

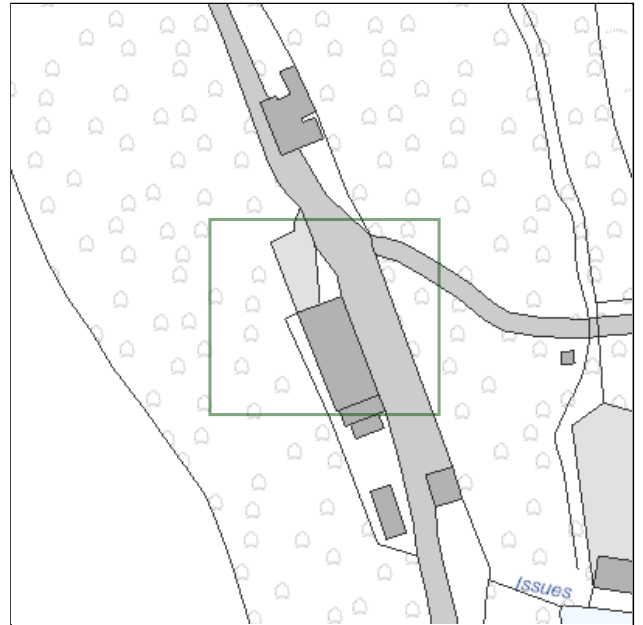
**Ward** Trinity

**Reference** 21/3255/FUL

**Applicant** Mr Mark Perry

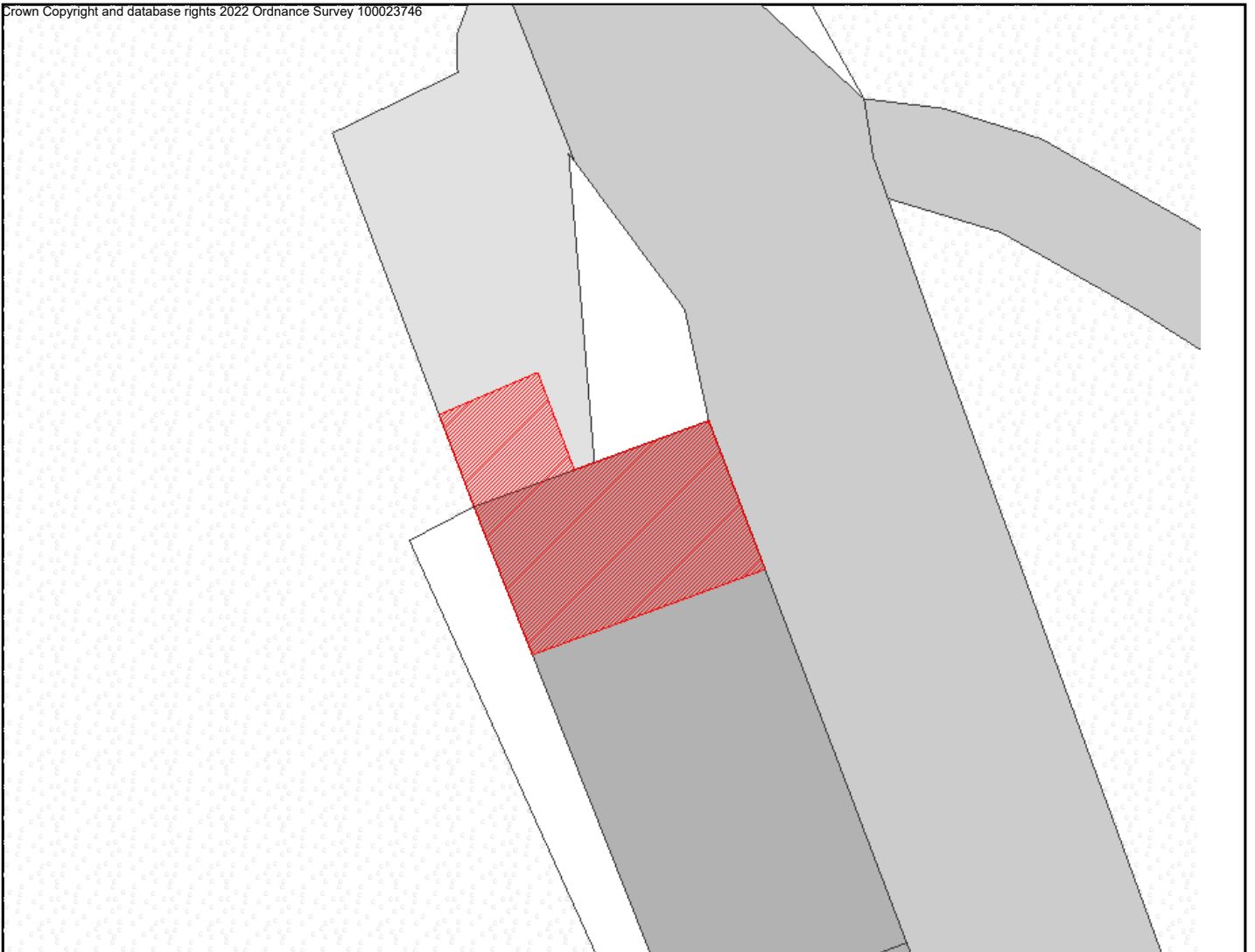
**Location** Building North Of Harbour Close Combyne  
EX13 8SX

**Proposal** Change of use of part of building to B2 use and  
retention of single storey side extension.



**RECOMMENDATION: Approval retrospective (conditions)**

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		<b>Committee Date: 16<sup>th</sup> February 2022</b>
<b>Trinity (Compyne Rousdon)</b>	<b>21/3255/FUL</b>	<b>Target Date: 10.02.2022</b>
<b>Applicant:</b>	<b>Mr Mark Perry</b>	
<b>Location:</b>	<b>Building North Of Harbour Close Compyne</b>	
<b>Proposal:</b>	<b>Change of use of part of building to B2 use and retention of single storey side extension.</b>	

**RECOMMENDATION: Retrospective Approval (conditions)**

### **EXECUTIVE SUMMARY**

**This application is before the Committee because the recommendation is contrary to the views of the Ward Member.**

**The proposal is for a small expansion and diversification of an established business in a rural area. In this case it is principally to allow shot blasting to take place within in an existing building. Such development is supported in principle by Policy E5 subject to consideration of any impacts on its surroundings. These include impacts on neighbours and, in this case, any impact on the AONB.**

**Shot blasting can be a noisy activity but an insulated enclosure has been constructed in accordance with advice from an acoustic consultant. This has effectively contained the noise such that it does not adversely affect local residents or the relative tranquillity of the AONB.**

**Associated with the shot blasting there are a small number of additional vehicle movements and material handling which may generate some noise. This must be considered in the context of the lawful use of the site and its location within a settlement which itself generates a certain amount of noise. Relative to the established noise environment, the proposed development would generate little change. It would therefore have no material impact on local residents or the relative tranquillity of the AONB.**

**Subject to conditions limiting the nature and scale of the development the proposal is acceptable.**

## **CONSULTATIONS**

### **Local Consultations**

### **Trinity - Cllr Ian Thomas**

The property lies near in the small village of Combpyne, within the East Devon AONB. The proposal relates to the B2 activity of shot blasting on a site where this activity has historically drawn several complaints from nearby properties.

The application appears similar to previous application 20/115/COU, where I commented on 14th August 2020. That application was subsequently refused, a decision subsequently upheld at appeal.

I note Environmental Health is recommending approval, with conditions. However, the application is not supported by either the Parish Council or East Devon AONB.

Despite a view from EH that noise levels can be mitigated, I do not believe that this carries significant weight, in the context that a B2 use, such as shot blasting, is fundamentally unsuitable and incongruous within a quiet village location such as Combpyne, itself within such a highly valued protected landscape as the East Devon AONB.

I concur with the view expressed by Combpyne-Rousdon Parish Council that the application should be REFUSED.

### **Parish/Town Council**

The Parish Council objects to the application on the following grounds:-

We maintain that any industrial process that requires B2 use is fundamentally inappropriate for this location. If the noise levels on the site are as low as the applicant's noise assessment report suggests, then B1 use, which is classified as Uses which can be carried out in a residential area without detriment to its amenity should be sufficient. To allow use of the site for B2 (General Industrial) will inevitably result in a detrimental impact to the amenity of the neighbouring properties who continue to experience and report to the Parish Council adverse noise from the shot blasting process, in addition to increased heavy traffic (often at unsociable hours) and waste from the shot blasting process. The Council are concerned that should B2 use be granted with noise conditions attached, it will not be sufficiently policed to protect the amenity of the local residence from noise. The Council has grave doubts that if permission is given adequate policing will occur.

The Council is disappointed that EDDC have now declined to undertake an additional noise assessment, despite this previously being recommended by Environmental Health. They are also concerned as to the reason why Environmental Health are now content to rely on the applicant's sound data when a) there was no independent body there to witness the collection of the data and b) the data was not collected from the worst affected location within the valley and c) on 11 January 2022 they commented that they believe the acoustic report was being very liberal with the background sound measurements for the area. Surely this is reason enough to undertake an additional noise assessment given the longstanding implications to the surrounding properties of allowing B2 use. In addition, the recent recommendations from Environmental Health

outlined in their comments 14 January 2022 do not take into account the location of the proposed B2 site, which is within a rural, residential AONB area.

The Council is concerned that this application appears to be fundamentally the same as application 20/1115/COU which has already been refused by EDDC. This application being fundamentally the same should, we submit, be dismissed under section 70b of The Town and Country Planning Act 1990, section 70b (3 and 4).

## **Technical Consultations**

### **East Devon AONB**

We refer to our previous response on this proposal, edited below. Please note these comments in the context of NPPF which calls for valued landscapes to be protected and enhanced (NPPF 174a) with great weight being given to conserving landscape and scenic beauty in National Parks and Areas of Outstanding Natural Beauty (AONBs) which have the highest status of protection in relation to these issues. (NPPF 176). There is a presumption against major development in protected landscapes (NPPF 177). The NCA and district level LCA's reinforce the need to protect the tranquil character of the AONB.

Combpyne is a small hamlet situated in the eastern part of the AONB, nestled in an intimate and very tranquil location. It sits on the boundary between Landscape Character Type 3A: Upper farmed and wooded valley slopes and Type 1B: Open Coastal Plateau and the land falls away to the northern part of the hamlet into Landscape Character Type 3B: Lower rolling farmed and settled valley slopes. This proximity of boundary in three LCTs creates a dynamic landform land change from the plateau at around 150m to 82m at road level; the result being a landscape character change that creates an intimate setting and a great sense of tranquillity and rurality.

The key characteristics of LCT 3A include :

- o Very winding narrow lanes, many sunken with high banks and flower-rich verges.
- o An intimate and intricate landscape with wider views often confined by vegetation. Where
- o views occur, they contain distinctive patchwork patterns of fields.
- o Relatively remote and tranquil with little obvious modern development.

The Landscape Aims for LCT 3A refer to the need to identify and protect areas of tranquillity.

The application site is located close within the centre of the hamlet area and walking around the area, it is immediately apparent that even the natural sounds of flowing water from the ram pond or the wind through the trees is magnified by the natural landform. It would seem likely therefore that any noise above normal background will be magnified in this location. Without technical details regarding the potential noise impact at the site from the proposal operations and what is regarded as an acceptable level in such a location, it is not possible to comment specifically on the proposed change of use operation at the site. It would seem logical however, that unless the operation can be extremely well sound-proofed to the satisfaction of the environmental

health department and local community, it is likely to have a negative impact on the tranquillity of the hamlet. In addition to the LCA, this factor should be one of the key determinants in the acceptability of the proposal in this location, given its landscape character.

East Devon AONB Partnership

### **Environmental Health**

24/12/2021 - Further information is required before any recommendation can be made:

A noise assessment has been included with the application by the applicant. This assessment has detailed a background sound level of 43 dB (LA90) at the nearest noise sensitive dwelling. However, a background sound level of 43 dB (LA90) is not deemed to be representative of the surrounding rural acoustic environment (as confirmed by a number of sound recordings made by Environmental Health). Determining the typical background sound level is important to ensure that values are reliable and correctly represent the acoustic environment of the locality.

Therefore, in order to obtain a representative background sound level a further noise assessment is required. This assessment should be carried out covering the period of interest (09.00-12.00), over a number of days. This will give a far more representative mean averaged background sound level for the surrounding acoustic environment. Care must be taken to ensure that any industrial/commercial sounds aren't allowed to influence the background sound level. Due to the rural setting of this location it's not deemed necessary to have other forms of industrial/commercial sounds in quantifying what is the typical background sound level.

Further comments 11/01/2021:

I've had another look at this and whilst I still believe that the acoustic report is being very liberal with the background sound measurement for the area, a way around requiring a further noise assessment could be the proposing a noise condition 5dB below the suggested background level. This is what I was thinking of recommending:

In order to ensure that the noise climate of the surrounding area will be protected the following noise condition is recommended:

A noise mitigation scheme shall be designed and implemented in full throughout the operational lifetime of the B2 site. The noise mitigation scheme shall be sufficient to ensure that the Rating Level of any noise generated on the site shall not exceed:

- o 39dB(LAeq 60min) 5dB below the day-time (07:00 until 23:00) background noise level of 44dB(A) when measured or determined at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

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

I think this condition would offer sufficient protection for the AONB & residents during daytime operations from the site.

Further comments 14/01/2022:

The application is recommended for approval with conditions attached. In order to ensure that the noise climate of the surrounding area is protected the following noise condition should be attached:

The applicants proposed noise mitigation scheme shall be implemented and maintained throughout the operational lifetime of the B2 site. The noise mitigation scheme shall be sufficient to ensure that the Rating Level of any noise generated on the site shall not exceed:

o 39dB(LAeq 60min) when measured or determined at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

The carrying out of any shot blasting activities should be restricted to the following hours:

o 9am to 12pm Monday to Friday with no shot blasting activities on taking place on Saturdays, Sundays or Bank Holidays.

### **Other Representations**

6 objections have been received raising the following concerns:

- Noise is unacceptable
- The use is inappropriate in an AONB
- Increased traffic
- Damage to roads
- Pollution of the watercourse
- Visually unacceptable and untidy
- Effect on the setting of listed buildings
- It would set a precedent

2 comments in support and 1 representation offer the following comments:

- Shot blasting cannot be heard
- The compressor has been used for decades
- No effluent is generated
- Vehicles do not cause issues
- There is no visual impact
- The plant hire use is well established
- Businesses cannot be excluded from the countryside

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

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
94/P1834	Use Of Land For Storage Of Plant	Withdrawn	28.06.1995
97/P1245	Demolish Existing Buildings And Erect Store For Hay/straw And Agricultural Plant	Approval with conditions	25.09.1997
20/0287/CPE	Certificate of existing lawfulness to establish a mixed use of land & buildings for B1, B2 & B8 uses.	CPE Approved	26.05.2020
20/1115/COU	Proposed change of use of 1 no existing structure from agricultural to B1 and B2 use	Refusal – Appeal being considered	26.02.2021
21/2259/CPE	Certificate of existing lawfulness of part of building for part office, workshop and storage use.	CPE Approved	12.11.2021

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

EN4 (Protection of Local Nature Reserves, County Wildlife Sites and County Geological Sites)

EN9 (Development Affecting a Designated Heritage Asset)

EN14 (Control of Pollution)

E5 (Small Scale Economic Development in Rural Areas)

### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

## **Site Location and Description**

The site is located at Combyne, a small settlement located a short distance north of the A3052 roughly midway between Colyford and Lyme Regis.

The application building sits in a yard within an elongated parcel of land slightly divorced from the nearest houses but still within the settlement. Access is via an unmade track passing to the north of 'Harbour Close'.

The site is within the East Devon AONB and there is a County Wildlife Site immediately to the east.

The nearest residential properties are to the south and south east and some are listed grade II. Further to the south is a grade I listed church.

## **ANALYSIS**

This application is partly to allow shot blasting to continue within an existing building and partly for the retention of an attached structure which houses an air compressor used in association with the shot blasting and to operate other equipment.

## **Background**

The land was originally used for agricultural purposes but the evidence indicates that by 1994 the use of the land for the storage of plant had become lawful.

The earliest application on the site (94/P1834) was withdrawn and the documentary evidence indicates that this was because a lawful development certificate had been granted for the same use, namely use of the land for storage of plant. It appears that parallel LDC and planning applications were submitted but neither the applicant or his agent nor the planning, land charges and legal departments of the Council have been able to trace a record of the decision, other than a reference to it in the planning application. The report on the planning application explains:

"the use [was] regarded as lawful within the meaning of the Act, subject to it being restricted to the storage and maintenance of plant limited to 2 x JCB type diggers, one mini digger and one tractor and trailer, together with the storage of fuel and spare parts used in connection with the plant hire business."

In 1997 the building within which the shot blasting now takes place was granted planning permission. This was subject to the following condition:

The building hereby permitted shall be used only for purposes in connection with the use of the adjoining land for the purposes of agriculture and the plant hire business operated from this site.  
(Reason - In order to retain control over the scale of the use in the interests of the amenities of the area and highway safety).

This appears to confirm that the use of the land for a plant hire business was considered to be lawful by that time.

A 2020 application for a lawful development certificate resulted in a certificate being issued for the B8 use of two small buildings within the site but insufficient evidence was provided to demonstrate a B1 and B2 use of the building which is the subject of the current application.



This certificate was followed by a planning application for the B1 and B2 (shot blasting) use of the building but this was refused for the following reason:

"The noise from the shot blasting operations of the B2 use would result in significant observed adverse effects. The noise levels created would be harmful to both the living conditions of the nearby occupiers of adjacent properties and to the identified tranquillity of the wider designated Area of Outstanding Natural Beauty. The mitigation measures proposed are not considered sufficient to contain the noise to an appropriate level. As such the proposal would conflict with policies D1 (Design and Local Distinctiveness), EN14 (Control of Pollution) and strategy 46 (Landscape Conservation and Enhancement and AONBs) of the adopted East Devon Local Plan, and guidance contained within the National Planning Policy Framework and the National Planning Policy Guidance."

In the absence of a lawful development certificate or planning permission for shot blasting, an enforcement notice was issued requiring the shot blasting to cease.

Both the refusal of planning permission and the enforcement notice have been appealed by the applicant but both appeals are currently in abeyance pending the outcome of this application.

In response to the LDC failing to confirm a lawful use for the building and following the refusal of planning permission for a B1 and B2 use, further evidence was provided in 2021 and a certificate was granted for the use of part of the building as an office, workshop and store incidental to the use of the site for plant hire (a sui generis use). This certificate excluded the part of the building used for shot blasting because the use was relatively new and had not become lawful.

The current application therefore seeks to address the only unresolved issue, namely the planning status of the remaining part of the building and the compressor housing.

### **Principle of the development**

The starting point for the consideration of this application is that the land has had a lawful use for over twenty five years for storage of plant for hire. Furthermore, associated with this lawful use is a building which is lawfully used for incidental purposes that include administrative work and plant repair and maintenance. Such maintenance activities include the use of a compressor which, until recently, was not housed in an acoustic enclosure.

It is important to note that this forms the baseline in terms of characterising the area and the lawful uses cannot be taken away from the applicant.

Combyne is otherwise residential in character and set within rolling farm land in a landscape which is designated as an AONB. Although it is less than a mile from the A3052 it is relatively undisturbed by traffic other than that which is attracted to the settlement and some through traffic, including farm traffic.

The application building is about 80m from the nearest dwelling and although there is open ground and trees between the site and the building, the application site is considered to lie within the settlement, not least because it is accessed from a driveway close to the houses.

The building housing the shot blasting benefits from planning permission and therefore its continued physical presence is not in question when considering the visual impact of the development. In addition, the compressor housing is modest in size and has no visual impact beyond the site boundaries. The visual effects of the development on the AONB are therefore acceptable. Likewise, there would be no harm to the setting of the grade 1 and II listed buildings located to the south east of the site.

Policy E5 of the Local Plan supports the use of existing buildings for business purposes in the countryside and also the development of new buildings on previously developed land. This support is subject to consideration of various environmental factors but in principle the development proposed is compatible with the employment policies of the Local Plan.

In light of this the main issues are whether the continued use of the building for shot blasting is appropriate in this location with particular regard to noise impacts on residential amenity and the effect on the AONB.

### **Noise and residential amenity**

The shot blasting takes place in an enclosure within the building which is accessed from a door in the north elevation. The compressor is housed in a lean-to roofed enclosure also on the north elevation.

At the time of the last planning application the walls and roof of the enclosure were constructed as follows:

- INSIDE
- 100mm timber stud/ rafters
- 100mm PIR insulation in the void
- Corrugated metal sheet
- OUTSIDE

The acoustic report proposed the following enhancement to the wall and roof construction:

- INSIDE
- 18mm OSB Board
- 100mm timber stud/rafters
- 100mm Rockwool insulation min 33 kg/m<sup>3</sup>
- Corrugated metal sheet
- OUTSIDE

alongside the following measures:

- sealing any air gaps with expanding foam or non-hardening mastic;
- closing the hole in the door which is used to operate the latch;
- installing a heavy duty door seal to the bottom of the door;
- sealing the other edges of the door with draft excluder or rubber seal if possible;
- moving the ventilation opening away from the 'noise sensitive receptors';

These enhancements have now been implemented and in addition to these an acoustic enclosure has been constructed for the compressor. Following this work a new noise assessment was undertaken as detailed in the submitted report from the applicant's consultant.

For comparison, background noise levels and operational noise levels were measured on 1 July 2020 and 22 June 2021, pre- and post- mitigation.

Readings were taken within the site but also close to the nearest noise sensitive receptor, Manor House and its garden. Because the latter is a private property the readings were taken from representative points nearby which were slightly closer to the application site than the house and its garden.

In 2020 a background noise level of 43dB was measured at a point about 4m away from the windows of Manor House (location MP1). The same noise level of 43dB was recorded when the background noise level was measured in 2021. In addition to this, in 2021 a recording was taken from a second location adjacent to the garden of Manor House (location MP3) at which a background noise level of 39dB was recorded.

On both occasions the noise levels were also recorded when the shot blasting was taking place, in other words, before mitigation in 2020 and after mitigation in 2021.

Before mitigation the 'specific sound level' at MP1 when shot blasting was taking place was 48dB. On top of this a rating penalty of 3dB was applied, giving a 'rating sound level' of 51dB. This represents an uplift of 8dB above background noise level recorded at MP1. According to BS4142 this is indicative of an adverse impact or, with reference to Planning Practice Guidance, a Lowest Observed Adverse Effect Level.

After mitigation the 'specific sound level' at MP1 when shot blasting was taking place was 38dB. No rating penalty was applied because no intermittency was detectable to a material degree and therefore the 'rating sound level' was also 38dB. This is 5dB lower than background noise level recorded at MP1.

Similarly, after mitigation the 'specific sound level' at MP3 when shot blasting was taking place was 39dB. No rating penalty was applied because no intermittency was detectable to a material degree and therefore the 'rating sound level' was also 39dB. This is the same level as the background noise level recorded at MP3.

Therefore, at both MP1 and MP3 the post-mitigation noise levels are indicative of a 'low impact', according to BS4142.

Section 9.3 of the noise report concludes that these results mean that:

"the development will give rise to noise impacts that would be categorised as between No Observed Effect Level (NOEL) and No Observed Adverse Effect Level (NOAEL) within the PPG Noise guidance, depending on the context."

In such circumstances no specific mitigation measures are required beyond those already identified. It is noted, however, that the applicant is willing to restrict shot blasting to the hours of 9am-12pm Monday to Friday. This can be secured by condition along with retention and maintenance of the mitigation measures, as suggested by the Environmental Health Officer. It is also noted that the tree screening is already protected by a condition on planning permission 97/P1245 so this adds a further degree of mitigation.

Notwithstanding the conclusion in the noise report that the shot blasting is virtually inaudible off site, the following comments have been received from local residents:

*"We write this at 8am on a Tuesday morning when the sound of a compressor, along with the loud clank of metal being moved, can be clearly heard across the valley. Its like living next to a permanent building site, operating 7 days a week, which is intolerable and as such we strongly object to the above planning application."*

*"My wife and I have become aware of increasing noise from the site since the applicant began using the site for shot blasting in about 2018."*

*"As far as noise pollution is concerned his activities are clearly heard from our house and we are further way than some others. In winter there are no tree leaves to mute the sound. "*

*"It is also the constant nature of the noise and the way it reflects in the steep sided valley which is the centre of the village and the location of the site in question."*

*"At the time of writing, my wife and I still must live with a noisy compressor, shot-blasting and excessive commercial vehicle movement."*

Some, if not most of the noise highlighted by these residents may be attributed to the lawful use of the site. Furthermore, the evidence of the noise consultant indicates that shot blasting itself is not a cause of adverse noise following mitigation. It is accepted, however, that metal is moved into and out of the shot blasting room and a small number of additional vehicle movements may be attributed to the activity. Whilst it is possible to control the use of the shot blasting room, it is not so simple to control the incidental activities such as receiving items for shot blasting or sending them away once processed.

There has been no specific assessment of the noise associated with these incidental activities, or at least if it did form a component of the noise assessment, it is not specifically addressed in the report. However, such noise would be brief in duration and infrequent given the small scale of the operation. It would also take place in the context of a lawful use which generates similar noise. In this context the proposed

development would only represent a minor intensification of activity giving rise to little to no change in noise output.

Having regard to the evidence provided it is concluded that noise from the development would not have an adverse impact on the health and quality of life of the occupants of surrounding buildings.

### **Impact on the AONB**

Whilst the effect on residential amenity is a question of health and quality of life, the effect on the AONB is a question of character and relative tranquillity.

To put this issue in context, The Countryside and Rights of Way Act 2000 says that a local planning authority must "have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

Paragraph 176 of the NPPF also says: "Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues."

Paragraph 185 adds:

"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

(a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life;

(b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and

(c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation."

The key issue therefore is whether the development would adversely affect the relative tranquillity of the area.

It is important to highlight the term 'relative' because this is not an area which is devoid of man-made noise. Whilst some arises from the application site, there are also 30-40 dwellings in Combyne giving rise to some level of noise and activity, as well as farming activity.

It has already been found that the shot blasting has been mitigated to the extent that it has a negligible impact outside the site. This leaves the incidental activities that take place outside the shot blasting enclosure or when the door is open.

The amount and type of traffic associated with the shot blasting must be viewed in the context of the lawful use of the site and the amount and type of traffic already using the roads through Combyne. In terms of amount, any increase would be very modest as the shot blasting process is not conducive to a high throughput of material, particularly if it is limited to three hours per day. In terms of the type of traffic, it would be similar to that which is already generated by the site and similar also to the delivery vehicles and farm traffic that serve the settlement and surrounding countryside. It is therefore concluded that the traffic impacts of the development would not adversely affect the relative tranquillity of the area.

The other main noise generating incidental activity is the moving of metal around the site. As already noted, there are 30-40 dwellings in Combyne and at any time there may be gardening or building works going on that would generate unwelcome noise. However such noise is characteristic of a residential area and the most intrusive types of noise arising from building works are likely to occur infrequently. In contrast, moving metal for shot blasting would occur several times a week, if not daily.

To a large degree the amount of noise generated when moving metal around the site is a consequence of how carefully it is handled. This cannot be controlled by means of a planning condition but there would inevitably be a certain level of economy of movement for reasons of physical ease and efficiency. It is also likely that care would be taken to avoid damage to material being processed for customers. Factoring in the time limits on shot blasting it is likely that noise generated by moving metal around would be occasional rather than frequent or continuous. In relative terms therefore, it is unlikely to be significant.

The comments of the AONB Partnership caution that great care must be taken to avoid a negative impact on tranquillity. In this case the development would take place in the context of an established noise generating business and would not change the character of the activities carried out in terms of noise. Whilst it is true that there would be occasional noise, that is also true of the lawful use. Given the small scale of the development any change would be modest and in the context of other noise in the local environment would not be significant. It is therefore concluded that the relative tranquillity of the area would be conserved.

### **Other matters**

It has been suggested that this application should have been turned away using powers under Section 70A of the Town and Country Planning Act 1990. These powers establish that an application may be turned away if a 'similar application' is under consideration on appeal. Whilst there is an outstanding appeal, the two applications are not regarded as similar because mitigation measures have since been undertaken in an effort to overcome the reason for refusal. Those measures are worthy of consideration and without prejudice to the planning process it was reasonable to conclude that a different outcome might result. In such circumstances it would have been unreasonable to turn the application away.

Some comments have suggested that a B2 use is fundamentally inappropriate for this area. However, the proposal is for a specific B2 use which is capable of being controlled by conditions and therefore granting permission would not allow other B2 uses to take place.

Concern has been raised about pollution of watercourses but the shot blasting process does not give rise to effluent that escapes into the surrounding environment.

The nearby County Wildlife Site is described as "Wet woodland and dry woodland with areas of swamp and mire". As noted above, the proposal would not give rise to pollution of the local environment.

## **CONCLUSION**

The proposal is for a small expansion and diversification of an established business in a rural area. Such development is supported in principle by Policy E5 subject to consideration of any impacts on its surroundings. These include impacts on neighbours and, in this case, any impact on the AONB.

Shot blasting can be a noisy activity but an insulated enclosure has been constructed in accordance with advice from an acoustic consultant. This has effectively contained the noise such that it does not adversely affect local residents or the relative tranquillity of the AONB.

Associated with the shot blasting there are a small number of additional vehicle movements and material handling which may generate some noise. This must be considered in the context of the lawful use of the site and its location within a settlement which itself generates a certain amount of noise. Relative to the established noise environment, the proposed development would generate little change. It would therefore have no material impact on local residents or the relative tranquillity of the AONB.

Subject to conditions limiting the nature and scale of the development the proposal is acceptable.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. 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.)
2. The use hereby permitted shall be limited to use for shot blasting and for no other purpose (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

(Reason - To protect adjoining occupiers from noise and disturbance in accordance with the requirements of Policy EN14 - Control of Pollution of the East Devon Local Plan 2013-2031.)

3. The use hereby permitted shall not take place outside the hours of 9am to 12pm Monday to Friday, with no shot blasting activities taking place on Saturdays, Sundays or Bank or Public Holidays.

(Reason - To protect adjoining occupiers from noise and disturbance in accordance with the requirements of Policy EN14 - Control of Pollution of the East Devon Local Plan 2013-2031.)

4. The noise mitigation measures described in the Noise Assessment prepared by inacoustic (project number 20-141, dated 24 June 2021) shall be maintained throughout the operational lifetime of the use hereby permitted such that the Rating Level of any noise generated on the site shall not exceed 39dB(LAeq 60min) when measured or determined at the boundary of any noise sensitive property. Any measurements and calculations shall be carried out in accordance with 'BS4142+2014 Methods for Rating and Assessing Industrial and Commercial Sound'.

(Reason - To protect adjoining occupiers from noise and disturbance in accordance with the requirements of Policy EN14 - Control of Pollution of the East Devon Local Plan 2013-2031.)

#### 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](mailto:cil@eastdevon.gov.uk).

#### Plans relating to this application:

	Location Plan	16.12.21
03	Proposed Elevation	16.12.21
04	Proposed Floor Plans	16.12.21

#### List of Background Papers

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