

BOROUGH OF KETTERING

Committee	Full Planning Committee - 17/12/2013	Item No: 5.4
Report Originator	Trevor Feary Development Officer	Application No: KET/2013/0548
Wards Affected	Queen Eleanor and Buccleuch	
Location	Mulberry Barns, Queen Eleanor Road, Geddington	
Proposal	Full Application: Barn conversion to 1 no. dwelling	
Applicant	Mrs J Wright	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The converted building hereby permitted shall not be occupied other than as part of the overall single residential use of the Application Site together with the existing dwelling within the existing complex known as "Mulberry Barns".

REASON: The unit of accommodation proposed has a relationship and shared facilities with the existing frontage dwelling such that it is not of a satisfactory standard to be occupied separately from that dwelling in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

3. No development shall take place within the application site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

REASON: To ensure the recording of any items of archaeological interest in accordance with paragraph 141 of Policy 12 of the National Planning Policy Framework.

4. No development shall commence on site until details of the types and colours of all external facing and roofing materials to be used, together with

samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the visual amenities of the area in accordance with policies 7 and 12 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

5. No development shall take place on site until full details of all proposed windows, doors and roof lights have been submitted to and approved in writing by the Local Planning Authority. The window details shall include glazing bar details at 1:2. All rooflights shall be of the "Heritage" type being fitted externally so they are flush fitting with the surface of the roof plane. The development shall not be carried out other than in accordance with the approved details.

REASON: In the interests of the character and appearance of the Conservation Area and the setting of nearby "Listed Buildings" in accordance with Policy 12 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

6. All works of repointing shall be in a lime mortar to exactly match the original pointing, unless otherwise approved in writing by the Local Planning Authority.

REASON: To protect the architectural and historic interest of the building in accordance with Policy 12 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no additional openings permitted by Schedule 2, Part 1 Classes A or C shall be made in any elevation or roof plane of the building.

REASON: In the interests of the character and appearance of the building within the Conservation Area and the setting of nearby "Listed Buildings", and the reasonable amenity of adjoining residential occupiers, in accordance with Policy 12 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

8. The new lounge window within the South elevation shall be non-opening and glazed with obscured glass (no less than privacy level 5 Pilkington Standard, or equivalent) and thereafter shall be permanently retained in that form.

REASON: To protect the privacy of the adjoining property and to prevent overlooking.

9. Prior to the commencement of the approved development a scheme for the installation of bird and bat boxes within the Application Site shall be submitted to and approved by the Local Planning Authority. Prior to the residential occupation of the converted building the approved scheme shall be fully implemented.

REASON: To ensure a net gain in biodiversity in accordance with Policy 11 of the National Planning Policy Framework and Policy 5 of the North Northamptonshire Core Spatial Strategy.

10. Due to the underlying geology present throughout Northamptonshire at which the levels of some naturally occurring contaminants frequently exceed the levels at which the risk to human health would be considered acceptable for residential land use; it is expected that there may be unacceptable risks to future occupiers of the site without the following investigation being carried out.

Development on land affected by contamination:

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to d have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition d has been complied with in relation to that contamination.

A. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11(or any model procedures revoking and replacing those model procedures with or without modification)'.

B. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

D. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition a, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition b, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition c.

REASON: To ensure that risks from land contamination to the future users of the building/land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy 11 of the National Planning Policy Framework and Policy13 of the North Northamptonshire Core Spatial Strategy.

11. The development hereby permitted shall not be carried out other than in accordance with the amended and approved plans reference 13-158-01A and 13 - 158-02B received 08.11.2013.

REASON: To define this permission for the avoidance of doubt and to protect the character and appearance of the Conservation Area and the setting of the nearby "Listed Buildings" in accordance with Policy 12 of the National Planning Policy Framework and Policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2013/0548

This application is reported for Committee decision because there are unresolved, material objections to the proposal and a ward member has asked for it to be considered.

3.0 Information

Relevant Planning History

PRE/2008/0167

Barn Conversion to dwelling Advice Given = Basically ok, subject to omission of proposed brickwork around new windows.

PRE/2013/0061

Barn Conversion to dwelling Advice Given = confirmation given the the Barn does not enjoy "Listed" status, but remains of historic interest such that it warrants retention with a suitable new use. Location within heart of village suggests residential use would seem appropriate. Informal drawings show window placing which may be appropriate and suggestion given as to treatment of kitchen elevation. Concern expressed regarding replacement of existing pitched roof with a flat roof and roof lantern. Advised to take note of the general comments made in the letter from English Heritage provided and the need to submit a "Heritage Statement" explaining impact of proposal on historic surroundings. "Ecology Statement", mainly regarding bats/owls. also needed providing.

Additionally, advice given that any future Application would need to confirm/clarify how site was to be divided (if it was), why "vents" were being removed and why a double height glazed unit was required.

Site Description

Officer's site inspection was carried out on 25th September 2013.

The Application building is located towards the South - Eastern rear corner of the Application site, with its rear wall and one side wall actually on the mutual boundaries with adjacent properties. The main part of the building is constructed of stone with a corrugated sheet roof and is of 2 complete stories, with a single storey forward projection - also stone fronted but with a tile roof. The 2 storey element being utilised as a domestic outbuilding and the single storey part is presently being used as a garage.

The 2 storey building has a single storey height "cart door" facing into the Application site, there is also evidence that at one time this was matched by a door in the rear elevation but which appears to have been blocked up sometime around the 1960's. There are a number of vents/slotted windows in the front and back walls which do not appear to be original (some falling within the blocked up doorway).

The interior of the 2 storey building contains a first floor supported on a

steel frame and accessed via a concrete staircase. Internally the walls are covered in plasterboard. The majority of the roof timbers also seem to have been replaced within the recent past.

Within the North-Eastern corner of the Application site lies a single storey building and which was converted into a bungalow in approximately 1979.

Between these buildings lies a landscaped area and the vehicular access and outdoor parking/turning facilities. To the West of this lies a single storey stone/brick and pantiled outbuilding and beyond this further to the West lies a substantial area of garden land. A 2 metre high stone wall fronts the whole of the Application Site along Queen Eleanor Road, apart from where the existing bungalow itself does.

To the South of the Application Site lies number 48 West End and its 2 outbuildings, one of which is attached to the Application Building (but which does not enjoy "Listed" status). To the East is another dwelling and its outbuildings, also converted former agricultural buildings. To the West is a further dwelling within its own grounds.

Proposed Development

The submission is to convert the existing barn/outbuilding with its attached garage into a 4 bedroom 2 storey dwelling. No extensions to the existing buildings are requested.

Within the 2 storey building's Northern elevation it is intended to convert the existing "cart door" into a 2 storey glazed unit and to insert 3 new windows. One of these at ground floor level to serve a study/family room and two at first floor level to serve two new bedrooms. A roof light is to be inserted to serve an en-suite and a diamond shaped window in a gable to light the remaining roof space. Within the Southern elevation there is proposed a new ground floor window (fixed shut and obscure glazed) and 3 new roof lights (master bedroom, landing, en-suite).

Within the single storey building it is intended to insert 2 new windows in its Northern elevation and a glazed element in place of the garage door (Western elevation). To enable the 2 first floor bedroom windows to be inserted a new pitched roof is proposed, at a reduced pitch than existing, and which is to be partially glazed on both roof slopes – to achieve more light to the kitchen/dining/utility areas.

The Applicant and her family presently occupy the existing bungalow (converted barn) on the road frontage of the site. The intension is for the Applicant to move into the Application building and for her parents to occupy the present bungalow as an "Annex". All the outside amenities (vehicular access, parking, garden, remaining outbuilding, etc) being shared and utilised jointly by both sets of occupiers.

Any Constraints Affecting the Site

CA (Conservation Area)

LB (Setting of)

SSSI

Nene Valley NIA Boundary

Consultation and Customer Impact

Parish/Town Council

The Parish Council were in support of this Application since it had no detrimental effect on neighbouring properties and indeed would enhance the area.

Kettering Borough Council (Environmental Health)

No objection - requests Contaminated land Condition be imposed due to underlying geology.

When consulted specifically upon the tumble drier extractor and the potential light pollution from the kitchen roof the Section has replied:

The majority of noise from tumble driers is actually within the building and unless directly next the vent you wouldn't hear much at all. I would not imagine light from inside a domestic property would be bright and intrusive enough to cause a nuisance under current Legislation.

Both of these issues could be dealt with under the Environmental Protection Act But I would be surprised if they constituted a statutory nuisance.

Kettering Borough Council (Environmental Care)

No Response

Environment Agency

No Response

Northamptonshire County Council :Archaeology

Evidence for the development and use of the barn will be altered or removed during conversion. This does not represent an over-riding constraint on the development provided that adequate provision is made for the investigation and recording of any remains that are affected (to Level 2 as defined by English Heritage). Requests a Condition to secure an archaeological programme of Works.

Natural England

The Application is close to the River Ise and Meadows Site of Special Scientific Interest. Natural England is satisfied that the proposed development will not damage or destroy the interest features for which

the site has been notified.

The description and location of the development suggest that an assessment for biodiversity interests (protected and priority species) needs to be undertaken.

Opportunity should be taken to secure the incorporation of features into the design which are beneficial to wildlife eg roosting opportunities for bats or bird nesting boxes.

Wildlife Trust

No Response

Neighbours

2 letters received (1 from adjoining occupier on Queen Eleanor Road + 1 from Consultants on that occupiers behalf) presenting the following representations:-

- No objections to the principle of the development but have concerns over the details
- Because of the relationship of the Application Building with the “Listed” building at 48 West End and its obvious original use of the Application Building as a barn within the former farm-yard of 48 West End it is considered the Application Building is also “Listed” by way of being a curtilage building.
- Have lived here for 22 years and have a peaceful and private garden which is not directly overlooked.
- The ground floor window in the utility room (although to be obscure glazed and fixed shut), the drier vent from the same, the two first floor windows in the Northern elevation and the roof lights in the proposed new kitchen would all intrude on privacy.; either by overlooking (perceived or directly) and/or light pollution.
- We believe that roof lights above head height and “sun tubes” would provide adequate lighting throughout the building without the need for new openings.
- The number of new openings is inappropriate and fails to respect or enhance the character and appearance of the building, or the Conservation Area.
- The design and scale of the proposed openings are more in keeping with a modern urban dwelling than complementing the historic and rural features of the building. – particularly the double height glazing and first floor windows.
- The two existing buildings within the Application site will have a poor relationship with each other and it will be difficult to separate the 2 properties in the future and provide adequate amenities to each.
- Concerned over safe removal of asbestos sheeting from roof

- Concern expressed over building noise and dust, and that no rubble or material ends up in garden of writer.
- All these issues result in a proposal contrary to Policies RA3 and RA14 of the Local Plan

The Objector has acknowledged that the window in the utility room has been removed within the amended plans, but confirms the objections regarding the drier vent, overlooking from proposed bedroom 4 and light pollution from the Eastern element of the partially glazed kitchen roof still remain.

5.0 Planning Policy

National Planning Policy Framework

Para 17 - Core Planning Principles

Section 6 - Delivering a wide choice of high quality homes

Section 7 - Requiring Good Design

Section 12 - Conserving and Enhancing the Historic Environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 13 - General Sustainable Development Principles

Local Plan (saved Policies)

RA3 - Restricted Infill Villages

RA14 - Reuse and Conservation of Rural Buildings

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The Ward Member has requested that Committee consideration be given to the proposal since “there seems to be genuine debate about whether this application meets the Local Plan and also whether a Listed Building status is being compromised”.

The main issues for consideration in this application are:-

1. The principle of the intended conversion
2. The manner of the conversion in terms of appearance and retention of any remaining historic/architectural features
3. Any impact on the setting of the “Listed” building at 48 West Street and the remaining “barn” (which is “Listed” as a curtilage building to number 48) falling within the Application

Site.

4. Amenity provision for the Application Barn's future occupiers, and provision being made for the occupiers of the existing converted barn
5. Any impact upon the reasonable amenities of surrounding occupiers
6. Any bat or owl activity at the site

1. Principle

From the location of the outbuilding (former barn) and its appearance (including the blocked up doorway on the elevation fronting towards West Street) it would be reasonable to assume that the building once formed part of the farm-yard to 48 West Street – this latter building being “Listed” as being of Historic and/or Architectural Interest. The 2 outbuildings falling directly behind number 48 are also “Listed” as being within the curtilage of number 48 (one of these outbuildings now falling central to the Application site).

2. Character and appearance

However, it has been documented and previous confirmation given to the Applicants that the Application Building is not included within that “Listing” as a curtilage building. However, the Application Building still remains of historic significance and warrants retention with a suitable new use (above its current domestic outbuilding usage). In view of its overall size and its position within the village then the principle of full residential occupation would seem appropriate.

There is no evidence of structural failure within the buildings and no major rebuilding of the fabric is envisaged. The main building will have the present sheet material roof removed and replaced with slate – a move which is supported.

The conversion of the Application Building to full residential use is not without its difficulties; due to its juxtaposition with the existing converted residentially occupied barn fronting Queen Eleanor Road (also within the Application Site), and by the Application Building having two outside walls on the mutual boundaries with two adjacent properties. The position of the Application Building meaning that virtually all natural light into the building has to be obtained via the Northern elevation. It is for this reason that the “cart door” here is proposed to be increased to 2 storey. This will be a significant change to the appearance of the building but openings of the proposed size are traditional also in agricultural barns. The building is of adequate proportions to visually accept such a change and the newly designed opening is sympathetic and harmonious to the structure.

The existing pitched roof to the garage is to be replaced at a slightly lower pitch and this is acceptable – the new pitched roof still giving meaning to the “gable” within the roof of the 2 storey element. Lowering the pitch allows for two new first floor windows to be inserted at this end

of the main 2 storey structure for natural light and ventilation to the 2 rooms being created here. Originally a third first floor window was requested but this has since been omitted at the request of Officers since it simply duplicated light to a room also being serviced by the new 2 storey opening.

3. Amenity

The new roof light to the Northern elevation will be at a high level in the vaulted part of the ceiling and no overlooking of adjoining property will be introduced. The same relates to the 3 roof lights in the Southern elevation – originally 5 were requested but Officers have sought the removal of 2 as the number of new openings here was felt excessive.

The “utility” window originally objected to by the neighbouring occupier has been omitted from the Application within the Amended drawings received. The objector also refers to “light pollution” from the intended partial glazed pitched roof of the proposed kitchen. In this regard it is noted that the roof pitch is quite low and light emitting through the roof will in the main be skywards and accordingly will have little impact on the adjoining property’s garden let alone in the adjacent dwelling itself.

Discussions have taken place with the Applicants as to the need for the 2 proposed bedroom windows (proposed bedrooms 2 and 4) at first floor level – both in terms of reducing the number of new openings and the possibility of overlooking the adjoining property. The Applicants have expressed the opinion that both windows are required to provide a means of escape (there are a limited number of other windows) and equally that to provide roof lights would be difficult here because of the design of the roof structure. By agreeing to remove other originally proposed windows from the submission in design terms it is now not so essential to remove these 2 windows from the submission and accordingly in this respect they are acceptable.

Only 1 of the above 2 windows has any real possibility of overlooking the adjoining property. Bearing in mind that the Application Building is at a slight angle pointing away from the neighbouring property and that the thickness of the walls restricts the viewing angle out of the property there will be very little of the neighbouring property that can actually be overlooked easily. Equally, the Applicants have submitted details which show the distance between this window and the neighbouring buildings ranging between 23 metres and 26 metres (when viewed at a 25 degree angle out the window) The objector has disputed that taking a 25 degree viewing angle is a fair representation of the situation but even taking differing angles to up to 90 degrees (an angle internally impossible to view at) doesn’t bring down the distance between properties to less than 22 metres. 23 metres is a distance which the 1995 Local Plan considered acceptable for directly back to back properties. It is considered, therefore, that any possible overlooking is not at such a detrimental level which could justify rejecting the proposal.

Although a dwelling and “annex” are being created in the reverse order than normally requested the relationships between the two are acceptable and there is ample parking and amenity facilities to serve both dwellings. In view of the positions of the two dwellings within the Application Site it is unlikely the site could be satisfactorily divided into two in the future but a Condition is suggested to keep this within the Council’s control.

4. Setting of listed buildings

None of the works proposed nor the manner in which the overall site is to be occupied will have any detrimental impact upon the setting of the “Listed” outbuilding falling within the Application Site. In view of the location of the building (from the North being well set back from the public highway and shielded by existing buildings and landscaping) and the limited changes to the external appearance, there will be virtually no perceived change to the character and appearance of the Conservation Area from that direction. Also, the proposed roof lights and single window intended within the Southern elevation will have very limited impact upon the Conservation Area and the “Listed Building” located there when viewed from West Street.

5. Bats/birds

The Applicants have confirmed that there is no bat or owl activity in or around the barn; because of the present domestic outbuilding usage and the fact that all potential openings which could be used have been sealed for many years. Certainly your Officer has inspected the interior of the building and it is confirmed that there is no evidence of bats or owls resident in the Application Building or of using it as a stopover/feeding point. Even so, the Applicants have agreed to supply a survey undertaken by a suitably qualified person and this should be available prior to the Committee meeting.

6. Other matters

Other issues that have been raised by the neighbour regarding the removal of asbestos, building construction noise and how rubble etc is dealt are matters covered by other Legislation and do not fall within the Town and Country Planning Act for consideration.

Conclusion

Following adjustment to the submission, which in the main involved removal of some of the new windows requested, then a scheme has been designed which preserves and enhances this historic building lying within the confines of the settlement. The submission can be supported.

Background Papers

Title of Document:

Previous Reports/Minutes

Ref:

Date:

Date:

Contact Officer:

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