DELEGATED REPORT

Recommendation Made: 30 July 2009

Reference:- 09/00414/FUL **Parish:- Sheepy Parish Council**

Applicant:- Mr Craig Miller And Ms Sarah Price
11 A Swindale
Wilnecote
Tamworth
Staffordshire

Location:- Sheepy Parva Farm Wellsborough Road Sheepy Parva Atherstone Leicestershire

Proposal:- CHANGE OF USE AND EXTENSION OF EXISTING BARNS TO FORM 4 NO. B1 USE OFFICE UNITS WITH ASSOCIATED CAR PARKING AND ERECTION OF DOUBLE GARAGE FOR USE BY EXISTING FARM HOUSE

Introduction:-

This is a full application for the extension and conversion of five redundant agricultural barns to offices (B1) and the erection of a new double garage attached to an existing barn for use by the occupants of the adjacent farmhouse. It is also proposed to close the existing access to Sheepy Parva Farmhouse and for the farmhouse to share an improved access with the commercial units.

The site is 0.23 hectares and is located within the curve of a right hand bend on the road from Sheepy Magna to the A444. The scheme will provide 426 square metres of office floorspace.

The site is located in the countryside, to the south of Sheepy Parva Farmhouse which is a traditional flat fronted 19 century farmhouse, and is currently undergoing renovations. There are other farms and dwellings in the local area.

The buildings are red brick, some with tiled roofs and some tin roofs and they form a courtyard. Unit 2 currently has no roof and the scheme includes building a new gable and small section to the rear of this building which will square off the development. Unit 4 also includes the rebuilding of the south side gable wall. Unit 4 is currently open fronted to the south and it is intended to provide glazed panels to this elevation. The barns are set back from the highway and screened by mature hedging and small trees which are not affected by the proposals. 20 parking spaces (including 2 disabled spaces) and a turning area are shown to be provided as part of the development.

The Design and Access Statement and supporting statement state that the scheme offers the potential for re-use of redundant buildings for commercial purposes which will benefit the visual amenities of the area without causing overlooking to adjacent dwellings. Up to recent times the site was a working farm and the areas towards the front boundary with Wellsborough Road and the southern boundary with Manor Farm House have some trees and other native vegetation much of which will be retained. The frontage vegetation will screen part of the site from Wellsborough Road. In addition, there will be landscaped areas within the site and sympathetic materials will be used for hard surfaces, walls and fences. The redevelopment for commercial use would remove much of the potential for noise and disturbance to occupiers of nearby dwellings. Many of the buildings in their current condition are of poor quality and barely suitable for modern day agricultural activity. The existing buildings within the site which are to be converted will be altered and re-constructed to maintain the general appearance of agricultural barns whist providing viable levels of commercial accommodation. The converted barns will, as far as possible, retain existing architectural detailing whilst new works will be sympathetic to their overall form and age. New openings are kept to a minimum (limited principally to rooflights) whilst existing openings will be maintained at their current size. Roofs are to be re-constructed where necessary and re-covered in tiles, re-using the existing tiles wherever possible.The scheme will provide employment in terms of the construction activity as well as an increase of business rates. The only outside storage required for B1 use is a small bin store area. This will be screened by a 1.8 metre high brick wall. The new garage for the adjacent farmhouse will give a visual barrier and provide additional protection to the farmhouse from potential noise from the commercial use.

A highway satement, structural survey, ecology survey and updated survey have been received in connection with this application.

Planning History

09/00333/FUL Extensions and Alteration to Farmhouse Approved 06.07.09

99/00035/FUL Conversion of barns to dwelling Refused 05.12.01

97/00826/FUL Conversion of barns to two dwellings Refused 07.01.98

Consultations:-

No objection received from;

Severn Trent Water Limited

Director of Community Services (Archaeology) recommend recording of archaeological remains by way of condition.

Director of Community Services (Ecology) have commented that a further survey is required. The further survey has been provided and conditions are now recommended.

Director of Highways Transportation and Waste Management point out that this is not a sustainable locationbut has provided conditions should the application be approved.

Head of Community Services (Land Drainage) has commented that it will be necessary to demonstrate that adequate facilities are available for the disposal of surface water, and suggests notes to applicant regarding surface water and access drives.

One neighbour letter received concerned that the application may result in the use of the site as a builders yard.

Development Plan Policies:-

National Guidance

PPG4 Industrial, Commercial Development and Small Firms
Paragraphs 13-15

PPS7 Sustainable Development in Rural Areas
Government objectives 1 and 2
Key principles 2, 5, 6. PPS7 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.

PPG13 Transport
Paragraphs 32-34 of this document acknowledges that advances in ICT has enabled rapid changes to be made to the size, specification and location of these developments. It is however, stressed that business should make every effort to encourage car sharing and use of non-car modes of transport. This could be done through the implementation of a site travel plan.

East Midlands Regional Plan (2009)

3 Distribution of New Development
d) The development needs of other settlements and rural areas should also be provided for. New development in these areas should contribute to:
ii) shortening journey and facilitating access to jobs and services
iii) strengthening rural enterprise and linkages between settlements and their hinterlands
12 Development in the Three Cities Sub-area
Outside Derby, Leicester and Nottingham, employment and housing development should be located within and adjoining settlements. Such development should be in scale with the size of those settlements, in locations that respect environmental constraints. It is considered that as this site is not proposing extensive new development of the site and would predominantly reuse existing buildings, the proposal could not be deemed out of scale with the closest settlements.
20 Regional Priorities for Employment Land
Allocations will
v) promote diversification of the rural economy
24 Regional Priorities for Rural Diversification
Local Authorities, emda and Sub-Regional Strategic Partnerships should work together to promote the continued diversification and further development of the rural economy, where this is consistent with a sustainable pattern of development and the environmentally sound management of the countryside.
43 and 46 Transport Priorities
These policies place emphasis on the need to reduce the need to travel and restrict unnecessary car usage.
Three Cities 4 Employment Land
vi) the need to promote local employment opportunities that will reduce out commuting

Hinckley and Bosworth Local Plan (2001)

The site lies outside any settlement boundary as identified 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 stipulates a number of criteria to which proposals in the countryside should adhere. The proposed use should not adversely impact on the appearance and character of the landscape or building for conversion. The building should be in a structurally sound condition and capable of conversion without significant adaptation and rebuilding. Future occupiers should not be affected by existing activities nor should the proposal impact on a protected wildlife habitat. The proposal should not affect Highway Safety and should comply with Highway criteria.

Policy NE05 Development in the Countryside
This application is outside of the settlement boundary and therefore would be considered to be development in the countryside. 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 NE10 Local Landscape Improvement Area
This proposal falls within a local landscape improvement area and should therefore include details of a suitable landscaping scheme within the site.

Policy NE12 requires development proposals to take into account the existing landscape features of the site and make provision for further landscaping where appropriate.

Policy T5 applies County Council highway standards to new developments in terms of both highway design and parking targets unless a different level of provision can be justified.

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 particularly for commercial and industrial purposes: reducing the need for new buildings; avoiding vacant buildings becoming prone to vandalism and dereliction; and providing employment. 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. 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 impact on the countryside and neighbours, and highway safety.

Principle

The application proposes conversion and alteration of a range of traditional barns that have remained vacant for a number of years and consequently are in a deteriorating condition. 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 there is a previous planning applications for residential use which have been refused. The principle of office units is considered to be acceptable subject there being no significant rebuilding. In this scheme, there are areas of rebuilding work identified and considered below;-

Structural Condition

Policy BE20 of the adopted Hinckley and Bosworth Local Plan and the adopted Supplementary Planning Guidance state that the buildings should be structurally sound enough to be capable of conversion without significant adaptation or rebuilding.

A structural survey carried out inDecmeber 2008 indicates that there are five barns within the complex that form part of this application and that the main structures are generally sound and capable of conversion subject to carrying out the recommendations of the report. It goes on to say that the items of remedial and repair work are relatively minimal when considering the complex of buildings as a whole and despite the requirement for the new roof construction to barn 3, it is not anticipated that major rebuilding will be required in other areas. The Council's Building Control Office has checked the report and visited the site and has indicated that given the condition of the buildings there will be a need for some localised repair and rebuilding works to be carried out as part of the proposed conversion although it does not appear to be so extensive as to warrant refusal of the application.

Design and Layout

Policy BE20 of the adopted Hinckley and Bosworth Local Plan and the adopted Supplementary Planning Guidance state that planning permission will only be granted for the reuse and adaptation of a rural building if it can be converted without involving extensions that would significantly alter the form and general design of the building in a way that would detract from its existing character and appearance. In this case the scheme to convert the barns utilises the existing openings available and introduces a minimum number of new openings.

The proposed new garage will be constructed in brick to match the barn to which it is attached, the ridge and eaves height will be slightly lower than the existing barn in order to add interest and make it subservient. The view of the Garage from the highway will be the gable end but it is wellscreened by planting.

Impact on the Countryside

The site lies in a rural location where policy NE5 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.
It is considered that the proposed development would satisfy criteria i - iii of policy NE5 providing that appropriate landscaping is in place or implemented as part of this scheme. Furthermore, Policy BE20 and Supplementary Planning Guidance seek to protect the setting of converted buildings requiring the retention of a rural character and appearance.

Although this site falls within the area defined as countryside on the Local Plan proposals map, it is considered that this development could benefit the local landscape through sympathetic reuse of redundant farm buildings.

Whilst the site is located on a bend, the main view of the existing barns is through the access and so the site is not particularly prominent.

The proposal incorporates modest new building work to the northern end of the two storey barn which is located to the centre of the farmsite and not have any significant effect on the countryside. There is one wall to be re-built as part of the conversion works to unit 4 but this will not extend the present unit. Units 2 and 4 are to be re-roofed.

The new garage extends forward, towards the highway, from Unit 1 but is not considered to be obtrusive or of a design out of keeping with the proposed development.

Parking for the commercial units is screened from the highway by planting and to the south by further planting to this boundary. A new wall to screen the bin and cycle stores is to be provided within the site adjacent to the main parking area.

Highway/Access Arrangements

No details of the number of staff likely to use the site have been submitted at this stage but parking for 20 vehicles is shown on the submitted plans. This application proposes utilisation of the existing access. The Director of Highways Transportation and Waste Management (Highways) has no objections to this proposal subject to conditions.

Other Issues

Director of Community Services (Ecology) has confirmed that the surveys completed are acceptable and that the application could be approved subject to compliance with the recommendations contained within the surveys. There is some confusion regarding one of the plans submitted so the Director of Community Services (Ecology) has requested that a further plan be required by condition.

No hours of operation are suggested as part of the application, however, it is considered that an hours of operation condition should be imposed to ensure that the development does not become a source of annoyance to neighbours. Furthermore, it is considered that the units should only be used for B1 as potential conversion of part of te scheme at a later date to B8 without the need to apply for planning permission vould have a serious effect on road safety and neighbours amenity.

A condition regarding the adequate disposal of surface water is required.

One neighbour has raised the concern that the site could be used as a builders yard, but this does not form part of this proposal and would require planning permission.

Conclusion

The new build garage is considered to be acceptable in terms of siting and design.

The amount of new building work proposed to be carried out as part of the conversion proposal is considered to be acceptable and meets adopted policy. The current proposal is considered to be an improvement to the condition of the existing site and the scheme respects the scale and design of the traditional barns in this countryside location. Therefore, on balance, the proposal is considered to be acceptable in terms of government guidance, development plan policies and the Council's adopted Supplementary Planning Guidance on the Conversion of Rural Buildings

RECOMMENDATION :- Permit subject to the following conditions :-

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, NE5, NE10, NE12, BE20, T5

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 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.

3 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.

4 The insertion of all rooflights shall be of a 'conservation style' and shall not protrude above the plane of the roof slope. No additional breaches or alteration other than those depicted on the approved plans or within the Follow up Protected Species (Bat Survey) dated July 2009, 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.

5 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) Hard surfacing materials
(ii) planting plans
(iii) written specifications
(iv) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
(v) implementation programme.

6 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.

7 This permission relates to the conversion of the existing buildings to 4 (B1) units and the erection of a double garage and does not give or imply consent for any demolition and rebuilding other than that identified in the Building Condition Survey Report dated December 2008. This permission shall be implemented in accordance with the details contained within the reports or unless otherwise previously agreed in writing by the Local Planning Authority.

8 The 4 units hereby approved shall not be used other than for purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

9 The premises shall only be used between the hours of 08.00am to 6.00pm Mondays to Fridays, 8.00am to 14.00pm Saturdays and at no time on Sundays or Public Holidays.

10 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the Highway boundary and shall be hung so as to open inwards only.

11 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

12 The existing northerly vehicular access shall be closed permanently within one week of the new access being brought into use and the existing vehicular crossings reinstated to the satisfaction of the Local Planning Authority in consultation with the Highway Authority.

13 For the period of the construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

14 The car parking and turning facilities shown within the curtilage of the site and as indicated in the submitted Dwg No:- 07.2300.15A shall be provided, and marked out before the development is brought into use and shall thereafter permanently remain available for such use.

15 Before first occupation of the dwelling hereby permitted, its access drive and any turning space shall be surfaced with a hard bound porous material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and shall be so maintained at all times.

16 Before first use of the development hereby permitted, the vehicular access to the site shall be widened to an effective minimum width of 7.3 metres over a distance of at least 18 metres behind the Highway boundary. The access drive once widened shall be so maintained at all times. If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

17 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre kerbed radii on both sides of the access.

18 The units hereby approved shall not be occupied until works for the disposal of surface 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.

19 The development shall be carried out in accordance with the recommendations and mitigation strategy contained within the Protected Species Surveys dated February 2009 and July 2009 unless otherwise agreed in writing by the Local Planning Authority.

20 Before works on site commence, further diagram(s) to interpret the ridge tile and greenhouse gutter system to enable access for bats shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

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 and BE20 of the adopted Hinckley & Bosworth Local Plan.

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

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

5 To enhance the appearance of the development to accord with policy BE1, NE5 and NE10 of the adopted Hinckley & Bosworth Local Plan.

6 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with policy NE12 of the adopted Hinckley & Bosworth Local Plan.

7 To define the permission and to ensure that the development is in accordance with Planning Policy Statement 7 and policies NE5 and BE20 of the adopted Hinckley and Bosworth Local Plan.

8 To ensure that the use remains compatible with the surrounding area, to accord with policy BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

9 To protect the amenities of nearby residential properties, to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

10 To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway, to accord with policy T5 and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

11 To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users, to accord with policy T5 and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'..

12 To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points, to accord with policy T5 and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

13 To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction, to accord with policy T5 and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

14 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area, to accord with policy T5 and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'

15 To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.), to accord with policy T5 and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

16 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway, to accord with policy T5 and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

17 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway, to accord with policy T5 and the guidance contained within Leicestershire County Council's current highway design guidance, 'Highways, Transportation and Development'.

18 To ensure satisfactory provisions are made for the drainage of the site.

19 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).

20 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).

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 A bat licensed worker should be present during soft stripping of the roof, any bats discovered should be removed by the bat worker to the bat boxes nearby.

6 List of plans used in the determination of this application:-
Site location plan, 07.2300.06, 07.2300.07, 07.2300.08, 07.2300.09, 07.2300.10, 07.230015A, 07.2300.16, 07.2300.17

Contact Officer:- Louise Forman Ext 5682