

Planning Committee: 30 January 2018

Item Number: 9

Application No: [W 17 / 2084](#)

Registration Date: 07/11/17

Town/Parish Council: Beausale, Haseley, Honiley & Wroxall **Expiry Date:** 02/01/18
Case Officer: Lucy Hammond
01926 456534 lucy.hammond@warwickdc.gov.uk

Kites Nest Farm, Kites Nest Lane, Beausale, Warwick, CV35 7PB
Proposed conversion of barns and outbuildings to provide three dwellings FOR
Medwell Hyde Property Solutions

This application is being presented to Committee due to an objection from the Parish Council having been received.

RECOMMENDATION

That planning permission be GRANTED subject to the conditions listed at the end of this report.

DETAILS OF THE DEVELOPMENT

Planning permission is sought to convert three existing barns into dwellings (providing three dwellings) with all associated works to facilitate their use for residential purposes including the provision of car parking and landscaping. Minimal internal and external works are required to facilitate the conversion. The proposals include the creation of a total of 8 car parking spaces, together with the necessary widening works to the existing access off Kites Nest Lane.

THE SITE AND ITS LOCATION

The application site occupies an open countryside location, in the West Midlands Green Belt, approximately mid-way between Beausale (1.5km to the north) and Hatton (1.8km to the south). Access is taken off Kites Nest Lane and leads into a courtyard style layout of existing barns. There are four barns in total which sit to the north side of the host dwelling (Kites Nest Farm) however only three of the barns (annotated 1-3 respectively on the submitted drawings) form the subject of this application, with Barn 4 located within the curtilage of the main dwelling and thus outside the application site edged red.

Kites Nest Farm is a Grade II listed building and the barns are consequently curtilage listed.

Other than the host dwelling there are no other neighbouring properties nearby and there are no other site specific constraints relevant to this application.

PLANNING HISTORY

There is a fairly extensive history of planning approvals to convert the barns into dwellings which is summarised below. These permissions, as far as it is understood, were not implemented and have since lapsed.

W/15/0238 - Formation of a new access from Kites Nest Lane - Granted

W/15/0239/LB - New access and drive - Granted

W/14/1263 - Conversion of barn to a single residential dwelling (amendment to previously approved application ref: W/13/1442 to make alterations to the basement level) - Granted

W/13/1442 - Conversion of existing barn to a dwelling (amendment to planning permission ref: W/12/1424 to include a basement level and a ground source heat pump) - Granted

W/13/0942 - Conversion and change of use of existing barns and outbuildings to provide 3no. dwellings - Granted

W/13/0943/LB - Conversion of barns and outbuildings to provide three dwellings - Granted

W/12/1424 - Conversion of existing barn to one residential dwelling - Granted

RELEVANT POLICIES

- National Planning Policy Framework

The Current Local Plan

- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- H0 - Housing (Warwick District Local Plan 2011-2029)
- H1 - Directing New Housing (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- BE4 - Converting Rural Buildings (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS4 - Improvements to Open Space, Sport and Recreation Facilities (Warwick District Local Plan 2011-2029)
- HE1 - Protection of Statutory Heritage Assets (Warwick District Local Plan 2011-2029)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029)

Guidance Documents

- Residential Design Guide (Supplementary Planning Guidance - April 2008)
- Open Space (Supplementary Planning Document - June 2009)
- Vehicle Parking Standards (Supplementary Planning Document)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Beausale, Haseley, Honiley & Wroxall Parish Council: Objection for the following reasons:

- The application is overdevelopment of the site
- Overdevelopment of the barns would impact on the integrity of the main dwelling
- There is insufficient parking on the site
- The lane by Kites Nest Farm is narrow and would not support additional traffic

WCC Highways: No objection subject to conditions

Open Space team: No objection subject to a financial contribution towards improvements to existing green spaces

Health and Community Protection (Environmental Sustainability): No objection subject to condition

WCC Ecology: No objection subject to conditions and advisory notes

WCC Archaeology: No objection subject to condition

ASSESSMENT

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

- the principle of development;
- impact on the character and appearance of the area;
- impact on the setting of the heritage asset;
- impact on the living conditions of neighbouring dwellings;
- provision of a satisfactory living environment for future occupants of the proposed development;
- car parking and highway safety;
- drainage and flood risk;
- ecological impact;
- archaeological impact; and
- health and wellbeing.

The principle of development

Policy H1 of the Warwick District Local Plan 2011-2029 sets out where (in terms of location) and the circumstances in which, new housing development will be permitted. For sites such as this, which are not within an Urban Area, Growth

Village or Limited Infill Village, the policy states that elsewhere within the open countryside, housing development will be permitted where (inter alia) the development would re-use redundant or disused buildings in accordance with Policy BE4 and lead to an enhancement to the immediate setting. This policy requirement echoes the provisions of Paragraph 55 of the NPPF which states the same.

Policy BE4, which relates to the conversion of rural buildings, 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, make it suitable for re-use or adaptation;
- c) the proposed use or adaptation can be accommodated without extensive rebuilding or alterations 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 three barns proposed for conversion are structurally sound, brick and tile constructions (Barn 2 has an asbestos roof) which are evidently in very good condition and therefore suitable for re-use. Minimal works are proposed both internally and externally to facilitate the conversion to a residential use and as such, the proposals seek to retain all existing openings and work within the parameters of the barns as they stand currently without introducing additional, unnecessary or alien features. Accordingly, the appearance and setting of the barns following conversion seeks to protect the character and appearance of the countryside.

It is therefore concluded that the principle of development is acceptable in accordance with Policies H1 and BE4 subject to an assessment being made of the other relevant considerations which are set out below. It is also noted that although the permission has recently lapsed without implementation, the principle of converting these barns to dwellings has been established previously through earlier permissions for very similar schemes.

Impact on the character and appearance of the area

Since minimal changes are sought externally to the elevations of the barns, the general character and appearance of the buildings within their courtyard setting would remain the same. Similarly, the character of the wider area and the rural landscape surrounding the site would not be impacted by the development since the scheme seeks to work within the established footprint of the buildings (with no further additions) and the existing parameters of each building, in terms of window and door openings and existing architectural features.

A number of modifications were requested during the course of the application, which were considered necessary to minimise the resulting visual impacts on the appearance of the barns both individually and in respect of the cumulative impact within the courtyard setting and rural surroundings. Revised plans have

therefore been received showing predominantly changes to fenestration and a substantial reduction in the number of rooflights so that now only the very minimum number of rooflights are proposed, all of which would be conservation style. Where full height glazing is proposed, these have been revised to reduce the width and introduce timber boarding either side creating the impression of a reduced width opening and minimising the impact on the building.

Overall, having regard to the minimal changes necessary to facilitate the re-use of these buildings as dwellings, the resulting visual impacts are considered to be acceptable, would not result in harm to the wider surrounding area and character of the countryside and overall the proposals are considered to be in accordance with the Council's 'Agricultural Buildings and Conversions – Barns' SPD. The development is therefore considered to accord with Policy BE1 of the Local Plan.

Impact on the setting of the heritage asset

Considerable importance and weight should be given to the duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990, when making decisions that affect listed buildings and conservation areas respectively. These duties affect the weight to be given to the factors involved.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The proposed works to convert the barn involve minimal changes to the external appearance of the buildings. Amended plans have been sought through the course of the application to reduce the extent of new openings and other external works; the intention being to retain the original form, character and appearance of the barns so far as possible. The amended plans now present a scheme which works with all existing apertures and retains the character of the agricultural buildings. The conservation officer is also of the view that the scheme is acceptable and would result in no harm to the setting of the main listed dwelling or the curtilage listed barns.

The proposals are therefore considered to be in accordance with Policy HE1 of the Local Plan.

Impact on the living conditions of neighbouring dwellings

The only neighbouring dwelling near the site is the host dwelling, Kites Nest Farm. This is located approximately 12m to the south of the barns to be converted (measured from the gable end of the closest barn to the side elevation of the dwelling) and as such would share a traditional side to side relationship with Barn 1, while Barns 2 and 3 would be sited much further away and largely screened by the presence of the fourth barn which does not form part of the application and sits within the curtilage of the dwelling.

Given the position and orientation of the barns and the dwelling, there is no opportunity for the 45° line to be breached from any windows and the physical presence of these buildings which are not proposed to be further extended or increased in scale means the development would not give rise to harm by reason of overbearing or overshadowing. The distance and the orientation of the barns again means there is no opportunity for windows to cause direct overlooking into the garden of the dwelling and overall, it is considered the proposals are acceptable in this regard and in accordance with Policy BE3 of the Local Plan.

Provision of satisfactory living environment for future occupants of the proposed development

The barns are laid out in a courtyard style setting with Barns 1 and 2 arranged in an 'L-shape' and Barn 3 detached from the courtyard towards the site's frontage (adjacent to the road). At ground floor, the inward facing windows that would overlook the courtyard and potentially one another serve kitchens, bathrooms and cloakrooms, with one opening in Barn 1 serving an open plan living room. All bedrooms have been placed at the back of Barn 2 thus looking towards the adjacent open field, while the bedrooms in Barn 1 would be on the first floor (Barn 2 does not have a proposed first floor of accommodation). Given the 'L-shape' position of the two barns and the oblique views that would be facilitated from each of these ground floor windows it is not considered there would be any harm resulting from direct overlooking and further, each habitable room would be served by windows that provide a good outlook, are not overshadowed or directly overlooked.

Barn 3, which is detached from the courtyard, would have windows facing the other barns and the adjacent field, with only one high level window in the elevation looking directly onto the road. Separation distances are all met with the exception of the distance between the front of Barn 3 and the side gable of Barn 2 which is substandard. However, working within the parameters of the existing structures, the internal configuration of Barn 2 means that the glazed opening in its gable end serves a hallway and there are no other windows in this elevation. Moreover, given the oblique relationship between these two walls, the bedroom window in Barn 3 would look towards the corner of Barn 2 rather than directly facing the glazed doors.

It is therefore considered on balance that the proposals are acceptable in this respect and therefore accord with Policy BE3 of the Local Plan.

Car parking and highway safety

Access is proposed to be taken from the existing vehicle access point off Kites Nest Lane which would be widened and re-surfaced in accordance with the requirements of the Highways Authority to enable two cars to pass each other safely.

The development proposes a total of 8 parking spaces which is an over provision in accordance with the Council's parking standards that would require a total of 5 for a development of this scale. However, it is understood that two of the parking spaces are intended for use by Barn 4 which is outside the application site and within the curtilage of the host dwelling, while one additional space is

proposed as a visitor space. Concern has been expressed by the Parish Council about insufficient parking at the site for four dwellings. It has been clarified with them that the application only proposes three dwellings and as set out above, there is sufficient parking provision for the development.

The Parish Council has also expressed concern about the narrow width of Kites Nest Lane which is not able to accommodate increased traffic. The Highways Authority has confirmed that although Kites Nest Lane is predominantly a single track road, and therefore whilst two-way vehicle flows may not be possible along the entire carriageway, there are opportunities for two vehicles to pass i.e. passing bays and vehicle accesses. A highway verge is also provided on both sides of the carriageway, which provides a further opportunity for vehicles to manoeuvre over whilst passing. It is likely that the development proposals will generate an increase in vehicle movements however, the Highways Authority is satisfied that the increase would not be significant. Further, it is also unlikely that the increase in vehicle trips generated by the proposals would significantly increase the probability of two vehicles meeting whilst travelling along Kites Nest Lane.

Overall, it is considered the development would not be detrimental to highway safety, there is sufficient parking provision within the development and the proposals accord with Policies TR1 and TR3 of the Local Plan.

Ecological impact

Ecological surveys were submitted with the application which the County Ecologist has considered and is in agreement with, recommending suitable conditions to be imposed to provide added safeguards to protected species. It is therefore considered, subject to these conditions, that the development is acceptable in this regard and complies with Policy NE2 of the Local Plan.

Archaeological impact

There is no objection to the principle of development from the County Archaeologist, however due to the site's location in an area of archaeological potential, it is appropriate to attach a condition requiring some further investigative works to be undertaken prior to the commencement of development. Subject to this condition it is considered the development is acceptable in this regard and accords with Policy HE4 of the Local Plan.

Other matters

Open Space

Policy HS4 seeks contributions from developments to provide, improve and maintain appropriate open space, sport or recreational facilities to meet local needs. The proposed development would not make any on-site provision for open space and accordingly, having been assessed by the Open Space team, a contribution of £5,438 would be required which would be put toward the development objectives of the local Parish Council, relating specifically to green space/parks improvements. The proposal is considered to accord with HS4 and is acceptable in this regard.

Air Quality / Low Emissions Strategy

Policy NE5 seeks to permit development proposals that ensure the district's natural resources remain safe, protected and prudently used. To that end, development proposals will be expected to demonstrate that they (*inter alia*) do not give rise to soil contamination or air, noise, radiation, light or water pollution where the level of discharge, emissions or contamination could cause harm to sensitive receptors.

In accordance with the requirements of the policy, and where development proposals would lead to an increase in vehicular movements, a standard condition should be applied to any forthcoming permission requiring a scheme which satisfies the requirements set out in the Council's adopted Low Emission Strategy Guidance. I propose to attach this condition in the event permission is forthcoming. Accordingly, I consider the development is acceptable in this regard and accords with Policy NE5.

Parish Council concerns

The comments of the Parish Council are noted and the majority of their concerns have been clarified by the case officer. However, they confirmed their wish to maintain their objection despite the clarification provided.

Summary/Conclusions

The principle of converting these barns to provide three dwellings is acceptable in accordance with Policies H1 and BE4 of the Warwick District Local Plan 2011-2029. It is considered the visual impacts of the development would be acceptable and following the submission of revised plans dealing with some fenestration and other design changes, the resulting impact is acceptable and accords with the Council's guidance on converting rural buildings and barns. The impact on neighbouring amenity is acceptable and there would be adequate levels of amenity for future occupants of the barns. There would be no detriment to highway safety as a result of the scheme and sufficient parking is provided for the number of dwellings proposed. The impacts in respect of ecology and archaeology are acceptable subject to conditions and for all these reasons it is recommended that planning permission be approved.

- 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 submitted on 7 November 2017 and approved drawings 5066/11 D, 5066/12 A, 5066/18 B and 5066/19 A and specification contained therein, submitted on 15 January 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 Other than site clearance and preparation works no works shall commence on the construction of the development hereby permitted until samples of the external facing materials to be used have been submitted to and approved in writing by the local planning authority.

Development shall be carried out in accordance with the approved details. **REASON:** To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the locality in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.

- 4 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 (including details of materials) have been submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in strict accordance with such approved details. **REASON:** To ensure a high standard of design and appearance for these curtilage listed buildings, and to satisfy Policy HE1 of the Warwick District Local Plan 2011-2029.
- 5 No part of the development hereby permitted shall commence until details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatments, including full details of any proposed boundary walls, railings and gates to be erected to sub-divide plots as well as any proposed around the perimeter boundary of the site, specifying the colour of the railings and gates; footpaths; and hard surfacing, which shall be made of porous materials or provision shall be made for direct run-off of water from the hard surface to a permeable or porous area. The hard landscaping works shall be completed in full accordance with the approved details within three months of the first occupation of the development hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of the same size and species as that originally planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees and BS4428 - Code of Practice for General Landscape Operations. **REASON:** To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE1, BE3 and NE4 of the Warwick District Local Plan 2011-2029.
- 6 The development hereby permitted shall not commence until a detailed schedule of bat mitigation measures (to include timing of works, replacement roost details, monitoring and further survey if deemed necessary) has been completed in consultation with a suitably qualified bat worker and submitted to and approved in writing by the District Planning Authority. Such approved mitigation measures shall thereafter be implemented in full. **REASON:** To ensure that protected species are

not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 7 The development hereby permitted shall either:
- a.) Be timetabled and carried out to avoid the bird breeding season (March to September inclusive) to prevent possible disturbance to nesting birds; or
 - b.) Not commence until a qualified ecologist has been appointed by the applicant to inspect the building/vegetation to be cleared on site for evidence of nesting birds immediately prior to works. If evidence of nesting birds is found works may not proceed in that area until outside of the nesting bird season (March to September inclusive) or until after the young have fledged, as advised by ecologist.
- Birds can nest in many places including buildings, trees, shrubs, dense ivy, and bramble/rose scrub. Nesting birds are protected under the 1981 Wildlife and Countryside Act. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 8 No part of the development hereby permitted shall be commenced until a scheme for the provision of nesting platforms/boxes for barn owls to be incorporated into the scheme (or in a nearby tree), has been submitted to and approved in writing by the District Planning Authority. Thereafter, the platforms/boxes shall be installed and maintained in perpetuity. **REASON:** To ensure protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 9 No part of the development hereby permitted shall be commenced until a scheme for the provision of suitable nesting boxes for swallows to be erected on the building within the site has been submitted to and approved in writing by the District Planning Authority. The scheme to include details of box type, location and timing of works. Thereafter, the box(es) shall be installed and maintained in perpetuity. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.
- 10 The development hereby permitted shall not commence until details of all external light fittings and external light columns 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. In discharging this condition the District Planning Authority expects lighting to be restricted on the new bat loft and to be kept to a minimum at night across the whole site in order to minimise impact on emerging and foraging bats. This could be achieved in the following ways:
- Lighting should be directed away from vegetated areas
 - Lighting should be shielded to avoid spillage onto vegetated areas
 - The brightness of lights should be as low as legally possible;
 - Lighting should be timed to provide some dark periods;

- Connections to areas important for foraging should contain unlit stretches.

REASON: To ensure protected species are not harmed by the development in accordance with Policy NE2 of the Warwick District Local Plan 2011-2029.

- 11 Unless the Local Planning Authority certifies that suitable alternative provision has been made for the provision or improvement of open space within the catchment area of the application site in accordance with Policy HS4 of the Warwick District Local Plan 2011-2029:

(i) no development shall commence unless or until a scheme for such provision or improvement (identifying the size/extent, location and specification of the space and works) has been submitted to and approved in writing by the Local Planning Authority; and

(ii) the dwellings hereby permitted shall not be occupied until the scheme so approved has been implemented in strict accordance with the approved details.

REASON: To ensure the necessary infrastructure and facilities are provided in accordance with Policy HS4 of the Warwick District Plan 2011-2029.

- 12 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.

- 13 The access to the site shall not be used until it has been widened so as to provide an access of not less than 5 metres in width for a minimum distance of 7.5 metres, as measured from the near edge 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.

- 14 The access to the site for vehicles shall not be used in connection with the development until it has been surfaced with a bound material for a minimum distance of 7.5 metres as measured from the near edge 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.