Committee Date: 30th January 2014

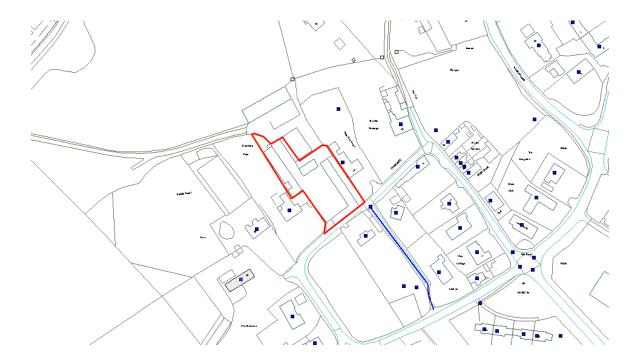
Reference: 13/00683/FUL

**Date Submitted:** 02.10.2013

**Applicant:** Mr M Chatterton

Location: Merrivale Farm, 18 Frog Lane, Plungar NG13 0JE

Proposal: Conversion of existing brick barns to form 5 dwellings



#### Introduction:-

The application seeks planning permission for the conversion of existing redundant brick barns and stables to create five dwellings. The site is within the village envelope, the buildings are not listed and are not within a conservation area. The buildings are considered to be heritage assets due to their age and design, the positive contribution that they make to the streetscene, and the view towards Plungar from the countryside to the North. The buildings are at risk of falling into disrepair due to the lack of use, and the applicant states that the conversion would ensure their upkeep and preservation for the future.

Plungar is considered to be an unsustainable location for new development due to the lack of services and facilities within the village.

#### It is considered that the main issue relating to the application is:

• Compliance to the development plan: whether it is justified to make an exception to Development Plan policies

The application is required to be considered by the Committee as the recommendation represents a departure from the Development Plan.

#### Relevant History:-

A similar scheme for the conversion of the barns to form four dwellings and a grooms annex was permitted in 2007 (06/01065/FUL) but has since lapsed.

#### **Planning Policies:-**

#### **Adopted Melton Local Plan (Saved Polices)**

Policies OS1 and BE1 allow for development within village envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

<u>Policy H6</u> states that planning permission for residential development within village envelopes will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

The National Planning Policy Framework was published 27<sup>th</sup> March 2012 and replaced the previous collection of PPS. It introduces a 'presumption in favour of sustainable development' meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;

or

— specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those that state that planning should:

- not simply be about scrutiny, but to be a creative exercise in finding ways to enhance and improve the places in which people live their lives.
- recognise the intrinsic character and beauty of the countryside and supporting thriving communities within it
- ensure the conservation of heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for this and future generations.
- encourage effective use of land by reusing land that has been previously developed, provided that it is not of high environmental value.

#### On Specific issues relevant to this application it advises:

#### Delivering a wide choice of quality homes:

Local Planning Authorities should deliver a wide choice of high quality homes which widen
opportunities for home ownership and create sustainable, inclusive and mixed communities.
These should include a mix of housing based on current and future demographic trends, and
identify the size, type, tenure and range of housing that is required in particular locations to
reflect local demand.

- Local Planning Authorities should identify and bring back into residential use empty housing
  and buildings in line with local housing and empty homes policies, and that they should
  normally approve planning applications for change to residential use where there is an
  identified need for housing in the area, provided that there are no strong economic reasons
  why such development would be inappropriate.
- to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

#### Conserving and enhancing the historic environment

 that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

As stated above, s38(6) requires determination to be in accordance with the Development Plan unless other material considerations indicate otherwise. This is reinforced by paragraph 11 of NPPF. These form the relevant Development plan policies and they remain extant.

#### Consultations:-

# Consultation reply

#### **Highway Authority: No objections**

The Officer considers that Plungar is not a sustainable location where new development should be provided. However, the application is for the redevelopment of existing farm buildings which is encouraged by planning policy, and could in theory remove agricultural traffic from an unsuitable road network, and a similar scheme was granted permission in 2007. Given this information, the highways authority is minded to look favourably upon the application, subject to the imposition of appropriate conditions.

The Officer has raised no objection to the amended plans which removed the proposed garages and altered the layout from four to five units. The Officer is content that there is sufficient parking provision at the site.

#### **Assessment of Head of Regulatory Services**

The site is proposed to be accessed from Frog Lane via the existing relatively wide residential access, marked on the amended site location plan as a shared driveway. Each dwelling is proposed to have two allocated parking spaces provided with the first four plots having their parking within the present courtyard, separated by planting and some fencing, surfaced with gravel. Plot 5 has separate parking outside of the barn.

There is space for vehicles to be able to turn around within the site to enable them to always leave the site onto Frog Lane in a forwards direction.

The access to the site and the parking provided at the site is considered to be acceptable for the number and size of dwellings proposed, and would comply with policies OS1 and BE1 in this respect. With regards to the sustainability of the location, this is discussed below.

The proposal is not considered to have an impact on highway safety.

# Barkestone, Redmile & Plungar Parish Council: Object

The Parish Council have commented that the development of the redundant farm buildings is generally appropriate and desirable, so long as it makes sensitive use of the existing buildings and does not extend beyond making them suitable for residential use. The Parish Council would like to see the Conservation Officer involved in decisions on the appearance and final finishes of the buildings in view of their historical nature.

Noted.

Noted, the Conservation Officer has been consulted on the application, see commentary below.

The original plans included the provision of garages which were considered to be unsatisfactory, and support their removal from the scheme. However, the Parish Council has concerns as to the density of the dwellings proposed, and the increased number of plots adding to the number of cars using the road. They are concerned that the site would be overcrowded and the individual units are very small in size.

The Parish Council also has concerns regarding the lack of visitor parking on site; visitors will use village streets which are narrow and would struggle to cope with additional parked vehicles.

The Parish Council feels that there should be fewer dwellings on site, and some garaging within the buildings which could preserve more of the open feel of the central yard.

Please see the commentary below with regards to the size and density of the units proposed.

The highways officer has no objection to the proposal on highways safety grounds; the proposal provides the required level of parking at the site, therefore a refusal on highways grounds would be difficult to uphold.

The proposal is not considered to have an impact upon highway safety.

#### **Conservation Officer: No objections**

The complex of buildings is neither listed, nor within a designated conservation area. However, they are a fine group of farm outbuildings in a courtyard formation that may once have comprised a late 19<sup>th</sup> century model farm (i.e. designed for purpose). Clearly the buildings have played an important role in village life and its social history. In that regard the Officer considers that the collective buildings form a significant heritage asset within the village.

Photographic evidence suggests that the buildings are generally in a good state of repair and appear to have been maintained to a good standard. That said, and assuming that they are currently either unused or indeed under used that situation could rapidly change and the buildings may fall into disrepair. Should that be the case then ultimately their condition will worsen and the heritage assets which form a collection of related farm outbuildings could ultimately be lost.

As arranged this complex presents an ideal opportunity to convert the buildings to residential units. I note from the submitted plans that the designs maximise the use of existing openings and minimise the need to introduce further openings. Although not listed the Officer suggests that the applicant has thoroughly considered the importance of these buildings within the proposals and treated the buildings as though they were listed, thus recognising their significance as a heritage asset. The conversion has been sympathetically achieved whist retaining the historic integrity of the buildings and overall complex.

Noted.

The NPPF states at paragraph 140 that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies, but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

It is considered in this case that the significance of the heritage asset is high and therefore should balanced against the harm of the proposal. In that regard the Officer welcomes the proposal to re-use the buildings which will ensure their longer term future and continued maintenance.

In conservation terms the proposal is supported.

#### **Ecology: No objections**

Following numerous discussions with the ecology department at Leicestershire County Council updated ecology surveys and mitigation plans were submitted which are considered to be satisfactory.

The ecology department are satisfied with the proposed mitigation and consider that the creation of a new bat roost, suitable for a number of species is appropriate for the development as evidence of bats were found in a number of buildings on the site.

Therefore, the ecology department recommend that if permitted, conditions should form part of the decision to ensure the protection of bats. They also suggest that the applicant must be aware that this condition would pose time constraints on the development and would require the creation of a bat roost in the loft area of the two storey barn conversion (plot 4).

Therefore the development is considered to be able to be adequately mitigated for in the interests of protected species.

# Noted.

A condition can be placed on any permission issued for the development to proceed, and a note can be forwarded to the applicant/agent to ensure that they are aware that the mitigation required will place time constraints on the development proceeding.

It is considered that the bats known to be using the site can be mitigated by condition as required by ecology.

#### **Housing Policy: No objections**

The initial proposal suggested four dwellings on the site, however these did not meet with the housing policy requirements.

David Couttie Associates conducted a Housing Market Anaylsis for Melton Borough Council (Housing Stock Analysis, 2006-2011; 2006) which clearly demonstrated that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough. Future development has therefore to address the imbalance of stock type and size, both by tenure and location to create a more sustainable and balanced housing market. This requires a bias in favour of small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households and downsizing of dwellings.

Within the rural north of the Borough the study indicated that there is a strong need for smaller market housing such as 2 bedroom houses and older people / downsizing accommodation and a

#### Noted.

The Leicester and Leicestershire Strategic Housing Market Assessment (Bline Housing, 2009) supported the findings of the Housing Market Analysis and stated that controls need to be established to protect Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing). The document continued to state that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and sparsely populated rural areas.

Therefore it is considered that the revised submission for the conversion of the barns to five dwellings, 3x2 bedroom and 2x3 bedroom, meets the housing need for the area. Given the

surplus of larger family accommodation. There are limited opportunities within village envelopes for significant new residential developments, and therefore residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing needs.

Initially, the application sought planning permission for the conversion of the existing brick barns to form 4 dwellings. The proposal was for 3x3 bedroom dwellings and 1x2 bedroom. Plot 1 was single storey, with the others 2 storey. The majority of the dwellings did not meet local housing need, being predominantly 3 bedroom, 2 storey dwellings. Accommodation more suited to local housing need would be 2 bedroom bungalows. A different style of conversion could be utilised that would offer more suitable, smaller units. This could increase the number of units achieved on the site, and would assist the application in meeting the local housing need. As submitted (as a proposal for the four dwellings) it was considered that the proposal failed to meet housing need and was therefore recommended for refusal.

Revised comments from housing policy were received following the submission of amended plans showing 5 new dwellings on site. The amendments consist of 3x2 bedroom dwellings and 2x3 bedroom dwellings. Two of the plots are proposed to be single storey, and the dwellings will also incorporate lifetime homes standards where possible. This does however need to take into consideration the site, its building and constraints.

Housing policy consider that the applicant took on board the earlier concerns, and that the revised scheme proactively meets local housing need, with the majority of the dwellings now being two bedroom. The incorporation of the lifetime homes standards is very positive, and therefore considers that their earlier objection has now been overcome.

constraints of converting existing buildings, the applicant intends to meet lifetime homes standards which will be of benefit to future occupiers, and the proposal is therefore considered to be compliant with housing policy.

#### **Building Control:**

The layout appears to allow for fire appliance access to all plots, but unsure about refuse collection.

Noted.

It is considered that if the access is suitable for a fire appliance, it would also be suitable for a refuse truck to access the site. The shared drive access width is approximately 5 metres wide at a distance of 5 metres into the site from the boundary with the highway. The width increases towards the highway boundary and is some 9.2 metres at the highway boundary.

The site is accessed from a relatively quiet, but narrow street within the village which the refuse truck already visits to collect from existing households. Therefore collection of refuse from these new dwellings should not cause any particular issues for the refuse truck.

#### Archaeology: No objections

The proposals will affect traditional farm buildings that appear to be of historical interest. We are currently seeing the erosion of this resource, as agricultural practises change and redundant buildings are demolished/converted. Some of these buildings may be present on the earliest mapping we have available (the early C19th OS Surveyor's map), and if so are earlier than the majority of surviving farm buildings in the county. Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates the building is a heritage asset(s) with an archaeological interest (National Planning Policy Framework (NPPF) Section 12, paragraph 128 and Appendix 2).

Archaeology therefore recommend that the planning authority require the applicant to complete an appropriate level of building recording prior to alteration, to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 12, paragraph 141). This should be secured by condition on any approved planning application.

This will require provision by the applicant for a level of building recording, to equate with a Level 2 'Descriptive Survey', as specified by English Heritage (Understanding Historic Buildings. A guide to good recording practice, EH 2006).

Noted.

A condition can be placed on any permission issued to ensure that the appropriate historical building recording is completed prior to the conversion of the buildings.

#### **Representations:**

A site notice was posted at the site and three neighbours were informed. Informal comments were received from one neighbour.

## Consideration

#### Sustainability

Plungar has been considered to be an unsustainable location for new development, however without development this is a self-fulfilling prophecy. It is in the villages' best interest that it is sympathetically developed over time.

## Assessment of Head of Regulatory Services

The studies undertaken for the compilation of the Local Development Framework concluded that Plungar is not considered to be a sustainable location for new development due to the lack of services and facilities within walking distance. Those who live in Plungar must heavily rely on the private car to access services and facilities.

The proposal is supported in principle by Melton Local Plan policies OS1 and BE1 due to its

location within a village envelope; however, the NPPF states that where the local plan is out of date or does not provide guidance, the NPPF should prevail. The NPPF introduces the presumption favour of sustainable development, and advises that developments which are sustainable should be approved without delay. Due to the results of the studies compiled for the Local Development Framework, Plungar is not considered to be a sustainable location for new development. The NPPF is however specific at paragraph 140 in stating that local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from these policies.

It is considered on this occasion that the buildings are of such importance to the village in heritage terms that allowing them to fall into disrepair would be more harmful than the resulting harm in allowing the conversion of the building to small dwellings in an unsustainable location, which are generally needed in the wider area.

The application in this case proposes to change the use of existing historical buildings to a more appropriate use to ensure their long term retention. Although the buildings are not listed, nor are they within a conservation area, the Conservation Officer considers that they are heritage assets in their own right and should be conserved and the County Archaeologist considers that the buildings are of historical interest. Buildings of this type are no longer used in modern farming methods, and the only way that they can be retained for the benefit of future generations is by their conversion to a more appropriate use. Therefore there is a planning balance to be struck between the sustainability of the location of the proposal, and the benefit of preserving the buildings.

#### **Historic Buildings**

The existing buildings are showing signs of their old age and a plan to develop them will assure their useful longevity. The revised plans do not include garages within the stable courtyard which should retain the historical courtyard.

### **Housing Density**

The total amount of dwellings on the site rising from one to six (including the host dwelling), with the courtyard most likely being full of cars, the density is not consistent with the nearby environment. Given the choice, there should be fewer dwellings with parking provided inside of the existing building structures which would be more sympathetic.

#### Noted

The removal of the garages within the courtyard should help to ensure that the courtyard retains a relatively open feel. It is acknowledged that cars parked within the courtyard would detract from this open feel a little and would not be particularly in keeping with the nearby environment. However, the nearby environment is that of large executive dwellings with land and gardens which is not consistent with the housing policy requirements following on from the Housing Market Analysis (as explained above). Fewer dwellings on the site would not meet the housing requirements for the rural north of the borough,

and would have an inflationary effect on the prices of the dwellings when they come to market. Therefore, it is considered that this is a compromise worth making to give the area dwellings suitable for those downsizing, or seeking to purchase a first home.

#### Other material considerations (not raised through consultation or representation)

# ConsiderationAssessment ofApplication of the Development Plan PoliciesAlthough in pol

# Policies OS1 and H6 support new development within existing village envelopes subject to a number of criteria as appointed above. The studies

number of criteria as specified above. The studies undertaken during the complication of the Core Strategy considered that Plungar is an unsustainable location for new development.

The NPPF Paragraph 140 states that Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

#### **Assessment of Head of Regulatory Services**

Although in policy terms the location of the proposal is not supported by the NPPF as the location is considered to be unsustainable, the NPPF is clear that where the benefits of conserving the heritage asset outweigh the disbenefits of departing from these policies planning permission should be granted.

It is considered in this case that the buildings proposed to be converted into dwellings are highly significant heritage assets which should be conserved for their own benefit. Although the location of the buildings is considered to be unsustainable, it could be considered that additional dwellings in the village *may* contribute to additional services coming to the village, and benefit the community.

It is therefore considered that there is sufficient justification to depart from the approved policies of the Development Plan in this case.

#### Impact upon residential amenity:

The stables which form an L-shape courtyard are at the closest, 5m from the neighbouring dwelling to the north east. The area between the rear of the stables and the neighbouring dwelling is currently very overgrown.

The proposal does not seek to add to these buildings in height, but insert windows and doors into the rear (north east) elevation at a ground floor level. Amended plans were submitted in December 2013 omitting one of the doors following consultation with the neighbour. Some of the windows are now also shown to be obscure glazed which are to the bathrooms. There is one velux style roof light on this elevation which is to a bathroom in the first floor of the 1 ½ storey stable block.

There is a brick wall separating the barns from the neighbouring dwelling which measures approximately 1.65m high for the length of the boundary. There are many new doors and windows proposed mostly using existing openings on the internal courtyard elevations of the stable block which would be a minimum of 26m from the

host dwelling where there would be direct overlooking.

To complete the conversion of the main stable and barn a small extension is proposed to link the L-shaped stables to the two storey barn to make a U-shape around the courtyard. This is a relatively simple in-fill extension at a single storey to match the height of the majority of the buildings to create a liveable space for plot 4.

There will be a number of new windows / doors and patio doors inserted to the north west elevation of the two storey barn which would form part of the U-shape development, overlooking the countryside.

The separate, long, two storey barn located to the north of the host dwelling is also proposed to be converted into a separate dwelling forming plot 5. This would also entail a small ground floor extension to the building on the north elevation at a lower level to the existing building, utilising the change in ground levels. There will be one bedroom on the first floor of this building, but the only window would be on the north elevation overlooking the open countryside. On the ground floor west elevation all of the windows will be obscure glazed to ensure the privacy of the host dwelling, whose garden the scheme would overlook.

Due to the layout of the site there would be no direct overlooking between plots 4 and 5.

It is considered that the layout of the individual plots, and the consideration of the layout of the proposed windows and doors has been carefully designed so as not to have a negative impact on neighbouring dwellings and the host dwelling.

The brick wall which divides the site from the neighbour to the north east stands approx. 1.65m tall and will therefore provide adequate screening between the rear gardens and windows / doors of the new dwellings and the neighbour. The proposed windows are all at ground floor, apart from one velux window which is proposed to be obscure glazed.

It is therefore considered that the layout of the windows, doors and individual plots will not have a negative impact upon residential privacy or amenity of neighbouring dwellings, the host dwellings or the new dwellings themselves. The proposal therefore complies with policies OS1 and BE1 in this respect.

Design	The proposed conversions include two small
	extensions which are sympathetic to the existing
	buildings in design terms, and make the buildings
	more liveable day-to-day. The extensions would
	be oak framed, clearly identifying them as more

recent constructions, but compatible with the agricultural nature of the brick barns.

In general terms, the proposal follows the layout of the previously approved scheme, with amendments to the number of plots. A large proportion of the proposed openings are existing or modifications to the existing, thereby leaving the buildings still having the appearance of the original stables /barns.

As there are no major alterations to the external appearance of the buildings it is considered that the design of the proposal accords with the development plan policies OS1 and BE1.

#### **Conclusion**

The application seeks planning permission for the change of use of the stables and barns at Merrivale Farm to five dwellings, 3x2 bedroom and 2x3 bedroom to lifetime homes standards where possible. The site lies within the village envelope for Plungar and complies with policies OS1, BE1 and H6 of the Melton Local Plan. Plungar however has been identified as an unsustainable location which would be contrary to the NPPF where there is a presumption in favour of sustainable development. However, given the significance and quality of the buildings proposed to be converted it is considered that the proposal meets with the requirements of paragraph 140 of the NPPF which states that "Local Planning Authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies." It is also considered that the proposed dwellings will help to reduce the shortfall of smaller dwellings in the rural north of the Borough and are supported by housing policy. Therefore on balance it is considered that the retention of a heritage asset outweighs the unsustainable location of the buildings and as such is recommended for approval.

#### **RECOMMENDATION:** Permit, subject to the following conditions:

- 1. The development shall be begun before the expiration of three years from the date of this permission.
- 2. This decision relates to the approved plans numbered PLU-01 received at these offices on 23/09/2013; the amended block plan numbered PLU-03 Rev A received at these offices on 11/011/2013; the amended plans and elevations numbered PLU-05 Rev E and PLU-08 Rev C received at these offices on 05/12/2013.
- 3. No development shall start on site until all materials to be used in the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.
- 4. Works must only proceed in accordance with the mitigation detailed in section 5.1.2 and 5.2.2 and 5.2.3 of the Protected Species Survey (Andrew Chick, August 2013) and section 4.1 of the Method statement for Protecting Bats (Andrew Chick, December 2013). The mitigation measures will be retained thereafter.

- 5. No demolition/development shall take place/commence until a programme of historic building survey defined within a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  - o The programme and methodology of historic building survey and recording
  - o The programme for post investigation assessment and analysis
  - o Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - Provision to be made for archive deposition of the analysis and records of the site investigation
  - o Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- 6. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 5.
- 7. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and reenacting that Order) in respect of the dwellings hereby permitted no development as specified in Classes A, B, C or E shall be carried out unless planning permission has first been granted by the Local Planning Authority.

#### The reasons for the conditions are:

- 1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990
- 2. For the avoidance of doubt; the initial plans being considered unsatisfactory.
- 3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
- 4. To ensure the protection and conservation of bats and birds on the site.
- 5. To ensure a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss.
- 6. To ensure a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss.
- 7. To enable the Local Planning Authority to retain control over future extensions in view type of development proposed.

Officer to contact: Mrs Sarah Legge 17<sup>th</sup> January 2014