

Application No: 12/3007N

Location: Lower Farm, WHITCHURCH ROAD, BURLEYDAM, SY13 4AT

Proposal: Conversion of existing redundant milking barns to create 9 residential units and subdivision of the existing farmhouse into 2 separate residential units (equating to 11 dwellings on site), with associated works

Applicant: I Barton

Expiry Date: 27-Nov-2012

SUMMARY RECOMMENDATION:

Approve with Conditions

MAIN ISSUES:

- **The impact upon the character and appearance of the barns and the open countryside**
- **The impact upon neighbouring residential amenity**
- **The impact upon Protected Species**
- **The impact upon the highway network**
- **Assessment of potential alternative uses for the barns**
- **The impact upon the future occupiers of the barns**

REFERRAL

The application has been referred to Southern Planning Committee as it is a development which would result in the creation of 11 dwellings.

DESCRIPTION OF SITE AND CONTEXT

The site is located on the southern side of Whitchurch Road, Burleydam within the open countryside. The site is a former farm, which consists of a traditional farmhouse and a range of traditional brick barns (including part Dutch Barn) and more modern farm buildings. The nearest neighbouring property (The Old Vicarage) is located 130 metres to the north of the site. The site currently has two vehicular access points and there are a number of large trees to the front of the site. Part of the site is located within the Flood Zone as identified by the Environment Agency

DETAILS OF PROPOSAL

This proposed development is for the conversion of the range of traditional barns into 9 dwellings and the subdivision of the existing farmhouse into 2 dwellings. The proposal

includes two garage blocks and a bin store which would accommodate 5 cars. The barns and farmhouse would use the western access point with the eastern access point used to access the existing fields. The modern agricultural buildings would be demolished as part of this proposal.

The subdivision of the farmhouse would result in the demolition of later extensions to the north and south elevations. A small porch extension would be constructed to the north facing elevation with minor changes to the external elevations of the building.

RELEVANT HISTORY

The site has no relevant planning history

POLICIES

National Planning Policy

National Planning Policy Framework

Local Plan policy

NE.2 – Open Countryside

NE.5 – Nature Conservation and Habitats

NE.9 – Protected Species

NE.16 - Re-use and Adaptation of a Rural Building for Residential Use

NE.20 – Flood Prevention

BE.1 – Amenity

BE.2 – Design Standards

BE.3 – Access and Parking

BE.4 - Drainage, Utilities and Resources

BE.5 – Infrastructure

Other Legislation

EC Habitats Directive

Conservation (Natural Habitats &c.) Regulations 1994

ODPM Circular 06/2005

CONSULTATIONS (External to Planning)

Environmental Health: Conditions suggested in relation to contaminated land and construction hours

Highways: The proposed location of the housing is not ideal in transport and accessibility terms. The proposal for 11 dwellings will not, however, in itself cause severe harm.

The proposed access and visibility is considered acceptable to serve a small residential development as proposed. No details are provided regarding the proposed changes to the farmhouse and the proposed level of parking at this location. A further four parking spaces will be required at the farmhouse (to be redeveloped as two residential units).

Environment Agency: Originally objected to the application. However based on the revised drawing showing a 5 metre buffer strip from Barnett Brook the objection has been withdrawn and the following condition is requested:

- No development shall take place until a scheme for the provision and management of a 5 metre wide buffer zone, measures from bank top, alongside the *watercourse* shall be submitted to and agreed in writing by the local planning authority. Bank top is defined as the point at which the bank meets the level of the surrounding land. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens, footpaths and formal landscaping; and could form a vital part of green infrastructure provision.

Natural England: This proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils, nor is the proposal EIA development. Reference should be made to the Natural England standing advice on protected species.

United Utilities: No objection

VIEWS OF THE PARISH / TOWN COUNCIL:

Object to the application on the following grounds:

Vehicular access to the proposed site

The plans constitute an extremely hazardous entry and exit point onto the A525. This is already a dangerous stretch of road with a speed limit of 60 mph and where there have already been a number of road traffic accidents in recent years. It would be much safer if any proposed development could be accessed via Lodmore Lane. There also does not appear to be any comments/feedback from Cheshire East's Highways officers and the Parish Council would welcome their views on this application.

Proposed footpath from Lower Farm to Burleydam

Whilst, in principal, this is a good idea the Parish Council are struggling to see how a footpath could be constructed to run alongside the A525 due to issues with the levels at this point. It is also likely that any footpath construction would lead to the removal of an established section of hedge.

In addition, even if the footpath issues raised can be resolved there is still the issue that a footpath could not be incorporated onto Burleydam Bridge due to its existing width. The Parish Council is, therefore, particularly concerned about the lack of a footpath across the bridge and the potential dangers that this poses for the schoolchildren that may live at Lower Farm if redeveloped.

Design

There are concerns that there may be excessive glare from the proposed glass panels on the haybarn for drivers travelling along the A525. The Parish Council also feel that the proposed development is too high a density for the location and proposed access.

Affordable Housing

The current proposals include for 1 affordable housing unit. This ratio does not reflect Cheshire East's current housing policy which asks for 30%. Based on this quota the Parish Council would expect to see 3 affordable housing units included within the scheme.

Sewerage

Whilst the Parish Council appreciate that the proposed development will be serviced using septic tanks the Parish Council would like the assurances that measures will be put in place to ensure that the water courses on either side of the site will not suffer from any foul water contamination from the site. This is particularly relevant given the vagrancies of the British climate and excessive rain in recent years.

Ecology

The Parish Council would also like an assurance that established trees and hedgerows will not be removed as part of any redevelopment of the site as there is no direct reference to this matter in the ecology reports.

OTHER REPRESENTATIONS:

Four letters of objection have been received raising the following points:

- Increased vehicles accessing the A525
- Highway safety
- Previous applications have been refused in the area due to highways concerns
- Increased accidents
- There is no footpath along Whitchurch Road
- Pollution to the watercourse
- Sewage disposal issues
- Flooding in the area
- The infill of the Dutch Barn is out of character
- The farm should be retained and would make an ideal family farm
- What will happen to the agricultural land?
- Access to the site is inadequate
- Visual appearance of the site with increased car parking and bin storage
- No provision for affordable housing
- The proposal is an overdevelopment of the site
- The speed limit should be reduced to 40mph through Burleydam
- Overdevelopment of the site
- The mature trees and hedgerows on the site should be retained
- The proposed footpath would result in the loss of hedgerow and this would leave the development over exposed
- There is a lack of information about how the site will be drained.

APPLICANT'S SUPPORTING INFORMATION:

Supporting Planning Statement (Leith Planning Ltd)

Extended Phase 1 Habitat Survey and Bat and Barn Owl Scoping Survey (Produced by UES)

Design and Access Statement

Transport Statement (Produced by NTP)

Economic Statement (Produced by Meller Braggins)

Structural Survey (Produced by Meller Braggins)

Flood Risk Assessment (Produced by PSA Design)

9. OFFICER APPRAISAL

Principal of development/alternative uses

The National Planning Policy Framework states that planning policies should support economic growth in rural areas and take a positive approach to new development. One of the core principles is that planning should *'encourage the reuse of existing resources, including conversion of existing buildings'*.

Policy NE.16 of the Replacement Local Plan allows for the re-use of rural buildings to residential use where the applicant can demonstrate either that the building is inappropriate for commercial, industrial or recreational use by virtue of its character and/or location and that every reasonable attempt has been made to secure a business re-use, or that the residential use is ancillary to a business use.

The supporting economic statement has looked into a number of alternative business and commercial uses for the barns, in line with Policy NE.16. The conclusions of this statement are accepted, the rural location of the site and high costs of conversion make alternative uses unviable. Furthermore due to the proximity of the farmhouse and other residential properties and the cost of conversion, it is not considered that the barns would be appropriate for a commercial or employment use. Therefore the principle of residential re-use is acceptable, and it would serve to bring redundant buildings back into use. As such, the retention of this building and re-use for residential purposes would secure its long term future and therefore must be encouraged. The fabric of the building represents the vernacular rural architecture of the area and therefore its retention would contribute to the local character.

Furthermore in this case the development would provide housing units which would assist with the Councils 5 year housing land supply. This is a requirement of the NPPF and adds significant weight in favor of the principal of development.

As part of this application a Structural Survey has been provided and this states that the buildings are capable of conversion to residential use. There would be some repair work to the roofs, replacement rainwater goods and strengthening of walls. The results of this survey are accepted.

Amenity

The residential property most affected by this development is the existing farmhouse which would be subdivided as part of this application. It is considered that the separation distances

proposed on the site would be acceptable and adequate private amenity space would be provided for the proposed dwellings.

There would be adequate separation distances to the surrounding dwellings with the nearest being the Old Vicarage which is over 130 metres away to the north.

Design

Policy NE.16 states that the reuse of rural buildings is permitted provided buildings are capable of being converted without major or complete reconstruction and any conversion work respects local building styles and materials.

The alterations to the barns are as follows.

North elevation: Two new windows and five new roof lights

South elevation: Two-storey bricked up opening re-opened

East elevation: One new window, one bricked up window re-opened and seven new rooflights

West elevation: Two bricked up doors and one window to be re-opened and 15 rooflights

As well as the above alterations 11 of the 13 bays to the Dutch barn would be in filled with full length glazing.

The extent of the new openings has been subject to negotiation as part of the pre-application process and it is considered that the alterations to the barns are acceptable and would not harm the character of this group of barn buildings.

The proposal also includes a 2 garage blocks and it is considered that both the design and location of the garage blocks would not result in an overly domestic appearance to the site while the amount of acceptable in this open countryside location.

It is considered that the conversion of these buildings would bring some benefits as they are currently not being used and soon they could detract from the character and appearance of the open countryside.

The alterations to the farmhouse are relatively minor and would not impact upon the character and appearance of the building.

Conditions relating to window reveal, repair only, bin storage, timber windows and doors, rainwater goods, materials, surfacing materials, boundary treatment, landscaping, retention of some window shutters, window design and conservation style roof lights will be attached to ensure that the proposal is of an acceptable finish.

Highways

Site access

The design of the proposed access is acceptable to serve a development of 11 residential units but it has not been designed to accommodate a refuse vehicle and turning head. There

is a need to provide a communal bin store close to the junction with the A525. These issues will be secured through the use of planning conditions.

The visibility available at the new access point is considered acceptable being 160m in the leading direction and 114m in the non leading direction.

Traffic generation

The site, as a farmhouse and milking parlour, would have had a traffic generation associated with these former uses. It is indicated, from the farm diversification report submitted, that farm households generate a total of 26 trips per week and farm businesses a total of 40 trips per week. Assuming the milking parlour generated traffic on weekdays and the farmhouse generated traffic seven days per week, and both uses generated average farm type flows, it might have expected a total of 66 weekly vehicle trips; or say 12 per weekday.

Realistically, a residential development of this type in a rural area one might expect somewhere between 0.9 and 1.0 vehicle trip in a peak hour on the highway network, and maybe eight or so daily vehicle trips.

Such a level of traffic generation for 11 dwellings will be barely noticeable on the highway network in peak hours, and a generation of 80 vehicle trips daily is minimal.

A total of 20 parking spaces are proposed for the nine new build dwellings on the site. The level of parking meets CEC parking standards. There also appears to be a large area of tarmac close to the proposed grass areas and units 1 and 2 that will almost certainly be used for parking.

Flood Risk/Drainage

Part of the application site is identified as Flood Zones 2 and 3. This relates to land to the west of the barns but it limited to part of the curtilage of the proposed dwellings only and would not include the barns themselves. The submitted FRA identifies that the floor levels of the barns would be a minimum of 410mm above the 1 in 1000 year flood event level and the proposed dwellings would be defined as having a low probability of flooding. This has been accepted by the Environment Agency who have raised no objection to the development subject to the provision of a 5 metre buffer to the watercourse.

Protected Species

Evidence of roosting by two bat species and barn owls has been recorded within the buildings subject to this planning application. From the survey work undertaken to date the Councils Ecologist advises that it is likely that the level of roosting activity is likely to be relatively low and no barn owl breeding activity or bat maternity roosts are likely to be present. The conversion of the building on this site is still however likely to have an adverse impact upon these protected species due to the loss of this roosts and the risk of killing/injuring or disturbing animals during the proposed works.

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 implements the Directive in the Conservation of Habitats & Species Regulations 2010 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.

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.”

The NPPF advises that LPA’s should contribute to *‘protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy’*.

The NPPF also states that the planning system should contribute to and enhance the natural and local environment by *‘minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures’*.

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 terms of the 3 tests, it is considered that:

- There are no satisfactory alternatives as without conversion the barns and farmhouse would fall into further disrepair which would be harmful to the character and appearance of the site.
- The derogation is not detrimental to the protected species recorded on site as a scheme of mitigation which is acceptable to the Councils Ecologist has been provided and will be secured through the use of a planning condition. The mitigation includes breeding bird boxes

(swallows and sparrows), Bat roosts within the roof space of the garage blocks and Barn Owl nest boxes.

- There are imperative social reasons of overriding public interest as the development would assist with achieving the Councils 5 year housing land supply, the development would provide a boost to the economy and the buildings would be at risk of further deterioration if the development was not approved.

Conditions will be attached regarding bird mitigation and that if works commence within the bird breeding season then the buildings should be checked by an ecologist prior to the commencement of development.

Other issues

One letter of objection and the objection from the Parish Council query the level of affordable homes to be provided on this site. As the application relates to the conversion of existing buildings there is no requirement for affordable housing.

10. CONCLUSIONS

The buildings are in good structural and physical condition and can be converted with only minor alterations and repairs. The proposed conversion makes maximum use of existing openings and would retain the rural appearance of the buildings. The use of the buildings for residential use would not have a detrimental impact upon the character of the Open Countryside. The proposal is considered to be acceptable in terms of its impact upon protected species subject to suitable mitigation. The proposal is therefore considered to comply with Policies NE.2 (Open Countryside), NE.3 (Areas of Special County Value), NE.5 (Nature Conservation and Habitats), NE.9 (Protected Species), NE.16 (Re-use and Adaptation 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) and BE.5 (Infrastructure) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

11. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard – 3 years**
- 2. Materials to be submitted and approved**
- 3. Removal of all permitted development rights including no insertion of rooflights or other openings and no closing of existing openings.**
- 4. No rebuilding permitted; repair and refurbishment only**
- 5. Curtilage of dwellings should not extend beyond that illustrated in submitted drawings.**
- 6. Window reveal to be 100mm**
- 7. Demolition of existing buildings prior to occupation of the dwellings**
- 8. Provide car parking spaces prior to occupation**
- 9. Drainage details to be submitted and approved**
- 10. Landscaping to be submitted**
- 11. Landscaping to be completed**

- 12. Boundary treatment to be submitted and approved**
- 13. Rainwater goods to be black and metal**
- 14. Surfacing Materials to be submitted and approved**
- 15. Retention of window shutters**
- 16. Conservation style roof lights**
- 17. Timber doors and frames**
- 18. Contaminated Land**
- 19. Bin storage to be submitted and approved**
- 20. Approved plans**
- 21. Development to be carried out in accordance with Protected Species Mitigation Measures**
- 22. External lighting to be submitted and approved**
- 23. Works within the bird breeding season**
- 24. Re-designed access to accommodate refuse vehicles**
- 25. Hours of construction**
- 26. Five metre buffer to Barnett Brook**
- 27. Communal bin store**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Management and Building Control has delegated authority to do so in consultation with the Chairman of the Southern Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION:



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