

## **GLOUCESTER CITY COUNCIL**

**COMMITTEE** : **PLANNING**

**DATE** : **8<sup>TH</sup> MAY 2012**

**ADDRESS/LOCATION** : **THE BARN OWL CENTRE, NETHERIDGE FARM**

**APPLICATION NO. & WARD** : **12/00156/FUL & 12/00308/FUL WESTGATE**

**EXPIRY DATE** : **14<sup>TH</sup> MARCH 2012**

**APPLICANT** : **MR VINCENT JONES**

**PROPOSAL** : **ERECTION OF PERGOLA AND RETENTION OF WEATHERING AVIARIES.**

**VARIATION OF CONDITION 19 ON PLANNING PERMISSION REF. 09/00184/FUL TO RETAIN TEMPORARY AVIARIES FOR ACCOMMODATION OF RESCUE BIRDS.**

**REPORT BY** : **CAROLINE TOWNLEY**

**NO. OF APPENDICES/ OBJECTIONS** : **SITE LOCATION PLAN**

### **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application relates to 5.04 hectares of land located to the west of the Netheridge Section of the South West Bypass. The application site comprises of the existing farm buildings and adjacent land.
- 1.2 The existing farm buildings include the two brick buildings dating from around 1850 and 1910. The other buildings comprise of a steel framed partly enclosed portal shed with a open sided lean-to, a steel framed open Dutch type barn, an open side lean-to with telegraph pole supports, a timber clad monopitch single storey shed and various aviaries associated with the Barn Owl Centre.
- 1.3 Vehicular access to the site is gained from the junction of the Bypass and the road leading to Netheridge Close and the Sewage works. This will remain the only access to the site.

- 1.4 The Barn Owl Centre was originally granted planning permission on 3<sup>rd</sup> July 2007 and has operating from the site in temporary accommodation with the use of temporary aviaries.
- 1.5 Subsequently planning permission (ref. 09/00184/FUL) was granted for an amended scheme for permanent aviaries and the removal of the temporary aviaries. Also included in this first phase of the development were the proposed 'Display Area' and 'Indoor Education Centre' together with the refurbishment of the offices (as previously approved) and toilets. The permanent aviaries granted by previous planning permissions are now nearing completion.
- 1.6 The site is currently being developed as a sanctuary for Barn Owls and a variety of birds of prey. The Centre is currently only opened to the public by way of pre-arranged visits although it is still the intention to open the centre to visitors to the public once the infrastructure of the site has been completed.
- 1.7 The planning applications now submitted for consideration are seeking permission for the following:

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The erection of a pergola to enclose the courtyard created by the new aviaries. The proposed pergola would be constructed from timber boarding with polycarbonate sheeting to the roof and would enclose the courtyard created by the construction of the new aviaries. The structure would be 2.385 metres in height, 3.5 metres in depth and approximately 37.5 metres in length. This would allow netting to be provided over the courtyard to allow an outdoor flying/display area for the birds with seating for spectators under the pergola.

This application also seeks retrospective planning permission for the retention of 12 no. weathering aviaries located on the northern side of the site. These south facing weathering aviaries are required to house birds adjacent to the flying area for public displays. It is intended to re-clad these aviaries with treated feather edged timber boarding with a pressed metal sheet roofing to match that approved for the new aviaries currently under construction.

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Seeks planning permission to vary condition 19 on planning permission 09/00184/FUL to retain the temporary aviaries on the site.

Condition 19 states:

The temporary aviaries shall be permanently removed from site within 3 months of the completion of the development hereby permitted.

Reason

In the interests of the visual amenities of the area in accordance with Policy LCA.1 of the Second Deposit City of Gloucester Local Plan (2002).

These aviaries are currently used to house 35 birds and as a result of the Centre recently taking on an additional 26 rescue birds from the RSPCA are

required in addition to those currently under construction. It is also proposed to re-clad these aviaries in materials to match the new aviaries.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 06/00872/OUT - The site forms part of that included in the application for an open market, car boot sales, rowing clubhouse, visitor centre, public amenity land and car parking granted outline planning permission on 5<sup>th</sup> September 2006.
- 2.2 07/00641/FUL - Change of use and part demolition of farm and agricultural buildings to barn owl centre. Erection of single storey aviaries and car parking. Granted planning permission 3<sup>rd</sup> July 2007.
- 2.3 09/00184/FUL – Part demolition of existing buildings and construction of aviaries, educational facilities, toilet and stores (amended scheme). Granted 17th June 2009.
- 2.4 11/00184/FUL - Variation of condition 16 of planning permission ref. 09/00184/FUL to allow an extension of opening hours to 10.00am - 17.00pm Monday to Sunday. Granted 6<sup>th</sup> April 2011.

## **3.0 PLANNING POLICIES**

- 3.1 The statutory development plan for Gloucester remains the 1983 City of Gloucester Local Plan. Regard is also had to the policies contained within the 2002 Revised Deposit Draft Local Plan which was subject to two comprehensive periods of public consultation and adopted by the Council for development control purposes. The National Planning Policy Framework has been published and is also a material consideration.
- 3.2 For the purposes of making decisions, the National Planning Policy Framework sets out that policies in a Local Plan should not be considered out of date where they were adopted prior to the publication of the National Planning Policy Framework. In these circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with the National Planning Policy Framework.
- 3.3 The policies within the 1983 and the 2002 Local Plan remain therefore a material consideration where they are consistent with the National Planning Policy Framework.
- 3.4 In terms of the emerging local plan, the Council is preparing a Joint Core Strategy with Cheltenham and Tewkesbury Councils and has recently published for consultation a Developing the Preferred Options Document in December 2011. In addition to the Joint Core Strategy the Council is preparing a its local City Plan which is taking forward the policy framework contained within the City Council's Local Development Framework Documents which reached Preferred Options stage in 2006.

3.5 On adoption, the Joint Core Strategy and City Plan will provide a revised planning policy framework for the Council. In the interim period, weight can be attached to relevant policies in the emerging plans according to

- The stage of preparation of the emerging plan
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the National Planning Policy Framework

3.6 The following policies from the Second Deposit City of Gloucester Local Plan (2002) are considered to be relevant:

**Policy FRP.12** (Sewage Works Cordon Sanitaire) – Development likely to be adversely affected by smell from Netheridge and Longford works within the constraint areas defined on the proposal map, will not be permitted.

**Policy FRP.10** (Noise) - states that development likely to generate levels of noise that are unacceptable will not be permitted

**Policy TR31** (Road Safety) -states that new developments must satisfactorily deal with road safety issues.

**Policy LCA.1** (Development within Landscape Conservation Areas) – Development will not be permitted that would detract from the particular landscape qualities and character of LCAs unless there are exceptional circumstances.

**Policy BE.21** (Safeguarding of Amenity) - seeks to ensure that new development does not affect the amenity of neighbouring occupiers.

3.3 All policies can be viewed at the relevant website address:- Gloucester Local Plan policies – [www.gloucester.gov.uk/planning](http://www.gloucester.gov.uk/planning); Gloucestershire Structure Plan policies – [www.gloucestershire.gov.uk/index.cfm?articleid=2112](http://www.gloucestershire.gov.uk/index.cfm?articleid=2112) and Department of Community and Local Government planning policies - [www.communities.gov.uk/planningandbuilding/planning/](http://www.communities.gov.uk/planningandbuilding/planning/).

#### **4.0 CONSULTATIONS**

4.1 **Environment Agency** – The Agencies Flood Zone maps have been updated and the structures would be located in Flood Zone 1 and as such the Agency has no comments.

#### **5.0 PUBLICITY AND REPRESENTATIONS**

5.1 The applications have been publicised through the display of a site notice. In addition 62 individuals were notified of the application for the retention of the temporary aviaries by letter. The Hempsted Residents Association was also notified. No letters of representation have been received. The consultation period for application ref. 12/00308/FUL expires on 7<sup>th</sup> May and any

representations received will be reported at the Committee meeting as late material.

- 5.2 The full content of all correspondence on this application can be inspected at the 4<sup>th</sup> floor reception, Herbert Warehouse, The Docks, Gloucester, prior to the Committee meeting.

## **6.0 OFFICER OPINION**

- 6.1 The principle of the use on this site has been previously established through the granting of a number of planning permissions. The current applications seek to retain temporary buildings and to provide a pergola to allow outside flying displays and increase the visitor attraction. It is proposed that the existing temporary and unauthorised aviaries will be clad in materials to match those approved on the new buildings thereby enhancing their appearance.

- 6.2 This application site is in a sensitive location and although limited in scale the proposal does raise a number of issues that require careful consideration.

### Landscape Conservation Area / Visual Impact

- 6.3 The site is in a sensitive location as it is highly visible within the Landscape Conservation Area (LCA) as defined on the Second Deposit Local Plan (2002) proposals map. The text in the Plan states that it is the intention that LCA's are protected from development that would harm their character, Policy LCA.1 makes reference to open air recreational uses and small scale development to support this use.

- 6.4 The main impact on the LCA from a visual point of view will be any new buildings. The only new structure proposed as part of the current applications is the pergola located within the courtyard created by the new aviaries. The applications do, however, also seek to retain temporary aviaries to the north of the site. The pergola will not be visible from outside the site and once re-clad I consider that the single storey aviaries will have minimal impact when viewed from the Bypass and will not in my opinion detract from the Landscape Conservation Area. Overall I consider that the site will still retain an agricultural appearance.

### Cordon Sanitaire

- 6.5 The site is located within the Cordon Sanitaire from the Netheridge Sewerage Works. In a letter dated 18<sup>th</sup> July 2006 Severn Trent Water states that it continues to support in principal the local plan policy with regard to considering the appropriateness of allowing development in close proximity to the treatment works, 'where it is reasonable to believe the development type is likely to be specifically sensitive to odour'. The letter suggests that sensitive uses could include 'residential, food, drink etc.' it acknowledges that there may be other less sensitive developments such as industry, utilities or temporary / event type development that could be acceptable.

- 6.6 I consider that the proposed nature of the use would fall into the 'less sensitive development' as although people will be employed on the site

members of the public are making a choice to visit the site for limited periods of time. The principal of using the site for the Barn Owl Centre has already been accepted in the granting of the previous planning permission.

#### Residential Amenity

- 6.7 The site is located in excess of 110 metres from the rear garden of the closest residential properties in Netheridge Close. Given this distance and the nature of the proposal it is not considered that the use will result in any significant adverse impact on the amenity of residential properties.

#### Flooding

- 6.8 According to the Environment Agency's latest Flood Zone maps the temporary aviaries are located in Flood Zone 1.

#### Design

- 6.7 The materials of the temporary aviaries comprise of ply faced walls with bitumen corrugated sheets on the roof. It is proposed as part of the current applications to clad the buildings with treated feather edged timber boarding with a pressed metal sheet roofing to match that approved for the new aviaries currently under construction. Given the scale of the buildings, siting and improved external appearance they are considered to be acceptable and will not detract from the character of the former farm buildings or area as a whole. The proposed new pergola will also be constructed from timber and will not be visible from outside the site.

### **7.0 CONCLUSION/REASON FOR APPROVAL**

- 7.1 Each application needs to be considered on its individual merits and determined accordingly.

#### **12/00156/FUL**

- 7.2 The principal of using the site for the Barn Owl Centre has already been established by the granting of the previous planning permissions. Overall it is considered that the proposals are acceptable and will enhance the visual appearance of the site and offer a unique asset to the City.

#### Reason for Approval

The proposed development has been carefully considered against the National Planning Policy Framework and policies contained in the Second Stage Deposit Local Plan (2002). The proposed pergola and retention of existing aviaries relate to the existing use on the site and are required to improve facilities at the Barn Owl Centre. Subject to the re-cladding of the aviaries, given the scale, location and design of the structures adjacent to the existing farm buildings it is considered that the development will preserve and enhance the character and appearance of the designated Landscape Conservation Area and will not adversely affect the residential amenity of the occupiers of neighbouring residential properties. The proposal therefore complies with Policies LCA.1, BE.21 and FRP.12 of the Second Stage Deposit Local Plan (2002).

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- 7.3 The application relates to the variation of condition 19 which requires the permanent removal of the temporary aviaries from the site following the completion of the new aviaries currently under construction. These temporary buildings have been on site since the Barn Owl Centre moved to the site in 2007 and have never been the subject of a planning application. While the granting of this planning application will not given formal planning permission for the structures, on the basis that they have been on site for more than 4 years it would mean that they were exempt from any planning enforcement action. The current structures are constructed from plywood with corrugated roofing and as such appear temporary in nature. I consider that on balance subject to the aviaries being re-clad to improve their external appearance they are acceptable in this location and will not detract from the character of the former farm buildings or area as a whole.

#### **Reason for Approval**

The application to vary the condition to allow for the retention of the temporary aviaries has been carefully considered against the National Planning Policy Framework and policies contained in the Second Stage Deposit Local Plan (2002). The proposed retention of existing aviaries relates to the existing use on the site and is required to improve facilities at the Barn Owl Centre. Given the scale, location and design of the structures adjacent to the existing farm buildings and subject to their re-cladding it is considered that the development will preserve and enhance the character and appearance of the designated Landscape Conservation Area and will not adversely affect the residential amenity of the occupiers of neighbouring residential properties. The proposal therefore complies with Policies LCA.1, BE.21 and FRP.12 of the Second Stage Deposit Local Plan (2002).

## **8.0 RECOMMENDATIONS OF THE DEVELOPMENT CONTROL MANAGER**

### **12/00156/FUL**

- 8.1 Planning permission is granted subject to the following conditions:

#### **Condition 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 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.

#### **Condition 2**

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 103104, 103105A, 103106 and 103107 received by the local planning authority on 15<sup>th</sup> February 2012 any other conditions attached to this permission.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).

Condition 3

This permission shall endure for the benefit of 'The Barn Owl Centre' only and not for the benefit of the land or any persons interested in the land.

Reason

The nature of the development is such that it is only considered acceptable in this location having regard to the applicant's special circumstances and in the interests of highway safety.

Condition 4

The aviaries shall be re-clad with materials to be submitted to and approved in writing by the local planning authority within 6 months of the date of this permission.

Reason

In the interests of the visual amenities of the area in accordance with Policy LCA.1 of the Second Deposit City of Gloucester Local Plan (2002).

**12/00308/FUL**

Subject to no representations being received by the end of the consultation period on 7<sup>th</sup> May that planning permission is granted subject to the following conditions:

Revised condition 19

The aviaries shall be re-clad with materials to be submitted to and approved in writing by the local planning authority within 6 months of the date of this permission.

Reason

In the interests of the visual amenities of the area in accordance with Policy LCA.1 of the Second Deposit City of Gloucester Local Plan (2002).

Condition 2

The development hereby permitted shall be carried out in accordance with the approved drawing nos. 103103A received by the local planning authority on 26<sup>th</sup> March 2012 any other conditions attached to this permission and conditions attached to the planning permission issued under reference 09/00184/FUL dated 17<sup>th</sup> June 2009.

Reason

To ensure that the development is carried out in accordance with the approved plans and in accordance with policies contained within Second Deposit City of Gloucester Local Plan (2002).



Note to Applicant

This permission relates solely to the variation of condition 19 of planning permission reference 09/00184/FUL dated 17th June 2011. All conditions, not the subject of this application, attached to that permission still apply.

Decision: .....

Notes: .....

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Person to contact: Caroline Townley  
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**12/00156/FUL & 12/00308/FUL**

**The Barn Owl Centre  
Netheridge Farm  
Netheridge Close  
Gloucester  
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**Planning Committee 08.05.2012**

