

Planning Committee: 03 May 2005

Principal Item Number: 01

Application No: W 04 / 2289

Registration Date: 07/01/2005

Town/Parish Council: Old Milverton

Expiry Date: 04/03/2005

Case Officer: Alan Coleman

01926 456535 planning_east@warwickdc.gov.uk

Churchside Barn, Church Road, Old Milverton, Leamington Spa, CV32 6SA

Change of use of building approved under planning application W930195 from ancillary residential swimming pool, lounge and changing room to Class B1 office and provision of 6 No. parking spaces. FOR G H Hall

This application was deferred at Planning Committee on 4 April 2005, to enable a site visit to take place on 23 April 2005. The report which follows is that which was presented previously in either the 'Committee report or the attached addendum.

SUMMARY OF REPRESENTATIONS

Parish Council: *"Objection to be made on the following grounds:*

- 1. opposition to developments in the Parish area which attract non-residential activities and traffic;*
- 2. the number of offices in the Old Milverton area will be out of proportion to the small number of residences;*
- 3. it will affect the rural nature of the church area, in the heart of the village;*
- 4. concerns about possible future expansion of the office accommodation;*
- 5. this is not a change of use, since the existing building has never been used as a swimming pool; an application to create the new development as offices in the first place would have been unlikely to have attracted approval, and the adjustment should not be permitted at this stage;*
- 6. the site is regarded as being within the village envelope, so the Green Belt consideration regarding offices should not be cited;*
- 7. the secluded nature of the much-used public footpath (within the churchyard) which passes near by (sic), would be affected, and office traffic and pedestrians would be likely to conflict at the Church Lane entrance."*

Highway Authority: No objection, subject to reconfiguration of parking layout.

WCC (Ecology): No objection, subject to protection of boundary trees during construction works. Also recommend advisory notes on protected species and nesting birds.

Neighbours: 7 letters of objection on grounds relating to traffic, parking, congestion and highway safety, harm to amenity from noise/disturbance and impact on the residential and rural character of Old Milverton.

RELEVANT POLICIES

- (DW) ENV1 - Definition of the Green Belt (Warwick District Local Plan 1995)
(DW) ENV3 - Development Principles (Warwick District Local Plan 1995)
(DW) EMP4 - Employment Development in the Rural Areas of the District (Warwick District Local Plan 1995)
(DW) C1 - Conservation of the Landscape (Warwick District Local Plan 1995)
(DW) C2 - Diversification of the Rural Economy (Warwick District Local Plan 1995)
(DW) C8 - Special Landscape Areas (Warwick District Local Plan 1995)
(DW) IMP2 - Meeting the Needs of People with Disabilities (Warwick District Local Plan 1995)
DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP8 - Parking (Warwick District Local Plan 1996 - 2011 First Deposit Version)
DP14 - Accessibility and Inclusion (Warwick District Local Plan 1996 - 2011 First Deposit Version)
- RAP1 - Development within Rural Areas (Warwick District 1996 - 2011 First Deposit Version)
RAP7 - Directing New Employment (Warwick District 1996 - 2011 First Deposit Version)
DAP1 - Protecting the Green Belt (Warwick District 1996 - 2011 First Deposit Version)
DAP3 - Protecting Special Landscape Areas (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

The site originally formed part of Parkhouse farm to the north. Permission was originally granted for the conversion of the premises to a dwelling in 1982, however, the implementation of the permission resulted in the demolition and re-building of the structure rather than its conversion. A retrospective application for the retention of these works and the erection of a detached garage with a new vehicular access was granted by the Planning Committee on 2 April 1985 under application W850048.

On 7 April 1993 planning permission for the erection of a swimming pool building to serve the host property was granted (WDC Reference: W930195). Building Control site inspection records indicate that work initially commenced on 25 February 1998 to excavate the foundations and stopped thereafter. Work appears to have re-commenced in August 2004 and has continued to date. The building is now virtually complete and has been laid out as offices in accordance with the plans submitted with this application rather than as a swimming pool, as originally approved. Amendments have also been made to the design and arrangement of doors and windows to correspond with the proposed layout.

KEY ISSUES

The Site and its Location

The premises are located in the hamlet of Old Milverton to the north of Leamington Spa, where it is situated within the Green Belt in a Special Landscape Area. Parkhouse farm adjoins the site to the north and St. James's Church is to the south. A public footpath runs through the church grounds adjacent to the southern boundary of the site. Access to the site is from Church Lane, which is a cul-de-sac that terminates adjacent to the church. The site contains a lawned garden and is screened from the neighbouring properties by a mixture of mature and semi-mature tree and hedgerow planting. The site has no known statutory or non-statutory nature conservation status. However, it is directly adjacent to Ecosite 40/26, known as the pond and churchyard at Old Milverton, which is considered to be of at least High Parish Nature Conservation Value. Old Milverton River Terraces is also situated to the south of the site that is a Regionally Important Geological Area.

Details of the Development

The proposal is to convert the premises to offices for the applicants building contract business, which I consider would fall within the meaning of Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). A total employment of 7 persons is anticipated comprising a receptionist, an office junior, 2 quantity surveyors, a plan drawer and the applicant himself. Occasional visits by sales representatives are envisaged as clients are visited in their homes. As amended, provision for 6 no. parking spaces to serve the development is proposed in addition to the garage/driveway spaces for the Churchside Barn residence. The remainder of the site would be retained as lawn.

Assessment

I consider the principal issues for consideration of the application are:

1. the principle of the use of the building for Class B1 office purposes;
2. traffic and highway safety, and;
3. residential amenity.

1. The Principle of Development

National statements of planning policy and Development Plan policies support the provision of employment uses within rural areas where these are of a small scale or of a low intensity. The proposed office would have a total floorspace of some 190 sq. m. I am satisfied that this would constitute a small scale use and operation. The building is located at the rear of Churchside Barn and in my opinion would also meet the criteria for employment uses as set out in PPG2 (Green Belt). The proposal includes only minor alterations to the external appearance of an existing building and car parking would be contained within the curtilage of the site that enjoys good screening from the surrounding area. I do not therefore consider it would have an adverse effect on either the openness of the Green Belt or the character and appearance of the Special Landscape Area.

2. Traffic and Highway Safety

I note the concerns expressed regarding the impact of the proposals in these terms. The traffic generated by the proposals would essentially relate to employees home-to-work and work-to-home journeys. The application is supported by reference to research undertaken by the Rural Development Commission into the commercial use of rural buildings which suggests traffic generation of the order of 2 cars per hour over the working day. In relation to the proposals this would equate to approximately 17 traffic movements (8.98 trips/100 sq. m/day). Comparison is made with similar figures produced for residential properties, which could generate up to 10 traffic movements per day, whilst Parkhouse farm could generate in the region of 20-40 movements. In my opinion, the level of traffic generated by the proposals would be relatively low and I do not consider this level of use would be such as to create unacceptable congestion or a highway danger on the rural road network, either in itself or cumulatively with neighbouring uses/operations. The lack of objection from the Highway Authority reinforces my view on this matter.

3. Residential Amenity

The proposed office would fall within the meaning of Class B1 of the Town and Country (Use Classes) Order 1987 (as amended), which is defined as being appropriate in residential areas. I therefore consider the proposal would be acceptable in relation to the amenities of the applicant and neighbouring residents. The applicant has also agreed to a condition to limit the use of the office to between 08.00 - 18.00 hours Mondays to Fridays and 08.00 - 13.00 hours on Saturdays, with no use on Sundays or Bank Holidays.

REASON FOR RECOMMENDATION

The proposal is considered to comply with the policies listed above.

RECOMMENDATION

GRANT subject to the following conditions :

- 1 The development hereby permitted must be begun not later than the expiration of five years from the date of this permission.
REASON : To comply with Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved floor plan and elevation drawings, and specification contained therein, submitted on 7 January 2005 and approved site plan, and specification contained therein, submitted on 21 February 2005 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 Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 3 The use of the premises for the purposes hereby permitted shall be restricted to the hours of 08.00 - 18.00 hours Mondays to Fridays and 08.00 - 13.00 hours on Saturdays, with no use on Sundays or statutory Bank Holidays.
REASON : To protect the amenities of surrounding properties, in accordance with Policy (DW) ENV3 of the Warwick District Local Plan.
- 4 The office use of the premises hereby approved shall be solely for purposes within the meaning of Class B1(a) of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order.
REASON : For the avoidance of doubt and to safeguard the amenities of neighbouring residents in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 5 The use hereby permitted shall be carried on only by the applicant, Mr G. H. Hall, and on the cessation of his occupation of the dwelling known as Churchside Barn or on the cessation of his use of the office premises hereby permitted, whichever is the earlier event, the use hereby permitted shall cease.
REASON : To ensure that the amenity of occupiers of Churchside Barn and other properties nearby are properly protected and to enable the District Council to retain control over future development of this property within a hamlet sited in the Green Belt.
- 6 The proposed car parking area for the development hereby permitted shall be constructed, surfaced, laid out and available for use prior to the first occupation of the development hereby permitted, in full accordance with the approved plan.
REASON : To ensure that adequate parking facilities are available, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 7 The existing trees and shrubs shall be retained in accordance with BS 5837 : 1991 and shall not be felled, lopped, topped or pruned without the previous written consent of the District Planning Authority. Any trees removed without consent, or dying or being severely damaged or becoming seriously diseased within five years of planting, shall be replaced with trees of such size and species as may be agreed with the District Planning Authority. Before any materials for the construction of the car parking area are brought on the site or construction of the car parking area is commenced, stout protective fencing should be erected to enclose the perimeter of the branch spread of each tree or shrub to be retained, together with the branch spread of any tree growing on adjoining land which overhangs the site. Such fencing shall be satisfactorily maintained until all development has been completed.
REASON : To protect and enhance the amenities of the area, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan.
-