

8 DCNW2005/0326/F - CONVERSION OF BARNs INTO SEVEN DWELLINGS AT BALANCE FARM, TITLEY, KINGTON, HEREFORDSHIRE, HR5 3RU**For: Mr S Vaughan, David Edwards Associates, Station Approach, Barrs Court, Hereford HR1 1BB****Date Received:**
3rd February 2005**Ward:**
Pembridge &
Lyonshall with Titley**Grid Ref:**
32891, 59729**Expiry Date:**
31st March 2005

Local Member: Councillor R Phillips

1. Site Description and Proposal

- 1.1 The application site comprises a group of three former agricultural buildings that lie within the curtilage of the Grade II listed former farmhouse. Unit A has an open fronted ground floor, is part brick, part stone and slate roof with a stone lean to leading through to a part timber clad building with a slate roof. Unit B likewise is a standalone building constructed of stone plinth, timber boarding above, and a corrugated tin roof. Unit C is the largest of the barns and is predominantly stone built and is linear in a form, with some weatherboarding. These barns are structurally sound and well kept.
- 1.2 Planning permission is sought for the conversion of the barns to 7 units of residential accommodation. Unit 1 would be a three bed unit, also incorporating a large study/office area. Also within Barn A, Unit 2 would provide three bed accommodation. Barn B would be divided into two with Units 3 and 4 providing two-bed accommodation. Units 5 and 6 would provide three bed (plus study/bed) dwellings whilst unit 7 would provide a further three bed dwelling.
- 1.3 Access to the site would be via a new access to the west of the site leading to a car parking area for residents and visitors.
- 1.4 The existing modern farm buildings that lie immediately adjacent to barns would be demolished and removed from the site.
- 1.5 The application is accompanied by a statement of market testing, a structural survey and ecological surveys relating to bats, great crested newts, and barn owls.
- 1.6 The barns are curtilage listed and as such a listed building consent application should have been submitted. This has been requested.

2. Policies**2.1 Herefordshire & Worcester Council Structure Plan**

Policy H16A – Development Criteria

Policy H20 – Residential Development in Open Countryside

Policy CTC3 – Sites of National and International Importance

Policy CTC9 – Development Criteria
Policy CTC11 – Conservation and Expansion of Tree and Woodland Cover
Policy CTC13 – Buildings of Special Architectural or Historic Interest
Policy CTC14 – Criteria for the Conversion of Buildings in Rural Areas

2.2 Leominster District Local Plan (Herefordshire)

Policy A1 – Managing the District's Assets and Resources
Policy A2(D) – Settlement Hierarchy
Policy A5 – Sites Supporting a Statutorily Protected Species
Policy A7 – Replacement of Habitats
Policy A8 – Improvements to or Creation of Habitats
Policy A9 – Safeguarding the Rural Landscape
Policy A10 – Trees and Woodlands
Policy A18 – Listed Buildings and their Settings
Policy A16 – Foul Drainage
Policy A36 – New Employment Generating Uses for Rural Buildings Outside Settlements to Residential Use
Policy A70 – Accommodating Traffic from Development

2.3 Herefordshire Unitary Development Plan (Revised Deposit Draft)

Policy S1 – Criteria for Retail Development
Policy S2 – Development Requirements
Policy S7 – Natural and Historic Heritage
Policy DR1 – Design
Policy DR2 – Land Use and Activity
Policy H7 – Housing in the Countryside Outside Settlements
Policy E11 – Employment in Smaller Settlements and Open Countryside
Policy LA2 – Landscape Character
Policy NC5 – European and Nationally Protected Species
Policy NC8 – Habitat Creation, Restoration and Enhancement
Policy HBA12 – Re-use of Rural Buildings
Policy HBA13 – Re-use of Rural Buildings for Residential Purposes

2.4 Supplementary Planning Guidance

Re-use and Adaptation of Traditional Rural Buildings

3. Planning History

88L 1030 - Barn Conversion to form seven units at Balance Farm, Titley - Approved with Conditions - 19th December 1989.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency has withdrawn their objection as development now being connected to the mains sewerage system.
- 4.2 Welsh Water has no objection subject to conditions.

Internal Council Advice

4.3 Traffic Manager raises no objection subject to the provision of parking and turning for as shown on the approved plan plus two extra parking spaces for visitors.

4.4 The Conservation Manager responded as follows:

Design/Listed Building: raises no specific objection to the detailed design of the conversion subject to conditional control over external materials and joinery.

Ecology: The ecological survey work undertaken is acknowledged and a condition should be included to ensure that works are carried out in accordance with the details/mitigation contained within the survey. Defra licences will be required.

Archaeology: recommend a condition be included due to proximity of medieval village form of Titley.

Landscape: No objection in principle but recommends that the curtilage for barns 5, 6 and 7 be more tightly contained as this area is more visually prominent. Recommends planting.

5. Representations

5.1 Titley and Parish District Group Parish Council raises the following points:

1. Residents generally like the plan, the proposed appearance of the converted buildings, and the increase in the village population.
2. There is, however, concern about more traffic on Eywood Lane, and in particular -
 - The blind corner where the land joins the B4355: turning right towards Kington is a known hazard. Can anything be done about this?
 - The 40 mph de-restriction sign should be moved further up the lane past The Lodge.
 - Will farm traffic share the proposed entrance/exit for residential traffic, and the proposed parking area?
 - If farm traffic is confined to the recently made alternative entrance (exit opposite the Village Hall), will heavy tractors/trailers use School Lane?
3. The plans show a separate sewerage treatment plant for this development alone. The owner said at the meeting that this is "an architect's mistake," and that the intention is to connect to the mains sewerage system which will become operative in the village within a month or so. Could this be confirmed with Welsh Water, please, and the plans altered.

5.2 A total of 6 letters have been received from the following persons:

Craig Mayo, Fairfields, Titley
J Whittock - Half Barrell Cottage, Titley
John Jones and Doe Middleton - The Lodge, Eywood Lane, Titley
Brian Baker, Dingleside, School Lane, Titley
A K Taylor, Swallows Brook, Titley

The concerns raised can be summarised as follows:

- a) Intensified use of highway causing highway safety concerns.
- b) Conflict of use between farm traffic and vehicles.
- c) Danger to pedestrians
- d) Impact of car park - should be landscaped and not flood lit.
- e) Should have an affordable/first time dwellings included.

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

6. Officers Appraisal

6.1 The main issues for consideration is the determination of this application are as follows:-

- a) The principle of residential conversion having regard to the attempt to secure alternative commercial uses for the buildings;
- b) The principle of residential conversion having regard to the structural integrity of the buildings;
- c) The impact of the proposed conversion on the character and appearance of the buildings and the wider impact on the surrounding countryside;
- d) Residential amenity;
- e) Highway safety, and;
- f) Ecological and landscape issues.

6.2 The application submission includes a comprehensive marketing report provided by John Amos and Co. It advises that the buildings have been marketed since July 2003 for a period exceeding 12 months being regularly advertised in the local press including the Hereford Times and Ludlow Journal. 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 building survey and report. This is a detailed report which is summarised as follows:

“The barns date from different period. The extended portion of the barn A is much more recent than the southern parts of barns B and C. The barns however are in good structural condition and the basic structure of them needs very little remedial work in order to facilitate conversion.”

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 complex of building, as described above, is in a good state repair and is well maintained. The proposed conversion, although requiring the insertion of windows in new openings, does present a scheme which respects the character and appearance of each of the barns. This scheme is an improvement on that previously approved in 1989 and has embraced the simplicity and linear forms of the buildings, utilising existing openings and materials. The simple design and configuration of the proposed conversion scheme would not detract from the Grade II listed farmhouse. As such, its setting would be preserved.
- 6.6 The proposed use of the site for residential purposes would not in its own right lead to undue concerns in respect of overlooking or privacy to neighbouring properties.
- 6.7 Access to the site is currently via the farmhouse gate. This will be retained for use by the farmhouse only and not for occupiers of the new dwellings. Local concerns relate mainly to the increase in traffic movements and the impact that this may have on highway safety, including pedestrians. Much of this concern relates to the existing highway access from Eyton Lane onto the main B4355. The Traffic Manager raises no objection and therefore whilst local concerns are acknowledged it is not considered that there would be grounds for the refusal of permission on highway safety grounds.
- 6.8 In response to the identification of the likelihood of bats roosting on the site, mitigation and DEFRA licences will be required. This is outlined in the report submitted. Conditions are recommended to ensure this is complied with. In terms of landscape impact, a landscaping condition has been recommended which will ensure the retention of existing hedgerows where appropriate, and in particular appropriate landscaping for the car parking area.
- 6.9 To conclude, the information provided as part of the application submission satisfies the criteria and requirements of the relevant supplementary planning guidance and local plan policies. The conversion scheme is sympathetic to the character and appearance of the existing building and would preserve the setting of the adjacent listed building. Highway matters have been carefully considered and no objection can be sustained. As such it is considered that the proposals accord with policies and are recommended for approval.

RECOMMENDATION

Subject to the receipt of a Listed Building Consent Application, the officers named in the scheme of delegation to officer authorised to issue planning permission 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 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings.

- 3 - B05 (Alterations made good)**

Reason: To maintain the appearance of the building.

4 - C02 (Approval of details)

Reason: To safeguard the character and appearance of this building of [special] architectural or historical interest.

5 - D03 (Site observation - archaeology)

Reason: To allow the potential archaeological interest of the site to be investigated and recorded.

6 - Notwithstanding the approved plans, the foul drainage shall be connected to the mains sewerage system, in accordance with details submitted to and approved in writing by the local planning authority.

Reason: To ensure a satisfactory drainage arrangement.

7 - Prior to the occupation of the dwellings hereby permitted, the existing agricultural buildings shown on the submitted plan shall be removed from the site and the land reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: For the purposes of clarification in the interest of the amenities of the occupiers of the barn conversion.

9 - G04 (Landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

10 - G05 (Implementation of landscaping scheme (general))

Reason: In order to protect the visual amenities of the area.

11 - 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.

12 - F32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities.

13 - No works or development shall take place until details of a scheme, including architectural drawings for the creation and implementation of bat roosting opportunities has been submitted to and approved by the local planning authority. Works shall be carried out strictly in accordance with this scheme.

Reason: To conserve and enhance protected species and its habitat.

14 - Prior to the commencement of development, details of a scheme for the retention and/or creation of suitable features and habitat for barn owls and nesting birds, shall be submitted to and approved in writing by the Local Planning Authority. Works should be carried out in accordance with the approved plans.

Reason: To conserve and enhance protected species and its habitat.

Informatives

- 1 - N15 – Reasons for the Grant of PP/LBC/CAC
- 2 - All birds, their nests and eggs are protected by law and it is thus an offence to:
 - intentionally kill, injure or take any wild bird
 - intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
 - intentionally take or destroy the egg of any wild bird
 - intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird. The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built, (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist.

- 3 - It is an offence for any person to:
 - Intentionally kill, injure or take a bat. Under the Habitats Regulations it is an offence to deliberately capture or kill a bat.
 - Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
 - Under the Habitats Regulations it is an offence to damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and Conservation Regulations 1994 that works to trees or building where that work involves the disturbance of a bat is an offence if a licence has not been obtained by DEFRA. If a bat is discovered while work is being undertaken, all work must stop and advice sought from English Nature and the Council's Ecologist. You can also call the UK Bat helpline on 0845 133 228.

- 4 - In relation to conditions 12 and 13 this scheme of mitigation should be based on, but expanded from the recommendations within the ecological survey report by Worcestershire Wildlife Consultancy submitted with the application. Further advice can be obtained from the Council's Ecologist.
- 5 - It is drawn on the applicants attentions that a DEFRA licence should be obtained prior to commencement of development. Additional surveys will be required for the preparation of the Method Statement. The Method Statement should be approved by the Local Authority's Ecologist prior to submission to DEFRA and can form part of the mitigation scheme.

- 6. The applicant is reminded of the need to submit an application for listed building consent. This permission shall not be implemented until the necessary listed building consent has been approved in writing by the local planning authority.**

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.