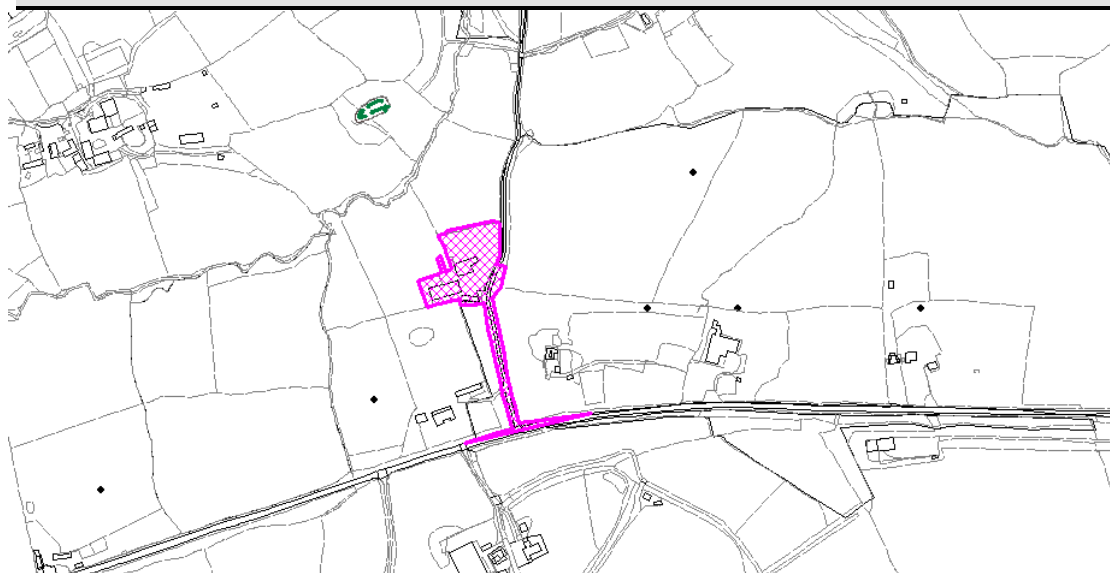


Committee Report – 2nd November 2023

Application Number:	1/1378/2021/FUL
Registration date:	21 March 2023
Expiry date:	16 May 2023
Applicant:	Mr A Orchard
Agent:	R A Rowe & Co. Ltd.
Case Officer:	Laura Davies
Site Address:	Bovacott Works Yard, Brandis Corner, Devon,
Proposal:	Part retrospective application for relocation and repair of existing buildings, part change of use of existing building and erection of new steel frame industrial shed (Class E)
Recommendation:	REFUSE



Reason for referral:

This application has been called-in for consideration by Plans Committee if the recommendation is for refusal by Councillor James for the following reasons:

- This is a brown field site
- It has been used as an industrial site since the war(2nd)
- There is a proven need in the area
- There are employment opportunities
- It complies with Government policy regarding redevelopment of brown field sites

Addendum:

This application was considered by Plans Committee on 8th June 2023.

Members resolved to defer the application for the submission of additional information in relation to the following matters:

1. Highway junction improvements
2. Traffic movements and types of vehicles
3. Potential end users.

1. Highway Junction Improvements

In relation to the first matter, a drawing identifying the visibility splays for vehicles exiting the adjacent lane and turning out onto the A3072 to the south of the site (drawing no. JP01). This indicates works which have been undertaken to the land on either side of the access to provide a 98m visibility splay to the east and 94.5m visibility splay to the west. The visibility splay and associated highway works have been included within a revised Site Location Plan (drawing no. Orc/21.P01 Revision E), with the relevant certificates signed confirming notice has been served on adjacent landowners. The relevant consultations undertaken in relation to this amended plan have taken place.

The County Council's Highways Officer has commented on the additional information (comments dated 21st September 2023):

Observations:

Having checked with the DCC Neighbourhood Highway Team, I am satisfied that the banks adjacent to the Bovacott Lane / A3072 junction are privately owned and are not Highway Maintainable at Public Expense (HMPE (commonly known as public highway)). The extent of HMPE stops at the 'toe-of-the-bank'.

The latest proposal illustrates that suitable visibility can be achieved in either direction at the above noted junction and allows for an overall improvement. This point effectively overrides the comment in my previous recommendation for the need of a Transport Statement. Naturally, the scheme will need to be implemented in accordance with the latest submitted drawing (Drawing Number: JP01).

As a result, subject to the junction works being undertaken as outlined above, I am satisfied that the proposed development offers 'safe and suitable' access, as is the test of the National Planning Policy Framework (NPPF).

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, HAS NO OBJECTION TO THE PROPOSED DEVELOPMENT

Officers therefore consider that the first matter has now been resolved.

On this basis, reason for refusal 4 as set out in the previous Officer's Committee Report is now considered to have been overcome and should be removed from the recommendation.

2. Traffic movements and types of vehicles

A statement has been provided by the applicant's agent in relation to the likely business operations and activities associated with the proposed development. This confirms that the site was used for a significant number of years for commercial purposes, with the last use being as a timber yard, specialising in the supply of sawn materials, timber and gates for agricultural and domestic markets.

No further details in relation to the type of vehicles which have historically used the access in association with the former timber yard have been provided. Notwithstanding this, the amended access arrangements are noted to be an improvement over and above the previous situation and no objections have been received from the County Council's Highways Officer.

3. Potential end users

The additional Statement notes that the uses of the site going forward are proposed to be similar to the previous use, fitting within Use Class E (Commercial, Business and Service) of the Use Classes Order. A number of examples of potential end users of the site are then set out as follows:

'Local business A have expressed an interest with their business currently focused on supporting the local rural economy, offering agricultural products ranging from gates, hardware, feed, small implements and similar.

Local business B currently have another premises located in Cornwall and are looking to expand into North Devon. Their business focuses on the sale and repair of agricultural specialised machinery, namely 4 wheel drive quad bikes and buggies. They provide support to local farmers and private individuals through the repair and servicing as well as offering a franchise for such machinery.

Local business C run an online business for the sale of specialist forms of secondary heating for homes, namely woodburning and multi fuel stoves. The business offers products which supports both the local economy as well as further afield through online sales.

Business D are a company related to the electronics sector, relating in the repair of electronic equipment, ranging from repair of domestic goods as well as the repair of agricultural and vehicle ECU systems.

Business E provide MOT testing for vehicles, cars and vans excluding heavy goods vehicles, busses, lorries etc.

Businesses F, G, H and I are office based the services they offer range from professional law services, accounting, insurance and research and development.'

It should be noted that the previous use of the site as a sawmill and timber yard would generally be considered either to have been forestry or within the provisions of use class B2 due to the industrial nature of the business. For clarity, the industrial use identified in Use Class E notes specifically that this should be a use; *'which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'*. The use of the site as a timber yard would not be considered to fall within this definition.

The potential uses identified by businesses A, C, D, F, G, H and I set out in the Statement provided by the applicant would all be considered to fall within Class E. Further information would be needed to identify whether Business B would fall within Class E principally relating to the proportion of the business which would be dedicated to sales versus that dedicated to vehicle repair, which is normally considered to be a Class B2 use. Business E may also fall outside of Class E and again may involve a use which would be considered to fall within Class B2 or *sui generis* depending on the proportion of work which relates to MOT testing.

4. Other Matters

The applicant has also submitted a revised Site Location Plan (drawing no. Orc/21.P01 Revision E) with an amended red edge, reducing the scale of the site to the south-western corner. In addition, the proposed new building to the north-eastern corner of the site (Building 5) has also been removed from the proposed plans.

These amended plans have been the subject of the above reconsultation process.

5. Planning Considerations:

Taking account of the additional and amended information outlined above, Officers consider that the application seeks the following:

- Retention of boundary wall and railings to eastern boundary
- Retention of Building 2
- Retention of Building 4
- Use of site as an industrial park
- Proposed construction of Building 1
- Proposed construction of Building 3.

In relation to Policies ST07 and ST11 of the Local Plan, it is considered that the proposed development would not diversify an existing sector as the historic/established use of the site, noting that the former timber yard use ceased in 2018. In relation to Policy DM14, it is considered that the development proposals would not relate to small scale economic development, they would not relate to the conversion of change of use of an existing building (due to the original buildings on the site having been already demolished) and would not be on a site which is well related to a defined settlement or Rural Settlement. Some of the potential users of the site indicated by the applicant would have a strong functional link to local agriculture, forestry or other existing rural activity although these end users would not be able to be guaranteed and the application has been made speculatively, rather than designed with a specific end user in mind. Equally, a number of the proposed end users cannot be said to involve activities which have a strong functional link to local agriculture, forestry or other existing rural activity.

On this basis, Officers remain of the opinion that the principle of the proposed development would be out of keeping with the provisions of Policies ST07, ST11 and DM14 of the Local Plan.

The proposed development is therefore recommended for REFUSAL for the following reasons:

1. The principle of the proposed development would be of a large scale within this rural area and is not well related to an existing defined settlement or with a strong functional link to local agriculture, forestry or existing rural activity. On this basis, the development would be contrary to the provisions of Policies ST07, ST11 and DM14 of the North Devon and Torridge Local Plan (2018) and national policy contained within the National Planning Policy Framework (2021), particularly paragraph 85.
2. The brick wall and railings to the frontage of the site are, by reason of their design, height and siting, considered to result in an adverse impact on the surrounding rural landscape character and the rural nature of the adjacent highway. The development would therefore be contrary to the provisions of Policy DM04 of the North Devon and Torridge Local Plan (2018) and the provisions of paragraph 130 of the National Planning Policy Framework (2021).
3. Insufficient information has been submitted in relation to foul drainage provision to allow the Local Planning Authority to fully assess the likely impacts of the development. In the absence of such information, it is considered that the proposed development is likely to result in a harmful impact in terms of surface and/or ground water pollution, contrary to the provisions of Policy DM02 of the North Devon and Torridge Local Plan (2018).

THE OFFICER'S REPORT PRESENTED TO PLANS COMMITTEE ON 8TH JUNE 2023 IS INCLUDED BELOW AND SHOULD BE READ IN CONJUNCTION WITH THE ADDENDUM:

Relevant History:

Application No.	Description	Status	Closed
1/0778/2015/AGR	Agricultural Building	PERDET	27.08.2015

Site Description & Proposal

Site Description

The application site is located to the east of Brandis Corner to the northern side of the A3072 road. The site includes a yard area with a number of buildings which are used for commercial purposes. To the south of the site is a dwellinghouse known as Laredo. To the north and west of the site are agricultural fields with the access road and woodland to the east.

Proposed Development

This application seeks various works to the existing site, some of which have already commenced. As amended, the works can be summarised as follows:

- Construction of new brick wall and piers with metal railings and gates to the eastern boundary;
- Repositioning of Building 1 centrally within the site;
- Reconstruction of Building 2 to the southern part of the site;
- Demolition and reconstruction of Building 3 to the western part of the site;
- Construction of new block retaining wall to the north-western boundary of the site;
- Addition of new building (Building 5) to measure 12 m x 18 m;
- Addition of timber fence panels to northern part of eastern boundary;
- Addition of attenuation crates to the northern part of the site for surface water drainage.

An amended Site Location Plan was submitted during the course of the application which reduced the red line area to the western side of the site.

Consultee representations:

Bradford & Cookbury Parish/Town Council:

Comments: What these building will be used for in the future does not appear to be clearly defined in the application. Their intended use could impact on the type and frequency of traffic using the site from turning onto or from the A3072, and the increased use of Bovacott Lane to Holemoor.

It is also expected that the future use of this site may have an effect on the privacy and residential amenity of the neighbouring property. There does not appear to be any mitigation measures proposed.

Environmental Protection Officer:

In relation to the above application, it is noted that the proposed development is to be served by an existing package treatment plant discharging to a watercourse. DEFRA's General Binding Rules states that the receiving watercourse must normally have a continuous annual flow. The applicant will need to provide video footage and photographic evidence of the flow as well as any formal mapping marking the watercourse for review to ensure compliance with the DEFRA guidance.

Due to the existence of neighbouring dwellings in an undoubtedly low background area during noise sensitive periods, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours

on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

Devon County Council (Highways):

Observations:

The concern that I have with this application is the existing junction between the lane past the proposed site and the A3072. This is the most likely route for any traffic attracted to the site. Having looked at this access, I can confirm that visibility is substandard. For visibility splays on a National Speed Limit 'A' class road, I would defer to the guidance laid out in the Design Manual for Roads and Bridges (DMRB). In which case, I would expect sight lines of 2.4 x 215 metres in either direction when measured to the nearside edge of carriageway. Because of the adjacent hedge banks, visibility at this junction is severely reduced to a matter of a few metres in either direction.

However, the crux of this application depends on the likely increase of trip generation as a result of the proposed development. With applications such as this, I would normally expect details to be provided as part of any Design and Access Statement (or similar) of the likely increase in traffic movements to and from the site, which would also include the type and size of the vehicles. I am not aware of his information being provided.

Therefore, I would ask for the above information to be submitted to allow me to make a recommendation based on a reasonable evidence base.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, IS LIKELY TO RECOMMEND REFUSAL OF PLANNING PERMISSION, IN THE ABSENCE OF FURTHER INFORMATION

Representations:

Number of neighbours consulted:	1	Number of letters of support:	0
Number of representations received:	1	Number of neutral representations:	0
Number of objection letters:	1		

Objections received can be summarised as follows:

- Proposals will create an industrial park in an isolated rural location;
- Narrow road access to Bovacott Lane;
- Query previous planning history & restrictions on the site;
- Loss of trees;
- Boundary treatment out of keeping with rural area;
- Noise disruption to neighbouring residential occupiers;
- Poor visibility at junction onto A3072
- Lack of control over further uses under Class E;
- Unsustainable location;
- Existing industrial units to let in Holsworthy and Hatherleigh;
- Boundaries of earlier farmyard have been eroded over time;
- Degradation of local landscape;
- Retrospective nature of development.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST04 (Improving the Quality of Development); ST03 (Adapting to Climate Change and Strengthening Resilience); ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST11 (Delivering Employment and Economic Development); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08A (Landscape and Seascape Character); DM08 (Biodiversity and Geodiversity); DM14 (Rural Economy);

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

Material Planning Considerations:

- Principle of Development
- Impact on Landscape Character and Appearance
- Impact on Residential Amenities
- Access and Parking
- Drainage
- Ecology.

1. Principle of Development

The application site is located outside of the boundaries of any designated settlements as identified in the North Devon and Torridge Local Plan. On this basis, the provisions of Policy ST07 are relevant which notes at Section (4) that in the countryside development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.

Policy ST11 relates more specifically to delivering employment and economic development and notes that employment growth will be supported to deliver improvements in job opportunities. The policy further specifically notes that support will be given to existing sectors to ensure that they continue to flourish and grow in a sustainable manner. In addition, proposals for economic development and diversification of the rural economy will be supported where they do not conflict with other Local Plan policies.

Policy DM14 relates to the rural economy and seeks to support small scale economic development in the Countryside noting that these will be supported on the following basis:

*'(a) change of use or conversion of a permanent and soundly constructed building; or
(b) sites or buildings adjoining or well related to a defined settlement or a Rural Settlement; or
(c) the proposed employment use has a strong functional link to local agriculture, forestry or other existing rural activity.'*

The policy then goes on to say that proposals should ensure that there is no adverse impact on the living conditions of local residents, the scale of the employment is appropriate to the accessibility of the site and the standard of the local highway network and the proposals reflect the character and qualities of the landscape and the setting of any affected settlement or protected landscape.

Paragraph 85 of the National Planning Policy Framework (NPPF) states decisions should recognise that to meet local business and community needs in rural areas sites may have to be found adjacent to or beyond existing settlements. It further notes that it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and the use of previously developed land, and sites that are physically well-related to existing settlements.

There is limited planning history of the site, with the only relevant application being for the addition of an agricultural building (application reference: 1/0778/2015/AGR). The approved plans associated with this development relate to a building to the northern part of the site, in approximately the location of Building 4. It should be noted that the nature of this application as approved related to an agricultural use.

There is no relevant planning history related to the remainder of the buildings or the use of the site for commercial purposes.

Aerial photos of the site indicate that in 2005 there were buildings on the site in the positions of Building 3 and a smaller building in the position of Building 1. In 2010, aerial photos indicate that there were buildings in place of a similar size and location to Buildings 1 and 3. Subsequent aerial photos of the site taken in 2015 & 2018 also similarly show these two buildings. However aerial photo of the site taken in 2021 show Building 1 removed and this is consistent with the Officer's site visit which was undertaken in February 2022. As a result, it is considered that the proposed development relates to the construction of new buildings as Buildings 3 and 1 rather than repositioning of these structures.

The aerial photographs of the site indicate that only a building in the position of Building 4 was present in 2021 however this is not shown on the aerial photographs of 2018, 2015 or 2010. On this basis, this structure has not been on site for a period of more than 5 years, however could have been in place for a period of 4 years although this is unable to be verified due to the dates of the aerial images available.

In relation to Building 2 to the south of the application site, the aerial photographs indicate that there was a building in place on this part of the site in 2018 however not prior to this date. Prior to this date it would appear that this part of the site was used as part of the wider storage yard associated with the former timber yard. On this basis, a building has not been located on this part of the site for more than 5 years however could have been in place for a period of 4 years. In a similar manner to Building 4, above, this is unable to be verified due to the dates of the aerial images available.

On this basis, from the evidence held by the Council only Buildings 2 and 4 could have been in place on the site for a period of 4 or more years and could therefore be lawful.

The applicant has provided additional information in the form of a photograph which they state is dated November 2020 which appear to show Building 2 under construction and therefore this confirms that this building has not been in place for a period of 4 years or more. The applicant has also provided aerial images of the site which would corroborate the conclusions reached by the Council from their own aerial images.

On this basis, the proposed development should be considered as the proposed construction of Buildings 1, 3, 4 and 5 with the insufficient evidence to confirm the lawful status of Building 2.

In relation to the use of the site, aerial images of the site held by the Council appear to indicate that the site was used as a timber yard with large open storage areas. The red edge of the site has been amended by the applicant during the consideration of the application to reduce its westward extension. This additional area, from the Council's and other aerial images has recently been in agricultural use and would represent an extension of the commercial use of the site over and above any established position.

The applicant has provided a letter which indicates that the site has previously been used as a timber yard from at least the 1990s with the site being used since 2018 a small industrial park. No indication of the specific uses of the site during this most recent period has been provided. The applicant has also outlined their intentions to expand this industrial park as part of the proposed development. No specific details of the proposed nature of the uses, other than these falling within Class E of the Use Classes Order has been provided.

Section 171B of the Town and Country Planning Act 1990 (as amended) sets out the time limits for the consideration of enforcement action where works have been undertaken without planning permission. This states:

'Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of 4 years beginning with the date on which the operations were substantially completed.'

Section 171B further confirms that the period of time in relation to a change of use is 10 years.

As existing, on site, Building 2 has been reconstructed (with works being undertaken at the date of the Officer's site visit in February 2022), a building in place at approximately the location of Building 3 (albeit

not of the form proposed in the submitted plans) and a building being in place at the site for Building 2. This is considered to be a new structure which has not been in place on the site for a period of 4 years or more. Works have also been undertaken to form the eastern boundary wall and railings.

Taking account of the planning history of the site, the amended proposals and the works undertaken to the site, the application seeks the following:

- Retention of boundary wall and railings to eastern boundary
- Retention of Building 2
- Retention of Building 4
- Use of site as an industrial park
- Proposed construction of Building 1
- Proposed construction of Building 5
- Proposed construction of Building 3.

As noted above, Policy ST11 seeks to support proposals for economic development in the rural area where this would not conflict with other Local Plan policies. The spatial strategy policies set out in the Local Plan under Policy ST07 seek to only support the provision of local economic development to meet local needs and development which is necessarily restricted to a countryside location. The proposed development would also not diversify an existing sector as the historic/established use of the site as a timber yard ceased in 2018 and no planning permission has been granted for the use of the site for Class E uses.

Policy DM14 relates specifically to the rural economy and would only seek to support small scale economic development which would not apply given the scale of the proposed development and floorspace created by the new buildings. In addition, the development proposal would not result in the conversion or change of use of existing buildings, would not be on a site which is well related to a defined settlement or Rural Settlement and would not relate to a use which has a strong functional link to local agriculture, forestry or other existing rural activity, from the information provided by the applicant.

On this basis, the principle of the proposed development would be out of keeping with the provisions of Policies ST07, ST11 and DM14 of the Local Plan.

2. Impact on Landscape Character and Appearance

Policy DM04 of the Local Plan states that development proposals should be appropriate and sympathetic to their setting in terms of scale, density, massing, height, layout appearance, fenestration, materials and relationships to buildings and landscape features in the local neighbourhood. Policy DM04 further notes that development proposals should reinforce the key characteristics and special qualities of an area. Policy ST04 seeks to ensure that development will achieve high quality inclusive and sustainable design to support the creation of successful and vibrant places.

The application site is located within Landscape Character Type 3A Upper Farmed & Wooded Valley Slopes as defined by the Joint Landscape Character Assessment for North Devon and Torridge Districts (LCA). This landscape character type is identified as being characterised by open landscape with important vantage points and uninterrupted vistas, narrow, sunken lanes and species rich hedgebanks, copses and woodlands and cob thatch and white-washed buildings.

The LCA notes that the main forces for future change in this landscape character area include development pressures from existing larger settlements, an increase in domestic tourism, the damage of hedgerow trees and changes to the agricultural economy.

The application site is located within a rural landscape, although screened from longer distance views due to surrounding mature trees, all of which are off site, including a large wooded area to the east which also extends to the south of the application site.

As a result of this context, the likely landscape impacts of the proposed development are not considered to be harmful and the site would be well-contained. The design of the proposed industrial buildings would be similar in nature and scale to agricultural buildings found in the surrounding landscape although a large amount of yard area would also be included.

The wall and railings to the frontage of the site have already been erected on site and are not considered to be in keeping with the character and appearance of the surrounding area and the rural character of the adjacent highway. This element of the proposals is considered to be contrary to the provisions of Policy DM04 of the Local Plan. In addition, the wall and railings are not considered to be in keeping with the provisions of paragraph 130 of the National Planning Policy Framework, which states that planning decisions should ensure that developments: *'(b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change'*

In reaching this conclusion, the concerns raised in representations and the comments of the Parish Council have been taken into account.

3. Impact on Residential Amenities

Policy DM01 of the Local Plan relates to amenities and notes that development will be supported where it would not significantly harm the amenities of any neighbouring occupiers or uses and the intended occupants of the proposed development would not be harmed as a result of existing or allocated uses.

Policy DM02 relates to environmental protection and notes at section (2) that development will be supported where it does not result in unacceptable impacts to the pollution of surface or ground water, atmospheric pollution, noise or vibration or light pollution.

The application site is located to the north of the nearest neighbouring occupier at Laredo which is some 110m to the south although the rear garden boundary of the residential property forms part of the southern boundary of the site.

Representations received in relation to the application raise concerns about the industrial nature of the development and the potential for noise disturbance. Concerns are also raised by the Parish Council in relation to privacy and residential amenity.

As identified above, there is no established use of the site for industrial purposes and therefore an assessment of the likely impacts of the proposed addition of Class E uses on the residential amenities of neighbouring occupiers should be undertaken as a whole, irrespective of the development which has taken place on site.

The provisions of Class E include a variety of uses, however the application in this instance seeks industrial uses as they are defined within Class E. Class E (g) includes offices, research and development of products or processes and any industrial process, *'being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit'*.

Given the limitations of Class E and the distance to neighbouring residential occupiers, as well as the proposed orientation of the buildings, a harmful impact on residential amenities is not considered to result.

The Council's Environmental Protection Officer has commented on the submitted plans noting that the development is within a low background area during noise sensitive period and therefore there is the potential for detriment to residential amenity from the construction works associated with the development. A condition is recommended to be imposed as part of any planning permission granted to restrict the hours of construction works and deliveries.

The proposed development is therefore considered to be in keeping with the provisions of Policy DM01 of the Local Plan.

4. Access and Parking

Policy DM05 relates to highways access noting that all development must ensure safe and well designed vehicular access and egress, adequate parking and layouts which consider the needs and

accessibility of all highway users including cyclists and pedestrians. Policy DM06 relates more specifically to parking provision stating development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs, having regards to the accessibility and sustainability of the site, the availability of public transport, provision of safe walking and cycling routes and specific scale, type and mix of development.

Paragraph 110 of the National Planning Policy Framework sets out a number of criteria for assessing development proposals against, including ensuring a safe and suitable access to the site can be achieved for all users. Paragraph 111 makes clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Paragraph 85 of the NPPF notes that development of business premises in rural areas should not have an unacceptable impact on local roads and should exploit any opportunities to make a location more sustainable.

The submitted details note that the proposed development would result in the provision of 18 further parking spaces, resulting in a total of 36 parking spaces. The proposed development would be accessed via an entrance to the centre of the eastern boundary of the site. The wall and railings are set back from the edge of the highway with a layby to the frontage of the site.

The County Council's Highways Officer has commented on the submitted plans raising concerns about the existing junction between the lane past the proposed site and the A3072 which is the most likely route for any traffic attracted to the site. The visibility for this junction is considered to be substandard with the adjacent A3072 being subject to the national speed limit. Due to adjacent hedgebanks, the Highways Officer has confirmed that the visibility at this junction is severely reduced to a matter of a few metres in either direction. The Highways Officer notes that there is a lack of information on the likely increase in trip generation as a result of the proposed development, including the type and size of the vehicles. At this stage, the Highways Officer is recommending refusal pending the submission of additional information.

No additional information on the likely number of vehicular movements to and from the site and their type or improvements to the existing visibility splays have been submitted by the applicant. In addition, it is noted that any alterations to increase the visibility splay onto the A3072 are likely to result in works to third party land. Taking account of the lack of established use of the site for industrial purposes as discussed within the Principle of Development section above, the proposed development is considered to be likely to result in a significant increase in vehicular movements.

Insufficient information has been provided in relation to access arrangements and the number of vehicular movements to allow a full assessment to be made. On this basis, the proposed development is considered to be out of keeping with the provisions of Policies DM05 of the Local Plan.

5. Drainage

As noted above, Policy DM02 states that development will be supported where it does not result in unacceptable impacts on the pollution of surface or ground water. In addition, section (n) of Policy DM04 notes that development proposals should provide effective water management including Sustainable Drainage Systems, water efficiency and the reuse of rainwater.

The submitted details propose the connection of the buildings to an existing package treatment plant for the discharge of foul drainage and a soakaway for surface water drainage.

The package treatment plant would be located to the north of the application site, on land within the applicant's ownership and would discharge to a watercourse.

The Council's Environmental Protection Officer has commented on the submitted details and notes that the foul drainage should discharge to a watercourse with a continuous annual flow, to accord with DEFRA's General Binding Rules. Further information has been requested to confirm the status of the watercourse however no additional information has been received.

In terms of surface water drainage, attenuation crates are proposed to be provided beneath the main yard area in two locations. No details of the surface water run-off calculations or the capacity of the crates has been provided as part of the submission. Notwithstanding this, it is considered that the site includes sufficient space to allow the provision of surface water drainage suitable to meet the requirements of the site. The Council therefore considers that a feasible surface water drainage scheme could be provided on site.

6. Ecology

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced within the North Devon and Torridge District Local Plan through Policy DM08 which requires new development to 'avoid adverse impacts on existing ecology features as a first principle, and enable net gains by designing in biodiversity features'

An Ecology Survey has been submitted in support of the application which noted that the site relates to a former yard area with modern agricultural buildings and bare ground. As a result, the site does not include any natural habitats other than the surrounding trees and hedgerows which are intended to be retained as part of the proposals. The Ecology Survey recommends that the development may result in an adverse impact on surrounding habitats and species during both the construction and operational phases, particularly in terms of night-time lighting. In relation to biodiversity net gain, the Survey recommends a number of enhancements including the incorporation of grassed areas within the layout design, the replacement of an existing block retaining wall with topsoil to create a Devon hedgebank, the installation of bat and bird boxes to the proposed buildings and the inclusion of native shrubs and trees within the proposed landscape design.

Taking account of the existing site and the proposed development, it is considered reasonable to include a condition as part of any planning permission granted to ensure that the development is undertaken in accordance with these recommendations. On this basis, the proposed development would accord with Policy DM08 of the Local Plan.

Conclusion

The principle of the proposed quantum of industrial development within this countryside location would be out of keeping with the spatial strategy set out in the Local Plan which seeks to direct such development to designated settlements and the boundary wall and railings to the eastern boundary are considered to result in an adverse impact on the rural character of the surrounding area. Additionally, insufficient information has been provided with respect to the likely traffic movements associated with the development using the existing sub-standard access onto the A3072 to the south. The proposed development would not therefore result in a safe a suitable access. In addition, insufficient information has been submitted in relation to the surface water drainage provision on site.

Human rights

Consideration has been given to the Human Rights Act 1998.

Recommendation

REFUSE for the following reasons:

1. The principle of the proposed development would be of a large scale within this rural area and not well related to an existing defined settlement or with a strong functional link to local agriculture, forestry or existing rural activity. On this basis, the development would be contrary to the provisions of Policies ST07, ST11 and DM14 of the North Devon and Torridge Local Plan

(2018) and national policy contained within the National Planning Policy Framework (2021), particularly paragraph 85.

2. The brick wall and railings to the frontage of the site are, by reason of their design, height and siting, considered to result in an adverse impact on the surrounding rural landscape character and the rural nature of the adjacent highway. The development would therefore be contrary to the provisions of Policy DM04 of the North Devon and Torridge Local Plan (2018) and the provisions of paragraph 130 of the National Planning Policy Framework (2021).
3. Insufficient information has been submitted in relation to foul drainage provision to allow the Local Planning Authority to fully assess the likely impacts of the development. In the absence of such information, it is considered that the proposed development is likely to result in a harmful impact in terms of surface and/or ground water pollution, contrary to the provisions of Policy DM02 of the North Devon and Torridge Local Plan (2018).
4. Insufficient information has been submitted to allow the Local Planning Authority, in consultation with the County Council as Highway Authority, to fully assess the highways impacts of the proposed development. In the absence of such information the proposed development is not considered to result in a safe and suitable access to the site and would be likely to result in an unacceptable impact on highway safety, contrary to the provisions of Policy DM05 of the North Devon and Torridge Local Plan (2018) and the provisions of paragraphs 85, 111 and 110 of the National Planning Policy Framework (2021).

Plans Schedule

Reference	Received
Orc/21.P02 Rev. A	21.03.2023
Orc/21.P01 Rev. C	21.03.2023
Orc/21.P04	27.01.2022
Orc/21.P03	08.12.2021

Statement of Engagement

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following and positive and proactive manner. We have made available detailed advice in the form of our statutory policies in the Development Plan, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably. In such ways the Council has demonstrated a positive and proactive manner in seeking solution to problems arising in relation to the planning application.

In this instance the applicant did not enter into pre-application discussions with the Council. Lengthy discussions were undertaken with the applicant during the process of the application, however these have not overcome the policy concerns which were raised by the Case Officer.