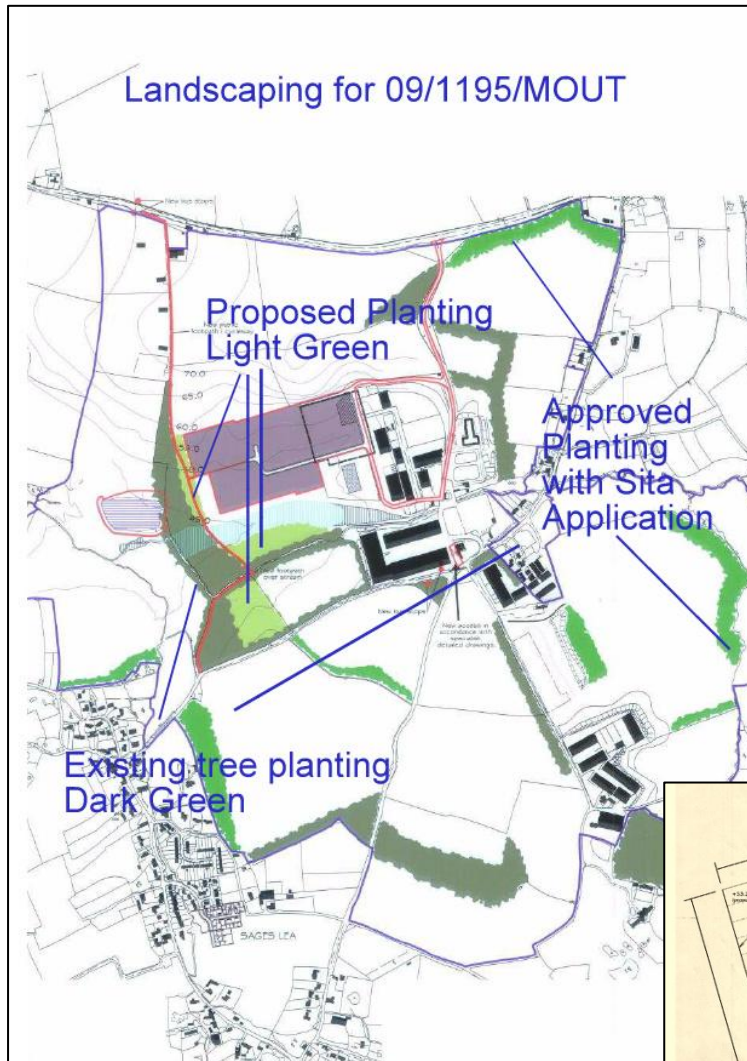


Response from:

Woodbury Salterton Residents Association

The Association have studied the Planning Officers Recommendations and inserted maps, plans, and photographs and association comments (in Blue).



Proposed Planting for 2009 Outline planning permission

Unit 53 is built on land designated for landscaping and screening which was a condition of the 2009 outline planning permission. See attached Plan

The application is retrospective for the continued use of the site as a B8 open storage and distribution compound. The site is partly hard surfaced and partly compacted earth with a couple of port cabins and storage containers. It is used for the storage of building plant and machinery (e.g. Lorries, diggers, dumpers etc).

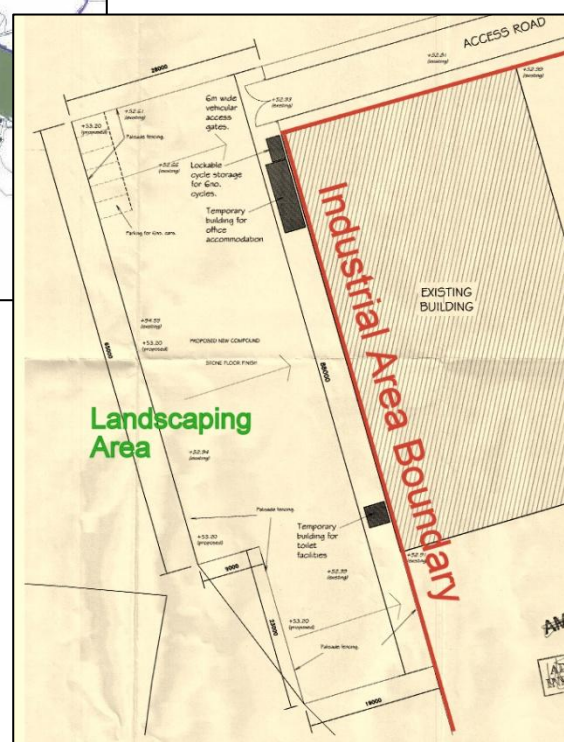
PLANNING OFFICERS RECOMMENDATION:

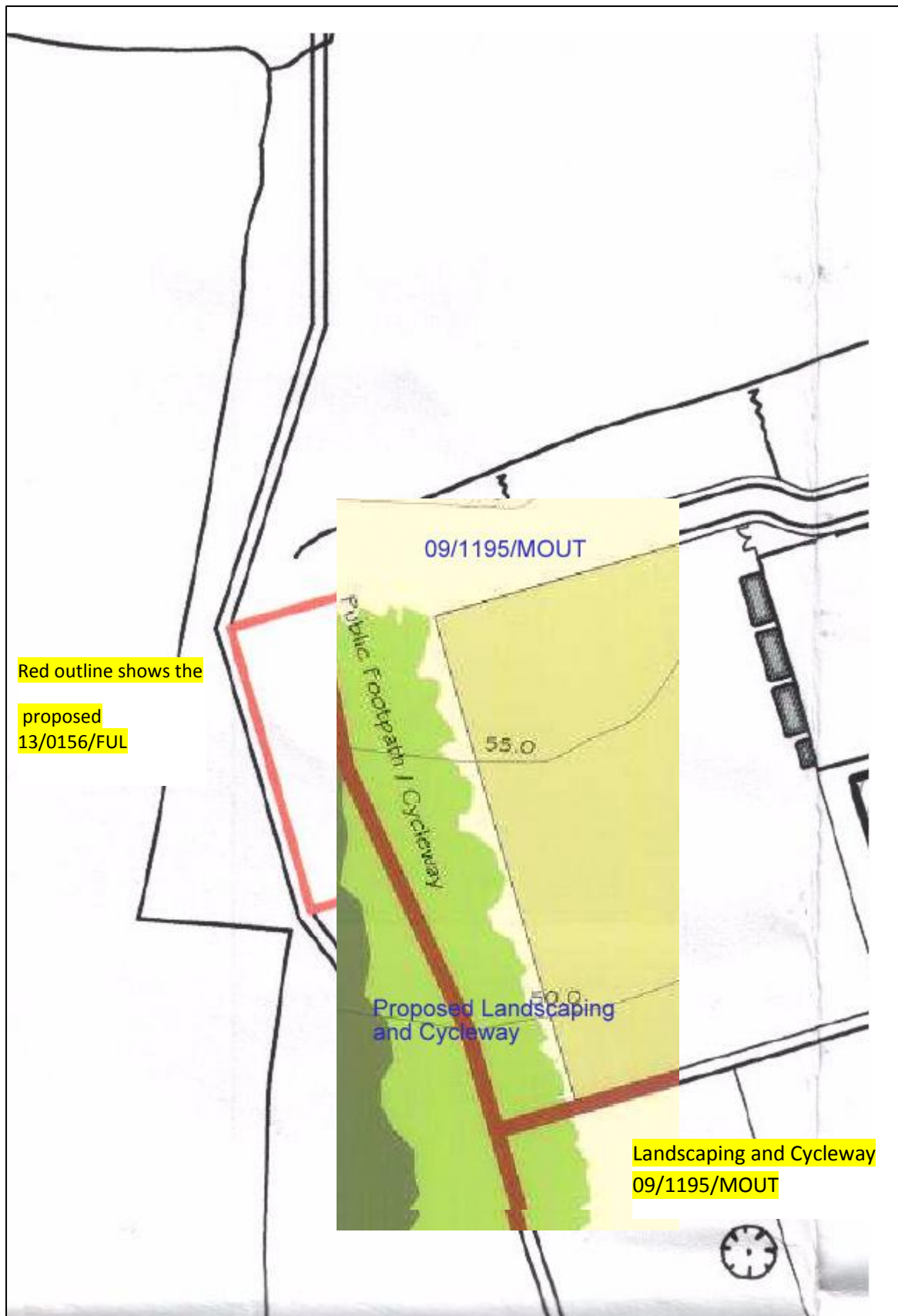
"Approval with conditions"

The Association would like the Development Management Committee to reconsider this recommendation and vote for application to be refused.

EXECUTIVE SUMMARY

The application site is an area of land adjoining the western boundary of the expanded business park. The site is located within the countryside and is adjoined by a grassed bank to the north, the rear elevation of Wood Yew Waste and its yard to the east, and planted boundaries to the south/west.





This overlay of both plans show clearly that the proposed Unit 53 proposal 13/0156/FUL is within the landscaping proposals the landscaping proposal 09/1195/MOUT to help screen the Industrial Estate Extension To Greendale Barton Business Park. **Not as described within the “countryside” in the planning officers report.**

There are 7 storage containers and one caravan at present. See Following Photograph.



Photograph of site taken 15/03/2014

The site is within the countryside outside of the boundary for the approved business park. There are no adopted Local Plan policies or Emerging Local Plan policies that support the principle of development. Given this an assessment needs to be made regarding whether there are any other material considerations that would justify approval of permission. In this instance, the main other material consideration relates to the limited visual impact of the proposal.

There are a great number of viewpoints giving substantial visual impact of this unit from around the area

The buildings and plant on the site are only visible from the south-west from distant views and such views are limited to a few field gates with the port cabins and machinery visible against the rear elevation of the Wood Yew Waste building. Given that the site and buildings are not highly visible, given that when they are visible they are viewed against the adjoining building, and given that the land is adjoining the business park at the edge of its boundary and inside the landscaping strip, it is considered that with appropriate conditions to limit the height of buildings, the visual impact from the proposal would be minimal and therefore hard to justify a refusal of permission. Subject to conditions to control operations, it is considered that there would be no detrimental impact upon the amenity of residents.

The Wood Yew Waste Building and high fence are on the defined boundary originally designed to shield the residential area of Noise Dust and Visual Impact. Placing a unit on the outside and as described in the landscaping strip, destroys the designed purpose of placing Wood Yew Waste Yard on the inside of the fence and Building

CONSULTATIONS

Local Consultations

Raleigh - Cllr R Bloxham

The initial concern with this application is that it appears to be outside the boundary of the business park as defined by the original outline permission. There is also a local concern regarding noise and dust that might be created by the open nature of the storage compound.

In the event that this application comes before the Development Management Committee I would reserve my position until I have heard all of the arguments for and against.

Parish/Town Council

Unit 53 is outside the permitted development area of Greendale Business Park & Woodbury PC does not support this revised application. In addition, the PC's previous comments remain, as follows:

"Councillors would like to see intruder activated lighting on this site and request that this be integrated into the application, together with a more sympathetic road surface as the existing surface could lead to extensive dust. The last 100 metres of the access road linking the site to the main thoroughfare is not yet surfaced.

Adjoining Parish

Farringdon Parish Council has concerns regarding the increase in traffic and noise. It also supports the statement made by Woodbury Parish Council regarding the implementation of intruder activated lighting and a more sympathetic road surface.

Technical Consultations

County Highway Authority

Does not wish to comment

Environment Agency

Please refer to our standing advice for the appropriate comment for this application

[tp://www.environment-agency.gov.uk/research/planning/82584.aspx](http://www.environment-agency.gov.uk/research/planning/82584.aspx)

We advise also that the applicant should contact the National Permitting Service 03708 506 506 to discuss if there will be any impact on any Environmental Permits (waste licensing)

Environmental Health

I have considered the application and have the following comments:

The site is the nearest unit to Woodbury Salterton and there are existing unresolved issues within Greendale relating to lighting which is causing pollution of the night sky and can be clearly seen from off-site. The applicant proposes secure fencing around the site, and states that there is 24 hour security. There is therefore no requirement for any on-site lighting apart from that needed to safely light the working environment during the winter whilst the premises is open for business.

I therefore recommend that the following conditions relating to working hours and lighting be applied to any approval in order to ensure that activity at the site will not adversely impact on residents of Woodbury Salterton:

1. No machinery shall be operated, no processes carried out and no deliveries or vehicles accepted or despatched except between the hours of 07.30 and 18.00hrs Monday to Friday, and 07.30 and 13.00hrs on Saturdays, and not at all on Sundays or Bank Holidays.

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

2. No security or other lighting shall be operated on the site other than during the working hours specified above.

Reason: To protect the amenities of local residents from light pollution and to protect the night sky from light pollution.

Other Representations

At the time of writing the report 12 letters of objection have been received. The reasons for objection can be summarised as follows:

- The site lies outside of the approved boundary for the estate;
- There are a number of empty sites within the estate that could be used;
- Access is via a dirt road that does not benefit from permission;
- Dust impact;
- Noise impact;
- Site should be landscaped to screen the business estate;
- Visual impact upon the area and adjoining footpath/cycle path;
- Light pollution;
- No need for the facility;
- Loss of trees.

POLICIES

New East Devon Local Plan Policies

Strategy 7 (Development in the Countryside)

Strategy 31 (Future Job and Employment Land Provision)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN14 (Control of Pollution)

EN15 (Environmental Impacts, Nuisance and Detriment to Health)

E1 (Provision of Employment Land)

E7 (Extensions to Existing Employment Sites)

TC2 (Accessibility of New Development)

TC4 (Footpaths, Bridleways and Cycleways)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Adopted East Devon Local Plan Policies

S5 (Countryside Protection)

D1 (Design and Local Distinctiveness)

D4 (Landscape Requirements)

EN15 (Control of Pollution)

E1 (Provision of Employment Land)

E4 (Bad Neighbour Uses)

E6 (Small Scale Employment Development in Rural Areas)

TA1 (Accessibility of New Development)

TA4 (Footpaths, Bridleways and Cycleways)

TA7 (Adequacy of Road Network and Site Access)

Government Advice;

NPPF (National Planning Policy Framework 2012)

Relevant Planning History

Reference Description Decision Date

09/1195/MOUT

12/2231/MOUT

Expansion of Business Park for B1c(Light Industrial), B2(General Industry), B8(Storage and Distribution)and Sui Generis uses (comprising Concrete Batching Plant, Training Centre and Waste Recycling and Waste Transfer Stations). Also to include provision of estate roads, new access, landscaping and balancing pond.

Application for extension of time of outline permission 09/1195/MOUT to enable submission of final reserved matters applications for remaining phases on expansion area. Approval with conditions 22.10.09.

20.12.2012 Site Location and Description The application site is an area of open land adjoining the western boundary of expanded business park. The site is relatively level and located beyond the industrial building forming Wood Yew Waste and accessed off an internal estate road that is yet to be hard surfaced but forms the main access to a number of existing business units.

The site is located within the countryside and is adjoined by a grassed bank to the north, the rear elevation of Wood Yew Waste and its yard to the east, and planted boundary to the west. Beyond the western boundary is a band of planting secured under the applications for the expansion of the business park. Beyond the planting belt is a footpath linking the A3052 to Honey Lane to the south that was also secured under those applications and subsequently permission was granted in November 2013 for its slight relocation. The footpath would run along the western boundary of the site beyond the planting belt.

Proposed Development

The application is a retrospective application for the continued use of the site as a B8 open storage and distribution compound. The site is partly hard surfaced and partly compacted earth with a couple of portacabins and storage containers. It is currently used for the storage of building plant and machinery (e.g. Lorries, diggers, dumpers etc).

ANALYSIS

The key issues to assess in consideration of this application relate to the principle of development, its visual impact, impact upon the amenity of nearby residents and whether the proposed access is suitable to serve the development. Principle and Visual Assessment The site lies outside of the business park at its western boundary. The site occupies a parcel of land between the last building within the estate (Wood Yew Waste) and the strip of tree planting on the western boundary, beyond which is a proposed footpath/cycle path.

As the site is within the countryside outside of the boundary for the approved business park, there are no adopted Local Plan Policies that support the principle of this development. Policy E7 of the Proposed New Local Plan provides support for extensions to existing employment sites but as this policy states that such extensions may be acceptable once the site or estate is 80% built and occupied, the proposal would not comply with this due to 80% of Greendale having not been built or occupied.

The Emerging Local Plan Policy E7 does not support this development

Given the above, the principle of development is not in accordance with adopted or emerging planning policy and an assessment needs to be made regarding whether there are any other material considerations that would justify approval of permission. In this instance, the main other material consideration relates to the limited visual impact of the proposal.

The Current Local Plan does not include this development.

The site is not visible from within the business park due to its location to the rear of Wood Yew Waste and its associated building and storage areas. From the north the site is set below a grassed bank.

That is because the associated building and storage area at Wood Yew Waste itself were designed to act as acoustic screen, to shield the impact of industrial noise from the Village!

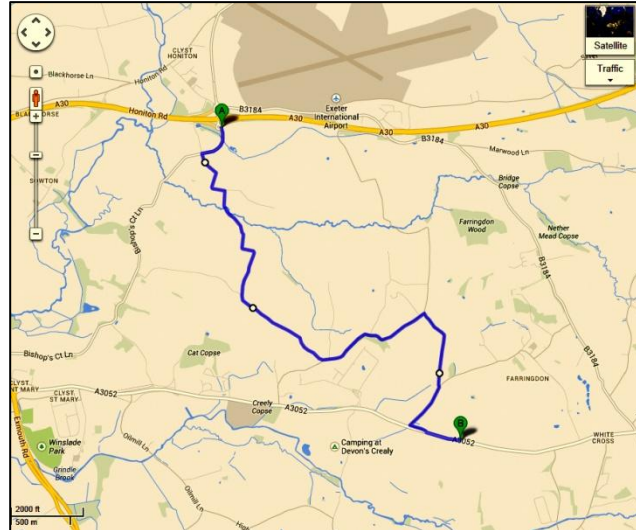
From the south and west, the site itself is not highly visible due to the planting strip outside the estate forming the western boundary. The portacabins and containers on the site and yellow diggers are visible from more distant views, but such views are limited to a few field gates with the portacabins and machinery visible against the rear elevation of the Wood Yew Waste building.

Again, parts of the portacabins, containers and machinery will be visible in part through the maturing landscaping when using the footpath/cycle path secured as part of the extension to the business park.

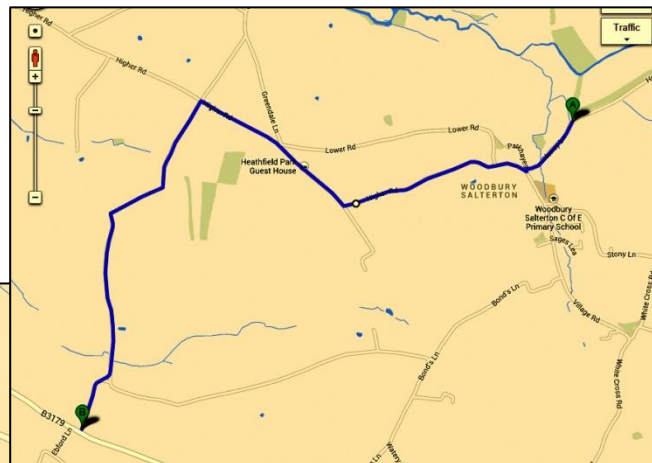


Approved Cycle Way marked in red

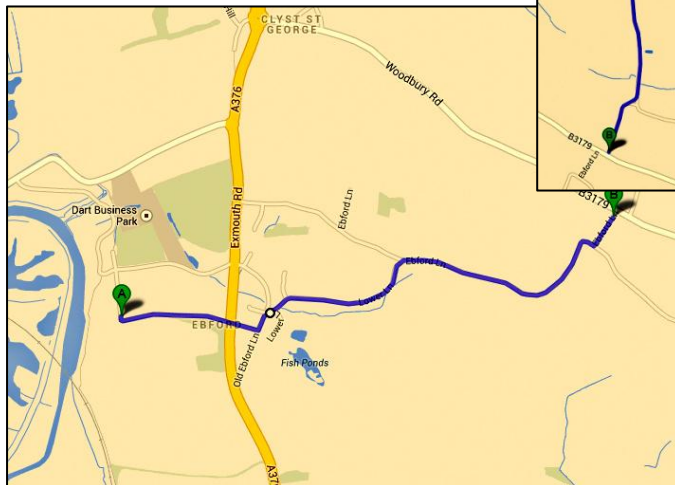
This Cycleway linking Woodbury Salterton to the Sidmouth Road is hoped to link up with Sky Park/ Cranbrook to Farrington Cycle way, and the Exe Estuary cycle way at Ebford in the future. It was originally agreed to pass through the middle of the landscaping wooded area which is now unit 53



From Exeter Airport/Cranbrook to Farrington



From Honey Lane W/S to Postlake



Postlake to Exe Estuary

This path is not in place at present but should be provided shortly. Given that the site and buildings are not highly visible; given that when they are visible they are viewed against the adjoining building; and given that the land is adjoining the business park at the edge of its boundary

and inside the landscaping strip, it is considered that with appropriate conditions to limit the height of stored

materials (no more than 3m high), the visual impact from the proposal would be minimal and therefore makes it difficult to justify any real visual harm that could justify a reason for refusal.



A typical Aardvark load

The Proposed condition relating to materials also includes equipment and plant. This proposed condition will be impossible to control or enforce. A Shipping container is 2.896m tall. Given the practice that containers are placed on blocks this will increase the height to more than 3m. Also the tenant Aardvark is specialist in "large load haulage". The height requirement for large loads is 4.8768m high (Standard bridge height). Also many of the diggers and cranes are above 3 meters even when parked.



Shipping container on wooden supports 3m plus

As it is considered that the proposal has a very limited visual impact, and given that the proposal would meet the three dimensions to sustainable development (the economic role through provision of a business use, social role through provision of a business use creating employment, and the environmental role as the proposal is not highly visible in the landscape), it is considered that it would be difficult to justify any real harm that could sustain a refusal for refusal.

The population of Woodbury Salterton is less than 500 and the employment at Greendale Barton Business Park is over a 1000. Therefore it follows many employees at the facility are required to use their own transport which is not sustainable. The highly visible view of this proposal from the agreed cycle way and surrounding countryside will affect and detract from the beautiful countryside.

It is recognised that a recent application for the renewal of planning permission for employment uses at Waldron's Farm was refused due to the lack of need for further employment land along the A3052, but there are differences between the sites in terms of the current application to justify a different decision. The Waldron's Farm site was for substantially more development, is more highly visible in the countryside and as detailed above, the current application site is unusual in terms of being outside of the extent of the approved estate but inside of the landscaping strip. In addition, the Waldron's Farm site was separate from any infrastructure to support the uses and would have had a detrimental impact upon the amenities of nearby residents. The current application site is not needed for planting and as such the proposal would make use of an otherwise unusable piece of land that does not add to the openness or visual amenity of the area.



How the track could have looked

The land is needed for planting! Landscaping was part of the Planning Inspectors conditions to the approved Sita application in 2008 and the approved Outline Planning application for Greendale Barton in 2009. This was not only to shield the Business Park from view but also to help with sound and dust

prevention. A large depth of trees and foliage is required for this purpose.

Impact upon the amenity of nearby residents

A number of the objections raise concerns regarding noise, dust, lighting and general impacts from the operation of the use.

However, the site is a considerable distance from the closest residents and would only be used for the storage of materials. As such, there should be minimal noise and dust from the site and given the location it would be difficult to justify harm from vehicle movements, particularly with the imposition of a condition controlling hours of operation.

The yard is used to repair and service plant and machinery. There are a number of residential properties within 500m.

Given that the yard is not hard surfaced (Condition of the 2009 Outline Planning for the Business Park), and that the access road is also not hard surfaced (Again as required by the 2009 Plan Permission). The access road also does not have planning permission and outside the approved development area. Nor does the site has any drainage or provided with adequate provision to prevent oil and other contaminants entering the water causes.

In terms of lighting, this can also be controlled by conditioned to ensure that any lighting is agreed with hours restricted to reasonable hours excluding Sundays and Bank Holidays as per the comments from Environmental Health.

Access Arrangements

Some objectors to the application have rightly pointed out that the access to the application site is not hard-surfaced and does not technically benefit from planning permission as it is not in exact accordance with the route of the road approved at Outline and Reserved Matters stage for the extension to the business park.



The Unmeted Track which does not have planning permission

This matter has been followed up with Greendale Business Park with a planning application expected shortly to regularise this. If not, Enforcement Action can be taken to regularise the situation and seek the hard surfacing of the road.

Note this Access road is outside the approved development area and not hard surface therefore cannot be considered. Many residents object to the cutting into the historically important Windmill Hill to provide access to Unit 53.

The term used above "does not technically benefit from planning permission" suggests that planning will be granted. Until an application is forthcoming and permission is granted this track remains outside the agreed industrial boundary and as the photograph shows definitely is not a hard surfaced or provided with drainage.

RECOMMENDATION

APPROVE subject to the following conditions:

1. Notwithstanding the time limit to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission being retrospective as prescribed by Section 63 of the Act shall have been deemed to have been implemented on the 1st March 2013.
(Reason - To comply with Section 63 of the Act).

2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

3. No machinery shall be operated, no processes carried out and no deliveries or vehicles accepted or dispatched except between the hours of 07.30 and 18.00hrs Monday to Friday, and 07.30 and 13.00hrs on Saturdays, and not at all on Sundays or Bank Holidays.

(Reason: To protect the amenities of local residents from noise in accordance with Policy EN15 Control of Pollution of the Adopted East Devon Local Plan.)

4. Unless otherwise agreed in writing by the Local Planning Authority, no security or other lighting shall be operated on the site other than during the hours of 07.30 and 18.00hrs Monday to Friday, and 07.30 and 13.00hrs on Saturdays, and not at all on Sundays or Bank Holidays.

(Reason: To protect the amenities of local residents from light pollution and to protect the night sky from light pollution in accordance with Policy EN15 Control of Pollution of the Adopted East Devon Local Plan.)

5. There shall be no open storage of goods, plant or machinery on the site at a height in excess of 3m.

(Reason: In the interests of the visual amenity of the area in accordance with Policy D1 Design and Local Distinctiveness of the Adopted East Devon Local Plan.)

Proposed Other Conditions. There is no mention of providing drainage or hard services which should be included.

The Condition of a 3 metre restriction is both unworkable by the site operator and would be very difficult to enforce. (As the storage height restriction at Wood Yew Waste is proving)

Material considerations

The list of material considerations are listed below and underlined with the Association's listed below

1. Local, strategic, national planning policies and policies in the Development Plan

The development is outside the development area.

2. Emerging new plans which have already been through at least one stage of public Consultation

Development area does not qualify for being enlarged as the occupancy is less than 80%

3. Highway issues: traffic generation, vehicular access, highway safety

Vehicular access is not approved; access road is unsurfaced, is not approved and is outside the development area. This unmade track is a dust bowl in the summer and a mud bath in the winter. It does not provide suitable or safe access to unit 53.

4. Noise or disturbance resulting from use, including proposed hours of operation

Noise Dust Light are of serious concern.

5. Capacity of physical infrastructure, e.g. in the public drainage or water systems

Unit 53 is not connected any drainage or sewage facilities.

6. Storage & handling of hazardous materials and development of contaminated land

There are no facilities for washing plant down and no Interceptors for oil or contaminants to prevent ground water pollution

7. *Loss or effect on trees*

There has been a substantial loss of the approved Landscaping Screen. Young trees were bulldozed when making way for the site.

8. *Adverse impact on nature conservation interests & biodiversity opportunities*

There has been a considerable loss of nature conservation interests & biodiversity opportunities. The Cycleway was to pass through the new wooded area, creating an opportunity for nature trail. This wooded area has now been bulldozed. The Association has had discussions regarding the fitting bird boxes and a possible bird hide.

9. *Incompatible or unacceptable uses*

This is an unacceptable uses of land in the rural landscape.

10. *Layout and density of building design, visual appearance and finishing materials*

The Visual appearance of this unit has no consideration to local area

11. *Inadequate or inappropriate landscaping or means of enclosure*

The removal of the agreed landscaping which was to protect the amenity of the residents is completely unacceptable.

In Conclusion

In Conclusion the Woodbury Salterton Residents Association would hope that the Development Management Committee will consider the points raised and recommend refusal with the land being returned to the landscaping and planting as agreed in the planning permission granted in 2009.

This landscaping approved at Greendale Barton is the same as the "Green Wedges" which are proposed within the emerging Local Plan, It has been shown in a recent Inspectors Report at Seaton that a refusal was recommended because of a "proposed" Green Wedge was considered an important proposed feature. The Green Wedge at Greendale has actually been approved unlike in Seaton's case where it has merely been included in a local plan which is awaiting approval.

The only "Material Consideration" that the Planning Officer has demonstrated is that the material consideration relating to the "limited visual impact" The Association disputes this appraisal. However there are 11 "Material Considerations" to justify a refusal.

**Contact Address Geoff Jung. (Secretary to Woodbury Salterton Residents Association).
Rosewood Village Road Woodbury Salterton EX5 1PR**