

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

3 August 2011

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2059/10/F - OVER

**Change of Use from Agricultural building to B1 and B8 at Land North of The Piggery,
Haden Way, Willingham for Mr Flack and Chapman.**

Recommendation: Approval subject to the comments of the Environmental Health Officer and conditions

Date for Determination: 31st January 2011

Notes:

This Application has been reported to the Planning Committee for determination because the officer recommendation is contrary to that of the Parish Council.

Site and Proposal

1. This 0.2ha site is located in the southwest of Willingham approximately 30m outside the village framework boundaries and approximately 37m from its closest residential property. It is very close to the Parish of Willingham.
2. Immediate surrounding land comprises countryside with paddock and stables located to the south. The site is predominately open on its north-facing boundary with a few small trees and shrubs. To the south and west this is again predominately open and bound by post and wire fencing no higher than 1.2m in height. To the eastern boundary there are mature trees and hedge screening, particularly a large willow located close to the entrance of the site.
3. Access to the site is via a rural track a short distance from Haden Way, which is adopted road. An existing large metal gate secures the site.
4. The existing building on site is 8.5m in height to the ridge, approximately 19m in width and 25m in length; it is partly open at the bottom of the building. There are also several small single storey timber buildings on site that are currently used for storage.
5. The full application received 18th November 2010 and later amended, proposes the change of use of an existing agricultural building to that of B1and B8. It proposes improvements to the track where it crosses from the highway into the application site.
6. The existing building is to be completely enclosed with access via roller shutter doors and the inside adapted to allow for 121.55m sq. of office space at first floor level and toilets, secure storage and mess room comprising 84.7m sq. at ground level. The remainder of the ground floor is proposed as storage and goods in/out space. The timber buildings are to be removed to allow for 9 car/van parking spaces.
7. The area outside is to be resurfaced and used as the service yard. The applicant also owns land to the west of the application site, shown outlined in blue.

Planning History

8. A previous application (S/1699/09/F) was submitted for a change of use to B1, B2 and B8. This application was recommended for approval at March 2010 Planning Committee. Members refused the application contrary to the officer recommendation as, notwithstanding the positive comments made by the Local Highway Authority, Members were not convinced at the time that the applicant had carried out an appropriate traffic survey. Additionally it was refused on grounds of impact on neighbour amenity by virtue of noise. The application, whilst in the process of an independent assessment on highway safety, was later withdrawn, before a formal decision notice was issued.
9. This application was originally submitted as a change of use to just B1, however, this has since been amended to B1 and B8 use. The B1 use is at first floor and the B8 use at ground floor.

Planning Policy

10. Local Development Plan Policies

South Cambridgeshire Local Development Framework Development Control Policies
DPD 2007:
DP/1 Sustainable Development
DP/3 Development Criteria
DP/7 Development Frameworks
ET/7 Conversion of Rural Buildings for Employment
NE/15 Noise Pollution
TR/1 Planning for More Sustainable Travel
TR/2 Car and Cycle Parking Standards

National Planning Guidance

Circulars

- Circular 11/95 (The Use of Conditions in Planning Permissions) – Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultation

11. **Willingham Parish Council** – Recommends refusal. The Parish Council feel that this site is inappropriate for the type of business and to their knowledge the building has never been put to agricultural use. Further the Parish Council recommend refusal because of poor access on the grounds that the site is not appropriate for that type of business use. To Willingham Parish Council's knowledge, the building has never been put to agricultural use.
12. **Over Parish Council** – Recommends refusal. This would industrialise a rural area and introduce industrial traffic into a residential area. Concerns are expressed over additional vehicular movements onto an already hazardous junction at Willingham Road. The application reference should be applying for additional B2 and B8 uses as indicated in the application submissions. The closest residential property is 35 metres away and the council considers noise generated from the unloading and loading of sheet metal deliveries would cause undue nuisance.

13. **Chief Environmental Health Officer** – comments for amended scheme not received at time of writing report. Members will be updated accordingly.
14. **Local Highway Authority** – comments for the amended scheme not received at time of writing report. Members will be updated accordingly. Earlier comments requested the following conditions be included.
 - The proposed gate must be set at least 10 metres from the boundary of the adopted public highway to enable HCV to stop wholly off the adopted public highway while the gates are opened or closed.
 - The access from the boundary of the adopted public highway to the gates (ie. A distance of not less than 10m) be paved in a bound material to prevent debris from spreading onto the adopted public highway.
 - The radii to the access be at least 12m to enable a HCV or similar vehicle to access the site without over running the adopted highway.
 - The access shall be constructed with adequate drainage measures to prevent surface water run-off onto the adjacent public highway, in accordance with a scheme submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
 - An informative included in any consent, to the effect that the granting of planning permission does not constitute a permission or licence to a developer to carry out any works within, or disturbance of, or interference with the public highway, and that a separate permission must be sought from the Highway Authority for such works.
15. **Countryside Access Team** – No public rights of way are affected by the proposed change of use and the Countryside Access Team therefore has no objections.
16. **Ecology Officer** – Has no objection subject to a condition to secure the placement of a barn owl box.

Representations

17. A supporting statement was submitted as part of the application. This informs that the agricultural building has been redundant since the retirement of the applicants Father 4 years ago which was then used for the storage of fertilizer, feed, equipment, straw and hay. It informs that the building was built some 10 years ago though never completely finished. The applicant is a resident of Willingham who is looking at relocating his existing business located outside of the district to within the village. The changes made to this application are reflective of the previous concerns raised at planning committee.
18. There have been 13 letters of representation received from local residents. Most of the letters are the same with different signatures. The following areas of concern are as follows:
 - Earlier scheme was rejected
 - My house is 35 metres away from the site and not '*away from residential properties*' as indicated in the application
 - Inaccurate or missing information from the application with regard to what will be carried out on site and/or inside the building.

- Noise and disturbance a major concern to all residents who reside in Haden Way
- Highway Safety still a major concern – Haden Way is a cul de sac and the junction with Over Road is dangerous due to a blind bend.
- Questions what restrictions would be made on the number and size of vehicles accessing the site, particularly if the business was to expand
- Questions whether delivery times can be outside of opening hours.
- Concern that the site notice had been erected in the wrong location and would not be seen by all the residents it would affect.
- Increase in traffic and traffic associated noise, such as parking of vehicles, reversing bleepers etc
- Change of character to the rural country lane used by many
- Change in character of Haden Way which is predominately residential – not industrial
- Very little work traffic that accesses Haden Way
- Existing highway movements are massively exaggerated, even at harvest time.
- More suitable sites located for this type of development in Over or Swavesey industrial sites
- Potential damage to road, vehicles parked on the road and devaluation of properties

Planning Comments – Key Issues

19. The key issues to be considered in this application are as follows;

- Principle of Development
- Highway Safety
- Noise
- Residential amenity
- Character
- Biodiversity

Principle of Development

20. There is policy support for the conversion of agricultural buildings to employment use under policy ET/7 of the LDFDCDP 2007, though other criteria must be met.

a) The buildings are structurally sound

The proposal seeks to retain all elements of the existing structure and to completely enclose the area that is currently open. It is accepted that the structure of the buildings could be successfully re-used.

b) The buildings are not makeshift in their nature and are of permanent, substantial construction

It is assumed this building was erected under agricultural permitted development rights, as there is no obvious planning history for its erection. It is no longer required for the purposes of agriculture. It is accepted that the building is not in any disrepair and the proposal would meet this part of the policy criteria

c) The buildings are capable of re-use without materially changing their existing character or impact on the surrounding countryside

The existing building can be re-used and new materials will reflect those of the existing. This proposal intends to retain the character of the existing buildings to an acceptable level by avoiding the insertion of new openings and not adding any extensions. The visual impact the change of use would have on the wider countryside would be minimal and in accordance with this part of the policy criteria.

d) The form, bulk and general design of the buildings are in keeping with their surroundings.

On the grounds that the building is predominately unchanged it is concluded that the form, bulk and general design of the building would have an acceptable impact on the character of its immediate and wider surroundings.

e) Perform well against sustainability issues

The site is well related to the village and there are existing services and facilities within the vicinity.

21. A query received has raised concern with regard to the level of use this site may have in the future if officers are minded to approve all Use classes on one site. The application is applying for two changes of use in that the office (B1) and storage uses (B8). Given the size of the building and its proximity to dwellings it would not be unreasonable to condition the level of use unless otherwise agreed by specific planning application.

Highway Safety

22. The building has been redundant for several years and therefore the existing use produces very little traffic generation, if any. When used for agricultural purposes the application advises that the level of traffic amounted to 16 trips per day and considerably more during harvest time (approx 30 per day). This is proposed to increase to approximately 20 per day. In addition to this, deliveries are proposed as one per week (one by a fixed wheel base van of up to 15 tonnes and one by a smaller 1.5 tonne van). This increase is considered to be acceptable.
23. Haden Way is an adopted road that primarily allows for access to residential properties in a cul de sac. There is space to turn at the end of the Haden Way, however, vehicle turning is proposed within the application site and should not conflict with parked cars. There is off road parking for the majority of Haden Way residents along the stretch of Haden Way that would be used by the application site, however, on visiting the site there were a lot of vehicles parked on the road. The road is approximately 6m in width and a footpath is located on the property side of the highway only. It is of a standard size, the layout identifies its users by clear markings and levels and the relationship of its users is not viewed differently to that of any other road with the same users. Walkers and riders use the track leading to the application site, however, it is not an adopted public footpath and there is vehicular access to other permitted uses along it, such as other agricultural buildings and stables. There is no clear hierarchy along this track and the Countryside Access Team and the Local Highway Authority have raised no concern with regard to safety of its users with regard to the proposed change of use.

24. Concern has been raised about the impact this development will have on the surrounding roads. At the top of Haden Way, approximately 300m north of the application site there is an existing and well-established commercial site used by several different companies. To the west of the junction of Haden Way/Over Road is the village of Over and to the east the road leads into the centre of Willingham. It is agreed that the centre of Willingham does get busy, however, this is a Minor Rural Centre and the level of activity is expected to be reasonably high during peak times. It is controlled by traffic lights at the centre of the village and the route from the application site to these lights is along a residential stretch of road where vehicles park on the public highway. Movement along this stretch of road can be slow, however, it is not considered to be dangerous.
25. It is considered by Over Parish Council to be a dangerous junction with Willingham Road and additional traffic creating even more hazardous arrangements. This is not reflected in the original comments from the Local Highway Authority and therefore the proposed development does not increase highway safety to a level where the scheme is unacceptable on highway safety grounds.
26. Parking provision on site is seen as acceptable for the level of use proposed and in accordance with the Local Development Framework Development Control Parking standards, which requires a maximum of 8 spaces for the uses proposed.

Noise

27. Details with regard to noise levels of noise are not included as part of the application. The EHO Manager comments were not available at the time of writing and Members will be updated accordingly. Without the comments of the Environmental Health Officer it is difficult to assess the impact this scheme would have on the residents of nearby properties by way of noise nuisance. Should there be any problems with regard to noise it is suggested that the appropriate attenuation is conditioned accordingly. It is suggested that the removal of the B2 use from the application as originally submitted will help address any potential noise issues.

Residential amenity

28. No windows are proposed and lighting of the site can be controlled via condition to ensure there is no unacceptable light spillage. The boundaries are to be improved with planting allowing for better screening of the site. The access road is to be improved and opening hours proposed are reflective of regular working hours.
29. With regard to deliveries and activity outside of the building, this can be controlled to allow for a better neighbour relationship reflective of its location. It is the view of officers that in light of its immediate neighbours it would not be unreasonable to put a condition in place.
30. The proposed operating hours are reflective of the normal working hours for this type of use.
31. Noise is an outstanding issue that needs appropriate attention.

Character

32. The appearance of the building will be predominately unchanged. No windows are proposed and the up and over door will fit the existing opening. The removal of the timber sheds will tidy up the site as these are showing wear and tear. The yard is to

be resurfaced to allow for manoeuvrability and parking provision and the scheme proposes a planting scheme on its boundaries to improve the appearance of the site externally.

33. Whilst the use of the building will change it is the view of officers that the site's character will still retain an agricultural appearance. The site will differ mainly through the introduction of organised parking provision on site and the improvements to the access road, the material and specification of which will have to be agreed with the Local Planning Authority as well as that of the Local Highway Authority.
34. It is the opinion of officers that the changes will not have an adverse impact on the character of the site or its surroundings.

Biodiversity

35. The Ecology Officer has assessed the site for bats and confirmed that having visited this site it is confirmed that a bat survey is not required given the poor state of the sheds to be removed and the general lack of potential roost sites.
36. The planting of native hedging along the boundaries will enhance the site's biodiversity value. The site also offers the potential to erect a barn owl box upon the side of the large barn. Especially given the suitable foraging habitat nearby. A condition should be to secure the placement of a barn owl box.

Conclusion

37. The LDFDCP 2007 supports development of this kind subject to criteria requirements that this application meets. The building is located very close to the village framework boundary. The proposed changes to the building are minimal; the changes to the site are likely to improve the appearance on its surroundings and it will bring a redundant building back into use. It is considered that this scheme be recommended for approval subject to the following conditions:

Recommendation

Approval

1. **The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.**
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. **The development hereby permitted shall be carried out in accordance with the following approved plans: Site location Plan SCDC1, cmk/asca/08/09/8 and ckm/asca/08/09/5 franked 19 November 2010**
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
3. **No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the**

Local Planning Authority. These details shall include materials to be used for all hard surfaces within the site and surface water run off, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. The details shall also include specification of all proposed trees, hedges and shrub planting, which shall include details of species, density and size of stock.

(Reason - To ensure the materials used do not increase surface water run off and increase localised flooding on site, on the surrounding area or into the Public Highway, to ensure the appearance of the site does not detract from the character of the area, to minimise the effects of noise pollution on the surrounding area and enhances biodiversity in accordance with Policies NE/6, NE/11, DP/2 and NE/15 of the adopted Local Development Framework 2007)

4. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority. If within a period of five years from the date of the planting, or replacement planting, any tree or plant is removed, uprooted or destroyed or dies, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
(Reason - To ensure the development is satisfactorily assimilated into the area and enhances biodiversity in accordance with Policies DP/2 and NE/6 of the adopted Local Development Framework 2007.)
5. The use, hereby permitted, shall not commence until parking, turning, loading and unloading space has been laid out within the site in accordance with drawing no. ckm/asca/08/09/8 franked 19th November 2010. These areas shall thereafter be errantly maintained and available for parking, turning and loading and unloading.
(Reason - In the interests of highway safety in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
6. The use, hereby permitted, shall not commence until details of covered and secure cycle parking has been submitted and agreed in writing by the Local Planning Authority. The covered and secure cycle parking area shall be provided in accordance with the details. (Reason - To ensure the provision of covered and secure cycle parking in accordance with Policy TR/2 of the adopted Local Development Framework 2007.)
7. No operational activities associated with the permitted use shall be undertaken externally within the site between the hours of 1800hrs and 0800hrs.
(Reason - To protect nearby residents from adverse levels of noise and disturbance and safeguard the amenity of nearby properties in accordance, with policy NE/15 of the adopted Local Development Framework 2007.)
8. Deliveries or collections shall not take place outside the hours of 0800 – 1800hrs on weekdays and 0800-1300hrs on Saturdays (nor at any time on Sundays, Bank or Public holidays) unless otherwise agreed in writing with the Local Planning Authority

(Reason - To limit the impact of vehicle movements and minimise the effects of noise pollution on residential amenities in accordance with Policy DP/3 and NE/15 of the adopted Local Development Framework 2007.)

9. **No external lighting shall be provided or installed within the site other than in accordance with a scheme, which has been submitted to and approved in writing with the Local Planning Authority.** (Reason – To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007)
10. **No power operated machinery shall be operated on the premises before 08.00 am on weekdays and 08.00 am on Saturdays nor after 6.00pm on weekdays and 1.00 pm on Saturdays (nor at any time on Sundays or Bank Holidays), unless otherwise previously agreed in writing by the Local Planning Authority in accordance with any agreed noise restrictions.** (Reason - To minimise noise disturbance to adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
11. **Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans prior to the occupation of any part of the development or in accordance with the implementation programme agreed in writing with the Local Planning Authority.**
(Reason - To reduce the risk of pollution to the water environment and to ensure a satisfactory method of foul water drainage in accordance with Policy NE/10 of the adopted Local Development Framework 2007.)
12. **No development shall begin until a scheme for the provision of bird nest boxes has been submitted to and approved in writing by the Local Planning Authority; the building shall not be occupied until the nest boxes have been provided in accordance with the approved scheme.**
(Reason - To achieve biodiversity enhancement on the site in accordance with adopted Policies DP/1, DP/3 and NE/6 of the adopted Local Development Framework 2007.)

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:

- **South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007**

South Cambridgeshire Local Development Framework Development Control Policies 2007

DP/1 Sustainable Development
DP/3 Development Criteria
DP/7 Development Frameworks
ET/7 Conversion of Rural Buildings for Employment
NE/15 Noise
TR/1 Planning for More Sustainable Travel

TR/2 Car and Cycle Parking Standards

2. The development is not considered to be significantly detrimental to the following material planning considerations, which have been raised during the consultation exercise:

- Residential amenity
- Highway safety
- Noise

3. All other material planning considerations have been taken into account. None is of such significance as to outweigh the reason for the decision to approve the planning application.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework 2007
- Planning File Ref: S/1699/09/F

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