

(a) 3/09/0498/FP & (b) 3/09/0499/LB – Change of use of Grade II listed barns to play barn use (D2 Assembly and Leisure) including the demolition of a utilitarian covered yard and the erection of a replacement building at Widbury Hill Farm, Widbury Hill, Ware for Mr N Buxton

Date of Receipt: (a) 15.04.09
(b) 15.04.09

Type: (a) Full
(b) Listed Building Consent

Parish: WARE

Ward: WARE - CHRISTCHURCH

Reason for report: Requested by local Members and Cllr Ashley

RECOMMENDATION

(a) That planning permission be **GRANTED** subject to the following conditions:

1. Three Year Time Limit (1T12)
2. Programme of archaeological work (2E02)
3. Samples of materials (2E12)
4. Refuse disposal facilities (2E24)
5. Lighting details (2E27)
6. Materials arising from demolition (2E32)
7. Bats (2E41)
8. Carried out in accordance (2E92)
9. Sight lines (3V08)
Insert 4.5m x 120m
10. Hard surfacing (3V21)
11. Provision and retention of car parking spaces (3V23)
12. Wheel washing facilities (3V25)
13. Green travel plans (3V27)

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14. Landscape design proposals (4P12)
Include b, c, d, e, f, l, j, k, l
15. Landscape works implementation (4P13)
16. Landscape maintenance (4P17)
17. Restriction of use buildings (5U02)
Insert 'Children's activity centre' 'D2'
18. No additional commercial floorspace (5U06)
Insert '793 sqm'
19. Construction hours of working (6N07)
20. Prior to the commencement of development a scheme providing for the insulation of the building against the transmission of noise and vibration to nearby dwellings, shall be submitted to and approved in writing by the Local Planning Authority. All works forming part of the scheme shall be completed prior to the occupation of the development.

Reason: To ensure that adequate precautions are implemented to avoid nuisance and disturbance to nearby dwellings in accordance with policy ENV24 of the East Herts Local Plan Second Review April 2007.

Directives

1. Other Legislation (01OL)
2. Ground water protection zone (28GP)
Insert 'Musley Lane pumping station'

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular GBC1, GBC9, GBC10, TR7, TR13, ENV1, ENV2, ENV4, ENV6, ENV24, BH2, BH3, BH10, BH11 and BH12. The balance of the considerations having regard to those policies is that permission should be granted.

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(b) That Listed Building Consent be **GRANTED** subject to the following conditions:

1. Listed Building three year time limit (1T14)
2. Listed Building (timber structure) (8L01)
3. Listed Building (new timber frame) (8L02)
4. Listed Building (new window) (8L03)
5. Listed Building (new doors) (8L04)
6. Listed Building (new plasterwork) (8L05)
7. Listed Building (new brickwork) (8L06)
8. Listed Building (new boarding) (8L07)
9. Listed Building (new rainwater goods) (8L09)
10. Listed Building (making good) (8L10)

Directives

1. Listed Building advice (25LB)

Summary of Reasons for Decision

The proposal has been considered with regard to the policies of the Development Plan (East of England Plan May 2008, Hertfordshire County Structure Plan, Minerals Local Plan, Waste Local Plan and East Herts Local Plan Second Review April 2007), and in particular BH10 and BH11. The balance of the considerations having regard to those policies is that permission should be granted.

_____ (049809FP.FH)

1.0 Background

- 1.1 The application site is shown on the attached OS extract, and is located to the east of the settlement of Ware. The site forms part of the Easneye Estate, an area of 2,200 acres.

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- 1.2 The applications propose the conversion of the grade II listed weatherboarded barn and its Victorian brick appendages into a children's play barn (total of 793 sq m gross of accommodation). The three bay utilitarian covered yard at the rear which is some 468 square metres in size is to be demolished and a two storey extension to the barn constructed in its place. The new extension is proposed to be 7.5 metres in height and 171 square metres in footprint, and would accommodate a party room, reception area, staff locker room and WC's and a small mezzanine office. The proposed tenant for the site is CK Leisure who currently operate as Adventure Castle in the former gym at Balls Park, Hertford which is due to be demolished as part of the redevelopment of the site. The intention is to relocate their Balls Park operation to this site
- 1.3 Vehicular access to the site is gained directly from the B1004 Widbury Hill, via the existing farm access. The applications propose a total of 53 car parking spaces to be provided to the south of the barn, some within the reinstated courtyard and to the east of the barns.
- 1.4 The three utilitarian barns to the south of the listed buildings are proposed to remain in agricultural use for general, low key, farm storage.
- 1.5 The applicant has submitted these applications to seek an alternative use for the buildings to provide for ongoing maintenance for the buildings and provide a diversified income stream for the Estate. The applicant wishes to secure the long term viability of the Easneye Estate without further fragmentation. The Estate has a significant collection of important listed buildings for which they wish to find new uses. These buildings have all become redundant or unsuitable during the last 10 years as animal production on the Estate became unviable and crop assurance standards have risen, which gives rise to specific storage requirements. The Applicant comments in their submission that the proposal needs to be viewed in the context of the Estate as a whole, particularly in terms of achieving long term viability through diversification.
- 1.6 The application is supported by a planning statement, a protected species statement, a sustainability statement, a heritage statement, a design and access statement and an economic statement.
- 1.7 The application site is located within the Metropolitan Green Belt as designated in the Local Plan.

2.0 Site History

- 2.1 There is no recent planning history on the application site which is relevant to the determination of these applications.

3.0 Consultation Responses

- 3.1 County Highways do not wish to restrict the grant of permission subject to conditions relating to the construction of the access, provision of visibility splays, provision of car parking and access, details of surfacing, wheel washing facilities, provision of space within the site for the parking, storage and delivery of materials, implementation of a Green Travel Plan and the provision of facilities for secure cycle storage.

They comment that the means of access onto the B1004, Widbury Hill is acceptable, and the application has demonstrated that visibility splays appropriate for the actual speed of passing vehicle are achievable. Sufficient on-site parking and turning areas can be provided to ensure that the site can be serviced and accommodate patrons without impacting upon the public highway.

With regard to traffic generation, the information supplied suggests that the proposed use is busiest at weekends, with a peak in traffic movements between 3 - 4pm with very little movement during the network morning peak hour. They comment that they are therefore content that the proposal will not generate significant traffic to justify an objection on those grounds.

In terms of accessibility Highways do question whether this site is in a sustainable location accessible to all modes of transport. The site is remote from the built up area of Ware, is not well served by public transport and importantly is not linked to the town by a foot/cycle way.

They conclude that in the event that the Council are of the opinion that in this instance there are other considerations that override any sustainability concerns, they can confirm that there are no technical highway reasons to oppose the development. Access is to standard and sufficient parking and turning areas exist within the site to ensure that the public highway is not used for overspill parking. They recommend that the applicant be required to submit a formal travel plan for approval prior to the opening of the facility.

- 3.2 The Historic Environment Unit, HCC comment that the site is within an Area of Archaeological Significance and is likely to impact on significant archaeological remains. A condition is therefore recommended requiring the implementation of a programme of archaeological work which should be first agreed in writing with the Local Planning Authority.

- 3.3 Three Valleys Water comment that the site is located within the groundwater Source Protection Zone of Musley Lane pumping station. The construction works and operation of the proposed development should be done in accordance with the relevant British Standards and Best

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Management Practices, thereby significantly reducing the ground water pollution risk.

- 3.4 English Heritage comment that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.
- 3.5 Environmental Health advise that any permission shall include conditions relating to noise insulation, construction hours of working, dust, asbestos, bonfires, lighting details, refuse facilities and soil decontamination.
- 3.6 Herts and Middlesex Wildlife Trust advise that there is evidence of bats on the site and therefore recommend a condition requiring the submission of a bat mitigation scheme.
- 3.7 Hertfordshire Biological Records Centre advise that the submitted Bat Survey found little indicative bat evidence, but determined that the development has the potential to impact on bat roosting sites. Conditions are therefore recommended to be attached to any grant of permission to ensure that the impact of the development works on bats has been fully assessed by a professional, licensed bat consultant and that all work affecting bats and their roost sites must be carried out in the presence of a licensed bat consultant.
- 3.8 Conservation comments that there are no objections to the proposal subject to appropriate conditions.

4.0 Town/Parish Council Representations

- 4.1 Ware Town Council objects to the proposal on the grounds that it would be an inappropriate use of the site and the Grade II Listed building and that the traffic generated by the development would be detrimental to road safety and to local residents.

5.0 Other Representations

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 13 letters of representation have been received which can be summarised as follows:-
 - Proximity to residential properties;

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- The scale of activity proposed is inappropriate and would be contrary to policy GBC9;
- No evidence has been provided to demonstrate what benefits may be achieved as a result of allowing this use in relation to farm diversification;
- Such a use in this location would not be sustainable;
- Inappropriate in green belt;
- The proposed activities are incompatible with the general character of this quiet rural farm location, countryside and nearby homes;
- Lack of accessibility;
- The proposed use would result in an increase in traffic in vicinity;
- The increase in traffic and the turning onto the access for the site would be detrimental to highway safety;
- The proposed capacity for parked vehicles looks likely to be inadequate at some periods of at least some days and would lead to vehicles being parked on the road;
- Impact on wildlife;
- The level of activity proposed and the specific nature of the use would generate a degree of noise and disturbance which would be harmful to the living conditions of existing nearby residents;
- The proposal would result in light pollution from the additional vehicle movements, light spillage from the building and the car park, etc, which would impact upon the quality of the local wildlife habitat and the natural dark rural landscape of the area;
- Conflict with users of footpath running through farm;
- Impact on the listed building and surrounding area;
- No information has been provided regarding the nature of the play equipment and the effect it will have upon the internal setting of the listed building;
- The proposed activities are not compatible with retaining the architectural or historic interest of a Grade II listed building;
- No consideration has been given to the potential impact of any advertising;
- The increase in traffic on Widbury Hill would increase the danger of existing Little Widbury Lane;
- The proposal would result in additional traffic using Little Widbury Lane;
- Increase in litter;
- The existing barns would be more suited to either professional offices, residential occupation or light industry;
- It would be good to see some life breathed into a once productive but deserted area.

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6.0 Policy

6.1 The relevant Local Plan policies in this application include the following:-

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| GBC1 | Appropriate Development in the Green Belt |
| GBC9 | Adaptation and Re-use of Rural Buildings |
| GBC10 | Change of Use of an Agricultural Building |
| TR7 | Car Parking - Standards |
| TR13 | Cycling – Facilities Provision (Non-Residential) |
| ENV1 | Design and Environmental Quality |
| ENV2 | Landscaping |
| ENV4 | Access for Disabled People |
| ENV16 | Protected Species |
| ENV24 | Noise Generating Development |
| BH2 | Archaeological Evaluations and Assessments |
| BH3 | Archaeological Conditions and Agreements |
| BH10 | Extensions or Alterations to a Listed Building |
| BH11 | Conversion or Change of Use of a Listed Building |
| BH12 | Development Affecting the Setting of a Listed Building |

7.0 Considerations

7.1 The main issue for consideration are:

- The appropriateness of the development in the Green Belt;
- The appropriateness of reusing the building for D2 purposes;
- The size, siting and design of the new extension;
- The impact of the use on the amenity of nearby residential properties;
- The highway, parking and access implications;
- The impact the proposal has on the architectural and historic of the grade II listed barn and its setting.

The appropriateness of the development in the Green Belt

7.2 The site lies within the Green Belt wherein, under policies GBC1 and GBC9, the adaption and re-use of rural buildings for various purposes including leisure may be appropriate subject to a number of criterions being met. The existing building is of a form, bulk, general design and materials of construction such that it is in keeping with its surroundings. The buildings proposed to be converted are traditional in their appearance, and form a group of imposing and attractive buildings. The buildings are listed and this indicates the quality of the buildings and that they are appropriate to their rural surroundings. The buildings are permanent and soundly constructed. An extension to the rear of the main barn is proposed in lieu of the existing

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utilitarian covered livestock yard which is proposed to be demolished. The covered yard is substantial in size and its demolition would improve the setting of the listed building. Whilst the proposed extension does not strictly comply with the wording of policy GBC9, it is considered that in this instance the removal of the utilitarian building and the construction of a small traditional style extension to the barn would be beneficial to the setting of the listed building and the appearance of the site. Other than the proposed extension to the barns, only very minor alterations are proposed to the barns to facilitate the conversion.

- 7.3 Many of the local residents who have expressed concern in relation to the proposals are concerned at the proposed use of the barns and the impact the use will have. Alternative uses to the original agricultural use of the building will obviously have a differing impact on the character of the area and the levels of activity at the site. In this instance, and as outlined earlier in this report, it is considered that it would be desirable to retain these barns, and this is reinforced by their listed status. The re-use of these barns would therefore not only find a use for them to secure their future and maintenance, but would also assist in rural diversification, one of the aims behind policy GBC9.
- 7.4 The re-use of the barns for leisure purposes is in principle acceptable. Clearly the activity associated with the proposed use will be different to that of an agricultural use, but this is true of many possible alternative uses. The barns to be converted are large in size, and whether the alternative use is for offices, storage and distribution or leisure, the size of the barns would mean that the activities generated would be at a scale which would be an increase in comparison to the previous agricultural use and noticeable to local residents.
- 7.5 Turning to the impact of the proposed use on the character of the buildings and their surroundings, Officers are satisfied that the proposed use would not result in any significant harm to the character of the area to warrant refusal of the application. The alterations proposed to the building are limited, and the parking associated with the use is proposed to be located to the rear and east of the buildings, where areas of hardstanding already exist. Whilst the parking of vehicles on the site will inevitably have an impact on the character of the area, the proposed parking will be partially enclosed within the courtyard of the barns, and in the main will be obscured from the highway by the existing buildings. Officers therefore do not consider that the amount of parking proposed would be so harmful to the rural character of the site to warrant refusal of the application. The use is proposed to be contained within the buildings and therefore, apart from the increased activity to and from the site and the proposed parking, there would be a limited change to the character of the site. Whilst the comments

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of local residents in relation to possible alternative uses i.e. residential use, are noted, it is considered that such uses would have a very much greater impact on the character of the listed buildings, the site and its surroundings than the use which has been proposed.

- 7.6 Furthermore, Officers do not consider that the proposed conversion would lead to dispersal of activity on such a scale as to prejudice town and village vitality. Children's activity centre uses by their nature often require large spaces to operate. The need therefore for larger buildings often dictates the location of such uses, to locations outside of town and village centres. It is therefore considered that due to the fairly specialist use and the lack of alternative suitable buildings within the nearby towns and villages, the location of such a use in this building would not prejudice town and village vitality.
- 7.7 With regards to Policy GBC10 Officers are satisfied that the building was originally erected for genuine agricultural purposes and as it is indicated that the building will be leased and will remain within the ownership of the farm, it can be considered to relate to the diversification of the farm.

Size, siting and design of the new extension

- 7.8 Turning to the size, siting and design of the new extension and any impact it has on the setting of the Grade II listed Building, whilst considerable in size the proposed extension is to replace the existing covered yard found at the rear of the listed barn which is significantly larger. Officers therefore consider that the proposed extension is minor when considered in the context of the existing buildings and the structures that are to be removed. The covered yard currently detracts from the special character and appearance of the listed building and its removal is welcomed. The new extension in contrast has been designed to sit comfortably next to the historic barn. It is subservient in both height and footprint and its detailed design and the materials of construction proposed are sympathetic in appearance. The new extension will create a more traditional courtyard and overall the scheme will significantly improve the setting of the listed building.

The impact of the use on the amenity of nearby residential properties

- 7.9 With regards to any impact the proposed development will have on the amenities of neighbouring properties Officers are satisfied that, given the location of the site and its relationship with neighbouring residential properties (the nearest properties are some 25 metres from the barns and the collection of dwellings to the north of the site on the opposite side of the road are approximately 100 metres away), the proposals would not result in any undue loss of privacy, overshadowing or similar. There will however be

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an increase in activity on site and the use could potentially result in an increase in the amount of noise and nuisance. All activity will take place within the confines of the building and in line with Environmental Health's advice, it is considered that with appropriate noise insulation any noise resulting from children playing within the building can be satisfactorily controlled.

Highway, parking and access implications

- 7.10 In terms of highway safety, access and parking having regard to the comments of County Highways, Officers are satisfied that the existing access arrangement is appropriate for the proposal, and adequate visibility can be achieved along the public highway.
- 7.11 Regarding parking; 53 car parking spaces are proposed which officers consider to be appropriate given the size of the building and its proposed use. The applicant has provided significant information outlining the capacity of the facility and the projected number of staff. They calculate that the provision of 53 spaces will be adequate to accommodate the projected number of visitors at the facility at the highest peak times (Christmas holidays and February half term). The Local Plan does not have specific car parking standards for such a facility however 53 spaces cross references with the maximum parking provision sought for similar uses such as fitness centres and sports clubs. In addition, 24 secure cycle spaces are proposed.
- 7.12 Turning to traffic generation, concerns have been raised from a number of local residents regarding this. However, in line with County Highways, Officers are satisfied that the proposal is acceptable in this respect It is acknowledged that the change of use of the buildings would result in an increase in traffic using the B1004 to access the site. The B1004 is a secondary distributor road and is particularly busy during peak weekday mornings. The submitted supporting information indicates that the proposed use would be busiest at weekends with a peak in traffic movement between 1 and 2pm with very little movement during the network morning peak hour. I am therefore satisfied that the proposed use would not result in a significant generation of traffic during peak hours and that the local highway network will not be significantly adversely impacted by the increase in traffic generated by the use.

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7.13 With regards to accessibility it is acknowledged that public transport to the site is limited and the existing pedestrian accesses are poor. However GBC9 does include leisure as an appropriate use for rural buildings which inevitably will involve increased trips to sites in rural areas which are not well served by public transport or are easily accessible by walking or cycling. In this case the site is located some 275 metres from the edge of Ware, which is more sustainably located than many rural buildings. In addition the site is close enough to cycle from Ware should people wish and cycle parking facilities are proposed to be provided. Furthermore the applicant has indicated that a bus pick up service from Ware including the train station is to be provided similar to that already in place for their current facility at Ball Park. Officers therefore consider the scheme is acceptable in this respect, however a condition is proposed requiring the provision of a green travel plan to encourage more sustainable modes of transport.

Impact of the proposal on the architectural and historic character of the grade II listed barn and its setting

7.14 The building under consideration is Grade II Listed and is sited in a prominent location. It is therefore imperative that its character and appearance is preserved or enhanced and any alterations, both externally and internally, do not adversely impact on the historic fabric of the buildings.

In essence, the general approach is to provide or to continue a use that would minimise the extent of alteration to the basic form, character and setting, yet provide an economically viable, long term use for the building and enable repair and maintenance to be carried out.

7.15 The primary aim in any conversion is to retain as much as possible of the character of the barn, the very reason for its inclusion in the statutory list of buildings of special architectural or historic interest. All main structural elements of the timber frame are to be retained in-situ wherever possible. I note that the main weatherboarded section is to remain as one open space and minimal alterations are proposed to accommodate the new use in this part of the building. I also note the use of the double doors to provide glazed screens set back slightly from the line of the doors. I also consider that the conversion and subdivision of the Victorian brick built section of the building is acceptable and its use for smaller party rooms and facilities will help to ensure that the historic appearance of the main weatherboarded section of the building is uncompromised. New openings have been kept to a minimum and, where possible, existing openings refurbished and used.

7.16 It is considered that the large covered yard is an unsympathetic appendage which detracts from the character and appearance of the historic part of the building and its removal is welcomed. The replacement extension, as discussed earlier in this report, is considered to be of an appropriate size,

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design and siting and would sit comfortably with the existing listed structures, not harming their special architectural and historic interest. Officers therefore consider that the proposed alterations and extension will preserve the special historic character of the listed building and the removal of the covered yard and its replacement with a smaller, more sympathetic, extension will enhance its setting.

Other Matters

- 7.17 Finally, with regards to both archaeology and the protection of bats, in line with advice from the relevant consultees, Officers are satisfied that any impact the development may have on these matters can be adequately mitigated against through the imposition of appropriate conditions.

8.0 Conclusion

- 8.1 Having regard to the above considerations it is considered that the proposed re-use of the building would constitute appropriate development in the Green Belt, and would accord with policies GBC1 and GBC9 of the Local Plan. The works proposed to the buildings are considered to be acceptable, and would not harm the special architectural and historic interest of the listed building. The proposed use of the building and the activity associated with such a use is considered to be acceptable and would not result in any unacceptable impact on the amenities of local residents or traffic generation and highway safety. Accordingly it is recommended that planning permission and listed building consent are approved.