

Application No: 21/3180C

Location: Dingle Farm, DINGLE LANE, SANDBACH, CHESHIRE, CW11 1FY

Proposal: Repair and alteration of existing farmhouse and construction of garage; conversion and extension of barn and outbuilding to form dwelling and garage/garden room, demolition of garage and construction of dwelling

Applicant: Jon Wylson, Mansion House Project Management Ltd

Expiry Date: 30-Aug-2021

SUMMARY

The development would secure the restoration of the Grade II listed farmhouse and associated outbuildings.

Previous applications have been refused and dismissed at appeal for 11, 6 and 4 dwellings. This application only proposes 1 additional dwelling, which is considered to be acceptable in terms of the effect on the setting of Dingle Farm (the less than substantial harm would be outweighed by the public benefits).

The development is considered to be of an acceptable design and would not have a detrimental impact upon residential amenity.

The highways impact, internal road layout and parking provision are considered to be acceptable.

The ecological impacts, tree impacts and landscape impacts of the development are considered to be acceptable.

The application is therefore recommended for approval.

RECOMMENDATION

Approve subject to Conditions and a Section 106 Agreement to secure offsite habitat enhancement

DEFERRAL

The application was deferred from the meeting on 5th January 2022 to allow for the provision of a more detailed update of what is happening with the process of designating Dingle Lane as a public right of way. Members also requested that a Public Rights of Way Officer attend the next meeting.

Public Rights of Way

1. This briefing note is intended to update Members with regards to the claimed public footpath application along Dingle Lane, an issue which has been raised in relation to the above planning application.

Background – The Definitive Map Modification Order Process

2. The Definitive Map and Statement is the legal record of public rights of way which proves conclusively, in law, the existence and status of a public right of way at a specified date, known as the Relevant Date. The public rights have legal protection and may only be changed or extinguished through a legal process.
3. The Council has a waiting list of Definitive Map Modification Order (DMMO) applications, for the Definitive Map and Statement, the legal record of PROW, to be updated. This is a statutory duty of the Council under the Wildlife and Countryside Act 1981. Most commonly these are 'claims' for routes which are not currently recorded to be added to the legal record. The rate of applications being registered is increasing as a result of the Covid pandemic and potential 2026 'cut-off date' in the Countryside and Rights of Way Act 2000 – with over one quarter of the waiting list having been registered since the start of 2019.
4. Processing of a case is complicated and time consuming. Historical and/or user evidence must be examined and considered against legal tests, with a recommendation put to the Public Rights of Way Sub Committee for determination. If determined to make a legal order, there are set statutory timeframes relating to advertising and public consultation. Thus, the duration of any one case can be 9-12 months, and longer if objections necessitate referral to the Secretary of State and public inquiry.
5. The Secretary of State recognises that the task of bringing Definitive Maps up to date is considerable and best practice for the Council is to publish periodic statements of its priorities for processing applications, this being a demonstration of an Authority's acknowledgement of its duty, and of a determination to progress with the work. Thus, a Statement of Priorities, adopted by the Public Rights of Way Committee, is employed to score applications according to their value against corporate strategy objectives, in addition to a number of other factors. Applications are then processed in order of highest value to the wider community.
6. Regardless of the score an application receives, any potential route that is threatened by development is taken out of turn and dealt with as promptly as resources permit. The planning application must have been granted first before a route is considered threatened. The Public Rights of Way team will usually have been consulted on the planning application, and advice is given to the developer regarding the application.

7. Applicants are able to appeal to the Secretary of State for a determination if the Council has not determined their case within 12 months, with the Secretary of State most commonly directing the Authority to determine the case, again normally within 12 months.

DMMO Application CO/8/49 - Application for the Addition of a Public Footpath from Dingle Lane (leading from Well Bank) to Sandbach Footpath No. 11

8. This application was made in March 2016 under Schedule 14 Wildlife and Countryside Act 1981. The application is for the addition of a public footpath to the Definitive Map and Statement as shown on the plan in the key plans pack.
9. In March 2016 the application was ranked at 15 out of 33 applications. All applications are reviewed annually. This application is now currently at number 5 out of 47 applications awaiting determination.
10. In November 2021 the applicant decided to apply to the Secretary of State for a direction request. The Planning Inspectorate deal with the case on behalf of the Secretary of State and we are presently awaiting their decision. As stated above, most commonly the Authority will be given a period of 12 months in which to determine the application.
11. As the route is not currently shown on the Definitive Map, the Public Rights of Way team have no jurisdiction over it. It is understood that members of the public do currently use the route, and the developer of the Dingle Farm site has indicated they are content for this to continue and have no intention of preventing use. The applicant of the DMMO is concerned that there is currently no legal protection whilst the route is unrecorded.
12. The claimed route along Dingle Lane comprises of the section owned by the Dingle Farm site, with the remainder of the route owned by Cheshire East Council. The developer of the Dingle Farm site has stated they would be willing to dedicate a Public Footpath along the route, although they do not yet own the site. If planning consent is given and they then become the owner of the site, they could enter into a Creation Agreement under s25 of the Highways Act 1980 to formally dedicate the route. Legal opinion has been sought and given by a CE Council lawyer. This states that the dedication of the path is not a material consideration in the determination of this planning application. In addition, to require the dedication of the path by a Section 106 Agreement or condition would not meet the tests for such agreements, as it is not necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.
13. As the Council own the remainder of the route a Deed of Dedication under s1 of the Localism Act 2011 could be completed for that section.
14. If the route were to be formally dedicated through these processes, the route would then be shown on the Definitive Map, thus negating the need for the DMMO to be investigated and determined.
15. If the route is not dedicated, the Public Rights of Way team would investigate the DMMO in due course and, as far as resources permit, within the timeframe given in any direction to determine issued by the Secretary of State.

16. Should the Council resolve to make a DMMO (or is ordered to by the SoS on appeal) and it is subsequently confirmed, a public footpath along Dingle Lane would be added to the Council's definitive maps. Any objects which might have appeared over time, would amount to an obstruction and could be removed.

Further Representation

Following the previous meeting a further representation has been received from the owner of 7 Dingle Lane, who spoke at the meeting. This clarifies that the owners of the land on the northern side of the lane are the owners of Nos. 6 and 7 Dingle Lane.

It goes on to state that the points they wanted to make at the meeting, were that they rather reluctantly did not oppose the new build, despite winning many battles against development before, as they believe that the farm house and even the barn are in some danger of further and catastrophic deterioration and fire.

CALL IN

The application referred to Southern Planning Committee at the request of Cllr Benson for the following reasons:

“The land in question falls within the Sandbach Conservation Area. Previous planning applications have been heard by the Southern Planning Committee and resulted in appeals to the Planning Inspectorate. I have been asked by Sandbach Town Council Planning & Consultation Committee to request a Call-in as this application would have an impact within the Conservation Area. It would not be in keeping with the listed building and its setting.

It is felt that the design, scale and character of the proposals are planning issues which in this case should be placed before the Southern Planning Committee in the public interest.”

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a part brownfield, part green field site accessed from Dingle Lane, which is in close proximity to Sandbach town centre. Contained within the site are a Grade II Listed farmhouse, barn and other ancillary buildings. Dingle Lane leads to Waterworks House, which is currently under construction of a residential development.

The List description of the Farmhouse is as follows:

“Dingle Farmhouse (Formerly listed under Back Street) SJ7660 2/33 11.8.50.II 2. C17. Timber frame with painted brick noggin; C19 alterations and additions; one storey plus attic; 3 C19 gabled dormers with small-paned iron casements; early C19 wood doorcase with hood canopy on shaped brackets, and 6-fielded-panelled door. Later bay on left-hand side sham painted as timber frame. Later additions at rear; tiles.”

The site is designated as being within the Settlement Zone Line of Sandbach and within the Sandbach Conservation Area. To the west and south of the site is existing residential development.

DETAILS OF PROPOSAL

The application seeks full planning permission for the repair and alteration of existing farmhouse and construction of garage; conversion and extension of barn and outbuilding to form dwelling and garage/garden room, demolition of garage and construction of dwelling.

RELEVANT PLANNING HISTORY

17/2171C - Listed Building Consent for alterations to an existing Grade II Listed farmhouse, barn and boar house, demolition of two outbuildings, conversion of barn into one dwelling, construction of 4 dwellings together with associated garaging, car parking and landscaping works – Refused 21st July 2017 – Appeal dismissed 3rd July 2018. Reasons for refusal as follows;

1. The proposed works, namely the removal of the secondary staircase and treatment of damp proofing and creation of cavity walls would adversely affect the special architectural and historic character of the farmhouse. Furthermore, the new build element of the scheme will dominate the landscape, thereby causing harm to the setting of the listed buildings. The application is therefore considered to be contrary to policies BH4 and BH5 (Listed Buildings – Effect of Proposals) of the Congleton Borough Local Plan First Review 2005, Policy HC1 (Historic Environment) of the Sandbach Neighbourhood Development Plan, Policy SE7 (The Historic Environment) of the emerging Cheshire East Local Plan Strategy and the NPPF.

2. Insufficient information has been provided to adequately assess the extent of the impact of the proposal upon the special architectural and historic character of the listed buildings. More specifically, there is a lack of information with regards to the reinstatement of the trusses within the shippon and insufficient information has been submitted to effectively demonstrate that the extent of the cracking identified within the farmhouse does not have structural implications. The application is therefore considered to be contrary to policies BH4 and BH5 (Listed Buildings – Effect of Proposals) of the Congleton Borough Local Plan First Review 2005, Policy HC1 (Historic Environment) of the Sandbach Neighbourhood Development Plan, Policy SE7 (The Historic Environment) of the emerging Cheshire East Local Plan Strategy and the NPPF.

17/2170C - Alterations to an existing Grade II Listed farmhouse, barn and boar house, demolition of two outbuildings, conversion of barn into one dwelling, construction of 4 dwellings together with associated garaging, car parking and landscaping works – Refused 21st July 2017 – Appeal dismissed 3rd July 2018. Refused for the following reasons;

1. The proposed development would not respect the open and historic character of the area. Furthermore, the public benefits of the scheme are insufficient to outweigh the loss of significance that would be caused to the designated heritage assets. The proposal is therefore considered to be contrary to policies; PS4 (Towns), H4 (Residential Development in Towns), GR1 (New Development), GR2 (Design), BH4 and BH5 (Listed Buildings – Effect of Proposals), BH9 (Conservation Areas), BH15 (Conversion of Rural Buildings) and BH16 (The Residential Re-use of Rural Buildings) of the Congleton Borough Local Plan First Review 2005, Policies; PC1 (Areas of Separation), H2 (Design & Layout), H5 (Preferred Locations) and HC1 (Historic Environment) of the Sandbach Neighbourhood Development Plan; Policies SD1 (Sustainable Development in Cheshire East), SD2 (Sustainable Development Principles), SE1 (Design) and SE7 (The Historic Environment) of the emerging Cheshire East Local Plan Strategy and the NPPF.

2. Insufficient information has been provided to adequately assess the impact of the proposal upon the special architectural and historic character of the listed buildings. More specifically, there is a lack of information with regards to the reinstatement of the trusses within the shippon and insufficient information has been submitted to effectively demonstrate that the extent of the cracking identified within the farmhouse does not have structural implications. The application is therefore considered to be contrary to policies BH4 and BH5 (Listed Buildings – Effect of Proposals) of the Congleton Borough Local Plan First Review 2005, Policy HC1 (Historic Environment) of the Sandbach Neighbourhood Development Plan, Policy SE7 (The Historic Environment) of the emerging Cheshire East Local Plan Strategy and the NPPF.

16/3609C - Alterations to an existing Grade II Listed farmhouse, barn and boar house, demolition of two outbuildings, conversion of barn into one dwelling, construction of 6 dwellings together with associated garaging, car parking and landscaping works Withdrawn

16/3608C - Listed Building Consent - Alterations to an existing Grade II Listed farmhouse, barn and boar house, demolition of two outbuildings, conversion of barn into one dwelling, construction of 6 dwellings together with associated garaging, car parking and landscaping works - Withdrawn

14/0711C - Listed building consent for alterations to an existing Grade II Listed farmhouse, demolition of 2 outbuildings, conversion of barn into 1 dwelling, construction of 6 dwellings together with associated garaging, car parking and landscaping works (resubmission of application 12/2552C) – Refused 11th June 2014 – Appeal dismissed 9th December 2014

14/0710C - Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 6 dwellings together with associated garaging, car parking and landscaping works (resubmission of application 12/2551C) – Refused 11th June 2014 – Appeal dismissed 9th December 2014

12/2552C - Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works – Refused 18th October 2013 – Appeal dismissed 9th December 2014

12/2551C - Alterations to an existing Grade II Listed farmhouse, demolition of two outbuildings, conversion of barn into one dwelling, construction of 11 dwellings together with associated garaging, car parking and landscaping works – Refused 18th October 2013 – Appeal dismissed 9th December 2014

POLICIES

Congleton Borough Local Plan First Review (2005) (CBLPFR)

PS4 – Towns

GR6 – Amenity and Health

GR7 – Amenity and Health

GR9 - Accessibility, servicing and provision of parking

GR10 - Accessibility, servicing and provision of parking

GR13 – Public Transport Measures

GR14 - Cycling Measures
GR15 - Pedestrian Measures
GR16 - Footpaths Bridleway and Cycleway Networks
GR17 - Car parking
GR18 - Traffic Generation
NR3 – Habitats
NR4 - Non-statutory sites
NR5 – Non-statutory sites
BH4-BH5 – Listed Buildings
BH8-BH10 – Conservation Areas
BH15-BH16 – Conversion of Rural Buildings

Cheshire East Local Plan Strategy March 2016 (CELPS)

MP1 – Presumption in Favour of Sustainable Development
PG1 – Overall Development Strategy
PG2 – Settlement Hierarchy
PG7 – Spatial Distribution of Development
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
SE 1 – Design
SE 2 - Efficient Use of Land
SE 3 - Biodiversity and Geodiversity
SE 4 – The Landscape
SE 5 – Trees, Hedgerows and Woodland
SE 6 – Green Infrastructure
SE 7 – The Historic Environment
SE 9 – Energy Efficient Development
SE 12 – Pollution, Land Contamination and Land Instability
SE 13 - Flood Risk and Water Management
IN1 – Infrastructure
SC4 – Residential Mix
CO1 – Sustainable Travel and transport

Sandbach Neighbourhood Development Plan (SNDP)

PC2 – Landscape Character
PC3 – Policy Boundary for Sandbach
PC4 – Biodiversity and Geodiversity
HC1 – Historic Environment
HC2 – Protection and Enhancement of the Town Centre
H1 – Housing Growth
H2 – Housing Layout
H3 – Housing Mix and Type
H4 – Housing and an Ageing Population
H5 – Preferred Locations
JLE1 – Future Employment and Retail Provision
IFT1 – Sustainable Transport, Safety and Accessibility
IFT2 – Parking

IFC1 – Community Infrastructure Levy
CC1 – Adapting to Climate Change

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Sandbach Town Council:

28th July 2021

Members object to this application. Whilst they have no objection in principle with the farmhouse and barn renovations, Members strongly object to the new house which is not in keeping and is overbearing on the rest of the site. Members also hold concerns that the footprint of the site encroaches on Dingle Lane, a well-used footpath in Sandbach. Access must be maintained to the footpath during any work.

1st October 2021

Members welcome the development of the site but object to the application. Members preferred the previous design of the new property as it is much more in keeping with the site and does not have such a stark contrast between modern and traditional building types. In the absence of comments from the heritage officer, STC request the previous design for the new house.

Highways: No objection.

Public Rights of Way: The development, if granted consent, does not affect any public rights of way. However there is a 'claimed footpath' that has been registered as a Schedule 14 application under the Wildlife and Countryside Act 1981. This application has not yet been investigated and is on a waiting list.

United Utilities: No objection.

Archaeology: No objection subject to a condition relating to a programme of archaeological work.

OTHER REPRESENTATIONS

At the time of report writing 19 representations have been received relating to this application. These are largely supportive of the proposal as it will secure the future of the farmhouse. They do however express the following concerns:

- Impact on the footpath that should be retained and kept open
- Impact on wildlife
- Materials should be in keeping with the conservation area
- Pressure for future development
- Light loss

Principal of Development

The proposal is within the Settlement Zone Line of Sandbach where there is a presumption in favour of development and is also in a very sustainable location due to its proximity to the town centre. The proposal is therefore considered to be acceptable in principle subject to compliance with other relevant policies in the adopted local plan and the NPPF.

Design/Heritage

The site is wholly within the Sandbach conservation area and the farmhouse is a grade II listed timber framed building (with the curtilage listed structures of the Shippon and boar pen). As such the council is mindful of the need to preserve or enhance the character or appearance of the building and area as stated in the NPPF, the CELPS and the Congleton Borough Local Plan Policy. Section 66 of the Planning (Listed Buildings and Conservation Area Act) 1990 requires that the local authority when assessing proposals shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Both the paddocks by the farm form a part of the setting and contribute to the significance of the building. There have been previous applications refused on the site that were dismissed at appeal.

This scheme now proposes only one additional dwelling, the conversion of the barn to residential the refurbishment and restoration of the house and boar pen, the creation of new driveways and gates and relandscaping, plus garaging.

During the course of the 2017 submission concerns were raised by the Conservation Officer, relating to the continuing deterioration of the house and significant structural movement. At the time of the site visit there appeared to be further movement at first level with further severe cracking to internal walls at first floor level. It is considered that there has been even more movement since the surveyors last visit in February 2021.

There is also water penetration to the rear at first floor level from a central valley gutter, which has potentially damaged structural timbers and has come through the ceilings.

This movement to the building is severe (ever worsening) and a detailed structural report accompanied by annotated plans to show the location and how the structural and other repair work will be tackled should be secured by condition.

With the exception of the repair work, the internal changes are now of a modest nature and acceptable in design and heritage terms.

The internal changes would be at ground floor level and would comprise the following:

- Taking down of a timber stud wall and frame with door and adjacent wall, ceiling and floor finishes made good
- One window opening being enlarged to create French windows

It is noted that the Town Council have raised concerns over the design of the new build dwelling. This has been revised during the course of the application to reduce it in size, amend its siting

(further to the east of Dingle Farm) and to amend the elevations of the dwelling. The elevational design is now much simpler and is considered to be more appropriate in terms of its impact upon the setting of the Listed Building and adjacent barns.

In terms of the barn conversion, the external appearance would undergo very little change apart from the insertion of a door and window on the eastern elevation and the reinstatement of a 'Bulls Eye' window. All existing openings would be replaced with timber ones. In addition, all rainwater goods would be replaced with metal ones. Internally the building would be converted to a two-storey, four-bedroom dwelling.

The changes would largely retain the agricultural character of the building in accordance with Polies BH15 and BH16 of the CBLPFR and is considered to be acceptable in design and heritage terms.

The refusal of the last application was in part due to the impact of large, detached dwellings on the openness of the site and views of the group of heritage assets along with the landscaping. As originally submitted, the size and location of the new dwelling did not address these concerns. However, the revised plans have been submitted showing siting the dwelling adjacent to the eastern boundary and changes to the new dwelling. The proposal is therefore considered to be acceptable.

Paragraph 202 of the NPPF requires that: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

In terms of these proposals the erection of one new dwelling would lead to less than substantial harm and the public benefits of the restoration of the farmhouse and barn would give significant public benefits, outweighing the less than substantial harm.

Ecology

Wildlife Corridor

Dingle Farm is located immediately adjacent to, but outside, the boundary of the Sandbach wildlife Corridor. The application site supports a number of habitats including tall ruderal vegetation, trees and grassland. As an area of open undeveloped land the application site compliments the adjacent wildlife corridor.

There may be some disturbance of wildlife during the construction phase and some limited loss of other protected species foraging habitat (subject to confirmation of the extent of the submitted survey as below) resulting from the development. It is considered that disturbance would be short lived and the impacts of the proposed development on the wildlife corridor are not significant in the context of policy NR4 and PC4 which protect the wildlife corridor

It must however be ensured that any additional lighting associated with the development does not have an adverse impact upon the habitats within the Wildlife Corridor. It is recommended that a condition secures details of any lighting proposed.

Bats

The submitted bat survey was undertaken towards the end of the recognised survey season and the temperatures were relatively low during the second survey visit. However, considering the recorded history of bat surveys at this site and the extent of bat activity recorded it is considered that this is not a significant constraint.

Evidence of bat activity in the form of a minor roosts of two relatively common bat species and one less common bat species has been recorded within the barn proposed for conversion. The usage of the building by bats is likely to be limited to single or small numbers of animals using the buildings for relatively short periods of time and there is no evidence to suggest a significant maternity roost is present.

One bat roost was recorded within the loft of the barn and other roosts were associated with roof tiles and external timbers. The submitted bat survey report concludes that the roosts associated with roof tiles and external timbers can be retained as part of the proposed development.

The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have an adverse impact significant at the local level and a low impact upon the conservation status of the species concerned as a whole.

The submitted report recommends the provision of bat lofts within the three proposed garage blocks as means of compensating for the loss of the roost and also recommends the supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.

The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:

- The proposed development is 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

- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range.

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Test 1: Overriding Public Interest

The development would secure the retention and refurbishment of the listed farmhouse, which is considered to be in the public interest.

Test 2: No satisfactory alternative

In order to secure the retention and refurbishment it is necessary to allow some further development on the site. As such there is no satisfactory alternative.

Test 3: “the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range”.

Adequate mitigation measures are proposed within the site in relation to bats and a further other protected species survey would be secured by condition.

This approach ensures that the effects of the development can be appropriately assessed against the environmental circumstances which exist at the time the development is carried out and against up-to-date legislation and ensures that the effects of the development are controlled, mitigated and managed prior to any works being carried out.

Overall, therefore it is considered that the development contributes to meeting an imperative public interest, there is no satisfactory alternatives, and that the interest is sufficient to override the protection of, and any potential impact on bats and Badgers, setting aside the proposed mitigation. It is considered that Natural England would grant a licence in this instance.

It is considered that the proposed garage blocks are too small to offer optimal replacement bat roosts. Under current guidance there is flexibility over the provision of replacement roosts for minor roosts. In this instance three replacement roosts are proposed, increasing the chances that one might be successful. If planning consent is granted it is considered that the proposed mitigation/compensation is acceptable, and the proposed development is likely to maintain the favourable conservation status of the species of bat concerned.

If planning consent is granted a condition is required to secure the proceeding in accordance with the recommendation made by the submitted Supplementary Bat Survey report dated December 2021 prepared by Dunelm Ecology, unless varied by a European Protected Species license subsequently issued by Natural England. Agreed features for roosting bats shall be permanently

installed in accordance with the approved details. If the proposed bat lofts in the garage building are not required as part of the licencing process these are to be delivered on site as an ecological enhancement.

Other Protected Species

A further other protected species survey has been submitted in support of the application. A minor inactive sett was identified outside the application boundary during this latest survey. The submitted report concludes that the sett would be unlikely to be affected by the proposed development.

It is considered that as the status of other protected species on a site can change in a short timescale, if planning consent is granted a condition should be attached which requires an updated survey to be undertaken and submitted prior to the commencement of development.

Nesting Birds

If planning consent was granted a condition would be required to safeguard nesting birds.

Hedgehogs

No evidence of this priority species was recorded during the submitted survey, however the submitted report advises that this species may be present in the broad locality. If this species was present on site the proposed development would result in the loss of an area of suitable habitat resulting in a localised adverse impact. The incorporation of features for hedgehogs can be secured through an ecological enhancement condition.

This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with Local Plan Policy SE 3.

It is therefore recommended that the applicant submits an ecological enhancement strategy prior to the determination of the application or if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Grassland Habitats

The habitat survey of the application site was undertaken in October, a poor time of year, meaning some plant species may have been missed. The grassland habitats recorded on site support sufficient species to meet Local Wildlife Site Selection criteria for 'Undetermined Species Rich Grassland'. The proposed development would result in the loss of these habitats with a corresponding loss of biodiversity. In accordance with local Plan Policy SE 3 (6) mitigation and compensation measures are required to address this loss.

The application is supported proposals for the creation of compensatory works at an offsite location on land under the control of the Adlington estate. It is considered that this is sufficient to compensate for the loss of grassland habitats from the application site. If planning consent is granted a legal agreement will be required to ensure the submission and implementation of detailed proposals for the enhancement, management and monitoring of the proposed offsite habitat. Management and monitoring to be for a period of 30 years.

Biodiversity Net Gain

Local Plan Policy SE3 (5) requires all developments to positively contribute to the conservation of biodiversity.

The application is supported by an assessment of the residual ecological impacts of the proposed development using the Natural England biodiversity 'metric' methodology. An assessment of this type quantifies the residual impacts of the development and calculates in 'units' whether the proposed development would result in a net loss or gain for biodiversity.

The submitted metric calculation shows that the proposed development would result in a loss of - 2.36 biodiversity units. In order to compensate for this loss, the applicant is proposing the enhancement of grassland habitats at an offsite location, sufficient to deliver a net gain amounting to 1.19%. This is below the 10% target to be set by the Environment Act in 2023 but is sufficient to comply with Local Plan Policy SE 3(5).

As discussed in respect of the grassland habitats above a legal agreement will be required to secure the habitat enhancement, management and monitoring works for a period of 30 years.

If planning consent is granted conditions would be required to secure the submission and implementation of a landscape plan and landscape and habitat management plan for the application site area.

Amenity

Policy GR6 of the CBLPFR and Policy H2 of the SNDP require that development proposals should not have an unduly detrimental effect on neighbouring amenity through loss of privacy, loss of sunlight/daylight, visual intrusion, noise and disturbance and traffic generation.

In terms of the proposed new dwelling, this would be 18.5m away from existing dwellings and there would be no windows facing each other and would raise no issues in terms of light outlook or privacy. The dwelling would have adequate private amenity space for future occupiers of the dwelling.

The barn conversion would raise no issues in terms of light outlook or privacy and would have adequate amenity space for future occupiers.

The development is therefore considered to be in compliance with Policies SD2 and SE1 of the CELPS.

Highways

The site is sustainably located and within a 5-minute walk from the centre of Sandbach, and pedestrian infrastructure within the vicinity is acceptable.

The existing access will continue to be used but will be widened slightly as agreed in the previous application, and the access at its narrowest point will be wide enough for HGVs or emergency vehicles to enter and exit. The access width is considered acceptable.

The new access into the farmhouse is also considered acceptable and the gate will be set back so as not to block the site access

Within the site there will be sufficient parking provision and turning area for visitor cars, delivery vans, and emergency vehicles. A large refuse vehicle would likely have to reverse into the site, as is currently the case with the adjacent Dingle Bank.

The barn conversion and the single additional dwelling will generate little additional traffic movement and less than has been accepted before from the Highways Officer. The access and layout are considered acceptable, and no objection is raised by the Head of Strategic Infrastructure.

All three properties have adequate space for cycle storage and the site is in a sustainable location ideal for cycle use. A condition should be imposed requiring submission of details of secure bin and cycle storage.

The proposal is therefore in compliance with Policy GR9 of the CBLPFR and the parking standards set out in the CELPS.

Footpath

Whilst this application does not affect any Definitive Rights of Way; the site is directly affected by a claimed footpath which has been formally registered as a Schedule 14 application under the Wildlife and Countryside Act 1981. This was registered on the 27th June 2016 and was supported by 12 User Evidence Statements; it is referenced CO/8/49. The claim asserts that a public footpath exists over Dingle lane as the continuation of the adopted section of road and continues along this lane to meet Sandbach FP 11. It is claimed to have come into being through long usage. The omission of this route from the Definitive Map is clearly an anomaly as it joins with another recorded footpath and has received regular and seemingly uninterrupted use.

The application documents acknowledge that Dingle Lane is used as a footpath by local residents, but it is not a definitive right of way. The applicant may wish to give consideration to formally dedicating a public right of way and thereby circumventing the uncertainty and time-consuming nature of the DMMO process.

CIL COMPLIANCE

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

In this case, the requirement for the submission and implementation of detailed proposals for the enhancement, management and monitoring of the proposed offsite habitat. Management and

monitoring to be for a period of 30 years, is necessary, directly related to the development and fairly and reasonably related in scale and kind to the development.

Conclusion

The development would secure the restoration of the Grade II listed farmhouse and associated outbuildings.

Previous applications have been refused and dismissed at appeal for 11, 6 and 4 dwellings. This application only proposes 1 additional dwelling, which is considered to be acceptable in terms of the effect on the setting of Dingle Farm (the less than substantial harm would be outweighed by the public benefits).

The development is considered to be of an acceptable design and would not have a detrimental impact upon residential amenity.

The highways impact, internal road layout and parking provision are considered to be acceptable.

The ecological impacts, tree impacts and landscape impacts of the development are considered to be acceptable.

The application complies with the Development Plan as a whole and is therefore recommended for approval.

RECOMMENDATIONS

APPROVE subject to the following conditions and a Section 106 Agreement to secure offsite habitat enhancement, management and monitoring:

1. Time limit
1. Approved plans
2. Submission of details of materials
3. Submission of a Phase 1 contaminated land survey and mitigation and remediation if required
4. Tree protection measures
5. Landscaping and boundary treatments
6. Implementation of landscaping and boundary treatments
7. Hours of construction, Mon to Fri 8am to 6pm, Sat 9am to 2pm, no working on Sundays or public holidays
8. Submission of details of any piling operations
9. Submission finished ground and floor levels
10. Submission of details of works to windows and doors (farmhouse and barn)
11. Full schedule of internal works (farmhouse and barn)
12. Full photographic survey (farmhouse and barn)
13. All fascias, barge and verge boards to be timber
14. Full details of new internal doors, surrounds, flooring and skirting boards (farmhouse and barn)
15. All rainwater goods to be in cast metal painted black (farmhouse and barn)
16. Construction management plan

- 17. Programme of archaeological works**
- 18. Submission of details of external lighting**
- 19. Development carried out in accordance with recommendations within the Supplementary Bat Survey**
- 20. Updated Badger survey prior to commencement of development**
- 21. Submission of an ecological enhancement strategy (provision of bird boxes, gaps for hedgehogs etc.)**
- 22. Submission of a landscape management plan for on-site landscape works**
- 23. Removal of PD rights for barn conversion**
- 24. Submission of a plan showing bin and secure cycle storage**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Development Management, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

- 1. To secure the offsite habitat enhancement, management and monitoring works for a period of 30 years.**

