

Planning Reference No:	10/1477N
Application Address:	Ridley Hall Farm, Wrexham Road, Ridley
Proposal:	Extension of time to approved planning permission P05/1529 – Conversion of Redundant Detached Farm Buildings into 10 Residential Units.
Applicant:	Cheshire East Borough Council
Application Type:	Extension in time for full planning permission
Grid Reference:	354688 354762
Ward:	Cholmondeley
Earliest Determination Date:	7 th July 2010
Expiry Dated:	16 th August 2010
Date of Officer's Site Visit:	August 2010
Date Report Prepared:	7 th September 2010
Constraints:	Wind Turbine Consultation Area. Open Countryside

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Principle of Development
- Design
- Amenity
- Ecology
- Highway matters

1. REASON FOR REFERRAL

This application is to be determined by the Southern Planning Committee because the application is for ten dwellings and the Council is the applicant.

2. DESCRIPTION OF SITE AND CONTEXT

Ridley Hall Farm is located to the north of A534, the Nantwich to Wrexham Road between the A49 and the village of Bulkeley. The application area comprises the brick buildings which formed the farm outbuildings to Ridley Hall, although the Hall itself, outbuildings immediately to the north of it and the dwelling known as Number 6 Holding are all excluded from the application area. This latter dwelling fronts the Wrexham Road and was used as the farmhouse, however it is currently vacant. The farmhouse has relocated to a new dwelling with modern farm outbuildings some 300 metres north of this group of buildings. Access is along the existing drive to the farm outbuildings and passes immediately adjacent to the existing farmhouse known as Number 6 Holding. The access passes into the courtyard through a stone and brick Gatehouse which is a Grade II* Listed Building. The Gatehouse is a structure located centrally within the southern range of brick buildings rather than a separate building. The single access point on the highway splits into two separate accesses, one to the Hall and a second to the application site, part of Ridley Hall, Number 6 Holding and the new farm located to the north. This access

which serves the majority of buildings then subdivides into two separate accesses some 50m back from the highway.

The site is located in open countryside as represented in the Borough of Crewe and Nantwich Replacement Local Plan.

3. DETAILS OF PROPOSAL

This application seeks to extend the time for the implementation granted under planning permission P05/1529. In considering the application the Authority should consider whether there have been any material changes in circumstance since the original permission was issued, which would justify a different decision on the application.

The development comprises the conversion of the outbuildings to ten dwellings on three sides of the courtyard with Ridley Hall (now split into two dwellings) forming the fourth side of the courtyard. A sandstone enclosure in the centre of the courtyard would be retained and eight of the proposed dwellings would incorporate garages. A timber structure would be provided as garaging to units 9 and 10. Dwellings would be three or four bedroomed properties with rear garden areas arranged to the outside of the courtyard.

Landscaping is proposed either side of the access to the new dwellings and also hedging around the edge of the development site.

Whilst the Gatehouse is a listed building it is noted that at no time has any listed building application been lodged for this development.

4. RELEVANT HISTORY

P05/1529 Conversion of Redundant Detached Farm Buildings to 10 Residential Units. Approved with conditions 15th May 2007

5. LOCAL PLAN POLICIES

Borough of Crewe and Nantwich Replacement Local Plan 2011

NE.2 Open Countryside
NE.5 Nature Conservation and Habitats
NE.9 Protected Species
NE.16 Reuse of a Rural Building for Residential Use
BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
BE.9 Listed Buildings Alterations and Extensions
BE.10 Change of Use to Listed Buildings
TRAN.9 Car Parking Standards

Other Material Considerations

PPS1: Delivering Sustainable Development
PPS5: Planning for the historic Environment.

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager: No objections.

Archaeology: The provision of services, construction of new garages and lowering of floor levels may disturb archaeological remains and a condition should be imposed on any consent for a watching brief. The condition should be worded to reflect the requirements of policy HE6 of the new PPS5: Planning for the Historic Environment.

Ecology: The original great crested newt (GCN) survey is now 5 years old and out of date. In order to update the survey a 'walk over' survey has been undertaken to examine whether there have been any significant changes to the ponds or the habitats present on site together with some limited effort to establish presence/absence of newts at the adjacent ponds. No evidence of GCN was recorded during this survey, however this finding is not reliable due to the time of year and the limited survey effort expended. There have also been some modifications recorded to one of the ponds. The submitted report however concludes that the ponds are still likely to support GCN.

In accordance with the finding of the 2005 survey, outline mitigation has been proposed based on the presence of a small population present at a pond over 100m from the proposed development. The survey report concludes that the adverse impacts of the development are likely to be low and that considering the small scale of habitat lost the mitigation required is independent of the population size. This approach seems reasonable and as the size of the population is not required to assess the mitigation required a further survey is not required. Details of habitat mitigation in the form of shelter and hibernation are provided and also measures to reduce the likelihood of killing or injuring newts during development. These are acceptable.

Water voles do not appear to be reasonably likely to be affected by the proposed development.

The site supports two species of bats which roost on the premises. Neither roost supports large numbers of bats. In the absence of mitigation the development is likely to have a minor impact on the conservation status of the species as a whole but the works could pose a significant risk of killing or injuring bats. The submitted report recommends replacement bat lofts and timing and supervision of works to reduce the risks posed while works take place. The proposed bat mitigation is acceptable and would reduce the potential adverse impacts of the development to a negligible level. Conditions should be imposed to require the mitigation works to be completed.

Evidence of barn owl activity is also recorded at the site. This seems to be limited to a juvenile and there is no evidence of breeding. The submitted survey recommends the provision of two barn owl nest boxes and timing and supervision of works to avoid the sensitive nesting season. A condition should be imposed to ensure the mitigation works take place and for final detail of the design of the barn owl nest box to be agreed with the Local Planning Authority.

In terms of nesting birds, two conditions are recommended, one to ensure that if works commence in the nesting season then a survey should take place to ensure that no

nesting birds are disturbed. A second condition should ensure details of features to support nesting birds are submitted to the Local Planning Authority and implemented.

Environmental Health: The application is for residential properties which are a sensitive end use and could be affected by contamination. No objections but a conditions should be attached to any permission to ensure that a contaminated land survey is submitted with remediation if found to be necessary.

7. VIEWS OF PARISH COUNCIL

None received.

8. OTHER REPRESENTATIONS

None received.

9. APPLICANT'S SUPPORTING INFORMATION

Building Survey Report (Prepared by Hodkinson Mallinson dated 6th July 2010).

South East Range- - Note the need to remove the sheeted roof coverings and replace with slate roof. Part of this building has been much altered in the past and a small structure on the south corner will be removed because it is in a poor condition.

The south east elevation of the left hand side of the driftway requires an area of rebuilding and it is anticipated that a number of courses of brickwork will need to be removed at eaves level. Another section of brickwork abutting the driftway will also need rebuilding.

Gatehouse – Although the stone work is suffering from erosion, the structural condition is not in doubt. The right hand wall will need more extensive rebuilding and will need to be taken down to approximately mid-height. The left hand internal wall is in better condition but need cleaning being affected by diesel spillage.

There will be a need for considerable work to the small lean-to to the side of the Gatehouse.

Internal Elevation of south east range shows a substantial area of rebuilding following fire damage.

To the west (left) of the driftway the building has been substantially altered in the past and some disturbance is noted at eaves level resulting from roof spread. Bricks are also weathered.

North West Range- Roofs are generally in a good condition. The buildings have also been altered throughout their life and repairs carried out. The central area has suffered from structural movement and there is evidence of bowing. Sections will require extensive repointing and in some sections rebuilding.

The Dutch Barn to the east is severely weathered at the low level and an area 3m x 3m will need rebuilding but overall this is relatively small scale.

North East Range – The building has a slate roof. A dilapidated lean-to will be removed. Columns to the barn will need to be reconstructed and the brickwork is heavily weathered.

In conclusion the alterations are typical of those of buildings of this age and the re-introduction of cross ways during the conversion will help to strengthen the buildings where they have previously been removed. Where light weight roofing has been provided this will need to be replaced. The scheme will need significant structural repairs but it should be both possible and practical to carry out the conversion without the need to undertake widespread demolition.

Bat and Barn Owl Survey: (Prepared by Ecologically Bats and amended September 2010.)

- An emergence survey took place on 15th July 2010 and a re-entry survey at dawn on 16th July
- Common Pipstrelles were seen to enter the building south west of the driftway but not re-emerging and are therefore considered to roost in the buildings.
- Brown Long Eared Bats were recorded flying inside the northern and eastern buildings and are considered to roost in them.
- The site is therefore of medium importance for bats.
- Evidence of nesting by barn owls, swallows and pigeons was found.
- Measures are proposed to minimise risk of harm to bats including "soft protocol" method using hand searches of buildings, and sensitive timing for works to the buildings.
- Alternative roost sites will be provided for Pipistrelles within the new garage building. The proposed landscaping also includes species which will encourage bats to forage.
- The driftway can be used to provide appropriate mitigation for the brown long eared bats with entry points formed using a louvred panel in the pitch hole and entry points through appropriate roof tiles.
- The surrounding land should be managed to encourage small mammals and insects which will attract bats.
- Two barn owl nest boxes should be provided one in unit 6 and one in unit 10.
- Work should not commence in the bird nesting season unless the buildings are first checked and no nesting birds are found.

Great Crested Newt and Water Vole Appraisal (Prepared by CES Ecology and dated July 2010)

- The site had been surveyed in 2005 and a re-survey took place in July 2010.
- Three of the four original ponds surveyed had not changed. The fourth pond had been subject to works to deepen and extend the pond at some time between 2005 and 2010.
- A "small" population of Great Crested Newts were found in 2005. Although no Great Crested Newts were found at the 2010 survey it is concluded that they may have evaded detection and considered that bearing in mind the high scoring Habitat Suitability Index there may still be a "small" population living locally. The predicted impacts of the proposed development on the species is considered "low".
- The effects on the population can be mitigated by the provision of improved habitats within the application area in the form of hibernacula.
- Mitigation would include the provision of Temporary Amphibian Fencing (TAF) around the development site, careful searching of Great Crested Newt resting places, relocation of any Newts captured, the retention of TAP throughout development to ensure that Newts do not re-enter the site, and the provision of hibernacula at five locations within the boundary hedgerows around the edge of the site. Future owners should be provided with copies of the Great Crested Newt Conservation Handbook to inform them of routine day to day maintenance for hibernacula.

- The development works are unlikely to have any direct impact on Water Voles or their aquatic habitat.

10. OFFICER APPRAISAL

Principle of Development

The site is located in open countryside where policies allow for the re-use of rural buildings for residential development subject to a number of criteria. In 2005 no evidence was submitted with the original application to demonstrate that the buildings were not required for a use which would benefit the rural economy. However the Gatehouse is a Grade II* Listed Building. It was therefore considered that the use of the buildings for employment purposes would generate considerably more car parking and service vehicles which would be detrimental to the setting of the Listed Building. The use for residential purposes would generate far less demand for such parking/ servicing and enable the retention of the stone walled enclosure located within the courtyard. In addition it was noted that the village of Bulkeley is a relative small scale settlement which is unlikely to generate a demand for employment buildings on this scale.

Since that decision PPS4: Planning for Sustainable Economic Growth and PPS5: Planning for the Historic Environment have been published. Policy EC6 of PPS4 notes the need to protect the countryside for the sake of its intrinsic character and beauty, diversity of landscape, heritage and wildlife. It also supports the conversion of buildings for economic purposes in the rural area and farm diversification for business purposes, which are of a scale and have environmental impacts, consistent with the rural location.

On this basis it is considered that the comments on the previous application that economic or business use would have an adverse impact on the setting of the Listed Building still apply. Further this approach is supported by Policies HE7, HE8, HE9 and HE10 of the PPS 5 which note the need to ensure that the more significant heritage assets are given greater weight in determining planning applications. Further the factors taken into consideration should include the setting of the building as well as the impact on the listed building itself.

It is therefore considered that PPS4 and PPS5 support the re-use of the buildings for residential use at this location.

The Building Survey submitted with the application concludes that the scheme will need some significant structural repairs but it should be both possible and practical to carry out the conversion without the need to undertake widespread demolition.

It is therefore considered that the condition of the buildings will allow the conversion for residential use without major reconstruction and in accordance with policy NE16 for the re-use of rural buildings. The buildings have undergone considerable alteration in the past particularly as a result of fire damage but also for farming practices and the further alteration required to convert the buildings to dwellings are not considered to be detrimental to the character, appearance and setting of the Listed Building.

Design

Since the application is for an extension of time there are no changes to the design of the buildings. The alterations to openings in relation to the formation of windows and doors was considered appropriate in 2005 and are still considered acceptable.

Amenity

The proposed conversion is not so close to the two existing dwellings at Ridley Hall or the dwelling known as Number 6 Holding as to adversely affect residential amenities at these properties. The proposed layout would retain appropriate open space and separation distances for the new dwellings.

Ecology

The submitted surveys identify the presence of two species of bats, Pipistrelles and Brown Long Eared Bats, in the buildings to be converted. Mitigation is recommended in the form of details of the timing and supervision of the conversion works and also by allowing access for Brown Long Eared Bats for roosting in the driftway/gatehouse and the provision of roost boxes in the roof space of the proposed garage for Pipistrelles. Exact details of the placement / construction of these roosts will need to be provided under a condition which should also require the implementation of these and the bat mitigation measures.

Great Crested Newts have been found in the locality but not within the application area itself and there is a possibility that they may be present within the application site. Mitigation is proposed in the form of careful timing and supervision of works and the formation of four hibernacula to compensate for any loss of habitat as a result of the development. This should be subject of a condition.

There is evidence of a juvenile barn owl present on the site and mitigation is proposed including the provision of two barn owl boxes. The Ecologist recommends full details of the barn owl box to be submitted and approved in writing prior to the commencement of development together with implementation of these works.

Subject to the provision of the mitigation there should be a negligible impact on these species.

In addition conditions are recommended to check the site before the commencement of site works if this takes place in the nesting season. If nesting birds are found protection should be afforded to the areas of nesting birds until the young have fledged. A further condition is recommended for the provision of nest boxes.

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

and provided 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 NE.9 of the Borough of Crewe and Nantwich Replacement Local Plan allows development which affords measures of support to protected species and their habitats.

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."

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case it was estimated in 2005 that there was a "small" Great Crested Newt population based on four ponds varying distances from the application area. Whilst no Great Crested Newts were found in the more recent survey the submission still proposes some mitigation. This includes supervision and timing of works and the provision of five hibernacula around the application site to compensate for the loss of habitat.

There are two species of bats using the buildings and mitigation proposed includes works of supervision and the provision of new habitats for both species. A juvenile barn owl is thought to use the site and mitigation is proposed for this species. Measures are also detailed to protect nesting birds and provide for replacement habitats. Landscaping is also proposed which will include plants which would promote the use of the area by the protected species which have been found.

The buildings which are the subject of the application are traditional brick buildings which if left would fall into disrepair and create an unsightly group of buildings in the open countryside. In a state of disrepair, if the roof collapsed, which would allow light into the building, they would no longer be suitable for use by bats which prefer a darker

environment. The buildings are located close to residential properties. Policies allow for the conversion of the buildings for other uses and it is considered in this case the proposed bat mitigation would provide suitable and appropriate roosts and habitats for the species concerned and is of an appropriate scale in its provision. It is therefore considered that with the implementation of the mitigation the development would not adversely impact on the species so as to justify refusal of the application, further that there is no other suitable alternative and that it is in the public interest that the development is granted planning permission. Similarly the provision of two barn owl boxes will ensure the continuity of an appropriate habitat and this will ensure no adverse impact on this species.

Under the circumstances it is considered that the impacts of development on the species will be negligible.

Highway Matters

The Strategic Highways Manager raises no objections.

11. CONCLUSIONS

There have been no material changes in circumstances which would warrant a refusal of this application for an extension of time for the planning permission issued in 2005. The report on the condition of the buildings indicates that while some significant repairs will be required these can take place without the need for significant rebuilding works. The Ecological Surveys and mitigation proposed show that the effects on protected species will be negligible provided the mitigation is completed. The development will comply with policies NE.2 (Open Countryside), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), NE.16 (Re-use of a Rural Building for Residential Use), BE.1 (Amenity), BE.2 (Design), BE.3 (Access and Parking), of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Commencement within 3 years**
- 2. Development in accordance with approved plans**
- 3. Any new materials to be used in the conversion to be submitted for approval first.**
- 4. Submission of full landscaping scheme to include species to promote use of the site by bats.**
- 5. Implementation of landscaping**
- 6. Boundary treatment**
- 7. Surface materials**
- 8. Contaminated land survey**
- 9. Archaeology**
- 10. Consent for conversion only**
- 11. Method Statement for areas of rebuilding and accurate identification of areas to be rebuilt**
- 12. Ventilation details**
- 13. Roof lights**
- 14. Metal rainwater goods**

- 15. All doors and windows to be timber with reveals. Large Scaled detailed drawings to be submitted and approved**
- 16. All new brickwork or timber infill panels in Dutch barn areas to be recessed. Details to be submitted**
- 17. Retention of all stone on site for use in enclosure in courtyard. Walled enclosure within courtyard to be retained and repaired**
- 18. No other enclosure within the courtyard or on the western side of the courtyard to separate the site from Ridley Hall.**
- 19. Scheme for repair of sandstone lean-to the side of the Gatehouse**
- 20. No permission for any works to the Listed Gatehouse including repointing and general repair, which shall be subject to Listed Building application**
- 21. Site works and construction to proceed in accordance with the procedures detailed for Great Crested Newt and Bat mitigation**
- 22. Details of exact location of Pipistrelles and Brown Long Eared Bat mitigation to be submitted approved and implemented.**
- 23. Full details including final location of Great Crested Newt Mitigation to be submitted approved and implemented.**
- 24. Scheme for the provision of features to encourage nesting birds and planting to encourage formation of habitats**
- 25. No works to commence between 1st March and 31st August in any year without prior survey. If nesting birds are found appropriate clearance allowed.**
- 26. Full detail of location and provision of barn owl nesting boxes to submitted approved and implemented.**
- 27. Obscure glass to south east gable first floor window at Unit 6**
- 28. Garages to be retained for parking of cars and not used as part of living accommodation**
- 29. Withdraw PD Classes A, B, C, D, E, G, H and for means of enclosure and Domestic Microgeneration Equipment.**
- 30. Full details of appearance and finish to timber garages to be submitted**

Location Plan: Cheshire East Council Licence No. 100049045

