

Item No 01:-

19/01178/FUL

**Clay Meadow
Cirencester Road
South Cerney
Cirencester
Gloucestershire
GL7 6HU**

Item No 01:-

Alterations to and change of use of two buildings from agricultural use to Class B1 Use at Clay Meadow Cirencester Road South Cerney Cirencester Gloucestershire GL7 6HU

Full Application 19/01178/FUL	
Applicant:	LPC(Trull) Ltd
Agent:	
Case Officer:	Andrew Moody
Ward Member(s):	Councillor Mike Every
Committee Date:	10th July 2019
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Principle of conversion
- (b) Landscape impact
- (c) Residential amenity
- (d) Highway safety

Reasons for Referral:

The application has been referred to Committee at the request of the Ward Member, Cllr Mike Every, for the following reasons: -

'Having reviewed the application information and looked at the relevant parts of the NPPF and the Local Plan, I believe that there are reasons to sustain a refusal of this application and therefore request it be determined by the Planning Committee.

I suggest that the conditions in Policy EC3 subsection 2 of the Cotswold Local Plan do not apply in this case - 50 employees is not a 'small scale' business in the Cotswolds.

I would also suggest that B1 office use of this scale is not compatible with either a livestock or equestrian use on a site of this size.

And NPPF Policy 84 relates to local business need. This application does not demonstrate that it is a local business or that there is a need for it in the South Cerney area.'

1. Site Description:

This application relates to two existing agricultural buildings at Clay Meadow located approximately 200m to the north of South Cerney Development Boundary. The site lies approximately 800m from the centre of the aforementioned village. Access to the site is via an existing field/site entrance opening onto the main road linking South Cerney with the A419 just to the south east of Cirencester. The application site is located outside the Cotswolds Area of Outstanding Natural Beauty and does not fall within a Special Landscape Area.

A Public Footpath (BSC1) runs parallel to the northern edge of the applicant's lane. It extends alongside the route of a former canal and lies outside the application site. A second footpath (BSC3) extends in a roughly north south direction through the centre of the applicant's land. It is located approximately 110m to the north west of the proposed barn and 60-80m to the west of the land proposed for equestrian use.

2. Relevant Planning History:

CT.7622/A: Creation of car park and use of land for education (rural interpretation). Granted 23.05.1996

12/04205/FUL: Use of land as a site for a log cabin as a temporary farm dwelling and the permanent construction of farm buildings and related development to include a hardcore access track and turning head. Granted 05.12.2012

14/04592/FUL: Use of land for the siting of two yurts for holiday lets associated with existing Alpaca farm and creation of decking. Withdrawn 11.12.2014

14/04593/FUL: Erection of farm building and related development to include hardcore access track and turning head. Granted 17.11.2014

15/00655/FUL: Erection of an agricultural worker's dwelling. Granted 11.06.2015

16/00213/OPANOT: Notification under Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class Q for change of use of existing agricultural building to a dwellinghouse. Refused 22.02.2016

17/01419/FUL: Variation of Condition 3 (agricultural occupancy) of permission 15/00655/FUL to enable approved dwelling to be occupied in connection with equestrian activities in addition to agriculture. Granted 14.06.2017

17/01420/FUL: Change of use of parcel of land from agricultural to equestrian, the erection of a stable building and associated groundworks. Granted 14.06.2017

3. Planning Policies:

NPPF National Planning Policy Framework
 EC1 Employment Development
 EC6 Conversion of Rural Buildings
 EN1 Built, Natural & Historic Environment
 EN2 Design of Built & Natural Environment
 INF4 Highway Safety
 INF5 Parking Provision
 EN15 Pollution & Contaminated Land

4. Observations of Consultees:

Highway Authority: No objection subject to conditions

Biodiversity Officer: No objection subject to conditions

5. View of Town/Parish Council:

South Cerney Parish Council objects to this application as this site is agricultural in open countryside, and this is for change of use to B1 Business - Offices (other than those that fall within A2), research and development of products and processes, light industry appropriate in a residential area. This application is for open countryside and not a residential area.

6. Other Representations:

None received

7. Applicant's Supporting Information:

Planning Statement
Highways Report

8. Officer's Assessment:

(a) Principle of Conversion

The proposal relates to the conversion of two existing buildings at Clay Meadow, Cirencester Road, South Cerney into Class B1 use. Such a use would permit either Class B1(a) for offices, B1(b) for research and development, studios, laboratories or high tech businesses, or B1(c) for light industrial use.

Both buildings were granted planning permission under reference 12/04205/FUL, with that to the west being a timber clad building, whilst that to the east has a green metal cladding to its external walls. The combined floor space of both buildings is 439 sq. metres. The application indicates that there would be the equivalent of 40 employees at the site, 30 full-time and 20 part-time.

Policy EC6 allows for the conversion of rural buildings to alternative uses, provided that the building is structurally sound, suitable and capable of conversion without substantial alteration, extension or rebuilding; that there would be no conflict with existing farming operations, and that the proposed use is compatible with extant uses on the site and existing and planned uses in close proximity.

The NPPF promotes sustainable development and encourages the re-use of existing buildings. Paragraph 83 states that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Paragraph 84 continues to state that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

The proposed end user of the converted buildings has not been identified, however it has been stated that the number of employees specified on the application form relates to the number of employees of the company who would occupy the premises should planning permission be granted. It is also indicated that this figure does not equate to the number of people that will be working at the site as the majority of the staff are field based and would only visit the office occasionally.

The applicant's agent has also clarified that the business that would occupy the buildings is local to the area with some employees living within South Cerney Parish and nearby villages, and have been looking for suitable premises in which to relocate close to South Cerney and Cirencester.

Members should be aware that should planning permission be granted, Class B1 use has been applied for, which would allow flexibility as to the end use that would range from offices (Class B1(a)), to research and development (Class B1(b)) or light industry (Class B1(c)). Officers would

also advise that it would not meet the tests of reasonableness for conditions to limit the occupancy of the buildings to a specific user.

The principle of converting rural buildings into Class B1 employment use is, therefore, considered to be acceptable in policy terms, subject to consideration of issues such as the impact upon residential amenity or highway safety as discussed below. The proposal therefore accords with Policy EC6 of the Local Plan and paragraphs 83 and 84 of the NPPF.

(b) Landscape Impact

The application site is to the north of the village of South Cerney, and is not within an area subject to any statutory landscape designation. The proposal relates to the conversion of two existing rural buildings into Class B1 use.

The works required to convert the buildings are limited in nature, and whilst there would be doors inserted and existing large openings fitted with glazing, their overall character and appearance would not be significantly amended from their current appearance, in accordance with Policy EC6. The nearest of the two buildings to the highway is set back approximately 130 metres from the edge of the highway, and is in an elevated position relative to the road.

It is considered that the works required to facilitate the use of the building for Class B1 use would not cause any demonstrable harm to the character of the landscape, in accordance with Policies EC6 and EN1 of the Local Plan.

(c) Residential Amenity

With regard to the impact upon residential amenity, the nearest residential properties are approximately 135 metres to the south-east and 215 metres to the north-east. However, considering the proposed Class B1 use, and the established agricultural and equestrian use of the buildings, it is considered that the re-use of the barns for this purpose would not materially impact upon the amenities of residents currently occupying these dwellings.

It should be noted that the Parish Council's reference to B1 uses being those appropriate in a residential area relates to the issue of residential amenity, rather than to the principle of development in open countryside.

Subject to the imposition of a condition to limit the use to Class B1, the proposal is considered to accord with paragraph 127(f) of the NPPF, in addition to Policies EN2 and EN15 of the Local Plan.

(d) Highway Safety

The road past the site is subject to a 50mph speed limit, and amended plans have been provided to demonstrate that suitable visibility splays can be provided, particularly in a northerly direction. These would be 2.4m x 147m following the receipt of a speed survey and consultation with the Highway Authority. As these splays may be provided, and taking into consideration the existing traffic generated from the site, the Highway Authority are raising no objection subject to conditions, being satisfied that there would be no material impact upon highway safety.

Therefore, the conversion of the buildings would not be considered to have a 'severe' impact upon highway safety, having regard to paragraph 109 of the NPPF, and therefore the proposal is considered to accord with Policies INF4 and INF5 of the Local Plan subject to the conditions recommended.

9. Conclusion:

The proposal is considered to accord with the policies in the Development Plan and NPPF, which are not outweighed by other material planning considerations.

The recommendation is for planning permission to be granted.

10. Proposed conditions:

The development shall be started by 3 years from the date of this decision notice.

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.

The development hereby approved shall be implemented in accordance with the following drawing numbers: LPC,4605,19,02-C; 05 and 06, and the unnumbered Location Plan received 25th April 2019.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

The application site shall be used only for Class B1 and for no other purpose, of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or the equivalent to that Class in any statutory instrument amending or replacing the 1987 Order or any other change of use permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015.

Reason: It is essential that the Local Planning Authority retains control over the use of the development because of the proximity to residential properties, in accordance with Cotswold District Local Plan Policy EN2 and paragraph 127(f) of the NPPF.

Prior to its installation, a scheme shall be submitted to and agreed in writing by the Local Planning Authority which specifies the provisions to be made for the level of illumination of the site and the control of light pollution. The scheme should be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent light pollution in accordance in accordance with Cotswold District Local Plan Policy EN15.

The vehicular access hereby permitted shall not be brought into use until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 147m distant in both directions (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason: To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with Policy INF4 of the Cotswold District Local Plan and paragraphs 108 and 110 of the National Planning Policy Framework.

The development hereby permitted shall not be occupied until the vehicular parking/turning and loading/unloading facilities along with passing bay areas have been provided in accordance with the submitted plan drawing no. LPC,4605,19,02-C and those facilities shall be maintained available for those purposes thereafter.

Reason: To ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with Policies INF4 and INF5 of the Cotswold District Local Plan and paragraphs 108 and 110 of the National Planning Policy Framework.

The development hereby permitted shall not be occupied until the cycle storage facilities have been made available for use in accordance with the submitted plan drawing no. LPC,4605,19,02-C and those facilities shall be maintained for the duration of the development.

Reason: To give priority to cycle movements by ensuring that adequate cycle parking is provided, to promote cycle use and to ensure that the appropriate opportunities for sustainable transport modes have been taken up in accordance with Policy INF4 of the Cotswold District Local Plan and paragraph 108 of the National Planning Policy Framework.

No above ground works shall commence on site until a scheme has been submitted for the provision of fire hydrants for the benefit of the commercial development in a location agreed with the Council and should meet the requirements of Building Regulations Approved Document B Volume 2 Sections 15 and 16 (Fire Hydrants/Water Supplies and Vehicle Access). The commercial development buildings shall not be occupied until the hydrants have been provided to the satisfaction of the Council.

Reason: To ensure adequate water infrastructure provision is made on site for the local fire service to access and tackle any property fire in accordance with paragraph 110 of the National Planning Policy Framework.

The development shall be completed in accordance with the recommendations in Section 5 of the Ecological Appraisal Final Report dated 25th March 2019 prepared by AD Ecology Ltd. All the recommendations shall be implemented in full according to the specified timescales, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that protected and priority species (including nesting birds) are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 as amended, Policy EN8 of the Cotswold District Local Plan 2011-2031, Circular 06/2005, paragraphs 170 and 175 of the National Planning Policy Framework and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

Before the erection of any external walls, details of bat and bird boxes shall be submitted to the Local Planning Authority for approval, including alternative nesting provision for swallows. The details shall include a technical drawing showing the types of features, their locations within the site and their positions on the elevations of the buildings, and a timetable for their provision. The development shall be completed fully in accordance with the approved details and the approved feature shall be retained in accordance with the approved details thereafter.

Reason: To provide for roosting bats and nesting birds as a biodiversity enhancement, in accordance with the EC Wild Birds Directive, Policy EN8 of the Cotswold District Local Plan 2011-2031, paragraphs 170 and 175 of the National Planning Policy Framework and Part 3 of the Natural Environment and Rural Communities Act 2006.

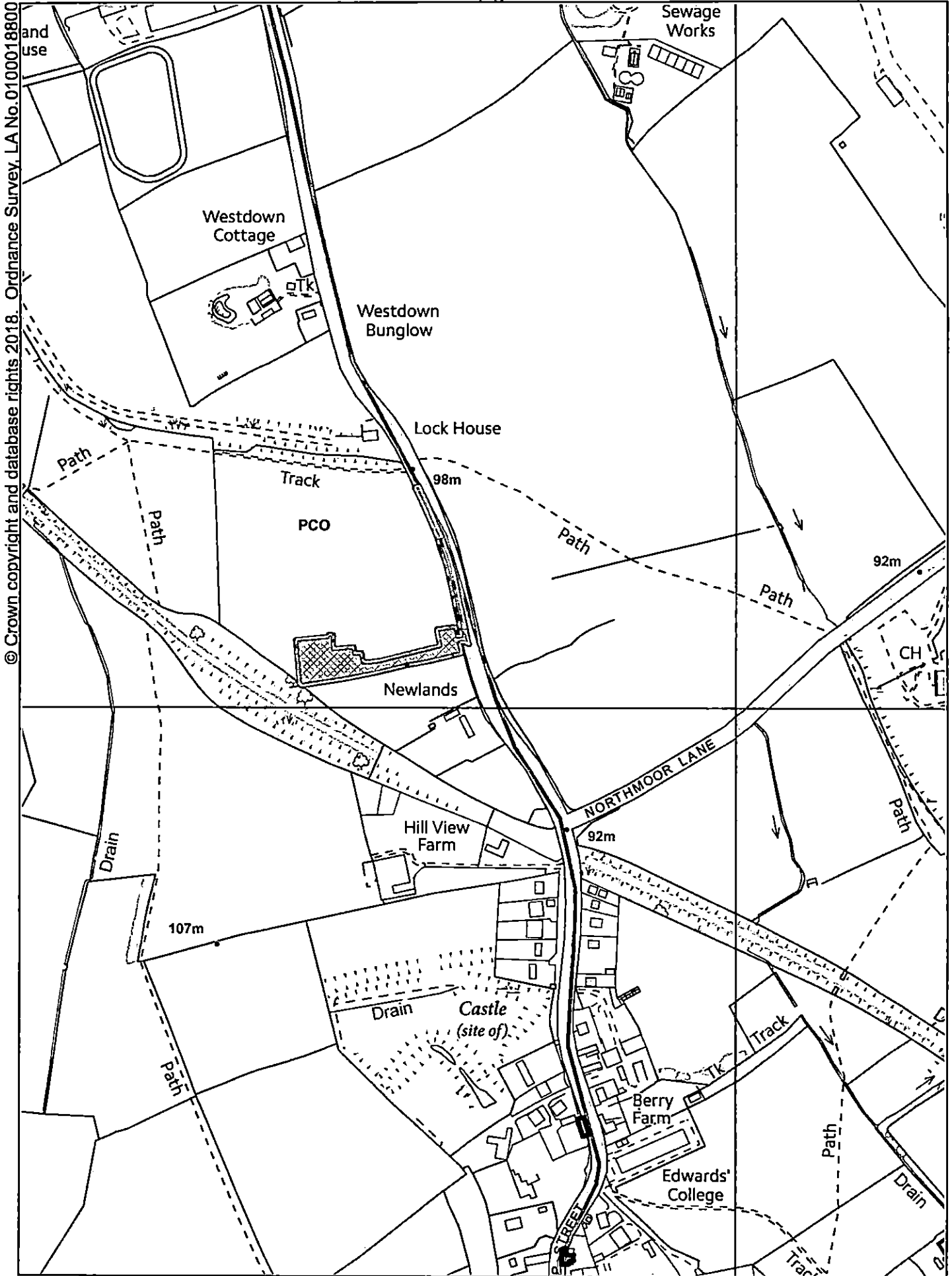
Informatives:

The developer will be expected to meet the full costs of supplying and installing the fire hydrants and associated infrastructure.

Please note that this consent does not override the statutory protection afforded to species protected under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017, or any other relevant legislation such as the Wild Mammals Act 1996 and Protection of Badgers Act 1992.

In order to comply with condition (b) above, the applicant is advised that bat boxes should be installed on the south or southeast facing elevations of the buildings and that bird boxes should be installed on the north or northeast facing elevations, away from doors and windows. The applicant should include provision for nesting swallows in order to compensate for the loss of the existing nesting site.

Swallows have specific nesting requirements and *Designing for Biodiversity - a Technical Guide for New and Existing Buildings Second Edition (2013)* provides some useful details. In summary, swallows prefer to nest inside buildings with dark ledges and nooks and crannies for nests such as inside a cold roof space or other unheated structure not requiring thermal insulation nor included in airtightness testing, for example garages and outbuildings, or possibly under very deep eaves. They require permanent open access of at least 70mm wide by 50mm high into the building and the nesting features should be at least 2 metres high and not too close together. Ready-made nest cups or nesting platforms (260mm wide by 100mm deep) can be installed and where droppings will be an issue, a ledge can be provided beneath the nest. Alternatively, a purpose-made nest box structure could be installed in a suitable location on the buildings. A suggested specification (All Ecology, 2017) is a triangular box measuring 700mm wide, 400mm deep and 500mm high with the bottom left half open along the inside edge, and the outside bottom providing a 200mm wide ledge on which the swallows can nest.



CLAY MEADOW CIRENCESTER ROAD SOUTH CERNEY

Scale: 1:5000

Organisation: Cotswold District Council

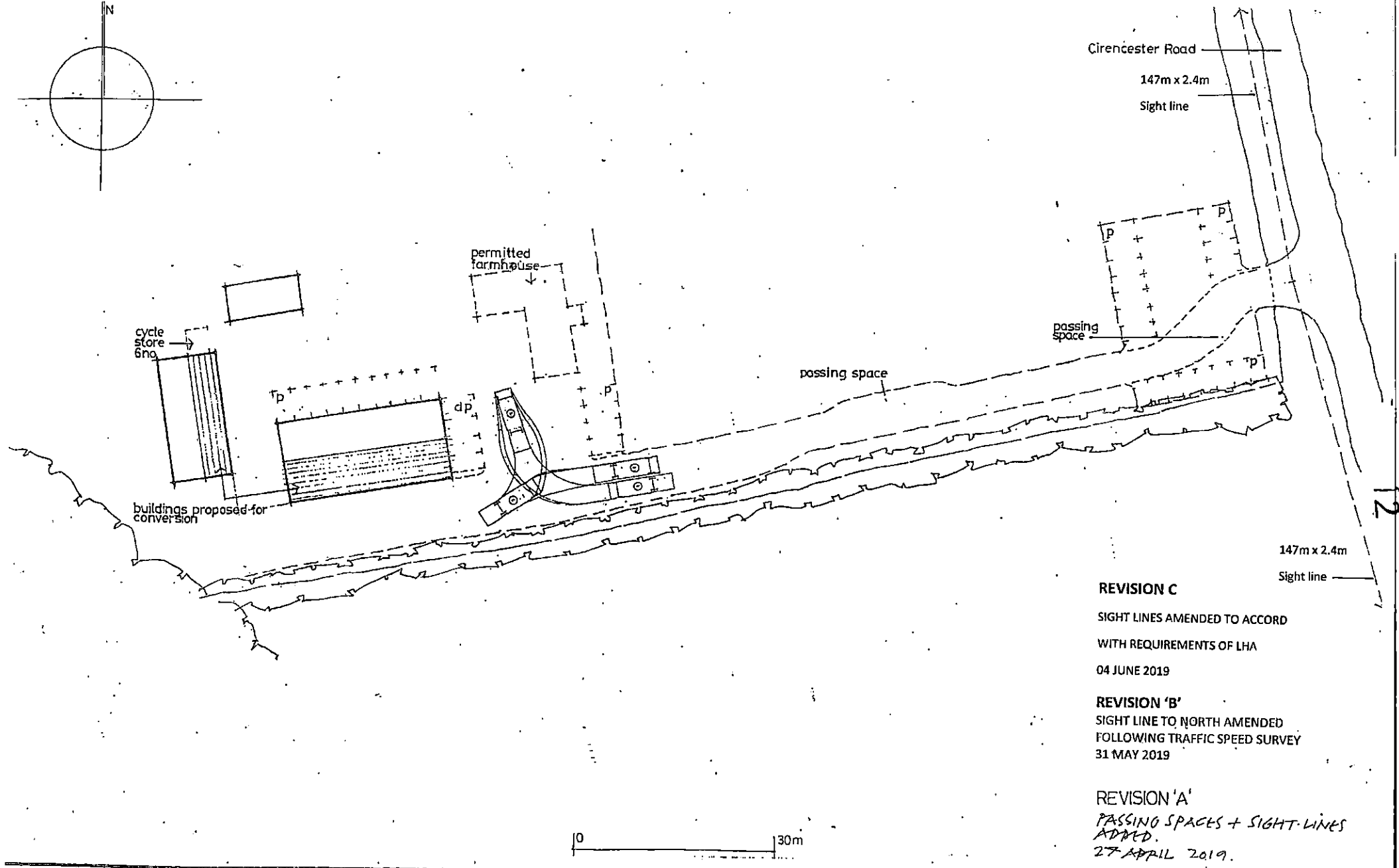
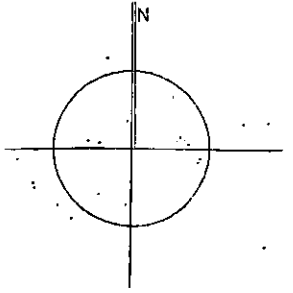
Department:

Date: 28/06/2019



COTSWOLD
DISTRICT COUNCIL





REVISION C
 SIGHT LINES AMENDED TO ACCORD
 WITH REQUIREMENTS OF LHA
 04 JUNE 2019

REVISION 'B'
 SIGHT LINE TO NORTH AMENDED
 FOLLOWING TRAFFIC SPEED SURVEY
 31 MAY 2019

REVISION 'A'
 PASSING SPACES + SIGHT LINES
 ADDED.
 27 APRIL 2019.

CLAY MEADOW FARM, SOUTH CERNEY, GLOS
 SITE PLAN
 PROPOSED

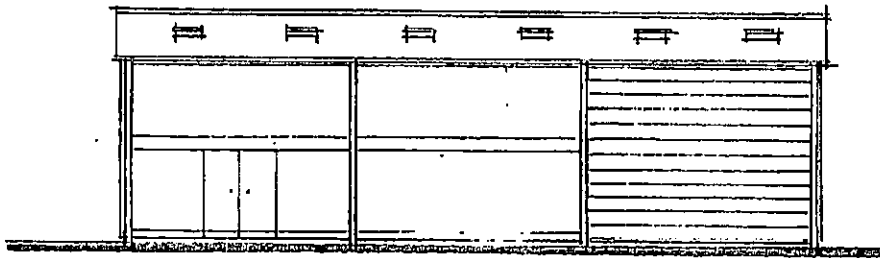
SCALE 1,500/A3
 DRG No LPC,4605,19,02 C
 DATE 19 MARCH 2019

LYDC TOWN AND COUNTRY PLANNING DEVELOPMENT CONSULTANTS
 Full - Tetbury Gloucestershire GL8 8SQ
 Tel: 01285 841433 Fax: 01285 841489

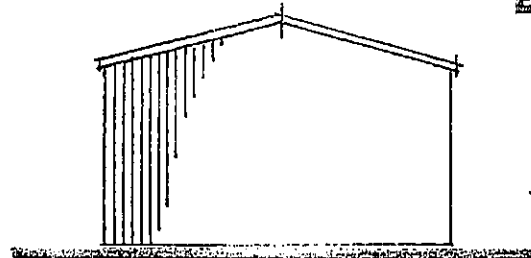


COUNTRY
PLANNING
DEVELOPMENT
CONSULTANTS

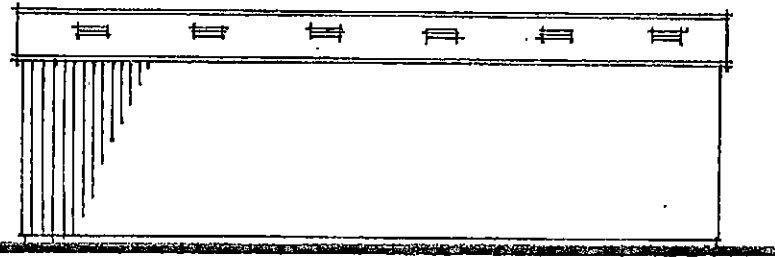
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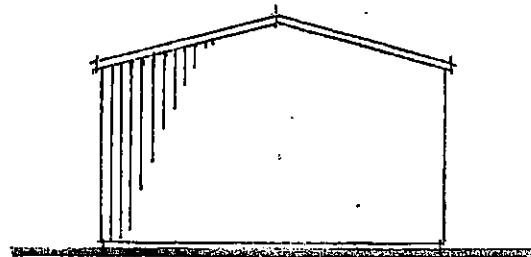
EAST



NORTH



WEST

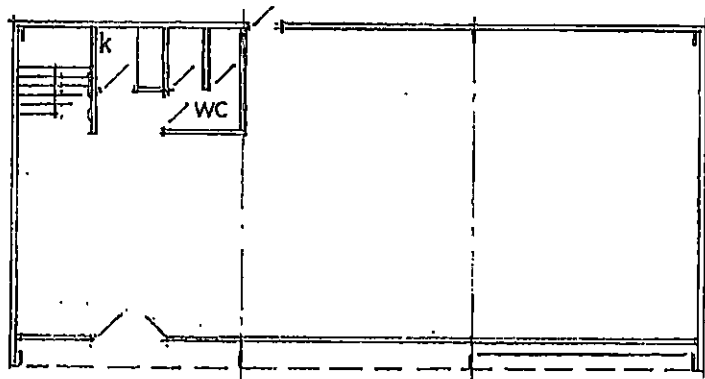


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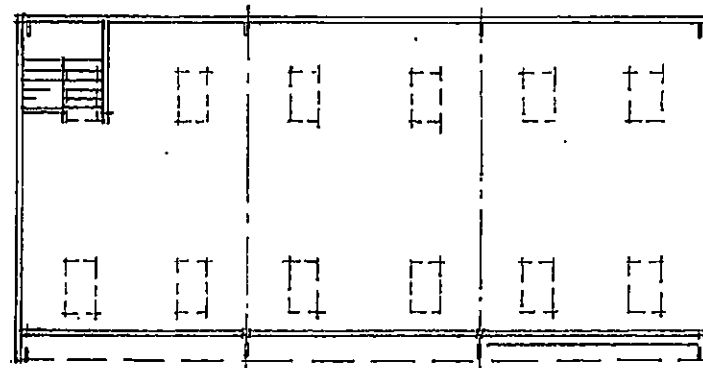
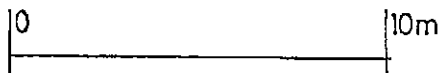
CLAY MEADOW FARM
SOUTH CERNEY
GLOS

PROPOSED CONVERSION OF
EXISTING ALPACA BUILDING
TO B1 USE

SCALE 1,200/A4
DRG No LPC/4605,19,06
DATE 19 MARCH 2019



GROUND FLOOR

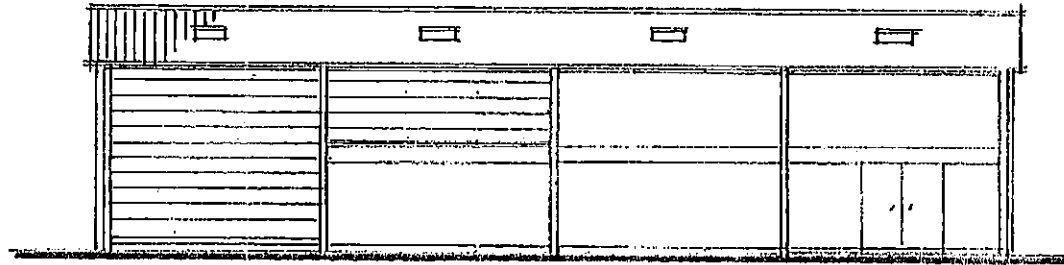


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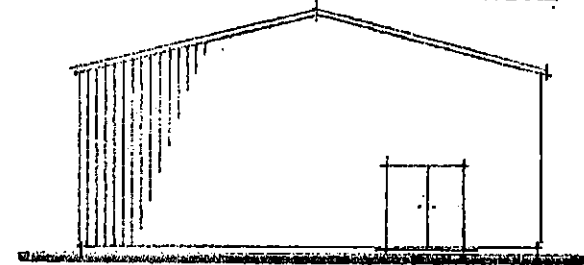


COUNTRY
PLANNING
DEVELOPMENT
CONSULTANTS

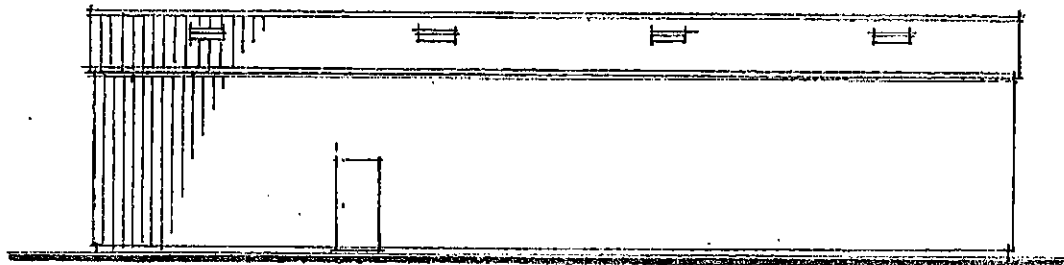
Gloucestershire
GL8 8SQ
Tel: 01285 841433
Fax: 01285 841489



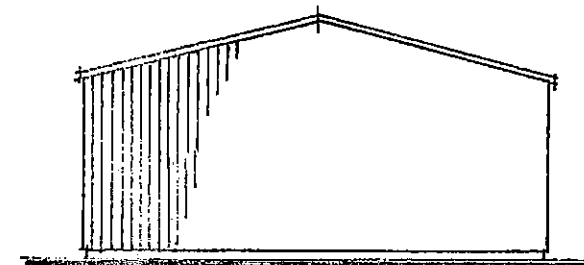
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EAST



SOUTH

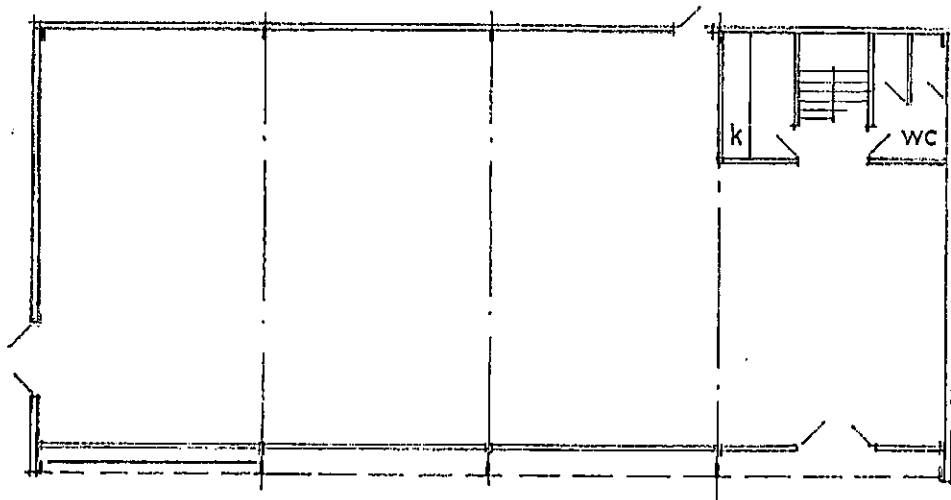


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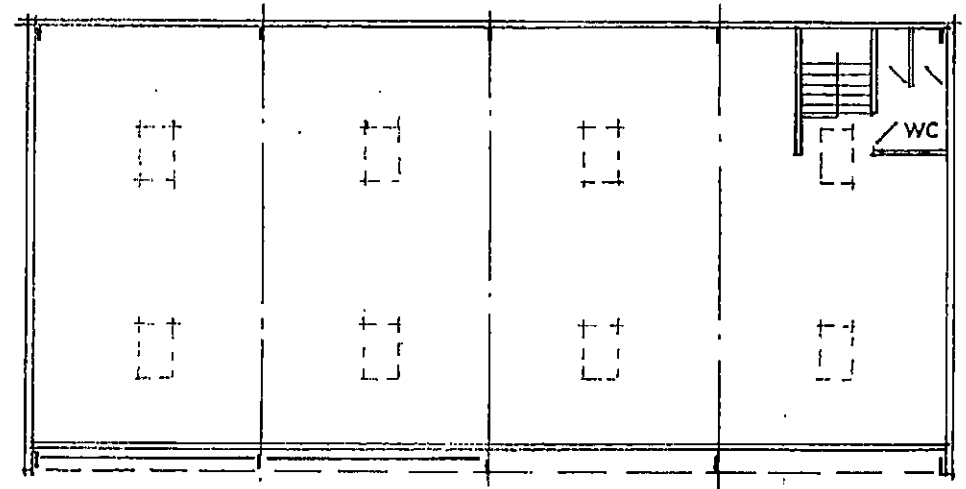
CLAY MEADOW FARM
SOUTH CERNEY
GLOS

PROPOSED CONVERSION
OF MACHINERY AND HAY
BARN TO B1 USE

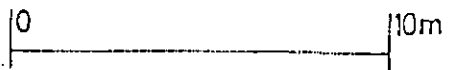
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DATE 19 MARCH 2019

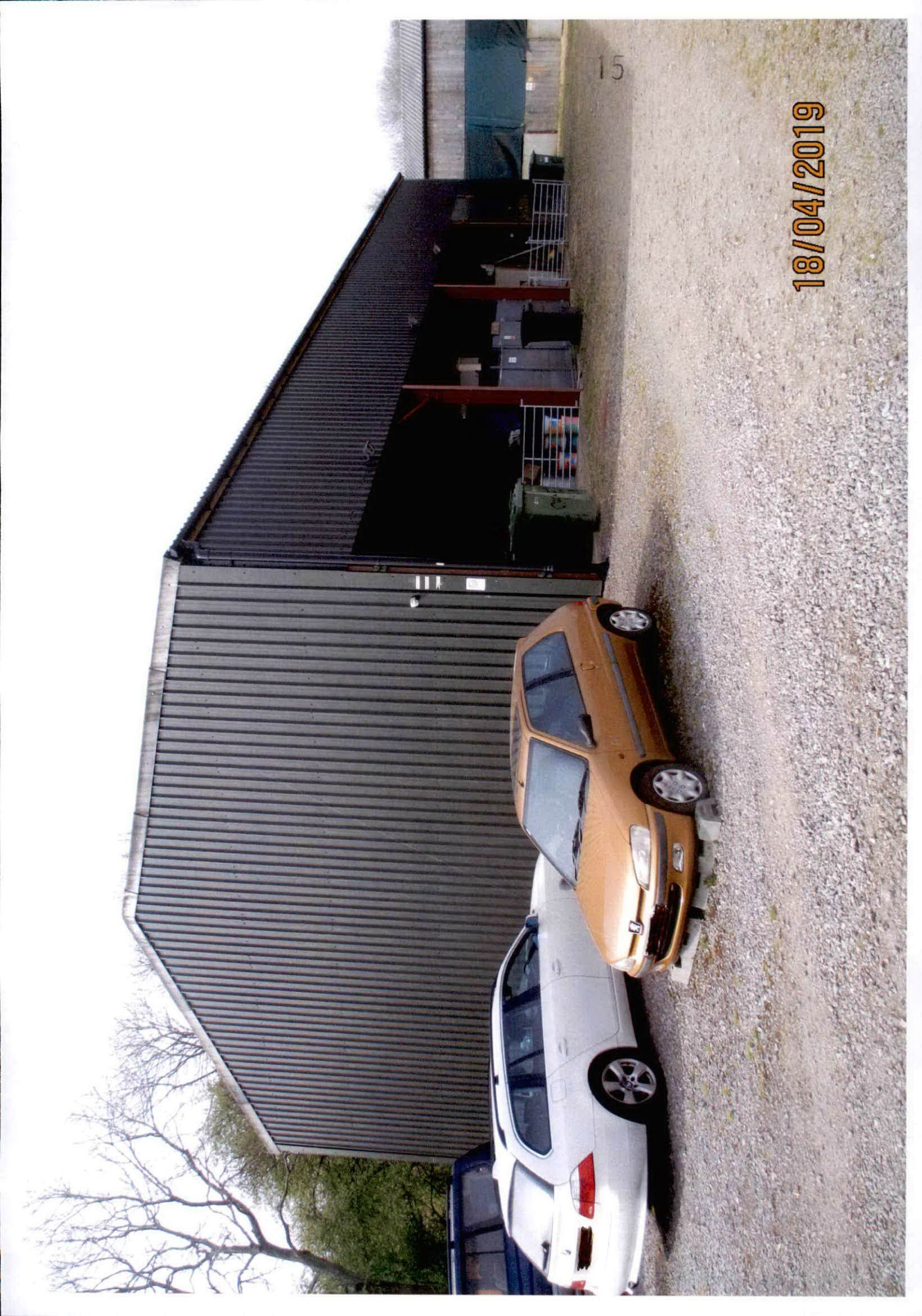


GROUND FLOOR



FIRST FLOOR





15

18/04/2019

18/04/2019





18/04/2019



18/04/2019

81



09/04/2019

09/04/2019

20

