

Planning Reference No:	10/1765C
Application Address:	Elworth Hall Farm, Dean Close, Elworth
Proposal:	The partial demolition of the existing site (including modern agricultural buildings and existing dwelling) conversion of the remaining existing buildings to form 7 dwelling and the erection 11 additional dwellings within the curtilage of the existing residential property.
Applicant:	Bell Developments Ltd.
Application Type:	Full Planning Permission
Grid Reference:	374382 361711
Ward:	Sandbach
Consultation Expiry Date:	5 th August 2010
Date for determination:	22 nd September 2010

SUMMARY RECOMMENDATION

APPROVE subject to the receipt of amended plans, an updated contaminated land report, the removal of the objections from the Strategic Highways Manager and the Contaminated Land Officer and conditions.

MAIN ISSUES

- Principle of Development
- Commercial Re-use
- Structural Condition
- Design,
- Amenity,
- Trees and landscape,
- Affordable housing,
- Flooding and drainage
- Highway safety.
- Contaminated land

REFERRAL

The application has been referred to planning committee because it involves the creation of more than 10 dwellings and is therefore a major development.

1. SITE DESCRIPTION

The application relates to a redundant farmstead on the edge of Elworth. The site comprises the farmhouse, a number of brick built agricultural buildings with more modern additions, the garden area to the farmhouse and associated farmyards. The site is bounded to the south, east and west by suburban residential development and by open countryside to the north.

There are two access points to the site from Dean Close and Wrenmere Close. The site is currently overgrown with a mixture of scrub, low shrubs and saplings, as well as a smaller number of more mature trees.

2. DETAILS OF PROPOSAL

The proposal is for the demolition of some of the existing buildings on site the retention and conversion of the existing farm buildings and the erection of 11 dwellings within the grounds. An alternative proposal for the redevelopment of the site with 26 dwellings and associated works is considered elsewhere on this agenda. (10/2006C refers)

3. RELEVANT PLANNING HISTORY

09/3245C 2008

additional dwellings within the curtilage of the existing residential property - Withdrawn

Part

4. PLANNING POLICIES

National Policy

PPS 1 Delivering Sustainable Development
PPS 3 Housing
PPS7 Sustainable Development in Rural Areas
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPS23 Planning and Pollution Control
PPS25 Development and Flood risk.

Local Plan Policy

PS4 Towns
PS8 Open Countryside
GR21 Flood Prevention
NR4 Non-statutory sites
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR9 Accessibility, servicing and provision of parking
GR17 Car parking
GR18 Traffic Generation
NR1 Trees and Woodland
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
BH15 Conversion of Rural Buildings
BH16 The residential re-use of rural buildings.
H4 Residential Development in Towns
H13 Affordable Housing and low cost housing

Other Material Considerations

Cheshire East Interim Housing Policy
Cheshire East Interim Affordable Housing Policy
Cheshire East Strategic Housing Market Assessment 2010

5. OBSERVATIONS OF CONSULTTEES

Highways

- The Strategic Highways Manager has assessed the proposed layout and expresses concern over the design detail.
- The proposed development does not provide suitable adoptable infrastructure to serve this number of units and is not acceptable to the Strategic Highways Manager.
- It is recognised that this site will support a development which can provide adoptable infrastructure, however the detail within this application can not be supported by the SHM.
- The Strategic Highways Manager recommends refusal on highway design grounds and in the interests of highway safety.

Housing Section

Our supply and demand analysis shows an outstanding shortfall of affordable units within Sandbach. There is a significant shortfall of 2 and 3 bedroom houses and it is this shortfall which we would be seeking to reduce. The housing waiting list shows a need for all property types in the Sandbach area but the number of 2 and 3 bed properties available for social rent are drastically below the demand on the waiting list. No units on the site are to be classed as Affordable Housing. This is not in line with Supplementary Planning Document 6 (Affordable Housing and Mixed Communities) and as such is not acceptable to Housing Strategy team.

United Utilities

Have no objection to the proposal provided that the following conditions are met: -

- In accordance with PPS25 surface water should not be allowed to discharge to foul/combined sewer. This prevents foul flooding and pollution of the environment. This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to watercourse and may require the consent of the Environment Agency.

Ecologist

The application is supported by a protected species survey which adequately addresses all potential issues at this site. Additional surveys/information has been submitted in support of this application in respect of bats and great crested newts and this information is acceptable and neither of these species present a constraint upon the proposed development.

To mitigate for any loss of habitat for breeding birds/foraging bats the submitted ecological assessment recommends the planting of native tree species and a native species hedge along the northern boundary of the site.

These proposals must be incorporated into the landscaping scheme for the site.

The following conditions are also required if planning consent is granted:

- Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds. Where nests are found in any building, hedgerow, tree or scrub to be removed (or converted or demolished in the case of buildings), a 4m exclusion zone to be left around the nest until breeding is complete. Completion of nesting should be confirmed by a suitably qualified person and a report submitted to the Council.
- Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds and roosting bats. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

Environmental Health

Contaminated Land Comments:

Objects to the above application subject to the following comments with regard to contaminated land:

- The report submitted for application number 10/2006C on the same site was commissioned in November 2007 and may not represent current site conditions.
- In addition the report identified high levels of hazardous gases present on site that have the potential to render the area unsuitable for residential development unless the source can be accurately identified and mitigated.

Therefore this section objects to the application on the basis of the information provided.

Environmental Health Comments:

1. Any external lighting of the proposed site should be submitted to and approved by the borough council before being installed, due to the close proximity of local residents.
2. Prior to development, detailed plans showing the location, design and materials of proposed facilities for the disposal and storage of any refuse/recyclable materials, including details of any bin stores, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and available for use prior to the development being occupied and shall be permanently retained thereafter, unless otherwise first approved in writing by the Local Planning Authority. To protect the visual amenity of local residents and safe guard public health.

Environmental Health Advisory Notes:

1. Construction hours (and associated deliveries to the site) shall be restricted to 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays.
2. Where piling of foundations is necessary this is to be undertaken between 9am – 5pm Monday to Friday and no works of this nature to be undertaken on Saturday, Sunday or Bank Holidays.

6. VIEWS OF THE PARISH / TOWN COUNCIL

Sandbach Town Council has no objection.

7. OTHER REPRESENTATIONS

Letters of objection have been received from: 72 Grange Way; 7 and 8 Wrenmere Close; 10 Dean Close; 21 Boothsmere Close, Sandbach making the following points:

Highway Safety

- Turning right out of Wrenmere Close can be dangerous. The visibility from the left is limited due to the bend in the road and vehicles parked in Grange Way exacerbate this problem.
- There is a country lane shown on the plan which looks like it will continue into another development in the future, which of course means more traffic on Wrenmere Close
- The revised plans do not improve the highway safety aspects of the proposal
- Wrenmere Close has not the appropriate width to support the number of vehicles the new site will generate. Any visitors to residents on Wrenmere or delivery vehicles parking on the road would substantially restrict emergency services from accessing the site.
- The boundary of no.8 Wrenmere Close goes right up to the standard footpath and the other side are parking spaces allotted to the mews houses (which do keep cars off the road). The houses in Wrenmere Close also park cars on the road including by the corner so this will create a single flow of cars into the new estate and lack of visibility as you turn in off, or try to turn onto Grange Way. This is already a problem due to a property which has a camper van on the drive to the left of Grange Way- visibility is reduced for oncoming traffic if you try to turn left out of Wrenmere Close
- Grange Way at the bottom of the U shape up to Lawton Way becomes very congested with cars now, especially overnight, after 5pm and at weekends
- Often there is single traffic only passable and adding a minimum 30 and more likely 50 or more cars every day to this flow will create significant additional traffic flow and public safety issues. Most of the current Grange Way houses have at least 1 car on the road and some more, plus visitors, so unless you were to put yellow lines on the road, especially on the bends it would be dangerous and accidents inevitable.

Ecology

- Between the hours of 10.30pm and midnight residents have heard high pitched screeching and low hooting noises coming from behind the area of Boothsmere Close. These noises do not sound loud enough for larger animals such as foxes (or neighbours) calling and they seem to be in response to one another over a little distance, so they could well be made by owls and due to the different calls made possibly from Barn Owls and Tawny Owls. Whilst they may or may not be using the current empty Elworth Hall Farm buildings as shelter they are using the surrounding trees and any development on this site could have an effect on this environment. Especially as the land behind Boothsmere Close has been neglected for over a year by the current owners, which ironically has created a better hunting ground for these type of birds
- There are colonies of bats that live in the area

Amenity

- The privacy of properties on Wrenmere Close would be affected.
- There is concern about the proximity of plot 11 to the bungalows at 10 and 11 Deans Close. There should be 25 metres between the houses but this is not the case. A two storey house

would block out light to these properties. The bedrooms at no.10 are to the rear and could be overlooked

- The houses should be moved away and trees planted.
- The revised plans improve the level of privacy for residents but could be changed in the future
- The fence at the side of 8 Wrenmere Close cuts diagonally across the front window of this property within 5 ft and after the build that would allow someone to look directly into the front lounge window within 5 ft and into the bedroom.

Inaccurate Plans

- The plans omit a building at 8 Wrenmere Close (a double garage) and the placement of trees and the garage for plot 26 in the design may affect this property. The trees by the garage of plot 26 could become very large and affect the foundations of our garage (the building they haven't shown on the plans)
- The plan does not show the position of 8 Wrenmere Close after an extension and garage were built
- On the plans for 10/1765c there is an orchard next to 8 Wrenmere Close and there is writing concerning the future development on that plan that is ineligible.

Change of use of land

- An offer by the occupier of 8 Wrenmere Close to buy the land at the side was accepted by Bell Developments and they at first offered to sell and then withdrew that offer after the plans were passed.
- When Bell agreed to sell the land adjacent the occupiers of 8 Wrenmere asked the Planning Department if they would be able to apply to convert to a garden. The Planning department said no because it was countryside. How therefore can the Council now agree to dwellings being built on the site, or for the site to be used as garden to the barn conversions?

Trees and Landscape

- The very mature trees at the back of the houses on Grange Way going towards Lawton Way – will disappear. Other mature trees, including on property boundaries will be lost as well. Are there not preservation orders on these trees?

Other matters

- Developers have informed residents that they were only applying for the barn conversion so that this plan would be passed easier. So they have converted from countryside/greenbelt to an empathetic barn conversion, then sold the land, then bought it back, then reapplied for 26 dwellings, and clearly these plans have been there since 2007!
- There is an old building under the land immediately adjacent to 8 Wrenmere Close. It was the old pig sty (hence why the land is much higher). Excavating these will cause a problem for property foundations
- The Council has taken a minimalist approach to consultation. It has not written to every affected. No one will see the site notice in the cul de sac.
- When residents have applied for domestic alterations the council has written to everyone in the area and put up site notices.
- Bells have met with residents in Deans Close which has much better access from Lawton Way and it was agreed it was a narrow road and also the houses have been moved back as

a consequence. Why have Wrenmere Close residents not been offered the courtesy of a meeting or at least a decent consultation with named households.

8. APPLICANT'S SUPPORTING INFORMATION:

Tree Survey Report

- There are no trees on site which it is considered should be kept at all costs. The most prominent trees within the site are the poplars adjacent to the house. These trees are not exhibiting signs of defects, however given their age and species they have a limited life expectancy, and the species is not considered suitable for a development site.
- There are three prominent trees within the site, T3 Weeping Willow which is adjacent to the pond and Beech T9 and Oak T10 within the animal pens behind the house. These trees should be retained within the development if possible.
- The trees to the periphery of the site are generally not considered to be of individual merit, however they have some amenity screening value and will help create a green buffer to any development proposals if they can be retained.
- It is not known at present whether the site is subject to a tree preservation order, or if the site is located in a Conservation area. It is believed that 2 trees, (Oak and Sycamore), located within the field to the north of the boundary are covered by a Tree Preservation Order.

Ecological Survey and Assessment

- This Ecological Appraisal presents an assessment of the ecological, biodiversity and nature conservation status at the Elworth Hall farm site. An ecological survey was required in connection with proposals to develop the Site to housing involving the conversion of the existing barn, demolition of the remaining buildings and construction of new houses.
- The assessment presents the results of a desktop study and comprehensive ecological surveys of the site. The scope of the survey undertaken is sufficient to enable the identification and accurate assessment of any potential ecological constraints and opportunities associated with the development proposals.
- The ecological survey and evaluation have identified no significant wildlife interests or constraints that would affect the principle of development of the land at Elworth Hall Farm. None of the habitats present are representative of the UK Biodiversity Action Plan (BAP) for priority habitats and no rare or uncommon plant species were recorded.
- Surveys carried out in April 2010 found no evidence of roosting Bat Species, Great Crested Newt or Water Vole was recorded within the site. The report recommends the completion of nocturnal emergence surveys for bat activity at Buildings 5, 7, 8, 10, 12 and 15 prior to demolition/conversion. Badger activity is present within and around the site but no sett is present within the site; guidance with regard to the protection of Badger and their habitats is detailed within the Ecological and Survey Assessment Report.

- At least three UK BAP Priority Species of Bird nest within the site (Song Thrush, Dunnock and House Sparrow). Guidance with regard to the protection of breeding birds is present within the Ecological and Survey Assessment Report.
- All wild birds are protected under the Wildlife and Countryside act 1981 while they are breeding. It is mandatory that all buildings, trees, shrubs, Ivy cover, bramble scrub or suitable breeding bird habitat which are to be removed as part of the proposals are only to be removed outside the bird breeding season (March-August inclusive).
- If any buildings or shrubs are scheduled for removal in the bird breeding season it is advised that advice from an ecologist is sought. It may be necessary to carry out a walkover survey to adequately demonstrate that no breeding birds, active nests, eggs or fledglings are present in the area to be cleared.
- If breeding birds are recorded the ecologist will issue guidance to the protection of the nesting birds in conjunction with the scheduled works. This may involve cordoning off an area of the site until the young birds have fledged.
- The ecological survey has confirmed that there are no Badger setts within the zone of influence of the construction site. However Badger, pass through the site and Badger activity is present in the wider area.
- It is considered that the presence of the proposed development will not sever any significant pathways/routes. It is likely that badgers enter the farmyard owing to the previous availability of food.
- It is essential to ensure the presence of Badger activity is taken into account during the construction of the site.
- Where possible, the ecological survey information has informed the site layout and guidance is provided to ensure the protection of wildlife and minimise any adverse effects on biodiversity.
- Where feasible and appropriate, opportunities to enhance the biodiversity and nature conservation value of the site have been identified, and proposals are outlined to sustain and add to biodiversity.
- It is considered that the measure outlined in Section 5 of the report work towards full compliance with the key principles of PPS9, the aims and objectives detailed in the publication 'Planning for Biodiversity and Geological Conservation: A Guide to Good Practice', local planning policy and guidance provided in the UK and Cheshire Biodiversity Action Plans.
- Based on the summary information presented in this ecological assessment, it is concluded that the principle of the proposed development at Elworth Hall Farm is feasible and acceptable. The proposals provide an opportunity to enhance and improve local biodiversity through landscape planting and habitat creation. This conclusion is valid providing that guidance detailed in Section 5 of this report is implemented.

Additional Survey Information -Great Crested Newts

- It is confirmed that there are no ponds within the Application Site.
- It is confirmed that there are no habitats suitable for the support of breeding amphibians within the Application Site.
- The likelihood of the proposals affecting Great Crested Newts (and other amphibians) and their habitats has been reasonably discounted.
- In accord with the guidance presented in Part IV section A paragraph 99 of the ODPM
- Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system there is no requirement to carry out a survey for Great Crested Newts and no further consideration of the presence of this species is required

Additional Survey Information - Bats

- It is considered that the survey effort applied in April and June 2010 is sufficient to assess the potential effects of the redevelopment proposals on bats and their habitats.
- No evidence of a significant bat roost (i.e. a maternity roost or roost of a bat species of rare or local distribution) was recorded. The redevelopment proposals are unlikely to have an adverse effect on any significant bat roosts (including a maternity roost). No significant opportunities for hibernating bats are present at the site. Works can proceed in accord with the guidance detailed below.
- A Natural England licence is not required to proceed with the proposed re-development works.
- The site is used by foraging and commuting bats (3 species). It is likely that the Common Pipistrelle bats entered the site from a roost(s) in the surrounding residential area.
- The proposals will involve the removal of some trees and habitats suitable for the attraction of foraging bats (as recorded in June 2010). Recommendations in relation to the maintenance of habitat connectivity and use of native species that will attract invertebrates and foraging bats were detailed in the April 2010 report and are reiterated in section 5.3.
- No evidence of use of the buildings by nesting or roosting Barn Owl was recorded.
- As reported in April 2010 the buildings are used by nesting birds and actions to protect nesting birds are detailed in section 5.

Preliminary Viability Appraisal

- Elworth Hall Farm is situated on the fringe of the urban settlement of Elworth. The property is approached through a residential housing estate and lies adjacent to a number of residential dwellings.
- The site suffers from a lack of main road prominence and the original farm buildings are in a very dilapidated condition and need substantial investment to bring them back to a usable condition.
- The proximity of the buildings to adjoining residential dwellings is such that a range of potential commercial uses is likely to be limited to Class B1.
- This limitation in terms of market potential will act as further deterrent to speculative developers as the market is effectively restricted for the end product.
- Taking all these factors into consideration, it is our opinion that there is very little prospect of any commercial developer taking on the refurbishment of the existing outbuildings for

commercial use. Equally the site is unlikely to be attractive to potential tenants or occupiers when compared to other sites in more suitable locations.

Supporting Planning Statement

- The proposed development represents a sensitive and considered conversion of existing buildings within the rural area combined with a small development of new build properties within the urban area. The part of the site within the urban area has been identified in the Councils emerging SHLAA as part of the future housing supply. The principle of residential development on this part of the site is fully in accordance with existing planning policies and proposals.
- The conversion of the adjoining existing buildings to a residential use has been demonstrated to be the only future for those buildings and a commercial use is both inappropriate and unachievable. The proposals therefore accord with the policies in the local plan on the conversion of existing buildings.
- The detailed design of both new building and conversion elements has been carefully considered and the resulting scheme represents an entirely appropriate and sensitive approach to the development of the site. The proposals fully accord with the design policies of the development plan.
- The detailed access arrangements are both logical and suitable in terms of connections to existing highway, the provision of access around the site and the access to the proposed dwellings. The site is in a highly sustainable location with good access to key facilities and services as well as public transport.
- The proposed development accords with the policies of the development plan. There are no material circumstances which would indicate that the application should be considered otherwise. It has been demonstrated that if it were to be requested, it would not be viable to provide any on site affordable housing as part of the development.
- On that basis, and in accordance with section 38(6) of the Planning and compulsory purchase Act 2004 it is therefore considered that planning permission should be granted for the proposed development.

Design and Access Statement

- The proposed development falls into two distinct parts. The conversion of the existing buildings has been proposed in a sensitive manner that accords with the principles established in the various advice and guidance documents together with the policies contained within the development plan relating to design and access.
- The new build element lies within the urban area and has been designed so as to respect the character of the existing development in the vicinity of the site whilst also respecting the setting of the proposed conversion scheme. This is more typical modern development of housing at a relatively high density. The proposed development is at a similar density. The interface distances set out in the guidance document published by the council have been incorporated. The materials to be used will be selected to respect the setting of the adjacent conversion scheme.

- In summary, the proposed development represents a sensitive proposal to the re-use and redevelopment of the site and will result in a scheme that enhances the character and appearance of the area.

Visual Inspection of Existing Farm Buildings

- The buildings are typical farm outbuildings in a general state of dilapidation. The buildings have been altered, damaged and repaired over many years to form the present arrangement. All of the buildings would be suitable for conversion into a habitable buildings and a typical schedule for conversion is included in section 5. Further investigations are required to confirm the precise extent of certain works.

- The foundations have not been exposed but have settled in certain locations. The site investigation of the area has shown fill up to 2 metres deep and running sand. If the same conditions are present below the buildings a piled underpinning system or raft foundation will be required to support to existing walls, new walls and ground floor slabs.

- The buildings are in a general state of dilapidation and essential maintenance is required to avoid further roof collapse. The current condition of the buildings is susceptible to storm damage due to the weak and dilapidated condition.

- A preliminary design should be performed to detail the full extent of the required refurbishment works. This will allow the most cost effective solution to be agreed.

9. OFFICER APPRAISAL

Principle of Development

The site is partially located within the Settlement Zone Line for Sandbach, where under Policies PS4 and H4 of the Local Plan there is a general presumption in favour of new development. The remainder of the site is within the Open Countryside as defined by the adopted Local Plan where Policy PS8 states that development will only be permitted if it is for one or more of a number of purposes including, inter alia, new dwellings in accordance with policy H6, subject to compliance with all other relevant policies in the local plan.

Policy H6 states that new residential development in the Open Countryside will not be permitted unless it falls within one of the following categories, including, inter alia, the conversion of an existing rural building into a dwelling.

The scheme comprises two elements, conversion of the remaining existing buildings to form 7 dwellings, and the erection 11 additional dwellings within the curtilage of the existing residential property. The proposed barn conversions are within the Open Countryside part of the site and therefore accord, in principle, with Policy H6. The proposed new build properties are located within the settlement zone line and therefore comply with Policy H4.

Therefore the proposal is acceptable in principle, subject to compliance with other relevant local plan policies.

Housing Land Supply

National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. Following a review, the Council has established that it has a 4.58 years housing land supply, and approval of this application would help to deal with the shortfall, thereby reducing the pressure to develop green field sites elsewhere in the Borough.

Commercial Re-use

Policy BH16 deals with the conversion of rural buildings to residential use, and states that this will not be permitted unless every effort has been made to secure a suitable business re-use or residential conversion is a subordinate part of a scheme for business re-use or the location and character of the site is such that residential use is the only appropriate use.

The applicant has provided a supporting statement, including a report by estate agents Legat Owen, explaining that given its close proximity to both the urban and residential area, the site will not be attract to rural industries that are normally envisaged when agricultural buildings are re-used. The site will therefore be competing with established employment areas elsewhere within the urban areas of Sandbach. On that basis this development will not be able to command any premium over baseline rates for what are otherwise standard industrial premises. This is likely to make the conversion to commercial use unviable. Likewise if rental levels were set at a level to make the commercial scheme viable, then they would not be competitive with other premises.

This sites location in a residential area away from existing industrial areas where businesses perceive cost saving in terms of synergies with other industrial operators, irrespective of the foregoing issues the site will remain unattractive to potential occupiers,

Small scale industries often rely upon access directly to the strategic highway network for their commercial viability, for example for passing trade, advertisement and immediate accessibility. This is not available with this site which when approached reads as siting squarely within a primary residential area.

If the site were to be used for commercial or business purposes commercial vehicles would have to access the site from either Dean or Wrenmere Close, but also Lawton Way, St. Peters Rise or Grange Way all of which are relatively quiet residential roads. Any commercial traffic would have to navigate these roads which are unsuitable for commercial traffic

In summary the applicant considered that the premises are unsuitable for commercial use and that further marketing of the property for this use would be entirely pointless Furthermore the report considers that any use for holiday lets would be severely limited due to the nature of the accommodation, the surrounding area, its proximity to existing residential properties, and the sites general location. Whilst the site is technically in open countryside it is immediately adjoining the urban area and as a consequence will not attract rural industries (blacksmith etc.) and will have to compete with more typical commercial sites in existing industrial areas within Sandbach. Likewise a tourism related use, such as holiday lets will also be precluded by these locational issues.

On this basis it is considered that the applicant has adequately demonstrated that the development accords with the third criterion of policy BH16 which states that where the location and character of the site is such that residential use is the only appropriate use then re-use for residential purposes will be permitted.

Structural Condition

Policy BH15 of the Local Plan states that the conversion, reuse or adaptation of existing rural buildings to an alternative use will only be permitted where all of a number of criteria are satisfied, including, inter alia, the requirement that the building must be permanent and substantial and would not require extensive alteration, rebuilding or extension.

A structural report has been submitted with the application which concludes that the buildings have been neglected, which is not untypical for farm out buildings. However, the buildings are capable of being converted into dwellings with a full scheme of remedial and refurbishment works.

Building 1 will require re-tiling the roof, new ground floor slab and draining. Underpinning is likely to be required. The front wall door openings would require infill panels to form a new wall. Repairs would be required to the other three walls to deal with cracks and form an acceptable appearance. Building 2 will also require re-slating. It may be necessary to replace some timber in localized areas where historic water ingress has caused rot. The attic floor appears to have been formed with slender members and is likely to require strengthening or replacing with a new floor. The foundations have settled in this area and suitable underpinning may be required. Building 3 is to be demolished as part of the works.

In the light of the above it is considered that the buildings are permanent and substantial and would not require extensive rebuilding.

Design,

The proposed barn conversion is generally sympathetic to the rural character of the original buildings. Building 1 at present is a simple rectilinear structure, with an open sided lean-to section to the rear. It is proposed to demolish this lean-to and to construct a smaller outrigger, in a projecting gable form. This is considered to be an acceptable form of development, which will respect the character and appearance of both the original building, and the others within the complex. It will result in a reduction in the overall footprint of the building and is therefore not considered to constitute, significant extension or alteration. One new opening is proposed in the gable elevation and the building, which is currently, open fronted will be enclosed and a number of openings formed in the new wall. The front elevation will incorporate an overhanging canopy, typical of those found on many ancillary stable buildings. It is therefore considered to be in keeping with the overall character of the former farm complex.

In respect of building 2, only two new openings are proposed and a number of other openings are to be modified in terms of their size and shape. A number of roof lights are also to be added to the roof slope. This is considered to be acceptable, provided that they are "conservation style", which can be conditioned. The most significant alteration is the increase in ridge height and roof pitch, on a more modern, single storey, section to the south side. The increase in roof pitch will, help to give this modern portion of the building a more traditional appearance, which will be more in keeping with the older part of the building and will allow a traditional tile to be used. Therefore, whilst raising the roof of barn conversions is not

normally considered to be appropriate, in this case, given that it will facilitate an improvement to the overall appearance of the building, it is considered to be acceptable.

There is concern, however, regarding the two sun rooms, which the applicant proposes to, add to the eastern elevation of the more modern wing. These would introduce an overly “domestic” feature, and would detract from the simple, agricultural appearance of the building. This issue has been raised with the developer and they have agreed to provide amended plans showing a single gabled outrigger in place of the conservatories, which will be more traditional in construction and will reflect the character and appearance of the original building. Subject to the receipt of these amended plans it is considered that the conversion proposal will be acceptable in design terms and in accordance with Policies GR1, GR2 and BH15 of the Local Plan.

The new houses to be accessed from Dean Close, are small two storey semi detached houses, whilst the proposed new-build properties, fronting onto the former farmyard are larger two-storey, suburban detached houses. All of the properties would be finished in brick, with pitched roofs and incorporate architectural detailing such as arched window headers, bay windows, canopies, porches, gablets and string courses to add visual interest to the elevations. Overall, it is considered that these properties will be in keeping with the character of the adjacent suburban development in Dean Close, Wrenmere Close and other surrounding roads.

To turn to the layout of the site, amended plans have been secured, which show the larger detached houses forming a courtyard arrangement with the converted agricultural buildings. The area within this courtyard would create a hard and soft landscaped, public open space. This arrangement will allow the two most significant existing trees within the site to be retained (considered in more detail below) and will reflect the traditional form of the farmstead. It will also ensure that the open space benefits from natural surveillance and will help to create a sense of community for the development.

The four dwellings accesses from Wrenmere Close, will be laid out in a simple linear form, with frontage parking served from a shared surface private drive. Private garden areas will be provided to the rear. This reflects the layout of the existing estate and is therefore considered to be appropriate.

Amenity

The surrounding development comprises open countryside to the north and east, residential properties in Wrenmere Close and Lawton Way to the south and Dean Close to the west. The Council’s Supplementary Planning Guidance sets out minimum requirements in terms of space about dwellings. It stipulates that a minimum of 13.7m should be maintained between a flank elevation and the principal elevation of a neighbouring dwelling, and 21.3m should be achieved between opposing principal elevations. A distance of 13m, which is in accordance with the Council’s minimum standards, will be achieved between the side elevation of Plot 8 and the properties in Lawton Way, and a distance considerably in excess of the minimum will be maintained between the houses in Wrenmere Close and both the converted farm buildings and the new dwellings. A separation distance of 21.3m will be retained between the rear elevations of plots 8 and 9 and the rear of the dwellings in Deans Close

To turn to the standards of amenity within the site, 21m will be maintained between the rear of plots 8 -10, which are accessed from the former farmyard and plots 18 to 15, which are accessed from Deans Close. Distances of over 30m will be achieved between the new

dwelling and the former farm buildings. The majority of plots within the site will benefit from in excess of 65sq.m of private amenity space, which is the minimum standard set out in the Council's Supplementary Guidance. The smallest garden is that belonging to Plot17, which is approximately 60sq.m, which is not considered to be significantly deficient. However, it is considered to be appropriate to remove permitted development rights, on the smaller plots to ensure the retention of an adequate level of amenity space. On the basis of the above, whilst the comments of local residents are noted, it is considered that the proposal complies with the Council's policies in terms of residential amenity and that a refusal on these grounds could not be justified

Trees and landscape

Subject to protection measures, the amended layout should allow for the retention of the mature Beech and Oak trees in the centre of the site. These trees would provide an attractive feature within the development. The annotation on the plan suggests that the area beneath these trees would all be hard surfaced. Whilst hard surfacing would be necessary for the roadway, this could be carried out utilising special construction techniques. However it would not be acceptable (or necessary) to have the whole area hard surfaced. A condition could be applied require revised hard landscaping details to ensure that this was not the case.

Other than the above-mentioned Beech and Oak trees and trees to the east of the site, none of the existing trees on the site are shown on the plans. Adjacent to the former southeast yard area, the eastern boundary of the site is not clearly defined on site. It is not clear why certain trees on this eastern boundary are shown with dotted outline (normally associated with removal).The annotation states 'existing trees retained'. There is one large dying Sycamore which should be removed in this area but it is possible that some additional trees could be retained both on this boundary and across the remainder of the site. Whilst it would be preferable to clarify this issue pre-determination, it could be controlled by condition and assessed within landscape proposals.

The layout would provide opportunities for new planting to mitigate any tree losses. No proposed levels information has been provided. However, both of these could be secured by planning condition. In addition, planning conditions would be required to cover provision of a method statement to include special construction measures where hard surfaces are proposed within tree root protection areas, a full landscaping scheme and details of boundary treatment.

Affordable housing,

The scheme involves the creation of 18 units and therefore exceeds the threshold for affordable housing provision as set out in the Council's Supplementary Planning Document (SPD). However, the developer has not made provision within the scheme for any affordable housing, arguing that the Local Plan Policy sets a threshold for the provision of affordable housing at 25 dwellings or more. They argue that no weight should be afforded to the provisions of the SPD on the basis that PPS12 states that SPD's should not seek to amend policy. The Council's recently published Draft Interim Affordable Housing Policy has sets out similar thresholds. On this basis they consider that there is no requirement to provide affordable housing, as part of this scheme.

Notwithstanding this argument, the developers state in their submissions that, even if the Local Plan policy required the provision of affordable housing on site, it would not be viable to do so. They have put forward a viability appraisal, which demonstrates that the site does not

provide a reasonable level of profit. The anticipated return from the site is only 9.1% before interest and only 5.3% after interest charges. Whilst this is below the profit level that a developer would normally expect to make a scheme viable it is necessary for the site to be developed in this way in order to cover a deferred part of the original purchase price.

The applicant states that the only way that the viability of the scheme could be improved to a point where affordable housing could be provided would be if all the existing buildings were to be demolished and the entire site developed for new build housing. In those circumstances it is considered that the full 30% requirement for affordable housing could be met on site. (It is this logic which provides the justification for the application for the alternative scheme which is considered elsewhere on this agenda.)

In response the Council would argue that the SPD was drafted to be consistent with advice in PPS.3, which sets a threshold for the provision of affordable housing of 15 units, and is more up-to-date than the Local Plan Policy. Both the SPD and PPS.3 are important material considerations, which in this case, outweigh the provisions of the development plan policy in terms of affordable housing threshold. This approach has been supported by previous appeal inspectors and it is therefore considered that the site does trigger an affordable housing requirement.

However, with regard to the viability arguments, recent Appeals within the former Congleton Borough area have supported the view that the need to bring forward new housing developments, and to regenerate redundant sites, outweighs the requirement to provide the full percentage of affordable housing. Policy H13 makes provision for the reduction of affordable housing provision where economics of provision arguments are put forward. It is therefore considered on this basis, that the developer's argument in terms of viability should be accepted and the affordable housing requirement should be dropped in this case.

Flooding and drainage

United Utilities have raised no objection to the scheme subject to appropriate conditions. No response has been received from the Environment Agency. However, they have commented in respect of the parallel application for complete redevelopment and raised no objection subject to a condition requiring a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, to be submitted to and approved in writing by the Local Planning Authority with the approved details to be implemented before the development is first occupied. On this basis it is concluded that the proposal complies with GR21 (Flood Prevention) of the Local Plan First Review.

Highway safety.

Local residents have expressed concerns about traffic generation, as well as the safety and suitability of the proposed access through Wrenmere Close, Deans Close and the surrounding residential estate roads. The Strategic Highways Manager has examined the proposals and raised no objection on these grounds, and given the relatively small number of dwellings proposed, it is not considered that a refusal on these grounds could be sustained. However, the Strategic Highways Manager has expressed concerns about the design of the roads within the scheme and these matters have been brought to the attention of the developer. Suitable amendments have been agreed and an amended plan was awaited at the time of report preparation. Subject to receipt of this plan and the Strategic Highways Manager withdrawing his objection, it is considered that the proposal is

acceptable in terms of its impact on highway safety and that it complies with Policy GR9 of the adopted Local Plan.

Contaminated Land

With regard to contaminated land the Environmental Health department has objected on the grounds that the contamination report submitted with the application was commissioned in November 2007 and may not represent current site conditions. The report identified high levels of hazardous gases present on site that have the potential to render the area unsuitable for residential development unless the source can be accurately identified and mitigated.

The developer has responded by stating that although the existing desktop investigation is three years old, bearing in mind the fact that nothing has changed on the site, it is unlikely that any new assessment would add value to the process at this stage. However, they are happy to undertake a full intrusive site investigation prior to the commencement of any other aspect of the development and would be happy to accept a condition to that effect.

Notwithstanding these points, given that the gasses have the potential to render the area unsuitable for residential development it is not considered appropriate to impose a condition requiring an updated assessment to be undertaken. At the time of report preparation negotiations were on-going between the Council's Contaminated Land Officer and the developer's consultants with regard to agreeing an appropriate course of action. A further update on this matter will be provided to members at committee.

11. CONCLUSIONS

In summary the proposals comprise two elements. These are the conversion of the existing buildings within the part of the site that is designated as Open Countryside and the construction of a number of new build properties within the settlement boundary. On this basis the proposal is considered to be acceptable in principle.

In accordance with advice contained within the Council's Supplementary Planning Documents, the Council's emerging interim affordable housing policy and PPS.3, all of which are important material considerations, the site generates a requirement for affordable housing. However, it is considered that the developer has put forward a convincing economics of provision argument which demonstrates that it is unviable to provide any affordable housing within this scheme. These arguments have been accepted on a number of occasions by inspectors at appeal. The applicant has also demonstrated that commercial re-use of the buildings are impractical, due to their location in the midst of a predominantly residential area, and that their structural condition renders them suitable for conversion.

Subject to the receipt of amended plans the proposals are considered to be acceptable in terms of design and highway safety and they will not have any adverse effects in terms of their impact on residential amenity, trees and landscape or flooding and drainage. Therefore, subject to negotiations in respect of contaminated land being adequately concluded, and the contaminated land Officer withdrawing her objection, it is considered that the proposal complies with the relevant local plan policies and accordingly it is recommended for approval.

However, in the event that amended plans are not forthcoming, or that the Contaminated Land Officers concerns cannot be addressed, the application should be refused.

12. RECOMMENDATION

APPROVE subject to the receipt of amended plans, an updated contaminated land report, the removal of the objections from the Strategic Highways Manager and the Contaminated Land Officer and the following conditions:-

- 1. Standard 3 year time limit**
- 2. Compliance with approved plans**
- 3. Submission and approval of materials**
- 4. Removal of permitted development rights plots 1- 7 and 15 – 18**
- 5. Provision of car parking**
- 6. Construction of Access**
- 7. Scheme of drainage**
- 8. No discharge of surface water to foul sewer**
- 9. Creation of habitat of breeding birds / bats**
- 10. Breeding Bird Survey prior to any work between 1st March and 31st August**
- 11. Approval of any external lighting**
- 12. Submission and approval of bin stores**
- 13. Construction hours limited 08.00 to 18.00 Monday to Friday and 09.00 to 14.00 on Saturday.**
- 14. Restriction of foundation piling to 9am to 5pm Monday to Friday and no works of this nature on Saturday, Sunday or Bank Holiday**
- 15. Submission and approval of boundary treatment**
- 16. Submission and approval of landscaping**
- 17. Implementation of landscaping**
- 18. Tree Protection Measures**
- 19. No works within protected areas**
- 20. Special construction measures for hard surfaces within protected areas.**
- 21. No consent for rebuilding of farm buildings**
- 22. The rainwater goods to the barn conversions to be cast metal and painted**
- 23. The roof lights to be “Conservation Rooflights” set as flush as possible with the roof covering.**
- 24. The doors and windows to the barn conversions to be fabricated in timber and set behind a 100mm brick reveal.**
- 25. Drawings, to a scale not less than 1:5, of specimen window frames to the barn conversions to including sections and clear indication of methods to be submitted**
- 26. The existing vents to the barn conversions to shall be filled by means of recessed Staffordshire Blue bricks, bedded in black dyed mortar.**
- 27. Any proposal to alter roof trusses to the barn conversions to be submitted to and approved in writing by the Local Planning Authority.**
- 28. All external timber in the barn conversions to be painted or opaque-stained in a colour to be approved with the local Planning Authority**
- 29. The doors of the garages to the barn conversions to be fabricated in timber and vertically boarded**
- 30. Contaminated Land Report / Remediation**

Or

In the event that amended plans are not received REFUSE for the following reasons:-

- 1. In the opinion of the Local Planning Authority, the proposed sunrooms would detract from the simple agricultural character and appearance of the former barns contrary to Policies GR2 (Design Standards) and BH15 (Conversion of Rural Buildings) of the adopted Congleton Borough Local Plan First Review.**
- 2. In the opinion the proposed development does not provide suitable adoptable infrastructure to serve this number of units. The proposal is therefore contrary to Policies GR9 (Accessibility, servicing and provision of parking) of the adopted Congleton Borough Local Plan First Review.**

Location Plan : Licence No. 100049045

