Planning Committee: 14 August 2018 **Item Number:** **14**

Application No: W 18 / 1165

Registration Date: 06/07/18
Town/Parish Council: Offchurch **Expiry Date:** 31/08/18
Case Officer: Helena Obremski
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Agricultural Building, Highlands Farm, Long Itchington Road, Offchurch, Leamington Spa, CV33 9AW

Proposed change of use of barn to storage of survey equipment (use class B8).
FOR RGI Limited

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, subject to the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The proposal seeks planning permission for the proposed change of use of a barn to a storage and distribution unit (B8 use class). The Planning Statement explains that the property will be used to store drill and survey equipment, and vehicles in association with an established local surveying / drilling business. The business employs 10 people and is currently based in Leamington Spa.

The Planning Statement also notes that the land surrounding the building would be used as part of a family business for market garden production (no planning permission is required for this). There would be no alterations to the building as part of the change of use.

THE SITE AND ITS LOCATION

The application site relates to a modern rural building positioned within a paddock, which is located on the north side of the Long Itchington Road. The site is located within the Green Belt and Conservation Area. The site used to form part of a larger farm complex (Highlands Farm), however, the site has been historically separated.

PLANNING HISTORY

W/17/0635 - Application for prior approval for a proposed change of use from an agricultural building to a dwellinghouse (Use Class C3) - Refused 01.06.2017.

W/16/1387 - Application for prior approval for a proposed change of use from an agricultural building to a dwellinghouse (Use Class C3) – Refused 07.10.2016 (Planning permission required).

W/06/1100 - Application approved for the erection of an agricultural building – Approved 28.09.2006.

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029)
- EC1 - Directing New Employment Development (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- HE2 - Protection of Conservation Areas (Warwick District Local Plan 2011-2029)

Guidance Documents

- Parking Standards (Supplementary Planning Document)

SUMMARY OF REPRESENTATIONS

Offchurch Parish Council: Objection, detrimental impact on the Conservation Area; impact on residential amenity; highway safety concerns in relation to the access.

Environmental Protection: No objection, subject to conditions.

WCC Ecology: No objection.

WCC Highways: No objection, subject to condition.

Public Responses: 2 Objections: Highway safety concerns regarding the access and increased vehicular movements; detrimental impact on amenity; detrimental impact on the character of the area.

Assessment

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

- Principle of the Development
- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified
- The impact on the Character and Appearance of the Area, and Conservation Area
- The impact on the living conditions of nearby dwellings
- Car Parking and Highway Safety
- Ecological Impact
- Health and Wellbeing
- Other Matters

Principle of the Development

Change of use

Local Plan policy EC1 states that in rural areas, new employment development will be permitted for the diversification of agricultural and other land based businesses in accordance with policy EC2. In all instances applicants will be required to demonstrate that the proposal will not generate significant traffic movements which would compromise the delivery of wider sustainable transport objectives in accordance with policy TR2, and that the design and scale of the proposal would not have a detrimental impact on the landscape and character of the area.

Local Plan policy EC2 states that proposals for the diversification of agricultural and land based rural businesses will be permitted in line with the following criteria:
a) Best and most versatile agricultural land is protected
b) The scale and nature of the proposals are appropriate to their rural location so that they can be satisfactorily integrated into the landscape without being detrimental to its character
c) Existing buildings are used in preference to new buildings.

The proposal can be considered as the diversification of a land based rural business. In accordance with Local Plan policy EC2, the development will not impact on the best and most versatile agricultural land and the proposals will not significantly alter the rural character of the area because an existing building will be used. It is understood that all of the equipment associated with the proposed use will be stored inside of the application property, thus having a minimal impact on the rural location, and therefore the scale of the proposal is considered to be acceptable.

The agent states that the number of vehicular trips to the site would be considerably less than the established use of the site, which they consider to be agriculture. However, in two previous applications for change of use of the site as

prior notifications, the Council did not agree that it been demonstrated that the building had been used for the purposes of agriculture (and therefore prior approval was not granted).

Notwithstanding the above, the proposed use is unlikely to generate a significant amount of vehicular trips to the site owing to the small scale of the building. The air quality mitigation statement provided confirms that there would be one delivery to the site per month and that most staff would travel directly to their place of work (rather than the application site). During the busiest periods for the company, travel to the site would equate to 12 trips in a working day. This is not considered to be a significant amount of vehicular movements which would compromise the delivery of wider sustainable transport objectives in accordance with policy TR2.

Conversion of a rural building

Local Plan policy BE4 states that proposals to re-use and adapt existing rural buildings will be permitted subject to the following criteria:
a) the building is of permanent and substantial construction;
b) the condition of the building, its nature and location, 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 listed and other traditional rural buildings, and;
e) the appearance and setting of the building following conversion protects, and where possible enhances, the character and appearance of the countryside.

The proposal represents the reuse of an existing building which is in good structural order. The building would be suitable for re-use and there are no proposed alterations to the building. There are no nearby traditional buildings and the proposed change of use is unlikely to significantly affect the setting of the property.

The proposed change of use is therefore considered to be in accordance with Local Plan policies EC1, EC2, TR2 and BE4.

<u>Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which outweigh the harm by reason of inappropriateness and any other harm identified</u>

As the proposal represents the reuse of an existing building, there would be no harm caused to the openness of the Green Belt. A condition will be added to ensure there will be no exterior storage on the site to ensure the protection of the openness of the Green Belt and character of the rural area.

The development is therefore considered to represent appropriate development within the Green Belt and is considered to be in accordance with Local Plan policy DS18.

The impact on the Character and Appearance of the Area, and Conservation Area

The National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions. Furthermore, Warwick District Council's Local Plan 2011 - 2029 policy BE1 reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area. Finally, the Residential Design Guide sets out steps which must be followed in order to achieve good design in terms of the impact on the local area; the importance of respecting existing important features; respecting the surrounding buildings and using the right materials.

Section 72 of the Planning (Listed Buildings and Conservation Areas) 1990 imposes a duty when exercising planning functions to pay special attention to the desirability of preserving or enhancing the character of a Conservation Area. Section 66 of the same Act imposes a duty to have special regard to the desirability of preserving a listed building or its setting when considering whether to grant a planning permission which affects a listed building or its setting.

Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Policy HE1 of the Local Plan states that development will not be permitted if it would lead to substantial harm to the significance of a designated heritage asset. Where the development would lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal. The explanatory text for HE1 clarifies that in considering applications relating to Conservation Areas, the Council will require that proposals do not have a detrimental effect upon the integrity and character of the building or its setting, or the Conservation Area. Local Plan policy HE2 supports this and states that it is important that development both within and outside a conservation area, including to unlisted buildings, should not adversely affect its setting by impacting on important views and groups of buildings within and beyond the boundary.

There have been objections from Offchurch Parish Council and members of the public that the proposed change of use would have a detrimental impact on the setting of the Conservation Area.

The Conservation Officer has no objection to the proposed change of use, stating that the building appears as a modern agricultural building. The proposal includes no exterior alterations to the building and a condition will be added to limit any storage of materials outside of the property. It is therefore considered that the proposals would have no impact on the street scene or Conservation Area. The development is therefore considered to be in accordance with the NPPF and Local Plan policies BE1, HE1 and HE2.

The impact on the living conditions of nearby dwellings

Warwick District Local Plan policy BE3 requires all development to have an acceptable impact on the amenity of nearby users or residents and to provide acceptable standards of amenity for future users or occupiers of the development. There is a responsibility for development not to cause undue disturbance or intrusion for nearby users in the form of loss of privacy, loss of daylight, or create visual intrusion.

There have been objections to the proposed change of use in relation to a detrimental impact on neighbouring amenity from additional noise from vehicular movements associated with the change of use.

The nearest residential property to the application site is over 150 metres away. Environmental Protection have been consulted and have no objection to the proposal. The applicant has proposed a condition limiting the use of the site for storage of drilling and surveying equipment / vehicles only which Environmental Health Officers note would offer a level of reassurance that the premises will not be used or expanded to a traditional B8 use which would generate larger vehicular movements. The agent has also confirmed that the only vehicles using the site would be small and not large distribution lorries, which would have more impact in terms of noise. The condition proposed by the agent is considered to be reasonable and would offer protection of residential amenity from permitted uses of the site under B8 use class which could be harmful to living conditions.

It is therefore considered that the proposed change of use would have no detrimental impact on residential amenity which would warrant reason for refusal of the application. The development is therefore considered to be in accordance with Local Plan policy BE3.

Car Parking and Highway Safety

There have been objections from Offchurch Parish Council and members of the public which raise concern regarding the existing access, an increased number of vehicular trips and the potential danger this could cause to highway safety. The comments make reference to previous planning applications where WCC Highways objected to the proposals (W/16/1387 & W/17/0635).

WCC Highways did object to the previous change of use applications to a dwelling. They had concerns regarding whether the required visibility splays could be achieved. Updated drawings were provided during the course of these applications, and WCC Highways withdrew their objections.

WCC Highways have assessed the current application and have no objection to the proposed change of use, subject to a condition requiring the applicant to provide a drawing showing the required visibility splays, which is considered to be reasonable. There is likely to be a small increase in vehicular trips to the site, however, subject to the provision of adequate visibility splays this would pose no danger to highway safety. WCC Highways have no further concerns regarding highway safety.

Whilst the concerns of the Parish Council and members of the public are noted, the proposed change of use is not considered to pose danger to highway safety, subject to the condition recommended by WCC Highways. There would be ample parking within the site boundaries to meet the Council's requirements for the proposed use class. The development is therefore considered to be in accordance with Local Plan policies TR1 and TR3.

Ecological Impact

WCC Ecology have requested that if alterations are to be made to the building that there are informed. As there are no external alterations proposed (and any internal alterations would not require planning permission), it is considered that the proposal would cause no harm to protected species. The development is therefore considered to be in accordance with Local Plan policy NE2.

Health and Wellbeing

There are no health and wellbeing benefits identified.

Other Matters

The anticipated vehicle trips associated with the change of use is likely to cause a small increase in traffic in areas of poor air quality within the district. To offset this it is recommended that the developer is required to provide electric vehicle charging facilities. A condition can be added to secure this.

Conclusion

The proposed change of use would represent diversification of a land based businesses within a rural area, and would make use of redundant rural building. The proposal would not be harmful to the openness of the Green Belt and would not be harmful to highway safety or neighbouring residential amenity. The proposed change of use should therefore 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 hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and

approved drawing Rgi sur 001, and specification contained therein, submitted on 14th June 2018. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance for Developers (April 2014) has been submitted to and approved in writing by the Local Planning Authority and implemented in full accordance with the approved details. The approved scheme shall be retained and maintained as such at all times thereafter. **REASON:** To ensure mitigation against air quality impacts associated with the proposed development in accordance with Policy NE5 of the Warwick District Local Plan.

4 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site passing through the limits of the site fronting the public highway with an 'x' distance of 2.4 metres and 'y' distances of 160 metres to the near edge of the public highway carriageway. 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 in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.

5 The site shall only be used for the storage of drilling and surveying equipment / vehicles. **REASON:** For the protection of nearby residential amenity in accordance with Local Plan policy BE3.

6 No equipment of any description shall be kept or stored outside the application site OR building(s) the subject of this permission. **REASON**: To protect the visual amenities of the locality and openness of the Green Belt in accordance with Local Plan policies BE1 and DS18 of the Warwick District Local Plan 2011-2029.