

Application No: **11/0474C**

Location: **BARNSHAW BANK FARM, MILL LANE, GOOSTREY,
CW4 8PW**

Proposal: **Conversion of Existing Agricultural Building to form 2no
Private Dwellings**

Applicant: **Mr J Ashbrook**

Expiry Date: **05-Apr-2011**

Ward: **Goostrey**

Date Report Prepared: 28th March 2011

SUMMARY RECOMMENDATION: Refuse

MAIN ISSUES:

- Principle of development
- Design
- Amenity
- Highway safety
- Ecology

REASON FOR REFERRAL

This application was deferred from the Committee meeting on 16th March 2011. It was originally referred to Committee following a call in from Councillor A Kolker who stated the following:

I would like to call this planning decision to the Planning Committee. The reason for the call in is:

The controversial nature, complicated planning history, and huge public concern of the site.

It is noted that amended plans and additional information has been submitted since the application was last reported to committee.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to an existing brick and slate built barn building located within the Open Countryside. The building is part of an existing agricultural contracting business however, is described as redundant with the supporting information.

The site is approximately 100 metres outside of the Goostrey Settlement Zone Line and is accessed via Mill Lane which runs through numerous residential properties within the Settlement Zone Line.

DETAILS OF PROPOSAL

Full planning permission is sought for the conversion of the barn into two, separate residential units. Permission is also sought for the erection of a detached garage block which would serve the new residential units. As part of the development, a large timber section of the building would be removed from the site.

RELEVANT HISTORY

Deemed permission 22383/3 (1990)
Erection of slurry store

Letter of no observations 26807/3 (1994)
Steel frame general purpose farm building for livestock, hay store etc. and farm machinery

Approved 36744/3 (2004)
Construction of track from Mill Lane to rear of farm buildings (retrospective)

Refused 36745/3 (2004)
Change of use of part of farm to agricultural contracting business

Approved 05/0008/COU (2005)
Change of use of part of farm to agricultural contracting business

Approved 06/0131/REN (2006)
Renewal of planning permission 05/0008/COU to continue agricultural contracting business

Withdrawn 09/0030/FUL (2009)
Demolition of existing house and construction of new detached house

Approved 09/0931C (2009)
Demolition of existing house and construction of new detached house

Withdrawn 10/0319C (2010)
Single storey agricultural bungalow

Approved 10/2250C (2010)
Single storey agricultural bungalow

Pending 10/2732C
Retrospective planning application for portable office buildings

POLICIES

Congleton Borough Local Plan First Review 2005 Local Plan Policy

PS8 Open Countryside
GR1 New Development
GR2 Design
GR6, GR7, GR8 Amenity & Health
GR9 Accessibility, servicing and parking provision
NR2 Statutory Sites
NR3 Habitats
NR4 Non-statutory sites
BH15 Conversion of Rural Buildings
BH16 Residential Re-Use of Rural Buildings
H6 Residential Development in the Open Countryside and Green Belt
SPG2 Provision of Private Open Space in New Residential Developments
SPD7 Rural Development

CONSULTATIONS (External to Planning)

Highways:

No response had been received at the time of report preparation. Members will be informed of any comment via an update note.

Environmental Health:

08.03.2011 – No objection subject to conditions relating to contaminated land and the restriction of construction hours.

VIEWS OF THE PARISH / TOWN COUNCIL

11.03.2011 – The application is strongly supported by Goostrey Parish Council. The existing contracting business has been the subject of considerable debate within Goostrey, with the residents of Mill Lane attending two PC meetings over the last 18 months to complain vociferously over the damage and disruption caused by the level of commercial traffic generated by the existing business.

Domestic pets have been killed by contractor's vehicles and the bridge on Mill Lane looks to be in a parlous state. The latter has been reported to CEC's highways engineer responsible for bridges. A dossier of vehicle movements has previously been supplied to CEC by a Mill Lane residents group set up specifically in response to the disruption created by Ashbrooks.

Other Goostrey residents have also suffered significant disruption due to the level of contractor's traffic and the hours at which the company operates, specifically early mornings.

As the planning application makes clear, Ashbrooks have committed to ceasing operation in Goostrey if permission is granted for the barn conversions on the Barnshaw Bank Farm site.

This company's activities are having a significant adverse impact on the everyday life of Goostrey residents, particularly those living on Mill Lane, and GPC fervently hopes that the planning application will be approved, to the clear benefit of the village.

OTHER REPRESENTATIONS

Letters of Support

A total of twelve four letters of support had been received at the time of update preparation. Reasons for support are as follows:

- The traffic from the business has grown significantly both in size of vehicle and volume of traffic over recent years.
- The proposal would eliminate the excessive heavy traffic that is currently experienced from the business.
- Improvement to vehicular and pedestrian safety.
- The continual noise disruption, often starting early morning and continuing until late evening, has caused much anxiety to local residents, many of whom are elderly and retired.
- Reduce the current impact on the local infrastructure.
- Greatly improve the quality of life of local residents.
- Current traffic causes damage to the local roads, pavements and grass verges.
- The heavy through traffic may potentially traumatize pets and younger children.
- The current state of the existing barns is unsightly and they may become dangerous since they are no longer used and are falling into disrepair.
- Impact upon local house values.
- The best way to support the Ashbrook business and enable it to continue to grow and create jobs in the region is for the business to be enabled to move to a more suitable site with good traffic links to its customers.
- The proposal would be in the best interests of all parties if the Business were moved to a more appropriate site.
- The proposal would carry an exceptional benefit to the village of Goostrey.

APPLICANTS SUPPORTING INFORMATION

Structural Report dated 25th January 2010

Email from Structural Engineer dated 10th March 2011

The submitted information concludes that whilst some remedial works would be required, such is relatively minor and the buildings are suitable for conversion.

Marketing Information

Marketing information consists of an email from the estate agent Gasgoine Holman dated 21st January 2011.

The following facts are outlined within the information:

- Marketing commenced on 12th January 2010
- Sign boards erected fronting onto Mill Lane
- Sales and letting particulars displayed and on websites
- Advertised with the Knutsford Guardian on 10th March 2010*
- Rental price - £15 per square foot

- Sale price – Offers invited**
- To date relatively serious interest received from three separate parties.
- Further activity and potential interest received from a further five parties however, no further interest from such to date.

*It was decided by Gasgoine Holman that there was little scope for advertising during the Summer months where it is found that response is generally poor. The information outlines that a further advert was planned for September however, the email further explains that it is planned to advertise the premise once again now that the schools have returned and the holidays are over.

** Paragraph 5 of the submitted email identifies that the sale price remained the same. There is however, no indication or details as to what this price was.

Gasgoine Holman state that they consider the lack of interest, regardless of the current climate, is due to the location of the site. The site is deemed to far from amenities, including banks etc, which businesses generally require. The location also presents travel difficulties in that there are no nearby train or bus services and private vehicles would have to be relied upon. It is stated that car parking is not in abundance which may be a deterring factor, as is the poor internet service provision which is an important factor to purchasers.

It is stated that there is an abundance of purpose built offices available within the surrounding towns and business parks and given this level of competition, there will remain limited demand for offices at Mill Lane, Goostrey in the foreseeable future.

Additional information

Enquiries that have been forwarded to the agent of the application have been submitted. Such information attempts to demonstrate that appraisals have been undertaken in terms of feasibility studies and cost analysis.

It is stated that having established design briefs from clients (four in total) each of the parties have not wished to progress with the scheme for various reasons which include;

- The property is not in a suitable location in terms of distance
- Too much restoration required
- More higher profile premise required
- No planning consent for residential use
- No adequate views and not located in an entirely rural area
- The bridge would be inhibited and would need reconstruction

All enquiries from the estate agent have been followed up and also the agent has introduced the project to potential clients/ property investors with whom we have completed projects over the last ten years however, none are interested in the site.

It is stated that marketing has pressed far beyond the agents marketing as marketing and detail designs have been completed for the conversion of the

building into an arts studio, office accommodation, from people ranging from local residents to larger organisations who want to downsize and move to a rural area where overheads are smaller.

In all cases the enquiries have been followed up and liaison held with potential clients, but none of them have wished to progress this beyond a normal marketing exercise.

It is stated that more than every reasonable attempt has been made to secure business reuse of the site.

Amended Plans

Amended plans have been received which have removed the garages from the site, altered openings as to not include any significant new openings and make best use of existing openings.

Design and Access Statement

The Design and Access Statement addresses issues relating to use, planning history, amount, layout, scale, landscaping, appearance, sustainable development, and access.

Revised Bat Presence/Absence Survey

The survey concludes that there is no evidence of bats roosting inside the buildings however, there is evidence to suggest that the buildings are used by low numbers of foraging bats.

Without compensation measures the development would result in a minor loss of habitat quality for bats locally however, compensation measures could provide an improvement to the quality of roosting habitats for bats and birds in the locality. The report concludes that work could go ahead without the need for further survey or licensing work.

With regard to Barn owls, no past or present evidence of use such as feathers, nesting materials, casts or whitewash was found during the surveys. No Barn owls are considered to be using the buildings, and no further survey work is considered necessary in this regard.

Highways Statement

The statement sets out the highways implications of the scheme on the local network in relation to existing and proposed vehicular movements at the site. It is noted however, that the statement refers to a scheme for four dwellings as part of the conversion as opposed to two.

The statement identifies that the existing business results in 887 vehicle movements per week (June 2010) and concludes that the proposed scheme would result in four times less traffic than the existing business. This would result in: -

- Significant reduction in general noise, vibration, and disturbance to the benefit of residential amenity.

- Relief to a small, narrow bridge on Mill Lane which upon visual inspection appears unsuitable for HGV traffic.
- Relief to the road surface which is starting to fall into disrepair

OFFICER APPRAISAL

Principle of Development

Policy H6 of the adopted Congleton Borough Local Plan First Review 2005 outlines a presumption against new residential development in the Open Countryside and Green Belt unless it complies with certain limited criteria: one of which is the conversion of existing rural buildings in accordance with Policies BH15 and BH16.

Policy BH15 outlines that for a rural building to be appropriate for re-use, it must be permanent, substantial, and should not require significant extension, rebuilding or extensive alteration. Supplementary Planning Document 7 stipulates to demonstrate such, the submission of a structural survey undertaken by a suitably qualified and experienced structural engineer or surveyor is necessary.

It is appreciated that the existing barn building is a substantial brick built structure and information has been submitted with the application to adequately demonstrate that the barns could be converted without significant rebuilding.

Policy BH16 requires that every reasonable attempt has been made to secure business reuse at the site or that the location and character of the site is such that makes residential use the only appropriate use. This is as planning policy gives priority to the re-use of buildings for business purposes rather than for residential use, as this has greater economic benefits for the Borough and local residents. The business re-use of buildings also has potentially less impact on the character of the building itself, its curtilage and the countryside. Business re-use also accords with current Government, regional and local policy guidance to encourage rural enterprise and strengthen rural communities.

Marketing Information

Supplementary Planning Document 7 (Rural Development) outlines what should be undertaken as part of a marketing exercise. As a general rule a marketing exercise should comprise of:

- Advertisement in the local press (regional press depending on scale of site).
- Advertisement with a local commercial property agent.
- Notification to other organisations who may have an interest in promoting the site (i.e. South East Cheshire Enterprise Ltd)
- A marketing exercise should last a minimum of 6 months, however the Local Planning Authority will determine an acceptable and reasonable period depending on the individual merits of each case.

Buildings should be advertised at market value and actively advertised with a recognised estate agent for at least six months for a continuous period following the date of the first advertisement. In particular SPD 7 specifies that:

- The rural building should be advertised in the local press on a bi-monthly basis during the marketing period.
- The applicant must, at the start of the marketing period, notify the availability of the land/buildings to the following: The Council's Economic Regeneration Unit, South East Cheshire Enterprise Ltd, and any relevant local business associations or interest groups.
- The applicant will need to submit as part of the planning application, evidence of the extent of the marketing and copies of all adverts (with dates), when and for how long the advert was in the agent's window, websites etc. Copies of the advertisements should be submitted to the Council.

At the end of the marketing period, the Council will require a report summarising the marketing exercise carried out, the number of enquiries received, including any firm offers whether they were conditional or unconditional, with the relevant evidence where necessary, accompanied by the commercial property agent's opinion as to the commercial viability of the site or buildings.

With regard to the submitted information, this does not meet the requirements of SPD7 as the premise has not been marketed for a continuous period, there is no evidence of the premise being advertised bi-monthly in local press, there is no evidence of The Council's Economic Regeneration Unit, South East Cheshire Enterprise Ltd, and any relevant local business associations or interest groups being notified of the site, and no details of any advertisements placed have been submitted.

It is appreciated that the agent for the application has forwarded appraisals of the site which have been sent to interested parties however, this information does not overcome the insufficient marketing of the site and it ultimately demonstrates that there is in fact some interest in the site for commercial or live/work use. Whilst no dedicated interested parties have yet to come forward, with full marketing, it cannot be presumed that this will not be the case.

In addition, the submitted information states that there is a lack of interest in the site however, this conflicts with the fact that there have been numerous enquiries into the site – some of which have been relatively serious.

The commercial property agent's opinion as to the viability of the site is noted however; it is not considered that wider commercial uses have been considered e.g. use as stabling or holiday lets. References are made to the unsuitability of the site for traditional businesses/offices by virtue of the availability to banks, public transport provision, level of parking, poor internet provision, and the availability of other offices in the area however, such matters would not necessarily be cause for concern for alternative commercial uses.

Due to such reasons, it is not satisfied that genuine attempts have been made firstly to market the property actively and secondly to market it for business or commercial uses.

With regard to the nature of the site, it is not considered that residential is the only appropriate use for the site. Whilst the information within the Design and

Access Statement and Highways Statement outlines that the existing contracting business causes significant detriment to local amenity, this does not necessarily lead to the presumption that other businesses would have the same impact.

It is accepted that this site is accessed via a residential lane and the current business does result in a large amount of vehicle movements however, no consideration has been given to use of the site by other less intensive business uses. SPG 7 identifies other businesses can include offices, research and development sites, and industrial processing sites which can be carried out in resident areas (i.e. without detriment by reason of noise, vibration, smell, fumes, etc). In addition, holiday accommodation is also classed as a business use.

Other commercial uses therefore have the potential to be less intrusive as the hours of such would not necessarily be similar to the existing contracting business (Approx 03.00 – 00.00 [Highways Statement Para 2.3]) nor require the use of HGV's thus resulting in no significant impact upon residential amenity.

Simply because the existing agricultural contracting business may have become too large for the premise and now causes disruption to amenity is not a reason to completely discount other less intrusive commercial uses at the site. The fact that the business has in fact thrived on the site as it has become larger in scale would lead to the notion that the site is well located for commercial ventures.

Therefore while it is appreciated that aspects of marketing have taken place, it is not considered that the approach put forward necessarily satisfies the requirements of the policy. It should also be noted that residential is not the only appropriate use for the site and a marketing report has not been submitted. The tests of Policy B16 have therefore not been met which would conclude that the proposal is contrary to the policy. The harm of non-compliance with the policy is the loss of an existing building that could be a resource to the local economy, e.g. holidays lets or a smaller commercial scheme could provide additional business to any local businesses in the locality, which a residential use would add very little. It is this reason why bona fide marketing must take place to fully explore the potential.

Design

Main Building

For conversions of barn/farm buildings it is important to retain as much of the original building fabric as possible and minimise alterations to help preserve the character of the building and produce a successful conversion.

Amended plans have been received which have somewhat overcome previous concerns and the proposal would now make good use of the existing openings and the proposed garages have been removed.

Whilst it is appreciated that the proposal would also include a new single storey extension on the north eastern elevation of the building on balance this is considered acceptable as this is the place of an existing shed/store which is to be demolished.

Amenity

Two dwellings are located in close proximity to the proposed conversions – one approximately 68 metres to the north and one 4 metres to the south. By virtue of these distances between the properties and as there would be no overlooking between principal windows, the impact upon the privacy afforded to these residential properties is considered acceptable.

With regard to the impact upon the amenity and privacy afforded to future residents of the proposal, there are two issues for consideration – distances between the individual units and the areas of private amenity space.

With regard to distances between the proposed units, the units are positioned around a central courtyard with a distance of approximately 15.5 metres between facing elevations. Whilst this is below the recommended minimum privacy distance, as no principal windows would be directly facing, this is not considered to be of significant concern.

With regard to the private amenity space, separate areas have been identified for use by each of the units. The areas identified for the units would extend to the east, north, and west of the site and would provide significantly large curtilage areas. Such large spaces have the potential to appear overly domesticated however; it is considered that the strict control over ancillary buildings and boundary treatment could ensure that these areas remain appropriate within the Open Countryside.

Highway safety

The new development would be accessed via an existing access track off Mill Lane.

No response has been received from the Strategic Highways Manager at the time of report preparation however, Members will be provided with such comments via an update.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

This is providing that there is no satisfactory alternative and no detriment to the maintenance of the species population at favourable conservation status in their natural range.

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NR2 seeks to afford the appropriate protection to sites or habitats that support species protected by law and outlines that developers are required to submit a comprehensive assessment of proposals on nature conservation standards.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

In this case a Bat Presence/Absence Survey was submitted with the application. Such identified that there is no evidence of bats roosting inside the buildings however, there is evidence to suggest that the buildings are used by low numbers of foraging bats. It was also identified that without compensation measures the development would result in a minor loss of habitat quality for bats locally however, compensation measures could provide an improvement to the quality of roosting habitats for bats and birds in the locality. The report concludes that work could go ahead without the need for further survey or licensing work.

In addition, the information states that with regard to Barn owls, no past or present evidence of use such as feathers, nesting materials, casts or whitewash was found during the surveys. No Barn owls are considered to be using the buildings, and no further survey work is considered necessary in this regard.

Whilst the Council Ecologist is satisfied with the information in relation to bats, no comment has yet been made on the barn owl findings and as such, Members of the Planning Committee will be provided via an update of the suitability of the submitted report when consultation has been completed.

CONCLUSIONS

It is appreciated that there is significant local support for the proposal however, it has not been demonstrated that the proposal is acceptable in principle. Although it is argued that the present commercial use is detrimental to residential amenity, alternative commercial uses would not necessarily have the same impact. Residential re-use is therefore not the only option for development of the site and alternatives should be first explored. It is not considered that sufficient marketing has been undertaken to establish if there is any other commercial interest in the building.

RECOMMENDATION

Refuse for the following reasons:

- 1. Insufficient marketing information has been submitted with the application to demonstrate that every reasonable attempt has been made to secure suitable business re-use of the site. In addition, the proposal fails to demonstrate that the location and the character of the site are such that residential use is the only appropriate use. As a result the proposal is contrary to Planning Policy BH16 of the adopted Congleton Borough Local Plan First Review 2005.**

Location Plan: Cheshire East Council Licence No. 100049045

