

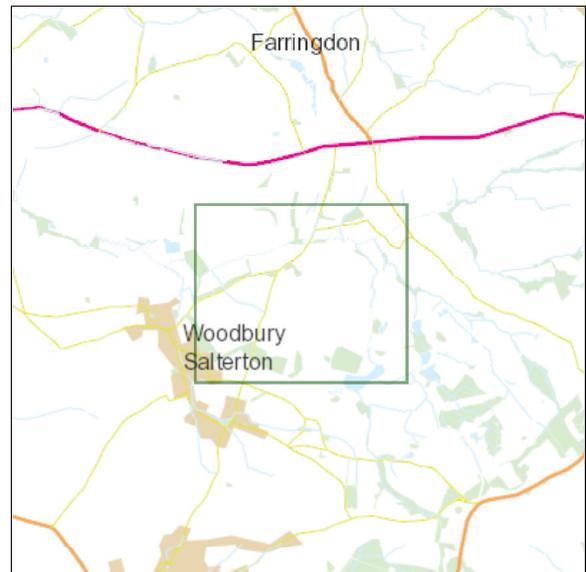
Ward Raleigh

Reference 19/0034/COU &
19/0035/COU

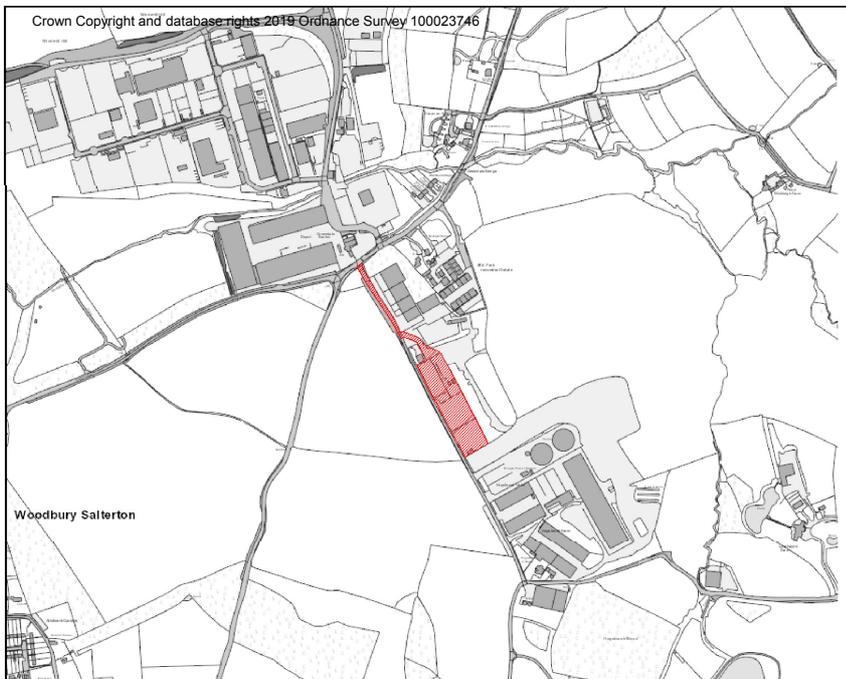
Applicant F W S Carter & Son

Location Compound East 6 and Land Adj Compound East 6 (Land At Hogsbrook Farm) Greendale Business Park Woodbury Salterton

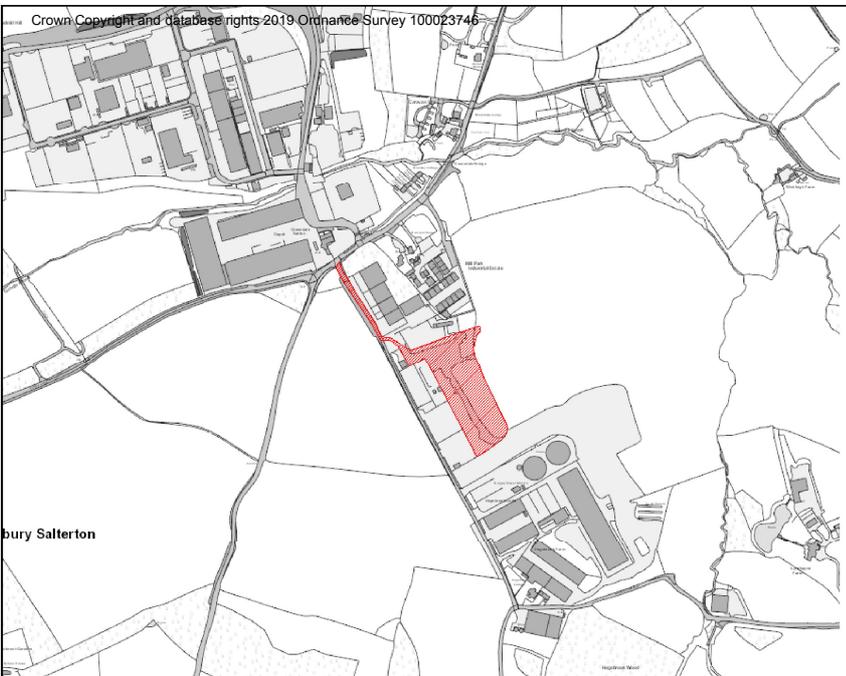
Proposal Retrospective change of use to B8 class use (storage and distribution)



RECOMMENDATION: Approval retrospective (conditions)



19/0034/COU



19/0035/COU

		Committee Date: 30th April 2019
Raleigh (WOODBURY)	19/0034/COU	Target Date: 15.03.2019
Applicant:	F W S Carter & Son	
Location:	Compound East 6 Land At Hogsbrook Farm	
Proposal:	Retrospective change of use to B8 class use (storage and distribution)	

RECOMMENDATION: Retrospective Approval (conditions)

		Committee Date: 30th April 2019
Raleigh (WOODBURY)	19/0035/COU	Target Date: 15.03.2019
Applicant:	F W S Carter & Son	
Location:	Land Adj Compound East 6 (Land At Hogsbrook Farm)	
Proposal:	Retrospective change of use to B8 class use (storage and distribution)	

RECOMMENDATION: Retrospective Approval (conditions)

EXECUTIVE SUMMARY

These applications are before Members because the officer recommendations differ from the view of the Ward Member.

The two applications are considered together as they raise almost identical issues, are for identical proposals, and physically adjoin each other.

Both applications relate to an area of land which is part of Hogsbrook Farm, adjacent to the Greendale Business Park. The land is currently used for B8 purposes, and is bounded by a fence, with a hedge adjacent to the fence on the western boundary of the sites. Access to the site is via a private road leading off a C Class road to the north of the site. The land in question is not within any

special designations. Despite the current use of the land, it lies outside the authorised boundary of Greendale Business Park (which includes part of the Hogsbrook Farm site), as defined in the East Devon Villages Plan.

Retrospective planning permissions are sought to change the use of the land to a B8 use.

In terms of the principle of the proposal, the application site lies within the open countryside, where development would not normally be permitted. Therefore, the proposals represent departures from the Local Plan and do not benefit from any local plan policy support.

There are however considered to be a number of other material considerations that weigh heavily in favour of the proposals and that justify the grant of planning permissions despite the lack of planning policy support.

These material considerations include the fact that one of the sites benefits from consent for its hardstanding and fencing; the economic benefits from retaining the businesses and jobs on the sites; the location of the sites between two areas already in employment use; amount of time that the sites have been in employment use; the sites being the most logical area for the extension of Greendale given that it is almost at capacity; and the limited visual impact from the proposals.

In light of these material considerations, given the lack of any technical objections to the applications, and subject to conditions to control the height of any storage on the site, noise, lighting and deliveries, it is considered that, on balance, both proposals are acceptable. Therefore, it is recommended that both applications are approved.

CONSULTATIONS

19/0034/COU:

Local Consultations

Parish/Town Council

NOT SUPPORTED. This land is designated agricultural land, outside of the permitted development area and should not have B8 use development.

Raleigh - Cllr G Jung

I have viewed the documents for 19/0034/COU for retrospective change of use to B8 class use (storage and distribution) at Compound East 6 Land at Hogsbrook Farm Greendale Business Park Woodbury Salterton I cannot support this planning application as it is outside the current approved employment area at and around Greendale Business Park which is in the EDDC Village Plan document. However, I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Further comments:

Thank you for sending me the draft copies for the 2 planning applications at Hogsbrook Farm

I have read the report for both 19/0034/COU and 19/0035/COU

As both applications do not comply to the our approved Local Plan and the Villages Plan Policies I am afraid I still consider that these applications should not be supported by the planning authority.

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

Technical Consultations

Environmental Health

I have considered this retrospective application and recommend the following conditions are attached to any permission granted:

No high frequency audible reversing alarms shall be permitted on any site vehicle or vehicle based at the site (white noise alarms are permitted).

(Reason - To protect the amenities of local residents from high frequency alarm noise which is audible over considerable distances in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

The site shall only be used for storage and no machinery shall be operated, no processes carried out and no deliveries accepted or dispatched except between the hours of 07:00 and 18:00 Monday to Friday and 07:00 and 13:30 on Saturdays. No operations shall be carried out on Sundays and Bank Holidays.

(Reason - To protect the amenities of local residents from noise in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

No lighting on site (other than emergency lighting) shall be operated between the hours of 1800hrs and 0700hrs Monday to Saturday morning and 1300hrs on Saturdays to 0700hrs on Monday mornings and no operation on bank holidays.

(Reason - In the interests of the character and appearance of the area and to minimise light pollution in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

County Highway Authority

The access road to this site is private.

The nearest HMPE roads are the C56 and the L623. Neither roads have road collisions recorded at the junction upon this private road since the change of use to B8. I do not believe the change of use will have an adverse effect on traffic capacity or highway parking in the vicinity and therefore have no objection to this application.

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

Economic Development Manager

We have reviewed the submitted documents and the positive employment (supporting 21 jobs) and local economic outcomes of permission in this instance are clear.

We note the lack of available secure storage compound provision in East Devon and the lack of Highways objection. There is a clear economic justification for confirming this open storage use, active since 2006 and in such proximity to the existing employment sites.

As a district, we continue to see housing development outstrip the supply of new jobs creating an increasingly unsustainable imbalance which the current scheme will play some part in addressing. We must concur with the advice of the Property Consultant that the requirement for such open storage greatly exceeds supply and this is adversely impacting the ability of local businesses to grow.

Other Representations

Five letters of objection have been received, in which the following concerns are raised:

- The site is outside the designated boundary of Greendale.
- The site can be seen from the public domain.
- The use of the site is unauthorised.
- The proposal does not comply with the local plan.

19/0035/COU:

CONSULTATIONS

Local Consultations

Parish/Town Council

NOT SUPPORTED. This land is designated agricultural land, outside of the permitted development area and should not have B8 use development.

Raleigh - Cllr G Jung

I have viewed the documents for 19/0035/COU for Retrospective change of use to B8 class use (storage and distribution) | Land Adj Compound East 6 (Land at Hogsbrook Farm) Greendale Business Park Woodbury Salterton I cannot support this planning application as it is outside the current approved employment area at and around Greendale Business Park which is in the EDDC Village Plan document. However, I reserve my final views on this application until I am in full possession of all the relevant arguments for and against.

Further comments:

Thank you for sending me the draft copies for the 2 planning applications at Hogsbrook Farm

I have read the report for both 19/0034/COU and 19/0035/COU

As both applications do not comply to the our approved Local Plan and the Villages Plan Policies I am afraid I still consider that these applications should not be supported by the planning authority.

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

Technical Consultations

Environmental Health

I have considered this retrospective application and recommend the following conditions are attached to any permission granted:

No high frequency audible reversing alarms shall be permitted on any site vehicle or vehicle based at the site (white noise alarms are permitted).

(Reason - To protect the amenities of local residents from high frequency alarm noise which is audible over considerable distances in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

The site shall only be used for storage and no machinery shall be operated, no processes carried out and no deliveries accepted or dispatched except between the hours of 07:00 and 18:00 Monday to Friday and 07:00 and 13:30 on Saturdays. No operations shall be carried out on Sundays and Bank Holidays.

(Reason - To protect the amenities of local residents from noise in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

No lighting on site (other than emergency lighting) shall be operated between the hours of 1800hrs and 0700hrs Monday to Saturday morning and 1300hrs on Saturdays to 0700hrs on Monday mornings and no operation on bank holidays.

(Reason - In the interests of the character and appearance of the area and to minimise light pollution in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)

Economic Development Manager

As with 19/0034/COU - We have reviewed the submitted documents and the positive employment and local economic outcomes of permission in this instance are clear. The PCL Design & Access Statement holds that B8 use of the site directly supports 17 jobs and will help deliver a further 156.

We note the lack of available secure storage compound provision in East Devon and the lack of Highways objection. There is a clear economic justification for confirming this open storage use, active since 2006 and in such proximity to the existing employment sites.

As a district, we continue to see housing development outstrip the supply of new jobs creating an increasingly unsustainable imbalance which the current scheme will play some part in addressing. We must concur with the advice of the Property Consultant

that the requirement for such open storage greatly exceeds supply and this is adversely impacting the ability of local businesses to grow.

Other Representations

Five letters of objection have been received, in which the following concerns are raised:

- The site is outside the designated boundary of Greendale.
- The site can be seen from the public domain.
- The use of the site is unauthorised.
- The proposal does not comply with the local plan.

PLANNING HISTORY

Reference	Description	Decision	Date
13/2183/FUL	Retrospective application for the retention of the use of land for the siting of 5no residential caravans to serve existing business.	Withdrawn	17.02.2014
18/2661/COU	Retrospective change of use to B8 class use (storage and distribution)	Withdrawn	08.01.2019
17/2441/CPE	Certificate of lawfulness for existing use of land for open storage	CPE Refused	17.01.2018
17/2350/VAR	Variation/removal of condition 1 of approval granted under reference 09/0099/FUL to remove reference to the use of fruit growing	Approved	25.09.2018
18/2660/COU	Retrospective application for the change of use of land at Compound East 6, Greendale Business Park to B8 Use	Withdrawn	08.01.2019

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
Strategy 1 (Spatial Strategy for Development in East Devon)

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN6 (Nationally and Locally Important Archaeological Sites)

EN14 (Control of Pollution)

EN16 (Contaminated Land)

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)

TC9 (Parking Provision in New Development)

East Devon Villages Plan 2018

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

NPPG (National Planning Practice Guidance)

Site Location and Description

The two applications relate to two adjoining areas of land which are part of Hogsbrook Farm, adjacent to the Greendale Business Park. The land is currently used for B8 purposes, and is hard surfaced, bounded by fencing, with a hedge adjacent to the fence on the western boundary of the sites. The sites slope slightly down from south to north.

Access to the site is via a private road leading off a C-Class road to the north of the site. The land in question is not fall within any special landscape or other designations. Despite the current use of the land, it lies outside the boundary of Greendale Business Park (which includes part of the Hogsbrook Farm site), as defined in the East Devon Villages Plan.

Proposed Development

Retrospective planning permission is sought to change the use of both sections of land to a B8 open storage use.

The sites have been used unlawfully for a number of years for a range of storage and distribution uses following work in the late 2000's when the sites were used as a compound under permitted development rights by a utility provider installing a gas pipeline across the district.

The western most site (Compound East 6) site also benefits from consent in 2009 for the retention of existing hardstanding and fencing and use for fruit growing. The application in 2017 (17/2350/VAR) in effect clarified that the hardsurfacing and fencing on the site are lawful even though the fruit growing enterprise never commenced.

ANALYSIS

In assessing these applications, it is considered that the main issues are the principle of development; the impact on the character and appearance of the area; on highway safety and residential amenity.

Principle of Development

Planning law requires 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 28 January 2016, and the policies adopted therein are the ones on which this application is determined.

Strategy 7 (Development in the Countryside) defines 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. It states that 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.

The application site is not located within in any built-up area boundary and is not specifically allocated for development on the Proposals Map. There are no other specific Local Plan policies which permit development such as that proposed, and there is no Neighbourhood Plan covering this part of the District.

There are no policies in the adopted Local Plan that support the proposal. Policy E5 (Small Scale Economic Development in Rural Areas) permits small scale economic development in rural areas where this would involve the conversion of existing buildings on previously developed land, or where well related in scale and form and in sustainability terms to the village and surrounding areas. This policy is not applicable to a large scale industrial area such as Greendale Business Park and, in any case, it is considered that Greendale, and the proposals in question, are not small scale.

Policy E7 (Extensions to Existing Employment Sites) permits the proportionate expansion of business or employment sites which are located outside of built up areas. However, it specifically states that the policy "will not apply at Hill Barton and

Greendale Business Parks". The site is considered to form part of the Greendale Business Park.

In light of the above, the sites lie within the open countryside, and are not supported by a specific local plan policy. As such the proposals are contrary to Strategy 7 of the local plan and represents a departure from local plan policy.

In addition to the above, the East Devon Villages Plan defines the extent of the authorised business park at Greendale. The application sites being clearly outside of the authorised business park area and there are no specific policies for Greendale Business Park within the Villages Plan.

Notwithstanding the lack of planning policy support for the proposal, there needs to be a consideration of whether there are any other material considerations that may support the development.

The material considerations are considered to be the following in this instance:

- The fact that the hardsurfacing and fencing on Compound East 6 is lawful. As such the proposal already has the visual appearance of having been developed and forming part of the adjoining business park;
- The economic benefits from allowing the proposal to proceed as detailed by the Economic Development Manager and involving a number of companies and some 38 employees;
- The location of the site between Greendale and Hogsbrook meaning that its countryside value is diminished;
- That the sites have been in use for almost 10 years and as such it could be difficult to justify to a Planning Inspector (or in court if enforcement action were taken) that the harm is great enough to refuse and that after all of this time the site should not be used and returned to agriculture;
- Greendale being at capacity (vacant space being only 0.25% of the total) with the site being the most logical, and least harmful way in which further development can be accommodated;
- Limited views of the sites from the public highway.

These material considerations are considered to be of sufficient weight and benefit to enable the applications to be supported despite the lack of local plan policy support for either proposal.

The impact of the proposal on the character and appearance of the area.

The proposals are retrospective and, therefore, the impact it would have on the area is already present.

The sites are adjoined to north and south by existing development, and screened by a hedge to the west. Therefore, the main view of the site is from the east. However, public vantages of the site from this direction are limited, long distance and are of the site in the context of the employment development to its north and south. Therefore, given the site context, it is considered that the visual impact from either site is limited.

This assessment is supported by the Landscape Visual Impact Assessment (LVIA) submitted with the application, which demonstrates that views of the site are limited from public vantage points.

Although, clearly, the proposal would result in an increase in the developed area, given how this is read in conjunction with the surrounding development, with public views of the site generally being limited to long distance views, it is considered that the visual impact of the proposal is minimal, particularly if the height of open storage on the site is restricted by condition.

Highways Impact.

The proposal would not result in any changes to the access to the Hogsbrook Farm part of the Greendale Industrial Estate. Given this, and as the County Highway Authority (CHA) has not objected to the proposal, it is considered that the application is acceptable from this perspective.

Residential Amenity.

The application site is not located close to any residential properties. Given that, and the nature of the proposal, it is considered that the application is acceptable from this perspective.

The Council's Environmental Health Department has considered the proposal, and has not raised any objections. Instead, it has recommended some conditions which should be imposed in the event that this application is approved. These conditions are considered to be reasonable and will control noise, lighting and delivery times.

CONCLUSION

Both application sites lies within the open countryside, where development would not normally be permitted. Therefore, the proposals represent departures from the Local Plan and do not benefit from any local plan policy support.

There are however considered to be a number of other material planning considerations that weigh heavily in favour of the proposal and that justify a grant of planning permission despite the lack of planning policy support.

These material considerations include the fact that one of the sites benefits from consent for its hardstanding and fencing; the economic benefits from retaining the businesses and jobs on the site; the location of the sites between two areas already in employment use; amount of time that the sites have been in employment use; the sites being the most logical area for the extension of Greendale given that it is almost at capacity; and the limited visual impact from the proposals.

In light of these material considerations, given the lack of any technical objections to the applications, and subject to conditions to control the height of any storage on the site, noise, lighting and deliveries, it is considered that, on balance, both proposals are acceptable. Therefore, it is recommended that both applications are approved.

RECOMMENDATION 1 - 19/0034/COU:

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
2. No high frequency audible reversing alarms shall be permitted on any site vehicle or vehicle based at the site (white noise alarms are permitted).
(Reason - To protect the amenities of local residents from high frequency alarm noise which is audible over considerable distances in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)
3. The site shall only be used for storage and no machinery shall be operated, no processes carried out and no deliveries accepted or dispatched except between the hours of 07:00 and 18:00 Monday to Friday and 07:00 and 13:30 on Saturdays. No operations shall be carried out on Sundays and Bank Holidays.
(Reason - To protect the amenities of local residents from noise in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)
4. No lighting on site (other than emergency lighting) shall be operated between the hours of 1800hrs and 0700hrs Monday to Saturday morning and 1300hrs on Saturdays to 0700hrs on Monday mornings and no operation on bank holidays.
(Reason - In the interests of the character and appearance of the area and to minimise light pollution in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)
5. No external storage on the site shall exceed a height of 4m from existing ground level.
(Reason: In the interest of the visual amenity of the area in accordance with Strategy 7 (Development in the Countryside) and Policy D1 (Design and Local Distinctiveness) of the East Devon local Plan.

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 works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

7877-LP1 REV B	Location Plan	08.01.19
7877-01 REV A	Proposed Site Plan	08.01.19

RECOMMENDATION 2 - (19/0035/COU):

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
2. No high frequency audible reversing alarms shall be permitted on any site vehicle or vehicle based at the site (white noise alarms are permitted).
(Reason - To protect the amenities of local residents from high frequency alarm noise which is audible over considerable distances in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)
3. The site shall only be used for storage and no machinery shall be operated, no processes carried out and no deliveries accepted or dispatched except between the hours of 07:00 and 18:00 Monday to Friday and 07:00 and 13:30 on Saturdays. No operations shall be carried out on Sundays and Bank Holidays.
(Reason - To protect the amenities of local residents from noise in accordance with Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)
4. No lighting on site (other than emergency lighting) shall be operated between the hours of 1800hrs and 0700hrs Monday to Saturday morning and 1300hrs on Saturdays to 0700hrs on Monday mornings and no operation on bank holidays.
(Reason - In the interests of the character and appearance of the area and to minimise light pollution in accordance with policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.)
5. No external storage on the site shall exceed a height of 4m from existing ground level.
(Reason: In the interest of the visual amenity of the area in accordance with Strategy 7 (Development in the Countryside) and Policy D1 (Design and Local Distinctiveness) of the East Devon local Plan.

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 works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

7877-LP2 REV B	Location Plan	08.01.19
7877-02 REV A	Proposed Site Plan	08.01.19

List of Background Papers

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