

**Planning Committee:** 26 March 2019

**Item Number:** 13

**Application No:** [W 18 / 2457](#)

**Registration Date:** 14/01/19

**Town/Parish Council:** Beausale, Haseley, Honiley & Wroxall

**Expiry Date:**

**Case Officer:** Dan Charles

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**The Cottage, Church Road, Beausale, Warwick, CV35 7AJ**

Erection of replacement dwelling, detached residential annex and replacement B1/B8 flexible commercial unit together with the change of use of land to garden land and associated landscaping and external works. FOR Mr & Mrs Davies  
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This application is being presented to Committee due to the number of objections received.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission, subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

This application seeks the redevelopment of an existing mixed use site consisting of a dwellinghouse, stable building, one large barn and a smaller barn with approval for conversion into a flexible use commercial unit through a Lawful Development Certificate granted under W/18/1800. The scheme proposes the demolition of all existing buildings on the site and the erection of a new dwelling, detached single storey annex together with a single storey commercial unit.

The proposal also seeks permission for changes to the garden areas of the site.

**THE SITE AND ITS LOCATION**

The application site is accessed via a long, well-made stone access drive from the public highway known as Packwood Lane. A secondary access also serves the site. The site currently contains a range of structures that consist of the existing dwelling, an L shaped stable block, a modern steel framed barn and another modern barn structure. The site is washed over by Green Belt.

**PLANNING HISTORY**

W/18/1800 - Application for Proposed Lawful Development Certificate for conversion of agricultural barn of less than 150m<sup>2</sup> to flexible commercial use (B1 & B8) – Granted 09.11.2018

W/04/1282 - Erection of a barn, after demolition of existing, for storage of farm equipment and occasional shelter for sheep – Granted 15.09.2004

## **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity (Warwick District Local Plan 2011-2029)
- DS5 - Presumption in Favour of Sustainable Development (Warwick District Local Plan 2011-2029)
- DS18 - Green Belt (Warwick District Local Plan 2011-2029)
- PC0 - Prosperous Communities (Warwick District Local Plan 2011-2029)
- SC0 - Sustainable Communities (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- H13 - Replacement Dwellings in the Open Countryside (Warwick District Local Plan 2011-2029)
- BE1 - Layout and Design (Warwick District Local Plan 2011-2029)
- BE3 - Amenity (Warwick District Local Plan 2011-2029)
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- HS1 - Healthy, Safe and Inclusive Communities (Warwick District Local Plan 2011-2029)
- NE3 - Biodiversity (Warwick District Local Plan 2011-2029)
- NE4 - Landscape (Warwick District Local Plan 2011-2029)
- NE5 - Protection of Natural Resources (Warwick District Local Plan 2011-2029)
- Guidance Documents
- Parking Standards (Supplementary Planning Document)
- Residential Design Guide (Supplementary Planning Document- May 2018)

## **SUMMARY OF REPRESENTATIONS**

**Beausale, Haseley, Honiley and Wroxall Parish Council:** Accept the scheme, subject to revised plans. Still some concern regarding the development outside of the existing curtilage.

**Councillor Sue Gallagher:** Support the scheme.

**WDC Waste Management:** No objection.

**WDC Tree Consultant:** No objection, subject to conditions.

**WCC Highways:** No objection.

**WCC Ecology:** Recommend additional survey work carried out and imposition of appropriate conditions.

**WCC Landscape:** Objection - Harm to Green Belt and rural character due to change in curtilage area.

**Public Response:** 7 letters of objection from 5 parties have been received raising objections on the following grounds:

- Development is outside of domestic curtilage.
- Intrusion of buildings into open countryside and Green Belt.

- Urbanising effect on site.
- Buildings should be closer together.
- Potential noise disturbance from commercial unit.
- There has been too much commercial development around the village of Beausale.
- Increased vehicular traffic which is harmful to highway safety.
- Not in keeping with rural character.
- Potential to sub-divide into additional dwellings in the future.
- Contrary to Green Belt Policy.

#### Whether the proposal constitutes appropriate development in the Green Belt

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states that development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 refers to development within the Green Belt and states that a Local Planning Authority should regard the construction of new buildings as inappropriate development unless the proposal meets one of the exception tests set out within the Paragraph.

Paragraph 145 (g) refers to the to the partial or complete redevelopment of previously developed land whether redundant or continuing where the proposal would not have a greater impact on the openness of the Green Belt than the existing development.

The current site contains a range of buildings in a mixed use – a large dwellinghouse, an 'L' shaped modern stable building, a large agricultural barn and an additional barn that benefits from consent to use as a flexible commercial building by virtue of Part 3, Class R of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Taking into consideration the existing floorspace of the buildings on site, this equates to 681 square metres. The proposed development of the site would result in an overall floorspace of 609 square metres compared to the existing floor space of 679 square metres of the existing buildings on site. In terms of footprint, this would also result in a net decrease from 638 square metres as existing to 447 square metres as proposed. In addition, there will be only 3 buildings on the site of which 2 are single storey compared to the existing 4 buildings on site.

The proposal seeks to redefine the curtilage areas of the site with the existing dwelling curtilage being returned to agricultural use. This does result in part of the existing field/ paddock area being converted into the garden area for the dwelling. Having assessed this proposal, it is considered that the area of land reverting to agricultural use greatly exceeds the proposed garden area and is of a significantly higher ecological value than the existing paddock area. In terms of overall space within the site, the proposal results in a net increase of agricultural land of over 1000 square metres.

Overall, it is considered that the development would not have a greater impact on the openness of the Green Belt and consider that the development is

therefore appropriate development within the Green Belt in accordance Paragraph 145 (g) of the NPPF.

### Design and impact on visual amenity and the character of surrounding area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development which 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.

Policy BE1 of the Local Plan 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.

The Residential Design Guide SPD sets out steps which should 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.

The existing site is a range of piecemeal buildings that lack synergy with each other. In particular, the dwellinghouse has a range of additions that have been added over time which have resulted in a haphazard form of building on the site. The proposed development seeks to provide a range of simply designed structures to give an appearance of building located around a courtyard setting akin to a traditional farmstead. The proposed development rationalises the buildings on site into a coherently designed group of structures utilising a similar design ethos and palette of materials.

The design of the dwelling is in the style of a simple barn style structure using a mixed palette of materials including timber cladding and blue/grey brickwork with the use of zinc for the roof and elements of the wall cladding. The proposed annex and commercial building utilise matching timber cladding under zinc roofs to provide a coherence to the design across the site. This results in a range of buildings that complement each other with the single storey nature of the annex and commercial buildings being clearly subservient to the dwellinghouse that forms the focal point of the site.

The dwellinghouse proposes an overhand design with the first floor being larger than the ground floor. This is a clear design character that gives a modern edge to the traditional design. This is further enhanced by the design that has a single storey projection to the rear that proposes a green roof to further enhance the design and appearance of the building.

The rearrangement of the garden areas also rationalises the use of the site. The garden area associated with the dwelling is modest for the dwelling and the overall garden area is significantly reduced compared to the existing dwelling.

The original garden area of the existing dwelling is to be reverted to agriculture. The area of land also contains a range of tree species so would result in ecological benefits to the local area.

Concern has been raised that the materials used in the local area are predominantly traditional brick and tile structures. In considering this, it is noted that the application site is isolated and not read in the context of other dwellings. In this location, the use of the proposed materials would not result in a form of development that is read in the context of other, more traditional dwellings. Therefore, it is appropriate that the scheme is considered on its own merits and it is concluded that the proposed range of materials would add interest to the local area without directly competing against the traditional character.

Overall, Officers are satisfied that the proposed design is appropriate to the setting and provides a well-designed range of buildings that complement the rural nature of the site.

#### Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

The nearest adjacent dwelling is located over 100 metres to the west of the application site. Officers are satisfied that this distance is sufficient to prevent any undue harm to the amenity of the occupiers of the dwelling. Concern has been raised regarding potential noise disturbance from the proposed flexible commercial unit. In assessing this element, Officers are satisfied that the separation distance would prevent any undue harm from noise. In addition, it is noted that the proposed structure has a significantly improved construction compared to the consented portal framed barn. In light of this, any noise from commercial activities are likely to be mitigated for by the fabric of the structure.

Overall, Officers are satisfied that the development would not result in any demonstrable harm to the amenity of neighbouring properties and consider that the proposal accords with Policy BE3 of the Local Plan.

#### Amenity of future occupiers

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that does not provide acceptable standards of amenity for future occupiers of a development.

The proposal, due to its isolated location affords very high levels of amenity for future occupiers with all rooms having high levels of outlook.

Officers are therefore satisfied that the development accords with Policy BE3 of the Local Plan.

### Parking and Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The site benefits from two existing access points to the highway that are to be retained. Both of the current access points have acceptable levels of visibility in both directions.

Adequate parking and turning facilities would be provided within the site to allow vehicles to park and manoeuvre to allow entry and exit in a forward gear.

The County Highways Officer has raised no objection to the proposed development.

Officers are therefore satisfied that the development is in accordance with Policies TR1 and TR3 of the Local Plan.

### Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The County Ecologist has assessed the submitted Ecological Surveys and are in agreement with the recommendations. They have considered the impact on bats and note that the survey carried out recommends that further survey work is undertaken. The ecologist has recommended that further surveys are carried out prior to determination. However, it is not an appropriate time of year for the survey work to be carried out (May to September is optimal) and as the initial survey work has identified the presence of bats and various mitigation works have already been proposed, Officers consider it appropriate to require the additional works to be covered by appropriately worded conditions.

The proposed layout of the site also allows for the annex to be constructed that contains the proposed bat loft mitigation works prior to any demolition works of the buildings that have been identified as having a presence of bats. This approach will ensure that appropriate mitigation is in place prior to any destructive works taking place. Officers are satisfied that this approach is appropriate.

Additional conditions are recommended by the County Ecologist with regards to the provision of Construction Environmental Method Statement, a detailed landscaping plan and details of any external lighting.

Officers are therefore satisfied that subject to conditions, the proposal is in accordance with Policy NE3 of the Local Plan.

## Trees/ Hedgerows

The application has been submitted with a detailed Arboricultural Assessment of the site. This has been assessed by the Council's Tree Consultant who is satisfied that the report is thorough and competent. No objections are raised to the tree works subject to a condition that requires all works to be carried out strictly in accordance with the recommendations and control measures set out within the report.

## Use of the Annex

The proposal includes the provision of a single storey annex adjacent to the dwellinghouse. This is proposed to provide living accommodation for a dependent relative. The annex affords a level of independence whilst remaining ancillary to the main dwelling.

The applicants are happy to accept a restrictive condition to tie the annex to the main dwelling to prevent its use as a separate residential unit which is necessary in the interests of sustainable development.

## **Conclusion**

The proposed development is considered to be appropriate development within the Green Belt as it represents the redevelopment of previously developed land that does not have a greater impact on the openness of the Green Belt than the existing development.

The design and appearance of the scheme, whilst modern, is considered to be appropriate for the rural setting of the site in terms of the design and choice of materials.

Subject to conditions, the development is considered acceptable with regards to the impact on the amenity of neighbouring properties, impact on future occupiers, impact on highway safety and the impact on ecology and trees.

The proposal is therefore recommended for approval.

## **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(s) 406\_AR\_120\_001A, 406\_AR\_120\_002A, 406\_AR\_120\_003A, 406\_AR\_20\_001A and 406\_AR\_220\_004C, and specification contained therein, submitted on 22 February 2019.  
**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 (including any works of demolition) shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority and the development shall only proceed in strict accordance with the approved details. The statement shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; the storage of plant and materials used in constructing the development; the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; measures to control the emission of dust and dirt during construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works. **REASON:** In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies BE3, TR1 and NE5 of the Warwick District Local Plan 2011-2029.
- 4 The development hereby permitted, including site clearance work, shall not commence until a Construction and Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks for breeding birds, great crested newts, reptiles, badgers and hedgehogs and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029.
- 5 No development (including demolition) shall commence unless and until further surveys for the presence of bats has been carried out by a suitably qualified surveyor in accordance with the recommendations of the document titled Preliminary Ecological Appraisal with Preliminary Roost Assessment produced by Focus Ecology Ltd dated December 2018 and thereafter submitted to and approved in writing by the local planning authority together with full details of measures for bat migration and conservation. These measures should include: a) inspection of existing buildings on site not more than 28 days/one calendar month prior to their demolition to determine presence or absence of roosting or hibernating bats; b) no building containing bats shall be demolished until bats have been safely excluded using measures as have been previously submitted to and approved in writing by the local planning authority; c) provision of a new bat roost/hibernacula constructed to a design and in a location previously approved in writing by the local planning authority; d) provision of new bat roost/hibernacula within new construction; e) provision of an area of buffer/habitat around the new bat roost/hibernacula, details of the buffer to be submitted to and approved in writing by the local planning



authority; f) retention of hedgerows identified as being important for foraging bats within the development site, details of the location of hedges to be submitted to and approved in writing by the local planning authority; g) provision for the management in perpetuity of the buffer habitat, hedgerows used for foraging and the new bat roost/hibernacula. The works shall be implemented in strict accordance with the approved details and timing of works. **REASON:** To safeguard the presence and population of a protected species in line with UK and European Law, the National Planning Policy Framework and Policy NE2 of the Warwick District Local Plan 2011-2029.

6 No part of the development hereby permitted shall be occupied unless and until details of the siting, height, design and materials of the treatment of all boundaries have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first occupation of the development to which it relates and shall be retained as such thereafter. **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 Policies BE1 & BE3 of the Warwick District Local Plan 2011-2029.

7 The development hereby permitted shall not commence unless and until a Landscape Plan has been submitted to and approved in writing by the District Planning Authority. The plan should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The plan should also include details of habitat enhancement/creation measures and management, such as native species planting and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes). Such approved measures shall thereafter be implemented in full. 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 and in the interests of increased biodiversity in accordance with Policies BE1, BE3, NE3 and NE4 of the Warwick District Local Plan 2011-2029.

8 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 Local Planning Authority. The development shall not be carried out otherwise than in full accordance with such approved details. In discharging this condition the Local Planning Authority expects lighting to be restricted at the east and south of the site, along the boundaries and where bat roosting features

are proposed 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 the scheme does not have a detrimental impact on protected species in accordance with Policy NE3 of the Warwick District Local Plan 2011-2029.

- 9 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 10 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those specified within the Materials Schedule reference 406\_1.07\_2430\_PB dated 7th March 2019 unless otherwise agreed in writing by the Local Planning Authority. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.
- 11 The development hereby permitted shall not be occupied until a scheme which satisfies the requirements set out in the Council's adopted Air Quality and Planning Supplementary Planning Document (January 2019) 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.

- 12 The proposed annex hereby permitted shall only be occupied for purposes ancillary to the residential use of the main dwelling and shall only be occupied by members of the family and shall not at any time be used as a separate dwelling. **REASON:** To prevent the creation of a new unit of accommodation in an unsustainable area and in the interests of residential amenity in accordance with Policies H1, BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 13 The flexible commercial unit hereby permitted shall be operated as a single business unit only within Use Classes B1 or B8 and shall not at any time be sub-divided to form smaller individual operating units. **REASON:** To prevent unacceptable levels of disturbance to nearby residents or traffic hazards in accordance with Policies BE3, NE5, TR1, TR2 and TR3 of the Warwick District Local Plan 2011-2029.
- 14 The development hereby permitted shall be timetabled and carried out strictly in accordance with the details submitted within the document titled BS5837 Arboricultural Survey and Impact Assessment (AIA) Dated December 2018. The recommendations within the report shall be carried out in full. **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 15 The development hereby permitted shall not be occupied unless and until a scheme showing how a water efficiency standard of 110 litres per person per day based on an assumed occupancy rate of 2.4 people per household (or higher where appropriate) will be achieved has been submitted to and approved in writing by the Local Planning Authority. No dwelling/ unit shall be first occupied until the works within the approved scheme have been completed for that particular dwelling / unit in strict accordance with the approved details and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturer's specifications. **REASON:** To ensure the creation of well-designed and sustainable buildings and to satisfy the requirements of Policy FW3 of the Warwick District Local Plan 2011-2029

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