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| APPLICATION NO. | 22/01989/FULLN |
| APPLICATION TYPE | FULL APPLICATION - NORTH |
| REGISTERED | 03.08.2022 |
| APPLICANT | Mr Anthony Jepson-Turner, IX Limited |
| SITE | Berry Court Farm, Church Hill, Nether Wallop, SO20 8EY, NETHER WALLOP |
| PROPOSAL | External alterations to building to facilitate change of use permitted under planning permission 21/02595/PDRN |
| AMENDMENTS | Internal Lighting Report submitted December 2022. |
| CASE OFFICER | Samantha Owen |

Background paper (Local Government Act 1972 Section 100D)

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1.0 INTRODUCTION

- 1.1 The application is presented to Northern Area Planning Committee in accordance with the Member and Officer Interests Protocol.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site lies within the countryside outside of Nether Wallop. The existing agricultural barn is a single agricultural building and has previously been used for agricultural purposes by Berry Court Farm, which is part of a wider agricultural holding known as Nine Mile Water Farm. The building is approximately 462 sq. m in floor area and had been used to store grain. It is constructed from corrugated metal and cement for the elevations and roof with large metal clad shutter doors to the front elevation. A further metal clad shutter door and standard door is situated on the rear northern elevation. Much of this corrugated metal has now been removed along with the roof. There is an apron of hardstanding around the perimeter of the building which meets the site access from Church Hill. An existing access track from Church Hill into the site is in situ along the eastern part of the site.
- 2.2 The building and associated hardstanding is enclosed by mature trees on its northern, eastern and western site boundaries, beyond which is open countryside. A public right of way (PRoW), Nether Wallop Footpath 16, exists north-south along the eastern site boundary.
- 2.3 To the east of the site are four residential properties; Berry Court Farmhouse (86m), Lismore (75m), Owl Barn (85m) and Church Hill Barn (101m). These properties form part of a group of Grade II listed buildings that were once agricultural buildings associated with the Farmhouse and have since been converted to residential use following planning permission being granted in 2000.

3.0 **PROPOSAL**

- 3.1 The proposal is for external alterations to the existing building to facilitate its change of use to flexible commercial space as approved through Prior Approval application reference 21/02595/PDRN.
- 3.2 The building is proposed to be clad in horizontal cedar boards and new roof lights and windows installed to all elevations. The windows would all have timber shutters.

4.0 **HISTORY**

- 4.1 **21/02595/PDRN** - Change of use of an agricultural grain store to a flexible commercial space. **Prior Approval required and granted. 09.03.2022.**
- 4.2 **21/01184/PDRN** - Notification for Prior Approval under Class R - Change of use of an agricultural building to commercial office space and other flexible commercial space – **Withdrawn.** 14.06.2021.

5.0 **CONSULTATIONS**

5.1 **Landscape: No objection**

The windows are large and would be prominent within the landscape and to reduce light spill shutters are proposed. In principle this appears to overcome the light spill issue, however it is unenforceable to impose that occupants close the shutters at the varying times throughout the year. It is suggested that further measures such as tinted windows are also put in place. This can be secured through condition.

The mature tree belt wraps around the north, east and west of the site, whilst it is deciduous it still helps to break up views from the wider landscape. In order to integrate the building into the wider landscape and mitigate the substantial windows it is important that this buffer is retained. It is noted that a number of these trees are shown to be removed as part of the proposals and it is therefore requested that replacement trees are planted to retain and strengthen the buffer. This can be secured through condition.

The tree belt sits in close proximity to the building, careful consideration will be required to ensure that vehicular traffic/construction traffic or the implementation of utilities does not damage the rooting system. It is advised that the TVBC Tree Team should also be consulted.

- 5.2 **Officer Note:** the conversion of the building has already been granted Prior Approval. During the determination of the Prior Approval application the Council's Tree Officer was consulted and a Tree Protection and Removal Plan agreed. It is therefore not considered necessary to consult the Tree Officer again in respect of this application.

5.3 Ecology: No objection (initial ecology consultation received on 16th September 2022)

The previous application at the site was supported by a bat assessment contained within the ecological assessment report (Enims, June 2021). The Ecologist is satisfied that this represents the current conditions at the application site. No evidence of bats was found and no potential roost locations / access points for bats to gain access to possible roost locations were identified. It was concluded that there was negligible potential for bats to be present. In view of the survey findings the proposed external alterations are unlikely to result in a breach of the law protecting bats and no concerns are raised.

5.4 Officer Note: following on from receipt of the initial consultation response from the Ecology Officer a follow up consultation was requested by the Case Officer seeking a view on the impact of the proposed glazing on foraging habitat for bats.

5.5 Ecology: Comment (second ecology consultation received on 4th November 2022).

Concern is raised over the level of glazing proposed and the impact of elevated light levels on suitable foraging and commuting habitat for bats (i.e. the adjacent woodland/tree cover). It is outlined within the submitted ecology assessment that the trees and woodland habitat to the west, north and east of the building provide suitable foraging and commuting habitat for bats, and therefore light levels over these areas must be kept within acceptable levels, outlined within best practice guidance (<1lux). The proposed shutters would not be considered a suitable mitigation measure, as the closing of these shutters is not something which can be secured and enforced under planning condition. I would advise further measures are required to reduce the light spill onto trees, including a revision of the number of windows, and the inclusion of low emission glazing

5.6 Officer Note: although the number of window openings has not been reduced a subsequent discussion has taken place with the Council's Ecologist who is satisfied that a condition in respect of the use of low emission glazing is acceptable in this instance to ensure that bat species are not harmed by the proposal.

6.0 REPRESENTATIONS Expired 18.01.2023

6.1 Neither Wallop Parish Council: No comment

7.0 POLICY

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(TVBRLP)

COM2 – Principle of Development

E1 – High Quality Development in the Borough

E2 – Protect, Conserve and Enhance the Landscape Character of the Borough

E5 - Biodiversity

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character of the area
- Biodiversity

8.2 **Principle of development**

The principle of changing the use from an agricultural grain store to a flexible commercial use has previously been granted Prior Approval under application reference 21/02595/PDRN. This application seeks to agree the external changes to the building to allow for conversion.

8.3 **Impact on the character of the area**

Policy E1 requires development to be of a high quality and requires development to integrate, respect and complement the character of the area. The building is a little divorced from any neighbouring buildings by virtue of its separation distance to nearby built form. The proposed cedar cladding is not considered to be out of keeping with the wider agricultural character of the area, the final finish of this cedar cladding can be agreed through condition and such a condition is recommended. The window frames are also proposed to be dark grey. It is considered that this is recessive in colour and would complement the proposed use cedar cladding on the elevations of the building.

8.4 The proposal also seeks to install a number of windows on the northern, eastern, western and southern elevations and this would be to allow light into what is a large internal space. These windows are of a size that complements the original building. These windows do have the ability for light spill and in the evening and winter this light spill would make the building more visible within the landscape. The Landscape Officer has raised no objection but has recommended tinted glass be used to reduce light spill and this is considered a suitable solution to minimising the visual impact of the proposal to acceptable levels. A condition is recommended in respect of all windows using low transmission glazing and for this to be maintained and retained for the lifetime of the development.

8.5 The proposal subject of this application seeks to introduce external alterations to the building which would increase the prominence of the building in the landscape. To mitigate the cumulative impact these changes would have in addition to the loss of trees permitted under Prior Approval application 21/02595/PDRN a condition is recommended in respect of a scheme of replacement tree planting to be submitted to and approved in writing by the local planning authority.

8.6 Subject to conditions in respect of replacement planting, details of external materials and the use of low transmission glazing, it is considered that the proposed external changes respect and complement the character of the area and would protect and conserve the landscape character of the Borough in accordance with Policies E1 and E2 of the TVBRLP.

8.7 **Biodiversity**

Policy E5 requires development to conserve and where possible enhance biodiversity. Biodiversity was a matter considered under the previous Prior Approval application for the conversion of the building. The Prior Approval application was supported by a Preliminary Ecological Appraisal, a Barn Owl Survey, a Tree Protection Plan and recommendations in respect of tree removal to protect bat species. Recommendations in respect of a lighting strategy for the site were also provided and a condition attached to the approval requesting a bat sensitive lighting strategy for the conversion and occupational phases of the development prior to development commencing.

8.8 As the application for Prior Approval only concerned the conversion, external works such as the addition of new areas of glazing were not considered. The Council's Ecologist was asked to provide comment on the amount of glazing proposed and the potential impact that this may have on foraging and commuting habitat for bats. Although concerns have been raised in respect of the additional light spill from the proposed windows, the Council Ecologist considers that the use of low transmission glazing, secured by condition, would be a suitable way forward of reducing the impact of the proposal on foraging and commuting habitat for bats. As such, a condition has been recommended in respect of low transmission glazing being used on all external windows in accordance with the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK) and thereafter maintained and retained. Having regard to the loss of trees previously permitted and the separation distance from the building to the eastern woodblock, which is considered the most important habitat for foraging given its size, the Council's Ecologist considers that the proposal is acceptable and no objections are raised. In addition, a bat sensitive lighting strategy is required to be submitted and approved prior to development commencing under Prior Approval 21/02595/PDQN and this will ensure that the development as a whole, when brought into use, will protect and conserve protected bat species. The proposal is considered to be in accordance with Policy E5 of the TVBRLP.

9.0 **CONCLUSION**

9.1 It is considered that the proposed external materials of the building are acceptable and that the use of low transmission glazing and a condition imposed under the Prior Approval consent for the submission and approval of a bat sensitive lighting strategy is sufficient to ensure that the proposal would not give rise to harmful light spill that would impact on protected bat species. The low transmission glazing would also reduce the impact of light spill in terms of visual intrusiveness of the building at night and with the additional requirement to plant further trees it is considered that the impact on the character of the area is acceptable. The application accords with policies COM2, E1, E2 and E5 of the TVBRLP.

10.0 RECOMMENDATION

PERMISSION subject to:

1. The development hereby permitted shall be begun within three years from the date of this permission.
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 2117-P-302A; 2117-P-303A; 2117-P-304A; 2117-P-305A; 2117-P-301-A; RWW-03
Reason: For the avoidance of doubt and in the interests of proper planning.
3. No cladding of the building shall take place until details of the proposed finish of the cedar boarding has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and thereafter retained.
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E5.
4. The proposed rooflights and windows shall be glazed with tinted glass in the form of low transmission glazing in accordance with the Bat Conservation Trust and the Institute of Lighting Professionals (Guidance note 08/18 Bats and artificial lighting in the UK) and thereafter maintained and retained for the lifetime of the development.
Reason: To prevent disturbance to protected species in accordance and to ensure the development has a satisfactory external appearance in accordance with the National Planning Policy Framework, Policy E5 and E2 of the Test Valley Borough Revised Local Plan 2016.
5. Prior to the commencement of development hereby permitted, a detailed scheme of replacement tree planting along the western and northern site boundaries shall be submitted to and approved in writing by the local planning authority. The scheme shall include the size, species, mix, density and locations of replacement tree planting, including a scheme of implementation and a five year maintenance and management programme. The replacement tree planting shall be carried out in accordance with the details submitted and implemented as approved.
Reason: To mitigate the visual impact of the proposal in accordance with policy E2 of the Test Valley Borough Revised Local Plan 2016.

Note to applicant:

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
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