

Planning Committee: 08 March 2005

Principal Item Number: 12

Application No: W 04 / 1744

Town/Parish Council: Radford Semele

Registration Date: 21/09/2004

Case Officer:

Alan Coleman

Expiry Date: 16/11/2004

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**Barns at Lower Fosse Farm, Fosse Way, Radford Semele, Leamington Spa, CV31
1XJ**

Refurbishment and change of existing barns and outbuildings to bi-commercial and live/work units. FOR Mr J Foden

SUMMARY OF REPRESENTATIONS

Radford Semele Parish Council: Object on grounds of increased traffic on an already busy road.

CPRE: Object on grounds that residential element of scheme would be contrary to Policy RAP2 of the Warwick District Local Plan 1996-2011 (First Deposit Draft).

Environment Agency: No objections, subject to foul drainage condition.

Highway Authority : Holding objection to obtain further clarification on:

1. how the trip rates for the development have been sourced;
2. means of access to the western barns;
3. the sustainability of traffic movements generated by the proposed development, and;
4. measures available to control the operation of the live/work units.

In response to information submitted by the applicant ,the Highway Authority has no objection in principle, subject to access and visibility splay conditions.

WCC (Rural Estates Services Manager): *"Given the site of the now reduced farming unit it is highly unlikely that there will be any future pressure for additional modern farm buildings on the site. The unit is well served by modern buildings more than sufficient for the one retained field, which is in winter wheat production. There is no stock on the farm. In terms of the proposal, it is my opinion that although useful for ad-hoc storage, the traditional buildings are redundant for modern agriculture use by virtue of their design, layout and condition, and no doubt, your Council will be able to determine the application."*

WCC (Archaeology): No objection in principle, subject to photographic record of buildings condition.

WCC (Ecology): No objection, subject to bat survey and information note on nesting birds.

WDC (Environmental Health): No objection, subject to contaminated land survey, remediation method statement and restriction on use of adjacent Dutch barn for vehicle storage only.

RELEVANT POLICIES

National Statements of Planning Policy

Planning Policy Guidance Note 1: General Policies and Principles.

Planning Policy Statement 7: Sustainable Development in Rural Areas.

Planning Policy Guidance Note 13: Transport

Warwickshire Structure Plan 1996-2011

Policy RA.4: Conversion of existing Rural Buildings

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) C3 - Criteria for the Conversion of Rural Buildings (Warwick District Local Plan 1995)

Warwick District Local Plan 1996-2011 First Deposit Draft

DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP2 - Amenity (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP3 - Natural Environment (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP6 - Access (Warwick District Local Plan 1996 - 2011 First Deposit Version)

DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011 First Deposit Version)

RAP1 - Development within Rural Areas (Warwick District 1996 - 2011 First Deposit Version)

RAP2 - Directing New Housing (Warwick District 1996 - 2011 First Deposit Version)

RAP7 - Directing New Employment (Warwick District 1996 - 2011 First Deposit Version)

RAP8 - Converting Rural Buildings (Warwick District 1996 - 2011 First Deposit Version)

DAP5 - Trees, Woodlands and Hedgerows (Warwick District 1996 - 2011 First Deposit Version)

PLANNING HISTORY

There are no previous applications of direct relevance to these proposals.

KEY ISSUES

The Site and its Location

Lower Fosse Farm is situated about 3 miles to the south east of Leamington Spa. At its height it was a commercial farm of some 120 ha (300 acres). The farmland has been sold in the intervening years, and the applicant now only retains 6.96 ha (17.2 acres) at Lower Fosse. Of this, there is only a 4.04 ha (10 acre) field utilised for agriculture. The applicant utilises and farms the field himself purely as a hobby, using his own equipment to do so.

Lower Fosse Farmhouse is the main residential property on the farm, which is served by both modern and traditional farm buildings. The traditional buildings are situated to the rear of the farm house and comprise 6no. 18th and 19th Century brick and tile barns that broadly stand in a courtyard formation. The barns are currently vacant and vary in height, design and external appearance. Four of the barns also have first floor accommodation. To the north stand 3 modern Dutch barns and an open-sided steel framed agricultural building.

The farm and its buildings gain access from the B4455 Fosse Way to the south of its junction with the A425. Within the site, this access road becomes a drive which circles the farmhouse to the south and provides access to the barns and adjacent modern buildings.

Details of the Development

The proposal is for the conversion of the existing traditional brick-built farm buildings to 3no. mixed use live/work units and 3no. solely business units. The ground floor of each barn and the first floor of barn 1 would be converted to studio offices/workshops within

the meaning of Class B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended). These would be combined with 1-bed studio flats on the first floor of barns 2, 3 and 4 to provide integrated live/work units and would involve internal and external alterations to the premises. Provision for car parking would be adjacent to the premises within the courtyard. In order to avoid the loss of trees and hedgerows, the scheme has now been amended by relocating the access to the south of the existing entrance. This is at the existing farm track, which would meet the visibility splay requirements of the Highway Authority in both directions without the need for clearance works.

Assessment

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

1. the principle of the use of the site for Class B1 office/workshops combined with residential units;
2. traffic and highway safety;
3. design and external appearance, and;
4. residential amenity.

1. The Principle of Development

National statements of planning policy and Development Plan policies support the conversion of agricultural buildings for employment uses where these are of a small scale or of a low intensity. The proposed office/workshops would have a total floorspace of 690 sq. m ranging in size between 76 sq. m to 145 sq. m. I am satisfied that individually and cumulatively the employment use generated by the proposals would be small scale.

With regard to the proposed flats, there is a general presumption against residential development in the rural areas, unless it is for affordable housing to meet local needs or is housing for rural workers. However, in relation to the conversion or sub-division of rural buildings preference is given to the inclusion of housing as a subordinate element of a scheme for business re-use rather than to meet a local need. In my opinion the proposals represent such a scheme. Thus, whilst I note the objection of the CPRE, nevertheless I do not consider the residential element of the scheme would be entirely unacceptable in principle, subject to suitable conditions to ensure that the flats could not be let, sold or occupied separately from the ground floor office/workshops.

2. Traffic and Highway Safety

Although the buildings are currently vacant and do not generate any traffic, nevertheless the case is made that the proposals would be unlikely to generate the amount of traffic that the existing uses could potentially create. This is based on estimates of the historic use of the buildings at the time the farm was at the height of its commercial use and the maximum potential use of the buildings in the context of their current agricultural use, for which no further planning permission would be necessary; or for example, if the buildings were let or sold to neighbouring farms; or if the applicant acquired further agricultural interests in the area. The figures used assume such potential traffic arising from the storage of equipment, machinery, produce, vehicles, contractors vehicles, etc, rather than any specific trip generation model (such as TRICS). However, other figures, such as those relating to the farmhouse and adjacent bungalow ('Frizmore'), do have a more specific basis in TRICS.

The applicant's assessment has been accepted by the Highway Authority who has now withdrawn its holding objection to the scheme. Whilst it is likely that future residents will travel from the site and that some staff may be employed who will travel to the site, nevertheless I accept the contention that in traffic generation/sustainability terms the inclusion of 'over the shop' studio flats would also help to remove a significant proportion of journey-to-work movements and work-to-home-movements.

I am also satisfied that the amended access arrangements would be acceptable and could be accommodated without the need for tree and hedgerow clearance works.

3. Design and External Appearance

A structural survey has been carried out which concludes that the buildings are capable of conversion without significant demolition or wholesale replacement. I concur with this view and also consider that the proposed conversion works would generally comply with the design advice contained in adopted Supplementary Planning Guidance for barn conversions.

4. Residential Amenity

The proposed office/workshops would fall within the meaning of Class B1 of the Town and Country (Use Classes) Order 1987 (as amended), which are defined as being appropriate in residential areas. I therefore consider the proposals would be acceptable in relation to the amenities of the applicant/residents of the adjacent farmhouse and future residents of the studio flats. The revised access arrangements would also bring vehicle movements in closer proximity to the adjacent bungalow, 'Frizmore'. However, given the scale and nature of the proposals and distance that would be maintained between the property and the access road, I do not consider this would result in an unacceptable degree of noise or disturbance. The applicant has agreed to a condition to restrict the use of the adjacent Dutch barn to the north of barns 3 and 4 to the storage of collectibles (old farm implements, wagons, antique cars, etc) rather than working agricultural equipment.

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 drawings LFF/01/A, 02/A, 03/A, 04, 05, 07, 11/A and 12/A and specification contained therein, submitted on 20 September 2004, approved drawings LFF/08/B, 09/A and 10/B and specification contained therein, submitted on 14 December 2004 and approved drawings LFF/06A and 13/A 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.

- 3 The offices/workshops hereby approved shall be used solely for purposes within the meaning of Class B1 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 of the farmhouse and bungalow, 'Frizmore', and future residents of the first floor flats of barns numbered 2, 3 and 4 on the approved plans, in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 4 The flats on the first floors of the barns numbered 2, 3 and 4 on the approved plans shall not be occupied other than in conjunction with the corresponding offices/workshops on the ground floors of these premises.
REASON : The site occupies an isolated rural location where there is a general presumption against new residential development. The scheme proposed on this site has been granted planning permission on the basis of the proposed flats being occupied in association with employment activity as live/work units which would be sustainable in this location. The development is, therefore, considered to comply with Policies ENV3A and C3 in the Warwick District Local Plan 1995.
- 5 The building identified as 'Dutch Barn' to the north of the barns numbered 3 and 4 on the approved plans shall not be used for operational agricultural storage.
REASON : To safeguard the amenities of future residents of the first floor flats of the barns numbered 3 and 4 on the approved plans, in accordance with Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 6 No development shall be carried out on the site which is the subject of this permission, until a schedule of the proposed works of conversion and a corresponding method statement have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.
REASON : To ensure that the rural character and appearance of the barns is protected, in accordance with Policy (DW) C3 of the Warwick District Local Plan 1995.
- 7 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, windows (including a section showing the window reveal, heads and cill details), eaves, verges and rainwater goods at a scale of 1:5 have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details.
REASON : To ensure that the rural character and appearance of the barns is protected, in accordance with Policy (DW) C3 of the Warwick District Local Plan 1995.
- 8 No development shall be carried out on the site which is the subject of this permission, until details of the following matters have been submitted to and approved by the District Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details:
1. any flues, vents or extraction grilles, air conditioning units, external lighting, television aerials or satellite dishes.
- REASON** : Inadequate details were submitted for these matters to be fully and properly considered in respect of the approval hereby granted and to ensure that the rural character and appearance of the barns is protected, in accordance with Policy (DW) C3 of the Warwick District Local Plan 1995.

- 9 No development shall take place until a photographic record of the buildings subject of the application has first been undertaken in accordance with a brief to be first agreed in writing by the District Planning Authority in consultation with the Warwickshire Museum. The record so obtained shall be deposited with the Museum prior to work commencing.
REASON: To ensure a record is made of the structure which is part of the built heritage of the District.
- 10 Samples of all external facing and surfacing materials to be used for the construction of the development hereby permitted, shall be submitted to and approved by the District Planning Authority before any constructional works are commenced. Development shall be carried out in accordance with the approved details.
REASON : To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 11 Development shall not be commenced until there has been submitted to the District Planning Authority a survey report on the extent to which any part or the whole of the application site is contaminated by toxic or other noxious materials and on the remedial measures required to deal with the hazards. No development shall be commenced until all toxic or obnoxious materials have been removed or otherwise treated in accordance with details which have been approved in writing by the District Planning Authority.
REASON : To protect the health and safety of future occupiers.
- 12 There shall not be any direct vehicular access made or maintained to the site between the existing north-eastern access to the site and the B4455 Fosse Way.
REASON : In the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 13 The gradient of the south-western vehicular access into the site shall not be steeper at any point than 1 in 15 for a distance of 16.0 metres into the site, as measured from the near edge of the public highway carriageway.
REASON : In the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 14 The development hereby permitted shall not be occupied until the existing south-western vehicular access to the site from the B4455 Fosse Way has been widened to 5.5 metres for a distance of 16.0 metres into the site, as measured from the near edge of the public highway carriageway.
REASON : In the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 15 Gates provided at the entrance to the site shall not be hung so as to open to within 16.0 metres of the near edge of the public highway carriageway.
REASON : In the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 16 The south-western vehicular access to the site from the B4455 Fosse Way shall not be used until it has been provided with 7.5 metre kerbed radius turnouts on each side.
REASON : In the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.

- 17 The widening of the south-western vehicular access to the site shall not be constructed in such a manner as to reduce the effective capacity of any highway drain, ditch or to permit surface water to run off the site onto the public highway.
REASON : In the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 18 The south-western vehicular access to the site shall not be used until visibility splays have been provided to the public highway carriageway with an 'x' distance of 4.5 metres and 'y' distances of 215.0 metres. 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 (DW) ENV3 of the Warwick District Local Plan 1995.
- 19 The development hereby permitted shall not be occupied before the verge crossing has been laid out and constructed to the standard specification of the Highway Authority.
REASON : In the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 20 The development hereby permitted shall not be occupied until space is provided within the site for the parking and loading/unloading of vehicles in accordance with details to be submitted to and approved by the District Planning Authority.
REASON : In the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 21 The development hereby permitted shall not be occupied before the vehicular access serving the site has been surfaced with bound materials to the approval of the District Planning Authority for a minimum of 16.0 metres into the site, as measured from the near edge of the public highway carriageway, and in such manner that extraneous material is not spread onto the public highway by the wheels of vehicles leaving the site.
REASON : In the interests of highway safety, in accordance with the requirements of Policy (DW) ENV3 of the Warwick District Local Plan 1995.
- 22 The new hedge planting scheme submitted as part of the application hereby permitted shall be completed, in all respects, not later than the first planting season following the completion of the development hereby permitted. Any hedging removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by hedging of similar size and species to those originally required to be planted.
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 1995.
- 23 Prior to the commencement of the development hereby permitted, a plan to show the layout and surface treatment of car parking spaces to serve the development shall have been submitted to and approved by the District Planning Authority. The car parking spaces 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.
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