

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 22 September 2010

Page

APPLICATION REF. NO:	10/0000434/FUL
STATUTORY DECISION DATE:	30 August 2010
WARD/PARISH:	BISHOPTON
LOCATION:	Manor Farm, 20 The Green, Bishopton
DESCRIPTION:)	Modification of planning permission 05/00448/FUL dated 15 July 2005 (conversion of redundant agricultural buildings into 3 No. dwellings and erection of 2 No. detached dwellings) to the south west elevation, increase the size of rooflights, insert an additional 2 No. rooflights in Plot 1, insert an additional window and reposition the entrance door and adjacent window in Plot 1. To the north east elevation insert an additional window, minor changes to the position of vents, flues and soil vent pipes, confirmed location of 3 No. fuel tanks and alterations to the roof (pitch and eaves level) (amended plans received 4 August 2010)
APPLICANT:	Thoroughbred Homes

APPLICATION AND SITE DESCRIPTION

This is an application under s.73 of the Act to vary planning permission 05/00448/FUL for the above development at Manor Farm, 20 The Green, Bishopton. The application is made retrospectively. The developments are subject to an application for listed building consent which is covered elsewhere on this agenda. The building subject to the application is a former agricultural barn which forms the eastern wing of Manor Farm house. The farmhouse is Grade II listed and by being joined to it the building subject to this application is covered by the listing.

Planning permission was originally granted to convert the barn to 3 residential properties in July 2005. That application also included the construction of two new dwellings at the rear of the site. At this time it was proposed to demolish the end of the barn in order to allow for a widened vehicular access to the site. It is no longer proposed to demolish the end of the barn but to preserve it as part of the scheme. In 2008 the Planning Applications Committee agreed this as an amendment to the planning permission.

In support of the above described further amendments and in keeping the Government's planning guidance the applicant has submitted a design and access statement to accompany the application.

PLANNING HISTORY

N/69 - In November 1951 planning permission was granted for the construction of a vehicular access and additional windows to the farm building fronting The Green.

85/639 - Planning Permission was granted in May 1986 for the erection of a replacement farm building.

LB/85/640 - In May 1986 listed building consent was granted for the demolition of a farm building adjacent to the farm access and behind the frontage building.

03/00529/FUL and 03/00527/CAC – In September 2003 Planning Permission and Conservation Area Consent were refused for the redevelopment of the site and the erection of six dwellings, comprising a terrace of four units on the frontage to The Green and two detached houses to the rear. The scheme was dismissed on appeal in October 2004.

05/00448/FUL – In July 2005 planning permission was granted for the conversion of the redundant agricultural buildings into 3 No. Dwellings and the erection of 2 No. Detached dwellings.

05/00449/CAC – In July 2005-conservation area consent was granted for the demolition of farm buildings to the rear of the site.

06/00332/LBC – In September 2006 listed building consent was granted for the conversion of redundant agricultural buildings into 3 No. Dwellings and the erection of 2 No. detached houses.

07/01241/FUL – In February 2008 planning permission was granted for an access track to the rear of Manor Farm.

08 / 00030/ - In February 2008 listed building consent was granted for underpinning works to the building

The site has a lengthy and complicated planning history. The key applications were the proposal in 2005 to convert the building to 3 residential properties and to develop two new dwellings at the rear of the site. A corresponding listed building application was approved in September 2006.

PLANNING POLICY BACKGROUND

Planning Policy Statement 5 – Planning for the Historic Environment

RESULTS OF CONSULTATION AND PUBLICITY

7 letters of objection to the proposals have been received (2 of which are copies of standard prepared letters signed by different local residents and 2 of which are from the same resident).

The grounds of objection are summarised below:-

- The roof pitch has changed from 41 degrees to 33.5 degrees and the eaves level raised by 360mm. The juxtaposition of the main farmhouse roof and barn roof is very uncomfortable. It looks completely wrong in this location and is a significant change in the character of the building. The original roof line should be re-instated. There is no justification for the change to the roof. It is not required by the building regulations. It conflicts with the objectives of Planning Policy Statement 5 (PPS5).
- Plain tiles have been used at the base of the roof for which there is no historical precedent. The result at the back of the property is appalling and visible from the public footpath and on looking into the Conservation Area. There is no historical precedent for this design feature within the village.
- The scheme fails to promote better design standards that the authority has committed to through the supplementary planning document. To permit these changes to remain would be a dereliction of duty of the LPA to protect or enhance the listed building or conservation area and would be in conflict with its own policies.
- There are inaccuracies in the submitted drawings notably with regard to window dimensions and flue positions
- The additional non-matching rooflights are an inappropriate response resulting in excessive glazing, substandard lighting and cannot be used as a means of escape. The rooflights will not allow future residents a reasonable outlook over their gardens.
- The kitchen door in the eastern elevation of plot 3 has been bricked up. No mention of this has been made in the application.
- It is inappropriate to increase the height of the existing opening in the retained end of the barn.
- The flues will project over the village green which will be hazardous to pedestrians.
- Cumulatively these deficiencies are detrimental to the character both of the listed building and the conservation area.
- Part of the village green is being removed, edged with concrete paving slabs and used as a soakaway for no good reason. This will be a tripping hazard and will make it difficult to cut the grass. The construction of raised platforms is not mentioned.
- The fuel tanks will increase the amount of impermeable surface on the site increasing flood risk. They will also obscure windows and would be in breach of OFTEC regulations.
- Various references are made to items that have been excluded from the applications including foul drainage arrangements and design details such as omission of chimneys. Several concerns are raised about the inadequacies of the scheme as a whole that do not directly concern the specific proposals subject to this application. There is a request for further control to be exercised over the development as a whole.
- The previous appeal inspector identified the group value of the building and its architectural importance within the historic context of the village.
- The previous appeal inspector referred to the potential to open previously bricked up parts of the rear of the building. This would offer a more sensitive design solution
- Planning Policy Statement 5 contains policies that are directly relevant to the importance of groups of buildings including the role of plans in this and the risk to heritage assets.
- Further protection should be given to the listed building with removal of permitted development rights for the whole site.
- Deliberate neglect of a building in the hope of gaining consent on the basis of improving the appearance of the site should not be a factor given weight in decision making.

- Increase in the size of opening at the front of the building does not allow residents to look out
- The position of boilers means that flues and protective cages will project over the village green. This is not appropriate for a listed building.
- The proposal conflicts with policies in the Local Plan and Bishopton Conservation Area appraisal.
- The position of the oil storage tanks will need to comply with OFTEC guidelines.

3 letters of support have been received stating the following points:-

- the development makes a welcome change to looking at dilapidated buildings and scaffolding and it is hoped that the amendments will be approved.
- The site has quickly been transformed from an eyesore to a more attractive building and the village green has been re-instated.
- The changes compliment the building without any detriment to the overall site

A petition has also been received with some 61 signatures. This contains a covering statement which reads that the site has been a mess for too long. It looks far better today and looks to be getting near completion. It looks as if a good job is being done and there are no objections to the planning amendments which are strongly recommended for approval. . It concludes by stating "I would hate to see progress come to an end".

In addition the following consultation responses have been received

Conservation Officer - Raises no objection to the various developments considering that the alterations conform to PPS5 because the significance of both the Listed Building and the Conservation Area is sustained.

English Heritage – Do not wish to offer any comments advising the application be determined in accordance with national and local policy guidance and our expert conservation advice.

Bishopton Parish Council – The Parish Council has recommended the application be approved though has raised a concern about the practicality of vehicles gaining access to the rear of the site to service the proposed fuel tanks.

PLANNING ISSUES

The main issue to be considered in this case is the visual effect of the works on the character and appearance of the Bishopton Conservation Area

The key relevant planning policy document is The Government's Planning Policy Statement (PPS) 5, listed building and conservation policies in the local plan having been deleted. PPS5 advises that an assessment of the significance of the heritage asset needs to be made along with the desirability of maintaining and enhancing that significance. The policy also advises that there should be a presumption in favour of conservation of designated heritage assets and the more significant the designated heritage asset the greater the presumption in favour of its conservation should be.

As stated previously the barn is listed by virtue of being joined to the Grade II listed Manor Farm House. The barn is a 19th century addition which is referred to in the listing as not being of interest. Notwithstanding this, the value of the barn was previously given consideration by an appeal inspector following the refusal of permission to demolish the structure for residential re-development in 2003.

The Inspector assessed the barn in the context of other buildings within this central part of the village including Manor Farmhouse, the parish church and the Old Vicarage which he considered to have group value providing an important focal point within the village. . He cited the subservient proportions and simple elevations of the barn relative to the farmhouse as forming a strong visual and historic relationship.

Taking account of the above the barn is considered to be an important heritage asset from the point of view of its group value in relation to the central part of the village but of limited significance in its own right.

The alterations proposed in this application, most of which are retrospective, are relatively small in scale with the exception of the roof which amounts to a more substantial alteration.

The changes to the roof essentially comprise lifting the height of the building at eaves level by 3-4 brick courses and making the pitch slightly shallower than was previously the case. A flat tile has also been used at eaves level to bridge the gap between the uppermost course of bricks and the lowest pantiles. The explanation given by the developer for lifting the height of the eaves relates to the method of construction used incorporating deeper trusses in order to avoid the need for horizontal supporting joists in the interests of creating more practical usable space. This explanation is supported by the Council's building control section.

Concern is raised that the structure has been deliberately neglected, however at the time of the original planning application in 2005, structural engineers had identified the unsatisfactory condition of the original roof structure within the front of the barn and that the rear wing structure needed to be the subject of further investigations. The developer states that the rear wing roof was in poor condition, subject to dry rot and wood worm and not in a suitable condition for conversion. Members will recall that there has been a lengthy consultation exercise which prevented the development from being progressed earlier than may otherwise have been the case and it is not considered that that there has been a deliberate effort to neglect the site to make it more likely that consent would be granted.

A small area of the rear facing elevation of the roof does have the appearance of having been somewhat 'patched up' with flat tiles. The developer explains that the reason for this was to overcome the fact that the rear wall is not straight in this location due to variation in the width of the building. This has not made it possible to maintain a uniform pitch. Indeed reference to historic photographs show that the tiled finish for this part of the roof was imperfect.

Taking these factors into account the change in the pitch of the roof, the extra courses of brick and the use of flat tiles at eaves level are not considered to be so significant as to adversely affect the character and appearance of the conservation area. Notably the ridge height of the roof would be no greater than was the case with the original barn. Comparative photos will be shown at the meeting to identify where the changes have been made. It is not considered to be in the public interest to require the roof to be altered so as to be exactly in keeping with how it was before.

The additional window to the front of the retained end barn would utilise an original albeit enlarged aperture. The additional window to the rear would balance the proportion of fenestration along the rear elevation and would be in keeping with the dimensions of the previously approved ground floor windows. The window frames would be finished in white painted timber to match the existing approved windows for the remainder of the barn which would also match the white timber windows of the main farmhouse.

The additional and enlarged rooflights would amount to a relatively minor addition to those already approved. It is appropriate to confine the rooflights to the south facing rear elevation of the building and not to allow them on the more simply designed main public elevation facing the village green. The opportunity to convert the barn by utilising rooflights to the rear was cited by the previous appeal inspector.

As to their effectiveness at lighting rooms, there is no minimum size of glazing required for this purpose and whilst the lights would not allow for the standard of outlook that could be achieved from a standard window, this standard of outlook would be available from the rear facing ground floor windows. A concern was raised that the rooflights could not be used as a means of escape. Though not a planning consideration, it is not necessary for this to be the case under the building regulations. An alternative solution is proposed in the form of fire doors and protected stairs.

The building has clearly been subject to previous alterations over its lifetime evident from the use of different brick types within the rear elevation of the barn. In this context the bricking up of the kitchen door to the east elevation is not considered to be significant. The proposed swapping of the position of an adjacent door and window is in part of the rear elevation where apertures have previously been bricked up and is not considered to be significant.

With regard to the proposed projecting flues, an amendment to the scheme has been made so that the flue for plot 1 would project to the less visually sensitive rear elevation of the building. There would only be one flue that would project, by some 12 cm, to the front elevation (serving plot 2) as a result of the constraints of the internal layout, which together with protective mesh is considered to be insignificant in terms of its impact on the heritage asset.

The proposed fuel tanks would be some 1.2 metres in height. The siting of the tanks have been amended so that they would not sit immediately adjacent to and harm the outlook from habitable room windows. The design and positioning of the tanks is not considered to be harmful to the setting of the building.

The Parish Council raised concerns about the ability to refuel the tanks given the narrow vehicular access at the front of the site. Clarification has been received from the developer that vehicles could either be parked at the front of the development whilst fuel is pumped to the tanks or alternatively delivery vehicles would access the site directly from the rear.

The discrepancies in the drawings concerning the dimensions of windows on the front elevation have now been corrected.

References have been made to the policies within PPS5 that are concerned with plan making for protection of heritage assets that are not directly relevant to consideration of the current application.

Other matters

With regard to the concerns raised about works that might proceed under permitted development rights available to domestic properties it is considered prudent to withdraw such rights to extend the converted barn without the need for a separate planning application taking into account the tight physical relationship between the individual converted units.

Furthermore in the interests of protecting the appearance of the conservation area and setting of the listed building it is considered prudent to remove permitted development rights for the new plots at the rear of the site specifically in relation to the construction of white upvc conservatories.

One of the concerns raised is that the fuel tanks will lead to an increase in the amount of impermeable surface on the site. The cumulative footprint of the tanks would be some 4 square metres. This is considered likely to have a negligible impact on the level of flood risk over and above that which has already been taken into account prior to the discharge of the relevant condition on the original planning permission. The site is not located within a high risk flood location.

The alteration to the village green involves creating a drainage channel, 150mm in depth, in order to ensure that the front of the building is not at risk of water encroachment. The impact of this proposal is considered to be negligible both in terms of the effect on the Conservation Area and the safety of any pedestrians. Notably there is no objection to this measure from the Parish Council.

Concerns have been raised that the application fails to address things which are felt to be important in the scheme such as design shortcomings, not just in relation to the converted building but across the wider site.

Wherever deemed to be appropriate, details have already been approved in relation to conditions imposed on the original 2005 permission. It is considered only reasonable that the matters currently before the Committee should be considered proportionately by the Local Planning Authority and therefore to focus consideration on the specific proposed variations identified in the application rather than to re-consider and re-visit wider design issues relating to the site as a whole.

The proposed amendments to the scheme are not considered to adversely affect any residential amenity interests.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

It is considered that the building subject to this application is important in terms of its group value but of limited significance as a heritage asset in its own right. With the exception of the alterations to the roof, the proposed works are all considered to be minor. The impact of the works even cumulatively would not negatively affect the historic or architectural value of the building which would remain subservient to the main farmhouse and would not adversely affect its setting. The proposal would ensure that the simple and uncluttered appearance of the building seen from the most significant viewpoints at the centre of the village is maintained and it is considered that the resulting development would not adversely impact on the character and appearance of the Conservation Area. The key point in this case is that the barn building is not being demolished but rather is being retained and saved through introducing an alternative and viable use. Whilst it is being altered the changes are not considered to be so significant as to undermine the group value of the building. The development would not therefore conflict with guidance contained in Planning Policy Statement 5.

RECOMMENDATION – GRANT SUBJECT TO THE FOLLOWING CONDITIONS

1. Condition B5– The proposed development shall be carried out in all respects in accordance with the proposals contained in the application and plans submitted herewith and approved by the Local Planning Authority, or as shall otherwise have been agreed in writing by the Local Planning Authority Reason: In order to ensure a satisfactory form of development
2. The window frames hereby approved are to be hardwood timber to be painted white to match previously approved frames in the remainder of the building. Reason: in the interests of helping to protect the architectural and historic significance of the building.
3. The Conservation rooflights hereby approved are to be to be metal framed, coloured black and fitted level with plane of roof. Reason: in the interests of helping to protect the architectural and historic significance of the building.
4. The Repositioned door and window are to be finished as per details approved pursuant to condition 8 attached to planning permission 05/00448 . Reason: in the interests of helping to protect the architectural and historic significance of the building.
5. Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved is to be implemented in accordance with the following conditions and details previously approved pursuant to discharging such conditions attached to planning permission reference 05/00448/FUL:-

Condition 4 (means of enclosure) – Details approved 13 April 2010 (agreed means of enclosure or like replacement to be retained in perpetuity)

Condition 5 (contaminated land remediation) – Details approved 19 and 21 April 2010 pursuant to parts i, ii and iii. Details pursuant to parts iv and v remain outstanding

Condition 6 (landscaping) – Details approved 13 April 2010.

Condition 7 – (provision of parking) – condition re-stated.

Conditions 8a and 8b (Joinery details and Lintels and Cills) - Details approved 13 April 2010.

Condition10 – Details approved 9 November 2009

Condition 11 – Details approved 13 April and 14 July 2010

Condition 12 (access) – condition restated

Condition 14 -- Details approved 13 April 2010

Condition 15 Details approved 3 March 2010

Reason: In order to ensure a satisfactory for of development

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any revoking or re-enacting that Order), no enlargement, improvement or other alteration of plots 1-3 (the dwellings within the converted barn), including any additional structures / buildings within the curtilage of the site and no white upvc conservatories to the rear of plots 4 and 5 (the new dwelling plots) shall be carried out without the prior consent of the Local Planning Authority Reason: In the interests of protecting the setting of the listed building and character of the conservation area and the protection of residential amenity

SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

It is considered that the building subject to this application is important in terms of its group value but of limited significance as a heritage asset in its own right. With the exception of the alterations to the roof, the proposed works are all considered to be minor. The impact of the works even cumulatively would not negatively affect the historic or architectural value of the building which would remain subservient to the main farmhouse and would not adversely affect its setting. The proposal would ensure that the simple and uncluttered appearance of the building seen from the most significant viewpoints at the centre of the village is maintained and it is considered that the resulting development would not adversely impact on the character and appearance of the Conservation Area. The key point in this case is that the barn building is not being demolished but rather is being retained and saved through introducing an alternative and viable use. Whilst it is being altered the changes are not considered to be so significant as to undermine the group value of the building. The development would not therefore conflict with guidance contained in Planning Policy Statement 5.