

Planning Committee: 24 September 2013

Item Number: 9

Application No: W 13 / 0342

Town/Parish Council: Lapworth

Registration Date: 31/07/13

Case Officer:

Penny Butler

Expiry Date: 25/09/13

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Barn, Yew Tree Farm, Tapster Lane, Lapworth, Solihull, B94 5PG

Conversion and change of use of barns to 3no. residential units (revised layout)
FOR Mr R Burn

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

RECOMMENDATION

Planning Committee are recommended to grant planning permission subject to conditions.

DETAILS OF THE DEVELOPMENT

The proposal is for the conversion and change of use of barns to 3 one-bedroomed residential units. The proposed insertion of glazing and doors will re-use existing openings, and new roof lights would be inserted on the yard side of the barn. Internal alterations would consist of the insertion of staircases and the subdivision of the barn into three units by dividing walls.

The application site has been amended since being originally submitted to correct land ownership and some dimensions, and the proposed parking has been relocated from within the yard to the land on the southern side of the access. The plans have also been amended, to remove the first floor window in the gable end of the south elevation and to reduce the glazed areas in the gable end of the east elevation. Parking would be provided for 6 cars and the existing grassed area in front of the barn would be retained, maintaining the right of way to Tapster Manor.

The design and access statement submitted with the application states that the proposal is of a form and scale appropriate to the existing build, site and immediate area, which will ensure a viable and beneficial long term use of the build and additionally make a valuable contribution to the local economy. The highest level of traditional build methods and materials will be employed, the proposal will be energy efficient and it will relate positively to the scale, character and quality of the local environment, avoiding any adverse impacts on the adjacent highway.

THE SITE AND ITS LOCATION

The application property is a 16th Century barn that is of brick construction with a tiled roof. The barn lies adjacent to Tapster Lane behind a narrow grass verge, close to the junction with Yew Tree Lane. Both these roads are narrow single track lanes with limited passing points. The barn forms a cluster of buildings with Yew Tree Farm and Tapster Manor which front Yew Tree Lane. Access to the site is via a gated original farm entrance adjacent to the southern elevation of the barn, leading to a small yard area which also serves as the sole access to adjoining equestrian land and buildings associated with Tapster Manor to the east. To the north is Yew Tree Farm, which was the original farm house but is now in separate ownership. Yew Tree Farm has a garage within the northern end of the application barn. There are several brick and metal farm buildings to the southern side of the site including a tall open Dutch barn. To the front of the barn within the yard is a small grassed area. The site lies within the Green Belt.

PLANNING HISTORY

In 2011 permission was granted for the conversion of the barn to 3 holidays lets (W/11/1492), following an earlier refusal in 2004 (W/04/0789).

RELEVANT POLICIES

- DAP3 - Protecting Nature Conservation and Geology (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- Sustainable Buildings (Supplementary Planning Document - December 2008)
- Agricultural Buildings and Conversion - Barns (Supplementary Planning Guidance)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP12 - Energy Efficiency (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)
- RAP7 - Converting Rural Buildings (Warwick District Local Plan 1996 - 2011)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Object to revised plans on the following grounds:

- Overdevelopment. The size and siting of the development would adversely affect the amenity of neighbours
- Proximity and privacy. Adverse impact on neighbours due to overlooking, loss of privacy and visually overbearing impact
- The increased parking provision from 3 to 6 spaces increases the land used for this purpose which may cause conflict due to the close proximity to existing dwellings
- Increased traffic on hazardous road which is not suitable for motor vehicles and used by cyclists

Public response: Three objections received from Yew Tree Farm, Tapster Manor and Tyler Parkes Planning Consultants on behalf of both properties:

- Overbearing development
- Loss of privacy and overlooking of neighbouring dwellings, land and stables from proposed windows, roof lights and use of outside areas
- Impact on viable operation of equestrian use due to proximity to proposed residential units
- The original application site and the holiday let permission included land in the ownership of Tapster Manor, therefore the holiday let permission cannot be implemented as a condition required the parking area to be available prior to occupation
- The proposed residential use would cause greater harm to the character and openness of the Green Belt than the holiday let use due to increased domestic paraphernalia, parking and walls/fencing. The proposal would not comply with Para.55 as the conversion would harm the immediate setting.
- Unsustainable location which conflicts with the NPPF's presumption in favour of sustainable development.
- Conflicts with Policies RAP1, RAP7e) and f), DAP1, DP1 a), i), k) and l), DP2, DP6, DP7, DP8.
- Unsafe access. Residential vehicle movements will conflict with equestrian vehicle movements. Use of the access by large equestrian, agricultural and other service vehicles will harm the amenity of occupants of the proposed unit directly adjacent to the access
- Inadequate parking provision.
- Increased traffic on inadequate roads thereby harmful to highway safety.

Environmental Health: No objection subject to conditions requiring installation of the proposed sewage treatment plant, soakaway, air source heat pump and sound insulation in accordance with the submitted details.

WCC Ecology: Recommend a condition requiring bat mitigation measures, the timing of works to avoid harm to birds, and protective fencing for trees. Notes are also required covering lighting, reptiles/amphibians, birds and badgers

WCC Highways: No objection subject to conditions requiring access widening, visibility splays, turning areas, drain and verge protection, and no gates within 5.5m of carriageway.

WCC Archaeology: No objection subject to a condition requiring a photographic record of the buildings.

ASSESSMENT

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

- Principle of use
- The impact on the character of the barn and rural area;
- The impact on the living condition of neighbouring dwellings and neighbouring uses;
- Traffic implications and parking; and
- Other matters

Principle of use

The conversion of barns to dwellings would conflict with Local Plan Policy RAP1, since such conversions are only acceptable under this policy where the building is located adjacent to a village, the housing meets a local need, and the applicant can demonstrate that other or a mixed use are not appropriate or viable. However, since the Council cannot demonstrate a five year supply of land for housing, the NPPF advises that policies controlling housing should not be considered up to date and therefore permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole. It is considered that there would not be adverse impacts which would significantly and demonstrably outweigh the benefits, as the development is for three dwellings, which is not an intensive use that would create a significant number of unsustainable traffic movements, and as set out below, the impacts are considered acceptable. The benefits would consist of the re-use of buildings of architectural value, and the provision of housing to meet identified needs, whilst the construction of the development would support economic growth. The NPPF is a significant material consideration which is considered outweighs the conflict with Local Plan Policy RAP1. The development would also comply with Policy RAP7 since extensive rebuilding is not required, special architectural features are retained, and the building is suitable for re-use.

Paragraph 89 of the NPPF states that the re-use of buildings is not inappropriate development in the Green Belt, providing the buildings are of permanent and substantial construction which these buildings are. The development would also comply with paragraph 55 which only permits isolated homes in the rural area where there are special circumstances, such as where the development would re-use redundant buildings and lead to an enhancement to the immediate setting,

which is considered to be the case here. The development would also comply with Policy RAP7 since extensive rebuilding is not required, special architectural features are retained, and the buildings are suitable for re-use. Permitted development rights will be removed to retain control over unsympathetic changes and to prevent domestic structures in the grounds which would detract from the rural setting.

Impact on character of the barn and rural area

It is considered that the proposed amended alterations would not harm the character of the barn as the proposal re-instates traditional openings that have been previously bricked up and altered, and minimises new works. New windows and doors are appropriate in design and siting and will not have an adverse impact on the overall character of the building. It is considered that the proposed scheme would comply with Policies DP1, DAP4 and RAP7, and the Barn Conversions SPG, by protecting the character and appearance of the countryside and respecting the barn's architectural distinctiveness. It is appropriate to remove permitted development rights from the dwellings in order to protect the building's special character and setting. It is noted that there would be more domestic paraphernalia associated with an unrestricted residential use, compared to holiday lets, but given that the use is acceptable in principle, the removal of permitted development rights is the appropriate way to control impact on the setting.

Impact on the living conditions of neighbouring dwellings and neighbouring uses

There are two neighbouring properties directly impacted by the proposed conversion, Yew Tree Farm and Tapster Manor. Policy DP2 requires development to not lead to an unacceptable adverse impact on the amenity or nearby users or residents, and to provide acceptable standards of amenity for future users/occupiers of the development. It is considered that these neighbouring dwellings would not be unreasonably affected by the introduction of further residential units alongside them. They would experience some loss of privacy and limited overlooking, but this is considered to be within reasonable limits. The nearest proposed roof lights in the barn are sited more than 3m from the boundary with Yew Tree Farm, at an angle of 90 degrees. This relationship is considered acceptable, as there would be no breach of distance separation standards, and the roof lights do not look towards this property. The barn and roof lights will look directly towards a narrow yard in front of the stables of Tapster Manor, where it is not considered inappropriate to have overlooking windows at a distance of 12m.

The Environmental Health Officer has carefully considered the impact of the adjoining equestrian use and the site access on future occupants of the units, and is content that the development would provide an acceptable standard of amenity, subject to their recommended conditions, and the development would therefore comply with Policy DP2.

Traffic implications and parking

The increased traffic associated with the proposed use has been carefully assessed by the Highway Authority given that the site lies off a restricted access road, and they are satisfied that there would be no significant harm caused to highway safety. The parking provision and layout has also been assessed as satisfactory, and provision is made in excess of the required one space per dwelling. Subject to the recommended conditions, the proposal complies with Policies DP6 and DP8, and the Vehicle Parking Standards SPD.

Other matters

The proposal includes the installation of air source heat pumps adjacent to the parking area to generate renewable energy in order to satisfy Policies DP12 and DP13, and the Sustainable Buildings SPD. A domestic treatment plant is proposed to deal with foul sewerage and satisfactory details have been provided to the Environmental Health Officer. This will be sited within the parking area, with an outfall to the applicants land to the south which is standard practice. Details of hard surfaces would be required to ensure they are either porous or drain to a porous area, and these proposals would satisfy Policy DP11. WCC Ecology are satisfied that impacts on protected species can be mitigated by the required conditions. The proposal is not within a reasonable distance of any public open space therefore it would not be appropriate to require a contribution towards their improvement, and the development would not conflict with Policy SC13 and the Open Space SPD.

CONDITIONS

- 1 The works hereby permitted shall begin not later than three years from the date of this consent. **REASON:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) 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) (PAL/OP 01/A.02 submitted on 4 September 2013. PAL/OP 01/A.01 REV B submitted on 31 July 2013. PAL/OP 01/A.05, PAL/OP 01/A.06 submitted on 16 September 2013), and specification contained therein. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 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 submitted to and approved in writing by the local planning authority. Such approved mitigation measures shall thereafter be implemented in full. Please note the bat mitigation measures are likely to have implications for the design and/or layout of the development. **REASON:** To ensure the protection of bats and compliance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 4 No development (including demolition) shall commence unless and until the building to be cleared on the site has been inspected by a qualified ecologist for evidence of nesting birds immediately prior to works commencing, and a report of the findings has been submitted to and approved by the local planning authority. If evidence of nesting birds is found then 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 the ecologist. **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 DAP3 of the Warwick District Local Plan 1996-2011.
- 5 The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which have been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary fences to be erected, specifying the colour; footpaths; and hard surfacing which shall be made of porous materials or provision shall be made to direct run-off 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 units 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 similar size and species, unless the local planning authority gives written consent to any variation. 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 DP1, DP2 and DP3 of the Warwick District Local Plan 1996-2011.

- 6 No part of the development hereby permitted shall be commenced and nor shall any equipment, machinery or materials be brought onto the site until a scheme for the protection of all existing trees and hedges to be retained on site has been submitted to and approved in writing by the local planning authority and has been put in place. The scheme must include details of the erection of stout protective fencing and be in accordance with British Standard BS5837: 2005, Trees in Relation to Construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the grounds levels be altered or any excavation take place without the prior consent in writing of the local planning authority. The approved scheme shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.
REASON: To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
- 7 No works shall take place unless and until the applicant has secured and implemented a programme to photographically record the building fabric as part of those approved works, in accordance with a written scheme which has been submitted to and approved in writing by the local planning authority. The record so obtained shall be deposited with the Warwickshire County Council Archaeological Information and Advice team (AI&A) prior to work commencing. **REASON:** To ensure the appropriate recording of features or buildings before development commences that are Important to the understanding of the Districts historical development in accordance with Policy DAP4 & DP3 of the Warwick District Local Plan 1996-2011.
- 8 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.
REASON : To ensure that adequate provision is made for the generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.
- 9 The access to the site for vehicles shall not be used unless a public highway

verge crossing has been laid out and constructed in accordance with the standard specification of the Highway Authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.

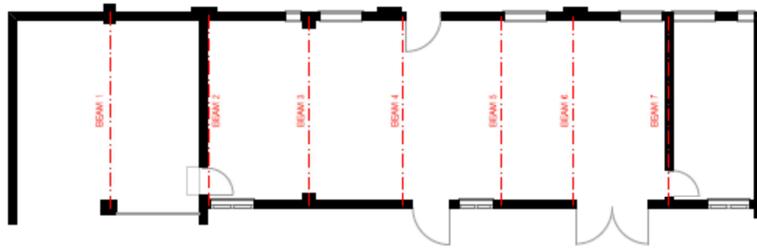
- 10 The development shall not be occupied until the existing vehicular access to the site has been widened so as to provide an access of 5.0 metres for a distance of 7.5 metres, as measured from the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 11 The development shall not be occupied until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.0 metres and 'y' distances of 33.0 metres to the right on exit and 43.0 metres to the left on exit as measured to the centre of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 12 Gates erected at the entrance to the site for vehicles shall not be hung so as to open to within 5.5 metres of the near edge of the public highway carriageway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 13 The development shall not be occupied until a turning area has been provided within the site so as to enable cars to leave and re-enter the public highway in a forward gear. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
- 14 The development shall not be occupied until space has been provided within the site for the parking of cars in accordance with the approved plans. **REASON** : To ensure that adequate parking facilities are provided and retained for use in connection with the development, in accordance with the requirements of Policy DP8 of the Warwick District Local Plan 1996-2011.
- 15 The access to the site shall not be constructed in such a manner as to reduce the effective capacity of any drain or ditch within the limits of the public highway. **REASON**: In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

- 16 The development hereby permitted shall be carried out in strict accordance with the approved details of the siting of the air source heat pump (Dwg.no. PAL/OP 01.A.02 submitted on 4 September 2013). The plant and any required works shall thereafter be maintained in accordance with the approved details. **REASON:** To ensure that there is no nuisance to future residential uses in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011.
- 17 The development hereby permitted shall be carried out in strict accordance with the approved details of the proposed sound insulation scheme (Dwg.no. PAL/OP 01.A.05 Rev.A submitted on 4 September 2013). The insulation and any required works shall thereafter be maintained in accordance with the approved details. **REASON:** To ensure that there is no nuisance to future residential uses in accordance with Policies DP2 and DP9 of the Warwick District Local Plan 1996-2011.
- 18 No development shall be carried out on the site which is the subject of this permission, until large scale details of doors, timber windows (including a section showing the window reveal, heads and cill details), metal roof lights, eaves, verges and metal rainwater goods at a scale of 1:5 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. **REASON :** To ensure a high standard of design and appearance for this Listed Building, and to ensure that the rural character and appearance of the barns is protected, to satisfy Policies DAP4 and RAP7 of the Warwick District Local Plan 1996-2011.
- 19 Samples of all external facing materials for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before any constructional works are commenced. Development shall be carried in accordance with the approved details. **REASON :** To ensure a high standard of design and appearance for this Listed Building, and to ensure that the rural character and appearance of the barns is protected, to satisfy Policies DAP4 and RAP7 of the Warwick District Local Plan 1996-2011.
- 20 The development hereby permitted shall not be commenced unless and until a scheme showing how 10% of the predicted energy requirement of this development will be produced on or near to the site, from renewable energy resources, has been submitted to and approved in writing by the District Planning Authority. The development shall not be first occupied until all the works within this scheme have been completed and thereafter the works shall be retained at all times and shall be maintained strictly in accordance with manufacturers specifications. Microgeneration equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable. **REASON :** To ensure that adequate provision is made for the

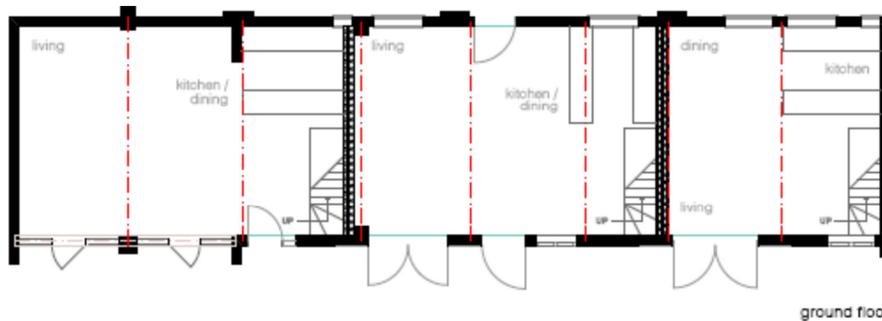
generation of energy from renewable energy resources in accordance with the provisions of Policy DP13 in the Warwick District Local Plan 1996-2011.

- 21 The development hereby permitted shall be carried out in strict accordance with the approved details of foul water drainage works (Dwg.no. PAL/OP 01.A.02 submitted on 4 September 2013). The plant and any required works shall thereafter be maintained in accordance with the approved details. **REASON:** To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy DP11 of the Warwick District Local Plan 1996-2011.
 - 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of any dwellinghouse hereby permitted without the prior written approval of the local planning authority. **REASON:** To ensure that the rural character and appearance of the barns is protected, in accordance with Policy RAP7 of the Warwick District Local Plan 1996-2011 and the Agricultural Buildings and Conversion - Barns SPD.
 - 23 All rainwater goods and flue pipes for the development hereby permitted shall be black painted metal. **REASON :** To ensure a high standard of design and appearance for this Listed Building, and to ensure that the rural character and appearance of the barns is protected, to satisfy Policies DAP4 and RAP7 of the Warwick District Local Plan 1996-2011.
 - 24 The access to the site for vehicles shall not be used unless the bellmouth has been laid out and constructed within the public highway in accordance with the standard specification of the Highway Authority. **REASON:** In the interests of highway safety in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.
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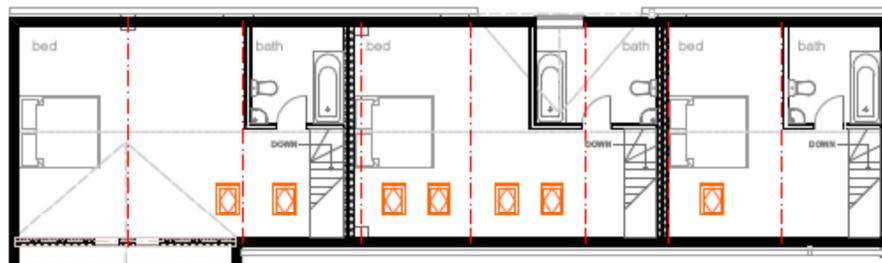




existing ground floor layout - 1:100

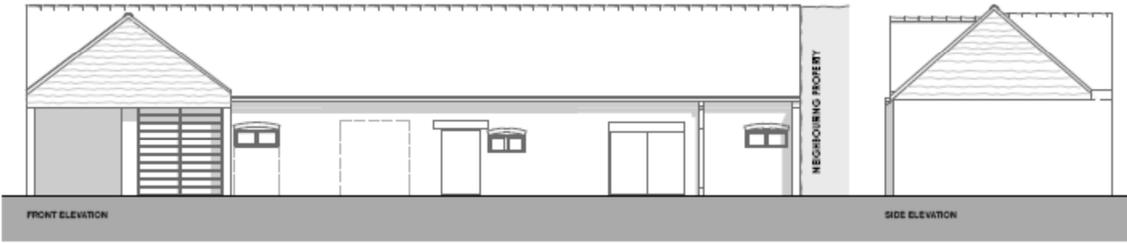


ground floor



first floor

proposed floor layouts - 1:100



existing elevations - 1:100



proposed elevations - 1:100

