

Date of Meeting	29/09/2011		
Application Number:	S/2011/1057 CU		
Site Address:	Landford Manor, Stock Lane, Landford, Salisbury. SP5 2EW		
Proposal:	Retrospective application for change of use of second floor to offices		
Applicant/ Agent:	Barclay & Phillips Ltd		
Parish:	Landford		
Grid Reference:	Easting 426180.733 Northing 120140.556		
Type of Application:	FULL		
Conservation Area:	NA	LB Grade:	II*
Case Officer:	Mr Janet Wallace	Contact Number:	01722 434398

### **Reason for the application being considered by Committee**

The Director of DNP does not consider it prudent to exercise delegated powers, in view of the history of this proposal

### **1. Purpose of report**

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

### **2. Report summary**

The main issues in the consideration of this application are as follows:

- Summary of differences between current scheme and previously refused scheme
- Compliance with Policy Considerations
- Impact upon listed building
- Impact upon amenities
- Impact upon highway safety

The application has generated objections from Landford Parish Council; 14 letters of support and 3 letters of objection from the public.

#### Neighbourhood Responses

3 letters received objecting to the proposal

14 letters of support received

No letters commenting on the application received

### **3. Site Description.**

Landford Manor House is a seventeenth century building, with later extensions, listed grade II\*. The Manor House was formerly in a commercial use, but has been restored and sub-divided into 3 residential units. It is on a prominent site, adjacent to the church and is visible from the A36 to the south and also from within the New Forest National Park.

The site is accessed from the A36 trunk road, via Stock Lane, and then through a formal entrance into a hard surfaced front yard. This yard is used solely by Unit1. Access to the other two units of Landford Manor and the five dwellings approved as 'enabling development' is through an archway adjacent to Cauldron House, the former stables and coach house for the Manor. This is in use as a detached house.

#### 4. Relevant Planning History

Application Number	Proposal	Decision
375	Conversion of stable buildings into living accommodation	A 02.11.50
440	Conversion of Landford Manor into tenements	A 22.02.51
523	Change of use of Landford Manor from flats to school	A 09.08.51
1869	Use of house for residential purposes & erection of single storey building to house 15 persons engaged in experimental & production work relating to naval instruments	A 20.12.56
1978	Erection of one storey building to house 15 persons engaged in experimental work	A 23.05.57
3444	Extension of existing permission to use the factory for experimental & production work	R 27.04.61
4104	CoU from experimental work to drawing & photometric work chiefly in connection with aerial survey for Local Authorities & other public bodies	A 27.09.62
98/0548	Erection of 6 detached dwellings	R 22.12.98
99/1966	Restoration and conversion of Manor House into four dwellings, restoration and conversion of brewery outbuilding into one dwelling, construction of four new dwellings	AC 20.08.02
99/1967 LB	Conversion and change of use of Manor into four dwellings, conversion of former brewery outbuilding into one dwelling, construction of 4 new dwellings on adjoining land (former chicken farm)	AC 08.01.01
04/0737	Restoration and conversion of Manor House into 3 apartments, restoration and conversion of brewery outbuilding into one dwelling, construction of four dwellings on adjacent land	AC 05.08.05
07/0738 LB	Conversion and change of use of Manor into 3 apartments, conversion of former brewery outbuilding into 1 dwelling	AC 30.11.04
07/1479	Erection of five detached houses as enabling development including access off Stock Lane	R 16.10.07
07/2578	Erection of five detached houses as enabling development with access off Stock Lane.	AC 20.08.08
11/0329	Retrospective application for change of use of second floor to offices	R 11.05.11

**11/329 Retrospective consent for change of use of upper floor to offices REF**

#### Reasons for refusal:-

The proposed continued use of the upper floor of Unit 1 of Landford Manor by Innovative Consultancy UK Ltd, by reason of:

- the scale of the use having resulted in a significantly large number of cars being parked in front of the Manor, which is considered to be visually detrimental to the setting of the listed building,
- the changes that would be required in order to facilitate the provision of adequate fire precautions for such a large office employing up to 12 persons; are likely to be unsympathetic to the historic interest of the building, would have unacceptable long

term implications for the historical integrity of the building being incompatible in terms of its scale and impact upon the listed grade II\* Landford Manor, and would adversely affect the amenities of neighbours. As such the proposal is considered to be contrary to the provisions of the Development Plan, and in particular Policies G1 and G2 (General Criteria for Development), CN4 and CN5 (Listed buildings) and E17 (Employment) of the saved policies of the adopted local plan, and PPS4.

## 5. Proposal

Retrospective consent is sought for the use of the 2<sup>nd</sup> floor of unit 1 of Landford Manor as offices for a temporary period for ICUK Ltd.

## 6. Planning Policy

G1 and G2	Aims and criteria for development
CN4 and CN5	Setting of Listed Building
D2	Design Criteria
C6	Special Landscape Area
E17	Employment
HA1	Development in the New Forest Heritage Area
PPS4	Planning for sustainable economic growth
PPS5	Planning for the Historic Environment
Draft National Planning Framework	

## 7. Consultations

### Parish Council

Objects and recommends refusal.

Very similar to S/2011/0329 which was refused by the Southern Area Planning Committee. Whilst more information has been provided for this application the Parish Council still has concerns with the application form:

- Item 3 Use stated as commencing Sept 2010 but the Enforcement team of Wiltshire Council was aware of an IT business being based in the Manor as early as June 2009.
- Item 5 Although pre-advice is stated as having being sought there is nothing regarding the advice received.
- Item 19 Why is no figure provided for proposed employees?
- The ownership certificate A states that nobody but the applicant is the owner of any part of the building to which the application relates. Whilst not claiming to be intimately familiar with the finances relating to the Manor, the building is divided into 3 units so the Parish Council would have expected there to be others who own part of the building. This is relevant in regards to fire safety.

The Parish Council has concerns regarding the safety of the proposals from a fire perspective as the offices are on the second floor and there appears to be only one exit which is via a relatively narrow staircase - the whole structure of which is presumably wood. Whilst an ordinary building could clearly be made satisfactory for fire safety it is not so in this case since the Conservation Officer requires no changes to the fabric.

The figures for existing employees in Item 19 is 5 F/time and 3P/time but no figure is given for the number of "proposed" employees, although car-parking is stated to be for 20 vehicles which is clearly excessive for a *residential* listed building. So many parked vehicles would spoil the appearance (HA5 (iv)) of the listed building and would be likely

to adversely affect nearby dwellings (HA5 (v)) especially as road access is via a single-track lane.

With no figure for the number of “proposed” employees the application, if granted, would put no limit on the number of workers in the future and this could result in significant detriment to neighbours, thus contravening G2 (vi) and HA5 (v).

HA5 (iii) requires that the development is “easily accessible to the local workforce by a range of transport modes”. This location is only accessible by bicycle, motor-bike or car: it has no public transport within a reasonable distance. It is not stated how many of the employees are “local” nor how many normally travel to work by non-car means.

This is not an example of “working from home” as normally envisaged since, as far as the Parish Council can ascertain, none of the employees, nor indeed the owner of ICUK, actually live at Landford Manor. However as this is an IT business they could presumably each work from their own home if the aim was to have a “home working” ethic.

ICUK is not a new start-up business and the statement that it has sought alternative business premises without success because they were unsuitable or unaffordable is a key point: business premises would have to be financed at the market rate and business rates would have to be paid. It is therefore most unlikely that ICUK will ever find such financially attractive premises as those at the parental home of Landford Manor.

Landford Manor was granted “enabling development” permission for 5 new dwellings outside the Housing Policy Area in order to restore the Manor to residential use. Would this have been so generous had it been suggested that part of the Manor might revert to business use? The submitted plans show no residential use of the 2<sup>nd</sup> floor, contrary to one of the supporting letters.

For all of the above points the Parish Council objects to this application and recommends refusal.

### **Conservation**

No objections providing there are no physical alterations (to the building)

### **English Heritage**

Only require to be consulted if material alteration to fabric or setting of Listed Building involved.

### **Highways**

No objections

### **Highways Agency**

Consider that proposals will not have an adverse impact on the strategic road network and on that basis; no objections

### **New Forest National Park**

Not yet received

### **Building Control**

No application for building regulations approval has been received

## **Fire and rescue**

Further information has been requested by the fire officer, which the applicant has not yet provided.

However, on the basis of the current information; the fire officer advises that the site has an adequate level of fire detection and warning but inadequate means of escape from the 2<sup>nd</sup> floor. A fire strategy plan has been requested. In principal, progressing towards a satisfactory conclusion however definition of the actual works to be undertaken is still awaited and no timescale for the works to be completed has been proposed.

Additionally, as there is as yet no plan, there has been no consultation with the conservation officer or English Heritage as to the acceptability of any proposals in the fire strategy plan.

## **8. Publicity**

The application was advertised by site notice, press advert and neighbour consultation.

3 letters of letters of objection, mainly from neighbours, received  
Summary of key relevant points raised:

1. Noise, disturbance and loss of privacy, additional problems caused by decking area created at rear of roof. Staff work long hours 7.30am to midnight
2. Concerns regarding adequacy of fire precautions and safety of office staff
3. Letters of support are from residents of unit 1 and in support of the business not the use of the Manor as offices
4. ICUK was established in 2004, when Director lived in the Manor. Moved out in 2005/6 and only the business moved back in 2009/10. Treating the 2<sup>nd</sup> floor as de-facto rented office space
5. Will set a precedent for further commercial use of building
6. Landford Manor became dilapidated due to use as offices in the past; sets an unfortunate precedent.
7. Enabling development was permitted to fund conversion to residential
8. Business is web based, not local
9. Charity recently granted permission for new offices in Downton: should re-locate to their
10. Office use is unsympathetic to the character of the building.
11. Front view of Manor spoilt by large no. of cars parked
12. Concerns regarding effects on neighbours.
13. Stock Lane is too narrow to accommodate the extra traffic generated by the use.
14. Concerns regarding conflict between cars and horse riders
15. Highways objected to new housing behind the Manor, why no objections to this use.

14 letters of letters of comment/support received from employees, users of the business and existing residents of unit1. Summary of key relevant points raised:

1. Local business employing local people
2. Offices do not intrude on anyone
3. Ample parking is provided
4. Provides employment
5. Ideal working environment; employees work as a team; need the interaction.
6. Health and safety and Fire safety procedures adhered too
7. Serves local well-known charity
8. Office use is not disruptive to remainder of property

9. Plenty of space to park, does not create traffic congestion
10. Not an excessive level of traffic using Stock Lane
11. No effect on neighbours
12. Should support small businesses in this recession
13. Provides jobs and money to local economy
14. Will not be a precedent for other businesses to start up on the site
15. Government encourages people to work from home
16. Many successful companies started working from home and all small companies should be given time to develop
17. It is a small company providing a useful service for local business community
18. Top floor is used in evenings and weekends for domestic purposes by occupiers of property
19. Using the space in the roof, encourages maintenance of a large listed building
20. Building was in a commercial use in the past
21. Office use is only of top floor of building and 2 members of the family work in business
22. No objections by English Heritage, Highways, Fire Service and apart from one neighbour no complaints from residents

## **9. Planning Considerations**

### **9.1 Summary of differences between current scheme and previously refused scheme**

The previous application S/2011/0329 was refused on the grounds of the impact on the setting of the listed building, likely changes to the building required in order to facilitate the provision of adequate fire precautions and the effect of the development on the amenities of neighbours. The current scheme differs from the previously refused scheme in the following ways

1. A reduction in the number of people working in the premises
2. Fewer vehicle movements
3. Measures to meet the concerns of the fire officer

### **9.2 Compliance with Policy Considerations**

The application site is located in the open countryside within the Special Landscape Area and the New Forest Heritage Area, adjacent to the New Forest National Park. Landford Manor was recently restored to residential, (supported financially by permission for five dwellings as 'enabling development') and converted into three units. The building is listed Grade II\*. This is because of the historic importance of the inside of the building.

This application again relates to only the top floor (the roof space) of unit1, within Landford Manor House. The business which occupies the space, is web based. It is run by the applicant's son, who does not live in the property. The applicant's wife is a Director of the Company. Planning permission is not necessarily required to work from home, but is required if the overall character of the dwelling has changed as a result of the business. In very general terms, if the property remains primarily a private residence, then any other use would be ancillary and so would not require planning permission. Only if the character of the dwelling became commercial; such as would be effected if there were a marked rise in traffic or the number of people calling at the property, or disturbance to neighbours at unreasonable hours or other forms of nuisance such as noise or smells; would permission be required. However, this is clearly a matter of fact and degree.

The use of the top floor of unit 1 by ICUK is not in strict terminology 'working from home' as neither Mr B Hewson (the owner of the company) nor his employees are working from their

own homes. However, the building is in the ownership of a close relation and the other floors of the building remain in residential use. In practical terms, the top floor would be unsuitable for use as offices by a company without close/familial links with the occupier of the remainder of the house. This is because the access to the 2<sup>nd</sup> floor is via the central staircase which provides the main mean access to the upper floor of the private dwelling. In terms of the character of the building not being affected by the development, it is also stated in the supporting documentation, that the office space is used at weekends and evenings by the owner of the property for private business purposes and by other members of his family in connection with their domestic/residential occupation of the building. On this basis it would appear that the character of Unit 1 of the Manor remains residential rather than commercial.

An objective of the Local Plan is to encourage a diverse and healthy economy, in sustainable locations. Landford Manor however, is not a sustainable location as it is in the open countryside, outside of any village. On this basis, Local Plan policy would not support the conversion of the building to an employment provider, particularly if this involved employees travelling to the site. However, the application is not for the conversion of the whole building and is only for a temporary period for a specific occupier with explicit ties to this building. Recent government guidance, as expressed in the draft national framework would support employment creation and PPS4 also supports new working practices. New Government guidance suggests that planning policies should be sufficiently flexible as to support the creation of new jobs in new or innovative sectors of employment, which is particularly relevant in this case, where the business is web design, copy writing, IT and other similar technical services.

When considering this application for the use of the 2<sup>nd</sup> floor on a temporary basis for an office for a specific user, it is appropriate to consider the proposal against the Local Plan criteria for establishing a new business, even though the application is retrospective and the business has been in operation on the site for a number of years. In policy terms, even if the access to the site via the local highway network were considered adequate; the location is not sustainable. There is no public transport; so the site is not easily accessible by the local workforce and all the employees must use private transport to travel to the site. The use of such a site would not therefore be supported. In this case, the special circumstances of the business being a start-up firm still establishing itself and unable to afford premises are considered, in the light of current government guidance, to warrant special consideration in order to enable to give the business time to fully establish itself and provide employment. In overall terms Unit 1 is a very large property and therefore, the use of the top floor as offices by ICUK, is not judged to be so substantial as to change the overall character of the building.

### **9.3 Impact upon the Listed building**

In historical terms, the Manor House was in a very dilapidated condition after various unsympathetic uses. Because of its status as a grade II\* listed building; the Authority supported its restoration. Financial support was provided by granting permission for enabling development on land adjacent to the Manor. This development of five dwellings is still under construction. Because of the historic importance of the Landford Manor, both English Heritage and the Council's Conservation Officer were much involved with the re-construction and restoration work of the listed building. Both agree that provided, there are no changes to the internal fabric or the external appearance of the building, that they have no objections to the use of the upper space in this manner.

But the temporary use of the upper floor as offices, resulted in a very large number of cars being parked in front of the Manor. Visually, this was considered by members to be

detrimental to the setting and appearance of the listed building contrary to policy CN4 and CN5. However, this application differs from that previously considered, in that the number of employees has been reduced to 5 full-time equivalents and the business is considered to only require 6 parking spaces, (in addition there are also four private cars) but overall the reduction in employees and their cars reduces the visual impact on the setting of the building.

The views of the Fire Officer with regard to the adequacy of the fire precautions for an office use in this type of building and in this location are noted. In his view, there are inadequate means of escape from the 2<sup>nd</sup> floor, and so a fire strategy plan has been requested. In the fire officer's view, they are progressing towards a satisfactory conclusion, but the level and type of alterations to the building which would be required to satisfy the fire regulations are unknown. The requirement will be to provide a scheme to means of escape stair to a standard of ½ hour. This is likely to involve the use of intumescent and fire retarding products on doors, panel walls etc and fitting of surface mounted heat and smoke seals and self closing devices on all doors opening onto the escape route and may not require works for which listed building consent is required. As, compliance with the fire regulations is covered by other legislation it is not appropriate to condition any consent, especially as any fire strategy may require listed building consent.

Undoubtedly, fully utilising a Listed Building encourages the owner to keep the building in good repair, so in principle the everyday use of the upper floor would be supported. However, in the absence of a fully worked out fire strategy which clearly outlines the measures required and a full assessment of the implications for the fabric of the building, it is considered that any office use of the top floor should only be for a strictly limited term.

#### **9.4 Impact upon amenities**

Concerns have been expressed that the retrospective approval of the use of this upper floor for business will change the ambiance of the area to commercial. On the face of it, as most of the Manor, Cauldron House and the five properties currently under construction on the adjacent land would still be in a residential use, the general context of the area would not change. As each application, should be determined on its own merits, and this site would not be supported by the Local Plan as an employment area, it seems unlikely that the approval of this proposal on a temporary basis as the result of a special set of circumstances, would act as precedent for the future commercial development of the site.

The change of use of the top floor to offices resulted in a very large number of cars being parked in front of the building. Visually, this was considered by Members to be detrimental to the setting and appearance of the listed building. However, since the earlier refusal, the applicant has addressed this issue, by reducing the work force which operates from the building and consequently the number of vehicles parked in front of the building, thus reducing the visual impact upon the building.

Concerns have also been expressed regarding a loss of privacy due to the presence of non-residents on the site, the creation of an outside sitting area and the long hours of work of the employees. However, during normal office hours, there is much coming and going at present due to the building works and the former stables (Coach House) are separated by some 20m from the front elevation of the Manor House. When previously considering the matter, members did not consider that the office use caused such a detriment to amenities as to warrant refusal of this proposal solely on these grounds. So in this case, where the numbers of employees and cars have been decreased, it is judged that the proposal would not justify refusal on the grounds of the impact on the amenities of neighbours. The issue of



disturbance at other times could be addressed by limiting the hours of operation of the business to 8am to 7pm on Mondays to Fridays as suggested in the application form

### **9.5 Impact upon highway safety**

Concerns have been expressed regarding the likely increase in vehicles using the access from the A36. However, the office users are part-time and Stock Lane is used by farm vehicles as well as construction traffic and domestic vehicles. However, neither the Highways Agency nor the Highway Authority consider that the traffic likely to be generated by the proposed development to be significant and have no objections to a temporary and personal permission.

## **10. Conclusion**

An objective of the Local Plan is to encourage a diverse and healthy economy and recent government guidance supports the provision of employment as well as suggesting that planning policies should be flexible enough to accommodate new sources of employment.

As regards, Landford Manor; it was restored to three residential units with the financial support of enabling development, and the use of the upper floor as offices has so far, had no impact on the building. Whilst the concerns of the fire officer, are not a material consideration, any changes that might be required to the structure and fabric of the Listed Building in order to facilitate the provision of adequate fire precautions; could be unsympathetic to the historic interest of the building and would be unlikely to obtain listed building consent.

The business (ICUK) has however, received support from the business community and whilst the business has increased the number of vehicles and people visiting the site, it is judged that for a temporary period and provided no alterations are proposed to the fabric of the building, that the advantages of keeping the building being fully utilized, outweighs the visual impact that the large number of cars parked in front of Unit 1, has on setting of the listed building.

Further, it does not appear to have adversely affected the existing character of the surrounding New Forest Heritage Area or to have had highway safety implications. In view of the above factors, in this case, as the use by ICUK, does not appear to have a detrimental impact upon the amenities of the neighbours, it is considered reasonable to grant permission for a temporary period in order to enable the business sufficient time to be transferred to more suitable premises.

## **RECOMMENDATION**

### **Planning Permission be GRANTED for the following reasons:**

The proposed development conditioned so as to be for only a temporary period for the current occupier (Innovative Consultancy UK Ltd) accords with the provisions of the Development Plan, and in particular Policies G2 (General Criteria for Development), E17 (Employment) and CN4 and CN5 (Listed buildings) of the saved policies of the adopted local plan, and PPS4 insofar as the proposed development is considered compatible in terms of its scale and impact upon the listed grade II\* Landford Manor, and would not adversely affect the amenities of neighbours, .

## **Subject to the following conditions**

1.This decision relates to documents/plans listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application.

Supporting stement by Barclay and Phillips received on 27 July 2011

Drawing ref.no. 1543-01 received on 18 July 2011.

Drawing ref.no. 1543-02 received on 18 July 2011.

Drawing ref.no. 1543-03 received on 18 July 2011.

Drawing ref.no. 1543-04 received on 18 July2011.

REASON: For the avoidance of doubt

2 The use of the 2<sup>nd</sup> floor of Unit 1 Landford Manor as offices hereby approved shall only be by Innovative Consultancy UK Ltd., and when the 2<sup>nd</sup> floor of Unit 1 Landford Manor ceases to be occupied by Innovative Consultancy UK Ltd., within 1 year of the date of this consent, whichever shall first occur, the use hereby permitted shall cease and all materials and equipment brought on to the premises in connection with the use shall be removed and the accommodation restored to its former condition as integral part of the domestic accommodation of Unit 1 Landford Manor.

REASON: The premises are unsuitable for permanent use as offices and permission is therefore only given on the basis that it allows the business a generous period to seek and relocate to alternative premises.

POLICY: E17 (Employment)

3 The use hereby permitted shall only take place between the hours of 08:00 and 19:00 from Mondays to Fridays and the use shall not take place at any time on Saturdays, Sundays and Bank or Public Holidays.

REASON: To ensure the creation/retention of an environment free from intrusive levels of noise and activity in the interests of the amenities of the neighbours.

POLICY: G2 General Criteria for development

## **INFORMATIVE**

This permission only grants approval for a change of use. It does not authorise any works to the fabric of the listed building. The works to the building which will be required to provide the ½ hour fire resistance required by the Fire Officer may require Listed Building consent. Due to the importance of the fabric of the building, such consent may not be forth coming.