Item: **05**

Reference: **09/00323/FUL**

Applicant: **Mr Arek Kulakowski**

Location: **Broomhills Farm Desford Lane Peckleton Leicester Leicestershire**

Proposal: **REMOVAL OF ONE BARN AND CONVERSION OF EXISTING BARNS INTO TWO DWELLINGS AND GARAGE/STORE.**

Introduction:-

This application seeks full planning permission for the conversion of three redundant brick and tile agricultural barns to 2 x three bedroomed dwellings and a garage/store together with associated parking and landscaping and includes the demolition of a larger barn of metal/cement fibre sheet construction.

The site measures 0.3 hectares, situated in the countryside midway between the villages of Peckleton to the south and Desford to the north in an isolated position surrounded by open fields. The former farm complex consists of a rendered two-storey farmhouse with a residential curtilage to the west and north. In addition, there is a single storey range of brick and tile outbuildings, a larger two-storey brick and tile threshing barn and a very small 1½ storey brick barn with corrugated sheet roof arranged around a courtyard. There is a much larger agricultural building of corrugated metal and cement roof sheet construction to be removed as part of the development. This building is attached to the smallest of the barns by a link of blockwork and cement sheet construction, which, would also be demolished. The complex is screened from the east and partly from the north by a row of 6 metre high conifer trees, the remainder of the northern boundary and the western boundary is defined by a 2 metre high hedge. A post and rail timber fence defines the southern boundary of the site. Access to the complex is from Peckleton along Desford Lane and then via a private farm track.

A Design and Access Statement, Structural Assessment, Timber Report, Structural Method Statement, Appraisal of Alternative Uses Report and a Protected Species Report have been submitted in support of the application. The Design and Access Statement advises that the buildings are no longer required for agriculture and are inappropriate for modern agricultural use. The architectural and historic merits of the buildings, that have been part of the landscape from around the early 1780s, warrant their retention and restoration. No major reconstruction, alteration or extension to the buildings is required to make them suitable for conversion. Although a few new openings are to be introduced including non-reflective conservation style velux roof lights, the positioning and use of existing windows and doorways and the dual aspect of the buildings provides suitable accommodation with each room having a natural light source. Parking areas are contained within the courtyard to limit any impact on the visual appearance and character of the surrounding area. The scheme will cause no harm in highway terms. The boundaries of the site are well defined and will retain the character and setting of the farmyard and limit any impact on the character or appearance of the countryside. The removal of an unsympathetic modern barn and additional planting to the southern part of the site will enhance the visual aspect of the site and the surrounding landscape. The statement also concludes that a sympathetic residential conversion provides an attractive reuse of these buildings and will safeguard their historic value in a practical manner.

The Structural Survey (carried out in February 2008) identifies multiple faults in the external fabric of all of the units but concludes that having considered the overall condition of the existing units they can be successfully converted and repaired without the need for undertaking substantial areas of rebuilding. It further concludes that should the structures be

left unattended their condition will deteriorate to such an extent that large scale disruption will inevitably occur resulting in the need for large scale reconstruction. The report recommends that, for all units a specialist timber survey be undertaken, that foundations should be inspected and that all roof coverings will require removal, storage and replacement. The Structural Method Statement has been submitted to provide more detail in respect of the extent of the replacement and repair works required of the various structural elements and how these will be carried out. The Timber Report confirms that overall the timbers are in good condition but will require cleaning and spray treatment to protect against infestation.

The Appraisal of Alternative Uses Report concludes that the most viable uses, from an occupational point of view, for the barns would be either office or residential use but that a residential refurbishment would be the only financially viable alternative and would also enhance the setting of the existing dwelling. In dismissing other uses such as warehousing, light industrial, leisure, tourism and childcare the appraisal raises concerns in respect of the potential detrimental impact on the residential amenities of the existing farmhouse, the sites remote location and limited mains services and the limited floor space and height of the buildings.

The Protected Species Report was carried out in December 2007 and is now somewhat out of date. However, it concludes that with evidence of use by any species of bat being limited to foraging and occasional feeding perches whilst foraging, the proposed development would have little negative impact on bats, and would provide an opportunity for bat bricks to be incorporated into the larger barn to provide future habitat. There was some evidence of ingress by birds for nesting but the redevelopment of the site would have little negative impact on nesting birds.

History:-

08/00672/FUL	Removal of One Barn and Conversion of Existing Barns into Three Dwellings	Withdrawn	20.08.08



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Consultations:-

No objection subject to conditions have been received from:-

Head of Community Services (Land Drainage)
Head of Community Services (Pollution).

At the time of writing the report comments have not been received from:-

Director of Highways, Transportation and Waste Management (Highways)
Director of Community Services (Archaeology)
Director of Community Services (Ecology)
Environment Agency
Severn Trent Limited
Peckleton Parish Council
Site notice
Neighbours.

Policy:-

Central Government Guidance

Planning Policy Statement 7 (PPS7) Sustainable Development in Rural Areas encourages the re-use of appropriately located and suitably constructed existing buildings within the countryside where this meets sustainable development objectives. In assessing such development consideration should be given to the potential impact on the countryside, landscape and wildlife; accessibility to settlements; the suitability of different types of building and of different scales for re-use; the need or desire to preserve buildings of historic interest or that contribute to local character.

Planning Policy Statement 9 (PPS9) Biodiversity and Geological Conservation sets out planning policies on protection of biodiversity conservation through the planning system. paragraph 1 (vi) states that the aim of planning decisions should be to prevent harm to biodiversity conservation interests and where this cannot be reasonably avoided, adequate mitigation measures should be put in place.

Local Plan Policy

The site lies in the countryside as defined in the adopted Hinckley and Bosworth Local Plan.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, design, materials and architectural features; incorporate landscaping to a high standard; ensure adequate highway visibility for road users and adequate provision for parking together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

Policy BE20 states that in the countryside planning permission will be granted for the re-use and adaptation of rural buildings unless: the proposed use has an adverse effect on the appearance or character of the landscape; the building is in a structurally unsound condition and is thus incapable of conversion without significant adaptation and rebuilding; the proposals are detrimental to the design, character, appearance and setting of the building; the conversion involves extensions that would significantly alter the form and general design of the building in a way which would detract from its existing character and appearance; the proposal would adversely affect highway safety or any protected wildlife habitat.

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is for the re-use of existing buildings and where it does not have an adverse effect on the appearance or character of the landscape; is in keeping with the scale and character of the existing buildings and general surroundings; will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy NE2 states that planning permission will not be granted for development which would be likely to suffer material harm from potential sources of soil pollution. Policy NE14 requires satisfactory arrangements to be made for the disposal of foul sewage and surface water to protect groundwater resources and ecology. Policy BE16 requires satisfactory archaeological investigation and recording to be carried out before development commences on sites of archaeological interest.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified.

Supplementary Planning Guidance

The Council's Supplementary Planning Guidance (SPG) on the Conversion of Rural Buildings states that the re-use and adaptation of existing rural buildings has an important role to play in meeting the needs of rural areas for commercial and industrial purposes: reducing the need for new buildings; avoiding vacant buildings becoming prone to vandalism and dereliction; and providing employment. It states that residential re-use may not be considered favourably unless the applicant has first considered a commercial type use for the buildings or there are significant overriding material planning considerations that would make business uses undesirable. Where demolition and rebuilding of walls would be required to secure the structural integrity of the building, planning permission will not be forthcoming as the result would be a new building in the countryside which in itself is contrary to policy. Generally, significant extensions to a barn as part of an overall conversion will be unacceptable. Garages should be provided within the initial scheme as the Council will strongly resist the provision of garages after the conversion has taken place. The sustainability of a development proposal will be a key factor in its determination. The guidance gives further detailed advice regarding external and internal building design features, the setting of the buildings, habitat preservation and creation and landscaping.

Appraisal:-

The main considerations with regard to this application are; the principle of development; the structural condition of the buildings and their suitability for residential conversion; the impact of the development on the character and appearance of the countryside; the accessibility of the development and its impact on highway safety.

Principle of Development

Both government guidance and local plan policy support the re-use of redundant agricultural buildings in the countryside and conversion for residential purposes can be acceptable subject to certain criteria being satisfied. A commercial, industrial or recreational use would normally be encouraged in the first instance rather than a residential use. In this case the applicant has submitted an appraisal of a number of alternative uses for the buildings including warehousing, light industry, offices, childcare, leisure and residential uses. The appraisal, not unreasonably, discounts warehousing, light industry, childcare and leisure uses after taking into account the design of the buildings and potential floor space provided, limited mains services, the potential impact of the uses on the amenities of the existing residential unit and the isolated location of the site and access to it. Offices and residential uses are considered to offer the most suitable solution in terms of these considerations. The

appraisal goes on to provide estimated costs in relation to converting the buildings to office use along with estimated income potential from such a use and concludes as a result that conversion to offices would be financially unviable. A residential use would therefore appear to be the only financially viable alternative use that would secure the long term future of the buildings, which have some historic value, and prevent further deterioration in their fabric and structural integrity.

Structural Condition and Suitability for Conversion

The Structural Survey carried out in February 2008 has been supplemented by an additional Structural Method Statement submitted to provide more information and details in respect of the repair and upgrading sequences to be carried out on the various units to enable a more accurate assessment to be made of the extent of repair or replacement necessary for a successful conversion to residential use. The method statement includes underpinning works where necessary, localised rebuilding, stitch repair of brick fractures and replacement of spalled brickwork and individual defective timbers.

The Borough Council's Building Control Section have considered the contents of the reports and confirm that, subject to compliance with the information and details provided, in structural terms the buildings are capable of being converted to a residential use without the need for significant additional rebuilding of the external structure. The introduction of a first floor into Unit 1 would improve the structural integrity of this building.

The proposed conversion scheme would not include any extension to the existing structure of the buildings and for the most part would utilise existing openings to provide the required doors and windows. A small number of new openings, including the use of small none-reflective conservation type roof lights are proposed to provide improved amenity for future occupiers, but these would not have any significantly adverse effect on the overall character or appearance of the buildings. The reuse of the small barn for garaging and storage purposes ancillary to the existing dwelling would comply with guidance provided in the Council's SPG on the Conversion of Rural Buildings. Conditions in respect of window and door details are included in the recommendation to provide control over the detail of the scheme and ensure that the rural character and appearance of the buildings is retained as far as possible.

Impact on the Character and Appearance of the Countryside

The former farm complex occupies an isolated location and is surrounded by open agricultural fields. The complex is currently well screened from the surrounding countryside by existing mature trees and hedgerows which provide a strong boundary to the site, particularly to the east, north and west. The conversion of the barns and the creation of any residential curtilage to Units 1 and 2 adjacent to the northern boundary would therefore have a very limited impact on the rural character and appearance of the surrounding countryside unless the existing screening was removed or significantly reduced by any future occupiers. Additional planting of native trees is proposed to the southern part of the site. This additional landscaping together with the demolition and removal of the existing large agricultural barn, constructed of metal sheet construction and in a poor state of repair, would improve the overall appearance of the site and the surrounding countryside.

Accessibility and Highway Safety

The complex is in a remote location midway between the villages of Peckleton and Desford. Vehicular access is gained from Peckleton, along a relatively narrow rural lane that is closed to through traffic but is used by walkers, cyclists and horse riders. The farm track leaves this lane at the point that it is closed to traffic. There would be an increase in vehicular traffic along this lane by the creation of two additional residential units. However, despite the nature of the lane and its lack of width and visibility in places, given the previous use of the site as a

working farm which is likely to have generated a greater number of vehicle movements to that proposed, it would be difficult to sustain an objection to the development based on highway safety issues. The consultation response of the Director of Highways, Transportation and Waste Management (Highways) had not been received at the time of writing this report and will be reported as a late item.

Other issues

The Head of Community Services (Pollution) does not object to the development but in view of the former agricultural use of the complex for livestock, and the proposed creation of residential curtilage, conditions are recommended requiring contaminated land investigation and reporting together with any necessary remediation measures to be submitted and approved prior to any development commencing. The recommendation also includes conditions requiring archaeological building recording to be carried out in view of the historical interest of the buildings and a further ecological survey in respect of protected species to be carried out given that the submitted survey dates from December 2007.

The site is located more than 400 metres from the nearest informal open space therefore there is no requirement for contributions towards upkeep and maintenance of public open space.

Conclusion

The conversion of these redundant agricultural buildings to residential use would be acceptable in principle and would appear from the information provided to be the only viable alternative in this particular case. The applicant has provided sufficient information to demonstrate that overall the buildings are structurally sound and capable of conversion to the proposed use without the need for significant extension to, or demolition and rebuilding of, the external structure. The proposed conversion would not have any significantly adverse effect on the character or appearance of the buildings, the site or the surrounding countryside and the removal of a large metal building of poor visual appearance, together with additional landscaping of the southern part of the site would enhance its overall appearance and setting. The development would be unlikely to have an adverse effect on highway safety.

RECOMMENDATION:- That subject to no further significant additional objections being raised by the end of the consultation period, the Director of Community and Planning Services be granted powers to issue Planning Permission subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would involve the conversion of existing buildings of structurally sound condition that are capable of being converted without significant extension or rebuilding and would not have an adverse effect on the rural character or appearance of the buildings, the wider site, the surrounding countryside, or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, BE16, BE20, NE2, NE5, NE14 and T5.

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of historic building recording. This work shall be conducted in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.

3 Notwithstanding the submitted information, no development approved by this permission shall be commenced until a further ecological assessment by a suitably qualified person, carried out during the appropriate season, has been submitted to and approved in writing by the Local Planning Authority. The assessment shall fully consider the impact of the development on bats and potential roosts on the site, together with a mitigation plan where necessary. No development shall take place except in accordance with the approved details.

4 No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

5 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

6 Before any development is commenced full details of the method of disposal of surface and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

7 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the buildings shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

8 Notwithstanding the submitted drawings, details of the proposed windows and doors shall be submitted to and agreed in writing by the Local Planning Authority before development commences. The development shall be implemented in accordance with the approved details.

9 The insertion of all roof lights shall be of a 'conservation style' and shall not protrude above the plane of the roof slope. No additional breaches other than those depicted on the approved plans to the external fabric of the building, including any ducts, vents or flues, shall be implemented without the prior written consent of the Local Planning Authority.

10 Before development commences full details of the provision to be made for landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

11 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees

or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

12 The existing buildings to the south of the proposed garage/store shall be demolished and removed from the site as indicated on the proposed site plan No. KUL/001/01 B prior to first occupation of either of the dwellings hereby approved.

13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the (Amendment)(No.2)(England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A to E inclusive shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To ensure satisfactory historic building recording to accord with policy BE16 of the adopted Hinckley and Bosworth Local Plan.

3 To ensure that any potential adverse impact on protected species is minimised and appropriate mitigation measures are in place prior to the development of the site to accord with Planning Policy Statement 9 (Biodiversity and Geological Conservation).

4 & 5 To ensure safe development of the site and to protect the amenities of future occupiers of the site to accord with policy NE2 of the adopted Hinckley and Bosworth Local Plan

6 To ensure satisfactory provisions are made for the drainage of the site to accord with policy NE14 of the adopted Hinckley and Bosworth Local Plan.

7 - 9 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and BE20 of the adopted Hinckley & Bosworth Local Plan.

10 To enhance the appearance of the development to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

11 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

12 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

13 To safeguard the rural character and appearance of the site and in the interests of visual amenity to accord with policies BE1, BE20 and NE5 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6th April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4. All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 In relation to conditions 4 and 5, advice from Health and Environment Services is attached to this decision notice which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

6 In relation to condition 6, a septic tank proposal will require the consent of the Environment Agency and must comply with the Agency's conditions. The applicant is advised that a package sewage treatment plant, sized to accept inflow from the existing farmhouse and the additional two dwellings, would be a better waste water treatment solution, subject to the availability of a suitable receiving ditch or watercourse. The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance or, alternatively, assembled from units of one of the newer, modular systems, comprising cellular tanks and incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.

7 In relation to condition 8, all windows and doors shall be recessed and constructed of timber.

8 In relation to condition 10, the landscaping scheme shall include the planting of native species and provide full details of the schedule of plants including species, plant sizes and proposed numbers/densities together with written specifications and an implementation programme.

9 List of Plans used in the determination of this application:- Site Location Plan; Survey Drawing Nos. 11252/1; 11252/2; 11252/3; 11252/4; 11252/5; 11252/7; 11252/8; 11252/9; Proposed Site Plan No. KUL/001/01 B; Proposed Elevation and Floor Plan Nos. KUL/001/02; KUL/001/03; KUL/001/04; KUL/001/06.

Contact Officer:- Richard Wright Ext 5894