

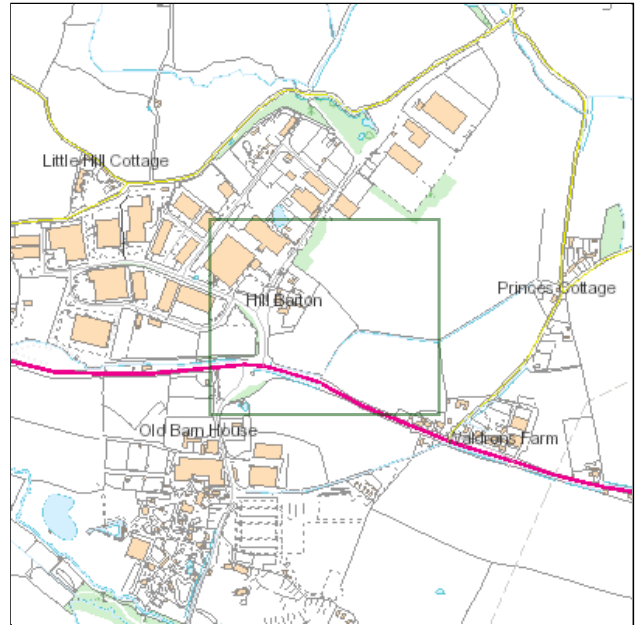
Ward Broadclyst

Reference 22/0686/MFUL

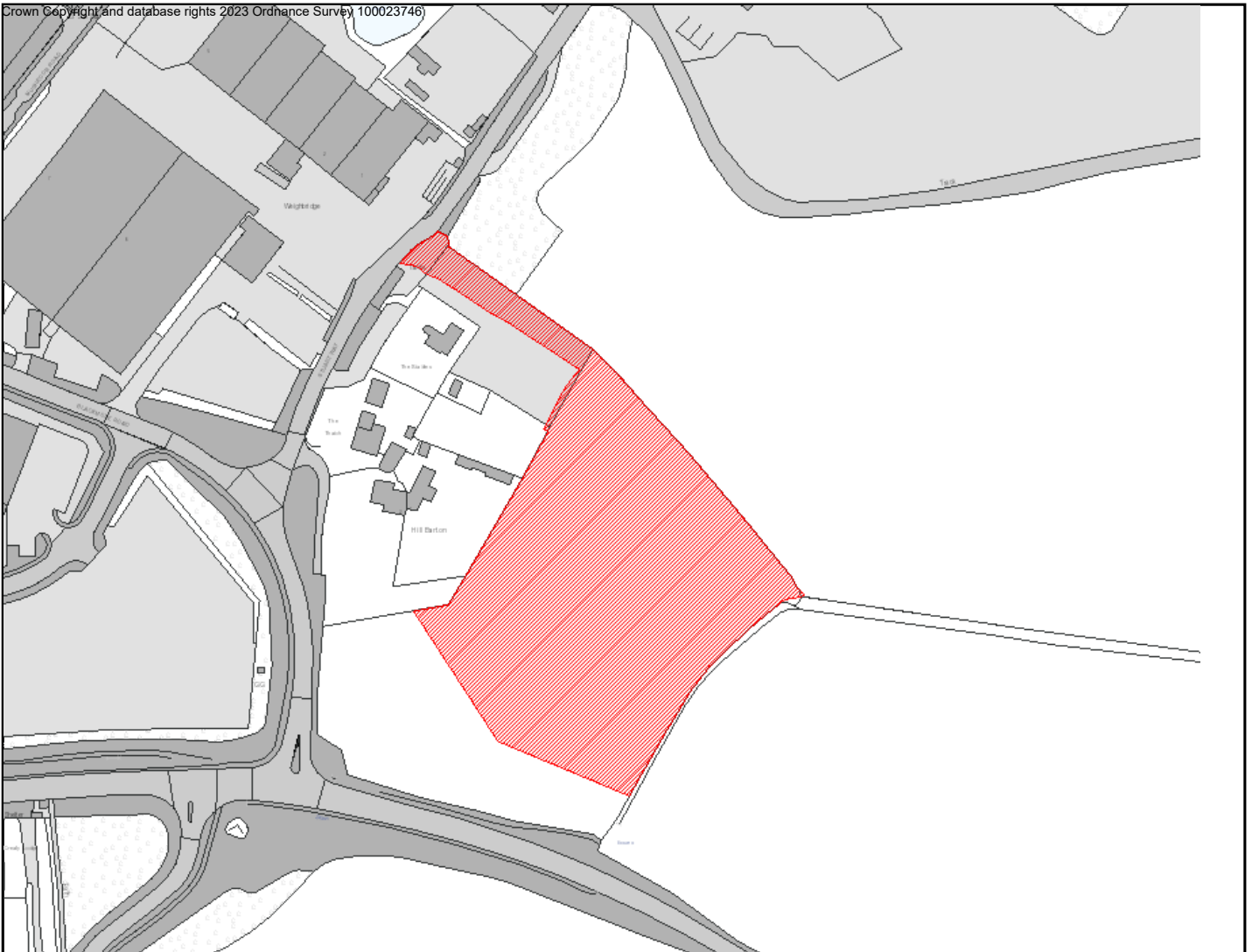
Applicant Mr Troy Stuart

Location Hill Barton Business Park Sidmouth Road Clyst St Mary

Proposal Change of use of land for the purposes of parking, associated with the existing operations at Hill Barton Business Park, for a temporary period of 3 years (retrospective application)



RECOMMENDATION: Refusal



		Committee Date: 28.3.2023
Broadclyst (Farringdon)	22/0686/MFUL	Target Date: 23.06.2022
Applicant:	Mr Troy Stuart	
Location:	Hill Barton Business Park Sidmouth Road	
Proposal:	Change of use of land for the purposes of parking, associated with the existing operations at Hill Barton Business Park, for a temporary period of 3 years (retrospective application)	

RECOMMENDATION: REFUSAL

EXECUTIVE SUMMARY

This application is retrospective and given the potential economic implications of refusal, the planning history and the ongoing enforcement appeal on the site, the application is reported to Planning Committee.

Members will note that planning permission was refused in February 2021 (ref 21/2914/FUL) for the retention of an area of hardcore for the purposes of parking, associated with the existing operations at Hill Barton Business Park, for a temporary period of 3 years. Following refusal of the application, delegated authority was given for enforcement action to be taken against the unauthorised development and change of use. An enforcement appeal has been lodged which is currently under consideration by the Planning Inspectorate.

This application differs from that which was refused insofar as the HGV parking area has been reduced in size and further information has been submitted by the applicant in respect of an economic impact report, a noise report and a revised and more detailed Landscape and Visual Impact Assessment, along with more detailed plans for the layout and routing of the HGV's and parking.

The application site is located outside of any defined built-up area boundaries or site specific allocations and therefore under the provisions of Strategy 7 (Development in the Countryside) of the East Devon Local Plan, is considered to be open countryside. In such rural locations, Strategy 7 of the Local Plan states that development will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not cause landscape, amenity or environmental harm. There are no policies within the Local Plan or the Farringdon Neighbourhood Plan which support applications for the outward expansion of Hill Barton Business Park and

therefore this application is considered to be a departure from the Local Plan and has been advertised as such.

Given the lack of policy support for the proposal and the landscape harm arising from the proposed hard surfacing, the parking of vehicles and through the outward expansion of the site into the open countryside, it is not considered that there is any justification for the unplanned expansion of the business park in this location. There is no local plan or Neighbourhood Plan policy which provides for further development at Hill Barton Business Park outside of its current boundary.

Furthermore, whilst the applicant's business case has been considered and should carry significant weight, the application fails to make a robust business case to justify the overall size and scale of the proposed expansion area and it hasn't been robustly explained why the need for this HGV parking area could not be accommodated elsewhere within the business park or avoided entirely through better planning and management of the business park. Economic benefits arising from refusal of this application are noted and if as stated by the applicants are quite significant. They are not however considered to outweigh the landscape impact and the fact that through unplanned expansion into the countryside, the business park has become much more visible and prominent. Previously it was reasonably self-contained and un-intrusive when viewed from the A3052 and from the east towards Farringdon. The application is therefore recommended for refusal.

CONSULTATIONS

Local Consultations

Parish/Town Council

The application 22/0686/MFUL details the existing use as an area of Hardcore. This is incorrect. The legal existing use should read agricultural land. The area of hardcore is illegal.

This application must be refused. This application seeks to make a mockery of the planning system. It is linked to the unauthorised use of a lorry park on agricultural land and a recent application for the lorry park was rightly refused by EDDC. It is totally against numerous planning policies as outlined in the refusal notice. These include the policies of the Farringdon Neighbourhood Plan and the East Devon Villages Plan. Farringdon Parish Council has already strongly objected to the illegal parking of lorries on agricultural land. It has also strongly objected to the appeal currently pending relating to the refusal of the lorry park.

The land must be returned to its original agricultural condition immediately.

Technical Consultations

EDDC Landscape Architect
06/02/2023

The second page of the agent's letter sets out eight points in response to my previous landscape response dated 23.8.2022. I respond as follows to the points raised:

1 – My response stated *'Notwithstanding the proximity to the A3052 and industrial park to the west, prior to the development of the lorry park the site retained a rural character that reflected and contributed positively to local landscape character. Although this has been eroded somewhat by the development it still retains a rural feel.'*

2-5 - Agreed

6 - Policy E7 does apply to Hill Barton Business Park and is explicit in restricting further development beyond the boundaries defined in the Local Plan. Whether policy E7 para. 2, concerning the impact of development on residential amenity, is relevant in this context is a moot point. However, policy D1 (Design and local distinctiveness) para. 3a also requires that proposed development should 'not adversely affect the amenity of occupiers of adjoining residential properties.'

7 -It is agreed that the visual effects of the development will diminish as mitigation planting establishes.

8 - This is a misinterpretation of my previous response. The site itself no longer retains a rural feel, it is a lorry park fronted by a crudely formed bund. My comments referred to local landscape character which prior to the development was rural, with the existing business park contained by a perimeter tree belt to the west. The site is therefore perceived in a rural countryside context which has been eroded by the development and which consequently extends the perception of ribbon development along the A3052.

I have reviewed the latest amendments to the LVIA (September 2022). I note the corrections of factual errors but would point out that the annotation of the site extent shown on photograph 4 is still incorrect.

Notwithstanding the amendments to the LVIA and the agent's response, I maintain my objection to the proposals on landscape grounds. Indeed, having visited site again and seen it in operation, I consider the visual impacts to be greater than anticipated, as evidenced in the attached photographs showing the site prior to development and in operation. These have been taken with a 50mm equivalent fixed lens in accordance with industry guidance and should be viewed at A3 to accurately represent actual viewing experience on site. I note that the lorry park has been constructed by making up existing levels by up to 2 metres or so with large quantities of imported construction waste, making the lorries very much more conspicuous than I had expected from review of the submitted site plan, which, aside from the bund, makes no reference to levels makeup.

EDDC Landscape Architect
01/09/2022

see report with photos under "document" tab (received 09./02/2023)

1 INTRODUCTION

This report forms the EDDC's landscape response to the full application for the above site.

The report provides a review of landscape related information submitted with the application in relation to adopted policy, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 Location and brief description of proposals

The site is situated adjacent to the A3052 and to the east of Hill Barton industrial estate.

The proposals comprise the construction of a temporary lorry park in the northern part of the site surfaced with crushed aggregate with a 2.5-3m high bund formed to the southern edge to be planted with a native tree and shrub mix. The remnant field portion to the south is to be retained as agricultural land and additional hedging planted to the roadside boundary to infill gaps in the existing hedgerow. The application is retrospective, the works having been largely completed in 2021.

3 Site description

The 2Ha site was formerly arable land with a southwesterly aspect falling in level by some 7m from its northern to its southern boundaries. The boundaries are formed by low-cut native hedgerows to the northern and eastern boundaries. The southern boundary is largely open to the A3052 while the western boundary is open at its southern end and marked by a low timber fence north of this.

There are three detached properties situated immediately to the west one of which, The Thatch, is grade II listed. Beyond this to the west and north lies the Hill Barton Industrial Estate. A former County tip site lies one field beyond to the northeast and is currently under restoration to agriculture. Beyond this land to the north, east and to the south of the A3052 is agricultural. Crealy Adventure Park lies to the southwest on the south side of the A3052 but is well screened from the application site by established trees and hedgerow.

There is no public access across the site.

There are clear views into the site from the A3052 for users traveling in either direction and also from the industrial estate access road to the west.

Views from most other directions are restricted by landform and hedgerow/tree cover but there are some limited views from the minor local road network to the northeast.

Residents of the three dwellings to the west are likely to have direct views over the site.

Notwithstanding the proximity to the A3052 and industrial park to the west, prior to the development of the lorry park the site retained a rural character that reflected and contributed positively to local landscape character. Although this has been eroded somewhat by the development it still retains a rural feel.

4 Review of submitted Landscape and Visual Impact Assessment (LVIA)

Review of LVIA

Methodology

The methodology as set out in appendix 1 is in accordance with industry standard guidance.

Although the methodology sets out criteria for the assessment of receptor sensitivity and magnitude of change, which combine to give a significance of effect, for landscape receptors only significance of effect only is given and there is therefore a lack of transparency as to how this has been determined.

The defined study area is appropriate given the context of the site and nature of the proposals.

Viewpoint photography should have included a single frame image taken with 50mm equivalent lens presented at A3 size for each viewpoint to most accurately represent actual viewing experience with additional panoramic views included where necessary to provide context. Instead images are presented as stitched panoramas which underrepresent site scale and visible detail.

Baseline appraisal

At para 3.17 the first paragraph of policy Farr 6 has been omitted. This states that 'Business and commercial development or redevelopment for business and commercial uses on the sites listed below (and delineated on Map 5) 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.' Hill Barton is one of the three listed sites which this applies to.

In other respects the baseline appraisal of local policy and landscape and visual receptors is appropriate.

The indication of the site extent shown for viewpoint 4 (fig. 7) is in the wrong location. The bunding and hardstanding within the site is clearly visible in the photograph some distance to the right of the marked location. This appears to be a printing error and the accompanying view description correctly identifies the site.

Description of proposals - The description provided is comprehensive but there is no mention of fencing which is listed in the mitigation measures in section 6.

Proposed mitigation and enhancements

Proposed mitigation and enhancement measures listed include a dark green colour weldmesh fence. This does not appear to have been constructed to date and is not indicated on the proposed mitigation plan (Fig. 11). Such a fence should be listed as part of the proposals rather than mitigation and enhancement.

In respect of the bund that has been created, this has the appearance of an engineered structure that relates poorly to site contours and is unsympathetic to the surrounding rolling landform.

Mitigation measures will do little to screen the development from existing residential properties to the west.

Potential landscape and visual effects

It is agreed that the development will have negligible effect on the East Devon AONB and Landscape character types 3B and 1C.

At para. 6.10 of the LVA, it is noted that the development will not introduce built form to the site. However, it should also have been noted that lorries using the site are visible above the constructed bund in views from the A3052 to the south and over existing hedgerow to the northeast.

Notwithstanding the lack of transparency in determining the significance of effect for landscape receptors as noted above, for the host landscape character type 3E it is agreed that landscape effects are likely to be medium adverse locally and low adverse on the wider LCT.

The findings of the visual appraisal that the proposals will initially have major/moderate adverse visual effect for users of the A3052 (VPs 1 and 2) and minor adverse effect at VP3 at year 1 are accepted.

For viewpoints 4 and 5 the significance of effects as neutral/minor adverse are considered to be too low and should be considered to be minor-moderate adverse at year 1.

As the application is for temporary 3 years use longer term effects are not assessed in the LVA. In the longer term planting mitigation will have the potential to screen the proposed development. This will have the effect of closing down some views of countryside and screening some existing development beyond. Overall it is likely to have a low-adverse to neutral effect rather than moderate to minor beneficial effect as stated in para. 6.20 of the LVA.

Summary and Conclusions

The conclusions of the assessment are generally accepted but at para. 7.9 it should be noted that the bund is an alien feature that does not reflect surrounding landform.

The assessment does not assess how the proposals fit with existing local planning policies identified in the baseline review. The proposals are clearly contrary to policy

Farr 6 of the Farringdon Neighbourhood Plan paragraph 1 and also to items b), d) and f). The proposals are also contrary to item 2 of policy E7.

5 Conclusion and recommendations

5.1 Acceptability of proposals

The proposals represent an extension of the existing business park beyond its present boundaries in to open countryside and conflict with policy E7 item 2 (There will be no detrimental impact upon any nearby residential properties) and policy Farr 6 of the Farringdon Neighbourhood plan.

As noted in the LVA the proposals will result in moderate adverse landscape effects within the site and a localised area around and in major/moderate adverse visual effects for users of the A3052. These effects are likely to diminish overtime as mitigation planting establishes. Minor adverse effects are likely on users of the minor lane and public footpath tot eh north east (viewpoint 5). Residents of adjacent dwellings to the west of the site are also likely to experience major/moderate adverse visual effects and proposed mitigation is likely to have only limited effect in reducing this.

The proposals will also contribute to further ribbon development adjacent to the A3052 corridor contrary to management guidance given for the host landscape character type 3DE in the East Devon and Blackdown Hills Landscape Character Assessment 2019.

As such the proposals are considered unacceptable in terms of landscape and visual impact and should be refused.

5.2 Landscape conditions

Notwithstanding the above advice, should the application be approved the following conditions should be imposed:

1 A full set of soft landscape details including:

i) Planting plan(s) showing locations, species and number of new tree, shrub and herbaceous planting, type and extent of new amenity/ species rich grass areas, existing vegetation to be retained and removed.

ii) Plant schedule indicating the species, form, size, numbers and density of proposed planting.

iii) Soft landscape specification covering soil quality, depth, cultivation and amelioration; planting, sowing and turfing; mulching and means of plant support and protection during establishment period together with a 5 year maintenance schedule.

iv) Tree pit and tree staking/ guying details

2 Details of proposed fencing including a plan showing the location, and details of fencing type, height, colour and locations and style of any gates.

3 A reinstatement plan showing the removal of the bund, hardstandings, fencing etc and the extent of planting to be retained, together with a programme for completion of reinstatement works from the date of expiry of the temporary consent.

Chris Hariades CMLI
Landscape architect and Green Infrastructure Officer

Economic Development Officer

14/12/2022

We've read the Economic Impact Report and have highlighted what we consider to be the key elements (as attached).

In looking at our original questions, I've inferred the following answers from the report content:

o Can the HGVs be parked elsewhere/dispersed within the existing business park?

No. There is no means to distribute the vehicles elsewhere within the site.

o Do tenanted businesses/valuable employers depend on this HGV parking provision? If so, which businesses specifically and what agreements are in place for business to use the parking area?

Yes. Gardner Distribution; Stuarts Truck and Bus; Dunmore Construction. No agreements currently in place: Current parking arrangements are informal, but would be formalised upon receipt of planning permission.

o What would be the impact on them if the parking were removed? Would valuable jobs be at risk?

Potential contraction and/or loss of those businesses from East Devon as apparent with previous relocations (loss of 12 FTE) given our limited supply of available alternative employment land provision. Up to 103 FTE roles identified as being at risk.

From an Economic Development perspective, we are facing a severe and protracted shortage of available employment land elsewhere in district and are 37% behind in the delivery of employment land and jobs compared to new housing in East Devon since the adoption of our current Local Plan.

This constraint has meant valuable employers looking to grow in East Devon have been lost to the district whilst much needed inward investment interest (most recently in future logistics provision) could not be landed within our boundary with adverse implications for achieving higher value employment and opportunities lost in securing business rate income to help fund council services. Alongside this, we have the highest proportion of >90 yrs residents and the third worst old age dependency ratio of any Local Authority area as reductions are seen in our working age population and economic activity levels have dropped in our 50+ yrs demographic.

The applicant's Economic Impact Report has cited up to 103 valuable FTE jobs would be at risk if the parking use were rejected, whilst provision for c.36 new FTE roles could be facilitated if approved.

In this context, and given our significant employment and economic challenges as we enter recession, there are clear grounds for Economic Development to support the application.

Environmental Health

11/07/2022

I have considered application 22/0686/MFUL. Due to the close proximity of a noise sensitive property I would recommend approval with the following condition attached:

Prior to the first use of the development, a Noise Management Plan (NMP) will be submitted for approval by the Local Planning Authority. The NMP must detail the methods by which the sites management will systematically assess and reduce noise emissions from the site. This will be achieved through operational & managerial controls. The site operator should aim to control any noise issues at source by good operational practices as a minimum to include the following measures:

- o Operating hours/vehicle movements shall be restricted to Monday to Saturday between 7:00am until 18:00 with no vehicle movements on Sunday or any Bank holiday
- o Vehicle overflow parking taking place on any Saturday will be restricted to the use of bays 20-40 only.
- o A site wide 10mph speed limit will be applied. Signage will be erected in a prominent position (on entering the site) displaying the 10mph sites speed limit.

Following further site visits, a Dust Management Plan must be submitted and approved by the Local Planning Authority prior to any approved use . The Dust Management Plan will identify and employ appropriate measures to minimise the generation of dust from the site.

Reason: To protect the amenities of existing residents in the vicinity of the site from dust nuisance.

Environmental Health

09/05/2022

I do have a number of concerns in relation to environmental health:

1. The presence of HGV movements within the development site during the applicant's noise assessment period may have resulted in the recording of a higher background noise levels for the assessment location which, in turn could have skewed the final results.

2. The applicant has not taken into consideration the close proximity of the nearest noise sensitive property within the design plan. The design plan (vehicle routes) of the lorry park has been poorly planned. This has resulted in all exiting HGV movements being directed straight past the rear amenity area of the nearest noise sensitive property. Whilst the LAeq(1hr) is not overly affected from the vehicle movements (due their short duration time) at a distance of less than 10m from the

manoeuvring lorry (108 dB(A)) this will likely cause an observed adverse effect within the rear amenity area of the nearest noise sensitive property.

Taking these points into consideration, more information is required from the applicant on how they intend to manage and mitigate against the adverse impact from this development in terms of noise. Without this information, I would recommend that this application is refused.

DCC Flood Risk SuDS Consultation

29/07/2022

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No development hereby permitted shall commence until the following information has been submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Flood Risk Assessment (Issue 02, Dated 10 June 2022, by Stuart Michael Associates) and Drainage Strategy (Dwg No. 6382.013 Revision D, Dated April 2022).

(b) Detailed proposals for the management of surface water and silt runoff from the site during construction of the development hereby permitted.

(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.

(d) A plan indicating how exceedance flows will be safely managed at the site.

(e) Evidence there is agreement in principle from the landowner to connect into the watercourse.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (e) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

Observations:

Following my previous consultation response on 15 June 2022, the applicant's drainage consultant has provided the following information for which I am grateful:

- Construction Technical Note, Reference 6382, Dated 25 July 2022.

- Proposed HGV Parking Scheme, Drawing Number 6382.013 Revision C, Dated April 2022.

The Applicant has provided a proposed design that should mimic the existing ground conditions with the proposed swale offering the opportunity for storage and treatment. The construction details provided satisfy the LLFA's concerns at this stage regarding compaction.

Any temporary or permanent works needed to take place within the ordinary watercourse to facilitate the proposed development will require Land Drainage Consent. Land Drainage Consent must be obtained from Devon County Council's Flood and Coastal Risk Management Team prior to any works commencing. Details of this procedure can be found at:
<https://new.devon.gov.uk/floodriskmanagement/land-drainage-consent/>.

DCC Flood Risk SuDS Consultation

15/06/2022

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The LLFA are surprised to see an infiltration based design given the consultant's previous admission for this site that "it would not be feasible to discharge of surface water via infiltration" quoted from Point 2.2 in the Flood Risk Assessment and Drainage Strategy Supplementary Note, dated January 2021 in application 20/2297/MFUL (Document Reference: SMA REF: 6382.FRASN Issue 02).

In order to determine the viability of infiltration on this site, the applicant must submit the results of infiltration testing. If this demonstrates that infiltration is viable, the applicant must submit details of a system designed to the site's measured infiltration rate, which will manage the surface water runoff from the site up to, and including, the 1 in 100 year (+40% allowance for climate change) rainfall event.

If the above tests demonstrate that infiltration is not viable, the applicant will be required to submit details of an attenuation-based surface water drainage management system, with an off-site discharge point. This system must attenuate all of the surface water runoff generated up to, and including, the 1 in 100 year (+40% allowance for climate change) rainfall event, before discharging it off-site at rates and volumes equal to the site's greenfield performance.

It is unclear how the proposed swales and filter drain will provide adequate treatment if the car park is freely draining (and therefore flows may be entering groundwater

without sufficient treatment). It is noted that the consultant has referred to the swale as a wetland swale in point 6.3 which is inaccurate and should be addressed.

DCC Flood Risk SuDS Consultation

18/05/2022

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The Applicant should provide evidence of the existing permeable surfacing that has been laid. The use as a lorry car park could heavily compact any permeable material affecting its permeability.

Please note, the drainage strategy submitted does not appear to provide satisfactory water quality treatment for a lorry park (as outlined in Table 26.2 of the CIRIA Suds Manual 2015) and as it stands may well be introducing pollutants into the adjacent watercourse.

The Applicant is advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address:

<https://www.devon.gov.uk/floodriskmanagement/planning-and-development/suds-guidance/>.

County Highway Authority

29/06/2022

The proposal is proposed predominantly to cope with a trip generation already in existence.

Our road collisions records from this (currently Jan 2017 - Dec 2021), show no collisions within the vicinity of this site.

The site in question is actually accessed from a road not maintained at public expense, however, in general we do not feel the application would have an impact on the local highway network and this proposal may help to reduce on-street parking on local HMPE Roads.

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

6 letters of objection have been received at the time of writing this report raising concerns which can be summarised as:

- Noise, dust and light pollution
- Increased surface water runoff
- Unauthorised development in the countryside
- Harmful visual impact
- Outside of the area of the business park in the Villages Plan and Neighbourhood Plan
- Impact on wildlife
- Will set a precedent
- Parking could be provided within the business park
- Impact on residential amenity

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 7 (Development in the Countryside)

Strategy 31 (Future Job and Employment Land Provision)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN7 (Proposals Affecting Sites which may potentially be of Archaeological Importance)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

E7 (Extensions to Existing Employment Sites)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Farringdon Neighbourhood Plan (Made)

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

Government Planning Documents

National Planning Practice Guidance

Site Location and Description:

Hill Barton Business Park is located approximately 3.5km east of Junction 30 of the M5 and Clyst St Mary, 2.5km to the south of Exeter Airport and the A30. Hill Barton Business Park consists of a range of industrial and warehouse buildings with an open-

air car storage area located along the southern boundary adjoining the entrance to the business park. More northerly parts are dominated by waste and minerals related activities, including the Hill Barton inert tip, recycling and composting businesses.

The site is situated immediately to the east of Hill Barton Business Park to the north of the A3052. The 2Ha site is in the open countryside and is presently arable land with a south westerly aspect falling in level by some 7m from its northern to its southern boundaries. The boundaries are formed by low-cut native hedgerows to the northern and eastern boundaries. The southern boundary is largely open to the A3052 while the western boundary is open at its southern end and marked by a low timber fence north of this. There are 3 detached properties situated immediately to the west and beyond this lies the Hill Barton Industrial Estate. Land to the north, east and south is agricultural. Crealy Adventure Park lies to the southwest on the south side of the A3052 but is well screened from it by established trees and hedgerow.

There is an existing access onto Stuart Way which leads to a small gravelled car parking area which is surrounded by close boarded fencing which is closed off from the adjacent field.

In planning terms the site is located within the countryside, outside of the built-up area boundary of Hill Barton Business Park as defined by the East Devon Villages Plan. It is not the subject of any national or local landscape designations.

Planning History:

Planning permission was refused in February 2021 (ref 21/2914/FUL) for the retention of an area of hardcore for the purposes of parking, associated with the existing operations at Hill Barton Business Park, for a temporary period of 3 years, on behalf of Stuart Partners Ltd ("client" and "applicant") for the following reasons:

1. *The proposed development, by virtue of its scale and extension beyond the built form of Hill Barton Business Park and outside of any recognised development boundary is within the open countryside where new development is strictly controlled. As no other policy within the East Devon Local Plan or the Farringdon Neighbourhood Plan (made) facilitates such development, the proposal represents unjustified and unsustainable sprawling development in the countryside in conflict with the spatial approach to accommodate new commercial development within defined settlements and on established or allocated employment sites as identified within the Local Plan. It is not considered that there are material circumstances to outweigh the adverse impacts of further commercial development in this location which justifies a departure from policy. As such the proposal is contrary to Strategy 7 (Development in the Countryside), Policy E4 (Rural Diversification), Policy E5 (Small Scale Economic Development in Rural Areas), Policy E7 (Extensions to Existing Employment Sites) of the Adopted East Devon Local Plan 2013-2031, policy Farr6 of the Farringdon Neighbourhood Plan, the Adopted East Devon Villages Plan as well as the guidance contained within the National Planning Policy Framework.*

2. *The proposed development by reason of its scale, form and change of use from agricultural to commercial parking would introduce the parking of vehicles into a largely open landscape and would as result of its outward expansion into the countryside,*

give rise to harmful landscape and visual impacts that could not be overcome by mitigation planting, contributing to an increase in ribbon development along the A3052. The proposal is considered to be contrary to Strategy 7 - Development in the countryside, policies D1- Design and Local Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031, Farringdon Neighbourhood Plan Policy Farr6 and the guidance contained within the National Planning Policy Framework.

3. *The proposed development by reason of its scale and the nature of the use for commercial vehicle parking would give rise to an unacceptable level of noise and disturbance to the detriment of the residential amenities of the occupiers of surrounding properties. The proposal would be contrary to the provisions of policies D1- Design and Local Distinctiveness and En14- Control of Pollution of the East Devon Local Plan 2013-2031.*

Following refusal of the application, delegated authority was given for enforcement action to be taken against the unauthorised development and change of use. An Enforcement Notice was served on the owner(s) to:

- Permanently cease the use of the land for the parking of lorries and commercial vehicles, plant and machinery and the siting of skips and shipping containers,
- Permanently remove from the land the aggregate, hardcore and any underlying synthetic membrane and permanently reinstate the land to its condition before the breach took place, and
- dismantle and permanently remove the banked area and reinstate the land to its condition before the breach took place

The compliance period was specified as to cease the use of the land within two weeks of the enforcement notice taking effect and permanently remove from the land the aggregate, hardcore and any underlying synthetic membrane laid on the land and for the dismantling and permanent removal of the bank within three months of the enforcement notice taking effect. The Notice was due to take effect on 19th March 2022. An enforcement appeal has been lodged which is currently under consideration by the Planning Inspectorate.

Other relevant planning history for the site is as follows:

Reference	Description	Decision	Date
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20/2297/MFUL	Change of use of land from agricultural to vehicle storage associated with the existing Mercedes Benz operations at Hill Barton Business Park, with proposed access and landscaping arrangements, drainage basin and the installation of security fencing and lighting	Refusal	21.07.2021
21/2914/FUL	Retention of an area of hardcore for the purposes of parking, associated with the existing operations at Hill Barton Business Park, for a temporary period of 3 years, on behalf of Stuart Partners Ltd ("client" and "applicant").	Refusal	03.02.2022

Proposed Development:

This application seeks retrospective planning permission for the retention of an area of hardcore for the purposes of lorry parking associated with the existing operations at Hill Barton Business Park. The application seeks a temporary planning permission for 3 years. Access is taken from Stuart Way, an internal road within the business park from which a private road leads to the parking area.

The proposal has reduced the proposed HGV parking area compared with the previous refused application and has provided additional information in respect of landscaping and a revised LVIA, a noise and economic impacts report and additional justification.

The more detailed layout plan of the site that has been provided shows the provision of 40 no HGV parking spaces with 10 metre wide internal access roads to allow the manoeuvring and circulation space for the HGVs.

Issues and Assessment:

The main issues to consider in determining this application are in terms of the policy context, the applicants business case, the principle of development, the landscape and visual impact and impact on the character and appearance of the area, the impact on the residential amenities of the occupiers of surrounding properties, highway safety, flood risk, ecological impacts, surface water drainage and archaeology.

ANALYSIS

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 the 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight.

The Farringdon Neighbourhood Plan was made on the 18th June 2021 and therefore its policies carry full weight alongside the adopted East Devon Local Plan 2013-2031.

National Planning Policy Framework:

The NPPF recognises economic objectives as one of the overarching objectives of achieving sustainable development and at para 8a states:

“To help build a strong, responsive and competitive economy by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure.

Section 6 of the NPPF is centred around building a strong and competitive economy where it is stated a Para 81 that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.

Para 82 states that planning policies should set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth.

Para 83 states that planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision... for storage and distribution operations at a variety of scales and in suitably accessible locations.

At Para 84 it is stated that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses...

At para 85 it is stated that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by

improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Adopted East Devon Local Plan

The clear strategy of the Local Plan is to focus growth at the West End and in towns with limited growth at villages in order to serve a local need.

Strategy 1 (Spatial Strategy for Development in East Devon) of the Local Plan states that East Devon's West End will accommodate major employment development to attract strategic inward investment along with supporting infrastructure and community facilities. The strategic approach is for East Devon's West End to be a focal point for job provision and that in the rest of East Devon, employment provision will mostly be geared to serving local needs with a view to securing jobs close to existing homes so that people have the option of not needing to commute long distances to work.

The Local Plan seeks to increase the supply of new employment opportunities in East Devon through the identification of suitable land for employment uses, with a focus on new development and employment mainly at the West End with a substantial allocation of employment land which provides flexibility in terms of potential sites without providing inappropriate sites that could undermine the plan strategy. The large allocations have been focussed, in accordance with Strategy 1 to accommodate significant residential development and major employment to attract strategic inward investment along with supporting infrastructure and community facilities. Limited further development is proposed within larger towns.

Further Local Plan policies permit some limited economic growth in the countryside through rural diversification (policy E4- Rural Diversification refers) which would not be applicable in this location, or through small scale economic development in rural areas (policy E5- Small Scale Economic Development In Rural Areas refers) where if on a greenfield site, proposals should be well related in scale and form and in sustainability terms to a village or surrounding area. The expansion of Hill Barton Business Park would not comply with these policies being remote from any village and not being rural diversification.

The application site is located in the countryside outside of Hill Barton Business Park as defined by the adopted East Devon Villages Plan which guides decisions on development and land use in East Devon.

The villages plan includes only an inset map with a boundary for the business park to show the "extent of authorised business uses" it is not a built-up area boundary. The villages plan states that when considering development proposals for which the District Council is the determining authority the policies of the adopted Local Plan will be used to assess planning applications at Hill Barton Business Park, which is within the open countryside and the subject of countryside protection policies including Local Plan Strategy 7 - Development in the Countryside. Policy VP05 of the Villages Plan sets out the relationship between the policies of the development plan and Hill Barton Business Park and states:

Inset maps are included in this plan that show the extent of authorised uses at the Hill Barton Business Park for information purposes only. Development of Hill Barton Business Park as indicated on the inset map will be considered in accordance with the relevant policies of the development plan, in particular Strategy 7 of the East Devon Local Plan (Development in the Countryside).

Strategy 7 of the East Devon Local Plan states *that the countryside is defined as all those parts of the plan area that are outside the Built-up Area Boundaries and outside of site specific allocations shown on the Proposals Map. Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located, including:*

- 1. Land form and patterns of settlement.*
- 2. Important natural and manmade features which contribute to the local landscape character, including topography, traditional field boundaries, areas of importance for nature conservation and rural buildings.*
- 3. The adverse disruption of a view from a public place which forms part of the distinctive character of the area or otherwise causes significant visual intrusions.*

Policy E7- Extensions to Existing Employment Sites of the Local Plan states:

Outside Built-up Area Boundaries and where it is clear that a business or employment site or estate is at or near full occupancy the Council will permit the small scale expansion of the site in a manner that is proportionate to the existing size and scale of site operations provided the following criteria are met in full:

- 1. The local highway network is capable of accommodating the forecast increase in traffic established by a Traffic Assessment; or where these can be mitigated either by physical works being undertaken by the applicant or contributions are secured towards the cost of the works.*
- 2. There will be no detrimental impact upon any nearby residential properties.*
- 3. No protected landscapes or historic interests or other environmental interests are adversely affected and the existing local biodiversity and habitats are conserved or enhanced.*

In association with any development encouragement will be given for on-site renewable energy production. In order to ensure that land is retained for the benefit of the local economy, permitted development rights allowing changes to alternative uses will be withdrawn.

This policy will not apply at Hill Barton and Greendale Business Parks.

The application submission is heavily critical over the Council's decision to restrict the growth of Hill Barton Business Park through The East Devon Villages Plan which it is suggested attempts to artificially constrain the expansion of Hill Barton. It is suggested that this constraint is now manifesting itself in a shortfall in space for parking and storage on site, which is being generated in association with the strong and sustainable growth of the businesses on the business park. Whilst these concerns are noted, there is an evidence base behind the Council's policy approach in the form of an assessment of potential appropriateness and suitability of the Hill Barton and Greendale Business Parks for future expansion which was prepared by the Council's

Planning Policy Team. Far from being "arbitrary boundary setting" this was a thorough evidence led assessment which considered matters of sustainability and accessibility, landscape impact as well as an assessment of individual sites that were put forward as possible suitable locations for additional development outside the existing Hill Barton business park.

The application site forms part of a wider site for land to the east/south-east of the business park (ref HB05) which was previously considered within the report in respect of its potential suitability and sensitivity to development where it was concluded:

This area is identified as having low suitability for further business park expansion. If development occurred, certainly of any significant scale, it would extend the built form of development eastward into open countryside, is highly likely to adversely affect the outstanding views across East Devon from the Pebble Bed Heaths and Farmland Devon Landscape Character Area and reduce the gap between the business park and residential use further to the east. The western edges of the land would be less sensitive to development if it were not for the fact that they are extensively planted with trees.

The application also refers to an Employment land Review report prepared by Alder King as part of the refused 20/2297/MFUL application which provides a market commentary and an overview of the employment land availability in the Exeter and East Devon market in connection with the planning application for the expansion of Hill Barton Business Park. The report concludes that the expansion of demand in the on-line sector has increased demand for B8 development and therefore also for logistics and distribution-based businesses within the area. It is suggested that at Hill Barton, this demand, combined with the Energy from Waste development on site, has put immense pressure on the available space for car parking and storage, leading, especially, to significant internal road congestion.

The East Devon Local Plan and the strategy underpinning the plan is clear in not identifying Hill Barton as a location for further growth and development (other than in respect of policy that does allow for smaller scale development in the countryside). The strategic approach to new employment land provision is to direct new employment development to the West End of the District and the Council is satisfied based on the currently available evidence that it is delivering sufficient employment land through allocated sites and planning permissions to meet the needs of the District. It should however be noted that the Economic Development Needs Assessment (EDNA) recently reported to Strategic Planning Committee acknowledged that further work is needed to understand the supply of employment sites and whether some long standing allocations that have not come forward are truly deliverable. Further work on this and other areas associated with need for employment land are subject to further work in support of the new Local Plan.

Hill Barton Business Park is a substantial stand-alone employment site which is very different from the many smaller and medium scale employment sites across East Devon. The fact that Hill Barton Business Park is excluded from this policy provides a clear steer that it, in contrast to other employment areas, is not deemed appropriate for outward expansion. Had the intention been to include Hill Barton within this policy it would not have been specifically excluded. Confirmation of this and the fact that

these sites are located within open countryside where Strategy 7 is applicable has been confirmed in the East Devon Villages Plan as stated above.

The Farringdon Neighbourhood Plan:

The Farringdon Neighbourhood Plan was made on the 18th June 2021 and therefore its policies carry full weight alongside the adopted East Devon Local Plan 2013-2031.

Policy Farr6- Existing Business and Commercial Areas of the Neighbourhood Plan states:

Business and commercial development or redevelopment for business and commercial uses on the sites listed below (and delineated on Map 5) 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.

- o Hill Barton Business Park
- o Waldrons Farm Business Area
- o The Drive

All business/commercial development should:

- a) respect the character of its surroundings by way of its scale and design;
- b) not harm the surrounding landscape;
- c) not adversely affect any listed building, heritage asset or setting;
- d) not have an adverse effect on the living conditions of its neighbours;
- e) not have an unacceptable adverse impact on the transport network or parking provision;
- f) safeguard residential amenity and road safety;
- g) promote access on foot, by bicycle, or by public transport;
- h) mitigate any adverse effects of noise, air pollution and light pollution; and
- i) ensure there is no increase in flood risk.

As this proposal would lead to the outward expansion of Hill Barton Business Park, it is considered that there is a clear conflict with this neighbourhood plan policy.

Emerging East Devon Local Plan

It is important to note that the emerging East Devon Local Plan which was subject to consultation on a draft plan earlier this year identifies the application site as part of land for a new community option. While the development of this site as part of a wider development to meet the strategic needs of the district may make sense in the future this is still something that is being considered and would need to be subject to further consultation and scrutiny. This new community option and the draft Local Plan of which it forms part cannot at this stage carry any significant weight.

Principle Conclusions:

In terms of the principle, planning law requires that applications for planning permission must be determined in accordance with the development plan (foot note 2 states this includes local and neighbourhood plans that have been brought into force) unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the presumption in favour of development does not change the statutory status of the development plan as the starting point for decision making. Where a planning

application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.

The application site is located outside any defined built-up area boundaries or site specific allocations and therefore under the provisions of Strategy 7 (Development in the Countryside) of the East Devon Local Plan, is considered to be open countryside. In such rural locations, Strategy 7 of the Local Plan states that development will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development and where it would not cause landscape, amenity or environmental harm. There are no policies within the Local Plan or the Farringdon Neighbourhood Plan which support applications for the outward expansion of Hill Barton Business Park and therefore this application is considered to be a departure from the Local Plan and has been advertised as such.

Visual Impact:

A previous application on this site was refused on the basis that the proposed development by reason of its scale, form and change of use from agricultural to commercial parking would introduce the parking of vehicles into a largely open landscape and would as result of its outward expansion into the countryside, give rise to harmful landscape and visual impacts that could not be overcome by mitigation planting, contributing to an increase in ribbon development along the A3052.

It should be noted that since the previous refusal, the size of the lorry park has been reduced to the northern part of the site and the proposal includes a 2.5-3m high bund to the southern edge to be planted with a native tree and shrub mix. The remnant field portion to the south is to be retained as agricultural land and additional hedging planted to the roadside boundary to infill gaps in the existing hedgerow.

The application is accompanied by a Landscape Visual Impact Assessment and an addendum following concerns from the Council's Landscape Officer that the original LVIA was considered to be inadequate and failed to provide a comprehensive and objective assessment of the likely landscape and visual effects of the proposal.

Prior to development on the site, it was arable land with a south westerly aspect falling in level by some 7m from its northern to its southern boundaries. The boundaries are formed by low-cut native hedgerows to the northern and eastern boundaries. The southern boundary is largely open to the A3052 while the western boundary is open at its southern end and marked by a low timber fence north of this. There are 3 detached properties situated immediately to the west and beyond this lies the Hill Barton Industrial Estate. Land to the north, east and south is agricultural. Crealy Adventure Park lies to the southwest on the south side of the A3052 but is well screened from it by established trees and hedgerow.

Whilst there is no public access across the site there are clear views into the site from the A3052 for users traveling in either direction and also from the industrial estate access road to the west. Views from other directions are restricted by landform and tree cover but there are some views from the minor local road network to the northeast. The landscape character of the site is open farmland with open views extending across

the site to the north and northeast over low cut hedges which are characteristic of the wider landscape setting.

Notwithstanding the proximity to the A3052 and industrial park to the west, prior to the development of the lorry park, the site retained a rural character that reflected and contributed positively to local landscape character.

The site falls within an area where the relevant management guidelines for the Landscape Character Areas/ Types 3E- Lowland Plains include:

- Protect the strongly-rural character which survives in parts of this LCT, particularly further away from Exeter.
- Prevent linear spread of development along roads where possible.

The Council's Landscape Officer has considered the LVIA and has advised that the proposals result in moderate adverse landscape effects within the site and a localised area around and in major/moderate adverse visual effects for users of the A3052. These effects are likely to diminish overtime as mitigation planting establishes however there are also concerns about the crudely formed bund which appears as an alien feature that does not reflect surrounding landform. Minor adverse effects are likely on users of the road from Farrington Cross to Wood Cross to the north east from views through field gates across the countryside where the expansion of the business park and the lorry park itself is very noticeable and harmful to the landscape. Residents of dwellings to the east and west of the site are also likely to experience major/moderate adverse visual effects and proposed mitigation is likely to have only limited effect in reducing this.

On the basis of the size and extent of the application site, it is considered that the impacts of the HGV parking does result locally in a major change in landscape character from agricultural to industrial and introduces a prominent vehicle parking into a largely open landscape. When parked on the site, the HGV's are clearly visible over the bund that has been created which in itself appears as an unnatural and manmade feature within the site and provides little in the way of screening the visual impacts of the parking.

The obvious outward expansion of the business park into the countryside contributes to ribbon development along the A3052, contrary to management guidelines set out in the East Devon and Blackdown Hills Landscape Character Assessment for the relevant landscape character type (LCT) - 3E Lowland Plains. It also obscures previously open views across farmland from the A3052 which is identified as a key characteristic of this LCT. The application site clearly lies outside of the visual envelope of Hill Barton Industrial Estate and as such is read as an intrusion of commercial development into open countryside.

Although the A3052 is a busy commuting and transport route it is also an attractive holiday route through East Devon, the amenity value of which will be adversely effected by such development. The application site is fully visible from the A3052 due to the landform and lack of intervening vegetation. Once completed the proposed development would be a very prominent and ugly feature in the landscape. Screening of the site from the A3052 will be dependent on the effective establishment of new

planting which is likely to take at least 10-15 years and would result in the loss of currently open views across undeveloped farmland.

To conclude in respect of the landscape and visual impact, it is considered that overall the proposed development would give rise to harmful landscape and visual effects over a localised area and would contribute to an increase in ribbon development along the A3052 contrary to management guidelines set out in the East Devon and Blackdown Hills Landscape Character Assessment for LCT 3B as noted at para. 3.33 of the assessment. The proposal is considered to be contrary to Local Plan Strategy 7 - Development in the countryside and also contrary to Farringdon Neighbourhood Plan Policy Farr6. This landscape and visual harm is considered to weigh heavily against the proposal within the overall planning balance.

Residential Amenity:

A previous application on this site was refused on the grounds that the proposed development by reason of its scale and the nature of the use for commercial vehicle parking would give rise to an unacceptable level of noise and disturbance to the detriment of the residential amenities of the occupiers of surrounding properties.

Policy D1- Design and Local Distinctiveness of the Local Plan requires that development do not adversely affect the amenities of existing residents.

Policy EN14 - Control of Pollution of the Local Plan states that permission will not be granted for development which would result in unacceptable levels, either to residents or the wider environment of:

1. Pollution of the atmosphere by gas or particulates, including. smell, fumes, dust, grit, smoke and soot.
2. Pollution of surface or underground waters including:
 - a) Rivers, other watercourses, water bodies and wetlands.
 - b) Water gathering grounds including water catchment areas, aquifers and groundwater protection areas.
 - c) Harbours, estuaries or the sea.
3. Noise and/or vibration.
4. Light intrusion, where light overspill from street lights or floodlights on to areas not intended to be lit, particularly in areas of open countryside and areas of nature conservation value.
5. Fly nuisance.
6. Pollution of sites of wildlife value, especially European designated sites or species.
7. Odour.

There are 3 detached properties situated immediately to the west of the application site which are likely to be affected by the development proposals through changing the use of the site from agriculture to vehicle parking for the business park, the activity and noise associated with the use.

As documented in a number of letters of objection, vehicles parked on the northern section of the site which include HGVs and tractors are used at all times of the day and night and do have an adverse impact on the amenity of the residents who abut the site from noise and activity associated with the parking of vehicles on the site. The

application has been carefully considered by the Council's Environmental Health Officer (EHO) who originally objected to the application on the basis that the applicant had not taken into consideration the close proximity of the nearest noise sensitive property within the design plan. The EHO raised concerns that the vehicle routes of the lorry park had been poorly planned resulting in all exiting HGV movements being directed straight past the rear amenity area of the nearest noise sensitive property. The EHO has advised that whilst the LAeq(1hr) is not overly affected from the vehicle movements (due their short duration time) at a distance of less than 10m from the manoeuvring lorry (108 dB(A)) this will likely cause an observed adverse effect within the rear amenity area of the nearest noise sensitive property.

In response to these concerns and in consultation with the applicant's noise consultant, additional information has been provided in the form of a parking layout plan for the HGVs and vehicle routes within the site to demonstrate how they intend to manage and mitigate against the adverse impacts from the vehicle parking development in terms of noise. This has been considered by the EHO who has removed his objection to the proposal subject to a condition which require the submission of a noise management plan detailing the methods by which the sites management will systematically assess and reduce noise emissions from the site and which limit operating hours and vehicle movements to Monday to Saturday between 7:00 until 18:00 with no vehicle movements on Sunday or any Bank holiday. Further conditions are suggested to ensure that vehicle overflow parking taking place on any Saturday is restricted to the use of bays 20-40 only which are located the furthest distance from residential properties.

To protect the amenities of existing residents from dust nuisance, the EHO also recommends a condition which requires the submission of a dust management plan to identify and employ appropriate measures to minimise dust generation from the site along with a condition imposing a site wide 10mph speed limit with signage erected in a prominent position (on entering the site) displaying the 10mph sites speed limit.

On balance, whilst the concerns of residents abutting the site are noted and it is accepted that the HGV parking on the site is a significant character change from use of the site as an agricultural field, in the absence of any objections from the Council's EHO and subject to the suggested conditions, it isn't considered that the proposal would significantly impact on residential amenity in terms of noise and dust to justify refusal of planning permission.

Highway Safety

Policy TC7 - Adequacy of Road Network and Site Access of the East Devon Local Plan states that planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

On the basis that the vehicles that are parked on the site are intended to be from existing businesses on Hill Barton Business Park, it isn't considered that the proposal would give rise to any significant increase in vehicle movements onto the A3052 and would therefore have no significant impact on highway safety. The County Highway Authority has raised no objections to the application and are of the view that the

parking would have no impact on the local highway network and that the proposal may help to reduce on-street parking on local Roads.

Flood Risk and Surface Water Drainage:

The original objection from the County Council as the Lead Local Flood Authority (LLFA) has been removed on the basis that the applicant has provided a proposed surface water drainage design that should mimic the existing ground conditions with the proposed swale offering the opportunity for storage and treatment. The LLFA have advised that the construction details provided satisfy their concerns at this stage regarding compaction and that subject to a condition that requires the submission of a detailed surface water management scheme the proposal is unlikely to result in an increase in flood risk either on the site, on adjacent land or downstream. In the absence of any objections from the LLFA, it isn't considered that an objection could reasonably be sustained on flood risk and drainage grounds. The proposal complies with the provisions of policies EN21 (River and Coastal Flooding) and EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan.

Ecological Impact:

The previous application was accompanied by an interim ecological appraisal report prepared by a suitably qualified ecologist which includes the findings of an extended phase I habitat survey of the site and bat activity surveys and makes an initial assessment of the likely impacts of the proposals, and outlines the schedule of further survey work being undertaken. This has not been updated or re-submitted with this application with the agent instead stating that as a temporary proposal the land would be returned to its previous agricultural use after a period of 3 years so that ecological impact is minimal.

Whilst officers do not agree with this approach, the previous report included proposed ecological mitigation and enhancement measures, which were designed to ensure that those protected species present and potentially present can continue to use the site, and that the proposals result in a biodiversity net gain, in accordance with national and local planning policy and BS 42020:2013 Biodiversity - Code of practice for planning and development.

It is accepted that the mitigation and enhancement measures put forward within the previous report which could be secured through conditions would enhance the biodiversity value of the site by providing new habitats suitable for use by foraging and nesting dormice, nesting and foraging birds, amphibians, common reptiles, foraging bats, foraging and nesting hedgehogs and a range of invertebrates. The proposals are likely to result in a net gain in biodiversity on the site, increasing the capacity of the site to support a range of native species.

The development is considered to comply with the provisions of Policy EN5 (Wildlife Habitats and Features) of the Local Plan.

Archaeological Impact:

The County Council's Archaeologist originally objected to the previously refused application on the basis of the high potential for survival and significance of below ground archaeological deposits associated with the known prehistoric and Romano-British activity in the immediate vicinity of the application area and the absence of sufficient archaeological information, the Historic Environment Team objects to this application.

The applicant submitted a geophysical survey (Substrata report 2101HIL-R-1, dated 11th May 2021) which did not identify any archaeological deposits associated with the nearby prehistoric or Romano-British activity. In the light of the survey no further archaeological mitigation was required and the Historic Environment Team withdrew its previous objection. This position still stand and the proposal is considered to comply with policy EN7 - Proposals Affecting Sites which may potentially be of Archaeological Importance of the Local Plan.

The Applicant's Business Case:

The supporting planning statement for this application states that the hardcore area will be used to park existing vehicles associated with businesses on site. It is stated that an extended area for parking is required to relieve immediate pressures on site. The statement explains that the requirement for this facility is crucial and is important to protect jobs and to enable the meeting of a huge increase in demand for logistics and distribution space (both during and post COVID). It is also stated that additional space for parking has also become more pressing due to the development of the Energy from Waste Plant onsite, which serves the wider East Devon and Exeter area.

It is suggested that a solution for an extended area for parking is required to help businesses create and protect jobs on site, to:

1. accommodate the build out of the adjacent Energy from Waste Plant (parking on this site to build out this facility could be permitted development, in any case); and,
2. meet the huge increase in demand for logistics and distribution services (both during and post COVID).

Within the planning statement it is suggested that the area and the size of the parking area have been designed to meet a specific identified ongoing need for the existing Hill Barton Business Park.

The applicant has advised that a number of tenanted businesses which include Gardner Distribution, Stuarts Truck and Bus and Dunmore Construction depend on the HGV parking provision and that there is no means to distribute the vehicles elsewhere within the business park. The current parking arrangements with these businesses on the application site are understood to be informal but would be formalised upon receipt of planning permission.

The applicant has provided an economic impacts report which has highlighted the economic impacts if the HGV area were to be removed which include the potential loss of businesses from the District as a result of having to relocate which could result in a loss of up to 103 full time employment jobs whilst the provision for 36 new full time employment roles could be facilitated if approved. In this context, the Council's Economic Development Officer has expressed his support for the application.

Whilst the economic development support for this application is noted, it is considered that the impacts report is very high level and lacks any real detail or evidence. It doesn't answer the question about accommodating the parking requirements in the existing business park and does not provide any detail about the other options that have been considered to meet the parking requirements of existing businesses on the business park and why they are not viable or achievable.

Furthermore, there is some uncertainty around the conclusions of the report which suggest that there are no suitable sites for the businesses affected to relocate to. The authors of this report have recently just delivered an Economic Development Needs Assessment (EDNA) to the Council which suggests that there is sufficient industrial land to meet the needs of a mid-range forecast of need and only a small undersupply if a less optimistic supply forecast is used. The conclusions of these reports from the same consultants seem to be in conflict.

Whilst the economic impacts of refusal of this application are noted it isn't considered that the economic justification for this site is sufficient to justify the harm that has arisen in landscape terms and the conflict with Local Plan and the Farrindgon Neighbourhood Plan policy. The application lacks evidence to substantiate the economic impacts anticipated and does not explain why the need for this HGV parking area could not be accommodated elsewhere within the business park or avoided entirely through better planning and management of the business park. The policy conflict and landscape impacts are such that the economic case that has been made is considered to be insufficient to justify a departure from policy.

Temporary Permission:

The request for a temporary planning permission for a period of 3 years is noted however as stated with the National Planning Practice Guidance, circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

In this case and through the previously refused application, it has been demonstrated that there is no policy support for the proposal and that the landscape harm arising from the hard surfacing and parking vehicles on the site and the expansion of the business park into the countryside is significant.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development, by virtue of its scale and extension beyond the built form of Hill Barton Business Park and outside of any recognised development boundary is within the open countryside where new development is strictly controlled. As no other policy within the East Devon Local Plan or the Farrindgon Neighbourhood Plan (made) facilitates such development, the proposal

represents unjustified and unsustainable sprawling development in the countryside in conflict with the spatial approach to accommodate new commercial development within defined settlements and on established or allocated employment sites as identified within the Local Plan. It is not considered that there are material circumstances to outweigh the adverse impacts of further commercial development in this location which justifies a departure from policy. As such the proposal is contrary to Strategy 7 (Development in the Countryside), Policy E4 (Rural Diversification), Policy E5 (Small Scale Economic Development in Rural Areas), Policy E7 (Extensions to Existing Employment Sites) of the Adopted East Devon Local Plan 2013-2031, policy Farr6 of the Farringdon Neighbourhood Plan, the Adopted East Devon Villages Plan as well as the guidance contained within the National Planning Policy Framework.

2. The proposed development by reason of its scale, form and change of use from agricultural to commercial parking would introduce the parking of vehicles into a largely open landscape and would as result of its outward expansion into the countryside, give rise to harmful landscape and visual impacts that could not be overcome by mitigation planting, contributing to an increase in ribbon development along the A3052. The proposal is considered to be contrary to Strategy 7 - Development in the countryside, policies D1- Design and Local Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031, Farringdon Neighbourhood Plan Policy Farr6 and the guidance contained within the National Planning Policy Framework.

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.

Plans relating to this application:

6382.013C : HGV parking area/swales	Other Plans	14.06.22
6382.015B : HGV autotrack swept paths	Other Plans	14.06.22
6382.014B : indicative HGV parking layout	Layout	14.06.22

6382.013B : propoeed HGV parking scheme	Other Plans	14.06.22
6382/TS1	Transport Statement	14.06.22
June 2022	Noise Impact Assessment	14.06.22
DR-L-011 D	Location Plan	28.04.22
DR-L-012	Landscaping	28.04.22
	Flood Risk Assessment	08.04.22
rev B	Landscape Visual Impact Appraisal	19.01.23
headline Economic Impacts of	General Correspondence	19.01.23

List of Background Papers

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