity and highway safety are discussed in the report, but have been found to be acceptable.

As such, and although no longer required, the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

Woodbury Parish Council supports this application.

Woodbury And Lympstone - Cllr Ben Ingham

I recommend approval

Further comments:

I support the recommendation

Woodbury And Lympstone - Cllr Geoff Jung

I have viewed the further documents for 21/2123/COU for continued use of building as a vaccination centre until 31.12 2022' at NHS Vaccination Centre Greendale Business Park Woodbury Salterton.

As this building has been built without planning consent under the government emergency measures, which unfortunately comes to an end at the end of this year, the NHS therefore needs to apply for planning permission to enable the facility to continue as a vaccination centre. I would support a temporary planning permission to cover the required period up to the end of 2022.

However, I reserve my final views on the application until I am in full possession of all the relevant arguments for and against.

Further comments:

Thank you for the report and recommendation which I support.

Technical Consultations

Devon County Highway Authority

The use of this site has not generated a raise of traffic concerns to the County Highway Authority (CHA), The access and site layout is existing and established including adequate parking and vehicle turning, the one-way system partially in place also helps to stagger traffic flows.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Other Representations

There have been no third party representations received as a result of this application.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

E7 (Extensions to Existing Employment Sites)

EN14 (Control of Pollution)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

D2 (Landscape Requirements)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

Relevant Planning History

The Greendale Business Park has an extensive planning history. However, the most relevant applications to the proposal to which this report relates are:

15/2592/MOUT - Hybrid application for detailed planning permission for extension to compound 33A and attenuation pond and warehouse, office building and hardstanding to compound 39 and outline planning permission for B1/B2/B8 units (access to be determined). Refused 07/07/2016.

16/2597/FUL Land At Greendale Business Park Woodbury Salterton EX5 1EW - Change of use of the site to a storage yard, including the erection of warehouse, office building, fencing and associated works (retrospective application). Refused - 22/03/2017. This application was later dismissed at appeal, and the Inspectors decision was then upheld by the High Court.

Site Location and Description

This application relates to the current vaccination centre located to the east of the main entrance off the A3052 into the Greendale Business Park. The site is located in the countryside, outside of a built-up area boundary and the boundary of the business park, both designated in the East Devon Local Plan. The land rises to the north of the building, and drops to the south and east. There are trees and/or hedging to the north, east and west of the building. The building is a large structure with the appearance of an industrial unit. There is a surfaced area to the east, south and west of the building which is used for car parking.

Since the submission of this application, and following the accelerated Covid19 booster roll-out, a new access road and car park have been provided to the north of the site to alleviate high traffic volumes and queuing on the A3052 on approach to the centre. This new road and car part are permitted until the end of 2021 with a planning application being prepared for the NHS for their retention.

Proposed Development

Planning permission is sought for the continued use of the vaccination centre until 31st December 2022.

Consideration and Assessment

The main considerations in the determination of this application relate to:

- The principle of the proposed development
- The impact of the use and building on its surroundings;
- The impact on residential amenity; and
- The impact on highway safety.

Principle

The site lies in the open countryside where all development should be strictly controlled so that it does not detrimentally impact on its surroundings or the character and appearance of the area in accordance with Strategy 7 of the East Devon Local Plan, however that does not represent a 'bar' on all development as proposals that are in accordance with other policies contained in the plan for the use of the site can be acceptable. In this instance there are no other policies that would enable use of the land outside the defined boundary of Greendale Business Park as outlined in the Villages Plan DPD and as such the proposal to continue the use as a vaccination centre would be contrary to adopted development plan policy. Accordingly, the proposal has been advertised as a departure.

It is important to consider whether, in light of the proposal being contrary to policy, there are any material considerations that might outweigh the harm of the proposal being outside the developable area of Greendale Business Park.

Firstly the NPPF - whilst there are many paragraphs which support health and wellbeing and facilities for healthcare, these paragraphs encourage this development to take place in sustainable locations close to the public that they serve, the proposal being in the open countryside could not be said to be in a sustainable location.

Furthermore, the planning history for the site indicates that development on this site is likely to have a detrimental impact on the character and appearance of the area, in appeal reference APP/U1105/C/16/3165341 an inspector commented on the following in respect of development on this site, having already concluded that the principle of the development was contrary to policy.

'The development has altered the land form and character of the countryside through the excavation and construction of the compounds, the creation of extensive areas of concrete hard standing, the introduction of steel fencing and security lighting, the erection of the warehouse on compound 39, the siting of portacabins offices, the open storage of mobile homes and other materials, etc. The effect of the development is significantly to change the character of the site from rolling open countryside to urbanised development having little relationship with its countryside setting. It is intrusive and, because of the change in levels, parts of the site are also prominent, particularly in respect of the warehouse on compound 39.

The appellants' Landscape and Visual Impact Assessment submitted with the earlier applications concludes that the impact on landscape character after mitigation would be slight-moderate adverse and there would be neutral impact on visual amenity due to the limited opportunity to view the site from publicly accessible locations. However, this does not affect my own conclusion in respect of the impact of the development on countryside character and appearance which I consider to be significant and harmful.

I note that the Council considered the landscape harm to be at an acceptable level when the 2009 permission was granted but this related to the lower compound 11 site which is considerably smaller in area than the appeal site.

I conclude on this issue that the development is harmful to the character and appearance of the wider countryside'.

However, the development to which this application relates was constructed under permitted development rights established in light of the Covid-19 pandemic; Part 12A of The Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020 refers. This legislation granted permission for emergency development by a local authority or health service body – and it is under this legislation that the new access and car park were recently constructed.

However, that legislation states that the use of buildings constructed under the legislation must cease on 31st December 2020, with buildings removed within 12 months of the use ending. As the pandemic is, sadly, still continuing, the government extended these permitted development rights in July 2021, with the extension meaning that the use of buildings constructed under the legislation must cease on 31st December 2021, with buildings removed within 12 months of the use ending. However, with the pandemic still ongoing, permission is sought to continue the use of the building, which the NHS is currently using as a vaccination centre, until 31st December 2022. Clearly, given the situation regarding the pandemic, this is considered to be a strong, reasonable and logical justification for the proposal.

However, just as this report was being published, the Government released an update to the General Permitted Development Order that extends the Permitted Development Right for the proposal until the 31st January this year (2022). In light of this, this planning application is no longer required and the site benefits from the necessary permission until the end of the year.

The application is still on the Agenda as the applicant has not withdrawn the application in light of the update legislation.

Accordingly the proposal is considered acceptable for a short timeframe for use by the NHS as a vaccination centre and then the land should be returned to its former condition in accordance with the previous appeal decision on this site.

Impact on surroundings

As the aforementioned permitted development rights mean that the building can remain in situ until the end of 2022, the impact of the building itself would be time limited, and extended by a year should this application be approved, as previously mentioned, this would be a short time frame and can be conditioned to be removed within a year of the use of the site ceasing.

Concerns have been expressed regarding the long term use of the site and that the building should not be permitted to remain particularly in light of the aforementioned appeal decision. Those matters would need to be considered at a later date, should an application be submitted to retain the structure for a period longer than that allowed by this permission or should the buildings not be removed when permission expires.

Therefore, whilst this permission would give rise to a building that would have an impact on its surroundings together with the earthworks that have been carried out to create a level surface and car park, these are considered to be short term impacts and can be set aside whilst the global pandemic is being dealt with.

Impact on residential amenity

The location of the building, in the open countryside, is not sufficiently close to any residential for its continued use as a vaccination centre to result in a loss of amenity to the occupiers of any residential property and the activities that take place would not give rise to any undue noise emittance such that the use of the temporary building for the purposes of fighting the pandemic are acceptable in relation to Policy D1 of the EDDC Local Plan.

There is a tandem application under consideration 21/3049/FUL for the lighting scheme in an around the building and car park to be agreed.

Impact on highway safety

The site is already operational as a vaccination centre given its use before 1st January 2022 was permitted development, access has been formed into the site from the main estate spine road serving a car park that operates on a one way system operated by vaccination centre employees/volunteers. The County Highway Authority has

confirmed that the continued use of the building as a vaccination centre will not result in any highway safety concerns.

During recent weeks and thanks to the accelerated roll out of the booster programme there has been significant congestion on the A3052 with people trying access the centre on a walk in basis rather than through booking an appointment, as a result, under permitted development the landowner on behalf of the NHS has implemented a new access road to the north of the site. A planning application for the short-term retention of this is in the process of being prepared and submitted for the NHS.

The proposal is therefore considered acceptable in relation to Policy TC7 of the EDDC Local Plan.

CONCLUSION

This proposal represents a departure from adopted development plan policy, the proposal is now permitted development due to a change to the permitted development legislation published just before the publication of this report.

In light of the proposal now being permitted development, and given the short term permission sought and the emergency global pandemic treatment required to the wider public, the proposal must be supported.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The building shall be used as a vaccination/NHS centre only in relation to the Covid19 pandemic and the use of the building hereby approved shall cease on 31st December 2022 unless amended by a further grant of planning permission. The temporary building and all the resulting materials shall be removed from the land and the land restored to its former condition by 31st December 2023 unless varied by a further grant of planning permission.
Reason: The use of the building and its siting are acceptable in exceptional circumstances to aid in dealing with the global pandemic to fight Covid 19, the use of the site and building are contrary to Strategy 7 (Development in the Countryside) and D1 (Design and Local Distinctiveness) of the East Devon Local Plan being outside the defined developable area of Greendale Business Park as defined by the Villages Plan DPD and the building would have a detrimental impact on the character and appearance of the surroundings.

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

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:

8274-04	Proposed Combined Plans	06.08.21
8274-05	Proposed Elevation	06.08.21
8274-06 E	Proposed Site Plan	06.08.21
8274-LP	Location Plan	06.08.21

List of Background Papers

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