COMMITTEE EXTRACT

Committee Date: 20 November 2007

Reference:- **07/01145/FUL** **Parish:-** **Hinckley**

Applicant:- **Messrs C And S McManus**
Cold Comfort Farm
Rogues Lane
Hinckley
Leicestershire

Location:- **Comfort Farm Rogues Lane Hinckley Leicestershire LE10 3DX**

Proposal:- **EXTENSIONS AND ALTERATIONS TO FARMHOUSE AND OUTBUILDINGS TO FORM TWO DWELLINGS**

Introduction:-

This is a full application for the extension and alteration of a former farmhouse and adjoining farm building to form two combined dwellings which are intended to be occupied separately by two families but not sold off independently. This is a revised application following withdrawal of an application submitted in 2006.

The site lies to the south of Rogues Lane, Hinckley. It is concealed from the road and is accessed by a private track.

The farm complex is built around a cobbled courtyard area, it comprises of a rendered finished and tiled roof farmhouse and adjoining two storey red brick and tiled barn. There is also a single storey L shaped, stable/cow shed building, built of brick and slate which completes the complex, amended proposals have been received confirming that details of the refurbishment of this building will be the subject of a future application . There are other barns and lean-to structures roofed with corrugated sheet to be demolished. The proposals include the extension of the two storey barn, the rebuilding of damaged brickwork and re-roofing.

In support of the application, the Agent has pointed out that the actual floorspace of the proposal is considerably less than the existing farmstead. Approval of the proposal will also facilitate improvements to the existing buildings and the tidying of the wider site, together with the removal of previously concrete areas and its return to woodland/grass.

There is an on-going enforcement investigation in relation to business use from the site.

The structural survey, dated February 2006, submitted with the application concludes that the buildings are capable of being converted and refurbished for residential occupancy subject to the requirement to replace all roof coverings. Although the truss and purlin structures together with most of the rafters appear to be sound, this will need further detailed inspection by a specialist contractor. Previous repairs to the walls with blockwork and damaged panels are to be replaced with suitable materials and repointing will be carried out to all of the brickwork.

History

06/01100/FUL	Extensions and alterations to farmhouse and outbuildings to form two dwellings and erection of a storage unit	Withdrawn 24.10.06

Consultations:-

Director of Environment & Heritage Services (Archaeology) recommend that a condition for a Historic Building Record, equivalent to a Level 2 Survey be attached to any planning permission. The applicants have been requested to provide this information.

Head of Environmental Services has requested standard contaminated land conditions.

Director of Highways, Transportation and Waste Management (Highways) recommends refusal on the grounds that the proposal could result in an unacceptable increase in traffic using an access which lacks appropriate visibility for the speed of traffic on the main road which could lead to increased dangers for road users. The Highway Authority may look more favourably upon the proposal if the access could be substantially improved.

Development Plan Policies:-

The site lies within the open countryside as designated in the adopted Hinckley & Bosworth Local Plan.

Government Policy

Planning Policy Statement 7 (PPS7) 'Sustainable Development in Rural Areas' supports the reuse of appropriately located and suitably constructed existing buildings in the countryside. The countryside should be protected and where possible, enhanced. Farm diversification should not result in excessive expansion and encroachment of buildings into the countryside.

Structure Plan

Strategy Policy 8 (SP8) states that the countryside will be protected for its own sake and that development in the countryside will only be acceptable if the general appearance and character of the landscape and the countryside is safeguarded or enhanced. Built development should be well integrated in relation to existing development and designed sympathetically to fit into the local surroundings. Existing buildings should be reused where appropriate. Dwellings in the countryside will be limited to those essential for the needs of agriculture or forestry, or for affordable housing for local needs in accordance with rural exception policies in local plans.

Local Plan Policy

Policy NE5 stipulates that the countryside will be protected for its own sake; however, it also states that the re-use of existing buildings within the countryside may be acceptable in principle, subject to there being no adverse affect on the appearance or character of the landscape and it is effectively screened by landscaping or other methods.

Policy BE20 focuses on the re-use and adaptation of rural buildings, including those for residential purposes. It states that such proposals will be granted provided there is no adverse effect on the landscape, highway safety, protected wildlife habitats, or to the design, character and appearance and setting of the building; the building should be capable of conversion without significant alterations, extensions or rebuilding; and the amenities of nearby residents not adversely affected. Buildings should be located where a working farm or other rural activity does not adversely affect the amenities of future occupiers.

Policy BE1 reiterates much of the above criteria.

Policy T5 seeks to apply the County Council highway standards and parking targets when considering new development.

Further advice is given in the adopted Local Planning Authority's Supplementary Planning Guidance on Conversion of Rural Buildings (June 2004).

Appraisal:-

Principle

The main issues to consider are the condition of the building and whether it can be converted, the impact of the development upon the surrounding countryside, whether the proposal satisfies adopted Development Plan policies and the impact on road safety.

Structural Survey

The structural survey prepared in February 2006 by visual inspection only, states that the adaptation of the existing farmhouse and two storey building do not need substantial demolition and rebuilding in order to be converted.

A Building Control Officer has visited the site and has commented that in particularly the L- shaped building is in a dilapidated state and major rebuilding may be required. This building which is an important feature within the overall farm complex, has now been omitted from the current proposal for further detail consideration prior to a further application for its refurbishment and rebuilding.

Design

The current application proposes some repairs and restoration to existing brickwork, reroofing of the entire complex and the building of a new extension to replace a blockwork and steel barn structure. The design is in keeping with the general character of the existing complex and is considered to be acceptable. The proposed courtyard apppearance is of significant importance that it is suggested that further details be provided in relation to the treatment to the courtyard, together with details of the windows, doors, eaves and proposed porch roof treatment.

Highways

Although the current access is considered to be substandard in terms of visibility, The Director of Highways,Transportation and Waste Management (highways) has stated that the proposal may be looked on more favourably if the access could be substantially improved. The application shows that there is land within the control of the applicant that could be utilised to provide a safer access. Further comments in relation to highway safety will be reported to the meeting as a late item.

Impact on the Countryside

The site is within an area of open countryside where policy seeks to protect the countryside for its own sake. The policy allows for change of use, reuse and extension of existing buildings providing the development would not have an adverse effect on the appearance or character of the landscape and is in keeping with the scale and character of existing buildings and the general surroundings. Furthermore, the Supplementary Planning Guidance pays particular regard to the setting of converted buildings, requiring the appearance to retain their rural character and for the domestic appearance to be concealed from general view. It is considered that the proposal does not have an adverse effect on the countryside subject to the domestic elements being controlled by the removal of 'permitted development' rights. The proposal indicates decking areas within the courtyard, which is not a feature normally associated with a traditional farmyard complex, and needs to be amended from the scheme accordingly.

Contribution

The site does not meet the needs identified in the Supplementary Planning Guidance on play and open space due to its location and as such, no contribution can be sought for the additional dwelling on site.

Conclusion

Overall, the proposal appears to be acceptable subject to conditions, if the buildings are capable of conversion. The scheme will repair and restore buildings which are falling into a poor state of repair and remove concrete areas which will be restore to woodland/grass. Although the proposal includes an element of new building and some rebuilding, it will reduce the scale and number of buildings currently existing in the open countryside and so will have a minimal effect.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1, BE20, NE5, T5 and RES5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

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

2 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and courtyard including windows and doors, and cobbles 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.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order l995 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1A - H Classes shall not be carried out unless planning permission for such development has first been granted by the Local Planning Authority

4 Notification of the commencement date of any site investigation work relating to potential contamination should be given in writing to the Local Planning Authority not less than 14 days before such work commences.

5 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.

6 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.

7 Notification of the commencement of development should be given in writing not less than 14 days before development commences.

8 No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

(i) proposed finished levels or contours
(ii) means of enclosure
(iii) hard surfacing materials
(iv) proposed and existing functional services above and below ground (e.g. drainage, pipelines, manholes, supports, etc.)
(v) retained historic landscape features and proposals for restoration, where relevant.
(vi) planting plans
(vii) written specifications
(viii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(ix) implementation programme.

9 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.

10 Development shall not commence 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 and approved by the Local Planning Authority.

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

12 The proposed dwellings shall not be occupied until works for the disposal of surface water and foul water have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the Local Planning Authority

13 No walls, fences or other such structures shall be erected in the courtyard area unless agreed in writing by the Local Planning Authority.

14 Prior to commencement of development a detailed scheme for the boundary treatment of the site and the amenity spaces of the dwellings shall be submitted for approval by the Local Planning Authority. The approved scheme shall be implemented before the dwellings are occupied.

15 Prior to commencement of development a detailed scheme for improvements to the vehicular access to the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The scheme shall accord with the requirements of the Leicestershire County Council current design standards and include details of visibility splays, access width, gradients, hard surfacing, parking and turning facilities. The approved scheme shall be implemented before the dwellings are occupied and thereafter be so maintained.

16 The proposed dwellings shall not be occupied until the buildings proposed to be demolished shown on Drawing 2551RH.05.010 have been taken down and removed from the site.

Reasons :-

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

2 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

3 To ensure that the development has a satisfactory external appearance in relation to the open countryside to accord with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan

4 To safeguard the health of future occupiers of the residential properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

5 To ensure that the site is not contaminated and to safeguard the health of future occupiers of the residential properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

6 To safeguard the health of future occupiers of the residential properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

7 To safeguard the amenities of future occupiers of the residential properties to accord with policy BE20 of the adopted Hinckley and Bosworth Local Plan

8 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

9 To safeguard the health of future occupiers of the residential properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

10 To ensure satisfactory historic building recording.

11 To ensure a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

12 To ensure satisfactory provisions are made for the drainage of the site

13 To safeguard the visual amenities of future occupiers of the residential properties to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

14 To enhance the appearance of the development to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan

15 In the interests of highway safety.

16 To ensure that the development has a satisfactory appearance to accord with policy BE1 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.

Contact Officer:- Mrs L Forman Ext 5682