

Committee Report

Item No:

Reference: DC/19/00733

Case Officer: Mahsa Kavyani

Ward: Hoxne

Ward Members: Cllr Elizabeth Gibson-Harries

Description of Development

Full Planning Application - Minor alterations to the Granary and change of use to (D1) to create a Day nursery.

Location

Address: Wingfield Barns, Church Road, Wingfield, Eye, Suffolk, IP21 5RA

Parish: Wingfield

Site Area: Wingfield

Conservation Area: Yes

Listed Building: Yes

Received: 13.02.2019

Application Type: Full Planning Permission

Environmental Impact Assessment: N/A

Applicant: Mr David Wardley

Agent: J P Chick & Partners

DOCUMENTS SUBMITTED FOR CONSIDERATION

This decision refers to the Defined Red Line Site Plan drawing number 201903/01, received 13.02.2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason:

- This site is in the ownership of Mid Suffolk District Council.
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PART TWO – APPLICATION BACKGROUND

Relevant History

- Reference 0339/15- Energy efficiency / renewable measures.
- Reference 0993/12- Wingfield Barns and a recent green efficiency
- Reference 1839/10- Proposed signage.
- Reference 4017/14- Repair holes in boarding caused by jetwashing.
- Reference DC/18/03949- Application for Listed Building Consent - Erection of masonry buttress to provide support to existing leaning wall.
- Reference DC/18/04000- Planning Application. Erection of masonry buttress to provide support to existing leaning
- Reference DC/19/00734- Listed Building Consent Application. Alterations to curtilage listed building including insertion of new internal staircase.

All Policies Identified as Relevant

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. Highlighted local and national policies are listed below. Detailed assessment of policies in relation to the recommendation and issues highlighted in this case will be carried out within the assessment:

Summary of Policies

- Policy H16: Protecting existing residential amenity
- Policy HB3: Conversions and alterations to historic buildings
- Policy HB4: Extensions to listed buildings
- Policy HB8: Safeguarding the character of conservation areas
- National Planning Policy Framework (NPPF)

Previous Committee / Resolutions and Any Member Site Visit

None.

Pre-Application Advice

Pre-application discussions were held between the Agent and Council Officers.

The application to change the use of the granary including minor changes, generally accords with the advice given.

Consultations and Representations

During the course of the application, consultation and representations from third parties have been received. These are summarised below.

A: Summary of Consultations

Wingfield Parish

No comments were provided

Historic England

No comments were provided that addressed the proposal

Heritage Team (Summary)

The Heritage Team recognises that the alterations will secure continuing use of the building and support beneficial use of the wider site, which can be considered as public benefits. No objections subject to conditions.

B: Representations

During the 21 days consultation period, one letter of objection was received. Whilst the objections were not related to the proposed changes to the granary, the proposed use to Nursery is objected to, in summary:-

- Impact on Property Value
 - Increased Traffic/Highways Issues
 - Increased Noise.
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PART THREE – ASSESSMENT OF APPLICATION

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

1. The Site and Surroundings

Wingfield Barns is a complex of former farm buildings that were converted to form a visual and performing arts centre in the late 1990s. Previously part of Wingfield College to the immediate north, a Grade II* listed building and now a residential property, the barns are deemed to be curtilage listed with the exception of the large barn which is Grade II listed in its own right. The barns are located within mature grounds with established trees, including along the site boundaries. A gravel driveway off Church Road leads to the barns providing vehicular access for staff and a limited number of visitors requiring disabled parking, and pedestrian access. To the southwest of the barns and on a separate parcel of land is the visitor's car park. The site is in the Wingfield Conservation Area and is also located within the countryside for planning purposes. Beyond Wingfield College to the north is the Grade I listed St Andrew's Church and to the east of the site is a residential property known as Windwoods. The subject granary is situated to the east of the site and within a close proximity of the main barn. The granary is not listed in its own right, however, given its proximity, it is deemed to be curtilage listed.

The granary is a traditional timber framed agricultural building built off a brick plinth with a pitched pantiled roof. Walls are weatherboarded.

2. The Proposal

- 2.1. The proposal consists of; "*FULL Planning Application Minor alterations to the Granary and change of use to (D1) to create a Day nursery.*"
- 2.2. The building (granary) was originally converted to provide accommodation for visiting artists. Design and Access provides that "it has been little used for this purpose and has proved largely redundant."

The proposal would change the use of the building to create a children's nursery. The use of the rest of the site would not to be affected as a result of the proposal.

- 2.3. The provided drawings adequately demonstrate the extent of the proposed works.

3. National Planning Policy Framework

- 3.1. The updated National Planning Policy Framework (NPPF) dated 24th July 2018 contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.
- 3.2. The following paragraphs of the NPPF are considered applicable:
 - Para 7: Achieving sustainable development
 - Para 8: Three dimensions to sustainable development
 - Para 11 – 14: The presumption in favour of sustainable development
 - Para 15 – 19: Plan making
 - Para 47 – 50: Determination of planning applications
 - Para 184 – 188: Conserving and enhancing the historic environment
 - Para 189 – 192: Proposals affecting heritage assets

4. Core Strategy

- 4.1. The following parts of the Core Strategy Focused Review 2012 are considered to be applicable to this scheme:
 - FC1.1 - Mid Suffolk's approach to delivering sustainable development

5. Saved Policies in the Local Plans

- 5.1. Summary of saved policies in the Mid-Suffolk Local Plan adopted June 1998 relevant to the proposal:
 - Policy H16: Protecting existing residential amenity
 - Policy HB3: Conversions and alterations to historic buildings
 - Policy HB4: Extensions to listed buildings
 - Policy HB8: Safeguarding the character of conservation areas

6. Principle of Development

- 6.1. The determination of the planning application shall have regard to the material harm caused as a result of the proposed development. The 'tests' here are whether the material harm caused by such development are significant enough to cause adverse

impact on the character and setting of the area, residential amenity enjoyed by occupants of neighbouring property as well as non-domestic uses of land and buildings nearby, highways access and parking, and finally environmental risk / harm arising (ecology, flood risk, trees, archaeology etc).

The extent of any harm is assessed in the paragraphs below:

7. Impact on the Character and Appearance of the Area

The proposal is for a change of use from D2 to D1, with some minor alterations to the building to create a day nursery. The building's permitted use is currently for artists in residence in association to the wider site, Wingfield barns. The building is generally ready for the proposed change of use in terms of services and insulation. No changes to the external appearance of the building, or the layout have been proposed. Minimal changes include insertion of an internal staircase, in order to better connect and utilise the space for the purposes of the nursery. As the proposed changes to the buildings are predominantly internal, they would result in minimal impact upon the appearance of the area.

8. Impact on Heritage Assets

- 8.1. The subject building is curtilage listed, Policy HB1 seeks to protect the character and appearance of buildings of architectural or historic interest, particularly protecting the settings of Listed Buildings.
- 8.2. Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Listed Building or its setting.
- 8.3. In this case there are specific NPPF policies relating to designated heritage assets that should be considered.
- 8.4. Paragraph 185 of the NPPF identifies that the impact of a proposal on the significance of a heritage asset should be taken into account, in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 8.5. Paragraph 193 - 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 8.6. The NPPF defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or may be neutral.
- 8.7. Heritage colleagues were consulted in this instance and provided that "*The Heritage Team considers that the proposal would cause less than substantial harm to a designated heritage asset because historic fabric would be lost, and the characteristic layout of the building compromised; the level of harm is rated low. The Heritage Team recognises that the alterations will secure continuing use of the building and support beneficial use of the wider site, which can be considered as public benefits.*"

- 8.8. Para 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. In this instance it has been demonstrated and well justified that the level of harm is necessary in securing the building's optimum viable use which outweighs the harm. Therefore, the proposal is in coherence with this section of the NPPF and acceptable on this basis.

9. Proposed change of use

- 9.1. Wingfield barns site was a subject of change of use under 0108/96/OL for *conversion of redundant farm buildings to a centre for the visual and performing arts including artists in residence accommodation (previously permitted by OL/259/88)*. The permission is accompanied by a s106 agreement, which limits the future use. Third Schedule of s106 under 0108/96/OL outlines that the subject granary can only be used as artist in residence accommodation...and *for no other purpose (including any other purpose in Class D2 of the Town and Country Planning (Use Classes) Order 1987)*.
- 9.2. It needs to be noted that had it not been for this agreement, the proposed change of use from D2 to D1 could've been achieved under PD Rights, however given the restriction imposed under 0108/96/OL, change of use can only be achieved in pursuant of a planning permission, hence the current submission.
- 9.3. Local Policy RT16 is related to the proposal in that it outlines that "*the district planning authority will support proposals which provide local employment opportunities; in appropriate circumstances, bring about the reuse of farm or other rural buildings*". Upon numerous site inspections by the Council officers, it became clear that the subject building(granary) is currently underutilised for its intended use (artists in residence). The Design and Access statement also provides that the building is underused and almost redundant. It further includes that "Change of use would put the building to good community use and provide some income to help maintain it."
- 9.4. NPPF Para104 states that "*Planning policies should: a) support an appropriate mix of uses across an area to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;*" Wingfield barns is already a small employment site and tourist attraction within the area (it benefits from a brown tourist sign), as well as being a historic tourist attraction within the vicinity, it also host venues and concerts. The proposal to create e a day nursery would not only provide further employment opportunities, it would also provide facilities for the current employers and visitors with Crèche/day-care/nursery facilities. This is considered a positive contribution to the site, sustainable use of the subject building, in line with the local policies and the guidance contained within the NPPF.
- 9.5. Based on the above assessment, it is considered that change of use of granary to day nursery is compatible with the current activities within the site and relates well to the current uses on site. Other material considerations will be discussed under related headings.

10. Residential Amenity (Including Non-Domestic Uses)

- 10.1. Policy H16 seeks to protect the existing amenity of residential areas, including neighbouring residents.
- 10.2. Paragraph 127 of the NPPF sets out a number of core planning principles to underpin decision-taking, including, seeking to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 10.3. Wingfield barns is situated within a large plot, with some residential dwellings surrounding the site, however there is a reasonable separation distance considered enough to reduce any potential impact on the amenity of neighbouring properties, in terms of overlooking, noise, loss of light or loss of privacy. It is also important to note that the existing use of the barns, as visual and performing arts centre and associated activities has already impacted the setting (since late 1990s) and locality in this part of Wingfield and that the additional of a nursery is not considered to significantly heighten this impact to an extent as to justify a reason for refusal in this instance defendable at appeal.
- 10.4. The current site employs a large plot, and by reason of its commercial/tourism nature, benefits from a readily available amenity area, as an outdoor play area. Considerations are given to the level of noise that would be generated form the resultant nursery. The site currently host regular events and concerts at times well into the evening hours, past the working hours (after 5pm). The addition a day nursery as proposed would be limited to 9am to 5pm. and is not judged to intensify the existing level of noise to an unacceptable degree on this basis.
- 10.5. The proposed would not significantly impact upon the amenity of neighbouring residential properties. The proposal accords with the aspirations of local Policies H16 and paragraph 127 of the NPPF.

11. Site Access, Parking and Highway Safety Considerations (Travel, Parking and Visitors)

- 11.1. Policy T9 of the local plan requires development to be delivered with safe and sufficient highways access and function.
- 11.2. Paragraph 109 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This is interpreted as referring to matters of highway capacity and congestion, as opposed to matters of highway safety. The courts have held that the principle should not be interpreted to mean anything other than a severe impact on highway safety would be acceptable (Mayowa-Emmanuel v Royal Borough of Greenwich [2015] EWHC 4076 (Admin)).
- 11.3. Considerations have been given to access, parking and layout. The fact that the site already has availability of an area on-site to accommodate staff car parking and visitor parking as well as availability of nearby car parking facilities, combined with the submitted plans which demonstrate additional parking spaces to be allocated upon the change of use, leads to conclusions that the proposal would not have any adverse

impact upon the access, parking or layout. It is acknowledged however that the proposed use would generate additional traffic movements, and there would be some level of noise generated from vehicles visiting the premises notably when parents drop off and collect their children. However, it is not considered that the level of noise or traffic would heighten the existing use within the site to a degree as to result in unacceptable harmful impact upon the Highways safety.

PART FOUR – CONCLUSION

12. Planning Balance

- 12.1. The LPA is obliged to consider whether the proposal is in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

- 12.2. No significant planning harm has been identified, in accordance with local development policies and the guidance contained within the NPPF. The proposal constitutes sustainable development for which the NPPF carries a presumption in favour. In terms of balance it is concluded to recommend the application for approval.

11.0 RECOMMENDATION

(1) That authority be delegated to the Acting Chief Planning Officer to grant planning permission subject to conditions as summarised below and those as may be deemed necessary by the Corporate Manager:

- Standard time limit
- Approved Plans (Plans submitted that form this application)
- Hours of operation to 8am to 5pm Mon to Friday (No weekend working)