

Planning Committee: 23 May 2017

Item Number: 7

Application No: W 17 / 0245

Town/Parish Council: Baddesley Clinton
Case Officer: Helena Obremski

Registration Date: 10/02/17
Expiry Date: 07/04/17

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Pheasant Lake, Birmingham Road, Wroxall, Warwick, CV35 7NN

Application for removal of condition 3 (occupancy) of planning permission ref: W/16/2125 (Notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and associated operational development) FOR Mr. Peter Spacey

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission.

DETAILS OF THE DEVELOPMENT

The application seeks permission for the removal of Condition 3 of planning permission W/16/2125 which restricts the occupancy of the property to those working at the adjacent Pheasant Lakes Organic Farm (Warwickshire Organics). The scheme remains largely the same as extant permission W/16/2125 and it is therefore only this element which is considered below.

THE SITE AND ITS LOCATION

The application site comprises part of an organic farm which includes a small complex of buildings set behind a belt of trees on the Birmingham Road frontage. The buildings include a large greenhouse, a metal clad barn, a single storey brick building and a brick built barn used as an implements store which is subject of this application. This building is two storey and of brick and tile construction. It sits alongside the greenhouse. Vehicular access is provided via a long drive from Birmingham Road.

PLANNING HISTORY

There are a number of previous applications regarding the application site, however, these are mainly in relation to another building within the wider site boundary. The relevant planning history is as follows:

W/08/1150/AG - Erection of an implements barn - Granted.

W/16/2125 - Prior approval granted for change of use from redundant agricultural building to a dwellinghouse.

RELEVANT POLICIES

- National Planning Policy Framework
- The Current Local Plan
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Baddesley Clinton Parish Council: Objection to the change of use from agricultural dwelling to a domestic dwelling and the precedent this would set.

WCC Highways: No objection.

Waste Management: No objection.

ASSESSMENT

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

- Whether Condition 3 of planning permission W/16/2125 is necessary to make the development acceptable in planning terms
- Other Matters

Whether Condition 3 of planning permission W/16/2125 is necessary to make the development acceptable in planning terms

The site forms part of an organic nursery, however, under the original application, the agent did not propose that the dwelling would be used by the agricultural tenant occupying the site. The Environmental Health Officer had concerns that existing and potential future agricultural activities could take place within very close proximity to the site, and could have caused noise and odours which would be harmful to the living conditions of the future occupiers of the property. Therefore, a condition was imposed to the application to restrict the occupancy of the dwelling to only those who were employed by the business on the site.

The agent has provided additional information which forms part of this application to show that currently, there are few activities which take place within the nearby glasshouses and site which would present a cause for concern in relation to harmful noise or odours. The Environmental Health Officer agrees that there are few activities which *currently* take place within the wider site harmful to the living conditions of the future occupiers of the dwelling. The Officer also notes that whilst there are some heaters serving the glasshouses which are positioned in close proximity to the dwelling, it would be onerous to require sound insulation of the windows overlooking the heaters and mechanical ventilation. He also notes that if there were concerns regarding the noise from

these heaters, it could be treated appropriately at the source, by encasing the heaters, although it is acknowledged that the casing would require holes to allow the hot air to escape, which would allow some noise out. The Environmental Health Officer also confirms that through double or triple glazed windows, with sound proofed-ventilation, this could also prevent permeation of an unacceptable level of noise into the dwelling.

The Environmental Health Officer does still have some concerns regarding the potential future uses of the site; given that its lawful use is agricultural land, the site could be used for a variety of uses which emit noise and odours which could be harmful to the living conditions of the future occupiers of the dwelling. However, the Officer does note, that if the intensity of the use of the site was significantly increased for agricultural purposes which would involve the rearing of livestock for example, then an Environmental Permit may be required, depending on the scale.

Therefore, it is necessary to consider the planning balance and whether it is reasonable to impose a condition restricting the occupancy of the property to those who are employed by the business associated with the site. It is clear that the existing use poses little potential harm to the living conditions of the future occupiers of the property. Furthermore, there is an existing dwelling located within the wider site (which was deemed lawful under a Certificate of Lawfulness application in 2016), and no environmental health complaints have been received regarding noise or odours in relation to the agricultural activities which take place on the site. It is unknown whether this property is occupied by those who are employed by the business.

There is a possibility that the agricultural tenant who farms the site could change, leading to increased disruption of the living conditions of the future occupiers of the dwelling. However, owing to the overall size of the wider site, it is unlikely that it would be used for intensive livestock rearing, and as the Environmental Health Officer notes, dependant on the scale, this may need an Environmental Permit, which would then be able to protect the living conditions of the occupiers of the dwelling. It is acknowledged that the use of the site could be intensified to an extent which did not require an Environmental Permit. Due to the size of the site, it is unlikely that this would be to an extent where it would significantly impact the living conditions of the occupiers to warrant refusal of the application.

Therefore, on balance, it is not considered necessary to retain the condition limiting the occupancy of the dwelling to those employed by the business which occupies the wider site, following the submission of additional information and clarification of relevant details. Condition 3 is therefore recommended to be removed from the decision notice.

Other Matters

Baddesley Clinton Parish Council have objected to the application because they have concerns regarding the precedent which the change of use from an agricultural dwelling to a residential dwelling would set. Whilst these comments are noted, the occupancy condition was imposed to protect the living conditions

of the future occupiers of the site, rather than make the development acceptable from a principle point of view.

CONCLUSION

Therefore, as there are no existing noise concerns regarding the wider site and it is unlikely that there would be a significant intensification of the site which would lead to an unacceptable level of harm to the living conditions of the occupiers of the dwelling, it is recommended that Condition 3 should be removed and the application should be approved.

CONDITIONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 160 metres to the near edge of the public highway carriageway, in both directions. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON:** In the interests of highway safety and to satisfy Policy DP6 in the Warwick District Local Plan 1996-2011.
