DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 11 April 2012 **Page**

APPLICATION REF. NO:	**11/00833/LBC**
STATUTORY DECISION DATE:	**22 February 2012**
WARD/PARISH:	**HEIGHINGTON AND CONISCLIFFE**
LOCATION:	**Residential Development (opposite Castle Farm) Walworth Road, Walworth.**
DESCRIPTION:	**Listed Building Consent for alterations including lowering roofs to 3 No boiler rooms, replacement stone capping to boundary walls and alterations to boundaries including erection of posts and rails and hedge planting (amended by plans received 2 March 2012).**
APPLICANT:	**Mandale Construction Limited**

APPLICATION AND SITE DESCRIPTION

Listed building consent is sought for alterations including lowering roofs to 3 No boiler rooms, retention of oil tanks, replacement stone capping to boundary walls and alterations to boundaries including erection of posts and rails and hedge planting (amended by plans received 2 March 2012).

The proposal has been amended and no longer relates to the retention or alteration of the areas of hardstanding on the site. These works are currently unauthorised and it is understood that the applicant proposes to submit a separate application in this regard.

The site is located to the south of Walworth Road and consists of barns converted to residential accommodation and a farm house.

Below is a list of the listed buildings of the site:

- Garden wall & gate piers in front of Parkside Farmhouse. LB No. 15/135. Grade II.
- Hay barn and Attached Shed, Castle Farm (now 'The Arches'). LB No. 15/137. Grade II.
- Dovecote and Single Storey Range, Castle Farm (now 'The Dovecote'). LB No. 15/138. Grade II.
- Barn and Flanking Shelter Sheds to South of Parkside House, Castle Farm (now 'Field View'). LB No. 15/136. Grade II.
- Parkside Farmhouse, Castle Farm (now 'The Farmhouse'). LB No. 15/134. Grade II.

Two of the properties (located to the north of the site next to Walworth Road) are not listed buildings.

PLANNING HISTORY

Planning permission was granted on 1 November 2006 for the conversion of the existing buildings to create five dwellings with associated parking and works (Ref: 06/00712/FUL). Planning permission was granted on 30 April 2008 for the modification of application 06/00712/FUL to allow revised access arrangements and a single storey extension to the farmhouse.

Listed building consent was granted on 20 December 2006 for the conversion of three barns into three residential dwellings (Ref: 06/01045/LBC). Listed building consent was granted on 23 April 2008 for the modification of application 06/01045/LBC to allow amended internal layouts and external alterations along with a single storey extension to the farmhouse.

PLANNING POLICY BACKGROUND

Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy Development Plan Document 2011 is relevant to the application.

Panning Policy Statement 5: Planning for the Historic Environment 2010 is also relevant to the application.

RESULTS OF CONSULTATION AND PUBLICITY

Letters have been sent to residents advising of the proposal and a site notice has been displayed.

An objection has been received from the occupiers of **The Farmhouse**:

- *Replacement of block paving on communal areas with gravel. In my opinion the existing block paving is in keeping with the development as a whole and to replace with an inferior wearing surface that needs a high degree of maintenance makes no sense at all. In addition the gravel will be dragged out onto the highway creating additional problems with egress from the properties which are already dangerous enough due to visibility.*

- *Hawthorn hedge planting adjacent to existing boundary fencing. In my opinion the existing fencing is in keeping with the development as a whole and will not benefit from hedge planting. Having been resident since June of last year we have already planted the borders next to the fence in line with our preferences and believe that it is a totally unnecessary hindrance. In addition the hedging would require a great deal of maintenance.*

- *Lowering of the boiler room roof. In my opinion all of the existing boiler rooms are absolutely in keeping with the development. It goes without saying that lowering the roofs and installing replacement tanks etc will be a huge and unnecessary inconvenience and expense. However my main objection is that the existing boiler room roofs and that of our neighbour in Field View (Barn 5) also act as a screen without which all of the properties would have a direct view into our kitchen. In terms of privacy alone I do not believe that this is any way acceptable.*

- *In summary I believe that the development in existing state is absolutely in keeping with its heritage and surroundings. It was this reason that we bought it in the first place*

Following the amended plans, residents were re-consulted. A second letter was received from the occupiers of **The Farmhouse**:

- *Boundary fencing and hedge planting. The existing close boarded fencing not only serves as an ownership boundary but also a screen between adjacent properties. If the vertical panels are removed we will have clear visibility into the gardens and properties of Wood View, Field View and The Dovecote which will only, at best, be partly obscured by deciduous immature hedging. In addition to the privacy issue our own oil tank and that of Field View will be clearly visible from both inside and outside of our property. Furthermore as the hedging matures and regardless of how often it is maintained, it will initially impede and eventually block access around our property where it bounders both Wood View and Field View.*

- *Lowering of the boiler room roof. In addition to my original objection in this respect I believe that maintaining the boilers and ancillary equipment will be extremely difficult if not impossible due to the confined nature of the structure.*

- *As stated previously the development in its current state is a credit to the developer who has turned a completely derelict site into 6 unique properties and given the opportunity for 6 families to live in an extremely pleasant and comfortable location.*

- *The development has also benefited the Local Authority who must receive in the region of £20,000 per annum in Council Tax payments from the residents.*

- *I also feel compelled to criticise the Local Authority for allowing this whole planning issue to arise in the first instance. Presumably the works were all carried out in line with the appropriate building regulations at the time and would have been regularly inspected by the Building Control Section. How could it have gone unnoticed that the boiler rooms in particular were out with the approved plans and surely there should have been a final inspection by the Conservation Officers once complete.*

- *In summary I believe the proposals are totally unacceptable.*

An objection was received from the occupiers of **Wood View**:

- *We wish to strongly object to the proposed changes identified in the above application. In which the intent is to alter boundary Fencing, Hedge Planting and Dive ways etc.*

- *We bought the property in 2010 from Mandale Properties and it went through the correct process via our solicitor. All the correct searches were carried out and no objection or notification was given by the Planning Department to inform us there was any type of issue.*

- *Boundary Fencing and Hedge Planting: We object to the proposed fencing alterations as we have two children both under the age of three who at present can play in the garden area securely and within the privacy of our property. If this is altered to post and rail we will loose this level of privacy/protection and be open to the other properties as*

well the dangerous main road and local stream attached to our extended garden. Which is currently secured. In addition the post and rail fence will not offer any security cover in regards to my Fuel Storage Tank, which is sited near the entrance to the property. Furthermore the proposal of hedging is not acceptable, as not only does this require a high level of maintenance but also offers no security protection what so ever to our property.

- *Drive Ways: At present we have block paving which provides a good hardwearing surface, which allows rainwater to drain easily. I note you wish to change this to some sort of cheap gravel look-a-like. This is not desirable and we are finding it difficult to understand how this would be aesthetically beneficial. In addition if gravel was used this would only create a ponding issue during the winter months, as it would not drain away as easily as the block paving.*

- *The development in its current state is a credit to the developer who has turned a completely derelict site into six unique properties and given the opportunity for six families to live in an extremely pleasant and comfortable location.*

- *The development has also benefited the Local Authority who must receive in the region of £20,000 per annum in Council Tax payments from the residents, who receive very few services in return.*

- *As far as we are aware we have bought the property in good faith and the required checks and confirmations were made via our Solicitor. Therefore we do not understand the Planning Departments right to now after the properties have been complete to request these changes. Should they not have been supervising the progress during the build and ensured the requirements were met by the builder prior to any sale?*

- *Therefore we request the opportunity to discuss these issues with all parties concerned on site in order to give our concerns the proper consideration.*

An objection has been received from the occupiers of **Castle Barn**:

- *Boundary fencing and hedge planting. The existing close boarded fencing not only serves as an ownership boundary but also a screen between adjacent properties. If the vertical panels are removed I will have clear visibility into the gardens and properties of Wood View, The Arches and The Dovecote which will only, at best, be partly obscured by deciduous immature hedging. In addition to the privacy issue our own oil tank and that of other properties will be clearly visible from both inside and outside of our property. Furthermore as the hedging matures a safety and security issue arises not only to the residents of the development but also to the general public. Walworth Road at times can be busy with farm traffic and heavy good vehicles which due to the nature of the driveways present blind access points, which if not secured for children and pets could cause a major fatal incident. In addition the internal closed boarded fences also prevents access to the nearby beck.*

- *Changing the fencing around our boiler house which is on the Walworth Road elevation raises an additional security issue for our property (Castle Barn). Removing the close boarded fence would provide easy access for theft and damage along with an unsightly*

area open to the public. This area would be better served by a stone wall to match Castle Farm (opposite) if this must be changed, as would the entrance areas.

- *The development in its current state is a credit to the developer who has turned a completely derelict site into six unique properties and given the opportunity for six families to live in an extremely pleasant and comfortable location.*

- *The development has also benefited the Local Authority who must receive in the region of £20,000 per annum in Council Tax payments from the residents, who receive very few services in return.*

- *I also feel compelled to criticise the Local Authority for allowing this whole planning issue to arise in the first instance. Presumably the works were all carried out in line with the appropriate building regulations at the time and would have been regularly inspected by the Building Control Section. I have occupied the property for over a year, without any safety or security concerns. How could it have gone unnoticed that the fencing and road surfaces have been completed incorrectly, surely plans were passed and there should have been a final inspection by the Conservation Officers. I must note that my solicitor did not come up with any concerns during his searches.*

- *In summary I believe the proposals are totally unacceptable, and only affect the residents of the six properties and Castle Farm (opposite) none of whom have been consulted by either the Environmental Department or the Planning Department. I would welcome the opportunity to discuss these issues with all parties concerned, preferably on site, so my concerns can be given the consideration they deserve.*

An objection has been received from the occupiers of **The Dovecote**:

- *I would like to raise an objection to the plans submitted for the alterations to the Castle Farm Barns residential development.*

- *The site and properties therein have been completed to a high degree and in my view in keeping with the surroundings and enhance the area. The post and rail fencing which has been boarded on the development not only serve as boundary markers for the properties but also give a high degree of security for the development and the properties therein. The suggested removal of the boarding with hedging will not serve the purpose as quoted by the conservation representative i.e. "the fencing needs to be open to allow people to see though to observe the historic value of the buildings", the suggestion of hedging defeats this objective! In addition it would take approximately 10 years for the hedging to mature to the required standard laid down by the conservation representative, again severely reducing the security of the development and putting at risk families children and pets that may stray on to the adjacent public highway, which incidentally has a speed limit of 60mph.*

- *The proposal for the reduction in size of the noted boiler houses with the proposed roof finish will not be in keeping with the surroundings, all the roofs in the development are of tile nature, or slate which has been approved previously all be it apparently not for the boiler houses. The proposal for change will also incur substantial change to the heating systems contained in them and for any future maintenance may incur Health and safety concerns due to size for access.*

- *It must also be noted that inspections to the site at the different stages of completion of each of the barns surely would have needed to be viewed and inspected by a representative of the borough council and as far as we are aware, that representative did not raise any concerns hence the site being as it is today. In addition when the purchase of our property was undertaken there were no concerns raised to the solicitor by the council on searches.*

- *Whilst the builder Mandale and the council / conservation representative have met and discussed the issues no one from the council has met with the residents to discuss our thoughts and concerns and whether we think that the site has lost its historical value, as we are the only people who view the development as there is no public through fare.*

- *The development has been completed now for nearly 7 months and is very pleasing to the eye.*

- *I would request the council take an Ombudsman view and balanced on reasonableness decide to leave the development as it is.*

An objection has been received from the occupiers of **Field View**:

- *I am objecting to the plans submitted for the alterations to the Castle Farm Barns residential development.*
- *In its current state the development is a credit to the developer who has turned a completely derelict site into six unique properties and given the opportunity for six families to live in an extremely pleasant and comfortable location.*

- *The post and rail fencing which has been boarded on the development not only serves as boundary markers for the properties but also give a high degree of security for the development and the properties. The suggested removal of the boarding with hedging will not serve the purpose as quoted by the conservation representative. It would take around 10 years for the hedging to mature to the required standard laid down by the conservation representative. This would once more severely reduce the security of the development and put at risk families, children and pets that may stray on to the adjacent public highway, which has a speed limit of 60mph. We have a 3 year old child and are concerned for his safety.*

- *The development has also benefited the Local Authority who must receive in the region of £20,000 per annum in Council Tax payments from the residents, who receive very few services in return.*

- *I would question the Local Authority for allowing this whole planning issue to arise in the first place. Presumably the works were all carried out in line with the appropriate building regulations at the time and would have been regularly inspected by the Building Control Section. How could it have gone unnoticed that the fencing and road surfaces have been completed incorrectly, surely plans were passed and there should have been a final inspection by the Conservation Officers. Our solicitor did not come up with any concerns during the searches.*

- *The proposal for the reduction in size of the boiler houses with the proposed roof finish will not be in keeping with the surroundings, all the roofs in the development are of tile nature, or slate. The proposal for change will also incur substantial change to the heating systems contained in them and for any future maintenance may incur Health and safety concerns due to size for access.*

- *We find the proposals unacceptable and only affect the residents of the six properties and Castle Farm. We request the opportunity to discuss the above issues with all parties concerned at the development to allow our concerns to be given proper consideration.*

Walworth Parish Council commented that the application should be approved.

PLANNING ISSUES

Policy CS14 (Promoting Local Character and Distinctiveness) of the Core Strategy Development Plan Document states that the distinctive character of the Borough's built, historic, natural and environmental townscapes, landscapes and strong sense of place will be protected and, where appropriate, enhanced by various means including protecting historic buildings.

Planning Policy Statement 5: Planning for the Historic Environment requires Local Planning Authorities to take into account the particular nature of the significance of heritage assets and the value that they hold for this and future generations. PPS5 requires Local Planning Authorities to take into account the desirability of sustaining and enhancing the significance of heritage assets and of utilising their positive role in place-shaping.

The proposal would remove unauthorised fencing and replace it with post and rail fencing and hedges which would be an acceptable solution, respectful of the character and setting of the listed buildings. The alteration to the boiler rooms would result in an acceptable solution that would not harm the historic or architectural character and appearance of the listed buildings. The retention of the oil tanks is acceptable as they would be well screened, as shown on the amended plans. The proposal, as amended, is considered to comply with Planning Policy Statement 5: Planning for the Historic Environment.

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

The proposal would remove and modify unauthorised features and replace them with acceptable solutions that would not be harmful to the historic of architectural character of the listed buildings.

RECOMMENDATION

THAT LISTED BUILDING CONSENT BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. A5 - LB Applications (Implementation Limit)

2. B7 – Detailed Application (Listed Buildings)

3. Notwithstanding the details shown on the approved plans, this permission does not including the existing common and private areas of hardstanding. A separate application for listed building consent is required for the retention or other alteration of the common and private areas of hardstanding.

   Reason: The plans submitted with the application identify the development as built rather than as originally approved.

Suggested summary of reasons for granting planning permission

The decision to grant Listed Building Consent has been taken having regard to Planning Policy Statement 5 (Planning for the Historic Environment) (2010) and to all relevant material considerations.