

9 DCNW2008/0293/F - CONVERSION OF AND ALTERATIONS TO PERIOD STABLES TO CREATE THREE RESIDENTIAL DWELLINGS AT RHIWLAS FARM, TITLEY COURT ESTATE, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RL.

**For: The James Forbes Trust per Mr J Spreckley
Brinsop House, Brinsop, Hereford, HR4 7AS.**

Date Received: 1 February 2008

**Ward: Pembridge &
Lyonshall with Titley**

Grid Ref: 32959, 59695

Expiry Date: 28 March 2008

Local Member: Councillor RJ Phillips

1. Site Description and Proposal

- 1.1 The application site comprises a complex of two barns and dwellings sited in a roadside location to the west of the B4355 within the hamlet of Titley. The group comprises one restored barn, used for agricultural storage purposes, a former farmhouse that has previously been converted into 3 units and a third barn, which is the subject of this application. This barn is constructed of stone a stone, the rear wall of which forms the boundary with Half Barrel Cottage. The barn is not listed nor does it lie within the Conservation Area.
- 1.2 The proposal is for the conversion of this barn into three, two bed units within the two storey section, and three parking spaces within the single storey section to the south. The proposal also includes some revisions to the existing access that is sited on close to the junction with Eywood Lane and the B4355.
- 1.3 The application has been accompanied by a marketing report, structural survey and ecology report (bat survey and mitigation report).

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy S1	Sustainable development
Policy S2	Development requirements
Policy S7	Natural and historic heritage
Policy DR1	Design
Policy DR2	Land use and activity
Policy DR3	Movement
Policy DR4	Environment
Policy HBA4	Setting of listed building
Policy HBA12	Re-use of rural buildings
Policy HBA13	Re-use of rural buildings for residential purposes
Policy NC1	Biodiversity and development
Policy NC5	European and nationally protected species

Policy NC8 Habitat creation, restoration and enhancement

Supplementary Planning Guidance – The Re-use and Adaptation of Rural Buildings (2004)

3. Planning History

3.1 NW2007/0886/F - Conversion of existing outbuildings/stables into three dwellings and car parking - refused 17 May 2007 for the following reasons:

1. *The design and detailing of the proposal fails to respect the features that contribute to its historical and architectural interest as a rural building. As such the proposal fails to comply with policy HBA13 of the UDP (2007) and the guidance contained within the Councils Supplementary Planning Guidance - The adaptation and re-use of rural buildings.*
2. *The application fails to provide a Marketing Report to demonstrate that every reasonable attempt has been made to secure an alternative use contrary to Policy HBA13 of the UDP (2007) and guidance contained within the Adopted Supplementary Planning Guidance - The adaptation and re-use of rural buildings.*
3. *The application fails to provide a structural survey demonstrating the building is of permanent and substantial construction capable of conversion without major or complete reconstruction. As such is contrary to policy HBA12 of the UDP (2007) and guidance contained within the Adopted Supplementary Planning Guidance - The adaptation and re-use of rural buildings.*
4. *The access to the site has substandard visibility and awkward relationship with the adjacent land and highway. As such the potential intensified use of the access would be to the detriment of highway safety and as such fails to comply with policy DR3 of the Unitary Development Plan (2007).*
5. *The proposed development would cause the loss of privacy and amenity to the occupiers of the adjoining dwelling. As such the proposal fails to comply with policy DR1 of the Unitary Development Plan (2007).*

NW2000/0325/F - Division of house into two dwellings - 31st March 2000 (amendment agreed to change this to three dwelling 24th May 2000).

4. Consultation Summary

Statutory Consultations

4.1 Welsh Water recommend conditions relation to the separation of foul and surface water drainage and its discharge to the public sewerage system.

Internal Council Advice

4.2 The Transportation Manager recommends the following conditions: H13 and informatives. He also notes that the agent has had pre-application discussions with the Area Engineer regarding the alterations to the access.

4.3 The Conservation Manager (Ecology) makes the following comments:

I visited the site last week and have received the ecological report by Ecology Services (August 2006). I note the presence of individual pipistrelle and brown long-eared bats as well as evidence of nesting birds and a barn owl (not nesting).

My recommendation is for approval of this application, subject to the inclusion of condition 17 of this recommendation.

4.4 The Conservation Manager (Historic Buildings Conservation Officer) has made the following comments:

The building is characterised by strong design elements, notably the stone plinth and the large openings above. The type is relatively uncommon and of definite interest.

Comments:

“I cannot recommend this scheme. There is insufficient detail of prominent and fundamental elements, for example of the proposed glazed screen. In addition the scheme makes too little of the roof trusses and provides no impressive interior volume. I remain of the view, as previously advised, that the accommodation should be inverted.

The treatment of rear openings is ambiguous. As noted above, large panes of plain glazing would not be appropriate.

Recommendation:

“I recommend that amendments be made in accordance with my earlier advice. Just to clarify my advice:

- My comments in relation to the rear windows refer to the size of the proposed panes of glass, not the size of the openings. Some hefty joinery, in effect forming smaller lancets, would help to reduce the scale of the openings.
- The justification for conversion is the interest of the building. The intense subdivision of the upper storey is counter to the interest of the designed open loft and its roof trusses.
- The glazed screen is a crucial detail. In agreeing to the conversion we need to be convinced that this will work and have a satisfactory appearance.”

Following this advice, joinery details were received from the agent.

5. Representations

5.1 Titley Parish Council make the following comments:

The PC are minded to recommend approval. Consultation within the community has been lengthy and widespread. The only objector has been asked to write directly to the Planning Committee.

One letter of objection has been received from Jonanna Whitlock, Half Barrel Cottage, Titley. This letter can be summarised as follows:

- a. Overdevelopment of the site:
 - Much has been developed in the last few years at this end of the village including 8 units at Balance farm.
- b. Site Access:
 - Although some changes proposed safety will still be compromised visibility is obscured by the hedge at Balance Farm.
 - You need to be quite far out into Eywood lane before you can see to the left
 - Are three car parking spaces adequate?
- c. Marketing report:
 - Find it hard to see that every reasonable effort has been made to secure alternative uses for these stables.
 - They are not redundant and are currently used for storage.
 - If they were repaired and converted to workshops then there would have been interest and employment generation.
- d. South West Elevation:
 - All the windows in this elevation look directly over my garden and into the bathroom and two bedrooms of my home and the proposed new sun room
 - Although the windows are to be obscure galzed and fixed shut, the feeling of being contuniually overlooked will still be there. They will be modern and out of place.
 - There is no need for the windows on the SW elevation as there is sufficient light, ventilation and means of escape provided by other windows at ground level, especially at the expense of my privacy and peacefulness.
- e. Soakaways:
 - Stormwater cannot be discharged onto the land.
- f. Noise:
 - The kitchens and bathrooms are at the South West side - where will extraction units etc go?

The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The main issues for consideration in the appraisal of this application are:

- The principle of development
- Design
- Highway Safety
- Neighbour amenity
- Ecology

- 6.2 The application submission includes a comprehensive marketing report provided by Balfours. It advises that the buildings have been marketed since May 2005 and more extensively recently being regularly advertised in the local press including the Hereford Times. Very little interest was shown in the use of the buildings for a commercial purpose. In the light of this it is considered that the applicant has fulfilled the administrative requirements of Supplementary Planning Guidance on the residential conversion of buildings.
- 6.3 The structural condition of the building has been submitted in the form of a structural survey. This is a detailed report which is summarised as follows:
- 'The barn is suitable for conversion with a small amount of timber replacement to the front elevation, and one pier needing rebuilding.'
- 6.4 As such it is considered that the conversion scheme can be undertaken without major intervention or rebuilding, therefore satisfying the criteria of the local plan policies and Supplementary Planning Guidance.
- 6.5 The building, as described above, is in a good state repair and is well maintained. The proposed conversion, although requiring the alterations of some of the openings does present a scheme which respects the character and appearance of each of the barns. The use of glazing at first floor, set back to express the distinct character of the barn is also welcomed. The Council's Conservation Officer has expressed a desire for the barn to be inverted to make better use of the height of the building but it is your officers opinion that as the building is not listed or in a Conservation Area, then refusing the application on these grounds would be unreasonable and difficult to defend. This scheme is an improvement on that previously refused and has embraced the simplicity and linear forms of the buildings, utilising existing openings and materials. On the basis if the above the application is considered to comply with policies S1, DR1 and HBA13 of the Herefordshire Unitary Development Plan (2007).
- 6.6 It is recognised locally that the B4355, although within a 40mph zone, is a fast road. The access from this site is awkward. To address the concerns raised by the previous refusal, the applicant entered into discussion with the Highway Officer and agreed a scheme by which a cobbled area would be laid to the east of the entrance to ensure that vehicles turning into Eywood Lane, across the site access, would take a wider turn at a slower pace. This has addressed the concerns relating to this application and subject a appropriate conditions ensuring that this work is undertaken prior to occupation of the dwellings, this matter has now been satisfactorily addressed and complies with policy DR3 of the Herefordshire Unitary Development Plan (2007).
- 6.7 Another area of concern is the re-opening of windows (or openings) in the South West Elevation. At present there are 6 boarded up openings at ground floor level these face directly onto the garden and dwelling known as Half Barrel Cottage. The proposal is to reopen these existing openings although these would be fixed shut and obscure glazed. Having taken advice it is understood that fire restrictions under part B of the Building Regulations restrict the amount of glazing that can be used on a wall that forms a boundary and as such it is unlikely that the amount of glazing will need to be reduced to comply. A condition requiring details of the treatments of each opening is suggested. These agreed treatments, be it blocked up or obscure glazed and fixed shut, should be retained in perpetuity. ON the basis that the openings would be obscured and fixed shut in one manner or another it is not

considered that it would be possible to sustain an objection on these grounds and the proposal is considered to comply with policy DR1 of the Herefordshire Unitary Development Plan (2007).

- 6.8 An ecology report has been submitted that identified the presence of bats and nesting birds and a barn owl. The report makes recommendations which can be controlled by the imposition of the appropriate conditions outlined in section 4 above.
- 6.9 Having regard to the above, the proposed conversion of this barn into three units has met the tests of the relevant policies and is considered to comply with the policies of the Herefordshire Unitary Development Plan (2007). As such the application is recommended for approval subject to the relevant conditions.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. B01 (Development in accordance with the approved plans)**

Reason. To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy DR1 of Herefordshire Unitary Development Plan.

- 3. C01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan.

- 4. D04 (Details of window sections, eaves, verges and barge boards)**

Reason: To ensure that the work is carried out in accordance with details that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

- 5. D05 (Details of external joinery finishes)**

Reason: To ensure that the work is finished with materials, textures and colours that are appropriate to the safeguarding of the architectural or historic interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

- 6. D11 (Repairs to match existing)**

Reason: To ensure that all of the works arising from the approved scheme are of an appropriate form in the interest of the building (as one which is in a conservation area, or of local interest) and to comply with the requirements of Policy HBA12 and HBA13 of Herefordshire Unitary Development Plan.

7. D12 (Repairs in situ)

Reason: To ensure that the integrity of the building as one which is listed, in a conservation area, or of local interest is preserved to ensure compliance with Policy [HBA1][HBA3][HBA12][HBA13] of Herefordshire Unitary Development Plan.

8. G10 (Landscaping scheme)

Reason: In order to maintain the visual amenities of the area and to conform with Policy LA6 of Herefordshire Unitary Development Plan.

9. G11 (Landscaping scheme - implementation)

Reason: In order to maintain the visual amenities of the area and to comply with Policy LA6 of Herefordshire Unitary Development Plan.

10. H13 (Access, turning area and parking)

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

11. F14 (Removal of permitted development rights)

Reason: For barn conversions - To ensure the character of the original conversion scheme is maintained and to comply with Policy HBA12 of Herefordshire Unitary Development Plan.

12. I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

13. L01 (Foul/surface water drainage)

Reason: To protect the integrity of the public sewerage system and to comply with Policy CF2 of Herefordshire Unitary Development Plan.

14. L02 (No surface water to connect to public system)

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

15. L03 (No drainage run-off to public system)

Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment so as to comply with Policy CF2 of Herefordshire Unitary Development Plan.

16. Prior to the commencement of development details of the openings to the South West Elevation shall be submitted to and approved in writing by the local planning authority. These details shall include obscure glazing and non-openable windows, works shall be carried out in accordance with the approved plans and shall be retained in accordance with the agreed scheme and shall be retained in perpetuity.

Reason: In order to protect the residential amenity of adjacent properties and to comply with policy DR1 of the Herefordshire Unitary Development Plan (2007).

17. The proposals set out in part 6. Mitigation Strategy section of the ecologist's report should be followed in relation to bats. The need for an EPS license should be assessed prior to development works.

Details of construction, siting and erection of nest boxes for nesting birds and barn owls should be discussed with the consultant ecologist and planned as per the recommendations to provide nearby alternative nest sites. A work programme should be devised for the site to ensure that the birds are not disturbed during nesting from March to September.

Timing of the development and the post-development site safeguards should be adhered to. A monitoring programme for bats and birds should be submitted to Herefordshire Council for implementation after completion of the development works.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies NC1, NC5, NC6 and NC7 within the UDP.

To comply with Herefordshire Council's Policy NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation.

To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats) Regulations 1994 and policies NC1, NC5, NC6 and NC7 within the UDP.

To conserve and enhance protected habitat and to maintain the foraging area for protected species in compliance with UDP Policies NC6, NC7, NC8 & NC9, and PPS9.

INFORMATIVES:

1. **N15 - Reason(s) for the Grant of Planning Permission**
2. **N19 - Avoidance of doubt - Approved Plans**

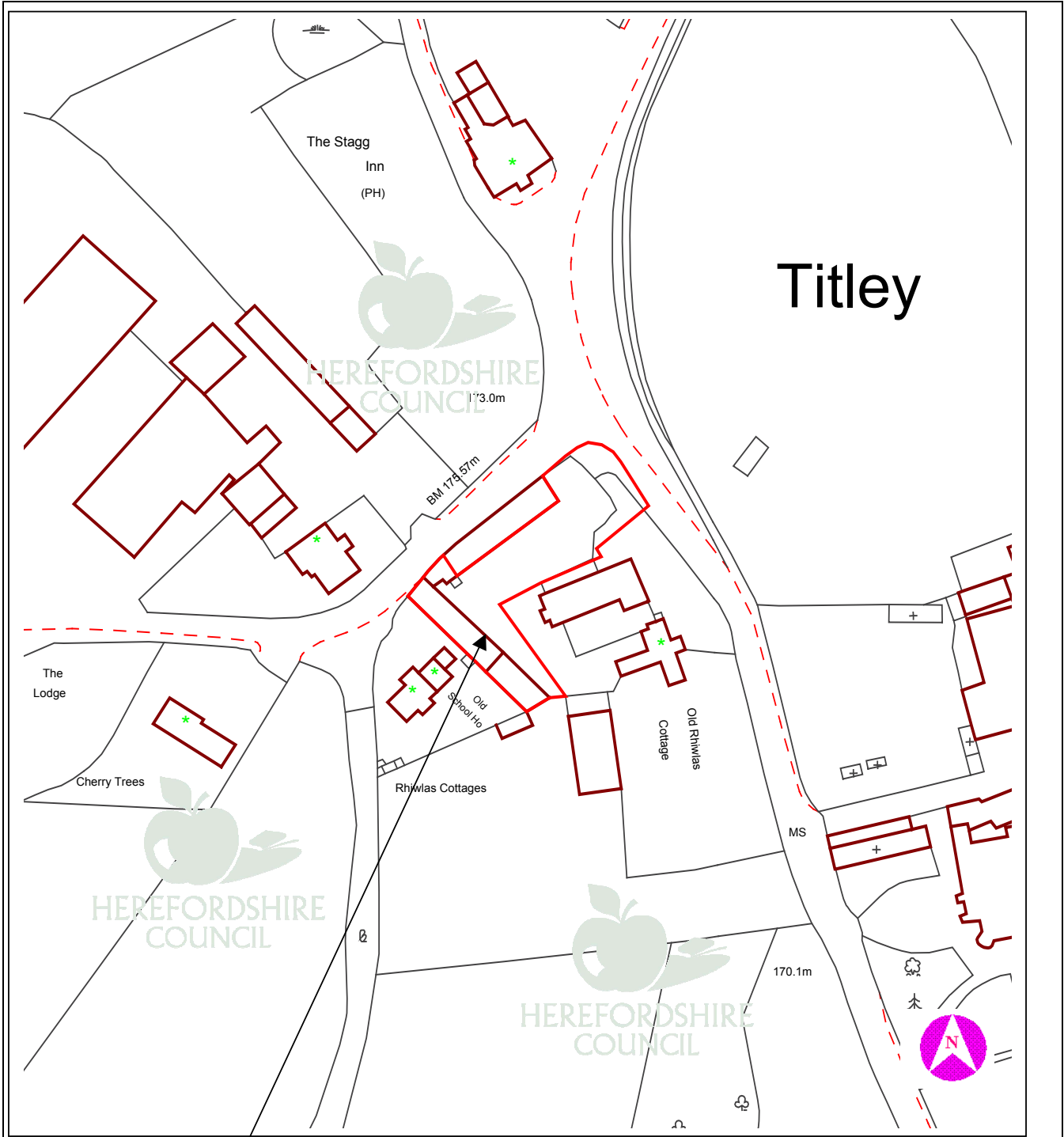
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNW2008/0293/F

SCALE : 1 : 1250

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