

CLYST VALLEY
(Farringdon)

09/0472/MOUT

Target Date: 14.07.2009

Applicant:

Mrs Sarah Lockwood

Location:

Waldrons Farm
Sidmouth Road
Farringdon
EX5 2JX

Proposal:

Outline application for the change of use of land and associated development for uses B2 (industrial) and B8 (storage and distribution)

CONSULTATIONS

Highways Agency

The Highways Agency has issued a TR110 Holding Direction that planning permission should not be granted for a period of six months (from 28th May) on the basis that it has concerns over the location of the site, a considerable distance outside any defined settlement boundary and a low level of accessibility by non-car modes of transport. The Agency indicates that this is unsustainable in transport terms and is likely to result in a reliance on motorised vehicles for accessing the site.

It considers that the vehicular trip generation assessment within the Transport Assessment Report prepared by the applicant's Highway Consultants requires justification and/or amendments in relation to the Traffic Count Survey, Existing Floorspaces and Formal/Informal Parking Comparison. The Agency also considers that a Travel Plan document should be prepared and agreed between the applicants and the Highways Agency, prior to the grant of any permission.

The Agency has indicated that as soon as the above matters have been resolved and a Travel Plan prepared and agreed it will be in a position to remove the Holding Direction.

County Highway Authority

The existing site and access arrangements are detailed in the transportation assessment prepared by the applicant's consulting engineers. As stated, the one-way access to the service road is less than ideal to serve the existing development on the site and the application gives an opportunity to improve significantly the access arrangements along the lines shown on the application plans. This would remove access from the existing service road/lay-by to the site. The access to Parsonage Lane is also proposed to be closed which would be another worthwhile improvement.

The application plans are lacking in detail to the east of the site access where the east bound running lane and footway seem to merge and the sight lines in that direction seem to cross land which, according to the red and blue edging shown on the plans, lies outside the control of the applicant. For that reason at this stage, I have to recommend that the application is refused on the grounds that there is insufficient information provided with respect to the access improvements.

In addition, the site, although adjacent to a bus route, has a poor level of accessibility from other non-car modes of transport and is located outside any settlement area identified in the Local Plan

and the County Highway Authority therefore have no alternative other than to recommend that the application is refused on sustainability grounds, too.

Economic Development Officer

This application represents an important opportunity to assist businesses whose requirement is for workspace that cannot be easily accommodated in closer proximity to residential development or within higher market value employment sites.

The application focuses upon the delivery of compounds (primarily open storage areas) for businesses whose success depends on carefully controlled premises costs (low) and the flexible use of the space available. A feature of this application is the absence of high density permanent structures. However, contained within it is a proposal to construct 450 square meters of workspace designed around the needs of start up (new) businesses.

In a period of economic uncertainty the willingness of a private investor (the applicant) to create workspace aimed at new and emerging businesses is most welcome. All too frequently, the absence of formal evidence of past trading performance and future potential is an obstacle to private sector investment in the development of workspace for new businesses.

The applicant has been willing to disclose confidential (commercially sensitive) information in relation to the current demand for workspace at Waldrons Farm. I am satisfied that two of the new compounds proposed are designed around the needs of businesses already trading from within the site and that a third relates to the requirements of a business whose existing premises are the subject of an imminent redevelopment project in a nearby coastal town.

I am satisfied that even in the current economic climate, the demand for lower grade employment land, to which this application responds, is not being met through land allocated for employment under the provisions of the East Devon Local Plan. I also believe that it would be unreasonable to delay the release of additional land of this nature pending progress towards the Local Development Framework.

The end users of the workspace that would be created if this application is approved are typically small scale building and utility contractors (with a need to store tools and equipment securely when these are not in use on site), motor vehicle repair businesses, agricultural contractors and others whose requirement is for affordable low value workspace. I am satisfied that the demand for additional small scale, low cost, business premises of this nature is not being met within the nearby town's of Exmouth, Budleigh Salterton and Ottery St Mary or indeed within the City of Exeter.

I accept that the planning system is not a vehicle for controlling the future value of employment land. However, the success of Waldrons Farm in the period since non agricultural workspace uses were established there, has been in identifying itself as a location for business who are not good residential neighbours, who find them affordable, fit for purpose premises from which to progress their enterprise.

In the context of the consensus built around the Council's second corporate priority, I hope Members will choose to regard this application as a helpful response to the shortage of available employment land within the District and would ask you to bring these comments to their attention.

Environmental Health

I have considered this application and I have serious concerns due to the close proximity of this site to residential property and also due to lack of information submitted regarding any noise, dust and odour issues. I am objecting to this application.

Landscape Officer

Recommend approval on the basis that the following points are addressed to ensure a successful integration into the landscape.

Additional planting is required within the site to ensure the development is appropriately ameliorated into the landscape.

Woodland/copse planting to visually link with Parsonage Copse is important for the long-term – both in terms of visual impact but also in enhancing the bio-diversity within this area. Refer to Ecological report.

1. Require further clarification of how the Public Right of Way is to be integrated into the development (or kept secure?) – Footpath No. 3.
2. Has lighting and hours of operations been carefully considered. The site is visible from the west and details should be agreed.
3. Require further clarification to where 'New Devon Hedge' is to be located.
4. Require details of proposed works to existing hedges.
5. Require construction details for Devon Hedge – should accord with Natural England technical Information Note TIM039 and identify necessary management to ensure establishment and long-term management.
6. Additional tree planting – Individual tree planting numbers should be increased to allow for failures. The management programme should identify the percentage of trees due to be removed (thinned) to achieve final scheme intentions. I could provide a sketch to help illustrate what is required.
7. A re-configuration of the site layout could allow the existing large Oak to be retained – but should not compromise the operations on site and is compensated for by new tree planting.

Natural England

No Objection

TOWN/PARISH COUNCIL

Strongly object on the following grounds:

- This is yet another major application for development along the A3052 in addition to the recent application for extension to Hill Barton Industrial Park currently going through planning.
- This is yet another application departing from the Local Development Plan and contrary to planning policy.
- This is yet another development where the A3052 traffic will be further exacerbated which in turn will lead to dangerous conditions for Farringdon residents and accidents waiting to happen.
- This is a residential area and has been for over 500 years in the history of Farringdon. Residents in nearby houses and bungalows are horrified at the information in the application of "bad neighbour" businesses being sited next door to them on what has always been agricultural land.
- The Parish Council is objecting in line with the Parish Plan where residents have made it abundantly clear that they do not wish to see industrial development within Farringdon but wish to support agriculture and tourism.
- The Parish Council has very major concerns regarding the visual impact to the A3052 otherwise known for tourists as The Heritage Coastal Road and gateway to the Jurassic Coast. Tourism to East Devon and Farringdon is a critically important industry.

- The unnecessary loss of yet more agricultural land to ugly industrial estates is totally detrimental to the parish.
- The proposal does not, in itself, improve the employment prospect of local inhabitants, which has a low unemployment statistic of less than 1%.
- The recent Appeal Decision APP/U1105/A/08/2092783 Poplars Sidmouth Road (one further along from Waldrons Farm) was dismissed by the Inspector John Wilde 6/04/09 on a number of grounds. Many of the points raised by the inspector apply equally to the above application for Waldrons Farm;

Quote:

“ 7. The proposed development would therefore conflict with policy D10 of the Adopted East Devon Local Plan (AEDLP), which requires, among other things, that buildings for conversion in the open countryside should be sound and capable of conversion without the need for substantial extension, alteration or reconstruction.

8. ...the portacabins are nonetheless clearly visible to anyone passing the entrance to the site. They have a semi-industrial appearance that is at odds with the existing bungalow and adjacent residential dwellings and are, in my view, out of keeping with the character of the immediate area. They are therefore, in conflict with policies D1 and S5 of the AEDLP and also policy of C06 of the Devon Structure Plan (DSP), all of which seek, among other things, to ensure that the distinctive character and features of existing settlements and landscapes are conserved or enhanced.

10. In arriving at this view I am conscious of the businesses carried out at Waldrons Farm that have a negative impact on the visual amenity of the area. This, cannot, however, in my view, be used as a compelling precedent for allowing further such harm on adjoining properties. “

This application should be refused at every level and Farringdon residents should be spared having an industrial estate with “bad neighbour businesses” foisted on them.

The Parish Council wishes to make it clear that we see this as an application for a NEW industrial estate on a green field site, and not an extension to an existing one.

WARD MEMBER

The initial comments of the Ward Member Cllr Peachy are -

“I STRONGLY object to this application, the recent application at Hill Barton which Committee agreed to consent to approve, will provide more than enough employment land at Farringdon, this application is against current planning policy, and I can see no reason to justify its approval, and I doubt it would ever be considered by an appeal officer.”

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

REPRESENTATIONS

Objections

14 letters including one from the Farringdon Residents Association have been received raising the following points:

- Residential area not suitable for industrial development
- Increase in traffic
- Potential noise, dust, dirt pollution
- Detrimental visual impact on open countryside

- Dangerous access
- Industrial development contrary to Parish Plan
- Loss of agricultural land
- Such development should be within existing industrial parks such as those at Greendale and Hill Barton

Support

14 letters have been received raising the following points:

- Provision of affordable units
- Suitable location – proximity to Exeter
- Uses proposed not suitable for business parks due to the dust, dirt, noise and smell generated
- Supports are seeking outside yards such as that to be provided
- Not a “clean” user therefore many sites will not accept such uses.

RELEVANT PLANNING HISTORY

The Site

App.No:	Proposal	Decision	Date
08/1494/COU	Change of use of agricultural land to storage of equipment/machinery for industrial use	Withdrawn	02.09.2008
04/P1788	Removal of Cond(2) of Planning Consent 02/P1822 Restricted Use of The Building	Retrospective Approval	27.04.2004
04/P0872	Variation of Occupancy Condition of 02/P1822	Approved	24.05.2004
03/P2147	Erection of Detached Dwelling With New Vehicular Access	Refused	30.09.2003
02/P1822	Change of Use From Poultry Farm To [Use Class B2/B8] General Industrial and New Vehicular Access	Approved	26.11.2002
01/P0639	Change of Use From Poultry Farm To [Use Class B2/B8] General Industrial and New Vehicular Access	Refused	23.05.2002

Other Relevant History

09/0282/MOUT	Outline application for extension to Hill Barton business park including the erection of buildings within use classes B1c (light industrial), B2 (general industrial) and B8 (storage and distribution) and associated works incorporating details of access to all phases from Blackmore Road and scale	Committee minded to grant subject to referral to GOSW. Article 4 Holding Direction	05.05.2009
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in relation to phase 1 only

09/0669/FUL	Poplars - Formation of new access and construction of associated driveway	Pending	
08/1597/FUL	Poplars - Conversion of existing building into offices and retrospective permission for two portacabins until works complete	Appeal Dismissed	28.07.2008
07/3242/FUL	Poplars - Erection of office building and retrospective permission for the temporary siting of two portacabins	Refused	19.05.2008
06/3180/COU	Continued use of land and buildings for car repairs.	Approved	18.01.2007
98/P0345	Change of Use of Buildings To Vehicle Repair Business	Temporary Approval	17.08.2004

PLANNING POLICIES

Government Guidance

PPS 1 - Delivering Sustainable Development
PPG 4 - Industrial, Commercial Development and Small Firms
PPS 7 - Sustainable Development in Rural Areas
PPG13 - Transport

Devon Country Structure Plan (2001-2016)

ST1 - Sustainable development
ST5 - Development Priority
C01 - Landscape Character and Local Distinctiveness
CO6 - Quality of New Development
C013 - Protecting water resources and flood defence
C014 - Conserving agricultural land
C015 - Air Quality
C016 - Noise Pollution
TR1 - Devon Travel Strategy
TR3 - Managing Travel Demand
TR5 - Hierarchy of Modes
TR10 - Strategic Road Network

East Devon Local Plan (1995-2011)

S5 (Countryside Protection)
D1 (Design and Local Distinctiveness)
EN20 (Surface Run Off Implications of new development)
E1 (Provision of employment Land)
E3 (Safeguarding employment land)
E4 (Bad Neighbour Uses)
E6 (Small scale employment development in rural areas)
TA1 (Accessibility of New Development)
TA3 (Transport Assessments/ Travel Plans)
TA7 (Adequacy of Road network and site Access)
TA9 (Parking provision in new Development)

SITE LOCATION AND DESCRIPTION

Waldrons Farm is located on the A3052, 2.5 miles from Junction 30 of the M5. Farringdon is a small hamlet with no settlement boundary, set back from the road. Waldrons Farm is located outside the hamlet on the main road at Farringdon Cross, where there are a handful of residential properties.

PROPOSED DEVELOPMENT

The submitted application is for outline permission, with all matters reserved, to change the use of agricultural land to be used for B2 (general industrial) and B8 (storage and distribution) purposes. The proposal includes 450m² of small business units with potential for an additional internal floor, 3 units with steel portal frame buildings and outside storage yards and 3 further yards with portacabins with associated works and alterations to the access.

CONSIDERATIONS AND ASSESSMENT

Background

Waldrons business units are distinct and under separate ownership from the farmhouse also known as Waldrons Farm. Once a poultry farm, the agricultural buildings were converted to industrial units in 2002 under the operative barn conversion policy, with conditions restricting the use, opening hours and preventing outside storage or outside working taking place in order to minimise any adverse impact on the local environment and impact on the neighbours. In 2004 the conditions were varied resulting in building A being allowed for B2 and B8 uses and building B for repair and servicing of plant and machinery. The other restrictive conditions of the 2002 permission remained, recognising the proximity of these buildings to local residents and to minimise the impact on these properties.

In 2006 a neighbouring building to the rear of Waldrons Farm was granted permission for car repairs following a temporary permission, to allow the impact the business upon the neighbours to be assessed. Again restrictive conditions restricting the use and working hours were imposed in order to minimise the impact on neighbouring properties.

Last year the property adjacent to Waldrons Farm (Poplars) applied for the conversion of an existing building to offices (B1 Use). This was refused and dismissed on appeal due to the visual impact of the portacabins on site giving a semi-industrial appearance, at odds with the adjacent residential properties and out of keeping with the immediate area. In his decision letter the Appeal Inspector also noted that "In arriving at this view I am conscious of the businesses carried out at Waldrons Farm that have a negative impact on the visual amenity of the area. This, cannot, however, in my view, be used as a compelling precedent for allowing further such harm on adjoining properties."

Hill Barton Business Park is an area within Farringdon Parish which is identified in the Adopted East Devon Local Plan for employment land allocation. A recent outline application to expand this site was considered by the Planning Committee on 5 May 2009 when Members were minded to grant the application subject to conditions and referral to Government Office as a departure application. Although a departure, it was felt that in allowing the proposal it would help meet the current need for employment land in the District which needs to be met in advance of the LDF process and which would not be met in allocated sites. The need for development and the economic benefits were felt to outweigh the harm to landscape and residents.

Policy

The site is located in the open countryside where development is strictly controlled by policy. The proposal is to change the use of 2.46 hectares of agricultural land to employment land. The only

provisions for employment in rural areas is under Policy E6 which allows small scale employment development within or adjoining built up area boundaries or the expansion of existing sites where there will be no adverse impact on neighbours, landscape or wildlife and the site should be accessible by public transport. Expansion outside settlement boundaries refers to small scale businesses where there are no suitable alternative sites within built up area boundaries. The proposed site is from the nearest settlement boundary. It is defined as a major application and as such is not considered to be small scale. No evidence has been submitted with the application referring to alternative sites other than to say that other sites would not accept the proposed uses due to the “bad neighbour” nature of the uses proposed and the impact this would have in residential areas. The application has been advertised as a departure application as it is considered that it does not fall within the provisions of current East Devon Local Plan policy.

Highway Issues

The Highways Agency and Highways Authority both have raised concern over the proposal due to its unsustainable location, remote from any settlement and although being on a bus route there is a poor level of accessibility from non-car modes of transport. This is likely to result in increased private vehicle use by traffic attracted to the site without justification or a proposed travel plan.

As a result the Highways Agency has issued a Holding Direction on the proposal. In the light of this and all other material planning considerations involved in the application the Highways Agency was asked if, in the event of the information that it has requested not being forthcoming or not forming part of the current application, it would support a reason for refusal of the application based upon a lack of that information. In reply the Agency has indicated that it will seek to liaise with the applicant’s Transport Consultants to resolve the issues and allow the Holding Direction to be removed. The Direction was apparently issued to ensure that this happens prior to the grant of any permission and their Network Planning Manager has stated that “it is not considered appropriate for the Highways Agency to recommend refusal on this application.”

The Highways Authority however do recommend refusal due the unsustainable location and lack of information about the proposed new access. Whilst the application provides the opportunity to improve existing access arrangements insufficient information has been provided to ensure that the new access can meet the required standard in terms of construction, layout and visibility splays. It is therefore considered that these technical concerns regarding the access are justified, however, it is considered that the site is well served by the existing bus service and it is unrealistic to expect further public transport provision aside from the bus.

Economic

Provision of employment land within East Devon is a key priority of the District Council. Whilst the Local Planning Authority are keen to encourage economic development within the District this should not give a green light to ad hoc developments throughout the District, with each case needing to be dealt with on its individual merits.

In light of this the key question for the proposal is whether it sufficiently meets a need in the area to override all other considerations and thus be permitted as a departure application.

In support of this application the applicant has submitted minutes of various EDDC Committee meetings which highlight the issue of employment land supply. However no site specific detail has been provided as to the exact demand for the type, size and scale of employment land in the area or how this proposal specifically meets such a need. A letter from Aaron Fox, a firm of Chartered Surveyors, states that there is a demand for smaller units in particular non-conforming uses which tend to be those “bad neighbour” uses such as car repairs and vehicle body building, engineering and fabrication including shot blasting, justifying its location at this site as these are uses that are unacceptable in other locations due to their adverse impacts in terms of noise, dust and dirt.

The lack of immediate employment land is recognised by the Local Planning Authority and the emphasis should be on the need to provide employment land in advance of the LDF process. It was however suggested at the Committee meetings that existing business parks such as Greendale, Exeter Airport and Hill Barton were best placed, with their existing infrastructure in place to address any immediate employment land supply shortage. All of these business parks are in close proximity to the proposed site, with a recent departure application being supported by the Planning Committee for the expansion of the Hill Barton Business Park.

Waldrons Farm currently employs 26 full time workers. It is estimated that this proposal would provide an additional 50 jobs through the provision of small business units intended for start up businesses, as well as open yards with portacabins or portal frame buildings which help keep costs down providing more affordable employment units.

Residential Amenity

Development in this area has previously been strictly controlled due to its rural location and proximity to residential properties. The existing uses that have been granted thus far relate to the small scale provision of employment within existing buildings and operate under conditions restricting working hours and preventing work from being carried out in open areas. Waldrons Farm's working hours are restricted from 8am – 6pm Monday to Friday, 8am-1pm Saturdays and no working on Sundays or Bank Holidays.

The current application includes six open yards designed for industrial purposes with working hours stated as being 6am – 7pm every day of the week including Sundays and Bank Holidays. 14 letters of support for the development have been submitted from businesses who may wish to use the site as they acknowledge that their businesses are “bad neighbours” being dirty, smelly, noisy and producing dust. One such letter confirms that this is the reason such a development would not normally be allowed elsewhere on a business park or in a residential area. There are several residential properties at Farrington Cross. Indeed 14 letters of objection have been submitted from local residents expressing concerns over such issues, as well as the increase of traffic attracted to the site which is an inappropriate location for industrial development. Environmental Health officers object to the proposal due to the lack of information relating to noise, dust and odour issues.

Little evidence has been produced with the application to provide justification for such a development in this remote location adjacent to residential properties, given the high prospect of the uses involved having a detrimental impact upon the amenities enjoyed by these properties.

Visual Impact

The provision of large scale employment land on a greenfield site in a rural location adjacent to a collection of residential properties will have an impact on the landscape. The proposal includes 3 large industrial buildings over 6 metres high, with provision for possible future expansion, along with 6 outside yards, 3 of which will have portacabins. The outside yards are likely to have fencing surrounding to provide security and allow the areas to be used for storage. As the application is in outline only no details of the proposed fencing has been submitted. A recent appeal at Poplars was dismissed for, amongst other reasons, the visual impact that two portacabins would have upon the rural area.

In order to address the visual impact issues the applicants have submitted landscaping proposals. The landscape officer raises no objection to these proposals but would require further information if the development was acceptable, to ensure a successful integration into the landscape. If there was sufficient justification for the proposed development, over and above the restrictive Local Plan policies then it is possible that the harm to the landscape could be mitigated through the production of a suitable landscaping scheme. However without such justification it is felt the proposal would have a detrimental impact upon the visual amenity of the rural area.

CONCLUSIONS

In terms of the Adopted East Devon Local Plan this application is unacceptable in principle, due to its location in the open countryside, remote from any settlement and in an unsustainable location. Insufficient information has been submitted to ensure that an adequate access can be provided in terms of layout, construction and visibility splays. The proposed construction of industrial buildings, siting of portacabins and provision of outside storage yards is felt to have a detrimental impact on the visual amenity of the rural area and the proposed uses for the buildings and yards in proximity to residential properties would harm the amenity of local residents in the vicinity.

Therefore, what remains is the question of whether or not sufficient justification exists for the development, to override existing Local Plan policy and whether or not the need for the development and any economic benefits is sufficient to outweigh the harm to landscape and residents.

Although there may be a need for small scale, low rent employment provision, there is a lack of evidence of need for the proposal and how the development specifically meets that need. The resolution to grant the Hill Barton extension is intended to have dealt with the gap in provision of employment land for B1, B2 and B8 uses until the LDF core strategy comes on stream and provides the strategic vision for employment land allocation. This issue and the lack of suitable access arrangements and proposed “bad neighbour” uses in proximity to residential properties mean that it is concluded that insufficient evidence has been provided to justify or warrant the grant of planning permission, even in outline, in this case over and above the fundamental Local Plan policy objection in principle and the other access, sustainability and impact upon nearby residents objections.

The proposal is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons

1. The application site lies within open countryside, wherein new development such as that proposed in this application is strictly controlled. In this case the proposed development is considered to be unsuitable by reason of the remote location of the site, the adverse visual impact of the use of land and buildings upon the character and appearance of the area, the lack of any coherent infrastructure capable of supporting the additional business uses and the detrimental impact that it would have upon the residential amenities presently enjoyed by occupiers of nearby dwellings, by reason of increased noise, smell, fumes and dust arising from the acknowledged “bad neighbour” nature of the uses.

As a consequence, the local planning authority is of the opinion that the application does not exhibit any special circumstances to warrant the grant of planning permission as an exception to Policy S5 of the East Devon Local Plan relating to Countryside Protection or to the provisions of Policy D1 relating to Design and Local Distinctiveness and Policy E4 relating to Bad Neighbour Uses.

2. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of access, visibility splays, road layout and construction contrary to Policy TR10 of the Devon County Structure Plan and TA7 of the adopted East Devon Local Plan.

List of Background Papers

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