

<b>Date of Meeting</b>	8 April 2015
<b>Application Number</b>	15/00661/FUL
<b>Site Address</b>	Whaddon, Hilperton, Trowbridge Wiltshire BA14 6NR
<b>Proposal</b>	Change of Use of Agricultural Building to B8 Storage and B2 General Industrial Use Ancillary to Engineering Works
<b>Applicant</b>	Trojan Engineering
<b>Town/Parish Council</b>	HILPERTON
<b>Ward</b>	HILPERTON
<b>Grid Ref</b>	387911 161470
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Alison Hall

### Reason for the application being considered by Committee

#### 1. Purpose of Report

This application has been called in by Councillor Clark on the grounds of impact on neighbouring amenity and continued industrialisation of the area.

#### 2. Report Summary

The issues to consider are:

- The principle of development and impact on the character of the area
- Impact on neighbouring amenity
- Impact on the highway

#### 3. Site Description

The site is located to the north west of Whaddon Lane. The nearest residential property is Long Byre which is located to the east of the site.

The existing business of Trojan Engineering is located in the building to the west of Long Byre. Trojan Engineering have been operating from the site since 1989 and manufactures steel/metal work for residential and commercial clients. The existing building total floor area is 312sqm.

#### 4. Planning History

Original change of use granted in 1993 for a temporary period of 3 years. .

APP/F3925/A/05/1189023 – Change of use from agricultural storage to B8 Storage – Appeal allowed

W/06/1148/EUD – Certificate of Lawful use as a steel fabrication workshop – Certificate of Lawfulness granted.

## **5. The Proposal**

This application seeks permission for the conversion of the adjacent former agricultural store building to the west for the use as B2 (Industrial) and B8 (Storage) and would comprise of an enclosed area for spray painting of the products, an additional workshop area and storage of materials for the existing business use. A total of 123.5sqm of B8 storage would be created, 80.75sqm of flexible storage and spraying area and 137.75sqm of B2 workshop space.

Minor alterations would be required to the building to enclose the current open bays. The applicants state that the business operations would not be expanded and the additional space is required to ensure the existing business operations are carried out in a safer manner for employees and in relation to neighbouring amenity and character of the area. No additional traffic movements would be generated as a result of this development, the applicants state that movements would actually reduce as the additional storage space would negate the need for as many materials deliveries to the site as currently due to the lack of on site storage steel is ordered in on a daily basis.

The applicants state that the existing building is now full to capacity due to the equipment, materials and products expanding and this has resulted in some materials having to be stored outside of the building. The proposed works would ensure that all works associated with the business were internal and therefore no external storage or works would occur.

The principle of B8 storage has been established on the site as a result of the 2005 appeal.

In addition the applicants have confirmed that they would be willing to agree to conditions limiting working hours and delivery times.

The conditions suggested would limit working hours to 07:30-18:00 Monday to Friday 08:00-13:00 on Saturdays and not at all on Sundays or Bank/Public Holidays.

## **6. Local Planning Policy**

Wiltshire Core Strategy (WCS) Adopted 20<sup>th</sup> January 2015

CP2 Delivery Strategy

CP57 Ensuring High Quality Design and Place Shaping

CP48 Supporting Rural Life

National Planning Policy Framework 2012 (NPPF)

Planning Practice Guidance 2014 (PPG)

## **7. Summary of consultation responses**

**Hilperton Parish Council** – Neither object nor support. They would have concerns if there was an increase of traffic on Whaddon Lane.

**Wiltshire Council Highways** – No objection. Development would not increase traffic.

**Wiltshire Council Environmental Protection** – No objection subject to conditions

**Wiltshire Fire and Rescue** – No objection but suggest an informative relating to sprinklers

## **8. Publicity**

The application has been advertised by site notice and the adjacent residential property was notified directly by letter.

A total of 11 letters of representation from 5 neighbouring residents have been received which raise concerns relating to noise, odour, traffic, waste storage, outside storage, working hours, previous contamination of building through the storage of agricultural fertiliser, outdoor storage/works visual impact.

## **9. Planning Considerations**

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise.

### **9.1 Principle of development and impact on the character of the area**

The application site is located adjacent to the existing business known as Trojan Engineering. Trojan Engineering has operated from the site since 1989 and a certificate of lawful use was granted in 2006 for the B2 use.

This application seeks the conversion of an existing rural building previously used as agricultural storage to B2/B8 use in association with the existing business use.

CP48 of the Wiltshire Core Strategy states:

*Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where it satisfies the following criteria:*

- i. The building(s) is / are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building; and*
- ii. The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas; and*
- iii. The building can be served by adequate access and infrastructure; and*
- iv. The site has reasonable access to local services or*
- v. The conversion or re-use of a heritage asset would lead to its viable long term safeguarding*

The building is structurally sound and would only require the infilling of the open ends of the building to provide an enclosed building to serve the uses proposed.

The uses proposed would be contained within the building. As stated by the applicant in their supporting statement the change of use is required to ensure that all works and storage are contained within buildings rather than being undertaken externally as currently occurs.

Therefore in relation to the character and appearance of the area the proposal would result in an enhancement as storage and works would not be undertaken outside of the building and all would contain them within buildings that are still reflective of the agricultural setting.

The site is located within a rural hamlet and is therefore not directly served by local services. However the site is located within 3km of Hilperton local services and 4km of Staverton and 5km of Trowbridge. It is therefore considered that the site is within reasonable proximity of a range of local facilities.

The principle of the change of use is therefore in line with CP48 subject to other material considerations such as impact on neighbouring amenity and highways are discussed in further detail below.

## **9.2 Impact on neighbouring amenity**

CP48 and CP57 seek to ensure that the amenity of neighbouring residents is maintained. The existing business use was granted through a certificate of lawfulness and therefore there are no planning conditions to control the limits of the use.

This application seeks an extension to the existing business use to improve working arrangements and remove the need for operations and storage to be undertaken outside of the building.

The nearest residential dwellings are Long Byre located approximately 36m to the east, Grove Gates located approximately 80m to the east, Rectory Barn located approximately 80m to the south east, The Old Rectory located approximately 97m to the south east and Whaddon Farm located approximately 100m to the south.

Approximately 100m to the south east of the site is 78a Whaddon which was granted permission under reference W/11/03231/FUL for the change of use of former agricultural buildings to B8 and B2 uses.

The proposed building to be converted would contain the B2 workshop and spraying areas to the southern half of the building with the storage B8 element to the northern half. The existing B2 use is within approximately 12m of the nearest residential property the building subject to this application would be separated by approximately 36m. The opening elements to the building would be located on the western elevation with the eastern elevation that faces towards the neighbouring dwelling having no openings.

At present the existing business use at the site is not controlled by planning condition. This application offers the opportunity to regulate and control elements of the operations to ensure that neighbouring amenity is maintained specifically in relation to working hours, works being carried outside of the building and the visual amenity of outside works and storage.

The Council's Environmental Protection Team has been consulted on the proposals. They comment that they have reviewed the proposals and have visited the site. They note the concerns raised by a local residents and witnessed that the company do currently carry out spray painting outside of their existing buildings. The proposals are therefore an opportunity

to improve upon this situation and contain the business operations within the buildings. They have therefore recommended conditions relating to the submission and approval of details of the extraction system to be used to serve the spray booths, limit the operations to within the buildings and no storage or works to be carried outside of the buildings, hours of working to be restricted.

In addition to the conditions recommended by the Environmental Health Officer it is considered reasonable to remove permitted development rights from the site to ensure that the council retain control over future works.

It is considered that given the separation distance from the site and subject to the conditions recommended the proposed change of use to B2/B8 use would not result in an adverse impact on neighbouring amenity and would present an opportunity to improve the existing working arrangements at the site to the benefit of neighbouring amenity in accordance with CP48 and CP57.

### **9.3 Impact on the Highway**

The site is accessed from Whaddon Lane which is a single track road with some passing places.

The application document "Supporting Statement" explains presently the business has over spilled into the outdoor space and that the proposals seek to "enable the re-ordering of the business to create a more efficient and safer working environment for employees and improve the appearance of the site by creating additional storage space" rather than to expand the existing business.

The applicant has also supplied the following supporting information :-

- Existing deliveries comprise;
  - 3x steel deliveries per week (Rigid truck)
  - 2x galvanising lorry per month (articulated)
  - Average of 3x transit-style van deliveries per day.
- The additional storage floor area is expected to reduce the frequency of material deliveries as Trojan are currently unable to store materials and must order steel in on a job by job basis.

The highways officer has been consulted who states that they have no highway grounds to object to the proposed development.

A condition has been recommended to ensure the outside space cannot revert to being used for the business and therefore preventing any expansion without planning involvement.

The highways officer also provided further comments in response to the concerns raised over the suitability of Whaddon Lane to accommodate additional vehicular traffic. In the 2005 appeal decision for storage units the Inspector's stated that a modest rise in daily vehicle movements would not have a significant impact on the road (Whaddon Lane) or the junction with Hill Street Church Street. The highway consultation responses to subsequent planning applications accessed via Whaddon Lane would have given and will give significant consideration to this appeal decision.

The applicants confirmed that vehicle movements would not increase and would actually reduce due to the additional storage negating the need for daily steel deliveries as presently occurs. In addition they have agreed should permission be granted to limit the delivery times to 08:00 – 16:00 Monday to Friday and not at all on Saturdays, Sundays or Bank/Public holidays and that a condition restricting outside storage and processes.

## **10. Conclusion**

It is therefore considered that the proposed development would provide an opportunity to regulate the currently unregulated business use at the site. The proposal would convert an existing rural building with minimal changes required. The proposal subject to conditions would not result in an adverse impact on neighbouring amenity in relation to noise, dust or amenity. In addition as the existing operations and storage that are carried outside of the building would no longer be required the proposed development would result in an enhancement to the character and appearance of the area. The development would not give rise to increased vehicle movements and operating times could be controlled by planning condition to improve the amenity of neighbouring residents and would not give rise to an adverse impact on the highway.

## **RECOMMENDATION**

Approval subject to 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 development hereby permitted shall be carried out in accordance with the following approved plans: LDC.1754\_005A, LDC.1754\_007, LDC.1754\_001

REASON: For the avoidance of doubt and in the interests of proper planning.

3. 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), there shall be no additions / extensions / external alterations to any building forming part of the development hereby permitted and no plant or machinery shall be installed outside any such building on the site on the approved plans.

REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations, or the installation of any outdoor plant/machinery.

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, and no outside burning of materials or waste shall take place at the site.

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

5. No industrial processes, plant or machinery shall be carried out/installed outside any building on the site.

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

6. The use hereby permitted shall only take place between the hours of 07:30 in the morning and 18:00 in the evening from Mondays to Fridays and between 08:00 in the morning and 13:00 in the evening on Saturdays. The use shall not take place at any time on Sundays and Bank or Public Holidays.

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

7. Any spraying shall be restricted to the designated spray booths identified on the approved plans. No spraying shall commence on site until details of the extraction system, including the filtration system to serve the spray booths (including details of its position, appearance and details of measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the designated spray booths being first used for spraying and shall thereafter be maintained in accordance with the approved details.

REASON: In the interests of the amenities of the area.

8. Any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge into the bund. The development shall not be first brought into use until such facilities have been constructed and completed in strict accordance with plans approved by the Local Planning Authority.

REASON: To prevent pollution of the water environment

#### INFORMATIVE TO APPLICANT

The applicant should note that under the terms of the Wildlife and Countryside Act (1981) and the Habitats Regulations (2010) it is an offence to disturb or harm any protected species, or to damage or disturb their habitat or resting place. Please note that this consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.

#### INFORMATIVE TO APPLICANT

The track which is the site access is also a public bridleway (HILP19). This must be kept clear of vehicles and materials at all times so users can freely pass along here.