

Committee Date:**09.03.2010**

Target Date: 03.03.2010

CLYST VALLEY
(Farringdon)

09/2193/MOUT

Applicant:

Hoskins Farm Partnership
(Mrs S Lockwood)

Location:

Waldrons Farm
Sidmouth Road
Farringdon
EX5 2JX

Proposal:

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

CONSULTATIONS**Highways Agency**

21.12.09

It is understood that this is a resubmission of a previous application for this site so reference is made to the comments raised previously with the applicant and responses received from AECOM, either directly or via East Devon District Council.

The concern over the location of the site outlined in the previous letter, dated 28th May 2009, remains. The site is located a considerable distance outside any defined settlement boundary with a low level of accessibility by non-car modes of transport. This is unsustainable in transport terms and is likely to result in a reliance on motorised vehicles for accessing the site. However, a Travel Plan has been submitted as part of the application so there is an attempt by the applicant to promote more sustainable forms of transport as part of the development proposal.

The vehicular movement provided as part of the submitted Transport Assessment, and the information subsequently provided to East Devon Council by AECOM on the 26th June 2009 have been reviewed. The Agency is broadly happy with the methodology that has been adopted.

The Highways Agency is responsible for managing and operating a safe and efficient Strategic Road Network (SRN). This includes the M5 and A30 in the vicinity of the site. The M5 between and including Junctions 29 and 30 to the east of Exeter are already experiencing high levels of congestion and it is anticipated this will deteriorate further in the future. It is important that all new developments, irrespective of size, seek to minimise their impact on the SRN by implementing suitable mitigation measures. For this reason, a Travel Plan was previously requested by the Agency.

AECOM provided a Framework Travel Plan (dated June 2009) and commitment to implement a Full Travel Plan, post-occupation. This approach was previously considered acceptable (letter dated 7th July 2009) and resubmission of this commitment as part of

the new application is satisfactory to the Highways Agency. The Travel Plan must be conditioned should permission be granted.

County Highway Authority

06 01 2010

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 to the site to accommodate simultaneous entry and exit by all sizes of vehicles. It would also close the eastern end of the service road that runs parallel with the A3052, removing access from the site to the existing service road/lay-by. Access to Parsonage Lane would also be closed as part of the development, which would remove vehicles currently associated with the development from that lane.

A previous application had shown an improvement to the access that involved the use of land that was outside the control of the applicant, but the current application shows all the land necessary now to be under the control of the applicant or the highways authority.

The application site, although adjacent to a bus route, has a poor level of accessibility from other non-car modes. The Transport Assessment acknowledges (at para. 5.1.3) that *'...the nature of operations on the site and the potential occupiers may make bus travel unviable as a significant alternative to the private car.'* The site 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 grounds of sustainability.

If Members are minded to approve the application then without prejudice it is suggested that the following conditions/agreements are incorporated into any approval

Agreement (assuming an Agreement under the Highways Act) to provide for the closing up of the existing accesses from the lay by and Parsonage Lane

Conditions to confirm details of new access, parking for cars and cycles, turning arrangements, drainage details, and a travel plan to be submitted and implemented.,

Economic Development Officer

14 01 2010

I am satisfied the applicant has made a serious effort to overcome the difficulties associated with the earlier application. Significant improvements are proposed to site infrastructure including an on-site foul drainage treatment plant. Traffic from Waldrons Farm will not have cause to make any use of Parsonage Lane, the unclassified road that forms part of the western boundary of the site. All traffic movements to and from Waldrons Farm would be via improved tow way access to the A3052. Access to Parsonage Lane would be closed to Waldrons Farm traffic other than for emergency access. The revised application seeks to address issues of adverse visual impact and offers improvements.

In my view 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 a less than efficient use of land recently consented for development at Greendale and Hill Barton Business Parks.

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 workplace uses were established there, has been in identifying itself as a location for business who are not good residential neighbours, who find there 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 Manager

17.12.2009

I have considered this application and I still have serious concerns due to the close proximity of this site to residential property (18 houses) and also due to lack of information submitted in the noise report by Atkins. The report only shows the measured readings over the measuring period and no consideration has been given regarding the predicted noise levels from the proposed activity. The report still does not consider any dust and odour issues so I am objecting to this application once again. I would like to add that the applicant's consultants would be advised to contact me direct to discuss our requirements and methodology needed to assist this application.

In assessing the submitted noise report concerns exist in respect of both how the noise predictions have been made and the insufficient mitigation measures proposed for the noise predictions that have been identified. It is considered that the uses proposed in close proximity to residential properties are likely to lead to significant nuisance to neighbouring properties over and above the existing uses.

A further assessment is still to be made in respect of ground contamination and these details will be presented to committee

Environment Agency

17.12.2009

The site of the proposed development is well in excess of 1 ha and as such, this application should be accompanied by a comprehensive Flood Risk Assessment (FRA). The submitted brief document titled 'Flood Note' is not satisfactory in this respect. In addition, accordance with our Standing Advice on private foul drainage, we would expect to see a comprehensive Foul Drainage Assessment (FDA). Again, the submitted brief document titled 'Drainage Strategy' is not satisfactory in this regard and does not demonstrate that the proposed foul drainage will be adequate. Given the absence of a comprehensive FRA and FDA, it is recommended that your Council refuse this application in accordance with the terms of Planning Policy Statement 25 and DETR Circular 03/99 respectively. Any FRA and FDA should be prepared in close consultation with this Agency to ensure that local flooding concerns and foul drainage issues are properly addressed. In addition, drainage and development design should take account of relevant Pollution Prevention Guidelines.

16 February 2010

Discussions have taken place between the applicant and the EA but at present we have to maintain our objections as the submitted FRA is still unacceptable.

PARISH COUNCIL

Farringdon Parish Council wishes to object to Planning App.09/2193 for the development of agricultural land at Waldrons Farm for B2 and B8 use. The reasons for Refusal cited

by EDDC with Farringdon Parish Councils backing for a previous similar application, have not been addressed in this latest application.

1. The location is still a considerable distance outside any defined settlement boundary. The applicants own travel/transport statements admit there is little scope for car share/cycling. It is thus contrary to Policy S5, TR10 and TA7 and fails to meet any criteria to reduce road travel in Devon
2. The vehicle numbers quoted in the Transport statement do not correspond with employee headcount or business activity. Close scrutiny of their own headcount and business activity figures shows it is grossly understated. There is also no mention of other vehicles visiting the existing illegal Cafe advertised at the site entrance. The allotted vehicle space is inadequate for the businesses cited and would lead to a significant overspill into either the layby or roadside.
3. The application understates the traffic accessing the A3052 and the congestion caused by the large transporters used by these businesses. Eastward heading busses stop adjacent to the proposed site access and will seriously mask the visibility of the site entry/exit.
4. We would query whether the access point is wide enough to allow the simultaneous ingress/exit of articulated vehicles that currently use this site which would increase if planning is granted.
5. This section of the A3052 is a fast straight downhill stretch and is a notorious accident black spot. An increase in articulated vehicles entering and leaving at this point will exasperate the situation.
6. The original planning for business use at Waldrons was for existing redundant farm buildings. Exit was strictly via the narrow back lane, (Parsonage Lane) accepting re-entry onto the A3052 was too dangerous. Traffic density on this road has significantly increased since then. We therefore strongly object on road safety grounds. Our local police fully support us on this matter. This application seeks to take good agricultural land out of use and create a new industrial estate. There is a big difference between the reuse of existing redundant farm buildings and the development of (literally) a greenfield site.
7. Taken in the context of recent business expansion at both Greendale and Hill Barton Industrial sites, the Parish Council considers this application as over-development in industrial terms for the local area all of which is remote from the main residential areas of Exeter, Exmouth and Honiton etc.
8. The parish of Farringdon has seen a change from agricultural land to industrial/commercial use of nearly 15 percent of its total land mass in the last 20 years, and is having an adverse impact on local landscape character. No new residential dwellings have been permitted during this period because EDDC consider that Farringdon is designated open landscape and thus not allowed under this ruling. It cannot be justified to have one rule for one sector and not for another.
9. This application is totally at odds with the parish plan accepted by EDDC and the local Structure Plan.

10. Unlike Farringdon, other parts of East Devon are actively crying out for regeneration and employment opportunities. This development would be better located in such a region, preferably on a brown field site, rather than this ribbon development along the main tourist route to the Jurassic world Heritage coast.
11. By the applicants own admission, the businesses proposed are classified as bad neighbour businesses and unsuited for siting near residential properties. Farringdon Cross is overwhelmingly a residential area and has been for over 500 years. The Waldrons site already has a considerable history of complaints from residential neighbours and a number of enforcement notices have been served on this site over the years. They are currently operating an illegal cafe on site. Neighbouring property Poplars recently applied for partial office use and was refused on appeal as the site was unsuitable for such development. This decision is also totally applicable to the Waldrons application.
12. The economic argument presented by the applicant is one that is now totally out of date. Simple observation around established local sites show an ever increasing number of vacant premises, a situation not likely to change for the foreseeable future. Sites such as Greendale are well isolated from residential areas and closer to Exeter and Exmouth and would be ideally suited for these bad neighbour businesses.
13. There is no reference to a lighting plan which could totally ruin the current rural landscape setting. The proposal therefore would significantly lead to loss of local residents visual amenity and loss of landscape character

The decision of EDDC to refuse the last application should be upheld. This application should be refused.

3 February 2010

Further comments raising concerns regarding the proximity of South West Water drinking mains and the private reservoir which supplies much of Farringdon's' drinking water. We wish to bring to your urgent attention that this is an extraction area and we are concerned that they are already risking the water supply with current activities and would increase the risk with any further motor related businesses. Why has their Environmental assessment omitted considering the local drinking supplies as being a rural area many properties rely on wells and private boreholes.

WARD MEMBER

The initial comments of the Ward Member Cllr Peachy are -

"I have considered this application & note that it is not materially different from the previous application which was referred to Planning inspection and eventually refused, and I am of the opinion that Officers report was correct then and is still applicable, and I suggest that it should be refused for the reasons that were given, to avoid the Authority with repeat work I further suggest that it is refused by delegation."

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

36 letters of objection have been received raising the following points:

- Industrial development in open countryside contrary to Local Plan
- Industrial development contrary to Parish Plan
- Current proposal doesn't address reasons for refusal on previous application 09/0472/MOUT
- Increase in traffic
- Bad neighbour uses in close proximity to several residential properties
- Potential noise, dust, dirt pollution
- Flooding
- Detrimental visual impact on open countryside
- Dangerous access
- Loss of agricultural land
- Such development should be within existing industrial parks
- Other sites nearby such as Greendale and Hill Barton more suitable for expansion
- Recent appeal decision dismissing business use on adjacent site for reasons of visual impact on countryside
- Letters of support from existing established businesses looking to relocate not start up units as suggested by supporting information in the application

Support

7 letters of support have been received from existing businesses seeking further premises particularly yards and buildings for storage purposes. Includes a letter of support from one adjoining resident (The Poplars) who also operates commercial uses from the site.

RELEVANT PLANNING HISTORY

The Site

App.No:	Proposal	Decision	Date
09/0472/MOU T	Outline application for the change of use of land and associated development for uses B2 (industrial) and B8 (storage and distribution)	Refused	10.07.200 9
08/1494/COU	Change of use of agricultural land to storage of equipment/machinery for industrial use	Withdrawn	02.09.200 8
04/P1788	Removal Of Cond(2) Of Planning Consent 02/p1822 Restricted Use Of The Building	Retrospective Approval	27.04.200 4
04/P0872	Variation Of Occupancy Condition Of 02/p1822	Approved	24.05.200 4

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 & New Vehicular Access	Approved	26.11.2002
01/P0639	Change Of Use From Poultry Farm To [Use Class B2/b8] General Industrial & 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 in relation to phase 1 only	Committee minded to grant subject to referral to GOSW. Article 4 Holding Direction	05.05.2009
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
 PPS 4 Planning for Sustainable Economic Growth
 PPS 7 Sustainable Development in Rural Areas
 PPG13 Transport
 PPS 25 Development and Flood Risk

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)
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 is a collection of residential properties.

PROPOSED DEVELOPMENT

The submitted application is a resubmission of 09/472/MOUT 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.

The application is in outline form with all matters reserved. The illustrative layout submitted with the application is the same as that submitted under the earlier application apart from a changes to the access junction onto the A3052.

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."

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 3km from the nearest settlement boundary. It is defined as a major application and as such is not considered to be small scale. It is however recognised that in terms of a major category of development this application could be argued to be small scale in relation to say the recent permissions granted to Greendale and Hill Barton.

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.

Since the previous application PPS 4 Planning for Sustainable Economic Growth has been published. Policy EC6 in particular paragraph 2a. states that local planning authorities should "strictly control economic development in open countryside away from existing settlements, or outside areas allocated for development in development plans". Policy EC12 goes on to say that in determining planning applications economic development in rural areas should be encouraged where they involve the re-use of rural buildings particularly those "adjacent" or "closely" related to towns or villages. The

current proposal does not propose the use or conversion of any existing buildings and is not adjacent to or closely related to a town or village.

Changes from previous application

The only alterations to the plans since the previous application has been revisions to the access point onto the A3052 to address concerns raised by the Highways Authority and the inclusion on the plans of an existing public footpath on the north-eastern boundary of the site. In terms of site layout, parking, floor area, number of units, areas of compounds/outside yards and potential expansion areas these are all the same as the previous application.

There is a discrepancy in the figures given for site area. Although the site layout plan 1415/P/01C indicates that the red line area is 24,561 m² (2.4 ha.) the application form states site area as 20,405 m² (2.0 ha.) which is also the site area of the previous application. There has been no alteration to the red line from the previous application.

In order to address some of the issues raised by the previous application some additional information has been submitted:

- Landscape assessment covering letter
- Air and noise impact report
- Framework Travel Plan

However these elements can only be considered once specific circumstances are identified as to why the proposal should be viewed favourably over and above restrictive countryside policy of the Adopted East Devon Local Plan. Despite the additional information provided the applicant has still failed to address the principle objection to the proposal and provide sufficient justification why this application should be approved contrary to the Local Plan.

The additional details provided by the agent's landscape advisor does show that the development could over time be assimilated into the local landscape. The additional details show how edge planting and a new close boarded fence will help to screen the development and reduce any noise impact to adjoining residents according to the applicants to an acceptable level. See further comments below.

The air and noise impact report concludes by saying that any adverse impacts can be successfully contained. See further comments below.

Highway Issues

The Highways Agency still have concerns 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. If there was sufficient need for such a proposal at this location to justify its location then they would insist that the Travel Plan would need to be implemented and monitored for the site in an effort to reduce private vehicle use.

Whilst the alterations to the access have addressed some of the concerns of the Highways Authority sufficient to address the second reason for refusal on the previous

application it still has an in principle objection against the unsustainable location of the site.

However, this site is no worse in its situation in terms of its access to a good public transport system than the other employment estates along the A3052. It is acknowledged that in terms of its links to footways and cycle routes it does leave something to be desired, but such estates, by their very composition and uses are not strong candidates for servicing by such methods. The Highways Agency is satisfied with the Travel Plan proposal as indicative of intention to attempt to address the situation.

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.

Further to the previous application and reasons for refusal the applicant has submitted a noise and air quality assessment with the current proposal.

The Air Quality assessment concludes that there is potential for adverse affects to air quality due to construction and operation of the proposed development causing increased dust and vehicle emissions or odour and refers to mitigation measures. However the mitigation measures only refer to the period of construction.

In terms of noise the report only shows the measured readings over the measuring period and considering the construction period. No consideration has been given regarding predicted noise levels from the proposed activities. Finally the report does not consider any dust or odour issues. The report is therefore felt to be inadequate to address concerns over noise, dust, fumes and smell and potential detrimental impact on neighbouring residential properties as a result of these bad neighbour uses in the open countryside adjacent to several residential properties. Environmental Health raises serious concerns over the proposal and lack of information to ensure residential amenity will not be detrimentally affected and recommends refusal of the application on this basis.

36 letters of objection have been received from local residents expressing concerns over these issues as well as the increase of traffic attracted to the site and the inappropriate location for industrial development. Members should not set aside these strong objections where there is no compelling argument that this is the best most suited site available. The very description of B2 uses is that they can cause issues for residents living close by. Those residents could be subjected to intolerable non conforming uses in close proximity. The Local Planning Authority cannot exercise control over the uses specified under Class B2. Whilst some users who have expressed a desire to move to the site may in common parlance exercise restraint and be good neighbours this cannot be guaranteed into the future. Whilst it is common and indeed preferable to allow B1 type uses close to residential properties it is not good planning to encourage B2 uses in such close proximity. Whilst linear distances between properties may be sufficient to allow a visual separation of the business and residential use, other factors such as noise, air quality and general disturbance can have an unacceptable impact over much greater distances than are available here. Limited landscaping and a fence will be no barrier to

the potential nuisance that could be caused by B2 uses in particular. The concerns raised by the Council's Environmental Health Manager have not been satisfactorily overcome on this occasion.

Visual Impact

The provision of large scale employment land on a green field 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 addition to the landscaping plan and supporting statement previously submitted a further covering letter relating to the proposed planting scheme has been submitted. This states that a 1.8metre high solid timber fence is to be erected on the boundary with Poplars in an effort to reduce noise levels and most new planting will involve hedgerow planting on the boundaries of the site. 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 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.

The previous reason for refusal raised the point that there is not sufficient overriding justification to allow the proposal as a departure from the local plan. Should there be sufficient justification then the Landscape officer has previously considered that the mitigating landscape proposals are acceptable. If minded to approve a condition could be worded to ensure a suitable landscaping scheme is implemented.

Flooding

Although the site is in flood zone one an area of lower flood risk the site area is well in excess of 1 hectare therefore the proposal requires consultation with the Environment Agency with a Flood Risk Assessment. A Flood Risk Assessment was submitted with the application. However the Environment Agency have raised objection that the FRA is not sufficiently comprehensive to cover a proposal of this scale. Likewise the Drainage Strategy cannot be considered as a suitably comprehensive Foul Drainage Assessment. The area is known to have drainage issues to the north and south of the site and a development of this scale could have significant impact on drainage and flooding on the surrounding area. Therefore in accordance with advice contained in Planning Policy Statement 25 the Environment Agency recommends that the proposal is refused due to a lack of adequate information to ensure the proposal will not have a detrimental impact on flooding and drainage on the site and surrounding area.

Since the last objection letter of the EA further clarification has been sought as to whether or not the matter could be dealt with by condition. The EA have confirmed their objection is serious and the matters raised cannot be dealt with by condition given the

size of development, risks to third parties downstream and specifics of the inadequate FRA. Any refusal of permission can of course be supported by PPS 25.

In the event that Members are minded to approve this application it does need to be referred to the Government Office under the provisions of the Town and Country Planning (Consultation)(England) Direction 2009 which specifically refers to those applications for major category development where the LPA is intending to approve an application contrary to the stated objections of the Environment Agency. This site at 2.46 Ha. is well over the 1Ha.threshold set by the Direction.

Economic Considerations

For any application which encompasses the provision of jobs (predicted to be 52 in this case), but which has a number of site specific problems as described above, it is important to consider whether there are sufficient potential economic benefits that might accrue, to outweigh these.

Setting the employment land context in the vicinity, sites such as Skypark and Science Park should be discounted as they are not yet available, and with potentially high rental levels are not designed to accommodate the type of development proposed here. The Airport employment estate, Hill Barton and Greendale Barton are relatively close by. The latter two sites have recently had planning permission for substantial extensions and Greendale does cater for un-neighbourly B2 uses and both, for B8 uses.

Waldrons Farm is a much smaller scale complex, but like Greendale and Hill Barton, began as a farm diversification scheme and all remain in the ownership of the original owners. This allows them to deliver accommodation at rents that would be considered unviable on green field sites elsewhere.

There is also planning permission for a new farm diversification scheme for employment uses at Enfield Farm on the outskirts of Clyst St Mary. This has not yet been implemented.

The King Sturge Employment Land and Premises Review on the western section of the A3052 corridor, commissioned by the Council to assist the Local Development Framework Core Strategy work, identified this area as very accessible, very important to East Devon's economy. The Review is attached to this report.

The Review points out that the majority of demand for business space in East Devon remains focussed around the main centres of Honiton, Axminster, Exmouth, Exeter Airport and estates along the first three miles of the A3052 corridor. However, the current demand profile does not include small scale traditional manufacturing and distribution companies that have previously dominated the market in the last 30 years. King Sturge believes this to be due to an underlying caution and lack of support from banks and other funders.

King Sturge calculations on what constitutes a viable industrial development requires the sales value to be in excess of £94 per sq ft to achieve a 20% profit margin. These levels have never been achieved in East Devon, which in turn explains the low level of speculative development taking place here. The consequence is that businesses will take up second hand space (regarded as inferior) or delay moves/expansions, regarded as unhealthy for the local economy.

The Review identifies a scarcity of second hand small scale industrial accommodation ie below 2,000 sq ft (185.8 sqm) in size and only available as leasehold.

It concludes, amongst other things:

- The current economics of developing industrial units is making many new build schemes unviable. This issue will hinder considerable the introduction of new 'stock' into the supply chain. This puts more responsibility on the extension to existing estates where infrastructure has already been put in place and paid for. There will also be pressure from occupiers to reduce their build specification.
- In this economic climate, occupiers and developers wishing to improve employment opportunities should be welcomed and supported.
- It is important for the continued growth of East Devon as a District that the existing employment activities along the A3052 are protected.

It is an existing small employment estate and it is reasonable to assume that the applicant regards the risk associated with the cost of servicing and developing the land adjoining the existing buildings (currently a field) as worth taking – the Council's Economic Development Manager is comfortable that there is some level of potential demand. In a recession this is to be welcomed as a contribution to the Council's objective of a achieving a thriving economy.

From an economic perspective then, there are arguments to support this development. It has the potential to provide 52 jobs in the less expensive end of the employment land market and although demand is currently low for this type of provision, it is sensible to ensure that there is sufficient land available to accommodate future growth in this sector.

The only question under this heading therefore, is, whether sufficient provision has already been made in this sector in the local vicinity ie the 6 ha (14.8 acres) at Greendale recently granted outline planning permission as a Departure from the adopted Local Plan – saved policies. Hill Barton is regarded as in a different sector, catering generally for much larger scale businesses. Greendale on the other hand has a wide range of businesses on site and has in the past been regarded as the first choice for un-neighbourly uses, given its separation from residential properties.

CONCLUSIONS

It is appropriate to consider this application afresh after the previous approval, in the light of the new factors – the economic assessment of the demand and supply issues relevant to the western end of the A3052 corridor and the Environment Agency's objection (it did not comment last time).

In favour of the application it has the potential to add to the sum of the employment land available for small scale, local businesses, to provide in excess of 50 new jobs and to allow the expansion of an existing business (the Waldron's Farm estate itself).

It's location is remote from an existing settlement and most visiting or working at the site would be obliged to use private transport. It is however well served by a public transport system and it is located in a position accessible to the national route network.

Balanced against this is the fact that the existing estate is close to a number of residential properties and B2 uses do not normally co-exist comfortably – due to the potential implications of noise and other forms of pollution. The Environmental Health Officers are not satisfied that these issues are resolvable

The Environment Agency is also not satisfied on the flood and drainage issues, that this site is suitable for development.

Departure applications to allow developments which run contrary to policy objectives have been approved recently on two occasions to act as a stop gap between the currently identified shortfall in employment land provision and the LDF Core Strategy coming on stream, giving consent for 6 ha (14.8 acres) of land at Greendale Barton and 7.5 ha (18.5 acres) at Hill Barton. Between them they have the potential to provide accommodation for all types and sizes of B2 and B8 uses. Whilst demand remains low for small scale business use according to King Sturge, this is regarded as a significant provision and there are no over-riding reasons to set aside the failure of the applicant to satisfy the Environment Agency and the Environmental Health Officer's concerns.

On balance therefore, 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 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 or compelling need 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. The applicant has not provided sufficient information in terms of a suitably comprehensive Flood Risk Assessment and Foul Drainage Assessment in order to ensure the proposed development will not have a detrimental impact on flooding and drainage issues in the area. The proposal is therefore contrary to Policy C013 of the Devon Structure Plan 2001-2016 and guidance contained in Planning Policy Statement 25 and DETR Circular 03/99.