

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Report No.

Date of Meeting	25 April 2012		
Application Number	N/11/04112/FUL		
Site Address	The Barn, Sodom Lane, Dauntsey, SN15 4JA		
Proposal	Lean to Extension, Generator Shed and Bin Store		
Applicant	Mr B Mansfield		
Town/Parish Council	Dauntsey		
Electoral Division	Brinkworth	Unitary Member	Cllr Toby Sturgis
Grid Ref	400363 181376		
Type of application	Full		
Case Officer	Chris Marsh	01249 706 657	chris.marsh@wiltshire.gov.uk

Reason for the application being considered by Committee

Councillor Sturgis has called the application to Committee in order to consider the impact of increased commercial activity in the countryside. The application was deferred after initial consideration at the Committee meeting on 22 February 2012 for the following reasons:

1. To seek the views of highways based on recent information regarding loading and unloading
2. The enforcement officer to establish the use of the premises and which use class the building comprises to ascertain whether there would be a material change of use due to this extension as well.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

The proposal has attracted an objection from Dauntsey Parish Council, on the grounds that the proposal will increase traffic and cause obstruction to the highway and that will harm the residential amenity of nearby properties through noise generated on site.

The application has generated two letters of objection from local residents and landowners.

2. Main Issues

The main issues in considering the application are:

- Principle of development
- Impact on the privacy and amenity of neighbours
- Impact on the character and appearance of the open countryside
- Impact on highways

3. Site Description

The Barn is a commercial light industrial and storage facility at Sodom Lane, Dauntsey. The site is located in open undesignated countryside adjacent to the classified C road, adjacent to a single detached dwelling but otherwise with little relation to any other built fabric in the immediacy.

Approximately half of the site is occupied by the existing building, which is immediately surrounded by concrete hardstanding and which includes a modest rear access serving as a plant room. The areas to the northeast of the hardstanding could currently be described as scrubland, which looks particularly sparse due to the failure of hedgerow required by condition on a previous permission around the site boundary, the replanting of which has recently been undertaken. The southwest, northwest and southeast boundaries of the site are treated with close boarded fencing.

The unit comprises a combination of office, research, processing (all B1 uses) and storage (B8) elements, which are distributed throughout the main building. The processing activity undertaken comprises the mixing and blending of dry nutrition powder ingredients and their repackaging to be shipped to customers. By definition, such processes are inherently considered to be 'appropriate in a residential area' and do not involve the manufacturing of goods from raw materials.

Further to the submission of the application, works have been undertaken to provide a side extension, which is used for the dry storage of ingredients in isolation from the other processes within the building. A small wooden 'box' extension has also been added on the Southern side of the original building, accommodating the generator previously operating on this side of the building and an associated inverter box. This equipment is required on an occasional basis throughout the day to power the equipment used on site.

4. Relevant Planning History		
Application Number	Proposal	Decision
N/08/02824/FUL	Extension to Existing Commercial Premises, Together With Use of Associated Hardstanding	Permission
N/07/01709/FUL	Erection of Office Building with Parking and Service Area	Appeal Dismissed
N/06/02980/CLE	Certificate of Lawfulness for Use of Building as Workshop	Permission

5. Proposal

A certificate of lawfulness was granted in 2006 for the use of the building as a workshop (use class B2), and the building was subsequently extended under a permission granted in 2008 to increase the capacity of the premises (see planning history), which saw the consolidation of a new splayed access onto the highway. Under permitted development rights, the unit was formally transferred at this point from B2 (industrial) to B1 (light industrial) and B8 (storage and distribution) uses. As these are interchangeable up to a threshold of 235m² under permitted development rights, a detailed floorplan showing the individual uses themselves cannot reasonably be requested.

The proposal seeks permission to further extend the commercial premises by way of a single-storey side extension to the Northwest of the existing building. The extension is to be used as storage space in association with the business, including a rear forklift access, offering an additional 84m² of floor space. Externally, the extension is to be finished entirely in green profile sheeting to match the main building, featuring a mono-pitch roof that follows the existing roof line on this side. The extension will follow the front and rear build lines of the host unit and is to measure 5.8 x 14.4m externally, with a ridge height of 4.4m, with an overhanging canopy at its Northwest edge at a height of 3.2m.

Additionally, retrospective permission is sought for the modest 'box' extension on the southwest elevation of the existing building, which is to accommodate the generator and inverter box previously contained within the main building. This element is constructed from soundproofed plywood and measures 5.0 x 1.4m. It is 1.9m in height so that it cannot be seen from beyond the site, and is painted to match the rest of the building.

6. Consultations

Dauntsey Parish Council – objects on grounds of increased traffic and likelihood of vehicles obstructing the highway, and expresses concern at the potential hours of operation

Highways – no objection, on balance of the relative impact of the extension

The Highways Officer has offered the following comment:

“ I can confirm that I adhere to my original comment dated 21 February. I do not consider that the additional 83 sq.m is a floorspace to create an additional significant highway issue. I note that suitable parking and turning is available in the site (to include for 7.5 tonne vehicle). I understand that on irregular intervals large HGVs deliver to the site and this has caused many complaints. This is an existing situation and I do not consider that this proposal will exacerbate this situation. I do not consider that it is reasonable for the site (scale and B1/ B8 use) to be designed for parking and turning for irregular deliveries by large 4 axle lorries.”

Environmental Health – no objection, subject to conditions

The Environmental Health Officer has offered the following comment:

*“I note that the use of the generator has now changed from ‘emergency use’ to a routine use 3 to 4 times a day. This changes my view on how the matter should be addressed. I have considered the proposal of limiting the number of uses and duration of use of the generator but in practice I think it would be difficult to monitor or enforce a condition phrased in this way. In order to prevent any future confusion I would propose an alternative condition” (as **condition 5**)*

“The forklift condition allows operation up to 1800hrs Monday to Friday. The applicant should be aware that should a nuisance occur in the future the council does potentially have the power to further restrict the operation of the forklift using the provisions of section 80 of the Environmental Protection Act 1990.”

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Two letters of objection have been received.

Summary of key relevant points raised:

- Noise and odour pollution caused by regular or continuous use of a generator;
- Loss of residential amenity by proximity of generator to neighbours of site;
- Visual and ecological damage of uncontained packaging on site;
- Inadequacy of access arrangements and potential increase in traffic;
- Lack of allocated employee parking on site, particularly during deliveries; and
- General overdevelopment of the site and business.

8. Planning Considerations

Principle of development

The principle of the limited expansion of businesses in the open countryside is supported by Policy BD5 of the adopted Local Plan, which seeks to support rural-based enterprise. This policy applies to any business operation in the countryside, irrespective of its necessity for such a location.

Impact on neighbour amenity

The site's only immediate neighbour is situated to the Northwest of the site, adjacent to the position of the proposed extension, which will reduce the distance of separation from around 23m to 16m. As such, issues such as the potential for noise and light pollution, overlooking, overbearing or other loss of residential amenity are key considerations. In this instance, it is not envisaged that the development will incur the unacceptable loss of residential amenity as set out in Policy C3, due to the design and access specifications of the extension. It is unlikely that significant noise should be caused by the use of the extension, which is to be used for storage only, save for ongoing occasional forklift deliveries. The Council's Environmental Protection Officer has raised no objection in terms of noise or odour, but has recommended conditions on the hours of deliveries, forklift use and generator use due to the proposed relocation of these activities closer to the boundary with the neighbouring property. It is considered that nuisance can be averted by condition and/or under the provisions of the Environmental Protection Act 1990.

Impact on the character and appearance of the open countryside

Given the relatively constrained siting of the proposed extension, it is not considered reasonable to object to the proposal on the basis of intrusion into, or other detriment to, the open countryside relative to the existing business. Owing to its scale and siting, the proposed extension will not significantly impact on the sense of openness and is closely tied to the existing building. It is worthy of note that the extant condition requiring suitable boundary landscaping of the site remains valid and will mitigate the impact of the existing building and, if permitted, its extended form. Policy NE15 of the adopted Local Plan seeks to conserve the openness of the countryside, which it is considered will not be disadvantaged by the proposed extension.

Impact on highways

Concerns have been raised regarding the standard of site access and frequent disruption to the adjacent highway caused by deliveries to the site. It is understood that problems have been encountered prior to the erection and operation of the extension hereby applied for, and it is therefore vital to consider the proposal on its own merits in this regard. The proposed extension does not compromise the site's ability to accommodate the regular movement of delivery vehicles due to its siting, notwithstanding the current access limitations.

Whilst a previous application for a separate office building on site was dismissed on appeal on access/highways grounds (07/01709/FUL refers), it is not considered comparable to the proposal considered here. The extension now proposed represents a proportionally limited floor area, which will operate in conjunction with the established business, whereas the previous office scheme would mark a substantial deviation and intensification of the use of the site. Furthermore, it is notable that the access as existing was secured by condition when the business was extended previously, meeting the approval of highways officers whereas the proposed office scheme would have far more significant highways implications in terms of traffic, parking and turning space.

Conclusion

It is considered that the proposal is acceptable in planning terms and is supported in principle by planning policy. The proposed extension represents a practical solution to the operational requirements of the business currently operating from the site, rather than an intensification of such use or expansion of the business in what is otherwise open countryside. It is considered that by imposing suitable conditions, any harm posed by the proposal in respect of loss of residential amenity can be mitigated to an acceptable level. Visually, the proposed limited extension is subservient to the existing premises and concealed by the boundary treatments to the North and West of the site, therefore not appearing any more incongruous in the context of the open countryside.

9. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development, by virtue of its siting, use, scale, massing, design and materiality, will not harm the character or appearance of the site or its setting in open countryside. Extension of the existing business in this way will not adversely affect residential amenity or highway safety or otherwise harm the visual amenity of its location. The proposal therefore accords with Policies C3, NE15 and BD5 of the adopted North Wiltshire Local Plan 2011.

And subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those used in the existing building.

REASON: In the interests of visual amenity and the character and appearance of the area.

3. Deliveries and forklift use on site shall only take place between the hours of 0700 and 1800 from Mondays to Fridays and between 0900 and 1300 on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

4. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside any building on the site without the prior approval in writing of the Local Planning Authority, save for the storage of pallets in the area marked as such on the approved plans.

REASON: In the interests of the appearance of the site and the amenities of the area.

5. Prior to the commencement of the use the applicant shall provide an acoustic report which demonstrates that the generator will be located, enclosed, operated and maintained in such a manner as to ensure that it is unlikely to give rise to complaint as assessed using the methodology specified in BS4142:1997. In order to prevent a 'creeping' increase of background noise levels the specific noise arising from the generator shall be demonstrated as being 5dB(a) below the existing background L90

Compliance with the above condition may be demonstrated either by measurement or calculation. The assessment location shall be 1m from the nearest facade of any appropriate buildings adjacent to the development site or at an alternative location agreed in writing with the local planning authority.

REASON: To ensure the retention of an environment free from intrusive levels of noise and activity in the interests of the amenity of the area.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), the site shall be used solely for purposes within Classes B1 and/or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987

(as amended by the Town and Country Planning (Use Classes) (Amendment)(England) Order 2005 (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

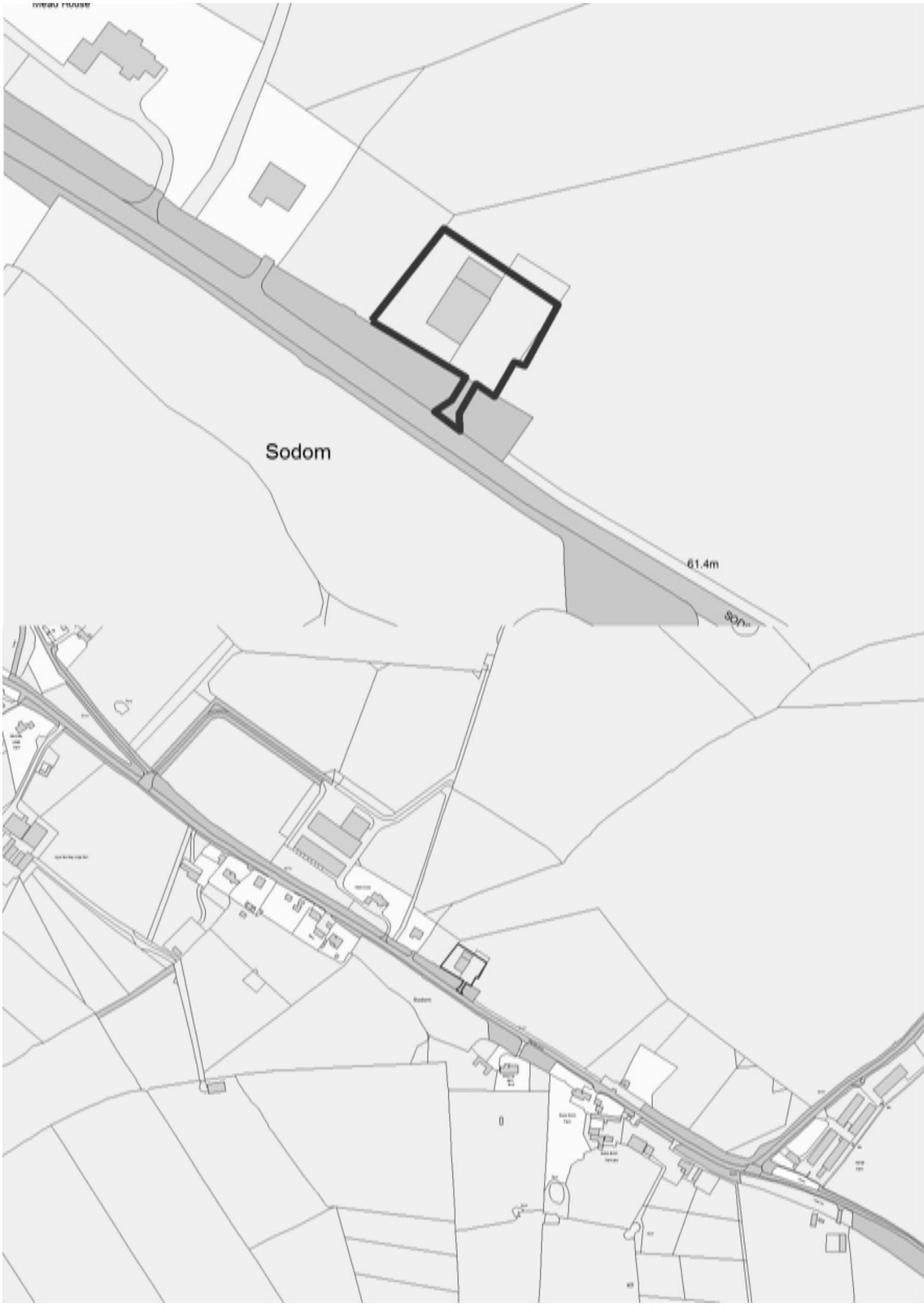
REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use, other than a use within the same classes, having regard to the circumstances of the case.

7. The development hereby permitted shall be implemented in accordance with the submitted plans and documents listed below. No variation from the approved plans should be made without the prior approval of the local planning authority. Amendments may require the submission of a further application.

Block Plan
Elevations (rev. A)

Received 20 December 2011

REASON: To ensure that the development is implemented as approved.



Sodom

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