

5e a) 3/12/1496/FP and b) 3/12/1497LB – Change of use of existing agricultural buildings to 3 no. holiday let units, 1 no. 4 bed dwelling and 1 no. 3 bed live/work unit with associated B1 office at Lordship Farm, Green End Road, Dane End SG12 0NS for Lord Carter of Coles

Date of Receipt: a) 04.09.2012
b) 04.09.2012

Type: a) Full - Major
b) Listed Building - Other

Parish: LITTLE MUNDEN

Ward: MUNDENS AND COTTERED

RECOMMENDATION:

The Director of Neighbourhood Services be authorised to **GRANT** planning permission under planning ref: 3/12/1496/FP subject to the following conditions:

1. (IT12) Three year time limit
2. (2E12) Samples of materials. Add “including details of the cladding of the barn to the east (rear) of the site”
3. (2E10) Approved plans (10259-A1-S001, 10259-A1-P002-B, 10259-A1-P003-A, 10259-A1-P004 and 10259-A1-P005)
4. Following implementation of the development hereby approved, should it become apparent that more of the structure of the existing buildings is required to be demolished than is shown on the approved plans, then drawings detailing the extent of the proposed demolition works, shall be submitted to and approved in writing by the Local Planning Authority prior to any such demolition taking place. The development shall thereafter be implemented in accordance with those approved details.

Reason: To ensure that the development does amount to the reuse of existing and redundant rural buildings, in accordance with Policy GBC9 of the East Herts Local Plan Second Review April 2007

5. Prior to the occupation of the residential unit 4 and live/work unit 5, the complete scheme of development hereby permitted, shall be implemented ready for use.

Reason: To ensure a mix of uses and the economic benefits of alternative uses having regard to the provisions of Local Plan Policies GBC3 and GBC9

a) 3/12/1496/FP and b) 3/12/1497/LB

6. (2E02) Programme of archaeological work
7. (2E07) Boundary walls and fences
8. Units 1, 2 and 3 of the development hereby permitted shall be used solely as holiday and short term letting accommodation and for no other purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, and none of the units shall be occupied by any person or persons for more than 3 months in any 12 month period, and neither shall any person or persons occupy more than one unit within any 12 month period.

Reason: To preserve the rural character of the surrounding area in accordance with Policies GBC1 and GBC9 of the East Herts Local Plan Second Review April 2007

9. Unit 5 shall be used solely as a mixed live/work unit and the associated work space used solely for B1 purposes. The balance of living area and working floor space shall be maintained in accordance with that shown on the approved plans.

Reason: In the interests of sustainability in accordance with Policy EDE7 of the East Herts Local Plan Second Review 2007

10. Notwithstanding the provisions of Article 3 of the Town and Country (General Permitted Development Order), 1995, no development as specified in Schedule 2, Part 1, Class A and Part 2 Class A in respect of Unit 4 shall be undertaken without the prior consent, in writing, of the Local Planning Authority.

Reason: The specific circumstances of this site warrant the local planning authority having control over any further development and in accordance with Policy ENV9 of the East Herts Local Plan Second Review April 2007

11. Prior to the commencement of the development, full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, as appropriate: (a) Means of enclosure (b) Hard surfacing materials (c) Retained historic landscape features and proposals for restoration, where relevant (d) Planting plans (e) Written specifications (including cultivation and other operations associated with plant and grass establishment) (f) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate (g) Definition of private amenity areas for Units 4 and 5. Thereafter the development

a) 3/12/1496/FP and b) 3/12/1497/LB

shall proceed in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design, in accordance with Policies ENV1, ENV2 and ENV11 of the East Herts Local Plan Second Review April 2007

12. (4P13) Landscape works implementation

13. The development hereby permitted shall be carried out in accordance with the details of the submitted Bat Report dated 10 August 2012 and the mitigation measures contained therein.

Reason: To protect the habitats of bats which are a protected species under the Wildlife and Access to the Countryside Act 1981, and in accordance with Policy ENV16 of the East Herts Local Plan Second Review April 2007

14. (2E27) Lighting details

15. (6N05) Hours of working

Directives:

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water Interest) etc. Neither does this permission negate or override any private covenants which may affect the land.
2. The applicant is advised that work must not commence until an EPS Habitats Regulations Licence has been issued by Natural England.

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the Development Plan (Hertfordshire County Structure Plan, Minerals Local Plan, Waste Core Strategy and Development Management Policies DPD 2012 and the 'saved' policies of the East Herts Local Plan Second Review April 2007 and in particular Policies SD3, BH1, BH2, BH3, GBC3, GBC9, GBC10, TR2, TR7, EDE6, EDE7, ENV1, ENV2, ENV9, ENV16, ENV23, LRC10); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order

a) 3/12/1496/FP and b) 3/12/1497/LB

2012. The balance of the considerations having regard to those policies and the pre-application advice given is that permission should be granted.

b) The Director of Neighbourhood Services be authorised to GRANT listed building consent in respect of 3/12/1497LB subject to the following conditions:

1. Listed Building Three year time limit (IT14)
2. Samples of Materials (2E12)
3. Listed building - timber structure ((8L01)
4. Listed building - new windows (8L03)
5. Listed building - new doors (8L04)
6. Listed building - new brickwork (8L06)
7. Listed building - new weatherboarding (8L07)
8. Listed building - new external rendering (8L08)
9. Listed building - new rainwater goods (8L09)
10. Prior to any building works being first commenced, detailed drawings showing the existing timber frame, annotated to show the extent of repairs or replacement timbers required and supported by a method statement, shall be submitted to and approved in writing by the local planning authority. If timber other than new semi-seasoned oak is proposed, this shall be specifically agreed in writing by the local planning authority.

Reason: To ensure the special historic and architectural character of the building is properly maintained, in accordance with national planning policy guidance set out in section 12 of the National Planning Policy Framework

11. Prior to any buildings works being first commenced, a written statement detailing the treatment of the walls and floors, including the method of damp-proofing to the external walls, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the special historic and architectural character of the building is properly maintained, in accordance with national planning

a) 3/12/1496/FP and b) 3/12/1497/LB

policy guidance set out in section 12 of the National Planning Policy Framework

12. Listed building - making good (8L10)

13. Repairs schedule (8L11)

Summary of Reasons for Decision

East Herts Council has considered the applicant's proposal in a positive and proactive manner with regard to the policies of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012. The balance of the considerations having regard to those policies and the pre-application advice given is that listed building consent should be granted.

_____(149612FP.JS)

1.0 Background:

1.1 The application site is shown on the attached OS extract. It comprises a group of historic agricultural buildings which have become redundant. They comprise curtilage listed buildings located on the eastern side of the Grade II listed Lordship Farm House.

1.2 The site lies just outside the village of Dane End within the Rural Area Beyond the Green Belt. Discussions have taken place in recent years with the applicant to find a viable alternative use for the barns that will satisfy the requirements of Policies GBC3, GBC9 and GBC10 of the East Herts Local Plan.

1.3 The proposal now put forward is for a change of use of the buildings to three holiday let units (units 1-3), one 4 bed dwelling (unit 4) and one 3 bed live/work unit with associated B1 office (unit 5) and demolition of the modern lean-to structures. Where demolition does take place, appropriate treatment would be applied to ensure the remaining buildings are acceptably enclosed. The application is submitted with a Commercial Use Viability Report, Bat Report and Design and Access Statement.

2.0 Site History:

2.1 Lordship Farm has a long planning history. Planning applications relevant to the current proposal are as follows:

a) 3/12/1496/FP and b) 3/12/1497/LB

- 3/08/1565/FP – Conversion of existing barns into 1no. four bedroom and 2no. three bedroom dwellings and four bay carport – Refused
- 3/07/2040/FP – Conversion of existing barns into 1 four bed and 2 three bed dwellings – Withdrawn
- 3/05/0726/FP – Conversion of disused agricultural building to bed and breakfast accommodation and kitchen – Approved
- 3/05/0727/LB – Internal and external alterations to disused agricultural building to facilitate conversion to bed and breakfast accommodation and kitchen – Approved
- 3/04/1931/FP – Conversion of disused agricultural building to bed and breakfast accommodation and kitchen – Withdrawn
- 3/04/1932/LB – Conversion of disused agricultural building to bed and breakfast accommodation and kitchen – Withdrawn

2.2 The 2005 permission was not implemented. The 2008 refusal was for reasons of need to explore non-residential uses and the extent of the alterations.

3.0 Consultation Responses:

- 3.1 County Highways do not wish to restrict the grant of permission. The width at the mouth of the farm access is wide enough to accommodate two way traffic and visibility along the carriageway is appropriate for the speed of passing vehicles.
- 3.2 The County Historic Environment Unit advise that, since the development is likely to have an impact on remains of archaeological interest, a programme of archaeological work should be undertaken in accordance with a written scheme of investigation.
- 3.3 The Conservation Officer considers that the proposal is likely to have little impact on the significance of Lordship Farmstead, subject to the provision of further information through conditions recommended under the associated listed building application.
- 3.4 Environmental Health at East Herts District Council has advised that any permission granted should include conditions relation to hours of working and soil decontamination.
- 3.5 The Environment Agency has no comments as it is purely an internal change of use and no additional development footprint will be created.
- 3.6 Hertfordshire Biological Records Centre refers to the submitted Bat Survey Report dated 10 August 2012 which advises that, because bat

a) 3/12/1496/FP and b) 3/12/1497/LB

roosts will be disturbed/harmed, a European Protected Species Licence will need to be issued by Natural England and a detailed mitigation strategy will be required in accordance with the recommendations in the report.

3.7 The Landscape Officer has recommended approval subject to landscape conditions.

4.0 Parish Council Representations:

4.1 No representations received.

5.0 Other Representations:

5.1 The application has 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:

SD3	Renewable Energy
BH1	Archaeology and New Development
BH2	Archaeological Evaluations and Assessments
BH3	Archaeological Conditions and Agreements
GBC3	Appropriate Development in the Rural Area Beyond the Green Belt
GBC8	Rural Diversification
GBC9	Adaptation and Re-Use of Rural Buildings
GBC10	Change of Use of an Agricultural Building
TR2	Access to New Developments
TR7	Car Parking – Standards
EDE6	Home Working
EDE7	Live/Work Units
ENV1	Design and Environmental Quality
ENV2	Landscaping
ENV9	Withdrawal of Domestic Permitted Development Rights
ENV16	Protected Species
ENV23	Light Pollution and Floodlighting
LRC10	Tourism

a) 3/12/1496/FP and b) 3/12/1497/LB

6.2 In addition, the National Planning Policy Framework (NPPF) is of relevance in the determination of the application.

7.0 Considerations:

7.1 The main considerations in the determination of the planning application (3/12/1496/FP) relate to:

- The principle of conversion to residential, holiday lets and live-work with B1 use at the site;
- Impact on the setting of the Lordship Farm listed buildings (main and curtilage)
- Highway implications;

7.2 The main consideration in the determination of the listed building application (3/12/1497/LB) relates to:

- Impact on the character and appearance of the Lordship Farm listed buildings (main and cartilage) and their settings.

The Principle of the Development

7.3 The site is located within the Rural Area Beyond The Green Belt and subject to policy GBC3 where the adaptation and re-use of rural buildings may be appropriate in accordance with policy GBC9.

7.4 Policy GBC9 allows for the residential use of a rural building when the retention of the building is unable to be facilitated by a scheme for business re-use, leisure, tourism, community or other purposes compatible with the rural area. In this case the proposal will provide one four bed dwelling, three holiday let units and one 3 bed live/work unit with an associated B1 office. The majority of the proposal relates then to uses which the policy directly supports.

7.5 The planning history of the site confirms that conversion of a disused agricultural building to bed and breakfast accommodation was approved in 2005 under planning application 3/05/0726/FP. However, this was not implemented. A wholly residential conversion was refused in 2008 under planning reference 3/08/1565/FP.

7.6 The planning authority seeks to encourage suitable tourism proposals in appropriate locations in accordance with policy LRC10 and will give favourable consideration to suitable proposals for visitor accommodation within the District. Policy GBC8 also supports farm

a) 3/12/1496/FP and b) 3/12/1497/LB

diversification.

- 7.7 The barns for conversion are of attractive appearance and are located on high ground in rural surroundings with pleasing views. As such the re-use of the barns for leisure and tourism purposes would be a practical solution for the re-use of the barns in accordance with planning policy.
- 7.8 The business re-use provided by the holiday lets and the provision of a live/work unit with associated B1 office sit within the business re-use requirements of Policy GBC9. The live/work unit provides a separate functional workspace at ground floor level at the rear of unit 5 capable of accommodating a B1 use.
- 7.9 The residential use, a 4 bedroom dwelling, requires justification. The Commercial Use Viability Report of June 2012 covers extensive marketing of the site and, contrary to the proposal as submitted, suggests the barns' retention is unable to be facilitated by leisure, tourism, community or other uses. The applicant has confirmed however that the proposed development is considered feasible in its current proposed mix and that the economic value of the residential element facilitates the mix.
- 7.10 This suggests also that the remaining criteria of policy GBC9, when considering residential conversion, that is the possibility of providing a contribution to affordable housing, also cannot be delivered by the scheme.

Impact on the buildings and their surroundings

- 7.11 The barns are of pleasing appearance and contribute to the character and appearance of the rural landscape. The buildings are of a form, design and materials of construction such that they are in keeping with their surroundings.
- 7.12 It is therefore the view of Planning Officers and the Conservation Officer that these agricultural buildings are worthy of retention. The change of use of the buildings would form part of the diversification of the agricultural business and the introduction of residential and other uses proposed would not detract significantly from the rural character and appearance of the buildings or the area.
- 7.13 The buildings have been well maintained and repaired sympathetically as required. Visual inspection indicates then that the buildings, which date back to the mid 19th century, are permanent and soundly

a) 3/12/1496/FP and b) 3/12/1497/LB

constructed and will not require extensive alterations or anything other than minor extensions to accommodate the proposed new uses.

- 7.14 The external elevations of the buildings will largely remain as existing, thus preserving their original character and appearance. The fact that bed and breakfast provision is made means there is no need for private garden areas for these parts of the development, the effect of which was one of the objections to the previous conversion.
- 7.15 There is a large area of hardstanding to the front of the barns which will be retained. The front gravelled area forms part of the character of the barns and would have formed part of the farmyard in former times. No additional hardstanding is proposed.
- 7.16 No historic building impact and mitigation assessment has been provided. However, the Conservation Officer is satisfied that sufficient information has been submitted within the listed building application, which enables the local planning authority to assess the likely impact on the listed building and make a decision on these proposals. That impact is considered to be acceptable.
- 7.17 In summary, the proposals reflect a high standard of conversion design, in keeping with the rural character of the surrounding area.

Highway implications

- 7.18 There are no unacceptable highway implications as a result of this development and no objection has been raised by County Highways. The development would make use of an existing access which is wide enough to accommodate two way traffic and the existing visibility is considered appropriate for the development proposed.
- 7.19 Five parking spaces are proposed for the holiday lets and six spaces for the residential units 4 and 5. This is considered acceptable in accordance with the Council's adopted parking standards.
- 7.20 Parking areas are in two locations within the site and are reasonably laid out, not dominating any views of the buildings or their settings.

Other issues

- 7.21 The Bat Report dated 10 August 2012 advises that small numbers of Common Pipistrelle and Brown Long Eared Bats were found roosting in the application site barns and other buildings on the sider site. Evidence of Pipistrelle Bats was also found inside the buildings. The

a) 3/12/1496/FP and b) 3/12/1497/LB

report states that, because bat roosts will be disturbed or harmed, a European Protected Species Licence will need to be issued by Natural England. The report includes a comprehensive mitigation strategy which should be implemented if planning approval is granted.

- 7.22 In light of the above, it is considered appropriate to require measures to enhance the site for bats through implementation of the proposed mitigation measures. Officers recommend the provision of an appropriate planning condition in this regard.
- 7.23 With regard to landscaping, there are no existing trees on the site to be protected or retained. The site is predominantly hard surfaced and in good condition. A good quality soft landscaping scheme would clearly improve the setting of these buildings, and full details would be required by way of condition should approval be granted.
- 7.24 The submitted plans suggest a central group of planting beds within the courtyard. This approach appears poorly considered but the matter can be addressed by condition.
- 7.25 With regard to neighbour amenity, the proposed uses of the barns are unlikely to give rise to any harmful impact. The potential increase in traffic over and above existing is likely to be negligible and is likely to be less than that anticipated should the barns still be in agricultural use.
- 7.26 The definition of amenity areas needs to be clarified for residential units 4 and 5 but it is considered these can be provided without undue harm to the setting of the courtyard group. The amenity of occupiers is therefore provided for without likelihood of inappropriate demands being made for enclosed areas
- 7.27 The County Archaeologist has reviewed the historical context of the site and considers that further work in respect of archaeological matters is necessary and reasonable. In light of that advice and, having regard to the requirements of policies BH1, BH2, BH3 and the NPPF, Officers consider that it is necessary and reasonable to require further archaeological work which can be agreed through the provision of a planning condition.
- 7.28 Given the previous refusal for residential use and the policy criteria for the site in the rural area, it is considered reasonable and necessary to ensure that the non-residential uses are provided as part of the overall conversion at the site and further more to restrict the use of the units 1, 2, 3 and 5 to a live/work unit and 3 holiday lets. The holiday units should not be occupied for more than 3 months in any 12 month period in order

a) 3/12/1496/FP and b) 3/12/1497/LB

to prevent the introduction of an inappropriate residential use. It is also recommended that Part 1, Class A and Part 2, Class A permitted development rights be removed in order to protect the character and appearance of Unit 4 and the surrounding rural area in accordance with Policy ENV9. The live-work unit would not benefit from Part 1 permitted development rights, but the balance of living area and work floorspace should be retained as shown on the plans.

- 7.29 It is also considered necessary to restrict the provision of external lighting in order to protect the character of the surrounding rural area. Details of the re-cladding of the existing barn are also required.

8.0 Conclusion:

- 8.1 The proposed adaptation and re-use of the agricultural buildings at Lordship Farm, while it includes an element of residential use, has been demonstrated to broadly fulfil the criteria of policies GBC9 and GBC10 of the East Herts Local Plan. As such, the proposals are, as a whole, considered to be acceptable in principle as they deliver economic benefits and farm diversification in addition to the safeguarding of heritage assets. The proposals take into account the constraints implied by the historic buildings; they are considered to be acceptable in access and parking terms and will not result in a significant adverse impact on the local highway.
- 8.2 The scale and layout of the proposals is sympathetic to the listed buildings and the design and layout of the scheme has had regard to the opportunities for preserving the character and enhancing the significance of the heritage asset. The proposal has been considered with regard to the policies of the Local Plan and the National Planning Policy Framework.
- 8.3 Having taken all matters into consideration and, subject to the conditions at the head of this report, Officers recommend that planning permission and Listed Building consent be granted.