

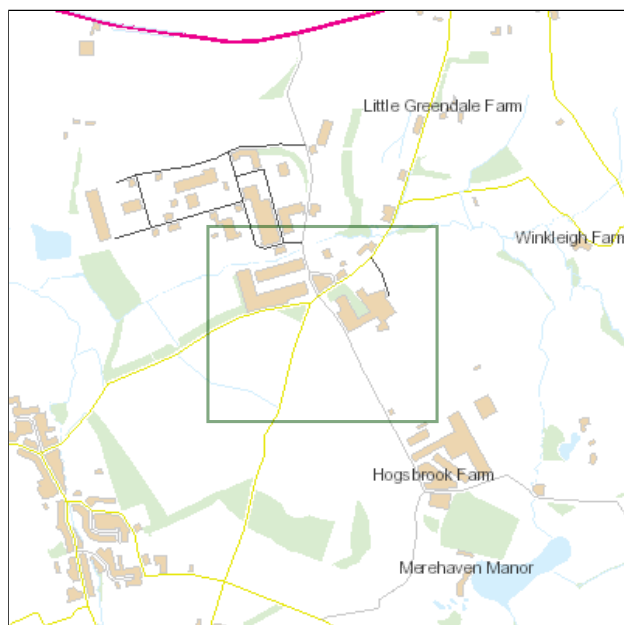
**Ward** Woodbury And Lympstone

**Reference** 22/2121/MFUL

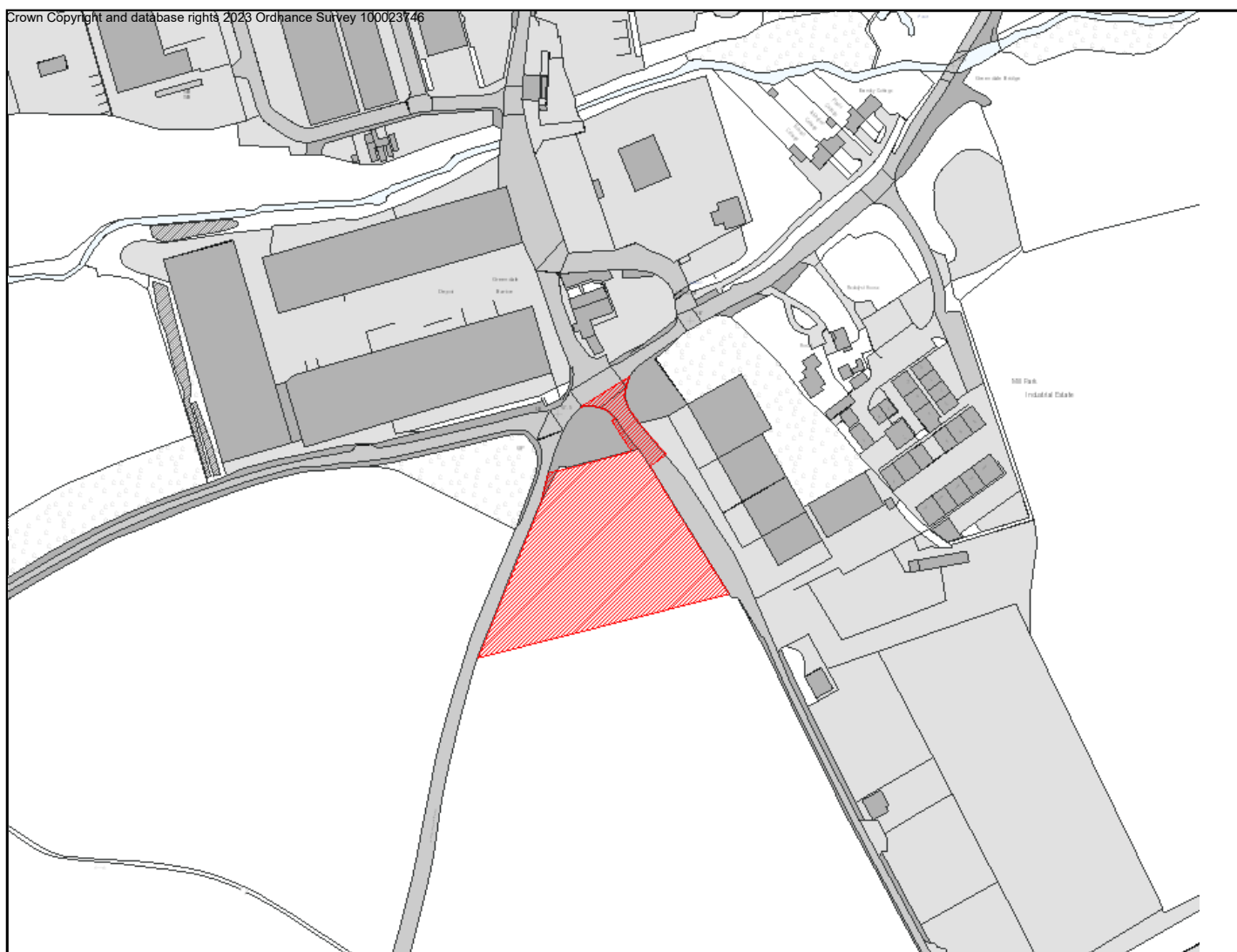
**Applicant** FWS Carter & Sons Ltd

**Location** Land Opposite Greendale Business Park  
Woodbury Salterton

**Proposal** Proposed new haulage trailer storage  
facility/compound



**RECOMMENDATION: Refusal**



		<b>Committee Date: 13.06.2023</b>
<b>Woodbury And Lympstone (Woodbury)</b>	<b>22/2121/MFUL</b>	<b>Target Date: 23.12.2022</b>
<b>Applicant:</b>	<b>FWS Carter &amp; Sons Ltd</b>	
<b>Location:</b>	<b>Land Opposite Greendale Business Park Woodbury Salterton</b>	
<b>Proposal:</b>	<b>Proposed new haulage trailer storage facility/compound</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is before Members because it represents a departure from the Local Plan and the views of one of the Ward Members is contrary to that of Officers.**

**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 which support applications for the outward expansion of Greendale 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 engineering works and artificial form of the development, 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 Greendale Business Park outside of its current boundary.**

**Furthermore, whilst the applicant's business case has been considered, the application fails to make a robust business case to justify the overall size and scale of the proposed expansion area.**

## **CONSULTATIONS**

### **Local Consultations**

#### **Woodbury And Lympstone - Cllr Ben Ingham**

I recommend this application for approval.

I have made this recommendation because:

I do not believe the current lorry parking provision is in an acceptable location.

I am concerned about the distance between the main office and current provision on H&S grounds.

I believe it is correct to control lorry movements to a lower distance value and in a controlled location.

#### **Woodbury And Lympstone - Cllr Geoff Jung – Additional Comments**

22/2121/MFUL

I have viewed the further information for the planning application 22/2121/MFUL for a proposed new haulage trailer storage facility/compound at Land Opposite Greendale Business Park Woodbury Salterton. This application constitutes an expansion of Greendale Business Park which is contrary to the EDDC local Plan and the Village Plan and therefore I cannot support it, however, I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

#### **Woodbury And Lympstone - Cllr Geoff Jung**

22/2121/FUL

I have viewed the documents for the planning application 22/2121/FUL for a proposed new haulage trailer storage facility/compound on Land Opposite Greendale Business Park Woodbury Salterton. The location is outside the designated boundary for employment use at Greendale Business Park and is clearly in the open countryside. This application is against a number of policies for the East Devon Local Plan and against the Policies of the East Devon Villages Plan and therefore I am unable to support the application.

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

#### **Parish/Town Council – Additional Comments**

Woodbury Parish Council does not support this application.

We have considered the further justification and nothing has materially changed so we have no further comment to make.

#### **Parish/Town Council**

Woodbury Parish Council does not support this application as it is outside the employment zone, as well as the built-up area boundary; therefore the development

will be considered as a development in the 'open countryside' and against the policy for East Devon Local Plan and the Village Plan policy.

### **Technical Consultations**

#### **DCC Flood Risk SuDS Consultation**

At this stage, we object to the above planning application because the applicant has not submitted sufficient information in order to demonstrate that all aspects of the surface water drainage management plan have been considered. In order to overcome our objection, the applicant will be required to submit some additional information, as outlined below.

#### **Observations:**

The applicant has proposed to drain surface water from the site into the existing surface water drainage system within the Greendale Business Park.

However, no details have been submitted to confirm that the site was originally accounted for within the designs of the Greendale Business Park surface water drainage system. The applicant should submit the designs of the surface water drainage system which serves the business park.

The applicant should also submit correspondence from the owner of the existing surface water drainage system to confirm that they will allow a connection into their system.

This site was not included within the planning permission for the surface water drainage system serving the business park. Therefore, the applicant will need to ensure that the existing pond can accept flows from the site up to the 1 in 100 year (+45% allowance for climate change) rainfall event.

The applicant should assess above-ground surface water drainage features within the site. Multiple above-ground surface water features can form a SuDS Management Train. SuDS Management Trains offer opportunities for treatment as well as interception losses. Above-ground features can be lined if required.

The applicant should provide maintenance details for the proposed surface water drainage system.

#### **DCC Flood Risk SuDS Consultation**

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 has not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner

that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore 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/>.

#### Economic Development Officer - Additional Comments

Additional Economic Development Comment: 22/2121/MFUL Proposed new haulage trailer storage facility/compound | Land Opposite Greendale Business Park Woodbury Salterton

We note the additional supporting statement provided by the applicant in reference to the questions we felt needed to be more fully addressed within the application.

We've considered the responses and note the following observations:

- The additional 2 mechanic jobs and 2 apprenticeships are welcome.
- It appears all reasonable endeavours have been investigated to identify an alternative HGV parking solution onsite.
- Evicting an existing local employer/tenant to generate space for the haulage fleet would not serve the local economy.
- Whereas the immediate employment benefit has been outlined, the wider economic benefit has not really been described within the response beyond improvements to the Greendale Haulage operation.
- The improved implications for health and safety of the site being approved are not in question.
- It is clear that obstruction to the growth of the haulage business would inevitably follow from refusal in this instance.
- Furthermore, it appears that the constrained capacity of Greendale Haulage Co. will impact other users of this logistics provision within district who will need look further afield and likely face higher costs for their essential distribution function to be served.
- The potential for the company to transition to future electric/fossil free fleets would be improved through a dedicated site being approved.

There is a clear case for Economic Development to recommend that this application is supported, though the comparatively modest level of new employment associated with the development will inevitably be considered in the context of any relevant net environmental and/or ecological impacts.

Robert Murray PhD, MIED

Economic Development Manager - Growth, Development and Prosperity

Economic Development Officer

Dear Planning West Team,

Economic Development Comment: 22/2121/MFUL | Proposed new haulage trailer storage facility/compound | Land Opposite Greendale Business Park Woodbury Salterton

We have reviewed the documents submitted in association with this application and make the following observations:

The existing way in which Greendale's haulage fleet is distributed around the business park is problematic. Aside from the adverse health and safety implications, the dispersal or fragmentation of the fleet around the park will effect operational efficiency. This will hinder (albeit to an unquantified degree) the economic viability, future growth and local employment generating capacity of the business which would otherwise be better able to meet increased demand.

There does appear to be a reasonable economic and employment impact associated with the proposed development, but having reviewed the submitted documents, this doesn't appear to be articulated in sufficient detail by the applicant. What are the details of the 4 new jobs (including 2 x apprenticeship roles) to be unlocked by this scheme?

As the economic and wider employment impact is unclear from the submitted information, it is difficult to weigh against landscape/visual impact.

We would ask that the following questions are addressed by the applicant to enable an informed and considered assessment of the proposed scheme:

- o Can the HGVs be parked more effectively within the existing Greendale employment site? If so, the economic and employment impact could be considered to be relatively low. To demonstrate that all options have been fully considered, it is reasonable to request evidence of the assessment which resulted in no other alternative suitable locations being identified within the site.
- o The Supporting Planning Statement holds that the benefits of the proposal 'logistically and economically outweigh any detrimental impact visually to the local character area'. Whereas we don't necessarily disagree with the assertion, insufficient detail has been provided of these unquantified benefits to enable a conclusion to be made. What is the evidence of economic need for the scheme and what will be the logistical and economic benefit?
- o Aside from Greendale Haulage Company, will other valuable tenanted businesses/employers depend on this new HGV parking provision? If so, which businesses specifically?
- o What would be the impact on them if the proposed parking were refused? Would business growth in East Devon be impacted? Would valuable jobs be at risk? Verifiable responses will be required from relevant businesses here.
- o If it can be robustly demonstrated that loss of this HGV parking would result in existing valuable employers being lost from the site, that is something we'd encourage planning colleagues to take into consideration, not least given the critically constrained

supply of employment land and premises elsewhere within district to accommodate such uses.

- o With the sale of new diesel lorries being phased out by 2040, it is unclear how the proposal will contribute towards meeting the Government's net zero emissions targets for goods transport. Does the site lend itself to serving future electric/fossil-free fleets?
- o A more detailed economic and employment impact assessment surrounding the proposed continued use of the parking area (and conversely, its loss) would greatly aid our assessment.

The context to these requests is that we've a growing list of increasingly desperate local businesses and employers needing B use land to grow or relocate. This comes at a time of incredibly constrained local employment land supply. We're compelled to also highlight that as a Council, we're 36% behind in the delivery of employment land (and 37% behind in the provision of new jobs) compared to new housing since the current Local Plan was adopted.

We've a rapidly ageing demographic and reduced opportunities for valuable careers in East Devon has played its part in our worsening old age dependency ratio with an increasing proportion of economically inactive residents depending on a shrinking working age population. We must address this worsening imbalance and the potential for this site to support local economic and wider employment provision is unclear from the documents submitted to date.

Robert Murray PhD, MIED  
Economic Development Manager - Growth, Development and Prosperity

EDDC Landscape Architect  
**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, SITE AND CONTEXT**

The site is situated on green field land to the south and west of Greendale Business Park and east of White Cross Road. Proposed access is from an existing field entrance off a private road to the east.

The proposal is to construct a lorry park in the northern part of the site with a 2.5-3m high bund formed to the northern and western boundary. The works will entail substantial excavation.

The site extends to 0.8ha and comprises the northern portion of a larger arable field which is bounded by low cut hedgebanks to the east west and south. The northern boundary comprises an outgrown hedgerow with trees. The southern site boundary is open and land beyond rises to a low east-west running ridge line before falling away to the southern field boundary.

There is no public access within the site and there are no public rights of way in the vicinity.

There are views over the site from White Cross Road to the south and proposed bunding would be visible from White Cross Road where it runs along the northern and western site boundaries.

Some properties in and on the edge of Woodbury Salterton afford views over the site including Honey Cottage 625m to the west.

Longer distant views are generally restricted by a combination of landform, vegetation cover and existing development.

The site lies within East Devon Landscape Character Type (LCT) 3B Lower rolling farmed and settled slopes. Key features relevant to the site are:

- Gently rolling landform, sloping up from valley floor. Numerous shallow valleys contain small streams.
- Many hedgerow trees, copses and streamside tree rows. Oak and ash predominate, and there are small blocks of woodland.
- Predominantly pastoral farmland, often with a wooded appearance. Variable sized fields with wide, low hedged boundaries and a mostly irregular pattern, reflecting different phases of enclosure.
- Semi-natural habitats include streams and ditches, grassland, woodland and trees.
- Numerous historic landscape features including farmsteads, lanes, villages and churches.
- Settled, with various settlement sizes, building ages, patterns and styles.
- Winding, often narrow sunken lanes, with tall earth banks.

Relevant management guidelines for this LCT include:

- Consider settlements within their wider landscape settings. Ensure that appropriate measures to soften the settlement edge, and to integrate development into the landscape, are incorporated into any settlement expansion plans. Screening should enhance landscape character avoiding stark lines of planting which do not respect the existing landscape pattern.
- Create stronger habitat links, particularly between woodland areas through additional woodland and hedgerow planting.



The site itself and adjoining fields to the south and west are larger and more open in character with low cut hedges and relatively few trees. Beyond these the landscape becomes noticeably more wooded with smaller more irregular field patterns more typical of the landscape character type description.

The site is outside of the Business park boundaries and is situated in open countryside where Strategy 7 applies.

### 3 REVIEW OF SUBMITTED DETAILS

The proposals provide for the creation of a level parking area by substantial excavation of ground level in to the field slope to a four metre depth on the southern boundary.

The Design and Access Statement states that a traditional Devon hedgebank is to be created to the west and north boundaries to provide screening. However the plan and section drawings show this to be a wide, rounded earth bund 2.5-3m high formed using some of the excavated soils with planting on top.

A large ash on the northern site boundary is proposed to be removed. No justification is provided for this.

There is no indication of proposed surfacing or drainage of the lorry park or the type of screen planting proposed.

The proposals will generate a large quantity of surplus excavated soil. There is no indication of how this will be disposed of.

### 4 CONCLUSION AND RECOMMENDATION

The proposals will result in the further expansion of the business park into open countryside.

While the proposed site grading and bunding is likely to screen the lorry park in views from the south and west the bunding does not reflect local landscape character and will appear as an incongruous engineered feature in these views.

The proposals do not provide for enhancement of the site and conservation of local landscape character.

As such the proposals are considered unacceptable in terms of landscape and visual impact and contrary to Para 174 of the NPPF and Local Plan policy D7.

#### Other Representations

Three representations have been received raising the following objections

- Additional traffic on unsuitable roads
- Site is located in the open countryside
- No landscape visual impact assessment
- No ecological assessment
- Lack of transport assessment

- Detrimental to the countryside
- No evidence of parking problem
- Lorry fleet is less than stated
- No highway safety justification
- Contrary to Local Plan
- No additional employment identified on application form

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
07/0330/FUL	Change of use of agricultural land to storage of agricultural equipment/vehicles and temporary storage of 12 goods vehicles and 6 trailers	Refuse	26.03.07
06/2896/FUL	Retention of parking and storage area for the use of agricultural machinery including a temporary use for the storage of 12 goods vehicles and 6 trailers	Refuse	30.11.06

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

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)

### Government Planning Documents

NPPF (National Planning Policy Framework 2021)

## **Site Location and Description**

The application site extends to an area of 1.027ha and comprises part of a larger field adjacent to Greendale Business Park. The Business Park is a large development consisting of a wide range of industrial and warehouse buildings, storage and employment sites.

The site is an essentially triangular piece of land with part of the business park forming the eastern boundary, White Cross Road to the west and open agricultural land to the south. The land slopes down from south to the north with a fall of around 9m. There is an established hedgerow on the boundary with White Cross Road. A tree which is indicated on the submitted plan to be removed, has already been felled. A further hedgerow extends along most of the eastern boundary.

### **Proposed Development**

Planning permission is sought for a new haulage trailer storage facility on a piece of agricultural land on the opposite side of a private road from the business park. It is proposed to level the central part of the land from the proposed entrance, creating a bund to the western boundary of the site, and banks to the south and east. The hardsurfaced area would extend to around 0.6ha and provide storage for 40 trailers.

There is an existing opening into the field located in the north eastern corner of the site which it is proposed to widen and surface to provide access to the hardsurfaced area.

### **Issues and Assessment**

The main issues to be considered in the determination of this application relate to the policy context and principle of the development, landscape and visual impact, and any impact on highway safety, residential amenity, ecology, and flood risk and surface water implications

## **ANALYSIS**

### **Policy Context and Principle of Development**

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.

There is no Neighbourhood Plan for the area, with the Woodbury Neighbourhood Plan being at an early stage.

#### **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.

### 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 Greendale 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 the built-up area boundary of Greendale Business Park as defined by the adopted East Devon Villages Plan which guides decisions on development and land use in East Devon.

The built-up area boundary that has been drawn around the business park shows the full extent of the land authorised for business uses at Greendale Business Park. Policy VP04 of the Villages Plan sets out the relationship between the policies of the development plan and Greendale Business Park and states:

*Inset maps are included in this plan that show the extent of authorised uses at the Greendale Business Park for information purposes only. Development of Greendale 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 East Devon Local Plan and the strategy underpinning the plan is clear in not identifying Greendale Business Park 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 that it is delivering sufficient employment land through allocated sites and planning permissions to meet the needs of the District.

Greendale 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 Greendale 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 Greendale 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.

Overall, in terms of the principle, 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 which support applications for the outward expansion of Greendale Business Park and therefore this application is considered to be a departure from the Local Plan and has been advertised as such.

### **Landscape and Visual Impact**

Substantial earthworks are proposed to create the levelled hardstanding resulting in unnatural earth bunds to the western side of the site, and banking to the east and southern boundaries. It will result in an unnatural and artificial landscape which has no respect for its surroundings and would appear as a discordant feature intruding into the countryside.

Much of the site would, as a result of the engineering works, be screened from public views to the south. However, from the north at the White Cross junction it would be seen as a prominent and discordant feature, emphasised by the incongruous appearance of the haulage trailers. It is therefore considered to be in conflict with Strategy7 and policies D1- Design and Local Distinctiveness and D2- Landscape Requirements of the East Devon Local Plan 2013-2031, and the guidance contained within the National Planning Policy Framework in particular para 174.

### **Highway Safety**

Supporting information suggests that the creation of the trailer storage/parking area will alleviate traffic congestion and improve the availability of parking within the main Business Park, as it represents the reorganisation of the existing arrangements. At the present time the fleet of 40 trailers associated with the Greendale Business Park Haulage Company either park on the estate roads, or within rented storage compounds.

It is also suggested that operationally it is more efficient to have a single parking area adjacent to the main company offices and staff welfare facilities.

On the basis that the nature and numbers of vehicles using the wider Greendale Business Park road network will not be changing there is not considered to be any objection in highway terms to capacity, as the existing road network and junction with the A3052 Sidmouth Road is considered to be appropriate.

There may, however, be some conflict with the new vehicle movements crossing White Cross Road, either to access the main Business Park road network, or to leave to access the new compound.

DCC Highways have been consulted on the application, but no response has been received at the time of writing this report. The geometry of this junction has, however been considered in other applications on the southern side of the main Business Park where the junction has been considered to provide satisfactory visibility. As such and whilst the use of the junction will increase, it is not considered that the proposal would result in any significant highway safety concerns such that the application could be refused on this basis.

### **Residential Amenity**

The nearest properties are located around 180m to the north east of the entrance to the site on White Cross Road, which, due to its width and alignment, is considered to be unsuitable for the nature of vehicles using the proposed compound. However as it is proposed to use the existing road network through the Business Park it is not considered that the proposal will be detrimental, in terms of additional traffic noise or nuisance to the amenities of these nearby residents.

There is no direct line of sight between the nearest properties and the application site, such that external lighting would create a nuisance. This could further be controlled by condition should the proposal otherwise be considered to be reasonable.

Impacts on residential amenity are considered to be acceptable.

### **Flood Risk and Surface Water Drainage**

Additional information in response to the original objection from the County Council as the Lead Local Flood Authority has been submitted, and re-consulted on, with no response received to date. As such, at the present time it has not been confirmed that surface water can be accommodated satisfactorily such that it will not result in an increase in flood risk either on the site, or adjacent land or downstream

### **Ecological Impact**

The application site has been used for agricultural purposes for many years, with managed hedging to the site boundaries. It is not proposed to remove any of the existing hedgerows and to supplement those present. There is also some scope for biodiversity enhancement in the creation of additional planting and creation of new habitats which should be conditioned should the proposal be considered to be acceptable.

### **Planning Balance**

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.

It has been established that the proposed parking expansion of Greendale Business Park into the countryside is in conflict with the East Devon Local Plan. It is however necessary to assess the economic, social and environmental benefits of the proposal and any other material considerations that might justify a departure from policy as follows:

### **Economic**

Within the planning statement it is suggested that the area and the size of the haulage trailer compound has been designed to meet a specific identified ongoing need for the 40 haulage trailers which make up the fleet operated by Greendale Haulage Company. It is suggested that the proposal will result in the employment of two full time mechanic jobs and two apprentice mechanics. Without the compound these positions would not



be created and there may be further implications in terms of inability to grow, and potential impact on the other companies which use the haulage service provided.

Whilst the economic benefits of this application are noted, as is the support offered by the Economic Development Officer, it isn't considered that the economic justification for this site is sufficient to outweigh the harm that would arise in landscape terms and the conflict with Local Plan policy. The application lacks evidence to substantiate the economic impacts anticipated. 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.

### Social

There are no social benefits arising from this proposed development.

### Environmental

On the basis that the proposal would provide parking for vehicles for businesses already on the business park, it isn't considered that the proposal provides any significant environmental benefits which outweigh the identified harm in terms of the landscape impact and through the unplanned expansion of the business park on a greenfield site into the countryside.

### **CONCLUSION**

Given the lack of policy support for the proposal and the landscape harm arising from the proposed hard surfacing and the parking of haulage trailers 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 Greendale Business Park outside of its current boundary.

Furthermore, whilst the applicant's business case has been considered, the application fails to make a robust business case to justify the overall size and scale of the proposed expansion area.

### **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed development, by virtue of its scale and extension beyond the built form of Greendale 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 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, 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, artificial form and change of use from agricultural to commercial parking would appear as an incongruous engineered feature within the landscape which would fail to conserve or enhance the local landscape character. As such 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, and the guidance contained within the National Planning Policy Framework.
3. Insufficient information has been submitted to demonstrate that the proposed development can be satisfactorily accommodated without increasing flood risk elsewhere. In the absence of an appropriate surface water drainage management plan, the application is therefore contrary to Policy EN22 (Surface Run-off Implications of New Development) of the East Devon Local Plan 2013-2031 and the guidance contained within the National Planning Policy Framework.

### **Statement on Human Rights and Equalities Issues**

#### **Human Rights Act:**

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Equalities Act - In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

### **NOTE FOR APPLICANT**

#### **Informative:**

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District

Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

	Location Plan	23.09.22
8582-02A	Proposed Site Plan	23.09.22
8582-03A: Combined Sections A-A	Sections	23.09.22
8582-04: Combined Sections B-B	Sections	23.09.22

List of Background Papers

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