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**Change of use of agricultural barn to commercial use to include B2 and B8 use and associated parking/service area. (re-submission of 11/00748/FUL)**

**Report Item No  
A6**

**Cattle Shed South Of Service Station Atherstone Road  
Appleby Magna DE12 7AP**

**Application Reference  
14/01082/FUL**

**Applicant:  
Mr R Phizacklea**

**Date Registered  
15 December 2014**

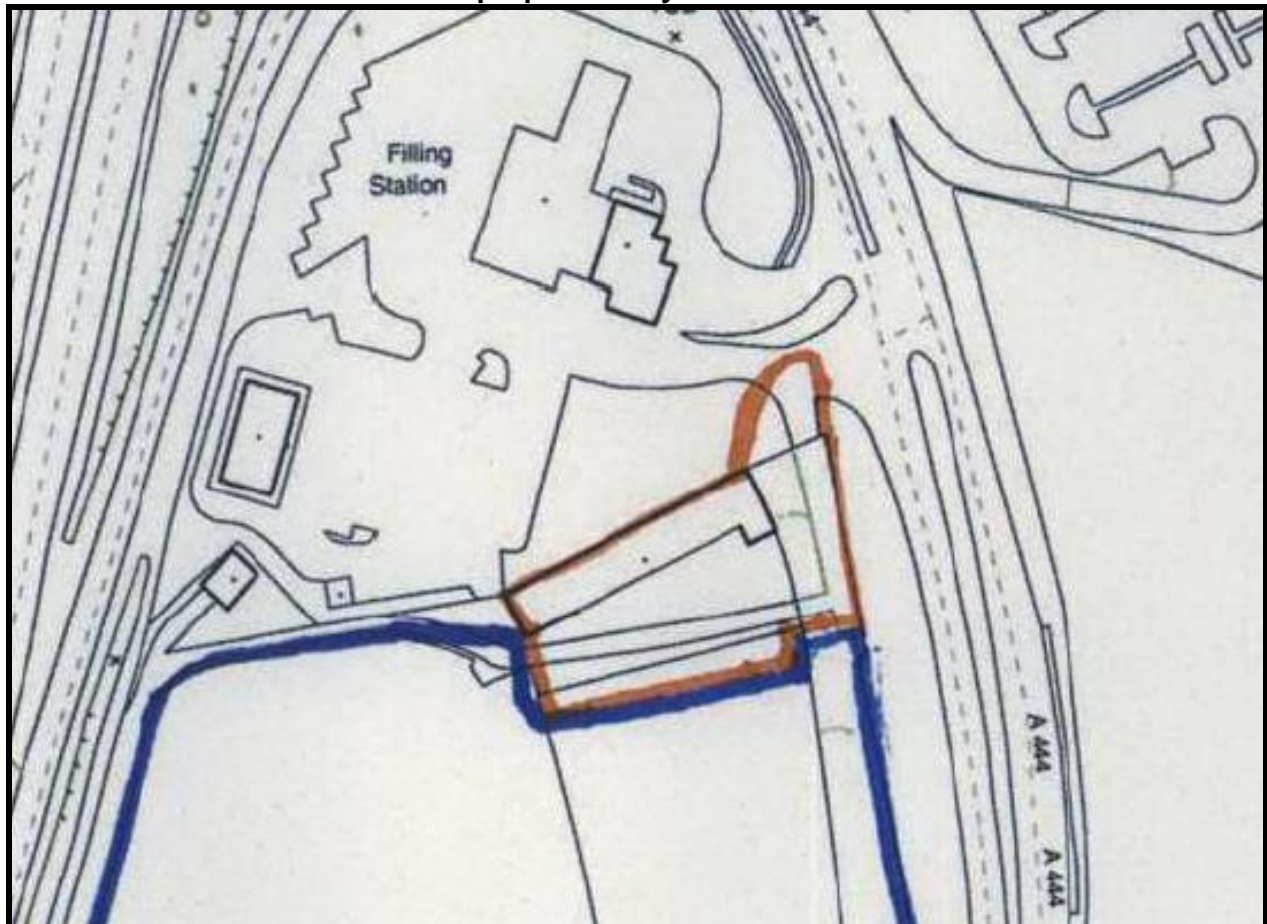
**Case Officer:  
Ebony Mattley**

**Target Decision Date  
9 February 2015**

**Recommendation:  
PERMIT**

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**Site Location - Plan for indicative purposes only**



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## **Executive Summary of Proposals and Recommendation**

### **Call In**

The application falls to be determined by the Planning Committee as Councillor Caroline Large is the sister-in-law of the agent.

### **Proposal**

Planning permission is sought for a change of use of agricultural barn to commercial uses within B2 and B8 use classes with associated parking/service area at an agricultural barn to the south of M42 Junction 11 Service Area, Atherstone Road, Appleby Magna.

### **Consultations**

Members will see from the main report that there are no objections to the application, with the exception of the County Highway Authority. The County Highway Authority raises no objection in respect of highway safety, subject to the imposition of conditions, but raises an objection on sustainability grounds.

### **Planning Policy**

The site lies outside Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

### **Conclusion**

Whilst the site is situated outside the defined limits to development Policy E24 allows for the re-use or conversion of rural buildings. It is considered that the building is structurally sound for conversion, would not be significantly altered to accommodate the use, would not be visually detrimental to the landscape and would accommodate sufficient space for parking.

The scheme does not give rise to any significant material impacts upon visual or residential amenity and the character of the area, or highway safety and would not be likely to have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

### **RECOMMENDATION:- PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for a change of use of agricultural barn to commercial uses within B2 and B8 use classes with associated parking/service area at an agricultural barn to the south of M42 Junction 11 Service Area, Atherstone Road, Appleby Magna.

At present a corrugated sheet metal and block work agricultural storage building exists on the site with dimensions of 46.0 metres in width by 9.0 metres in length and use of a mono-pitched roof with a height of 3.4 metres on the rear and 4.7 metres on the front. In order to facilitate the change of use it is proposed that all existing openings on the south-eastern (front) elevation would be utilised by either the installation of new roller shutter doors or infilling with facing block work and cladding to match the existing as well as new doors and windows. Along with these works a new personnel door would be inserted in the south-eastern (front) elevation along with a window in the south-western (side) elevation and a front projection to the building would be removed.

A revised access would be proposed for the site which would allow access for Heavy Goods Vehicles (HGV's) due to the existing access not being suitable for use by these types of vehicles given its position in relation to the entrance to the site off Atherstone Road.

The site is situated outside the defined limits to development, as defined by the North West Leicestershire Local Plan Proposals Map 2002, and lies adjacent to the boundary with the service area on Atherstone Road.

The application is accompanied by a design and access statement, structural survey and protected species survey.

### Planning History

The planning history of the site is as follows: -

11/00748/FUL - Erection of a single storey three classroom block to the rear of the school and provision of additional parking spaces - Approved 29 February 2012;  
08/01164/FUL - Change of use to commercial use (B1, B2 and B8) with associated parking/service area - Withdrawn 26th September 2008.  
84/0384/P - Proposed 2 agricultural dwellings with access (outline) - Approved 20th June 1984;  
81/0741/P - Erection of an agricultural dwelling (outline) - Refused 3rd March 1982;  
79/1398/P - Erection of two agricultural dwellings (outline) - Refused 27th August 1980.

### 2. Publicity

No neighbours have been notified.

Site Notice displayed 2 January 2015

Press Notice published 7 January 2015

### 3. Consultations

Appleby Magna Parish Council consulted  
Head of Environmental Protection consulted  
County Highway Authority consulted 24 December 2014

Environment Agency consulted 24 December 2014  
Severn Trent Water Limited consulted 24 December 2014  
Head of Environmental Protection consulted 24 December 2014  
Natural England consulted 24 December 2014  
LCC ecology consulted 24 December 2014

#### **4. Summary of Representations Received**

The following summary of representations is provided.

**Leicestershire County Council - Highways** raises no objection in respect of highway safety, subject to the imposition of conditions, but raises an objection on sustainability grounds.

**Leicestershire County Council - Ecology** raises no objection.

**NWLDC Environmental Protection** has no environmental observations.

#### **Third Party Representations**

No third party representations have been received.

#### **5. Relevant Planning Policy**

##### **National Policies**

##### *National Planning Policy Framework*

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)  
Paragraph 34 (Promoting sustainable transport)  
Paragraph 57 (Requiring good design)

##### **Adopted North West Leicestershire Local Plan (2002)**

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

S3 - Countryside  
E3 - Residential Amenities

E4 - Design  
E24 - Re-Use and Adaptation of Rural Buildings  
T3 - Highway Standards  
T8 - Parking

### **Other Guidance**

National Planning Practice Guidance - March 2014.  
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').  
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.  
River Mease Water Quality Management Plan - August 2011.  
River Mease Development Contributions Scheme - November 2012.

### **6. Assessment**

The main issues for consideration in the determination of this application relate to the principle of development, design, impact upon residential amenity, highway considerations and impact upon the River Mease Special Area of Conservation/SSSI.

#### **Principle of Development**

The principle of the conversion of the agricultural barn to commercial units has already been established by the granting of full planning permission ref: 11/00748/FUL which is still extant (until 28 February 2015).

Whilst the site is situated outside the defined limits to development Policy S3 does allow for proposals which would represent acceptable farm diversification and which would involve the re-use or conversion of rural buildings in accordance with Policy E24.

A structural survey has been submitted in support of the application which concludes that the building, with an element of strengthening, could be converted without major reconstruction and is of sound and permanent construction. Visually the building is a relatively small scale agricultural building and is typical of many buildings in the countryside. Whilst not of any visual merit it does not detract from the character or appearance of the locality. The alterations proposed would result in a more industrial appearance, especially to the front of the building. However, the building is not easily open to view due to its orientation and landscaping. It is considered that the conversion works would not result in a building which would be out of keeping with the visual character of the area given the existing building and adjacent service area.

The planning statement states that the building has been used for agricultural purposes and is no longer needed for such uses due to the evolution of the farm practices. There is no evidence to suggest that the building was not intended for agricultural purposes or that it has not been used for farming. The building has an existing access which is shared with the service station and the site can accommodate a satisfactory level of parking and services on an existing hard surfaced area.

On this basis the development would accord with Policy E24 of the Local Plan.

## Design

The present building is of modern construction but is not of a scale which would make it visually dominant on the surrounding landscape. At present the building is in a state of disrepair and the alterations to incorporate the change of use would ensure the preservation of the building. Whilst the building would become industrial in character it is considered that its visual implications to the character and appearance of the rural landscape and surrounding area would not be sufficiently detrimental given the context of the site's setting. The presence of landscaping to the southern and eastern boundaries of the site will also reduce the visual prominence of the building and, if necessary, additional landscaping could be conditioned as part of any planning permission.

The hard surface where vehicles would turn and park is already in existence on the site and as such there would be no further impacts on the character of the rural landscape.

It is proposed that the cladding and profile sheeting would be similar to that already utilised on the building and the use of this material is considered acceptable in preserving the overall character and appearance of the premises as well as the surrounding area

Overall the design, scale and appearance would be acceptable and would accord with Policy E4 of the Local Plan.

## Impact upon Residential Amenity

No residential properties exist within close proximity to the site, although a hotel lies 110 metres to the north east of the site. Given the presence of other commercial uses within the vicinity of the site, as well as the proximity of the A42, it is considered that the proposed change of use would not be sufficiently detrimental to the amenities of neighbours in terms of noise or smells. The proposal would also not impact significantly on the other users of the site (service station and McDonalds), by virtue of a larger number of vehicles entering the site, given the limited scale of the building.

## Highway Considerations

The scheme has been considered by the County Highway Authority (CHA) who have repeated their previous comments made on application ref: 11/00748/FUL.

The CHA have concerns with the regard to the location of the proposal and its accessibility to other forms of transport other than the car, however state that should the Local Planning Authority be minded to approve the application, they would wish to see conditions imposed in the interests of highway safety.

It is considered that potentially any barn conversion in the countryside, by virtue of its location, will be in conflict with sustainability policies, however the development plan through Policy E24, looks favourably on the conversion of the appropriate buildings as the retention of such buildings is important in retaining and maintaining the character of the countryside. Accordingly, the conflict in terms of sustainability is considered to be outweighed by the benefit found in the retention and re-use of this rural building.

The CHA have requested a condition for the provision of signage to inform visitors to the site that when exiting they must turn. It is not considered that this request falls within the remit of the planning system, as it is a separate highway consideration, and would not be enforceable.

In any case, the one way system is already in operation and vehicles are restricted from turning right at this point in the site due to the presence of a large traffic island.

Sufficient parking is indicated within the boundaries of the site for cars as well as commercial vehicles and on this basis the proposal would accord with Policy T8 of the Local Plan.

In summary, subject to the imposition of conditions it is considered that the scheme is acceptable in relation to Saved Policies T3 and T8 of the Local Plan.

### **Impact on the River Mease Special Area of Conservation/SSSI**

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required. The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

The previous application ref: 11/00748/FUL concluded that a River Mease Developer Contribution was not applicable, and there have been no changes since that was determined. It is not therefore considered that it would now be possible to argue that the development would result in any higher rates of discharge in order to require that a River Mease Developer Contribution would now be required. Furthermore, the original application could be implemented, as it does not expire until 28 February 2014.

It is considered that a condition relating to the technical details of foul drainage is not required as the principle of connecting to the mains sewer has been established and the details of drainage are dealt with under separate legislation under the Building Regulations and by Severn Trent Water. However, a condition requiring that only a mains connection is used at the site would be required as the use of other means for foul drainage discharge could adversely affect the SAC. Surface water run-off would also be directed to soakaways which would further ensure the preservation of the River Mease SAC.

Therefore based on the above it can be ascertained that the proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

### **Other Matters**

#### **Ecology**

The scheme has been considered by the County Council Ecologist who has no objections to the application as the building is completely unsuitable for bats. As an active collared dove nest was discovered during the survey of the building and it is therefore recommended that any works are carried out outside the main breeding season.

## Conclusion

In conclusion, whilst the site is situated outside the defined limits to development, Policy E24 allows for the re-use or conversion of rural buildings. It is considered that the building is structurally sound for conversion, would not be significantly altered to accommodate the use, would not be visually detrimental to the landscape and would accommodate sufficient space for parking. Accordingly on this basis it would accord with Policy E24 of the Local Plan. The scheme does not give rise to any significant material impacts upon visual or residential amenity and the character of the area, or highway safety and would not be likely to have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

### **RECOMMENDATION:- Permit, subject to the following conditions:-**

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

*Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).*

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission: Site Location Plan (1:2500); Site Plan (1:500), Plans and Elevations Proposed Drawing No. APM.PRP.001 Revision A, received by the Local Authority on the 15 December 2015, unless otherwise required by another condition of this permission.

*Reason - For the avoidance of doubt and to determine the scope of the permission.*

- 3 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application and as shown on Plans and Elevations Proposed Drawing No. APM.PRP.001 Revision A, received by the Local Authority on the 15 December 2015, unless alternative materials are first agreed in writing with the Local Planning Authority.

*Reason - To ensure a satisfactory standard of external appearance.*

- 4 The use of the building hereby approved shall be limited to Use Classes B2 (General Industrial) and B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 or any order revoking and re-enacting that Order.

*Reason - To prevent an adverse on the River Mease Special Area of Conservation; to preserve the amenities of any users of the building; other uses may have different highway safety implications.*

- 5 The development shall be carried out in strict accordance with the details and timings specified in paragraphs 5.2 of Section 5 (Evaluation and Mitigation Recommendations) of the "Protected Species Survey of a Cattle Shed near Appleby Magna Services at Junction 11 of the M42" by EMEC Ecology dated July 2011, received by the Local



Authority on the 15 December 2014.

*Reason - To ensure that bird species are protected and their habitat enhanced.*

- 6 The development hereby approved shall only use the mains sewer system for its foul drainage discharge.

*Reason- Any other means of dealing with foul discharge could have an adverse impact on the River Mease Special Area of Conservation.*

- 7 Before first use of the development hereby approved, the surface water shall be disposed from the site to soakaways or another sustainable drainage system, unless it is first agreed in writing with the Local Planning Authority that these suggested means of drainage are not suitable for the site and surface water discharge would be to the mains sewer.

*Reason- To prevent an adverse impact on the River Mease Special Area of Conservation.*

- 8 Before first use of the development hereby permitted the following shall be carried out: -
- a) The access drive shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15.0 metres from its junction with the main service area access road and shall thereafter be so maintained;
  - b) The existing access gates to the vehicular access shall be removed. Details of any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be submitted to the Local Planning Authority for approval in writing;
  - c) The car parking and manoeuvring facilities shown on Site Plan (1:500) and Plans and Elevations Proposed Drawing No .APM.PRP.001 Revision A, received by the Local Authority on the 15 December 2015, shall be provided, hard surfaced and available for use and shall thereafter be so maintained;
  - d) The off-road lorry parking/manoeuvring/service yard as shown on Site Plan (1:500) and Plans and Elevations Proposed Drawing No .APM.PRP.001 Revision A, received by the Local Authority on the 15 December 2015, shall be brought into use and shall thereafter be so maintained;
  - e) The vehicular access to the site shown on Site Plan (1:500) and Plans and Elevations Proposed Drawing No .APM.PRP.001 Revision A, received by the Local Authority on the 15 December 2015 shall be provided and thereafter be so maintained.

*Reasons - To provide a satisfactory form of access to enable ease of use and reduce the possibility of the access introducing problems on the main service access drive; to enable a vehicle to stand clear of the main site access road whilst the gates are opened/closed and protect the free and safe passage of traffic in the public highway; to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area; to ensure that adequate off-street parking provision is made to reduce the possibilities of the*

*proposed development leading to parking problems in the area and the vicinity of the site access with the main access serving the service area; to enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway.*

- 9 The gradient of the access drive shall not exceed 1:12 for the first 5 metres from its junction with the main service area access road.

*Reason - To enable vehicles to enter and leave the highway in a controlled and safe manner in the interests of general highway safety.*

- 10 The existing vehicular access that becomes redundant as a result of this proposal shall be closed permanently and the existing vehicular access reinstated as a verge within one month of the new access being brought into use.

*Reason - To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.*

- 11 For the period of construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

*Reason - To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.*

### **Notes to applicant**

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).