

PLANNING APPLICATION REPORT

Case Officer: Ben Dancer

Ward: Tavistock North

Application No: 00569/2015

Agent/Applicant:

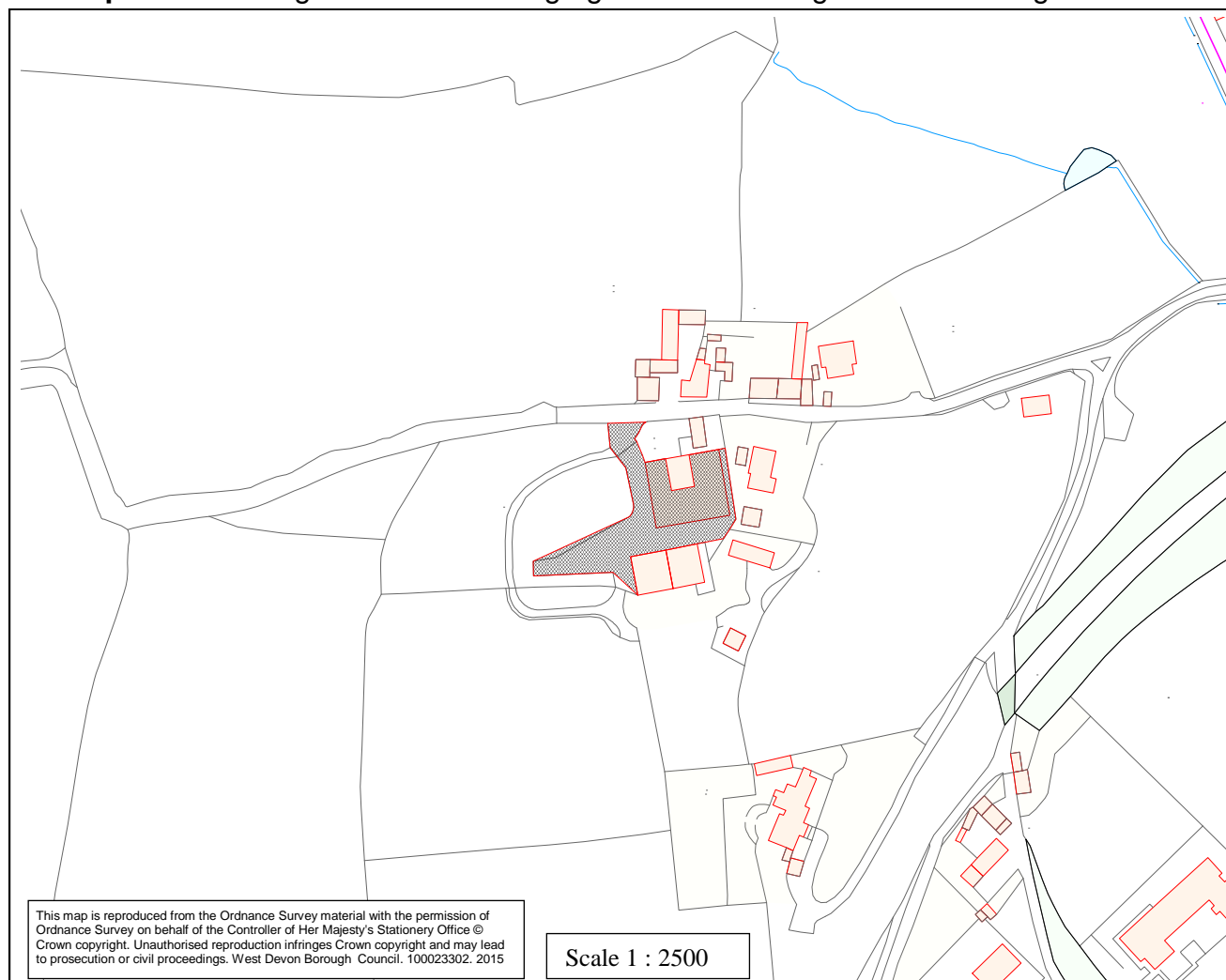
Mr R Page
21 Maynard Park
Bere Alston
Yelverton
Devon
PL20 7AR

Applicant:

Ms Irene Chambers
The Round House
Launceston Road
Tavistock
Devon

Site Address: Higher Wilminstone Farm, Wilminstone, Tavistock, Devon, PL19 0JT

Development: Change of use of existing agricultural buildings into self-storage units.



Reason item is being put before Committee:

Cllr. Sheldon - I am calling this application to Committee. This is on the basis that the residents as outlined in 3 letters of objection do not agree with Devon County Council Highways as to the suitability of the access road and its potential use.

There will also be further loss of amenity as business expands on this site, increasing noise and nuisance to that already suffered from this site by the local residents.

Cllr. Moody - Given the concerns raised by local nearby residents, the issues of potential highways issues to the site & the past planning history of Higher Wilminstone, I feel it preferable that all the issues related to this application ought to be considered by the planning committee. Therefore, I would request for the application to be called to committee for deliberation.

Recommendation: approval

Conditions

1. Three year time limit
2. Development as per approved plans
3. This permission is for the development area to be used for self-storage only within the use class B8 and for no other purpose within this use class
4. Number of self storage units to be no more than 20
5. Hours of operation to be between 8am to 6pm from Monday to Friday, and 9am to 5pm on Saturdays, with no opening on Sundays and bank holiday Mondays.
6. No cars to be parked on site overnight
7. No storage beyond the confines of the building
8. Removal of permitted development rights to change use under Schedule 2, Part 3, Class I, Class P and Class V

Key issues for consideration:

Business use in countryside location
Traffic impacts

Site Description: existing agricultural building located outside of Tavistock

The Proposal: change of use of former agricultural building into self storage units with associated parking

Consultations:

- County Highways Authority: no comment, noted that usage for self-storage would cause minimal amounts of trip generation and there would be no significant highways impacts
- Tavistock Town Council: neutral view
- Borough Engineer: site is not within flood zones and there would be no increase in building's size or footprint so raised no objections
- Councillor John Sheldon:
- Councillor Jeff Moody:

Representations

Three letters of representation have been received all objecting to the application, from Viggers Hall, Higher Wilminstone Farm and Wilminstone House, the individual letters have a marked similarity between them, citing many of the same reasons to refuse and quoting many of the same planning policies. The reasons stated in the three letters refer to issues with highways and access, quoting the Devon Structure plan (which is now out of date), and note how vehicle movements would significantly increase with resultant impacts on residential amenity. A third reason given was that the materials stored would be flammable and the site is not accessible by fire hydrants.

Relevant Planning History

- 00812/2015 - Prior approval for proposed change of use of agricultural barn to dwellinghouse (Class C3). Awaiting Determination.
- 00761/2015 - Non material minor amendment for application 01267/2014: Installation of two dormer windows at first floor level. Not accepted
- 012267/2015 – Prior notification for change of use from office to a dwelling- Prior approval given - 16/12/2014
- 00259/2015 – Demolition of the existing milking parlour and erection of a new dwelling on the same footprint. Refused 17/04/2015
- 01268/2014 - Prior Notification for change of use of agricultural barn to 3 dwellinghouses. Refused 23/12/2014
- 01267/2014 - Prior notification for change of use to dwelling. Approved 16/12/2014
- 01006/2013 - Prior notification for change of use of agricultural building to B8 (storage or distribution). Withdrawn.
- 00912/2013 - Removal of Condition 7 attached to planning consent 02497/2012 to allow full time occupancy. - Appeal dismissed – 29/04/2014
- 00619/2013 - Prior Notification of change of use from B1(a) (Office) to C3 (residential) single dwelling. Withdrawn.
- 02958/2012 – Change of use of part agricultural building for use as domestic garage to be used in conjunction with holiday let - Allowed on appeal 12/03/2013.
- 02497/2012 - Conversion of Milking parlour to a holiday let conditional consent - 19/06/2012.
- 02431/2012 – Certificate of lawfulness for double garage with games room over. Issued 03/05/2012
- 00942/2010 – Construction of new roof to milking parlour- Refusal - 14/12/2010 - Appeal dismissed - 19/04/2011.

- 00579/2010 – Change of use of agricultural building for use for the preparation of motor vehicles. Appeal dismissed 19/04/2011
- 13441/2009/TAV - Planning permission for change of use to an office - allowed on appeal – 10/04/2010
- 11882/2008/TAV - Removal of Condition 5 of Planning Permission 6996/2005/TAV to enable permanent residential use. Withdrawn 01/07/2008
- 11881/2008/TAV - Variation of Planning Condition 2 of Planning Permission 10595/2007/TAV - approval sought for revised door design. Refused 19/08/2008
- 11724/2008/TAV - Variation of condition 5 of 6996/2005/TAV to allow full time occupation of holiday let for a 12 month period. Refused 30/05/2008
- 11134/2007 - Removal of condition 5 of 6996/2005/TAV to allow full time residential use. Refused 17/12/2007
- 10761/2007/TAV – Retention of access track. Conditional consent 18/09/2007
- 9795/2006/TAV – Change of use of barn to holiday lets. Appeal dismissed 03/03/2008
- 9774/2006/TAV - Conversion of milking parlour to holiday let - appeal dismissed - 03/03/2008
- 9462/2006/TAV – Formation of driveway, re-routing of cycle track, improved visibility splays and part change of use to car servicing. Appeal dismissed 03/03/2008
- 9532/2006/TAV – Change of use of land to curtilage for a holiday let and erection of garage. Conditional consent 05/12/2006
- 8268/2005/TAV – Part change of use of building to car service facility for owners vehicles. Refused 10/01/2006
- 8193/2005/TAV – Change of use of part building for car servicing and the creation of new access road. Refused 31/01/2006
- 6995/2005/TAV – change of use to industrial/storage units – appeal dismissed 09/08/2005

ANALYSIS

Principle of Development/Sustainability:

The proposed development is for a change of use of a redundant agricultural building, to be used for self-storage units. The proposed development would be acceptable in principle of it complies with policy ED21 'Rural Diversification', of the Local Plan Review, which states that proposals will be permitted if there are vacant, underused or redundant agricultural buildings where opportunities for re-use have been fully explored and exhausted, and provided that there are no significant traffic impacts or issues with the amenity of surrounding residential properties.

Design/Landscape:

The proposed development would not alter the exterior of the building in any way and would not, therefore have any significant detrimental impacts on the landscape or design of the extant buildings. The change of use would not significantly alter the setting of the building as the proposed use would have relatively minor impacts on traffic and visits to and from the site and would not represent a significant intensification of use on the site.

Neighbour Amenity:

The proposed change of use is to self-storage units, this application follows from an application at the same site for a change of use in 2005 (6995/2005/TAV) to industrial/storage which was refused and the subsequent appeal dismissed. However that application was for use for storage distribution which is qualitatively different in terms of usage and impacts to the current application. The Highways Officer from DCC has raised no objections and concluded that traffic impacts would be minimal. The use of the site for self storage would involve deposition of household items into storage containers and later collection. As the hours of operation would be set by condition attached to any permission granted and would be within standard working hours Monday to Saturdays there would be no significant impacts on residential amenity.

Highways/Access:

The Highways Officer has not objected to the application and has stated (verbally) that this type of usage for a small number of self storage units is likely to generate very few trips to and from the site and the use would not create any issue that would warrant reasons to refuse the application or apply highway related conditions. He also noted that the proposed development would be compliant with provisions within the NPPF. To ensure that the application site would only be used for the purposes that have been applied for there would be a condition for no overnight parking which would be attached to any permission granted.

Other matters: fire safety, one of the letters of representation has stated that flammable materials would be stored on site however the proposed development is for the creation of self storage units, primarily aimed at the residential storage market. The materials stored within the units would not be subject to the direct control of the LPA but the site has existing lawful use for agricultural purposes and the use for self-storage units would not create a situation in which there was likely to be any significantly increased risk associated with the granting of approval as compared to the existing lawful usage.

Members have requested a definition in planning terms as what "self-storage" means. The Development Control Practice planning resource confirms that *"pre-1987 Use Classes Order at Class X specifically referred to "repositories", and there seems little doubt that the present B8 Class embraces them. Repositories are normally understood to be places where goods and chattels are stored until such time as their owners need to retrieve them. The 1948 Use Classes Order, wherein Repositories were in a separate Class from "Wholesale Warehouses", defined a repository as "a building where storage is the principal use and where no business is transacted other than incidentally to such storage". This wording was applauded in the House of Lords judgment in Newbury B.C. v SoS 28/2/80 as an "excellent definition". The burgeoning "self-storage" market is embraced within the current B8. Class as substantiated by, see Lewisham 30/12/2004 DCS No 044-282-054."*

This confirms previous officer advice that the use falls within the B8 use class and the extent of the limitations within that use that would define self storage as a repository as opposed to other types of storage and distribution facilities that would also be classified as B8 uses.

Planning Policy

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

West Devon Borough Council Core Strategy 2011

- SP1 – Sustainable Development
- SP10 – Supporting the Growth of the Economy
- SP11 – Rural Regeneration
- SP15 – Traffic Management
- SP24 – Sustainable Rural Communities

West Devon Borough Council Local Plan Review 2005 (as amended 2011)

- NE10 – Protection of the Countryside and Other Open Spaces
- BE13 – Landscaping and Boundary Treatment
- ED16 – Development for Employment in the Countryside
- ED21 – Rural Diversification
- T8 – Car Parking
- T9 – The Highway Network

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.