

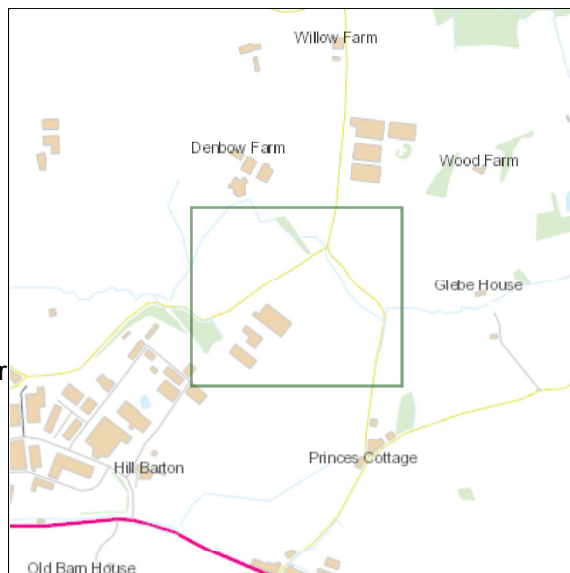
Ward Broadclyst

Reference 19/2724/FUL

Applicant Mr Neil Thomas (RMD Kwikform Ltd)

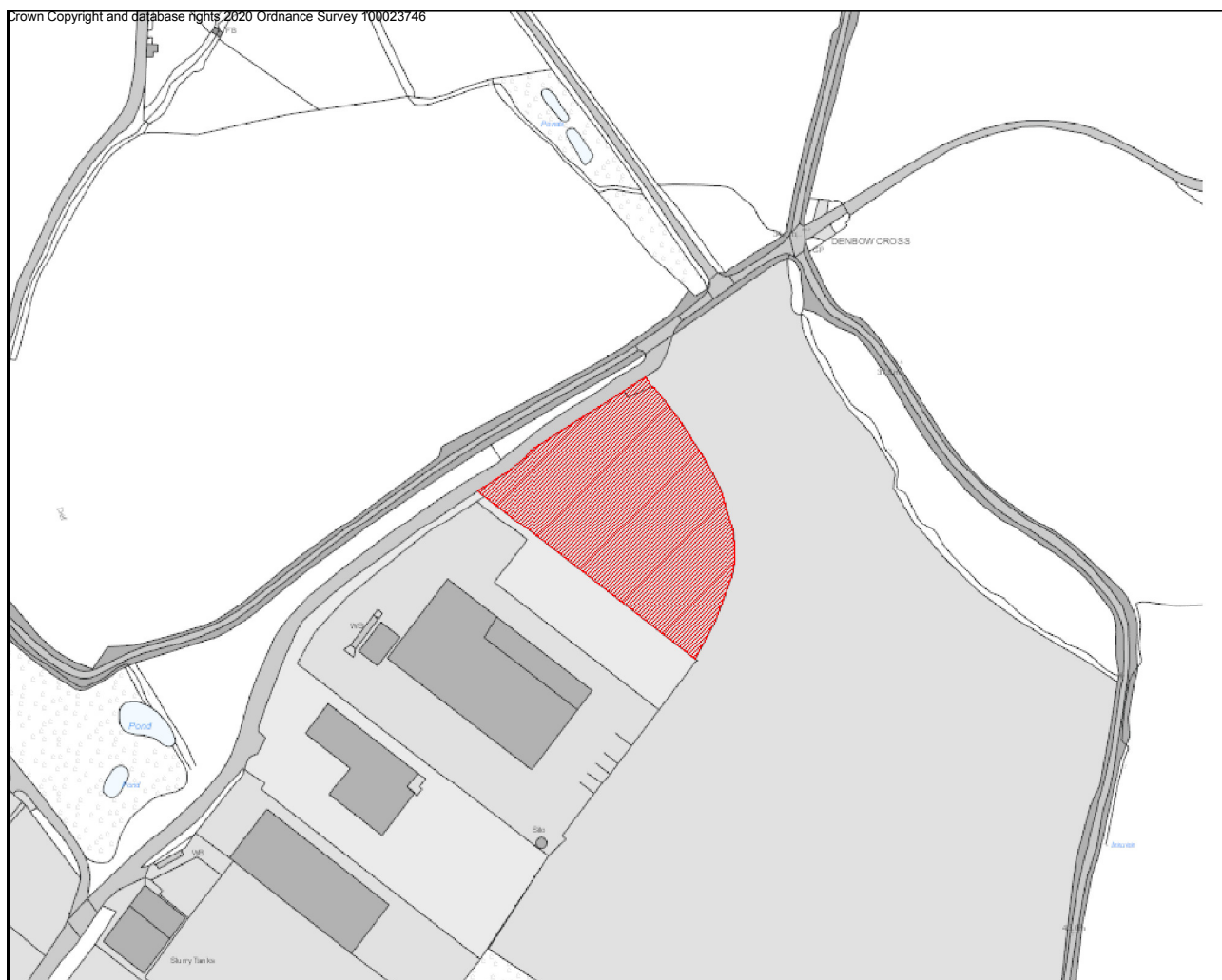
Location Land East Of Hill Barton Business Park
Farringdon

Proposal Change of use from landfill to a storage yard for the hire and sale of construction material (B8 : storage and distribution), incorporating the construction of a warehouse and single storey office building (retrospective application)



RECOMMENDATION: Approval with conditions

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		Committee Date: 29th July 2020
Broadclyst (Farringdon)	19/2724/FUL	Target Date: 07.04.2020
Applicant:	Mr Neil Thomas (RMD Kwikform Ltd)	
Location:	Land East Of Hill Barton Business Park Farringdon	
Proposal:	Change of use from landfill to a storage yard for the hire and sale of construction material (B8 : storage and distribution), incorporating the construction of a warehouse and single storey office building (retrospective application)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

This application is before members as it represents a departure from the development plan.

Retrospective planning permission is sought for a storage yard incorporating warehouse and sales office.

The site lies adjacent to Hill Barton Business Park near Farringdon on an area of land that is allocated in the Devon Waste Plan under Policy W6 for energy recovery from Waste.

Although the proposal does not gain support under policies E5 or E7 of the East Devon Local Plan given its location outside of the developed area for Hill Barton Business Park, Devon County Council as the Waste Authority have confirmed that they have no objection to the use of the site within the allocation for the proposed storage and distribution facility as there is flexibility in where any further energy recovery buildings could be located within the allocation. In addition, as the site forms a natural end to the industrial estate surrounded by a large landscaped earth bund with the site flattened and scalplings laid, and with planning permission previously granted for non-waste uses, it is considered that the use of the site would not result in any wider harm that could be used to resist the principle of development. Furthermore, the Council's Landscape Architect raises no objections to the proposal subject to conditions, with the building having a benign impact on the surroundings especially given the backdrop of the much larger buildings on the industrial estate.

The impact on the setting of listed buildings, residential amenity and highway safety have all been considered and been found to be acceptable subject to conditions.

Accordingly, it is considered that the proposal would represent an acceptable economic re-use of a former landfill site that has been landscaped and laid out to accept future buildings. With flexibility in the requirement from Devon County Council on where buildings on the allocation could be placed, the proposed development is considered to be an acceptable use of the site without detrimentally impacting on its surroundings.

CONSULTATIONS

Technical Consultations

Devon County Highway Authority

The site can be accessed from Denbow Lane W6102, this is highway maintained at public expense (HMPE) or it can be accessed from within the business park estate, this is not HMPE at this point of access.

The site layout gives enough room for larger vehicles to turn off-carriageway and re-enter the carriageway in a forward facing motion, in addition to dedicated off-carriageway parking.

Hill Barton Business park is adhered towards this form of trip generation and I do not believe the consent of this application will substantially change the number and form of trip generation.

With reference to the retrospective elements of this application, no recorded collisions on the highway network have been recorded since the commencement of these works giving another indication of the suitability.

Therefore in summary, the County Highway Authority has no objection to this planning 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

Devon County Council, Minerals & Waste

Please see below our comments on the above application in our role as Waste Planning Authority.

The proposed site is located within an area identified within the adopted Devon Waste Plan for Energy Recovery under policy W6.

Despite this, the Waste Plan identifies a large area (15.3 hectares) so has flexibility with regard to where a facility could be provided within Hill Barton. Additionally, a number of other site allocations are set out in Policy W6 of the Devon Waste Plan and the criteria also allows for other non-allocated sites to come forward, meaning there is flexibility in where proposals may be delivered. As such we have no objection to this proposal.

Environmental Health

I have considered the application for this building which is adjacent to other commercial buildings on this active industrial estate. As this use is for storage and distribution only and it is some distance from the nearest residents I do not anticipate any environmental health concerns other than the need to define operational hours. If in the future there are concerns raised then they can be investigated using environmental health legislation. I recommend that the following condition is included in any approval:

No deliveries shall be accepted or despatched to or from the site except between the hours of 7am and 7pm on Monday to Friday, or 7am and 1pm on Saturdays, and not at all on Sundays or Bank Holidays.

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

Contaminated Land Officer

I do not anticipate any contaminated land concerns because this application is for a commercial building on a closed inert landfill and therefore no sensitive receptors are anticipated.

EDDC Landscape Architect - Chris Hariades

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, conditions of the outline approval, relevant guidance, current best practice and existing site context and should be read in conjunction with the submitted information.

2 SCHEME PROPOSALS, SITE DESCRIPTION & CONTEXT

2.1 Location and brief description of proposals

The proposals relate to the recent erection of an industrial shed measuring 30 X 20m x 8.45m high and an adjacent small office unit with steel palisade fencing around. The site is situated to the east of a larger industrial building to the northeastern edge of the Hill Barton industrial Estate.

The site is served by an existing access track running along the northern boundary.

2.2 Site description and context

The site comprises a roughly rectangular plot extending to 1.2Ha which has been levelled and an embankment created to the southern end.

Land to the east falls away to a tree lined watercourse. Land to the south is a restored landfill site which has been graded, seeded and planted in accordance with an approved restoration plan. The industrial estate lies to the west. Land to the northwest, north and east is agricultural, predominantly under intensive arable cultivation with medium to large fields surrounded by traditional hedgebanks with occasional trees. There are a number of large agricultural buildings evident particularly east of Denbow Farm, 500m to the northeast.

There is no public access within the site or any public rights of way in the vicinity with views towards it.

Views out of the site are limited by Hill Barton Industrial Estate to the east and rising landform to the south. Views into the site are largely limited to the nearby public highways, particularly to the north and east of the site.

3 LANDSCAPE CHARACTER

3.1 East Devon Landscape Character Type

The site lies within the East Devon Landscape Character Type (LCT) 4D: Lowland Plains, key characteristics of which relevant to the site are:

- Level to gently sloping landform
- Regular medium to large field pattern with local variation
- Wide low roadside hedges and banks with hedgerow oaks
- Extensive commercial development
- Long views over low hedges

Management Guidelines for this LCT relevant to the site are:

Boundaries: conserve and enhance by

1. Encouraging gapping up of hedges with locally indigenous species
2. Encouraging the appropriate management of hedges, in particular to benefit elm hedgerows and ensure their survival in the face of Dutch Elm Disease
3. Encouraging the maintenance and increased planting of hedgerow oaks, to provide vertical elements and help screen development

Settlement and development: conserve by

1. Where development is permitted, including woodland and copses in development proposals, to increase screening and ecological links
2. Encouraging a characteristic low, small-scale pattern in new development, including industrial uses

3.2 Site Landscape Character

The site sits on the edge of an industrial estate/ landfill site and its character is strongly influenced by this while land to the north and east of the application site has a strong agricultural character. The adjoining narrow lanes running to the north and east retain their rural character lined with low cut broad Devon hedgebanks.

3.3 Assessment of landscape and visual effects of proposal

The surrounding landscape beyond the industrial estate is of medium value and with moderate/ low sensitivity to change of the type proposed. The landscape effects are limited to the erection of a medium size shed on a brown field site. In the context of the adjacent industrial estate the magnitude of effect is considered to be low and the overall landscape impact is therefore considered to be low.

Visual receptors are limited to users of the minor county lanes immediately to the north and east and workers on the industrial estate to the west who are likely to have a medium sensitivity to change of the type proposed. For these receptors the site is seen in the context of existing larger industrial buildings and the visual impact is therefore considered to be low.

4 REVIEW OF SUBMITTED LANDSCAPE & RELATED INFORMATION

The submitted drawings are limited to floor plans and elevations of the buildings which have already been erected and there is no site plan showing their location on the plot and the location of perimeter fencing. It is recommended that an accurate site layout plan is provided.

Similarly there are no landscape proposals accompanying the application. While the approved landfill restoration proposals will provide screening of the development from views from the east there is scope to provide a suitable hedgerow mix on the northern site boundary between the palisade fence and access road which would help to mitigate the visual impact of the development in views from the county road beyond and provide some biodiversity benefit. A suitable planting plan and specification should be provided for this that reflects the land fill restoration planting scheme.

5 CONCLUSION & RECOMMENDATIONS

5.1 Acceptability of proposals

Prior to determination an accurate site plan should be provided showing the locations of the proposed buildings, perimeter fencing and entrance gates.

The landscape and visual impact of the proposals are considered to be low and subject to suitable mitigation planting as noted, which could be secured by condition, the application is considered acceptable in terms of landscape and visual impact.

5.2 Conditions

Should the application be approved the following conditions should be imposed:

Within three months of issue of the approval notice a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority; such a scheme to include:

a) a planting plan showing the locations, species, number and form of proposed native trees, hedges, shrubs and areas to be grassed.

b) a specification covering soil quality and preparation, planting and seeding works and means of protection.

c) a 5 year maintenance plan. The landscape scheme shall be carried out in the first planting season following issue of the decision notice unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the planting shall be maintained for a period of 5 years in accordance with the submitted details. 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.)

Conservation

CONSULTATION REPLY TO PLANNING WEST TEAM
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Land East Of Hill Barton Business Park, Farringdon

GRADE: APPLICATION NO: 19/2724/FUL

PROPOSAL: Change of use from landfill to a storage yard for the hire and sale of construction material (B8 : storage and distribution), incorporating the construction of a warehouse and single storey office building (retrospective application)

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

There are several listed buildings in the vicinity of the site which are all listed Grade II: Denbow House, Denbow Thatch, Barn adjacent to Denbow Thatch, Glebe House, Barn at Glebe House.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

This site has been the subject of various applications as follows:

17/1501/FUL was withdrawn;
17/1623/FUL was withdrawn;
17/1636/FUL was withdrawn;
17/2318/FUL was approved;
17/2319/FUL was refused.

This application relates to the change of use of the site to a storage yard and the construction of warehouse and office building.

However, due to their location, the topography of the land, the mature vegetation, hedging and trees and the distance between the sites, it is considered that the proposed works will have minimal or no impact on the setting of the listed buildings.

Other Representations

Two representations have been received raising the following concerns:

- Impact of warehouse building on its surroundings
- Noise impact
- Detrimental visual harm
- Views from passing road network

POLICIES

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

E7 (Extensions to Existing Employment Sites)

E5 (Small Scale Economic Development in Rural Areas)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Other plans

Devon Waste Plan – Policy W6

Relevant Planning History

17/1623/FUL - Installation of 10 containerised units for the storage of electricity, and associated ancillary infrastructure including a highway access, and a 2.4 metre high boundary fence. Withdrawn

17/1636/FUL - Installation of up to 14 no. containerised gas-fired standby generators and construction of ancillary structures including a DNO metering station, transformer compound, switch room, store room, oil storage tank, 2 no. vehicle parking spaces, vehicular access and erection of 2.4m boundary fence. Withdrawn

17/2318/FUL - Installation of 10 containerised units for the storage of electricity, and associated infrastructure including a highway access, and a 2.4 metre high boundary fence - Approved

17/2319/FUL - Installation of up to 14 no. containerised gas-fired standby generators and construction of ancillary structures including a DNO metering station, transformer compound, switch room, store room, oil storage tank, 2 no. vehicle parking spaces, vehicular access and erection of 2.4m boundary fence – Refused for the following reasons:

1. The proposed development is located outside of the consented boundary for Hill Barton Business Park, and outside of the boundary as contained in the emerging Villages Plan DPD, and as such is located in the open countryside. In the absence of any Local Plan or Neighbourhood Plan policy support for the development, and due to harm to the landscape from the visual impact of the proposal, and harm to the amenity and environmental qualities of the area from noise generated from the development, the proposal is unacceptable and contrary to Strategy 7 (Development in the Countryside) of the East Devon Local Plan 2013-2031.
2. The application fails to satisfactorily demonstrate that there would be no detrimental noise impact on the amenity of nearby residents, particularly after 6pm on weekdays, or on Saturday afternoons, Sundays or Bank Holidays when the majority of the business park is not operational. As such, the proposal is contrary to Policy EN14 (Control of Pollution) of the East Devon Local Plan 2013-2031.

Site Location and Description

The site refers to a parcel of open land around 1.2 hectares in size to the east of Hill Barton Business Park. It was previously in use as a landfill site and is bounded to the west by open land and existing industrial units which form the business park and to the north by an access road with open land beyond. To the west of the site is a grassed earth bund which separates it from the rural lane. The site is accessed via an existing access point which runs along the northern side of Hill Barton Business Park. The site is located approximately 375 m south of residential properties at Denbow Farm, 325 m north of Glebe Cottages and 400 m west of Glebe House.

The site is located in the open countryside and is not the subject of any national or local landscape designations. The site does however form part of a larger area at Hill Barton identified for Energy Recovery under policy W6 of the Devon Waste Local Plan for an energy recovery facility with a capacity of 80,000 tonnes.

Proposed Development

This application seeks full planning permission for the change of use of a former landfill site to be used as a B8 storage and distribution yard with storage building measuring 30 X 20m x 8.45m high and smaller office building for the sale and hire of construction material and vehicles. The application is retrospective as the works have already taken place.

ANALYSIS

The main considerations in the determination of this application relate to:

- The principle of the proposed development;
- The impact of the proposal on its surroundings;
- The impact on heritage assets;
- The impact on residential amenity; and
- The impact on highway safety

The principle of the proposed development

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The site is located outside of the Hill Barton business park boundary as defined by the emerging Villages DPD and whilst it is an allocation within the Devon Waste Plan, it is considered to be in the open countryside where policies of restraint apply.

Strategy 7 of the EDDC Local Plan places an emphasis on the protection of the character and appearance of the countryside so that development does not have a detrimental impact, furthermore, it only permits development where they would be in accordance with other policies contained in the plan. In this instance there are no policies that would permit the proposed development as Policy E7 does not permit extensions to Hill Barton Business park and Policy E5 requires the proposal to be built on brownfield land, through conversion of an existing building or be on a greenfield site and be well related in scale and form and sustainability terms to a village or its surroundings. The proposal would not meet any of these criteria and therefore represents a departure for the development plan.

With regard to the Devon Waste Plan allocation, whilst the site forms a small part of an allocation within the Devon Waste Plan, this allocation is for waste and energy recovery uses and as such the application proposal does not comply with the relevant waste policy. The County Council's Minerals and Waste Officer has advised that the site lies within the Waste Consultation Zone for Hill Barton. It is advised that the area allocated for energy recovery development at Hill Barton through Policy W6 of the Devon Waste Plan includes the site of the current application, but extends to a much larger part of the business park. Development of the application site for the use proposed would not prevent delivery of additional energy recovery capacity at Hill Barton, and Devon County Council therefore has no objection in its role as waste

planning authority. In light of this there is no conflict with Policy W6 of the Devon Waste Plan that could justify refusal of planning permission.

Whilst the site does not represent previously developed land, being a former landfill site, it has been hard surfaced through the laying of scalping and is enclosed by a high landscaped earth bund on its side and rear boundary which forms a naturally enclosed area at the end of the industrial estate. Permission has previously been granted on site for 10 no. containerised electricity storage units which were of a similar scale to the building that has been built on site. Therefore, whilst the proposal lies outside of the developable area of Hill Barton Industrial Estate, it does lie on a designated energy from waste area that is not currently required, previously consented for development and assimilates well into its countryside surroundings. As such the proposal is considered acceptable in principle as a departure from the development plans, subject to its impacts being acceptable in relation to other policies contained in the development plan.

Impact on its surroundings

The surrounding landscape beyond the industrial estate is of medium value with defined field boundary and a sunken lane which passes the site and with moderate/low sensitivity to change of the type proposed. The landscape effects are limited to the erection of a medium size warehouse and office building on a previous landfill site. In the context of the adjacent industrial estate, where there are much larger buildings in terms of size, scale, mass and bulk, the magnitude of effect is considered to be low and the overall landscape impact is therefore considered to be low.

Visual receptors are limited to users of the minor county lanes immediately to the north (where views are at a distance) and east, and workers on the industrial estate to the west who are likely to have a medium sensitivity to change of the type proposed. For these receptors the site is seen in the context of existing larger industrial buildings and it is material that the site is designated for waste use (and has previous consent granted) for which there will have been a visual impact from development, and as such the visual impact is therefore considered to be low, despite the light materials used in the construction/finish of the building.

It is recommended however on any approval of permission that a bespoke landscaping scheme is submitted to and approved in writing by the Local Planning Authority to bolster that already implemented when the large earth bund and planting was constructed. This will allow the proposal to better assimilate into its surroundings and the landscape architect has confirmed that there is space between the building and its northern boundary and to the road frontage for a suitable scheme to be implemented.

The proposal is therefore considered to be acceptable in relation to Policy D1 of the EDDC Local Plan.

Impact on heritage assets

There are several listed buildings in the vicinity of the site which are all listed Grade II: Denbow House, Denbow Thatch, Barn adjacent to Denbow Thatch, Glebe House, Barn at Glebe House.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on Local Planning Authority to have special regard to the desirability of preserving the setting of listed buildings when determining planning applications which may affect them.

However, due to their location, the topography of the land, the mature vegetation, hedging and trees and the distance between the sites, it is considered that the proposed works will have no impact on the setting of the listed buildings and as such the proposal is considered to accord with the aforementioned legislation and Policy EN9 of the EDDC Local Plan.

Impact on residential amenity

There are a handful of residential properties in the vicinity of the site that have the potential to be impacted upon as a result of the proposal through traffic movements during unsociable hours. This has been recognised by the Council's Environmental Health Officer who recommends an hours restriction condition so that there are no deliveries accepted or despatched to or from the site except between the hours of 7am and 7pm on Monday to Friday, or 7am and 1pm on Saturdays, and not at all on Sundays or Bank Holidays.

Subject to this condition the proposal is considered acceptable in relation to Policies D1 and EN14 of the EDDC Local Plan.

Impact on highway safety

The site can be accessed from two directions, the main access for larger vehicles would be via the existing Hill Barton Industrial Estate. The secondary access is immediately adjacent to the frontage of the site and is barrier controlled. There is adequate room on site for the parking and turning of larger vehicles. Given that the site has been allocated in the Devon Waste Plan for energy recovery from waste purposes, the use of the main Hill Barton feeder road for the majority of vehicles is considered acceptable, Devon County Highways Engineer raises no objections to the proposed development.

Accordingly, the proposed development is considered to be acceptable in relation to Policy TC7 of the EDDC Local Plan, not having a detrimental impact on highway safety.

CONCLUSION

In conclusion, whilst the proposal represents a departure from the development plan being situated in the open countryside outside of any designated employment boundary and there being no other policies in the Local Plan that would facilitate storage and distribution development on this site, the site forms part of the Devon Waste Plan's allocation for energy recovery from waste and is no longer required for this purpose. In light of this, given that the site is designated for development in the Waste Plan, benefits from a previous grant of planning permission for a non-waste use from East Devon, benefits from a large earth bund and further landscaping, there is

no harm that can be identified from the proposal to justify refusal of planning permission.

Given the benign impact that the proposal would have on its surroundings, it is considered that the proposal would be an acceptable economic re-use of the former landfill site that would provide jobs into the future without detrimentally impacting on the environment or surrounding residents subject to the imposition of conditions related to landscaping and hours of operation.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
2. No deliveries shall be accepted or despatched to or from the site except between the hours of 7am and 7pm on Monday to Friday, or 7am and 1pm on Saturdays, and not at all on Sundays or Bank Holidays.
Reason: To protect the amenities of local residents from noise.
3. Within three months of issue of the approval notice a landscape scheme shall be submitted to and approved in writing by the Local Planning Authority; such a scheme to include:
 - a) a planting plan showing the locations, species, number and form of proposed native trees, hedges, shrubs and areas to be grassed.
 - b) a specification covering soil quality and preparation, planting and seeding works and means of protection.
 - c) a 5 year maintenance plan.

The approved landscape scheme shall be carried out in the first planting season following issue of the decision notice unless any alternative phasing of the landscaping is agreed in writing by the Local Planning Authority and the planting shall be maintained for a period of 5 years in accordance with the submitted details. 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.)

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:

EX20/00001 - 01/01 Rev A: Elevations/Floor plan: Office	Proposed Combined Plans	04.02.20
EX20/00001 - 01/02 Rev A: Elevations/Floor plan: Storage units	Proposed Combined Plans	04.02.20
EX20/00001 - 01/03 Rev B	Proposed Site Plan	04.02.20
	Location Plan	17.01.20
SF00034360 Rev F	Layout	17.01.20

List of Background Papers

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