

Planning Committee: 06 April 2011

Item Number:

Application No: W 10 / 1661

Town/Parish Council: Stoneleigh
Case Officer: Steven Wallsgrove
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Registration Date: 12/01/11

Expiry Date: 09/03/11

Former Petrol Filling Station, Coventry Road, Stoneleigh, Coventry, CV8 3BZ

Erection of single dwelling and detached garage FOR Mr Miller

The application has been 'called in' by Cllr MacKay, and the Parish Council support the proposal.

SUMMARY OF REPRESENTATIONS

Ashow, Burton Green and Stoneleigh JPC:

Original comments:

The site is immediately outside the Conservation Area and, accordingly, in the Green Belt. Its former use as a Petrol Filling Station might be regarded as incongruous but it was a convenience to the residents of the village and for those passing through. Regrettably, it was compelled to close several years ago.

The present Applicant or his company ('enforcement' correspondence was sent to the latter) purchased it several years ago. Since then, it has suffered from fly-tipping and the like and correspondence from both the Parish Council and the County Council is included with the Application in an apparent endeavour to sway the Planning Committee towards granting Permission.

The Alternative Uses Report accompanying the Application makes it clear that uses alternative to the proposed use as a private dwelling house are not regarded as financially viable. However, the present owner had a full opportunity to explore its possible uses before purchasing it.

The purchase price of £70,000.00 quoted in the documents accompanying the Application suggests a speculative purchase with the intention throughout of profiting from the development of the site, notwithstanding its Green Belt status.

The present unsatisfactory appearance of the site is an enforcement issue and is not regarded as legitimate 'very special circumstances' for granting the Permission presently sought. The land immediately to the South of the site is not built on and appears not to have similar appearance problems. It can be argued that the clearing, securing and, ideally, remediation of the applicant site so as to become green land should be similarly unproblematic and would comply with the Green Belt.

The Parish Council is a strong advocate of maintaining Green Belt land undeveloped. However, in relation to this Application, the weight of feeling reflects the previous development of this site for commercial use and the Parish Council does not object to the Application.

Revised comments:

The Parish Council would like to amend the last few words of its comments which have already been submitted. Can you please ignore "The Parish Council does not object to the Application" and insert in its place "In this instance the Parish Council wholeheartedly supports this planning application".

Environment Agency: object due to lack of contaminated land report, as required under PPS23. They also comment about the disposal of surface water on contaminated land.

WCC (Ecology): comment that there may be bat issues.

Public Response: One letter of support has been received.

RELEVANT POLICIES

- Planning Policy Guidance 2 : Green Belts
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- DP15 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011)
- RAP1 - Directing New Housing (Warwick District Local Plan 1996 - 2011)
- DAP8 - Protection of Conservation Areas (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

The use of the site as a petrol filling station was first approved in 1966, following the dismissal of an appeal the previous year. Applications for the sale of ice cream and confectionery, and for car sales, were refused in 1968 and 1970 respectively. The site was redeveloped following a consent of 1972, with an approval for a canopy in 1986. A car wash was refused in 1988.

KEY ISSUES

The Site and its Location

The site forms a narrow strip of land between the road and a steep bank down to the flood plain of the River Sowe. It includes the boarded up former kiosk and the two vehicle access points as well as the hardstanding of the filling station. There is a dwelling to the north (The Mill House) and agricultural land to the east and south. On the opposite side of the road is a high, and steep, bank beyond which are houses fronting onto Stoneleigh Close. The whole area lies in the Green Belt.

Details of the Development

The proposal is to redevelop this former filling station site with a single dwelling. The details show a substantial, two storey, four bedroomed, house which would be built in brick, with horizontal boarding in places, and a clay tiled roof. Details

of a detached, timber clad, carport and workshop are also included. This would be sited close to the house at the back of the site.

The application was accompanied by a Flood Risk Assessment, a Sustainable Buildings Statement and an Alternative Use Report. A Contaminated Land Study was subsequently submitted, a copy of which was sent direct to the Environment Agency.

The Flood Risk Assessment shows that the dwelling would be over 2 m above the 1 in 100 year flood level, and that a soakaway based surface water drainage scheme is proposed, subject to any ground contamination. The Ground Contamination Report is a desk based study which states that no information on the decommissioning of the site has been supplied. It goes on to state, however, that there is a low likelihood of human users being exposed to on site contaminants.

The Sustainable Buildings Statement proposes the use of solar panels, with the number being tailored to exceed the 10% requirement of the policy.

The Alternative Use Report examines a wide variety of possible uses on the basis of financial viability compared with the purchase price paid in 2006. It does not refer to the fact that the site lies in the Green Belt or the limitations created by that designation. It concludes that only a shop or a modest dwelling would provide an economic return.

Assessment

The principal issue in this case is Green Belt policy and, in particular, the part relating to the erection of dwellings. In this context, PPG2: Green Belts states that

"The construction of new buildings inside a Green Belt is inappropriate", unless it is for certain, specified, purposes, none of which apply in this case since the proposal is not for a replacement dwelling and is not an infill site within the village.

This means that "very special circumstances" to justify such inappropriate development need to be submitted to demonstrate that "the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations".

In the present case the justification, as set out in the Design and Access Statement, is based on enhancing the setting of the Conservation Area (Policy DAP8), and tidying up a disused site, which affects that setting. (The statement makes it clear that the use has not been abandoned as the underground tanks and the hardstandings have not been removed.)

The site lies immediately to the north of the Conservation Area, which includes the small field between the nearest houses and the site. This has a frontage hedge which forms part of the natural vegetation corridor along the road, the application site and the steep vegetated bank opposite forming part of this corridor as the application site is backed by a tall screen of trees and other vegetation.

It is considered, therefore, that the erection of a dwelling on this site would not preserve or enhance the setting of the Conservation Area as it would introduce a substantial building into this generally open, planted, corridor. It would also stand on the crest of a low rise in the road, as the village is approached, which results in the village only coming into view after the application site has been passed.

It is accepted that the site, in its present condition, is unkempt and untidy but this, in itself, does not justify granting consent for inappropriate development, particularly of such a substantial building in such a prominent position.

RECOMMENDATION

REFUSE, subject to the refusal reason listed below.

REFUSAL REASONS

The site is situated within the Green Belt and Planning Policy Guidance Note 2 states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against "inappropriate" development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the Guidance and, in the Planning Authority's view, very special circumstances sufficient to justify departing from this Guidance have not been demonstrated.
