

Planning Committee: 30 March 2022

Item Number: 4

Application No: [W 21 / 0527](#)

Town/Parish Council: Shrewley
Case Officer: Dan Charles

Registration Date: 22/03/21
Expiry Date: 17/05/21

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Four Brothers Farm, Five Ways Road, Shrewley, Warwick, CV35 7JB

Demolition of agricultural building and erection of 2no. dwellinghouses as an alternative scheme to extant permission under Class Q Prior Approval (ref: W/19/1373) for the conversion of the agricultural building to 3no. dwellinghouses FOR Mr. Burton

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

The proposal is for the demolition of the existing agricultural building and the erection of 2 dwellinghouses with associated works.

The existing barn on the site has an extant permission under a Class Q Prior Approval for the conversion of the building to three dwellings. This proposal would supersede that with the demolition of the barn and the erection of a new building providing two dwellings.

The proposed dwellings are designed to be attached as a single structure on the site. The primary dwelling would be a modern two storey design under a low-pitched roof. The secondary dwelling would be linked by a flat roof glazed link with the design ethos of the main dwelling recreated on a smaller scale to that of the primary dwelling. The two dwellings would have an overall footprint of 460 square metres compared to the existing barn floorspace of 506 square metres.

In terms of scale, the height of main two storey element would have a height to eaves of approximately 5.2 metres with an overall ridge height of 7.2 metres. The secondary dwelling would be marginally lower with an eaves height of 5m and overall ridge height of 6.8m.

During the course of the application, the siting and design of the dwellings has been amended from two detached buildings to a single combined building. As a result of the amalgamation, the scale of the proposed garden area has been reduced to provide a more appropriate form of development.

THE SITE AND ITS LOCATION

Four Brothers Farm is an agricultural holding extending to approximately 8.5 hectares and the land holding is an approximate 'L' shape. The current use of the land is for the grazing of sheep. The primary access is gained from Five Ways Road via an existing secure gated access.

The application site lies in an isolated rural location. The existing building is set back behind the long access drive from Five Ways Road. The existing building is a typical, modern portal framed building. The remaining site area is surrounded by a combination of trees and hedgerows. Within the site the land is primarily laid to hardstanding.

There are no near neighbours to the site that would be affected by the development.

The site lies within an open countryside location and falls within the West Midlands Green Belt.

PLANNING HISTORY

W/20/0594: Full application for the erection of agricultural building – Granted 24.07.2020

W/19/1373: Prior Approval under Part 3, Class Q(a) and (b) for the change of use of existing agricultural building to 3no. dwellinghouses including all ancillary works – Granted 07.10.2019

W/19/0411: Application for Lawful Development Certificate to convert agricultural building to 3 No. dwellings as proposed under application W/18/2177 – Refused 26.04.2019

W/18/2177: Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to 3no. Dwelling Houses (Use Class C3) together with associated works to facilitate the conversion – Refused 11.02.2019

RELEVANT POLICIES

- National Planning Policy Framework
- Warwick District Local Plan 2011-2029
- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- PC0 - Prosperous Communities
- H0 - Housing
- H1 - Directing New Housing
- H13 - Replacement Dwellings in the Open Countryside
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice

- TR3 - Parking
- CC1 - Planning for Climate Change Adaptation
- FW3 - Water Conservation
- NE1 - Green Infrastructure
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- Guidance Documents
- Parking Standards (Supplementary Planning Document- June 2018)
- Residential Design Guide (Supplementary Planning Document- May 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)
- Distance Separation (Supplementary Planning Guidance)

SUMMARY OF REPRESENTATIONS

Shrewley Parish Council: Objection - Previous Class Q maintained the character of the building. This application is for a new build on a different site. The NPPF states that new buildings are inappropriate development in the Green Belt which should not be approved except under very special circumstances. As there are no very special circumstances, this application should be refused.

Comments on Revised Scheme: Under the original prior approval under Class Q for a change of use of the existing agricultural building, we would have 3 affordable dwellings which could serve as homes for 3 families with design appropriate for the agricultural building they would replace. The new replacement building is for one large dwelling with an attached lodge/annex with no obvious design link to the original agricultural barn.

WDC Environmental Health: No objection, subject to Low Emission Strategy condition.

WDC Arboricultural Officer: Original scheme showed loss of trees. Recommend Arboricultural Method Statement secured by condition.

WCC Landscape: Object to loss of trees for new access and retention of concrete base of existing building.

WCC Ecology: Recommend Preliminary Ecological Appraisal. Works affecting trees needs to be assessed.

WDC Waste Management: No objection.

ASSESSMENT

Principle of Development

Policy H13 of the Local Plan allows for the replacement of a dwelling in the open countryside where the replacement dwelling is not materially larger than the existing dwelling and has no greater impact on the character and openness of the rural area.

The extant permission allows the conversion of the existing barn to create three dwellings and this fallback position is attributed significant weight. The current proposal is for a replacement building to provide two attached dwellings in lieu of the approved conversion scheme for 3 units.

Subject to an assessment of the site-specific matters, the provision of two dwellings in lieu of the extant 3 dwelling permission is therefore considered acceptable in principle having regard to Policy H13.

Whether the proposal constitutes appropriate development in the Green Belt

As the application 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 states that a replacement building within the same use is appropriate where it is not materially larger than the one it replaces.

The proposed dwellings are on a reduced footprint compared to the existing building they replace and whilst the overall floorspace is larger due to the two-storey nature of the proposed buildings, the overall volume of the buildings is lower than the building they are proposed to replace.

In overall dimensions of footprint and volume, the buildings are comparable. I am satisfied that the proposed dwellings would have no material impact on the visual or spatial dimensions of openness of the Green Belt compared to the existing barn with its extant permission for the dwellings.

Notwithstanding the above, the site will also benefit from the clearance of the existing hardstanding areas and the restoration of the land to grassland and planting. This will result in a significant visual enhancement of the site which will enhance the rural character of the site.

The proposal is therefore considered appropriate development within the Green Belt.

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 and 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 requires 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 principles 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 proposed dwellings are to be located to the rear of the site which benefits from significant natural screening from mature hedgerows and tree planting which affords high levels of screening from the public domain.

Notwithstanding this lack of visibility, the dwelling has been designed to be of a contemporary design which reflects the characteristics and form of a rural building whilst providing a high level of design quality to create bespoke dwellings that respect the rural setting. The use of a combination of high-quality materials that are akin to those used on agricultural buildings will ensure that the dwellings provide a high-quality addition to the rural setting of the site that respects the site's character and previous use of the site.

The dwellings will benefit from a modest curtilage to reflect the modest curtilage as imposed by the restrictions on the Class Q conversion scheme. In addition, as is a requirement of the Class Q regulations, the removal of Permitted Development Rights is also proposed to be secured by condition. This will ensure that the residential use of the site is limited to prevent a sprawl of domestic paraphernalia in the open countryside and Green Belt.

As part of the scheme, the remaining site area is to be returned to meadowland and planting with wildflowers. Existing hedgerows are to be infilled where gaps exist, and the site will be restored to its former open, rural character.

Overall, I am satisfied that the development will have a significantly positive impact on the character and amenity of the local area and open countryside. The scheme is therefore considered acceptable having regard to Policy BE1 of the Local Plan

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.

There are no nearby neighbours that would be affected by the development.

I therefore consider that the proposal is acceptable having regard to Policy BE3.

Amenity of future occupiers

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

All habitable rooms have adequate space and are all served by windows affording high levels of outlook and light to the rooms.

The proposal is for two dwellings and the design has been carefully considered to prevent any direct overlooking or facing windows.

I therefore consider that the proposal is acceptable having regard to Policy BE3.

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 proposal benefits from a good quality access that allows two vehicles to pass without being required to stop in the public highway. Visibility at the access is well in excess of the requirements for a 50mph road.

Within the site, there is sufficient space to allow vehicles to enter, park, manoeuvre and leave in a forward gear.

I therefore consider that the proposal is acceptable having regard to Policy TR1 and TR3.

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 recommended a preliminary ecological appraisal of the site be submitted to assess the impact on protected species. Since this point, the scheme has been revised to locate the dwelling in a location on the existing site hardstanding area where there is no impact on ecological features. In addition, the site is now set well away from all existing trees and hedgerows on the site and there is no loss of ecological features on the site as a result of the development.

The overall site area will be significantly improved with grassland planting compared to the large areas of hardstanding currently located within the site. Officers are therefore satisfied that the development will result in a biodiversity gain across the site.

The existing building to be demolished is a modern, portal frame steel building with limited potential for protected species. I am satisfied that a condition requiring an inspection of the building prior to demolition by a suitably qualified ecologist is adequate in this case.

Removal of vegetation is kept to a minimum and all existing trees/hedgerows to be retained. It is appropriate to protect all the trees and hedgerows on the site through the use of suitable tree protection measures. This can be secured by condition.

The proposals for habitat enhancements for the site should result in a biodiversity gain and of benefit for a range of species if implemented successfully. Further details can be provided in a Landscape and Ecological Management Plan which can form a condition to any approval granted.

I therefore consider that subject to the imposition of the requested conditions and notes, the proposal is acceptable having regard to Policy NE3.

Waste Storage

The site contains adequate space for the storage of bins. The bins will be presented to the roadside for collection as part of the standard waste collection service operated by the Council.

Adapting to Climate Change/Air Quality Mitigation

Policy CC1 seeks all new development to be resilient to and adapt to the future impacts of climate change through the inclusion of measures to mitigate against rising temperatures and increased flood risk through sustainable construction measures and the incorporation of sustainable drainage methods.

The significant benefit of providing new dwellings on the site compared to converting the modern, steel framed barn is that the development would result in significantly improved dwellings in terms of sustainable construction methods. To secure the most sustainable form of construction, a condition is proposed to secure a suite of sustainable construction and sustainable energy measures to be secured for the proposed dwellings.

Officers therefore consider that the proposal accords with Policy CC1.

As the proposal relates to a new dwelling, the standard Low Emission Strategy condition is also proposed to ensure compliance with Policy NE5 and the Air Quality SPD.

Compliance with Policy FW3 in terms of water efficiency is to be secured by condition.

Conclusion

The proposal relates to the demolition of a barn with an extant residential consent for three dwellings and the erection of a single building consisting of two attached dwellinghouses of a similar size and scale to the existing building. In addition, the remaining site is to be turned into a wildflower meadow/grassland areas.

The proposed dwellings are considered acceptable in principle and is considered to be appropriate development within the Green Belt. Site specific matters can be controlled by condition, and I therefore consider the scheme is acceptable.

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) 044(08)01 Rev X, 044(08)02 Rev X, 044(08)04 Rev X, 044(08)06 Rev X and 044(08)07 Rev X and specification contained therein, submitted on 11 November 2021. **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 ground clearance works) shall not commence until a Protected Species Method Statement for bats, reptiles, amphibians and nesting birds (to include timing of works, supervision of vegetation clearance and reasonable avoidance measures) has been submitted to and approved in writing by the Local Planning Authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks, with appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. Such approved measures shall thereafter be implemented in full. **REASON:** To ensure that protected species are not harmed by the development.
- 4 The development hereby permitted shall not commence until a detailed Landscape and Ecological Management Plan has been submitted to and approved in writing by the Local 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, wildflower grassland creation, woodland and hedgerow creation/enhancement, and provision of habitat for protected and notable species (including location, number and type of bat and bird boxes, location of log piles). Such approved measures shall thereafter be implemented in full. **REASON:** To ensure a net biodiversity gain in accordance with NPPF.
- 5 Notwithstanding details contained within the approved documents, prior to commencement of development other than site clearance, preparation works, or demolition works, a Sustainability Statement including a programme of delivery of all proposed measures shall be submitted to and approved in writing by the Local Planning Authority. The document shall include.

 - a) How the development will reduce carbon emissions and utilise renewable energy;
 - b) Measures to reduce the need for energy through energy efficiency methods using layout, building orientation, construction techniques and

materials and natural ventilation methods to mitigate against rising temperatures.

c) Details of the building envelope (including U/R values and air tightness).

d) How the proposed materials respond in terms of embodied carbon.

e) How the development optimises the use of multi-functional green infrastructure (including water features, green roofs and planting) for urban cooling, local flood risk management and to provide access to outdoor space for shading,

No dwelling shall be first occupied until the works within the approved scheme have been completed 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 in accordance with Policies CC1 and CC3 of the Warwick District Local Plan (2011-2029) and National Design Guidance (2019).

6 No development other than site preparation, site clearance or works of demolition shall commence unless and until details of surface and foul water drainage works have been submitted to and approved in writing by the local planning authority. The development shall be carried out in strict 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 Policies BE1 and FW2 of the Warwick District Local Plan 2011-2029.

7 The dwellings hereby permitted shall not be occupied unless and until the existing agricultural building has been demolished and the concrete base removed. Thereafter the area shall be planted in accordance with the approved plans within the first planting season following the first occupation of the dwelling. **Reason:** To define the terms of the planning permission and in the interest of visual amenity and openness of the Green Belt in accordance with Policies BE1 and DS18 of the Warwick District Local Plan 2011-2029.

8 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 put in place to include the erection of stout protective fencing in accordance with British Standard BS5837:2012, Trees in Relation to design, demolition and construction. Nothing shall be stored or placed in those areas fenced in accordance with this condition and nor shall the ground levels be altered, or any excavation take place without the prior consent in writing of the LPA. 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:** 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.

9 No development shall be carried out above slab level unless and until samples of the external facing materials to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall only 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.

10 No development above slab level shall commence unless and until a hard and soft landscaping scheme has been submitted to and approved in writing by the local planning authority. Details of hard landscaping works shall include all boundary treatments, including full details of the proposed boundary fencing; 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. Details of soft landscaping shall include details of all new tree species; details of the species to be used for gapping up the hedgerow; details of wildflower mix; and details of the proposed planting for the garden area of the dwelling.

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.

11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the curtilage of the dwellinghouses hereby permitted without first seeking permission from the Local Planning Authority. **REASON:** The dwellings are justified as a replacement for the extant permission on the site for the proposed barn conversion which is subject to restrictions on future development. It is considered appropriate to restrict Permitted Development Rights to ensure that the proposal remains proportionate to the barn it replaces in the interests of visual amenity and openness of the Green Belt having regard to Policies BE1, BE3 and DS18 of the Warwick District Local Plan 2011-2029.

- 12 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.
- 13 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.
- 14 The development hereby permitted shall not be occupied unless and until the car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times. **REASON:** To ensure that a satisfactory provision of off-street car parking and turning facilities are maintained at all times in the interests of the free flow of traffic and highway safety in accordance with Policies TR1 and TR3 of the Warwick District Local Plan 2011-2029.
- 15 The development hereby permitted shall not be occupied unless and until the external refuse storage areas for the development have been constructed or laid out and made available for use by the occupants of the development and thereafter those areas shall be kept free of obstruction and be available at all times for the storage of refuse associated with the development. **REASON:** To ensure the satisfactory provision of refuse storage facilities in the interests of amenity and the satisfactory development of the site in accordance with Policy BE1 of the Warwick District Local Plan 2011-2029.
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