

Planning Committee: 16 March 2011

Item Number:

Application No: W 10 / 0560

Town/Parish Council: Hunningham
Case Officer: Sandip Sahota

Registration Date: 01/10/10

Expiry Date: 26/11/10

01926 456554 planning_east@warwickdc.gov.uk

**Land Opposite Corner House, Long Itchington Road, Hunningham,
Leamington Spa**

Conversion of existing former stable building to an office with a toilet (Use Class B1a). FOR Mr I White

This application is being presented to Committee due to an objection from the Parish Council having been received.

SUMMARY OF REPRESENTATIONS

Eathorpe, Hunningham, Offchurch, Wappenbury Parish Council: Raises objection on the following grounds: "This piece of land has been used as a paddock since time immemorial. We do not feel that this is a suitable site to maintain an office. The purchaser of the plot must have known it was to be used for agricultural purposes only when he bought it some years ago. Since then he has tried to run a business, namely Avon Pest Control, from the site without obtaining the correct permissions. He erected a wooden building without planning consent, which in a retrospective planning application he tried to make out the building was to keep chickens. The retrospective application was turned down. The Council has been advised, by residents living nearby, that in the fairly recent past there was a nesting barn owl occupying the building in question, but that subsequent to the purchase of the plot by the present owner the two temporary doors, shown on the photographs in the Bat and Barn Owl survey, were placed in such a way over the entrance to deny the bird access to the building. We do not think that a change of use of the building to an office with its attendant comings and goings would make it attractive to barn owls looking for a nesting site despite the Bat and Barn Owl survey's comments. We have also been advised that a septic tank has also been installed at the site and we can find no record of this installation being put forward for planning consent. Additionally the entrance to the plot is very close to a road junction and not very far from two bends on the Long Itchington Road where there have been accidents in the past. We do not feel that we can support this application for the reasons mentioned".

Environmental Health: "I have studied the documents/ plans for the proposed office/ toilet building and have 'no objections/ comments' ".

Environment Agency: "I have had a quick look through the submitted details and would have no comments to make".

Public Response: 1 letter of support has been received from the occupiers of Hunningham Grange.

WCC Ecology: No objection, subject to conditions re barn owl box, bat/bird/reptile/ amphibian/ hedgehog and badger notes.

RELEVANT POLICIES

- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- RAP6 - Directing New Employment (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- Planning Policy Guidance 2 : Green Belts

PLANNING HISTORY

In May 2008 the planning department's enforcement section were informed that a timber building had been erected at the application site. An enforcement investigation was subsequently commenced and it became apparent that the building was being used in association with the applicant's pest control business. The applicant was advised that the construction of a new building for such a purpose represented inappropriate development in the Green Belt.

Retrospective planning permission (ref: W08/1458) for 'retention of timber shed to be used for the keeping of chickens' was refused in January 2009. This building has now been removed off the site.

KEY ISSUES

The Site and its Location

The application relates to a small traditional former agricultural building of brick construction with a tile roof situated in the south-east corner of a small triangular parcel of land situated on the corner of the junction between Long Itchington Road to the east and a minor road to the south-west in open countryside close to the village of Hunningham. A road side Hawthorn hedge with mature trees: Ash and Sweet Chestnut, runs along two of the side boundaries and the remaining northern and north western boundary abuts grassland and rough pasture. There is an established vehicular access to the site from Long Itchington Road. The site is "washed over" by Green Belt.

Details of the Development

Conversion of existing former stable building to an office with a toilet (Use Class B1a), including retention of septic tank and gravelled parking areas.

Assessment

The main considerations in the determination of this application are:

1. Principle of development.
2. The effect of the proposal on the living conditions of the occupiers of neighbouring properties.

3. Drainage
4. Renewables.
5. Ecology.
6. Parking

principle:

Government advice in Planning Policy Guidance 2: *Green Belts* states that the re-use of buildings inside a Green Belt is not inappropriate development providing the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction and the development does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it.

Government advice set out in Planning Policy Statement 7: *Sustainable Development in Rural Areas* acknowledges that there would be a benefit in sustainability terms in putting an existing building to a new use. In relation to conversions, the advice provides a preference for employment use over residential on grounds of sustainability principally in terms of minimising unsustainable transport movements but also in terms of facilitating a better balance between housing and employment and providing employment for the rural population.

Policy RAP6 of the Warwick District Local Plan 1996-2011 states that new employment development will be permitted in certain circumstances including conversions of appropriate rural buildings in accordance with Policy RAP7 where these are of a small scale or a low intensity.

Policy RAP7 goes on to state that proposals to re-use and adapt existing rural buildings will be permitted subject to the following criteria: a). the building is of a permanent and substantial construction; b). the condition of the building, its nature and situation, makes it suitable for re-use or adaptation; c). the proposed use or adaptation can be accommodated without extensive rebuilding or alteration to the external appearance of the building; d). the proposal retains and respects the special qualities and features of traditional rural buildings; e). the appearance and setting of the building following conversion protects, and where possible enhances, the character and appearance of the countryside; f). the proposed use or adaptation would not give rise to legitimate planning objections which would otherwise outweigh the benefits of re-use or adaptation.

A structural survey has been carried out by a qualified structural surveyor. The report submitted with the application confirms that whilst there are some cracks none of these are very wide and none characteristic of any sub-structure movements. The wall facing onto the Long Itchington Road (east wall) shows a pronounced outward lean at the centre and is cracked and bowed but can easily be rebuilt using the same bricks and employing galvanised flat straps. The roof is tiled and shows some signs of movement in that the two slopes undulate slightly and one of the purlins is distorted. The timber lintels over the doors are in poor condition. The works required to refurbish the building also include numerous minor builder's items and these will include the addition of some corner straps, tie-down straps and lateral restraint straps, all of which can be fixed internally and concealed by finishes where possible. Some partial replacement of wall plates, rafters and other members may also be required. Overall, I am of the view that the building is of a permanent and substantial

construction, its nature and situation make it suitable for re-use and the proposed use can be accommodated without extensive rebuilding or alteration to the external appearance of the building and that the building would retain the special qualities and features of traditional rural buildings and protects the character and appearance of the countryside.

I am therefore of the view that the proposed development is not inappropriate development in the Green Belt and that re-use of the building is acceptable in principle and would be in accordance with both national and local planning policies.

living conditions:

The nearest dwellings are some distance away from the building and I am satisfied that the building could be used for a B1(a) office employment use, which, particularly given its limited scale, would be relatively low key, without causing nuisance.

drainage:

The application form indicates that foul sewage is to be disposed of via a septic tank.

Circular 03/99 Planning Requirement in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development provides advice on the exercise of planning controls on non-mains sewerage so as to avoid environmental, amenity or public health problems which could arise from the inappropriate use of non-mains sewerage systems, particularly those incorporating septic tanks. The Circular makes it clear that when drawing up sewerage proposals for any development, the first presumption must always be to provide a system of foul drainage discharging into a public sewer. It goes on to add that if by taking into account the cost and/ or practicability, it can be shown to the satisfaction of the Local Planning Authority that connection to a public sewer is not feasible, a package sewage treatment incorporating a combination of treatment processes should be considered. Only if it can be clearly demonstrated by the developer that these sewerage and sewage disposal methods are not feasible, taking into account cost and/ or practicability, should a system incorporating septic tank(s) be considered. Applications for planning permission should be supported by a full assessment of the proposed use of septic tanks focusing on the likely effects on the environment, amenity and public health and in particular a thorough examination of the impact of disposal on the final effluent. If the non-mains sewerage and sewage disposal methods are assessed as being unsatisfactory, this would normally be sufficient to justify refusal of planning permission.

The application site is not connected to a public sewer and it is argued that this would not be feasible on grounds of cost and practicability. An environmental assessment has been submitted to support the proposal for a septic tank to a soakaway at the application site to serve the proposed office. The report concludes that as the estimated level of discharge is very small (50l/d) and there are no identified sensitive environmental receptors within the prescribed minimum separation distances from the discharge the proposed discharge does not present any significant risk to identified environmental receptors. Given the scale of the likely discharge and the fact that there have been no objections raised by The Environment Agency and Environmental Health, I am of the view that it is not appropriate to insist on a package sewage treatment. I am therefore of the view that the proposed method of drainage would be acceptable.

renewables:

The proposed drawings indicate that an air source heat pump will be installed at low level on the south elevation of the building. Given the limited size of the building, I am satisfied that this installation will ensure that at least 10% of the energy requirement will be produced on site through renewable energy.

ecology:

A pre-determinative bat and barn owl survey has been submitted with this application. The survey confirmed the presence of an active barn owl roost within the northern section of the barn, and the loft within the barn was also considered to have a high potential to be used as a barn owl nesting site.

The survey goes on to recommend that if consent is granted then mitigation measures to protect barn owls, and to make alternative provisions to keep the species on site will be required.

Whilst artificial box roosts can be put up as a temporary alternative provision for barn owls it is desirable that wherever possible more permanent provision within the property is provided. The applicant is willing to include permanent barn owl provision within the conversion.

The applicant's survey recommends that in the short term, a wooden barn owl nest box is erected on site and, to ensure the protection and privacy of roosting owls, this should be erected away from the area that will be affected by the works and its associated working space that will be required by the contractors. The box could be erected on a pole or on a neighbouring tree - one of the Sweet Chestnut trees immediately to the north of the building would provide an ideal location for a barn owl box.

Long term, the provision of a permanent place for barn owls to roost and nest has been designed into the scheme; The entrance to the barn owl nest box will be located on the northern gable end of the property, close to the current access point through the open double doors. There is a clear flight line for the owl to the entrance with an external landing platform being provided. The chimney of the wood burning stove has been relocated to the centre of the building away from the area of loft set aside for barn owls. A demountable panel has been built into the design to facilitate cleaning of the box.

The survey did not find any evidence of bats roosting in the building. Trees close to the building, an Ash and a Sweet Chestnut were both considered to have a high potential to support roosting bats. Bat activity surveys confirmed the value of these trees both to roosting and foraging bats and their retention is strongly recommended by the applicant's survey. Owing to the presence of a range of natural tree sites for bats it is not considered necessary to require any additional artificial bat roosting sites on the building itself.

parking & highway safety:

The Council's Vehicle Parking Standards SPD requires that 1 off street parking space is provided for the proposed use. This is able to be provided on the existing gravel hardstanding which is already served by an established vehicular access off Long Itchington Road. Whilst I note the Parish Council's concerns relating to highway safety, I am mindful of the fact that an established vehicular access exists with potential for unrestricted agricultural use. Moreover, I am of

the view that given the limited scale of the building, the comings and goings relating to the proposed use are unlikely to be significant. I am therefore of the view that the proposed development would meet the requirement for off street parking and would not result in material harm to highway safety.

RECOMMENDATION

GRANT, subject to the following conditions/ reasons:

CONDITIONS

- 1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON :** To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the details shown on the approved drawing (drawing number 2081_03B), and specification contained therein, submitted on 1 October 2010 except as required by condition 7 below and unless first agreed otherwise in writing by the District Planning Authority. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.
- 3 The development hereby permitted shall not be commenced unless and until a temporary wooden barn owl nest box is erected on site in accordance with the recommendations specified in the Bat and Barn Owl Survey submitted to the District Planning Authority on 3 September 2010. The wooden barn owl nest box shall be retained in place until the conversion works have been completed in accordance with the detail shown on the approved drawings and the permanent barn owl nest box has been installed in accordance with Condition 4 below. **REASON:** To ensure the protection of barn owls and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 4 The development hereby permitted shall not be first occupied unless and until the permanent provision for barn owls to roost and nest has been completed in accordance with the details shown on the approved drawing. This facility shall be retained thereafter and maintained in accordance with the recommendations provided in the Bat and Barn Owl Survey submitted to the District Planning Authority on 3 September 2010. **REASON:** To ensure the protection of barn owls and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 5 All repair/construction work specified on the plans for the conversion works hereby permitted shall be carried out in reclaimed materials of the same type, texture and colour as the existing barn. **REASON:** To ensure that the rural character and appearance of the barn is protected, in accordance with Policy RAP7 of the Warwick District Local Plan 1996-2011.
- 6 The development hereby permitted shall not be first occupied unless

and until the renewable energy scheme submitted as part of the application has been wholly implemented in strict accordance with the approved details. The works within this scheme shall be retained at all times thereafter and shall be maintained strictly in accordance with manufacturers specifications. **REASON:** To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 7 The stainless steel flue hereby approved shall be painted matt black and retained as such thereafter. **REASON:** To ensure that the rural character and appearance of the barn is protected, in accordance with Policy RAP7 of the Warwick District Local Plan 1996-2011.
- 8 No materials, plant or equipment of any description including skips or containers, shall be stacked, stored or deposited on any open area of the site. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy DP1 of the Warwick District Local Plan 1996-2011.

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the building proposed for conversion is of permanent and substantial construction and the proposed use can be accommodated without extensive rebuilding or alteration to the external appearance of the building. It is considered that no increased hazard to highway users would result from the development. The proposal is therefore considered to comply with the policies listed.
