

**13A DCCW2008/1667/F - DEMOLISH EXISTING BARN  
AND ERECT 2 NO. NEW BARN STYLE DWELLINGS,  
TALBOTS FARM, SUTTON ST. NICHOLAS,  
HEREFORDSHIRE, HR1 3BB**

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TALBOTS FARM, SUTTON ST. NICHOLAS,  
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**For: Mr. J. Stanley per G.C. Smith, Build Plans Inc.,  
3 Summer Hollow, Broadmore Green, Rushwick,  
Worcester, WR2 5TE**

**Date Received: 25 June 2008**

**Ward: Sutton Walls**

**Grid Ref: 53485, 45146**

**Expiry Date: 20 August 2008**

Local Member: Councillor KS Guthrie

#### **1. Site Description and Proposal**

- 1.1 The application site comprises two dilapidated timber barns and a yard area, served by a vehicular access adjacent to the south-east side of Talbots Farm, a large two storey farmhouse also in the applicant's ownership. The farmhouse was recently the subject of a planning permission for conversion into two dwellings (DCCW2007/2490/F).
- 1.2 The site is within the Sutton St. Nicholas village settlement and Conservation Area. On the opposite side of the lane is open countryside. Other residential properties are located to the east and west along the north side of the lane.
- 1.3 The existing barns are contiguous and have an 'L' shaped footprint with one fronting The Rhea, a narrow rural lane and the other extending rearwards along the south-east boundary of the site, half of which is connected to the garden of Lower House, a detached dwelling and half to a field.
- 1.4 It is proposed to demolish the barns and erect two detached barn style two-storey dwellings occupying a not too dissimilar footprint. The front dwelling would have weatherboard clad walls on a stone plinth, pantile covered pitched roof with chimney and assymetrical fenestration. The rear dwelling, detached and sited at 90 degrees to the front one would contain two elements. The main one having stone walls with pantile roof and dormer windows. The secondary one, comprising a garage with bedroom over, would have weatherboard clad walls, pantile roof and small dormer windows, overall height would be similar to the existing barn.
- 1.5 It is proposed to use the existing vehicle access off The Rhea to serve a small parking courtyard contained by the farmhouse on a higher level on one side and the proposed dwellings on the other sides.

**2. Policies**

Policy S1	-	Sustainable Development
Policy S2	-	Development Requirements
Policy S3	-	Housing
Policy DR1	-	Design
Policy DR3	-	Movement
Policy H4	-	Main Villages: Settlement Boundaries
Policy H13	-	Sustainable Residential Design
Policy H14	-	Re-using Previously Developed Land and Buildings
Policy H16	-	Car Parking
Policy NC1	-	Biodiversity and Development
Policy NC8	-	Habitat Creation, Restoration and Enhancement
Policy HBA6	-	New Development within Conservation Areas
Policy HBA7	-	Demolition of Unlisted Buildings within Conservation Areas

**3. Planning History**

3.1	SH891697PF	Conversion of existing disused buildings to one dwelling with double garage	-	Permitted 15.11.89
	DCCW2007/2490/F	Erect rear extension and porches and convert existing building to 2 dwellings	-	Permitted 26.09.07 (note: this application was in respect of 'Talbots Farm, the adjacent farmhouse)
	DCCW2008/0479/F	Demolish existing derelict barns and erect 2 new dwellings	-	Withdrawn 07.04.08

**4. Consultation Summary**Statutory Consultations

4.1 Welsh Water: As the applicant intends utilising private drainage facilities, no comment.

Internal Council Advice

4.2 Traffic Manager: Recommends conditions requiring construction details of access, turning area and parking.

4.3 Conservation Manager (Conservation Areas): No objection.

4.4 Conservation Manager (Ecology): No objection subject to conditions.

**5. Representations**

5.1 Sutton St. Nicholas Parish Council supports this application.

5.2 Objection received in respect of application DCCW2008/1669/C as follows:

“Although these appear to be unlisted buildings their demolition may mean a loss of significant structures. I do feel that the case for demolition has not been made in application. Conversion may be a more appropriate route to take.”

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

## **6. Officer's Appraisal**

- 6.1 The site is located within the Sutton St. Nicholas settlement boundaries, so having regard to Policies H4 and H14 it is considered in principle that residential development on this site is acceptable.
- 6.2 The proposal involves demolition of two unlisted barns within a Conservation Area. The Conservation Manager refers to the draft Conservation Area Appraisal which states that the barn is in a poor condition. Furthermore, the Conservation Manager comments that the barns are in a poor state of repair and their present appearance detracts from the appearance of this part of the Conservation Area.
- 6.3 The site layout closely resembles the existing footprint of the barns. In terms of scale, massing, detailed design, quality materials and character it is considered that the architectural approach retains the essential character of the farmyard grouping and views described in the Conservation Area Appraisal. Furthermore, the Conservation Manager considers that the proposals should enhance the appearance of this part of the Conservation Area by retaining the scale and massing of the existing buildings while enabling the removal of a derelict structure and improving the currently unkempt surroundings.
- 6.4 Subject to appropriate condition to exercise careful control over the selection and use of facing materials, landscaping and courtyard treatment, it is considered that the demolition of the barns is justifiable in the context of the proposed replacement development which will enhance the character of the Conservation Area.
- 6.5 An ecological survey accompanied the planning application and has been fully assessed by the Council's Ecologist. The presence of common and soprano pipestrelle bats have been noted foraging on site but none were found to be roosting in the buildings. Therefore subject to related conditions no objections are raised on this topic.
- 6.6 The relationship of the proposed development to neighbouring residential properties in particular 'The Talbots' to the north-west and Lower House to the south-east, has been considered. The building to building distance between the front of the proposed rearward extending dwelling and the front of The Talbots, also owned by the applicant, is tighter than normal. However allowing for the height differential between the dwellings, a proposed fence on top of the intervening garden wall it is considered that the proposal will not have an unacceptable impact on the amenity of future occupiers of The Talbots. With regard to the relationship to Lower House, the height of the gable end to the front dwelling will be about 700mm higher than the existing barn but the height of the garage element to the rear building will be about 1.00m lower than the existing barn adjacent to the boundary. In addition, other than two small rooflights there would be no windows in the rear elevation along the garden boundary of Lower House. The remainder of this elevation would face the adjoining field and would

contain a dormer window to a w.c. and two rooflights and secondary windows to a living room, kitchen and w.c. on the ground floor.

- 6.7 In the circumstances it is considered that the proposal will not have undue impact on the residential amenity on neighbouring occupiers. However, it would be expedient to include conditions restricting permitted development rights and the introduction of further windows.
- 6.8 As far as a vehicle access and car parking are concerned, it is considered as recommended by the Traffic Manager that the proposed arrangements are acceptable subject to related conditions.
- 6.9 This application is a relevant development for requesting a Section 106 Planning Obligation to secure appropriate financial contributions on the basis of the Supplementary Planning Guidance. A copy of the draft Heads of Terms, which has been sent to the applicant, is annexed to this report. The applicant's response will be reported orally to Committee Members.
- 6.10 In conclusion, having regard to the above mentioned policies and material considerations it is recommended that the planning application is permitted subject to appropriate conditions and the completion of a Section 106 agreement.
- 6.11 With regard to the application for Conservation Area Consent, specifically for the demolition of the barns, the Conservation Manager is clearly satisfied that the dilapidated barns do not make a positive contribution to the character of the Conservation Area, the proposal is accompanied by an acceptable redevelopment proposal and the barns are in a poor state of repair and do not merit repair and retention. In the circumstances, taking into account Policy HBA7 it is recommended that consent is granted subject to appropriate conditions.
- 6.12 In arriving at the recommendation in respect of application reference no. DCCW2008/1669/C the grounds of objection were taken into account. However, in this instance it is considered that the Conservation Manager's advice in respect of both proposals is to be supported.

## RECOMMENDATION

- That:**
- 1) The Legal Practice Manager be authorised to complete a planning obligation under Section 106 of the Town and Country Planning Act 1990 in accordance with the Heads of Terms appended to this report and any additional matters and terms that he considers appropriate.**
  - 2) Upon completion of the aforementioned planning obligation, officers named in the Scheme of Delegation to Officers be authorised to issue planning permission and conservation area consent subject to the following conditions and any further conditions considered necessary by officers:**

**In respect of DCCW2008/1667/F:**

- 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. 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**

**3. C06 (Stonework laid on natural bed).**

**Reason: In the interests of conserving the character of the building 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 character of the Conservation Area within which the site is located and to comply with the requirements of Policy HBA6 of Herefordshire Unitary Development Plan**

**5. C10 (Details of external finishes and cladding (industrial buildings)).**

**Reason: To secure properly planned development and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan**

**6. F14 (Removal of permitted development rights).**

**Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with Policy H13 of Herefordshire Unitary Development Plan.**

**7. F16 (No new windows in all elevations).**

**Reason: In order to protect the residential amenity of adjacent properties and to comply with Policy H18 of Herefordshire Unitary Development Plan.**

**8. G09 (Details of Boundary treatments).**

**Reason: In the interests of visual amenity, to ensure the development has an acceptable standard of privacy and to conform to Policy DR1 of Herefordshire Unitary Development Plan.**

**9. 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.**

**10. 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.**

**11. H06 (Vehicular access construction).**

**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**12. H09 (Driveway gradient).**

**Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.**

**13. 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.**

**14. The recommendations set out in the ecologist's report dated May 2008 shall be followed unless otherwise agreed in writing with the local planning authority. Prior to the commencement of the development, a full working method statement and habitat enhancement scheme for bats and birds shall be submitted to the local planning authority and implemented as approved.**

**An appropriately qualified and experienced ecologist shall be appointed to oversee the ecological mitigation work.**

**Reasons: To ensure all species of bat and their roosts are protected under the Wildlife and Countryside Act 1981, the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) and Policies NC1, NC5, NC6 and NC7 within the Herefordshire Unitary Development Plan.**

**To ensure the law is not breached with regard to nesting birds which are protected under the Wildlife and Countryside Act 1981 (and amendments) and Policies NC1, NC5, NC6 and NC7 within the Herefordshire Unitary Development Plan.**

**To comply with Herefordshire Council's Policies NC8 and NC9 in relation to Nature Conservation and Biodiversity and to meet the requirements of PPS9 Biodiversity and Geological Conservation and the NERC Act 2006.**

**Informative(s):**

- 1. N03 - Adjoining property rights.**
- 2. N11A - Wildlife and Countryside Act 1981 (as amended) – Birds.**
- 3. N11B - Wildlife & Countryside Act 1981 (as amended) and Conservation (Nat. Habitats & C.) Regs 1994 – Bats.**
- 4. N13 - Control of demolition - Building Act 1984.**

- 5. N14 - Party Wall Act 1996.
- 6. N18 - European Protected Species Licence.
- 7. NC01 - Alterations to submitted/approved plans.
- 8. N19 - Avoidance of doubt - Approved Plans.
- 9. N15 - Reason(s) for the Grant of Planning Permission.

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

**In respect of DCCW2008/1669/C:**

- 1. D01 (Time limit for commencement (Listed Building Consent)).

**Informatives:**

- 1. N13 - Control of demolition – Building Act 1984.
- 2. N19 - Avoidance of doubt - Approved Plans.
- 3. N15 - Reason(s) for the Grant of Conservation Area Consent.

Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.

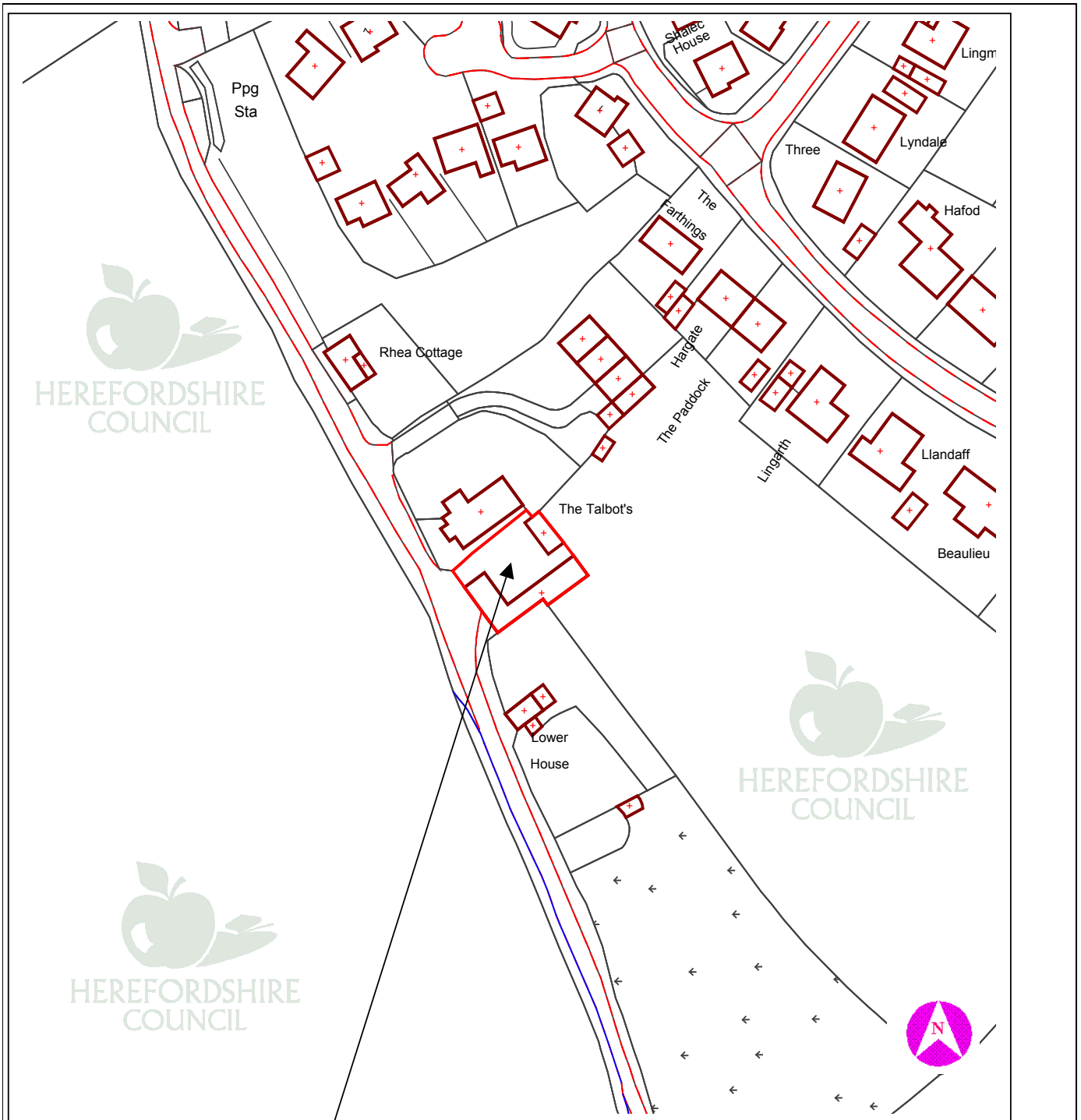
DRAFT HEADS OF TERMS  
PROPOSED PLANNING OBLIGATION AGREEMENT  
Section 106 Town and Country Planning Act 1990

Planning Application – DCCW2008/1667/F

Demolish existing barns and erect 2 no. new barn style dwellings

1. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £5,902 to provide enhanced educational infra-structure and improved service provision at North Hereford City Early Years, Sutton Primary School, Aylestone Business and Enterprise College, Hereford City Youth Service and Special Educational Needs provision within the Local Authority.
2. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £3,932 towards improvements to public and sustainable transport facilities in the area and Park and Ride.
3. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £552 towards improving quality/accessibility of natural and semi-natural green space and recreational rights of way.
4. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £1,168 towards the provision of new or the enhancement of existing key sports or recreational facilities in and around Hereford.
5. The developer covenants with Herefordshire Council to pay Herefordshire Council the sum of £344 towards the provision and enhancement of Library facilities to serve the area.
6. The developer covenants with Herefordshire Council an additional administration charge of 2% of the total contributions detailed in this Heads of Terms to be used towards the cost of monitoring and enforcing the Section 106 Agreement.
7. In the event that Herefordshire Council does not for any reason use the said sum of Clauses 1, 2, 3, 5 and 6 for the purposes specified in the agreement within 10 years of the date of this agreement, and unless otherwise agreed in writing with the Council, the Council shall repay to the developer the said sum or such part thereof, which has not been used by Herefordshire Council.
8. All of the financial contributions shall be Index linked and paid on or before commencement of the development or in accordance with the phasing of the development as agreed in writing with Herefordshire Council.
9. The developer shall pay to the Council on or before the completion of the Agreement, the reasonable legal costs incurred by Herefordshire Council in connection with the preparation and completion of the Agreement.





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**APPLICATION NO:** DCCW2008/1667/F

**SCALE :** 1 : 1250

**SITE ADDRESS :** Talbots Farm, Sutton St. Nicholas, Hereford, Herefordshire, HR1 3BB

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