

**5e (a) 3/12/1097/FO and (b) 3/12/1103/LB – Variation of condition 3 (approved plans) of LPA ref. 3/11/1365/FP to allow changes to fenestration to main barn, piggery and extension, provision of emergency escape, raising of eaves/ridge and roof tiles on main barn and brick finish on extension at Widbury Hill Farm, Widbury Hill, Ware, SG12 7QE for Mr N. Buxton**

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**Date of Receipt:** (a) 19.07.2012  
(b) 19.07.2012

**Type:** (a) Full – Major  
(b) Listed Building Consent

**Parish:** WARE

**Ward:** WARE CHRISTCHURCH

**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. Approved plans (2E10) (14168/01, 14168/02, 14168/03, 14168/04, 14168/05, 14168/06, 14168/07, 14168/20 D, 211034DWG001 Rev C)
4. Samples of materials (2E12)
5. Refuse disposal facilities (2E24)
6. Lighting details (2E27)
7. Materials arising from demolition (2E32)
8. Bats (2E41)
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)

14. Landscape design proposals (4P12) - Include b, c, d, e, f, I, j, k, l
15. Landscape works implementation (4P13)
16. Landscape maintenance (4P17)
17. Construction hours of working (6N07)

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 the saved policies of the East Herts Local Plan Second Review April 2007, and in particular GBC1, GBC9, GBC10, TR7, TR13, ENV1, ENV2, ENV16, ENV24, BH1, BH2 and BH3) and the National Planning Policy Framework. The balance of the considerations having regard to those policies and the grant of LPA ref. 3/11/1365/FP is that permission should be granted.

(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)

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9. Listed Building (new rainwater goods) (8L09)
10. Listed Building (making good) (8L10)

Directive:

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular the National Planning Policy Framework. The balance of the considerations having regard to those policies and the grant of LPA ref. 3/11/1366/LB is that permission should be granted.

\_\_\_\_\_ (109712FP.FM)

**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.
- 1.2 This application seeks permission to vary the development approved under LPA references 3/11/1365/FP and 3/11/1366/LB at the above site which granted permission for the change of use of 3 barns to B1 office use, 2 barns to B8 storage use and the erection of a new building for B1 office use. It is proposed to vary the approved plans condition (Condition 3) of permission 3/11/1365/FP. Amendments cannot be made to an approved listed building application; therefore a new application seeking listed building consent for the proposed alterations has been submitted. The proposed changes to the previously approved development are as follows:- replacement clay, plain tile roof on the timber barn; construction of a brick faced element on the lean-to extension, increase in the height of the eaves and the roof ridge line of the new build element and the insertion of several windows and alterations to the fenestration to the main barn, the piggery, the new building and the courtyard barn.

**2.0 Site History:**

- 2.1 Planning permission and listed building consent (LPA refs. 3/11/1365/FP and 3/11/1366/LB) were granted for the following: - conversion of the

grade II listed weatherboarded barn and its Victorian brick appendages into B1 office use); demolition of the three bay utilitarian covered yard at the rear and construction of a two storey extension to the barn for B1 use; conversion of 2 further barns, one traditional and one utilitarian, for B8, storage use at the above site by Committee on the 12th October 2011.

- 2.2 Members may also recall that planning permission was granted in 2009 for the Change of use of the Grade II listed barns to play barn use (D2 Assembly and Leisure), the demolition of a utilitarian covered yard and the erection of a replacement building (refs. 3/09/0498/FP and 3/09/0499/LB). Unfortunately following planning permission being granted the proposed tenants were not able to proceed with the project. This planning permission is extant.

### **3.0 Consultation Responses:**

- 3.1 County Highways comment that this application to vary a condition attached to LPA ref. 3/11/1365/FP will not have any implications in highway terms.
- 3.2 The Historic Environment Unit, HCC comment that they have no specific comments to make on the proposed changes to the previously consented scheme.
- 3.3 Hertfordshire Biological Records Centre advise that the inspections found little bat evidence and indicated that the buildings had very limited roosting potential. HBRC further comment however that the emergence survey results found three species of bat in Building 2 and an additional species within the 11 bay barn. It is advised therefore that the Method Statement; Delivery Information should be conditioned and should be delivered under the personal supervision of ELMAW Consulting Ltd. It is also recommended that work on the 11 bay barn must not start until the EPS licence has been issued by Natural England.
- 3.4 The Conservation Officer comments that the submitted applications follow on from pre-application discussions wherein the principle of the amendments were considered to be acceptable. It is considered that the proposed amendments would enhance the existing character and appearance of the listed building and its setting.

### **4.0 Town Council Representations:**

- 4.1 Ware Town Council do not object to the proposed development.

## **5.0 Other Representations:**

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 No letters of representation have been received.

## **6.0 Policy:**

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

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
ENV16	Protected Species
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements

- 6.2 In addition, the National Planning Policy Framework is relevant.

## **7.0 Considerations:**

- 7.1 The principle of the development has already been accepted with the grant of LPA references 3/11/1365/FP and 3/11/1366/LB subject to conditions. The current applications do not differ significantly from those approved other than putting a clay, plain tile roof on the timber barn; constructing a brick faced element on the lean-to extension, increasing the height of the eaves and the roof ridge line of the new build element and the insertion of several windows and alterations to the fenestration to the main barn, the piggery, the new building and the courtyard barn. No other alterations are proposed in terms of use, design, appearance or layout of the buildings or the site. Therefore, the previous grant of planning permission and listed building consent which established the principle of the development, the proposed use, layout, access and parking and these considerations are not changed by the proposed alterations and are therefore not required to be considered in the determination of these applications.
- 7.2 In respect of the proposed increase in the eaves height and the roof

ridge height of the new extension/building attached to the rear elevation of the main, Grade II Listed barn, the extension is proposed to be a maximum height of 8.1 metres – an increase in height by 0.4 metres. The applicant has outlined that this increase is proposed to accommodate suitable floor to ceiling heights internally. In accordance with the comments and recommendation of approval from the Conservation Officer, it is considered that the increase in the height of the roof and eaves by 0.4 metres would be a minimal revision to the previous scheme granted planning permission and listed building consent under LPA references 3/11/1365/FP and 3/11/1366/LB. The resultant building would still be 0.7 metres lower in height than the main timber barn and would result in no significant change to the visual impact of the development upon the Green Belt and the general locality or the character, appearance and setting of the Listed Barn.

- 7.3 Turning to the changes proposed to the materials to the barn roof and the lean-to element and also the insertion of several windows and alterations to the fenestration to the main barn, the piggery, the new building and the courtyard barn, the comments and recommendation of approval from the Conservation Officer have been noted. In accordance with these comments, it is considered that the resultant materials and design of these buildings would not be significantly altered from the approved schemes (under LPA references 3/11/1365/FP and 3/11/1366/LB) and would not, in Officers view, compromise the high quality design of the development. The proposed amendments are not therefore considered to have a detrimental impact upon the open character of the area or the character, appearance or setting of the listed barn.
- 7.4 Furthermore, the changes will not have any further implications for neighbour amenity (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), parking, access or landscaping.
- 7.5 In terms of conditions, it is necessary to repeat the same conditions to the grant on this permission as those that were added to the grant of LPA references 3/11/1365/FP and 3/11/1366/LB.

## **8.0 Conclusion:**

- 8.1 The amendments to the height, materials and fenestration of the development approved under LPA references 3/11/1365/FP and 3/11/1366/LB would still ensure a development of high quality layout and design that would have no further implications for neighbour amenity,

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landscape, parking or highway matters. Accordingly it is recommended that planning permission be granted for the variation of condition 3 of LPA reference 3/11/1365/FP and listed building consent be approved subject to the conditions set out at the commencement of this report.