

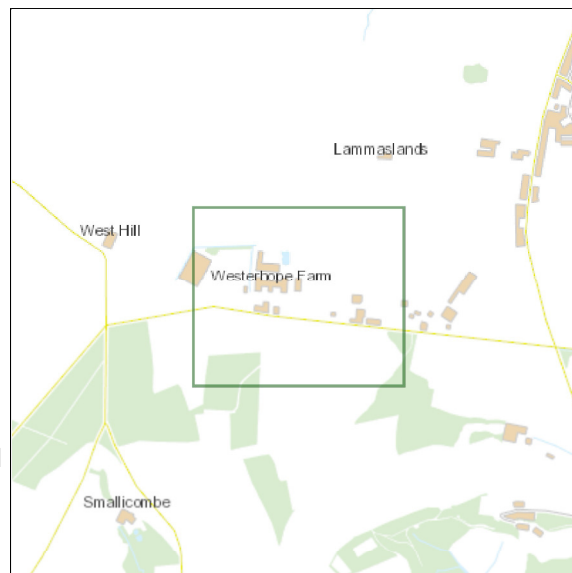
Ward Dunkeswell And Otterhead

Reference 19/0855/FUL

Applicant D3 Farming Ltd

Location Building Adjacent Turbury Dunkeswell

Proposal Change of use from agricultural to form 2no. commercial units (use classes B1 and B8), including new doors, windows and external cladding, car and lorry parking areas, improved access and landscaping.



RECOMMENDATION: Approval with conditions

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		Committee Date: 15th July 2020
Dunkeswell And Otterhead (Dunkeswell)	19/0855/FUL	Target Date: 26.06.2019
Applicant:	D3 Farming Ltd	
Location:	Building Adjacent Turbury Dunkeswell	
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EXECUTIVE SUMMARY

This application is before Members as the officer recommendation differs from the view of a Ward Member.

The application seeks consent to convert an agricultural building in the AONB into two commercial buildings in B1 and B8 use including some external alterations.

Whilst the aims and objectives outlined within the Dunkeswell Neighbourhood Plan steer industrial and commercial activity towards the airfield, Policy LE3 supports the conversion of agricultural buildings to employment uses. In addition to this policy, there is policy support in principle for the conversion of the building to commercial use under policies D8 and E4 of the Local Plan given that it is agreed that the building is no longer required for agricultural use.

In addition to the local policy support for the proposal in principle, there is support via the NPPF, and furthermore the site benefits from a 'fall-back' position that is material to consideration of the application. Under 'Class R' of Schedule 2, Part 3 of the General Permitted Development Order (GPDO) 500sqm of the building could be changed to a flexible commercial use including B1 and B8 uses. Whilst the proposal would need 'prior approval', under that process the proposal could only be resisted on the grounds of an insufficient access, noise impact or contamination or flooding risk. These impacts are considered acceptable and as such this permitted development route is open to the applicant and represents a fall-back position.

In light of the policy support and fall-back position, the principle of development is considered to be acceptable.

There is also a requirement to ensure that the proposal has an acceptable visual impact, particularly on the AONB.

The proposed conversion of the building would retain its overall scale, mass and form. The most notable physical alterations relate to the removal of the timber cladding, to be replaced by anthracite grey cladding above a concrete block plinth. Additionally the submitted elevations communicate the instillation of a large commercial door on the north elevation.

The building is surrounded by areas of compacted gravel with intermittent areas of shrubland. An area of permeable hardstanding to provide parking to the north and south of the building would be installed. This would extend to the northern boundary. The proposed parking area would have a degree of visual impact upon what is currently a scruffy arrangement of compacted gravel, shrubland and shipping containers. The proposed development would see the creation of a formal parking area and removal of the shipping containers. A submitted landscaping scheme details the provision of a Devon hedgebank to enclose the proposed access track and parking area. Additional tree planting would be provided in between the access track and Devon Bank with trees also being incorporated into the Devon bank that runs parallel to the east of the application building.

Objection comments concerned with the developments visual impact, and subsequent harm caused to the AONB, are duly acknowledged. However, in light of the stated 'fall-back' position, the proposed landscaping scheme is considered an opportunity to secure the provision and protection of native trees and hedging to assist in screening the application building, hardstanding and associated parking. Securing this level of landscaping would not be possible through the assessment of a prior notification under Class R of the GPDO.

Additionally the potential impact of B1 and B8 uses upon the tranquillity of the AONB and the amenity enjoyed by nearby residents also needs to be considered. The proposed development would likely see an increase in the footfall of traffic to the site. However this is not considered to be at odds with the level and type of traffic that is currently attracted to the commercial units at Westerhope or nearby poultry farms. Furthermore, noise impacts caused by the movement of traffic, particularly HGVs, can be partially addressed by requesting further details of the hard surfacing intended for the access track and parking area. Hours of operation of the units and times of deliveries shall be restricted to ensure that noise from the movement of traffic to and from the site is further minimised.

It is acknowledged the introduction of a B1 and B8 use at the application site would have a degree of impact upon the AONB through an increase in traffic, subsequent noise pollution and light intrusion. However, it is proposed that these impacts can largely be addressed through appropriately worded conditions to mitigate against these impacts. Assessment of the current planning application provides an opportunity to apply conditions to mitigate against these potential adverse impacts of the development that would otherwise not be possible during the assessment of a prior notification. Particularly in light of comments made by

Environmental Health, it is deemed that controlling the use of the use of the building and the potential subsequent impacts to the amenity enjoyed by adjoining residential properties, would be less than an unrestricted use that could be obtained by the applicant utilising permitted development rights.

Overall the application, subject to compliance with conditions listed at the end of the report, is considered to propose development that would conserve the landscape character of the area whilst retaining the amenity of nearby residents. Additionally the application is deemed to be in accordance with policy within the East Devon Local Plan, Dunkeswell Neighbourhood Plan and guidance within the National Planning Policy Framework. As such, despite objections from statutory consultees the application is recommended for approval.

CONSULTATIONS

Local Consultations

Parish/Town Council

14.05.2019

The Parish Council Object to this application. They believe that the it should remain as agricultural land and should not become a commercial area. They do not wish to set a precedent for future planning applications that could then lead to the creation of an additional industrial area, when there is plenty of Industrial offices, storage & Light Industrial space available on the Industrial Estate on the Airfield. They believe that this is contrary to the Neighbourhood Plan Policy LE3, Page 51. There were also concerns regarding Increase in traffic Contrary to NHP Policy TA3, Page 43 & TA4 Page 44.

Further comments:

21.10.2019

The Parish Council Object stands by it's comments made 13th May 2019 and in addition to this believe that the original application only granted permission for agricultural building and would wish for this to remain agricultural and not industrial.

Dunkeswell And Otterhead - Cllr David Key

This building was granted originally as an agricultural (sheep shed) and therefore should remain as agricultural as it is situated on agricultural land and so I object to the application and should be refused. There is no need to extend the area to business premises as it is contrary to the Neighbourhood plan with ample space on the existing industrial estate for offices and storage available on the airfield.

Technical Consultations

Environmental Health

19/07/2019

I am concerned about the proposal for a use such as this in the open countryside and immediately adjacent to a dwelling. There are scant details about what is proposed and it would appear that a planning approval is sought which would essentially include no control on future use of the building. The applicant does mention quite a number of car parking spaces and therefore may already have an occupation in mind although this is not detailed in the application. It is not therefore possible to anticipate environmental impacts on the adjacent residents and the wider environment and I do not consider that the application can be determined until such detail is provided. I have some specific concerns:

I am familiar with the adjacent B1 and B8 site and the history of severe impact on the residents living adjacent to it during various uses of those buildings. The proposed access roadway is immediately adjacent to the residence and cannot fail to impact upon it, particularly if the use were to extend beyond normal daytime working hours. There is no information included as to how these impacts would be minimised and mitigated. EDDC has planning policies which presume against allowing industrial development adjacent to residential properties, and in this countryside area there is certainly no need for these policies not to be implemented.

Our concerns regarding lack of information include the following:

1. No details of the proposed occupation are included in the application. B1, B2 and B8 uses can impact by way of noise, odour, dust, lighting and fumes and we would need to be in a position whereby we could anticipate potential impacts on local residents and the wider environment. Because of the very wide range of uses that could be accommodated if a non-specific B1, B2 and B8 consent is given, we consider that it is unreasonable to try to condition everything that might occur. The applicant should be requested to provide the detail of what is proposed to be accommodated within and outside the building and what it is to be used for. In this way they can provide reports alongside the application which will demonstrate that they have anticipated impacts and designed the proposal in such a way that they are effectively mitigated (if they can be).
2. The nearest residence is barely 20m from the access roadway and 50m from the boundary of the development. The residents will be affected by large vehicles using the access road. Two other residences are a short distance away and all could be impacted upon by noise and emissions. It is unlikely that the noise and pollution, particularly from certain B2 uses, could be fully mitigated even with a reasonable standard of management. No details have been provided regarding whether the work or processing would take place inside or outside of the building. In any case internal noise would be prone to escape through external openings.
3. Activities based in buildings on the adjacent site have established on the footprint of a former farm yard and have impacted on the residences by way of delivery vehicle noise, reversing alarms, noisy machines and out of hours working. Some of the other occupied units impact from time to time although all are consented only for daytime B1 uses. The addition of another large commercial unit will further contribute to the changing of the character of this rural area, impacting in a negative way.

4. I am most concerned about the proposal for B2 and B8 use. The most important element of this is that once a B2 use is approved then any B2 use can start up without further consent, and this use class covers a significant range of potentially polluting uses. The current adopted plan includes a policy which states that employment uses will not be permitted where they would significantly harm the quality of a locality by way of through traffic, amenity, environmental and other associated problems. It is our experience that all of these factors apply to this site. This area is predominantly rural and uses should not impact on either the very close by residences or the tranquility of the countryside. We have serious concerns that a use such as that proposed would impact in an entirely unacceptable way and that the amenity of the residential occupiers would be seriously compromised.

I recommend that this application cannot be determined until the above concerns have been addressed, and in the absence of further information which address the policy and environmental issues it should be refused.

Further comments:

28.10.2019

I have considered the further information and still consider that this is not an appropriate location to extend commercial activity, given that this was a green field site only a few years ago and this building was intended as an agricultural sheep shed within the field. However if the policy concerns are overcome I have the following comments to make which should reduce the impact of this use on the adjacent residence and the local rural environment:

1. I am pleased to see that unspecified B2 has been removed from the application as the various environmental controls required would usually need to be related to more specific uses.

2. In view of the very close proximity of a residence, and the designation of this area as semi-tranquil, we would not like to see any worsening of the noise climate in this area, particularly out of hours and at night. If the application is approved in its current form I therefore recommend that the following condition is applied:

No deliveries shall be accepted or despatched to or from the site except between the hours of 8am to 6pm Monday to Friday, and not at all on Saturdays, Sundays or Bank Holidays.

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

and

The premises shall not be open for business except between the hours of 07.30 to 18.30 Monday to Friday only, and not at all on Saturdays, and not at all on Sundays or Bank Holidays.

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

3. This area is fully rural with an important dark sky environment. I therefore recommend that the following condition designed to control light pollution is included on any approval:

A lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the hours of 7.30am to 6.30pm on Mondays to Fridays only, although low height low level security lighting may be acceptable.

Reason: To comply with Policy EN15 for the avoidance of light pollution.

4. As the specific occupiers of the building cannot be identified at this stage, I would like to see a condition included which ensures that any machinery, ventilation or air conditioning equipment with the potential to cause off site noise, which might be installed in the future would require an additional planning approval.

5. I cannot see any details of the road or car park surface proposed. Again as this access road is immediately adjacent to a residence it is important that the final surface is smooth and well drained in order that the likelihood of noise, particularly from large empty vehicles, is reduced to a minimum.

Landscape Architect Chris Hariades

18.02.20

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, SUMMARY PROPOSALS, SITE DESCRIPTION AND CONTEXT

2.1 Location and brief description of proposals

The site is situated to the north of Long Lane at Dunkeswell Turbury. The application is for conversion of the existing barn in to two business use premises and creation of car park with associated planting.

2.2 Site description and context

The site is set some 200m off Long Lane and is served by an unmettled access track running adjacent to the western boundary. The site is situated on an extensive plateau at an altitude of 265m AOD, 1km south of the WW2 Dunkeswell airfield and is part of a cluster of agricultural and business use sheds and some dwellings situated to the north side of Long Lane.

A large agricultural barn stands on the site. In addition there are several porta-cabins and steel containers together with a number of soil heaps. The land is generally flat with a slight fall towards the south.

The roadside boundary comprises a low bank lined with beech trees which continues with some breaks as a notable roadside feature of Long Lane. The western boundary is native mixed hedgerow. The north and eastern boundaries are defined by post and wire fence with open fields beyond. A large communications mast is situated 500m to the north. A small business park abuts the western boundary.

Land to the south is a mix of commercial woodland and open common land. There is no public access within the site but it is visible from Long Road and access land to the south.

The site is also likely to be visible from a number of dwellings the nearest being Turbury Croft 150m to the east which has clear views towards it.

2.3 Opportunities and constraints

The site currently has an air of dereliction and there is opportunity to put the boundary beech trees in to proper management, remove container units and soil heaps and provide additional hedgerow and tree planting which would enhance landscape character, provide biodiversity benefit and help to reduce visual impact of the existing building and the adjacent industrial estate to the west when viewed from the road.

The site is situated in the Blackdown Hills AONB which has the highest status of protection in relation to conservation and enhancement of landscape and scenic beauty and the submitted scheme should reflect this.

3 REVIEW OF SUBMITTED INFORMATION

Very limited information is provided with the application but the following points are noted which should be addressed prior to determination of the application:

- There is no indication of what will happen to the existing porta-cabins and containers, which should be removed from site. Confirmation should also be provided of how the soil heaps will be dealt with.
- The proposed orchard does not reflect local landscape character and may struggle to survive in this elevated and windswept location and further consideration is required of appropriate tree planting within a narrower strip to the east of the site access track. New hedgerows should comprise Devon hedgebanks with appropriate native planting constructed in accordance with recommendations of Devon Hedge Group (Appendix A).
- Proposed mitigation planting is shown outside of the redline application boundary. The red line should be adjusted accordingly.
- The existing beech trees to the road frontage should be shown on the site plan and it should be established that they will not be adversely impacted by any visibility splay requirements.
- An accurate topographic survey including boundary features should be provided together with details of proposed levels.
- Proposed 2.4m high perimeter chain-link fencing seems excessive and should be reduced to 2 metres.
- The western edge of the proposed car park/ access track appears to encroach into the existing boundary hedgerow. Proposed hardstanding should not encroach beyond the western edge of existing hardstanding.

- Car park surfacing is shown to be permeable but it is likely that additional drainage provision will be required to cope with heavy/ continual rain events and further details should be provided in accordance with Devon CC SuDS Guidance principles.
- Details should be provided of any required utilities connections not already available on site.

In addition to the above points the following matters should be addressed by condition should the application be approved:

- External lighting should be limited and details provided for approval together with measures to contain light spill from within the building.
- A 25 year management plan should be provided to cover proposed planting and the existing hedgerow and roadside beech trees.
- Details of suitable fair-faced block work for the building plinth should be submitted.

CONCLUSION & RECOMMENDATIONS

For the reasons noted above the submitted scheme is considered unsatisfactory in terms of landscape design and visual impact and as such should be considered contrary to EDDC Local plan policies D1, D2 and D3. However, subject to submission of satisfactory details addressing the issues raised the scheme could be considered acceptable.

Blackdown Hills AONB Project Partnership

Thank you for advising of amendments to this application. It appears that the AONB Partnership had not previously commented, but having reviewed the material online I would confirm that the comments and concerns of the parish council, ward councillor and the environmental health officer are supported.

The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape, which is afforded the highest level of protection by national policy. In support of this, the Blackdown Hills AONB Management Plan 2019-24 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of particular relevance to development proposals:

Planning and development PD2

All necessary development affecting the AONB will conserve and enhance natural beauty and special qualities by:

- Respecting landscape character, settlement patterns and local character of the built environment,
- Being sensitively sited and of appropriate scale,
- Reinforcing local distinctiveness, and
- Seeking to protect and enhance natural features and biodiversity

The rural character and appearance of this part of the AONB is already compromised by existing development and as such further encroachment of urbanised development (industrial use and associated car parking, etc) into undeveloped areas should be resisted in order to safeguard that character, conserving and enhancing the AONB.

Contaminated Land Officer

No contaminated land officer concerns.

County Highway Authority

Observations:

The site is situated on the C97, Long Lane.

The proposed access can achieve a visibility splay of 120m in either direction with hard standing to the County Highway Authority (CHA) standard.

The proposed layout includes 2 lorry spaces and 13 car spaces, I would recommend that disabled parking spaces are marked out, in addition to cycle storage as the planning application will provide employment should it be approved.

Overall however the CHA has no objections to this planning application.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

Other Representations

None

Planning History

04/2777/FUL: Farm Building, approved

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D8 (Re-use of Rural Buildings Outside of Settlements)

E4 (Rural Diversification)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

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

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description.

The application site relates to land off Long Lane that currently consists of a large agricultural building of approximately 855sqm and approximately 16 acres of agricultural land.

The site is located outside of any built up area boundary but within the Blackdown Hills Area of Outstanding Natural Beauty. The surrounding landscape is a high open flat plateau characterised by large rectangular pastoral fields. The immediate area is characterised by agricultural and commercial units all located immediately to the north of Long Lane.

Proposed Development

The application seeks planning permission to convert the existing agricultural building to two commercial unit to be used as B1 (Business) or B8 (Storage and Distribution) use. The access would be slightly widened with car and lorry parking spaces being proposed immediately around the existing building. The proposal also includes physical alterations to the barn, including new doors, windows, external cladding and landscaping.

ANALYSIS

The key issues for consideration are the principle of development, visual impact, impact on the amenity of nearby residents, and highway safety.

Principle of Development

Strategy 7 (Development in the Countryside) of the East Devon Local Plan states that development in the countryside will only be permitted where it is in accordance with a specific Local Plan or Neighbourhood Plan policy that explicitly permits such development and where it would not harm the distinctive landscape qualities within which it is situated.

The planning application proposes the conversion of an existing agricultural building, in open countryside where restrictive policies apply. Therefore the most relevant policies, in terms of assessing whether the principle of development is acceptable, relates to Policies D8 (Re-use of Rural Buildings Outside of Settlements), E4 (Rural Diversification) of the Local Plan and Policy LE3 (Conversion of Agricultural Buildings) of the Dunkeswell Neighbourhood Plan.

All of these policies require development to be sympathetic to the rural setting of the site and retain neighbouring amenity and due to the comments from statutory consultees, and the technical issues raised by the Environmental Health Team, these issues are assessed below.

In terms of the principle of development and compliance of the proposal with the relevant policies, the assessment is as follows.

- *Policy D8 (Re-use of Rural Buildings Outside of Settlements)*

The policy states that the re-use of buildings in the countryside outside of Built-Up Area Boundaries will be permitted where applications satisfy a number of criteria. These requirements/criteria are as follows;

- The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.
- The building is structurally sound a capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting.
- The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials
- The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures.
- The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

The justification to the policy at paragraph 21.15 of the Local Plan states that the policy has been developed to help manage and guide the re-use of rural buildings and that proposals will be encouraged where they benefit the local economy, local community or for part of an agricultural diversification scheme.

Whilst compliance with the criteria above in relation to its visual impact and traffic are assessed below, the proposal complies with the policy and criteria in relation to not undermining an existing agricultural enterprise, being structurally sound, or requiring a replacement building (this has been confirmed by the applicant). The farming business is stated to have recently restructured resulting in giving up 100 acres of land at Dunkeswell. As such, with no evidence to the contrary, the proposal is not considered to undermine the viability of an existing agricultural enterprise.

- *Policy E4 (Rural Diversification)*

This policy supports the diversification of agriculture subject to the following criteria:

1. The proposal is complementary to, or compatible with, the agricultural operations in the rural area or on a farm and is operated as part of an overall holding.
2. The character, scale and location of a proposal are compatible with its landscape setting and any area of nature conservation importance.
3. The proposal would not use the best and most versatile agricultural land.

4. The likely amount of traffic generated by the proposal could be accommodated on the local highway network without harming road safety and without adverse visual impact upon the surrounding countryside.
5. Any new building (and associated parking and other structures/storage) does not detract from the historic environment is modest in scale and is sited in or adjacent to an existing group of buildings and is of a compatible design and will blend into the landscape in terms of design, siting and materials.
6. The proposal would not cause noise, air or water pollution or flooding nor harm the amenity of local residents.
7. All new agricultural and agricultural related buildings within 1 kilometre of sighting of barn owls or signs of their activity with a ridge height of 3 metres or more shall make suitable provision for the nesting of barn owls, whether or not they have been observed at the site.

Whilst matters of visual impact and traffic are addressed below, the proposal complies with the other policy criteria in terms of being compatible with the remainder of the holding and adjoining businesses uses; would not result in the loss of any further valuable agricultural land; and there being no ecological or heritage value to the building.

In addition, the justification to the policy states that the Council acknowledges the changing role of agriculture and the need for new employment in rural areas. Whilst the policy seeks to encourage diversification in the form of the keeping of non-traditional livestock, production of other crops, recreation and tourism, the policy does not prevent diversification into other employment uses.

- *Policy LE3 (Conversion of Agricultural Buildings)*

The Dunkeswell Neighbourhood Plan also contains a policy that addresses such development. Policy LE3 (Conversion of Agricultural Buildings) is broadly similar to Policy D8 of the East Devon Local Plan. Objectives of the policy seek to ensure development would have a minimal impact upon the surrounding rural landscape, not negatively impact the local road network and not have an unacceptable impact upon neighbouring amenity.

The policy states that when considering the conversion of agricultural buildings for business use, therefore implying that it is supportive of such proposals, it should mainly be through conversions and respecting local character.

- *National Planning Policy Framework*

Additionally, the National Planning Policy Framework includes guidance on how planning policies and decisions should support a prosperous rural economy. Paragraph 83 sub para a) states that decisions should enable sustainable types of business in rural areas both through conversion of existing buildings and well-designed new buildings.

In addition to the above policy position that is supportive in principle of the conversion of agricultural buildings to employment generating uses, also material to consideration of the application is a fall-back position.

- *Fall-back position*

It is material to consideration of the application that there is available to the applicant a Permitted Development Right that provides a fall-back position. The applicant has stated within the application that they are aware of availability of such rights.

'Class R' of Schedule 2, Part 3 of the General Permitted Development Order (GPDO) allows for the conversion of '*agricultural buildings to a flexible commercial use*'. This particular part of the GPDO sets out a list of criteria that a development must accord with to be considered '*permitted development*'. As such the owner could convert up to 500m² of the building's floor space under Class R of the GPDO through the submission of a prior notification to the Local Planning Authority.

Past case law (*Mansell v Tonbridge and Malling BC, 2017*) saw the Court of Appeal uphold a judgement of the High Court that such Permitted Development Rights can properly be taken into account as a 'fall-back' position where some alternative form of development is then proposed. Therefore the potential of a 'fall-back' is acknowledged and considered to carry significant weight in the planning balance.

The criteria (which relate solely to having an acceptable access, no noise impacts, no contamination risk and no flooding risk) within Class R has been assessed against information within the application. It is considered that if a prior approval were to be submitted that a change of use of part of the building (up to 500sqm) to a B1 and or B8 use, it would be considered as permitted development. Unusually for these such Permitted Development Rights, it does apply with an AONB.

Taking into account this fall-back position and the Local Plan and Neighbourhood Plan policy support policy for the principle of development, it is considered that the change of use of the building from agriculture to B1/B8 use is acceptable in principle.

Impact Upon the Blackdown Hills Area of Outstanding Natural Beauty

The site is located within the Blackdown Hills Area of Outstanding Natural Beauty. Therefore certain restrictive policies apply. The Local Plan and NPPF both contain guidance and policy giving conservation of the AONB significant weight in planning decisions. Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the East Devon Local Plan states that development shall only be permitted where it:

- 1) Conserves and enhances the landscape character of the area.
- 2) Does not undermine landscape quality.
- 3) Is appropriate to the economic, social and wellbeing of the area.

The application proposes to convert the existing building whilst making some minor external alterations to the building. As such the structure retains its agricultural scale, mass and form. Therefore the overall visual harm of converting the building itself is considered minimal.

The most significant visual impact would be caused by the provision of the parking area. The building is currently surrounded by areas of compacted gravel with

intermittent areas of shrubland. An area of permeable hardstanding to provide parking to the north and south of the building would be installed. This would extend to the northern boundary.

The proposed parking area would have a degree of visual impact upon what is currently an untidy arrangement of compacted gravel, soil heaps, shrubland and shipping containers. A submitted landscaping scheme in response to concerns raised by statutory consultees, including the local authority's Landscape Officer, details the provision of a Devon hedgebank to enclose the proposed access track and parking area. Additional tree planting would be provided between the access track and Devon Bank with trees also being incorporated into the Devon bank that runs parallel to the east of the application building. Tree planting would consist of a mix of oak and field maple. Views into the site would be largely restricted from areas immediately to the south of the site off Long Lane. The proposed Devon bank, hedging and retention of the existing beach trees that border the south of the site has the potential to mitigate any potential visual impact caused by parked vehicles from viewpoints to the south of the site. Although the site is relatively open to the northeast there are limited vantage points to view the site, these being limited to filtered views along a private track that serves Lammas Lands.

The most significant physical alterations to the building would be the instillation of rooflights on either roof pitch. The timber cladding on the exterior walls would be replaced with Athracite gray cladding, the existing steel roof would remain.

However, as specified within the Blackdown Hill's Management Plan, 'natural beauty' is not just the look of the landscape. There is also a duty to ensure the tranquillity of the AONB and its sensory experiences, cultural associations and the relationship between people and space.

The immediate area that surrounds the application site is characterised by varying uses. Immediately adjoining the site to the west at Westerhope are a number of agricultural buildings that have been converted to commercial units. Residential units also border Long Lane to the west, many of which are located in close proximity to the access of the Westerhope industrial units. To the east is Southayes Farm, an active poultry farm with a number of large agricultural buildings.

Introducing a B1 and B8 use to the building would likely see an increase in the footfall of traffic to the site. However this is not considered to be at odds with the level and type of traffic that is currently attracted to the commercial units at Westerhope or nearby poultry farms. Furthermore, noise impacts caused by the movement of traffic, particularly HGVs, can be partially addressed by requesting further details of the hard surfacing intended for the access track and parking area. Additionally hours of operation of the units and times of deliveries shall be restricted to ensure that noise from the movement of traffic to and from the site is further minimised. Obviously the lawful agricultural use would in itself create traffic movements and noise.

Due to the provision of multiple rooflights along the roof pitch, and anticipated need for external lighting, there are concerns over potential light spill. As such it has been considered an appropriate measure to condition the submission of a lighting scheme

prior to commencement of the development to ensure the amount of light spill can be assessed and controlled.

Concerns raised by statutory consultees regarding the developments potential impact upon the AONB are acknowledged. Whilst the site would undergo a degree of visual change, removal of the shipping containers, soil heaps and implementation of the landscaping scheme would not harm the landscape character of the area. The introduction of native hedging and tree planting are both elements that improve landscape quality whilst mitigating any visual impact that the replacement cladding or parking may have.

The fall-back position available to the applicant is also material to the visual impact. Under the fall-back position, there is no opportunity to improve the appearance of the site through landscaping and tidying of the site. Approving development via a planning application provides this additional benefit.

Subject to conditions to ensure suitable materials, a suitable lighting scheme, and controlled noise levels, the application is considered to propose development that would conserve the relative tranquillity, scenic and landscape qualities of the Blackdown Hills Area of Outstanding Natural Beauty. The suggested conditions further reduce the proposed developments impact upon the immediate area to a level deemed acceptable when assessed against Strategy 46 (Landscape Conservation and Enhancement and AONBs) of the Local Plan, Policy LE3 (Conversion of Agricultural Buildings) and guidance within the National Planning Policy Framework.

Impact Upon the Amenity of Adjoining Neighbours

The Local Authority's Environmental Health Team have reviewed the proposals and provided comments. Concerns relate to hours of operation and the potential of deliveries outside of normal working hours and the subsequent impact this could have on nearby residents. To protect the amenity of nearby residents and to conserve the semi-tranquil character of the immediate area, it is requested that the hours of operation of the building for B1 and B8 use should be restricted to the following;

No deliveries shall be accepted or despatched to or from the site except between the hours of 8am to 6pm Monday to Friday, and not at all on Saturdays, Sundays or Bank Holidays.

And;

The premises shall not be open for business except between the hours of 07.30 to 18.30 Monday to Friday only, and not at all on Saturdays, and not at all on Sundays or Bank Holidays.

Also;

Details regarding the hardstanding has also been requested prior commencement of the development to ensure that the movement of HGVs entering and exiting the site do not negatively impact upon adjoining neighbours through noise.

The above conditions are considered to ensure that any additional noise and disturbance caused by the B1 and B8 use can be mitigated to an acceptable level impact upon the amenity enjoyed by Little Turbury, Beech Croft and, most importantly, Windhover. No comments have been made by occupants of the aforementioned properties on the planning application.

The Environmental Health officer has also highlighted the importance of assessing the impact through noise of any plant machinery, ventilation or air conditioning on adjoining residents. In this instance this type of development would be likely to require further planning permission in its own right as external alterations to the building, but noise from any internal equipment can be control through a condition requiring details before any internal equipment is installed.

Other Matters

The Devon County Council Highways have been consulted and provided feedback on the application. Visibility when existing the site is considered acceptable. However it has been suggested that a pre-commencement condition be attached to secure details of secure cycle/scooter and storage facilities to promote sustainable travel. Subject to the submission of this application the application is considered to comply with Policy TC2 (Accessibility of New Development) of the Local Plan.

CONCLUSION

The application seeks consent to convert an agricultural building in the AONB into two commercial buildings in B1 and B8 use including some external alterations.

Whilst the aims and objectives outlined within the Dunkeswell Neighbourhood Plan steer industrial and commercial activity towards the airfield, Policy LE3 supports the conversion of agricultural buildings to employment uses. In addition to this policy, there is policy support in principle for the conversion of the building to agricultural use under policies D8 and E4 of the Local Plan given that it is agreed that the building is no longer required for agricultural use.

In addition, there is support via the NPPF and furthermore the site benefits from a 'fall-back' position that is material to consideration of the application whereby 500sqm the building could be converted to B1 and B8 use under the prior approval process.

In light of the policy support and fall-back position, the principle of development is considered to be acceptable.

The proposed conversion of the building would retain its overall scale, mass and form. The most notable physical alterations relate to the removal of the timber cladding, to be replaced by anthracite grey cladding above a concrete block plinth. Additionally the submitted elevations communicate the instillation of a large commercial door on the north elevation. As such the building would have an acceptable visual impact on the AONB.

The areas surrounding the building will be tidied up and landscaped to ensure an improved visual impact and in light of this, and given that such benefits could not be secured through the fall-back position, the proposed landscaping scheme is considered an opportunity to secure the provision and protection of native trees and hedging to assist in screening the application building, hardstanding and associated parking to the benefit of the AONB and visual amenity of the area.

Additionally the potential impact of B1 and B8 uses upon the tranquillity of the AONB and the amenity enjoyed by nearby residents can be controlled through the imposition of suitable conditions.

The access is suitable to serve the development.

Overall the application, subject to compliance with conditions listed is considered to propose development that would conserve the landscape character of the area whilst retaining the amenity of nearby residents. Additionally the application is deemed to be in accordance with policy within the East Devon Local Plan, Dunkeswell Neighbourhood Plan and guidance within the National Planning Policy Framework. As such, despite objections from statutory consultees the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. 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.)
3. The premises shall not be open for business except between the hours of 07.30 to 18.30 Monday to Friday only, and not at all on Saturdays, and not at all on Sundays or Bank Holidays.
(Reason: To protect the amenities of local residents from noise in accordance with Policies D1 and EN14 of the adopted East Devon Local Plan.)
4. Prior to the instillation of any external lighting a lighting scheme shall be provided for the site which complies with the requirements of the Institute of Light Engineers guidance on the avoidance of light pollution. The lamps used shall not be capable of reflecting light laterally, upwards or off the ground surface in such a way that light pollution is caused. No area lighting shall be operated outside the hours of 7.30am to 6.30pm on Mondays to Fridays only, although low height low level security lighting may be acceptable.

Reason: For the avoidance of light pollution and to comply with Policy EN14 (Control of Pollution) and Strategy 46 (Landscape Conservation and Enhancement and AONBs).

5. The landscaping scheme, as detailed on approved plan 2712-PL-02H, shall be carried out in the first planting season after commencement of the development unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the landscaping shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.
(Reason - To ensure that the details are planned and considered at an early stage in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D2 - Landscape Requirements of the Adopted East Devon Local Plan 2013-2031.)
6. No deliveries shall be accepted or despatched to or from the site except between the hours of 8am to 6pm Monday to Friday, and not at all on Saturdays, Sundays or Bank Holidays.
(Reason: To protect the amenities of local residents from noise in accordance with Policies D1 and EN14 of the adopted East Devon Local Plan.)
7. The building hereby approved shall only be used for B1 and/or B8 uses as defined within the Town and Country Planning (Use Classes) Order 1987.
(Reason: To retain the amenity enjoyed by nearby residents and be in accordance with Policy D1 (Design and Local Distinctiveness).
8. Prior to commencement of the hereby approved development, details of hardstanding to be used as part of the access track and parking area shall be submitted to and approved in writing by the Local Planning Authority.
(Reason: To protect the amenities of local residents from noise in accordance with Policies D1 and EN14 of the adopted East Devon Local Plan.)
9. Prior to first occupation of the development hereby approved, details of secure bike storage facilities shall be submitted to, and approved in writing, by the Local Planning Authority. The development shall be implemented with the approved details.
(Reason: To promote sustainable travel in accordance with Strategy 5b (Sustainable Transport) of the East Devon Local Plan.)
10. Prior to the installation of any internal or external plant machinery, ventilation or air conditioning, details shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter any such plant or machinery shall be operated in accordance with the approved details.
(Reason: To protect the amenities of local residents from noise in accordance with Policies D1 and EN14 of the adopted East Devon Local Plan.)

NOTE FOR APPLICANT

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

Location plan	2712-PL-03 REVA	01.05.2019
Proposed Site Plan	2712-PL-02H	11.03.2020
Proposed Elevation	2712-PL-04 REV A	01.05.2019
Proposed Floor Plans	2712-PL-01 REV A	01.05.2019

List of Background Papers

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