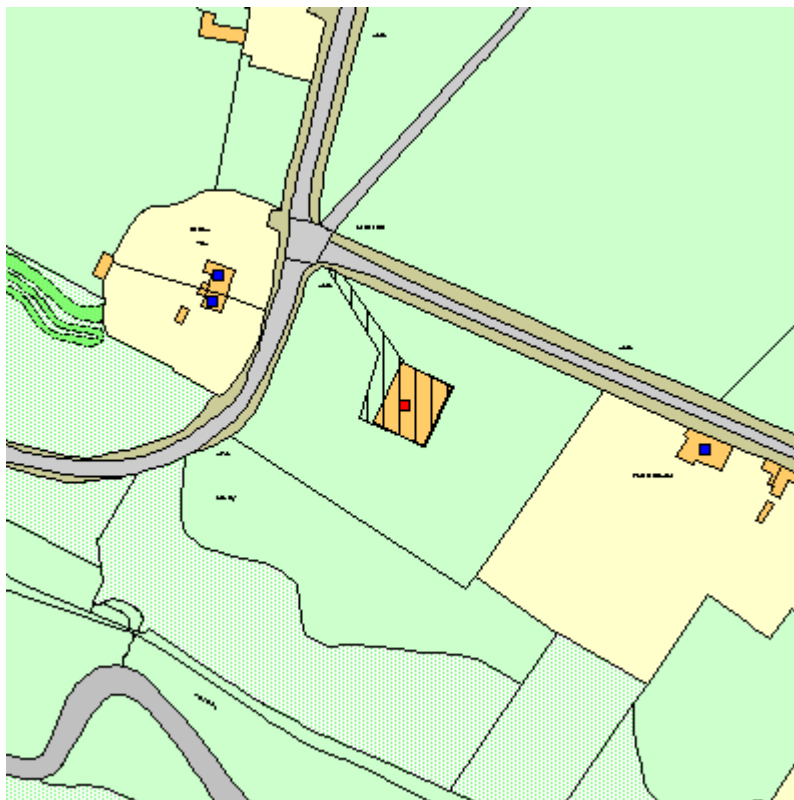




Development Control Committee Schedule 09/08/2011

Item No:	03
Application No.	S.11/0151/COU
Site No.	PP-01358247 (10332)
Site Address	Land At, Damery Lane, Wotton-Under-Edge, Gloucestershire
Town/Parish	Alkington Parish Council
Grid Reference	370886,194317
Application Type	Change of Use
Proposal	Change of use of agricultural building to B8 storage relating to agricultural, equestrian or horticultural goods and products. Retrospective replacement cladding with green box profile sheeting and installation of roller shutter door.



Applicant's Details	Mr Rob Austen Trench Farm, Kingswood, Wotton-under-Edge, Gloucestershire, GL12 8JU
Agent's Details	Matthew Blaken David James & Partners LLP, 7 Market Street, Wotton-under-Edge, Gloucestershire, GL12 7AE
Case Officer	Pippa Moore
Application Validated	31.01.2011

	RECOMMENDATION
Recommended Decision	Permission
Subject to the following conditions:	<ol style="list-style-type: none"> <li data-bbox="459 235 1508 470"> <p>1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.</p> <p>Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <li data-bbox="459 504 1508 840"> <p>2. The number of Large Goods Vehicles (LGV) movements attending the site will not exceed 10 per calendar month.</p> <p>Reason: In the interests of highway safety and to protect the living conditions of occupiers of nearby residential properties.</p> <p>Note A LGV is any vehicle over 3.5 tonnes. 1 LGV movement is one LGV arriving at and departing from the site.</p> <li data-bbox="459 873 1508 1075"> <p>3. The site owner will keep a register of all Large Good Vehicles (LGV) accessing the site which shall be made readily available to the Local Authority at their request.</p> <p>Reason: To enable the LPA to monitor the number of LGVs attending the site.</p> <li data-bbox="459 1108 1508 1478"> <p>4. No machinery or plant shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours of 07:30 – 18:00 Monday to Friday, 08:00 – 17:00 on Saturdays and not at any time on Sundays, Bank or Public Holidays. All vehicles entering the site for the purposes of making a delivery shall switch off their engines whilst unloading is taking place.</p> <p>Reason: To protect the amenity of the locality, especially for people living and/or working nearby, in accordance with Stroud District Local Plan Policy GE1 and in accordance with the provisions of Circular 11/95.</p> <li data-bbox="459 1512 1508 1780"> <p>5. Any forklift trucks used on the application site shall be fitted with noise attenuated reversing alarms. All such alarms to be kept in working condition and operable wherever a forklift truck is used on the site.</p> <p>Reason: To protect the amenity of the locality, especially for people living and working nearby in accordance with Stroud District Local Plan Policy GE1 and in accordance with the provisions of Circular 11/95.</p> <li data-bbox="459 1814 1508 2116"> <p>6. The building shall be used for the storage and distribution of goods and products relating to agriculture, horticulture and equestrian uses only. It shall not be used for any retail purposes.</p> <p>Reason: An unrestricted B8 use may not be considered sustainable in this location. The rural nature of the proposed use, supported by the information submitted by the applicant indicates that this is a more sustainable location than the existing situation.</p>

	<p>7. Details of the planting proposed on drawing 70036/01/001 received 25th January 2011 shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission or before the building is first used for B8 purposes, whichever is the later. The details shall include the species and size of plant, planting distances and method of planting.</p> <p>Reason: In the interests of the visual amenities of the area.</p> <p>8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first complete planting and seeding seasons following the occupation of the buildings, or the completion of the development to which it relates, whichever is the sooner. Any trees or plants which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Head of Development Services gives written consent to any variation.</p> <p>Reason: In the interests of the visual amenities of the area.</p> <p>Informatives:</p> <ol style="list-style-type: none"> 1. All Large Goods Vehicles (LGV) accessing the site will access from A38 Heathfield junction towards Hogsdown. 2. You are advised not to reduce the height of the hedgerow adjacent to the road as this could endanger the barn owl which uses the site as a flight path. It would be beneficial to biodiversity if you could enhance the land within your control to provide habitat suitable for voles. 3. If a protected species (such as any bat, reptile, moth and butterfly, great crested newt or any nesting bird) is discovered using a feature on site all work at the locality should cease. A suitably qualified ecological consultant or Natural England should be contacted and the situation assessed before operations can proceed. This action is necessary to ensure compliance with the Wildlife & Countryside Act 1981 (as amended) and the Conservation (Natural Habitats & c.) Regulations 1994 (as amended).
	CONSULTEES
Comments Received	
Not Yet Received	Parish / Town Highways Development Co-ordination
	CONTRIBUTORS
Letters of Objection	<p>S Haines M O McCann, Michaelwood Cottage,, Michaelwood, Mrs. R. Williams, Greystone Cottage,, Lower Wick. Berkeley Vale CPRE, Tim Powell (Hon Sec). 8 The Green, Uley, A Nethercote, Pennyfields, Swinhay Lane, Huntingford, Wotton-under-Edge, N Florence Mrs J Strange, Furzewood Farm, North Nibley B Bowen Mr M McCann, Michaelwood Cottage, North Nibley</p>

	R Howell, The Latches, Huntingford M O McCann, Michaelwood Cottage, North Nibley B Nicholls, Whitehall Cottage, Damery Lane B Hamley, Meadow View, Michaelwood
Letters of Support	
Letters of Comment	Colin Studholme, Gloucestershire Wildlife Trust, M McCann, Michaelwood Cottage, North Nibley J Stuart Robson, 58 Dorset Way, Yate Dr J Margerison, Whitehall House, Damery Lane
	OFFICER'S REPORT

SITE

This site is a rectangular plot to the south of the junction of Damery Lane and the road to Huntingford. A private track also joins this junction to the north east. Whitehall House (identified as The Firs on the submitted plans) adjoins the site to the east, and there are houses facing the site on the opposite side of Damery Lane.

The area is isolated, not close to amenities and has an open agricultural character.

The site itself contains a barn with two areas of hardstanding and access to Damery Lane. The barn was separated from any agricultural unit some 9 years ago. It has been empty for a while and has been re-clad in profile metal sheeting with a roller shutter door.

PROPOSAL

To change the use of the barn from agriculture to B8 (storage and distribution) for agricultural, horticultural and equestrian goods. The business is website based, run by the applicant. Currently the applicant has a main office in Thornbury, a home office and rents several units for storage. The proposed change of use would allow all the goods to be stored under one roof minimising vehicular movements relating to the business.

MATERIALS

Walls: profile metal sheeting, green
Roof – cement fibre sheeting

RELEVANT PLANNING HISTORY

S.10332 Outline application for erection of farm worker's dwelling refused 28.03.1963
S.10332 Outline application for erection of farm worker's dwelling approved 10.03.1987
S.01/1282 Outline application for farm worker's dwelling - application withdrawn
S.05/0314 - Change of use to B1 office/light industrial. Refused - building in poor condition and not capable of reuse without complete reconstruction; sporadic commercial development in an area poorly served by public transport; roads inadequate; adverse impact on landscape; potential for adverse impact on scheduled ancient monument; unacceptable impact on living conditions of nearby residents.

REPRESENTATIONS

Alkington PC object- the building has changed in appearance so it now looks like a warehouse rather than a farm building. It is in an isolated position so employees will have to travel some distance to work, there will be no local employment opportunities and it is not related to farm diversification. A previous application was refused on highway grounds (junctions in close proximity to access, narrow lanes, poor visibility) and impact on living conditions of occupiers of adjacent houses. "Contrary to policies G1, G5, PPG7, PPG12, PPG13, E18 or later equivalents". Suggest conditions if permission is granted.

Highways Planning Liaison - recommend refusal as roads are substandard and unsuitable to cater for increased traffic due to their width, poor alignment, no footways and substandard junctions.

GCC Archaeology - site is about 50m from Damery Camp, a scheduled ancient monument. There would be no significant alterations to the building and there is considerable tree cover within Damery

Camp. The applicant proposes additional planting on the western boundary. The proposed development will have no significant impact on the scheduled ancient monument. No archaeological investigation or recording is required.

EHO - suggests conditions limiting hours of operation of plant and machinery
Third party representations, and forklift trucks should have noise attenuated reversing alarms

A number of neighbour objections have been received:

Inaccuracies in application forms. Building was re-clad in Dec 2010/early 2011 (current owner purchased the site in Sept 2010); the applicant says no protected species would be affected, alleges populations of barn owl, great crested newts; no assessment of impact on key wildlife sites or features of geological conservation importance; site doesn't appear to be used for agricultural machinery/fodder storage; there are hedges on the development site. contrary to GE5 and BE16 - site is poorly served by public transport, hazardous road junction; poor visibility; highway danger when vehicles are waiting to gain entrance; danger to other road users; the re-clad/modified building is very visible particularly from the cottages opposite; conditions limiting vehicle movements difficult to enforce for similar reasons also contrary to TR1, TR2; increase in activity from the site would result in noise and disturbance to neighbours contrary to GE1; building is visible in the landscape contrary to NE6; building close to scheduled ancient monument and would adversely affect its setting. Roads are unsuitable. Previous application for B1 refused. Outside settlement boundary. There are vacant industrial units in Yate, Dursley and Damery works that would be more suitable. Additional traffic can't be safely accommodated on the existing roads. Very limited number of transport choices available. 6 entrances in close proximity. Barn has been rarely used in 30 years, any increase in traffic would increase danger to road users and to wildlife (deer, badgers etc being hit by traffic). Inadequate drainage to deal with surface water run off. Disruption if mains services are connected. The barn is highly visible from footpaths and spoils the landscape. Archaeological potential. Wildlife interest. Need to consider Damery Section. The area is rich in local history, (historic) industry and wildlife and planning applications that threaten this should be refused. Alterations to the barn make it no longer suitable for agriculture and change of use of these type of building limit opportunities for people wanting to buy or tenant land to farm. Already issues with verges being eroded and affecting roadside ditches would worsen with further traffic

Comment

The barn is in the territory of a barn owl (protected species) and care needs to be taken to ensure that safe flight paths are maintained and vole habitat enhanced where possible. Concern about increase in traffic and consequent increase in danger to road users. If permitted there should be limits on number/type of vehicles visiting the site.

ARTICLE 31 STATEMENT – REASONS FOR RECOMMENDATION

REASONS FOR DECISION – ARTICLE 31

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following reasons for the Council's decision are summarised below together with a summary of the Policies and Proposals contained within the Development Plan which are relevant to this decision. Policies relevant to this application are GE1, GE5, BE16, NE3, NE4, NE6, TR1, TR2. These seek to ensure that new development should not result in an unacceptable impact on the living conditions of occupiers of nearby properties (GE1); development should not be detrimental to highway safety (GE5); policies TR1 and TR2 seek to ensure that there is appropriate provision made for pedestrians, that the site minimises the need to travel and is accessible by a range of transport, and that there is adequate parking on site. BE16 sets out criteria to which applications for re-use of rural buildings should comply with; and policies NE3, NE4 and NE6 seek to protect the natural environment.

Impact on character of area:

The barn was originally part block wall with timber cladding above and cement fibre sheet roof. It is steel framed. The applicant has confirmed that the steel frame of the building was not touched, and that the block wall and roof remain. The walls have been clad in green coloured profile metal sheeting. Both materials are appropriate for agricultural buildings. Whilst the metal sheeting is a material change to the appearance of the building, the alterations are appropriate to a barn in a rural location. The footprint, height, scale and mass of the building has not altered. The alterations to the building are considered to be appropriate to the site and surrounding area. The use of the building is

for the storage of goods for agricultural, equestrian and horticultural goods. The applicant currently uses several smaller buildings for storage, the barn on this site is centrally located between them and would allow amalgamation which should minimise the overall number of trips needed for deliveries/receipt of goods. The building is considered to be appropriate to its rural location in terms of size, scale and materials.

Impact on residential amenity

There is concern that the proposed use of the building would have an unacceptable harmful effect on the living conditions of occupiers of nearby dwellings due to noise, disturbance and highway/access issues. The hours of operation can be restricted so that work should not take place from the site outside specified hours and the applicant has suggested conditions to limit the number of large goods vehicle movements to and from the building to no more than 10 per month, where a large goods vehicle is a vehicle in excess of 3.5 t. Comments have been made that the barn has never been greatly used since its construction. However, as an agricultural barn there could be a significant number of movements associated with the use - tractors, trailers etc. There is no significant amount of agricultural land associated with the barn and any agricultural use of the barn is likely to be some distance from associated land, so the distance agricultural vehicles would need to travel between the agricultural land and the barn could be significant, along the substandard roads. The proposed use appears to be fairly low key, with a limited number of larger vehicle movements. Whilst there may be some increase in noise and disturbance to neighbours, this is not likely to be significantly greater than the disturbance which could be generated from a more active agricultural use of the building. Because of the rural location it is also considered appropriate to attach a condition preventing retail sales from the building direct to the public. Whilst the concerns of local residents are understood, the use of the building can be conditioned to ensure that there would not be an unacceptable impact on residential amenity of occupiers of nearby properties.

For the above reasons the proposal is considered to comply with policy BE16 of the adopted Stroud District Local Plan.

Highway safety

The entrance to the barn is onto a single carriageway lane close to a junction with another lane (also single carriageway), and opposite a private track. Most of the objectors refer to increase in danger to users of the highway. County highways planning liaison object to the proposal due to the inadequacy of the local road network. However, the existing building could be more intensively used for agricultural uses than it has been without needing any planning permission. If used for agriculture it is likely that the barn would be divorced from its associated land and the number of agricultural vehicles using the roads to visit the site could increase. This is the fall back position.

An assessment has to be made whether the proposed use is likely to generate so much additional traffic over the authorised use as to unacceptably increase danger to road users. The applicant has suggested conditions limiting movements of large vehicles (over 3.5t) to 10 per calendar month. This level of use would not result in a material change to highway safety. There would be additional movements of smaller vehicles - it is envisaged that 1 full time member of staff and up to 3 casual staff could be present on site. In officers opinion this level of activity is unlikely to increase danger to highway users to an unacceptable extent. Whilst the site is fairly remote, other business uses exist in former agricultural buildings in similar areas such as Damery Works and Wick Business Centre which sets a precedent. Furthermore the business proposed is for agricultural, equestrian and horticultural goods which would serve the rural economy.

Whilst the road network is not ideal, the traffic resulting from this proposal is not likely to be significantly greater than that likely to be generated by a reasonably used agricultural barn (the authorised use of the barn). Conditions are proposed to limit the number of large vehicles visiting the site. As traffic generation is not considered to be unacceptably harmful to highway safety the proposal is considered to comply with policy GE5.

The proposal does not comply with the parts of policy that require developments to be accessible by a range of transport modes. However, the proposal does comply with other policies (mainly BE16) and on balance it is considered that the reuse of the building overrides the need for accessibility in this case.

Ecology/SSSIs

The Gloucestershire Wildlife Trust expressed concerns that there may be wildlife interest on the site which they were investigating, but have not come back with any further information. A letter from the Hawk and Owl trust confirms that there is a barn owl nearby whose territory includes this barn. It is commented that the height of the hedge adjacent to the road should not be reduced in the interests of safety of the owl. Whilst the owl may cross the site, the barn itself does not appear to have been used by the owl - its steel frame construction would not provide a suitable nest site.

With regard to other protected species, objectors have referred to local populations of a variety of mammals, birds and invertebrates including bats, badgers and great crested newts. The Gloucestershire Wildlife Trust has not confirmed the presence of these species and the construction of the barn makes it unlikely habitat for nesting birds or bats. There were no obvious signs of badgers on the site. There do not appear to be any medium to large sized ponds nearby and whilst it's possible that great crested newts could use part of the site, the application site area, being the footprint of the building and two areas of hardstanding, suggests a low likelihood of the presence of newts or slowworms.

Objectors have referred to the proximity of SSSIs and the likelihood of damage to these sites resulting from the proposed development. Michaelwood, Michaelwood Lodge Wood, Furzeground Wood and Alder Wood are all recorded as being ancient woodland. The barn is a minimum 220m from the nearest point of Michael Wood and across the road from it, it is about 600m from Furzeground Wood and 1km from Michaelwood Lodge Wood. Given the limited amount of traffic resulting from the proposal and the distance to the SSSIs the proposal is not considered to be likely to have any significant impact on the SSSIs. Attention has also been drawn to Damery Section, which is an SSSI identified for its geological interest (primarily fossils). The nature of the proposed use and its distance from Damery Section is sufficient to ensure that there would be no adverse impact. Natural England were consulted on the application. No formal response was received although in discussion it was agreed that this proposal would not have any impact on the SSSIs.

The proposal would not have any significant impact on wildlife, protected species or SSSIs and accords with policies NE3, NE4 and NE6 of the adopted Stroud District Local Plan, Nov 2005.

Archaeology

The site also lies about 50m from the boundary with Damery Camp, a scheduled ancient monument. The view of the County Archaeologist is that there are no known archaeological remains within the application site and that there is existing tree screening within the southern part of Damery Camp. He also notes the proposed tree planting on site and concludes that there would be no significant impact on the scheduled monument or its setting, and that no further archaeological investigation or recording is required.

For the reasons outlined above, the proposal is considered to comply with policies GE1, GE5, BE16, NE3, NE4, NE6 and TR1 of the adopted Stroud District Local Plan, November 2005.

RECOMMENDATION

The application is therefore recommended for permission.

HUMAN RIGHTS

In compiling this recommendation we have given full consideration to all aspects of the Human Rights Act 1998 in relation to the applicant and/or the occupiers of any neighbouring or affected properties. In particular, regard has been had to Article 8 of the ECHR (Right to Respect for private and family life) and the requirement to ensure that any interference with the right in this Article is both permissible and proportionate. On analysing the issues raised by the application no particular matters, other to those referred to in this report, warranted any different action to that recommended.