

a) 3/14/0488/FP – Use of buildings for events and functions (including weddings and conferences), and ancillary guest accommodation (18 bedrooms), services and storage, parking and landscaping. External alterations and solar panels to buildings. Demolition of atcost building and stables; and

b) 3/14/0489/LB – Internal and external alterations at Alswick Hall, Hare Street Road, Buntingford, SG9 0AA for Alswick Hall Barns Ltd

Date of Receipt: 04.04.2014

Type: a) Full – Major
b) Listed building consent

Parish: BUNTINGFORD

Ward: BUNTINGFORD

RECOMMENDATION:

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

1. Three Year Time Limit (1T12)
2. Approved plans (2E103)
3. Landscape design proposals (4P12)
4. Landscape implementation (4P13)
5. Lighting details (2E27)
6. The buildings shall be upgraded in accordance with the report dated June 2014 from RK Sound Engineering. All windows and doors shall remain closed when amplified or live music is being played except for access.

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

7. The development shall be carried out in accordance with the measures as set out in the ELMAW bat report dated June 2014, unless otherwise agreed in writing with the Local Planning Authority.

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 Reviews April 2007.

3/14/0488/FP and 3/14/0489/LB

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 (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); the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2012 (as amended). The balance of the considerations having regard to those policies and the grant of planning permission under LPA references 3/02/1608/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 (1T141)
2. Listed building (making good)
3. Samples of materials (2E12)
4. Listed building (new windows) (8L03)

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) Order 2012 (as amended). The balance of the considerations having regard to those policies and the grant of listed building consent under LPA reference 3/02/1616/LB is that listed building consent should be granted.

_____ (140488FP.MP)

1.0 Background:

- 1.1 The application site is shown on the attached OS extract. The site forms a collection of agricultural buildings which are currently undergoing building works and are located around 1/2km from the eastern edge of Buntingford. Access is gained off a tarmac road from Hare Street Road – that road also forms a public right of way (Bridleway no. 24) which also runs from Hare Street Road to agricultural fields to the south of the application site.

3/14/0488/FP and 3/14/0489/LB

- 1.2 Within the application site and to the west, is a courtyard space which is enclosed by a large thatched barn and attached single storey buildings. To the south of that building is a larger two storey building which, at the time of Officers site visit was undergoing building works. To the east of the courtyard space and buildings is a collection of several other more utilitarian buildings which are either to be demolished or replaced.
- 1.3 To the immediate north of the application site are two fairly large ponds which are linked together. There are several large trees and landscape features around the pond. Further to the north of the application site is a row of three pairs of semi-detached dwellings and a garage block. Those dwellings are set back from the road/PRoW (public right of way) and are attractive cottages with generous front gardens and landscaping.
- 1.4 To the east and west of the application site is a mixture of open agricultural fields and meadow land. Public footpaths run through both of those spaces to both Buntingford (to the west) and Hare Street (to the east).
- 1.5 To the south of the application site is the principle grade II listed building on the site – Alswick House. That building is set well back from the PRoW, but is a large attractive building of arts and crafts type design with large landscaped gardens and a tennis court.

2.0 Site History:

- 2.1 The relevant planning history for the site relates to the grant of planning permission and listed building consent under LPA references 3/02/1608/FP and 3/02/1616/LB for the conversion of vacant agricultural buildings for business purposes (B1), demolition of outbuildings and barn and the erection of an office unit, new vehicular access and proposes new garages to the rear of 1-6 Alswick Hall Cottages and alterations with the junction to the B1038. Those permissions have started to be implemented and works to change the use of the listed buildings and some demolition works have commenced.

3.0 Consultation Responses:

- 3.1 The Environment Agency originally objected to the application as no information had been submitted with the application in respect of the potential impact on the borehole within the site. The applicant then submitted the required information and the Environment Agency have now removed their objection.

3/14/0488/FP and 3/14/0489/LB

- 3.2 The County Council's Historic Environment Unit comment that the farm buildings in this application have previously been subject of an historic building assessment carried out in 2002. As such no further recording of the structures is required. A small scale archaeological trench was dug in 2003 in relation to the 2002 permission. In 2008, archaeological monitoring of the rebuilding of the garages to the south of Alswick Hall Cottages took place. Neither investigations revealed archaeological remains of significance and the proposed works associated with this current planning application are unlikely to result in an impact on heritage assets of archaeological interest.
- 3.3 Hertfordshire County Council Highways comment that they do not wish to restrict the grant of planning permission.

The Highways Officer comments that pre-application discussions have taken place and it was felt that the existing access onto the B1038 (Hare Street Road) was adequate as vehicular access improvements have previously been carried out. The proposed use will not differ significantly from the existing use and the majority of trips will be outside of the peak periods and will therefore have a negligible affect combined with other residential development granted along Hare Street Road.

Public bridleway no 24 and footpath 33 cross the site. Bridleway 24 has been identified for improvement and an application for such works has recently been submitted by the British Horse Society but has not yet been determined.

Access to the site will need to be gained from bridleway number 24 and the impact on that right of way should be considered; particularly having regard to the obstruction of the right of way, safe public use and accessibility of the right of way and the standard of the right of way should not deteriorate. If such requirements cannot reasonably be achieved a Temporary Traffic Regulation Order would be required to close the affected route and diversion put in place.

- 3.4 The Landscape Officer recommends that planning permission be granted. He comments, however, that the plans indicate the landscaping materials to be used across the site to make roughly egg-shaped areas of loose shingle set within areas of resin bound gravel separated by edgings of black basalt setts. This would result in a hard surface pattern of visually competing textures and colours which do not relate to function, surrounding built form or architecture.

3/14/0488/FP and 3/14/0489/LB

A simpler approach would be preferable here. There is ample visual interest generated by the courtyard buildings – which also provide a strong sense of enclosure to the courtyard itself. The buildings give a pleasant and informal asymmetry to the courtyard space which may respond better, in a visual sense, if given informal hard surface treatment rather than striking patterns in contemporary style.

A traditional palette of materials such as brendon gravel and York stone or granite setts could provide for a more low key approach in this location, perhaps using the more durable setts for road and vehicular turning areas and gravel for parking spaces and pedestrian use thus helping to define the different parts of the courtyard in a coherent and recognisable way. This could be controlled through a planning condition.

- 3.5 The Conservation Officer recommends the approval of listed building consent and comments that the proposed internal and external alterations would have limited impact on the significance of the listed building as a heritage asset.

The alterations proposed are to two individually listed buildings. Barn A, depicted as units 1-3 on the submitted plans, sits to the north of the site and is an early C17 building. It is a 5-bay timber frame barn on a red brick sill, weatherboarded with a steep half-hipped thatched roof.

The southern barn, units 4 and 5 (Barn B) also dates from the C17 and is of timber framed construction on a red brick sill. It is disguised by new brick walls on the southern and end facades. It is of 9 bays with the 7 western bays being used as a barn and the eastern 2 being used for stables.

The significance of the buildings derives from their evidential, historical and aesthetic values. Individually the buildings display the method of timber frame construction, with barn A demonstrating thatched roofing. The plan form of the buildings is evidence of their former use, whilst showing how the buildings have evolved over time. Whilst the barns are individually significant, they also have a collective significance in terms of understanding the immediate and wider setting.

Barn A - units 1,2 and 3

The alterations to the external elevations are considered to preserve and in some areas enhance the significance of the building. The removal of the glazed doors on the southern elevation and the return to a more traditional design and aesthetic will enhance the heritage values

3/14/0488/FP and 3/14/0489/LB

associated with the barn.

Internally, the alterations will have less than significant harm when considered against the benefit the change of use will have in terms of keeping the building in use. The ancillary accommodation is sympathetic to the building when considering the number of units to be introduced and the proportion of the barn will remain in its current plan form.

The proposed change from a half-hipped roof to a gable on unit 3, with the materials changing from thatch to tiles is considered to have little impact on the significance of the building.

Barn B - unit 4/5

The external alterations to Unit 4/5 are minimal, with the lean to extension being repaired rather than removed. The retention of this extension will have limited impact upon the significance of the building.

Internally an additional wall is proposed to be inserted in the east of the barn, with the staircase widened and extended. These alterations are considered to have limited impact upon the significance of the building, as the alterations will allow for the barn to be experienced as one building through the insertion of doors at the foot of the stairs.

In the western end of the building the alterations to the facilities are minimal. The loss of the proposed staircase will increase the footprint, enhancing the evidential values of the building and is therefore considered to have a positive impact on the buildings significance.

On the first floor a suite is proposed, which will include the insertion of some walls and facilities. These alterations are sympathetic to the building in terms of the amount of walls proposed in order to make the space functional and are considered to have less than significant harm to the building.

- 3.6 The Environmental Health Officer advises that planning conditions relating to noise, construction hours of working, lighting and soil decontamination be attached with any permission.
- 3.7 Hertfordshire Ecology originally commented on the application and required that additional survey work be undertaken. Following the receipt of a further bat survey, they have now commented that it is understood that this application follows from a previous approval which has started to be implemented and previous ecological conditions

3/14/0488/FP and 3/14/0489/LB

attached with that permission have been discharged. The application proposes only a different use for the buildings from that previously granted.

The applicants are carrying out Great Crested Newt surveys relating to the proposed use of the building and any requirement for a European Protected Species license will be dealt with (if necessary) as a purely legal matter.

Since the implementation of the original permission an updated Bat survey was undertaken in August 2013 and a roost (used by three species of bats) was confirmed.

As the implementation of planning consent would result in the destruction of the bat roost, a licence was applied for by the applicant and subsequently issued by Natural England in February 2014. Suitable and appropriate mitigation proposals considering the impact on the roosts were suggested and have now been implemented.

Further Bat Activity surveys of other units within the site were carried out on 21 and 28 May 2014 and two species of roosting bat were confirmed. Low numbers and timing of the survey suggest a non-breeding roost. Another (third) bat species was recorded as being present, but no roost was confirmed for this species. A further license from Natural England will therefore need to be obtained from Natural England in respect of this building also.

The County Ecologist considers therefore that the Great Crested Newts and bats are being dealt with in a satisfactory manner. In relation to bats, appropriate licenses from Natural England have been obtained. The Local Planning Authority may therefore accept the bat report and its recommendations and determine the application in accordance with the habitat regulations. There is considered to be sufficient information to determine the third habitat regulation and there is considered to be sufficient information for appropriate and acceptable bat mitigation.

4.0 Town Council Representations:

- 4.1 Buntingford Town Council comments that they have no objection to the proposed development but ask that County Highways Officers take into account traffic flows from the residential development granted planning permission along Hare Street Road.

5.0 Other Representations:

3/14/0488/FP and 3/14/0489/LB

- 5.1 The applications have been advertised by way of press notice, site notice and neighbour notification.
- 5.2 4 letters of representation have been received from local ecology groups raising concern that proper ecological information has not been submitted to enable determination of the applications.

6.0 Policy:

- 6.1 The relevant 'saved' Local Plan policies in this application include the following:
- | | | |
|-------|---|--|
| GBC3 | - | Appropriate Development in the Rural Area Beyond the Green Belt; |
| GBC9 | - | Adaptation and Reuse of Rural Buildings; |
| GBC10 | - | Change of Use of and Agricultural Building; |
| ENV1 | - | Design and Environmental Quality; |
| ENV2 | - | Landscaping; |
| ENV16 | - | Protected Species; |
| ENV24 | - | Noise generating Development; |
| BH1 | - | Archaeology and New Development; |
| LRC9 | - | Public Rights of Way. |
- 6.2 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are also relevant to the determination of the applications.

7.0 Considerations:

- 7.1 The determining issues in considering the proposed use of the building(s) is as follows:
- Whether the use of the building for such business use would amount to sustainable development and would be consistent with planning policies for the control of development in the designated rural area;
 - The effect of the use on the character and appearance of the building and area;
 - The impact on the heritage asset(s);
 - The impact on highway access and other public rights of way;
 - The impact on archaeology and ecology.

Principle of development

3/14/0488/FP and 3/14/0489/LB

- 7.2 Policy GBC3 of the East Herts Local Plan Second Review 2007 sets out that permission will not be given for inappropriate development other than for the categories set out in the policy. Such exceptions include the adaption and re-use of rural buildings in accordance with policies GBC9 and GBC10. Policy GBC9 seeks to encourage the use of buildings for business use.
- 7.3 The NPPF sets out the Government's planning policies and supports sustainable development, envisaged as having economic, social and environmental dimensions. It seeks to support economic growth in rural areas in order to create jobs and prosperity by supporting sustainable growth and expansion of all types of business and enterprise in rural areas through conversion of existing buildings. The Framework seeks to promote the diversification of agricultural development and support sustainable leisure development that benefits business in rural areas, communities and which respect the character of the countryside.
- 7.4 The Council have previously considered that a Class B1 (Business) use of the buildings at the site is acceptable. Taking into account that previous permission and, having regard to the use as now proposed, Officers consider that the proposed development involves a business use which will assist in sustaining economic development in the rural area through job creation and other related economic businesses associated with the development. The principle of the use of the buildings as proposed for business purposes is therefore considered to be consistent with Local Plan Policies and the NPPF. The provision of an economic form of development which involves job creation is a matter which weighs in favour of the development proposal.

Character and appearance

- 7.5 The main consideration in regard to this planning matter relates to how the proposed use of the building will impact on the character and appearance of the buildings and area. External alterations to the buildings are fairly modest and the impact on the special historic and architectural significance of the listed buildings are discussed below.
- 7.6 In considering the impact of the proposed use, Officers are mindful of the previous agricultural use of the buildings and the approved office use of the buildings. The agricultural use would involve intense periods of activity during the year, such as harvest time. A B1 business use would typically involve a fairly low key use limited to normal office hours during the week.
- 7.7 The proposed event use of the buildings could potentially involve a use

3/14/0488/FP and 3/14/0489/LB

of the building spread throughout the week and weekend and potentially involving all-day use late into the evening. Officers anticipate therefore that there is the potential to be a greater level of activity associated with the proposed use, than previously existed and as previously granted planning permission. Given the nature of the proposed use, Officers are of the opinion that there will be some harm to the character and appearance of the rural setting which would weigh against the development proposal.

- 7.8 Furthermore, Officers would expect there to be traffic movements associated with this use. Given the site's rural location, any traffic movements will almost certainly be centred around the private car. In this respect, the site is not in a particularly sustainable location in transport terms, which also weighs against the development proposal.

Marketing

- 7.9 It is material that some marketing of the units has taken place. The applicant has submitted supporting information to demonstrate this. Prior to the commencement of any building works on the site to implement the 2002 permissions, the applicant took advice from a number of local letting agents, who advised that the buildings, at that time, were in such a poor condition that works to convert them would be significant and that marketing them for potential office tenants would not be appropriate as commercial users would be seeking a definite date for occupation which could not be guaranteed. As such, the applicant set up a website in 2008 outlining the buildings availability including photos and plans. In addition, works commenced on site to improve the access and other works to ensure that works to change the use of the building could be implemented once a tenant was secured. However, during the marketing of the buildings, the applicant did not receive any interest and the applicant comments that the market for commercial space in and around the town of Buntingford is limited to small rural office units and commercial warehouse and industrial units, rather than the B1 office space that was granted planning permission at the site in 2002.
- 7.10 Despite the lack of interest in the buildings, work commenced to the buildings to avoid them falling into further disrepair and to enhance the marketability of the units.
- 7.11 The applicant further sets out that, in viability terms, the costs associated with the conversion of the listed building into B1 office buildings would not be met by the limited rent that could be expected from that kind of use.

3/14/0488/FP and 3/14/0489/LB

- 7.12 Through a mixture of marketing and initial works to the building(s), a local event management business has expressed an interest in the use of the building as that proposed in this planning application.
- 7.13 Having regard to the information as submitted, Officers consider that it is material that there has been no interest in the use of the buildings for the permitted B1 use. Whilst the applicant has commented that local estate agents have previously advised against advertising the premises, it is less clear whether a marketing exercise undertaken now, would likely attract any interest.
- 7.14 However, viability issues are important material considerations and Officers acknowledge that the considerable building costs associated with the development of the site (which the applicants suggest to be in the region of £1.75million) would not likely be recouped through a B1 office use, which is confirmed by the applicants Surveyor.
- 7.15 Having regard to that consideration and, taking into account that the proposed use will see the provision of an economic form of development providing local employment and other related economic growth associated with the use, which is encouraged in the NPPF, Officers consider that significant weight should be attached to the provision of a rural business use in this case.

Highways/public rights of way/parking

- 7.16 Officers have noted above the potential increase in traffic movements associated with the proposed use of the buildings and formed the view that the likely dependence on the use of private vehicle does not weigh in favour of the development proposal.
- 7.17 However, the Highways Officer has determined that the proposed use is appropriate in highway terms without resulting in significant harm to highway safety or access.
- 7.18 The Town Council have asked Officers to consider the implications on traffic movements associated with not only this development proposal but that associated with the residential development of other sites in the Town along Hare Street Road. The Highways Officer also comments that the use now proposed is not significantly different to the previously approved use and the majority of trips will be outside of peak hours and not result in any cumulative impact on the highway associated with the approval of planning permission for residential developments along Hare Street Road.

3/14/0488/FP and 3/14/0489/LB

- 7.19 As noted above, the site lies adjacent to a public bridleway and footpath and the Highways Officer has advised that no objection is made in regard to the potential conflict between users of the PRow and the development proposal.
- 7.20 Works to the listed buildings has been taking place for some time now and, from Officers site visits, there has been no significant interruption or impact on the PRow.
- 7.21 In accordance with those considerations Officers do not consider that the proposed development will result in significant harm to bridleway 24 or any other PRow in the vicinity of the site.
- 7.22 The previously approved development included the provision for a large parking area on the site of the removed agricultural building together with other smaller parking areas which amounted to around 68 parking spaces. The plans now proposed show the provision of around 82 spaces. The scheme continues to show the removal of the large agricultural building, which formed part of the 2002 permission. There is therefore some increase in parking areas and the impact of traffic movements associated with such a parking area is considered above.
- 7.23 Having regard to the previous levels of parking granted planning permission and, taking into account the removal of the large agricultural building, Officers consider that the level of parking provision as now proposed is acceptable. The removal of the utilitarian agricultural buildings weighs in favour of the development proposals, as they are not considered to be of a form and design which complements the setting of nearby listed buildings and their removal will enhance that setting and improve the openness and rural character of the site and surroundings. This is therefore a matter which weighs in favour of the development proposal.

Impact on heritage assets

- 7.24 As set out above, the applicant has started to implement the 2002 permissions to halt the deterioration in the listed buildings. The works which now form part of the current use of the building are similar to that previously considered to be acceptable but are tailored to the particular use. The Conservation Officer recommends approval of listed building consent and sets out that the proposed works will result in limited impact on the significance of the heritage asset.
- 7.25 Officers consider that the proposed alterations to the previously

3/14/0488/FP and 3/14/0489/LB

approved scheme are acceptable and will provide a long term viable use which will both preserve and enhance the significance of the heritage assets, in accordance with section 12 of the NPPF. The proposed use of the buildings and significant works to bring the heritage assets into a long term viable use is a matter which weighs significantly in favour of the development proposal.

Neighbour amenity impact

- 7.26 The buildings associated with the application site are located around 90metres (as a minimum) to the semi-detached properties to the north and around 25metres to Alswick Hall dwelling to the south. There are no other nearby residential dwellings. The proposed use of the buildings for events and functions, including weddings, is such that there is potential for impact on neighbour amenity in terms of noise and, in terms of noise associated with traffic movements.
- 7.27 A noise report is submitted with the planning application which proposes a number of measures to reduce and mitigate against noise emanating from the building. The Environmental Health Officer recommends that the measures as proposed in the noise report be secured through a planning condition. Having regard to the nature of the proposed use and the relationship with neighbouring properties it is considered that such a planning condition is both necessary and reasonable.
- 7.28 The traffic movements associated with the proposed development has the potential to also result in noise and disturbance to neighbours. However, having regard to the previous uses associated with the site (agriculture) and the previously consented use (B1 office), Officers do not consider that any such impact will be to such an extent as to warrant the refusal of planning permission.

Other matters

- 7.29 The site is located within an Area of Archaeological Significance. However, as set out by the Historic Environment Unit, significant archaeological works and recording has previously taken place. The Archaeologist considers that no further work is required and that the development will not result in significant harm to heritage assets of archaeological interest. As such, no further archaeological work is required and the development accords with policy BH1 of the Local Plan and section 12 of the NPPF.

Ecology

3/14/0488/FP and 3/14/0489/LB

- 7.30 Third party representations to this application have commented that updated surveys to assess the impact on great crested newts should be submitted and considered prior to the determination of the planning application and that further surveys in respect of bats should be submitted.
- 7.31 The County Ecologist comments however, that this application is for a change of use of the buildings and that a previously approved permission for change of use of the buildings has previously been granted and implemented. Ecological work in respect of great crested newts has been previously submitted and considered to be acceptable and this species is being dealt with in a satisfactory manor.
- 7.32 In relation to bats, the County Ecologist sets out that licenses in respect of bats have previously been issued by Natural England and that further licenses will be required. The Local Planning Authority is also therefore required to apply the three derogation tests in accordance with the Habitat Regulations April 2010.
- 7.33 These tests are as follows: first, the proposal must be for imperative reasons of overriding public interest or for public health and safety. The proposal being considered by Members is for development of listed buildings which are an important heritage asset. The proposed development will see the long term viable use of the listed buildings and is considered to be of overriding public interest and the first test is therefore considered to be met.
- 7.34 Secondly, there must be no satisfactory alternative. The above considerations relating to the nature of the listed building apply and there is not considered to be any suitable alternative to the development now proposed. Officers therefore consider that the second test is met.
- 7.35 Third, the favourable conservation status of the species must be maintained. Provided the mitigation measures as set out in the bat report is carried out, Officers are of the opinion that the conservation status of the species would not be affected by this development.
- 7.36 Accordingly, the proposals have been considered in relation to the three derogation tests as is required in the Conservation of Habitat and Species Regulations 2010.

8.0 Conclusion:

3/14/0488/FP and 3/14/0489/LB

- 8.1 Planning permission and listed building consent has previously been granted for a B1 business use of the existing listed buildings – those permissions have started to be implemented. There has been little interest in the B1 business use of the buildings and the use proposed in this application provides an opportunity for a different business use which will see an economic form of development and employment generator which is encouraged in the NPPF. In addition, the proposed use of the buildings will see the long term viable use of the buildings and the removal of other buildings which will enhance the immediate and wider setting of the listed building and rural surroundings. These are matters which weigh in favour of the development proposal.
- 8.2 The application site is not considered to be in a particularly sustainable location and there is likely to be a reliance on private vehicles which is discouraged in the NPPF. In addition, the likely traffic movements have the potential to result in some impact on neighbour amenity. These are matters which weigh against the development proposal, although it should be noted that no objections to the development have been received from any neighbouring property.
- 8.3 It is however considered that the above mentioned positive aspects of the development relating to the economic dimension of sustainable development and the long term viable use of the listed building outweigh the negative issues relating to transport and related noise matters. In addition, the proposed use will not result in significant harm to neighbour amenity (having regard to the proposed mitigation measures to the buildings) nor will there be a significant impact on highway safety or access. The proposed development will not result in significant harm to ecology and previous archaeological work has been carried out to mitigate the impact on heritage assets of archaeological significance.
- 8.4 For the reasons set out above Officers therefore recommend that planning and listed building consent be granted, subject to conditions.