

(a) 3/11/1365/FP & (b) 3/11/1366/LB – Change of use of 3no. barns to B1 office use, 2 no. barns to B8 storage use and erection of new building for B1 office use at Widbury Hill Farm, Widbury Hill, Ware, SG12 7QE for Mr N Buxton

Date of Receipt: (a) 02.08.11
(b) 02.08.11

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)
211034DWG001C, 211034DWG002G, 211034DWG003G,
211034DWG004D, 211034DWG005C, 211034DWG006H,
211034DWG007A,
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)

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Include b, c, d, e, f, l, 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 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 PPS4: Planning for Sustainable Economic Growth, PPS5: Planning for the Historic Environment and PPS7: Sustainable Development in Rural Areas. The balance of the considerations having regard to those policies and the grant of planning permission ref. 3/09/0498/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)

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 the saved policies of the East Herts Local Plan Second Review April 2007), and in particular policies PPS5 Planning for the Historic Environment. The balance of the considerations having regard to those policies and the grant of listed building consent ref. 3/09/0499/LB is that permission should be granted.

_____ (136511FP.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.
- 1.2 The applications propose the conversion of the grade II listed weatherboarded barn and its Victorian brick appendages into B1 office use (total of 859 sqm gross 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 also be used for B1 office use. In addition it is proposed to convert 2 further barns, one traditional and one utilitarian, totaling some 290 square metres in size for B8: Storage use. The proposed tenant for the site is Motivaction Group, a team building organisers, events management and experimental marketing agency who wish to use the site as their head office and are currently based near Stevenage but have outgrown their premises.
- 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 38 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 One utilitarian barn to the south of the listed buildings, is proposed to

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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 Members may 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 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.
- 3.2 They comment that the application proposes alterations to the access onto Widbury Hill in the same manner as the approved play barn development and adequate parking and on- site maneuvering space is provided.
- 3.3 In terms of accessibility Highways continue to question whether this site is

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in a sustainable location accessible to all modes of transport. The site is remote from the build up area of Ware, is not well served by public transport and importantly is not linked to the town by a foot/cycle way. However it is acknowledged that the site is better located in terms of sustainable transport than the existing premises which is deep within rural East Hertfordshire.

- 3.4 A financial contribution of £500 per parking space is requested in line with East Herts Planning Obligations SPD to be directed towards improvements of pedestrian/ cycle links to the development or other schemes identified in the Hertford and Ware Urban Transport Plan.
- 3.5 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.
- 3.6 Veolia Water comments 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 Management Practices, thereby significantly reducing the ground water pollution risk.
- 3.7 Hertfordshire Biological Records Centre and Herts and Middlesex Wildlife Trust advise that the submitted bat survey has proven the presence of bats and a roost site and that the development has the potential to impact on bat roosting sites. It is therefore necessary to consider the 3 derogation tests as set out in the Habitats Regulations 2010. It is advised that the bat survey provides sufficient information regarding mitigation and these measures should be conditioned.
- 3.8 The Conservation Officer comments that in balancing the proposed conversion of the barns against their current condition and their future long term use as agricultural structures, it is accepted that the collection of buildings have limited life expectancy without a new use.
- 3.9 The key consideration being the impact the subdivision of the 12 bay barn to accommodate office space, which includes a mezzanine on the timber frame. Although any form of conversion would result in a certain amount of deterioration to the significance of the heritage asset, in this instance the proposed new use is considered less intrusive than a residential conversion, yet ensuring the long term viable use of the assets which in turn is considered acceptable subject to a robust repair schedule and making good condition being introduced to ensure the key features of the building are enhanced as part of the proposal.

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- 3.10 In addition, the treatment of the immediate setting which includes the removal of the C20 agricultural structures would result in the reinterpretation of the historic farmstead and courtyard and as such enhance the listed buildings.
- 3.11 The Ramblers Association comments that there is no dedicated cycle lane running along the B1004 as stated in the Design and Access Statement. In addition there is no mention of public footpath 22 which crosses the site. The development should not obstruct this path.
- 3.12 HCC Rights of Way Officer comments that there is a public footpath running adjacent to and through the corner of the site which should not be obstructed by the development including any parking bays. It is recommended that the footpath be upgraded to a bridleway and structures (ie stiles) be improved to mitigate the development's impact on the current footpath.

4.0 Town Council Representations

- 4.1 No comments have been received from Ware Town Council.

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:-

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

6.2 In addition, the following National policy guidance is relevant:-

Planning Policy Guidance 2: Green Belts

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Planning Policy Statement 5: Planning for the Historic Environment

Planning Policy Statement 7: Sustainable Development in Rural Areas

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 buildings for B1 and B8 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 As outlined in Section 3.0 above, planning permission and listed building consent were 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. This is material consideration of significant weight.

7.3 As previously determined the site lies within the Green Belt where under policies GBC1 and GBC9 the adaption and re-use of rural buildings for various purposes including B1 and B8 uses may be appropriate subject to a number of criteria being met. The existing buildings are 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, other than the one utilitarian barn, 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 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

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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.

- 7.4 Alternative uses to the original agricultural use of the buildings will have a differing impact on the character of the area. In this instance, as acknowledged by the Conservation Officer it is considered that it would be desirable to retain these barns and it is necessary to find a new use to ensure this, 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.
- 7.5 The re-use of the barns for B1 and B8 purposes is in principle acceptable. 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, as previously approved, the size of the barns will mean that the activities generated would be at a scale which would be an increase in comparison to the previous agricultural use. I do however consider that there would be less activity associated with a B1 and B8 use than the approved leisure use.
- 7.6 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. In line with the previous scheme, the alterations proposed to the buildings 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. As before, 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 will be contained within the buildings, and therefore, there would be a limited change to the character of the site.
- 7.7 Furthermore, Officers do not consider that the proposed conversion would lead to dispersal of activity on such a scale to prejudice town and village vitality. It is proposed that the site be used by one tenant who is relocating from near Stevenage and therefore the change of use of these buildings would not prejudice nearby town and village vitality.

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- 7.8 With regards to Policy GBC10 Officers are satisfied that the buildings were all originally erected for genuine agricultural purposes and as it is indicated that the buildings will be leased and will remain within the ownership of the farm, it can be considered to relate to the diversification of the farm.
- 7.9 Turning specifically to the proposed B8 use; Policy EDE4, states that Storage and Distribution uses (B8) will only be permitted on sites that are already in storage and distribution uses and which are well related to the transport network. Whilst there are currently no buildings on the site being used for storage and distribution, the site is well connected to the transport network, being located directly off the B1004. Furthermore the B8 use being proposed is limited and is to be used in association with the larger B1 use. I am therefore satisfied that a B8 use is acceptable in this case.

Size, siting and design of the new extension

- 7.10 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; as in the previous scheme it is considered that 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

- 7.11 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) that the proposals would not result in any undue loss of privacy, overshadowing or similar. I am also satisfied that in relation to the use of the buildings for B1: light industrial purposes would not result in any undue harm to residential amenity. A B1 use such as that proposed (which can include light industrial, research and development or office use) is, by definition, a use that can be carried out within a residential area, in close proximity to dwellings, without causing any

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undue harm on residential amenity. With regards to the proposed use of two barns for B8 use, I consider that, given the size of these buildings, the significant distance to the nearest residential properties and the likely level of activity, the use would not unduly impact on residential amenity.

The highway, parking and access implications

- 7.12 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.
- 7.13 With regards to car parking, the application proposes 38 spaces in total. The Supplementary Planning Document on Vehicle Parking in New Development indicates that the site falls with Zone 4 which requires a maximum of 38 spaces. The number of parking spaces proposed is in line with this and therefore in this respect the proposed development is acceptable. In addition two further spaces are proposed for 7.5 tonne lorries to meet the needs of the proposed tenant and 6 secure long term cycle spaces and 3 short term cycle spaces are proposed in line with the Council's cycle parking requirements.
- 7.14 Turning to traffic generation, 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. It was however considered in the previous application that an increase in traffic was acceptable. In line however with the previous application I am satisfied that the proposed use would not result in a significant generation of traffic and that the local highway network will not be significantly adversely impacted by the increase in traffic generated by the use.
- 7.15 With regards to accessibility it is acknowledged that public transport to the site is limited and the existing pedestrian accesses are poor. However policy GBC9 does include commercial uses 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 most 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. 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 the use of more sustainable modes of transport.

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- 7.16 The requests by County Highways and HCC's Rights of Way Officer are noted. In the case of the request by the Rights of Way Officer to upgrade the existing public footpath which runs south into the countryside, this was not made in the previous application. Furthermore, in my view the request does not meet the tests of either Circular 05/2005 or S122 of The Community Infrastructure Levy Regulations 2010 as a) the equestrian use on site forms no part of the proposal and is to remain as existing and b) the route of the footpath runs south into the countryside away from Ware and it is unclear why the proposed development would particularly require the upgrade of this footpath to a bridleway given the use of a path into the countryside by the employees of the development is likely to be extremely low. Therefore whilst it may be an aspiration to improve the footpath for different users, this requirement is not directly related to the proposed development nor is it necessary to make the proposed development acceptable.
- 7.17 With respect to County Highways request for £500 per car parking space, I acknowledge that Policy TR8 requires all developments that meet the threshold to provide such a contribution. However, in this case the extant planning permission which required significantly more on site parking than the scheme proposed now is a material consideration of significant weight. In that case the proposal did not meet the necessary 1000 square metre threshold and therefore contributions were not sought. However, the additional floorspace in this case derives from the conversion of two additional barns for storage which themselves will not result in the need for a significant number of employees or visits to the site. I therefore consider that, particularly given the extant permission on the site which could be implemented, it would be unreasonable to require this contribution. Furthermore the Highways Authority has been unable to identify any specific schemes which would be directly related to the proposed development or necessary to make the proposed development acceptable in planning terms, but rather suggest it could go towards a variety of different schemes within the Hertford and Ware Urban Transport Plan. Whilst Policy TR8 supersedes Circular 05/2005, the contribution would fail to meet the tests of either the Circular or S122 of The Community Infrastructure Levy 2010 and therefore I consider it would be unreasonable to require this contribution.

The impact the proposal has on the architectural and historic of the grade II listed barn and its setting

- 7.18 The main 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.

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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.

- 7.19 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 unlike the approved leisure use, the current proposal requires more subdivision including the creation of a mezzanine level within the main weatherboarded barn and a limited number of new openings. In line with the Conservation Officer's advice it is considered that the proposed internal works in this instance are justified. The proposed new use is considered less intrusive than a residential conversion, and would secure the long term viable use of the assets which in turn is considered acceptable subject to a robust repair schedule and making good condition being introduced to ensure the key features of the building are enhanced as part of the proposal. With regards to the conversion and subdivision of the Victorian brick built section of the building this remains acceptable and its use for smaller rooms and facilities will help to ensure that the historic appearance of the main weatherboarded section of the building is largely uncompromised. New openings have been kept to a minimum and where possible existing openings refurbished and used.
- 7.20 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, 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

- 7.21 With regards to archaeology, in line with advice from the County Archaeologist, Officers are satisfied that any impact the development may have on this can be adequately mitigated against through the imposition of appropriate conditions.
- 7.22 Finally, in relation to the impact the development will have on bats, the survey found evidence of bats roosting in the main barn and therefore the

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development could disturb or harm these. It is therefore a statutory duty of the Local Planning Authority to apply the three tests contained in the Conservation of Habitats and Species Regulations 2010. The three tests are as follows:

- The proposals must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative;
- The favourable conservation status of the species in their natural range must be maintained.

7.23 I consider that the proposals are for imperative reasons of overriding public interest. i.e. to find a suitable use for the barns (particularly those which are listed) to secure their future and maintenance, and to assist in rural diversification; there is no satisfactory alternative as the conversion of the building is necessary as part of the larger scheme to enable a suitable use for the barns to secure their future and maintenance and an appropriate mitigation strategy has been submitted, as confirmed by Hertfordshire Biological Records Centre and Herts and Middlesex Wildlife Trust to ensure the favourable conservation status is maintained.

7.24 I therefore conclude that in line with policy ENV16 and the Conservation of Habitats and Species Regulations 2010 the proposed development will not adversely impact upon protected species and the scheme is therefore acceptable in this respect.

8.0 Conclusion

8.1 Having regard to the above considerations it is considered that the proposed re-use of the buildings 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 buildings and the activity associated with such uses 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.