

Application No: W 10 / 0156

Registration Date: 25/02/10

Town/Parish Council:

Old Milverton

Case Officer:

Rob Young

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**Barn adjacent to Quarry Cottage, Old Milverton Lane, Old Milverton,
Leamington Spa, CV32 6RW**

Change of use to offices (Use Class B1a), general industrial use (Use Class B2) and storage (Use Class B8) with installation of link between buildings and new door FOR MGR Fluid Power

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

SUMMARY OF REPRESENTATIONS

Parish Council: Object on the following grounds:

1. The outbuildings are inappropriate for general industrial use since they are situated in the Green Belt, in a non-industrial, quiet rural area, with a nursing home and a hospital close by.
2. The condition and construction of the buildings is such that they are unlikely to comply with present requirements even for 'light industrial' use.
3. There is no connection to main drains. Effluent treatment is said to be restricted to a cesspit or perhaps a soakaway at best (but not shown on the plans). Any seepage from the site, arising from human or industrial waste would inevitably contaminate the brook alongside the buildings and the River Avon.
4. Old Milverton Lane can be a dangerous rat-run for vehicles. It is the only road, locally, to retain a 60 mph speed limit. Concern has been expressed in the past regarding dangerous driving resulting in serious accidents on and near to the bend adjacent to the entrance to these outbuildings.

Environment Agency: No objection. Although this is a change of use application, under PPS25 the uses fall into the same vulnerability classification - less vulnerable. Therefore, we have no further comment to make on flood risk issues. On the issue of possible pollution to the watercourse, the applicant should be aware that the existing consents may need to be reviewed to ensure the new practices are in line with the existing consents.

WCC (Highways): No objection, subject to conditions.

WCC (Ecology): Recommend bat notes.

Environmental Health: Raise the same concerns as previously regarding potential noise nuisance arising from the proposed use, but would accept the conditions suggested by the agent with regard to a restriction on the occupation of Quarry Cottage and a restriction on the hours of use.

RELEVANT POLICIES

- DAP1 - Protecting the Green Belt (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP10 - Flooding (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (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)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

In 2009 planning permission was refused under delegated powers for "Conversion of disused outbuildings to offices (Use Class B1a), general industrial (Use Class B2) and storage (Use Class B8), and installation of link between buildings and new door" (Ref. W09/0471). The reason for refusal was as follows:

"The application site is situated on an unrestricted rural road. The visibility splay to the south of the vehicular access is severely substandard, and the proposed change of use would cause an intensification of the use of the access. Therefore, in the opinion of the District Planning Authority, the proposed change of use would be detrimental to highway safety."

KEY ISSUES

The Site and its Location

The application relates to 2 former agricultural buildings situated on the northern side of Old Milverton Lane. The buildings are currently unused. One building is constructed of blockwork and profiled sheeting to the walls, with a profiled sheeting roof. The other building is constructed of blockwork with a tiled roof. There is a small gap between the two buildings. The buildings are situated within a field to the south-west of the dwelling at Quarry Cottage, with vehicular access direct from Old Milverton Lane. The site is situated within open countryside that is designated as Green Belt. The Frisbee Disc Golf Course is situated to the south and west of the site. A brook runs to the south of the site.

Details of the Development

The application proposes the following development:

- change of use to offices (Use Class B1a), general industrial (Use Class B2) and storage (Use Class B8);
- installation of link between buildings;
- installation of new door; and
- removal of grassed area to front of buildings and reinstatement of hardcore to provide a parking and turning area.

Assessment

The main issues relevant to the consideration of this application are as follows:

- whether the conversion of these buildings would be acceptable in principle;
- the impact on the openness and rural character of the Green Belt;
- highway safety;
- the impact on the living conditions of nearby dwellings; and
- drainage.

Whether the conversion of these buildings would be acceptable in principle

I am satisfied that the conversion of these buildings would be acceptable in principle. The buildings are of permanent and substantial construction and the proposed use can be accommodated without extensive rebuilding or alteration to the external appearance of the buildings. Furthermore, the appearance and setting of the building following conversion would protect the character and appearance of the countryside. Therefore I am satisfied that the proposals would be in accordance with Local Plan Policy RAP7.

Impact on the openness and rural character of the Green Belt

I am satisfied that the proposals would have an acceptable impact on the openness and rural character of the Green Belt. The proposed link between the buildings would not have a significant visual impact because it would be a small addition that would be largely hidden in the narrow gap between the two buildings.

Highway safety

Since the previous planning application was refused on highway safety grounds, the applicant has commissioned a speed survey for the section of Old Milverton Lane in front of the site. Furthermore, a hedge that impeded visibility to the south-west of the access has been cut down to a low level, and an adjacent tree has been removed. Consequently a 2.4m by 120m visibility splay can now be achieved. Whilst this includes land outside of the applicant's ownership, the owner of the adjacent site has confirmed that he has no objection to the proposed change of use and that he will maintain the hedgerow in order to retain this visibility, which would also benefit his own access. The Highway Authority have raised no objection to the current application and therefore I am satisfied that these amended proposals would be acceptable from a highway safety point of view.

Impact on the living conditions of nearby dwellings

The proposals would include a B2 use that is likely to generate a degree of noise. However, there are no dwellings adjacent to the site. The nearest dwelling is Quarry Cottage, 50m away, and this is occupied by the applicant. The next nearest dwelling, Quarry Lodge, is over 100m away, and there is a group of residential barn conversions over 150m away on the opposite side of Old Milverton Lane. The nursing home and hospital that are mentioned by the Parish Council are 160m and 370m away. In view of this separation from the nearest dwellings and other sensitive uses, and taking into account the fact that there has been no objection from Environmental Health, I am satisfied that a B2 use

would be acceptable in this location, subject to appropriate conditions. Following discussions with the agent, Environmental Health have agreed conditions to tie the business to the occupation of the nearest dwelling at Quarry Cottage and to restrict the hours of use of machinery and deliveries.

Drainage

The application incorporates sustainable drainage proposals, with surface water from the building to be disposed of to soakaways, and the renovated drive is to be surfaced with permeable materials. I note the concerns of the Parish Council regarding potential contamination of the brook alongside the buildings. However, the Environment Agency have not objected to the application and therefore I am satisfied that the proposals would be acceptable in this respect.

Other matters

The application proposes the installation of a wood burning stove to meet 10% of the predicted energy requirements of the development, in accordance with Local Plan Policy DP13. A condition is recommended to ensure that this is installed.

The site is situated within Flood Zone 2, associated with the brook that runs to the south of the site. However, the proposed use falls into the same vulnerability classification as the existing use (i.e. "less vulnerable") and the Environment Agency have not objected to the application. Therefore I am satisfied that the proposals would not result in an unacceptable increase in flood risk.

RECOMMENDATION

GRANT, subject to the conditions listed below.

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 strictly in accordance with the details shown on the approved drawing(s), and specification contained therein, submitted on 17 February 2010, 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 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those of the existing building. **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.
- 4 All hard surfaces hereby approved shall be made of porous materials. **REASON** : To reduce surface water run-off and to ensure that the development does not increase the risk of flooding elsewhere, in accordance with Policy DP11 of the Warwick District Local Plan.

- 5 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.
- 6 The residence known as Quarry Cottage (and so labelled on the approved location plan) shall not be occupied other than by a person solely or mainly employed, or last employed in the business occupying the business floor space hereby permitted, or by a widow or widower of such a person, or any resident dependants. **REASON** : Since Quarry Cottage is situated in close proximity to the application site and may suffer noise and disturbance from the business use hereby permitted, and to meet the objectives of Policy DP9 of the Warwick District Local Plan 1996-2011.
- 7 No machinery shall be operated, no process involving the use of power tools shall be carried out and no deliveries shall be taken at or despatched from the premises, except between the hours of 0800 and 1800 on Mondays to Saturdays and not at any time on Sundays, Bank or Public Holidays. **REASON** : To protect the amenities of surrounding properties, in accordance with Policy DP2 of the Warwick District Local Plan 1996-2011.
- 8 The vehicular access to the site from Old Milverton Lane shall not be used until it has been provided with not less than 7.5 metres effective radiused turnouts on each side. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 9 The vehicular access for the development hereby permitted shall not be reconstructed in such a manner as to reduce the effective capacity of any highway drain or ditch. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 10 The application site shall not be used for the purposes hereby permitted unless and until the vehicular access to the site has been provided with visibility splays to the public highway carriageway with an 'x' distance of 2.4 metres and 'y' distances of 160 metres to the north-east and 120 metres to the south-west. No structure, erection, trees or shrubs exceeding 0.6 metres in height above the adjoining highway carriageway shall be placed, allowed to grow or be maintained within the visibility splays so defined. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 11 Gates provided at the entrance to the site shall not be hung so as to open to within 5.5 metres of the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

- 12 The application site shall not be used for the purposes hereby permitted unless and until there is available vehicular turning space within the site so that all anticipated vehicle types are able to enter and leave the public highway in a forward gear. Such area shall thereafter be kept available for that purpose. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 13 The application site shall not be used for the purposes hereby permitted unless and until the vehicular access has been surfaced with a boundary material for a distance of 5.5 metres as measured from the near edge of the public highway carriageway in accordance with details to be approved in writing by the District Planning Authority, in consultation with the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 14 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.
- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking and re-enacting that Order with or without modification), no development shall be carried out which comes within Parts 2, 8 and 41 of Schedule 2 of this Order, without the prior permission of the District Planning Authority. **REASON** : To ensure that the rural character and appearance of the barn(s) is protected, in accordance with Policy RAP7 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 and that the proposed uses would be unlikely to have an adverse impact on the living conditions of nearby dwellings. The proposal is therefore considered to comply with the policies listed.
