DELEGATED REPORT

Recommendation Made: 3 June 2008

Reference:- 08/00352/COU **Parish:- Sheepy Parish Council**

Applicant:- Mr Robert Oliver
Threshing Barn
Brook End
Hurley
Atherstone

Location:- The Haven Watery Lane Sheepy Magna Atherstone Leicestershire

Proposal:- CHANGE OF USE OF BARN FROM AGRICULTURAL TO PART WORKSHOP AND PART AGRICULTURAL STORAGE INCLUDING ALTERATIONS.

Introduction:-

This application is for the recladding of a redundant agricultural building and for the change of use of part of the building for a 'personal' workshop for the occasional small scale manufacture of kitchen units.

The Design and Access Statement refers to one part time employee and no customers to visit the site.

The site is flat and is screened on the eastern side by a mature wood. The north and western elevations of the building are visible from Watery Lane and Twycross Road.

It was noted recently, that work on the re-cladding has commenced.

History;

07/01307/FUL Extension to Barn and Change of Use from Agricultural to Industrial Withdrawn 10.1.08

Consultations:-

Director of Community Services (Ecology) comments on previous application requests trigger 6 as barn was to be extended and trigger 8 as ponds in vicinity . Suggest note to applicant will deal with protected species.

Director of Highways Transportation and Waste Management has commented that if the application is for a personal workshop then the H A would not be in a position to sustain an objection, if there is a commercial element then the HA would recommend refusal.

Head of Community Services (Pollution) no objections. Further comments received recommend limiting the hours of use.

Development Plan Policies:-

PPS7 in relation to re-use of buildings in the countryside states that the following criteria should be assessed.

the potential impact on the countryside and landscapes and wildlife;
specific local economic and social needs and opportunities;
settlement patterns and accessibility to service centres, markets and housing;
the suitability of different types of buildings, and of different scales, for re-use;

the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character

The site lies outside of any settlement boundary as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; avoids the loss of open spaces, important gaps in development and features which contribute to the quality of the local environment; has regard to the safety and security of individuals and property; incorporates landscaping to a high standard where this would add to the quality of the design and siting; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties.

Policy BE20 focuses on the re-use and adaptation of rural buildings. It states that such proposals will be granted provided there is no adverse effect on the landscape, highway safety, protected wildlife habitats, or to the design, character and appearance and setting of the building; the building should be capable of conversion without significant alterations, extensions or rebuilding; and the amenities of nearby residents not adversely affected.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either: important to the local economy and cannot be provided within or adjacent to an existing settlement; is for the change of use, re-use or extension of existing buildings; and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Appraisal:-

The main issues with this application is the resulting appearance of the building and the extent of the workshop use in connection with highway concerns.

The Council's Building Control Officer has confirmed that the building is structurally sound and, is capable of being reclad with the introduction of a closed frontage.. This application is for the re cladding without any addition to the height, which was included in the previous proposal. The appearance of the building after the recladding has taken place will not impact to a greater extent on the countryside.

The proposal is only acceptable at this location at this low-key level, as Highways would object to a business being run from the site, and therefore it is necessary to impose conditions which will limit the use.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 BE20 T5 and NE5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

1 Prior to the occupation of the workshop hereby approved, the door to be provided in the western elevation of the building, shall be finished in olive green (12B27) to match the cladding.

2 No machinery shall be operated on the premises nor shall there be any deliveries beyond the hours of 8:00am to 18:00pm Monday to Friday and 8:00am to 13:00pm Saturdays and at no other times including Sundays, Bank or Statutory Public Holidays.

3 The workshop hereby permitted shall only be used in connection with the adjacent dwelling known as The Haven, Watery Lane, Sheepy Magna, and shall not be used, sold or let separately.

4 No storage shall not take place anywhere on the site except within workshop building(s).

5 The workshop hereby approved shall only be used for the applicants private use as a personal workshop, as detailed in the application and for no other purposes.

6 Within three weeks of the date of this permission, full details of the hard and soft landscape works shall be submitted to Local Planning Authority. The details shall include:

(i) proposed hard surfacing
(ii) means of enclosure (fencing and any gates specification)
(iii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(iv) implementation programme.

The scheme approved in writing by the Local Planning Authority will be carried out as set out in the condition 7.

7 The approved landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

8 Before first use of the workshop hereby permitted, its access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times.

9 If any vehicular access gates or other such obstructions are to be erected they shall be set back a minimum distance of 5metres behind the highway boundary and shall be hung so as to open inwards only.

10 The works hereby approved and any under-pinning works required shall be carried out in such a manner so as to ensure that the original walls and structure of the building shown to be retained after development are protected whilst the construction works are being carried out.

Reasons :-

1 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

2 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

3 To ensure that the development is not detrimental to the privacy and amenity of the neighbouring property, to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan..

4 In the interests of visual amenity.

5 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

6 To enhance the appearance of the development to accord with policy of the adopted Hinckley & Bosworth Local Plan.

7 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy of the adopted Hinckley & Bosworth Local Plan.

8 In the interests of road safety to accord with policy T5 of the Hinckley & Bosworth Local Plan.

9 In the interests of road safety to accord with policy of the Hinckley & Bosworth Local Plan.

10 To define the permission as the site lies within an area where Policy NE5 of the adopted Hinckley and Bosworth Local Plan applies where the Local Planning Authority would not normally grant permission for demolition and rebuilding of a new workshop building.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3. As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 The applicant is reminded that this application does not relate to the fencing erected to the front of the site which is currently unauthorised. The fencing provided is not considered to be acceptable in this countryside location and should be removed from the site. More suitable boundary treatment will need to be agreed as part of this decision.

5 The application has been limited by conditions in the best interests of highway safety. The Highway Authority would object to a business operation at this location on the grounds that an unacceptable increase in traffic using an access which lacks appropriate visibility may occur for the speed of traffic on the main road could lead to increased dangers for road users. in addition, it could result in an unacceptable increase in traffic turning onto or off a class III road in an area remote from main development and where traffic speeds can be high.

Contact Officer:- Mrs L Forman Ext 5682

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History;

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Consultations:-

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Head of Community Services (Pollution) no objections. Further comments received recommend limiting the hours of use.

Development Plan Policies:- BE20

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specific local economic and social needs and opportunities;
settlement patterns and accessibility to service centres, markets and housing;
the suitability of different types of buildings, and of different scales, for re-use;
the need to preserve, or the desirability of preserving, buildings of historic or architectural importance or interest, or which otherwise contribute to local character

The site lies outside of any settlement boundary as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; avoids the loss of open spaces, important gaps in development and features which contribute to the quality of the local environment; has regard to the safety and security of individuals and property; incorporates landscaping to a high standard where this would add to the quality of the design and siting; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either: important to the local economy and cannot be provided within or adjacent to an existing settlement; is for the change of use, re-use or extension of existing buildings; and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Appraisal:-

The main issues with this application is the resulting appearance of the building and the extent of the workshop use.

The Council's Building Control Officer has confirmed that the building is structurally sound and, is capable of being reclad. This application is for the re cladding without any addition to the height, which was included in the previous proposal.

The appearance of the building after the recladding has taken place will not impact to a greater extent on the countryside.

The proposal is only acceptable at this location at this low-key level, and therefore it is necessary to impose conditions which will limit the use.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 T5 and NE5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 Prior to the occupation of the workshop hereby approved, the cladding to be provided to the sides and roof of the building, and the new doors shall all be painted matt dark green in colour.

3 No machinery shall be operated on the premises nor shall there be any deliveries beyond the hours of 8:00am to 18:00pm Monday to Friday and 8:00am to 13:00pm Saturdays and at no other times including Sundays, Bank or Statutory Public Holidays.

4 The workshop ~~use~~ hereby permitted shall ~~not be occupied~~ at any time other than ~~for purposes ancillary to the residential use of~~ the dwelling known as The Haven, Watery Lane, Sheepy Magna.

5 No storage shall not take place anywhere on the site except within workshop building(s).

as a personal workshop in this the application?

6 The workshop hereby approved shall only be used for the applicants private use ~~with one part time employee and no members of the public/customers visiting the site~~, as detailed in the application and for no other purposes.

7 No development shall take place until full details of the hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

(i) proposed hard surfacing
(ii) means of enclosure (fencing specification)
(iii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(iv) implementation programme.

8 The approved landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Surprising of access for 5m.
Gates set back.
Permission relates to conversion and in no way implies consent.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

3 The site lies within an area where the Local Planning Authority would not normally grant permission for a workshop development.

To protect amenities of adjacent residents - BE1.

4 ~~To ensure that the use remains compatible with the surrounding area.~~

5 The site lies within a countryside area where the Local Planning Authority would not normally grant permission for a general workshop

6 The site lies within a countryside area where the Local Planning Authority would not normally grant permission for a general workshop.

7 To enhance the appearance of the development to accord with policy of the adopted Hinckley & Bosworth Local Plan.

8 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

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to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 The applicant is reminded that this application does not relate to the fencing erected to the front of the site which is currently unauthorised. The fencing provided is not considered to be acceptable in this countryside location and should be removed from the site.

3. nta. Condition 6 is attached because.

Contact Officer:- Mrs L Forman Ext 5682