

Application No: 13/2645N

Location: Upper Lightwood Green Farm Audlem CW3 0EN

Proposal: Extension to Time Limit of Application 10/2328N for Conversion of Three Barns to Seven Dwellings with Three Detached Garage Blocks, Access Roads, Refuse Collection Bays and Demolition of Other Agricultural Buildings

Applicant: Mr Steven Bailey

Expiry Date: 18-Aug-2013

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

Impact of the development on:-

- **Protected Species**
- **The structural condition of the buildings**

REASON FOR REFERRAL

This application is referred to Northern Planning Committee as the applicant is married to a Member of the Council.

1. DESCRIPTION OF SITE AND CONTEXT

The site is located at the southern end of Lightwood Green Avenue, and is currently a working farm with an existing farmhouse and a number of traditional brick and modern farm buildings. The site is located within the open countryside.

Barn 1 is a traditional two-storey red-brick barn with a grey tiled roof; this barn has been extended in the past with a single-storey rear extension and a two-storey side extension. Barn 2 is a similar two-storey barn which has seen a roof lift and numerous alterations to its openings in the past. Barn 3 is an open-ended Dutch barn which runs parallel with Barn 2 there is a separation distance of 13 metres between the two barns. Barns 1, 2 and Upper Lightwood Green Farmhouse are located around a central grass midden. The modern agricultural buildings are mainly located to the south and west of the site.

2. DETAILS OF PROPOSAL

This application is for the extension to the time limit condition to planning permission 10/2328N which was an extension to the time limit for application P07/0476. This planning permission relates to conversion of barn 1 into three dwellings, the conversion of barn 2 into two dwellings and the conversion of barn 3 into two dwellings with the erection of 5 double garages in 1 block of two and 1 block of three.

3. RELEVANT HISTORY

10/2328N - Extension to Time Limit on Application P07/0476- Approved 23rd August 2010
P07/0476 - Conversion of Three Barns to Seven Dwellings with Three Detached Garage Blocks, Access Roads, Refuse Collection Bays and Demolition of Other Agricultural Buildings – Approved 29th June 2007
7/05181 – Steel framed silage building - Approved 29th March 1979

4. POLICIES

Local Plan policy

NE.2 – Open countryside
NE.9 – Protected Species
NE.16 – Re-use and adaptation of a rural building for residential use
BE.1 – Amenity
BE.2 – Design Standards
BE.3 – Access and Parking
BE.4 – Drainage, Utilities and Resources
BE.5 – Infrastructure

National policy

National Planning Policy Framework

5. CONSULTATIONS (External to Planning)

Environmental Health: Request condition regarding contaminated land.

Highways: No objection

6. VIEWS OF THE PARISH COUNCIL

No comments received

7. OTHER REPRESENTATIONS

No representations received

8. APPLICANT'S SUPPORTING INFORMATION

Protected Species Survey (Produced by Pearce Environment Ltd and dated September 2013)

This document is available to view on the application file.

9. OFFICER APPRAISAL

SCOPE OF THIS APPLICATION

Extensions to the time limit for implementing existing planning permissions was brought into force on 1st October 2009 and subsequently extended for a further year for planning permissions approved before 1st October 2010. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

MATERIAL CHANGES IN POLICY/CIRCUMSTANCES SINCE PREVIOUS APPLICATION

The original application was determined under the Borough of Crewe and Nantwich Replacement Local Plan 2011 which is still the prevailing Development Plan for the area.

In this instance it is considered that the circumstances that may have changed since the last application are in terms of protected species. As part of this application an updated protected species survey has been provided in support of the application.

Evidence of bat activity in the form of a maternity roost of a relatively common bat species has been recorded within barn 1. The loss of the roost in the absence of mitigation is likely to have a high impact upon on bats at the local level but a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes on the converted buildings as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specifically protected under schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended) or their habitats. Where development is permitted that would affect these species of their places of shelter or breeding conditions will be used to facilitate the survival of the species and to provide adequate alternative habitats to sustain the current levels of population.

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

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case:

(a) In this case there are imperative reasons of overriding public interest, as the development would result in the creation of new dwellings to assist the Councils 5 year housing land supply and without conversion the barns could deteriorate further.

(b) There is no satisfactory alternative as without conversion the barns could fall into further disrepair resulting in the loss of the habitat.

(c) There is no detriment to the maintenance of the species population at favourable conservation status in their natural range will occur as adequate mitigation can be secured.

The proposed development may also have an impact upon nesting birds. However detailed compensation measures have been included in the submitted ecology report and the timing of the works to mitigate the impact on roosting bats would also reduce the risk of breeding birds being disturbed.

There would be no impact upon Great Crested Newts or Barn Owls.

The case officer has viewed the barns and they still appear to be structurally capable of conversion.

The original application was subject to amendments in relation to the layout of the site and a reduction in the number of alterations to the elevations of the barns. It is considered that the design which was accepted in 2007 and 2010 is still acceptable in this location and will preserve the character and appearance of this group of traditional barn buildings.

11. CONCLUSIONS

There have been no material changes in circumstance which would warrant a different decision on this application since the previous application was determined. The development would be an appropriate design, to preserve the character and appearance of the existing complex of barns which are still capable of conversion to residential use. Furthermore it is not considered that the development would have a detrimental impact upon the conservation status of any protected species.

12. RECOMMENDATIONS

Approve subject to conditions

- 1. Standard time limit 3 years**
- 2. Details of all materials to be used on the development to be submitted to the LPA and approved in writing**
- 3. Details of all surfacing materials to be used on the development to be submitted to the LPA and approved in writing**
- 4. Landscaping details to be submitted including native hedgerow to all boundaries, with removal of Permitted Development for hedgerow removal**
- 5. Landscape to be completed in accordance with the approved details**
- 6. Retention of garage spaces**
- 7. Removal of all Permitted Development**
- 8. Drainage details to be submitted to the LPA and approved in writing**
- 9. Contaminated land survey to be submitted to the LPA and approved in writing**
- 10. Windows and doors to be timber with a minimum 55mm reveal**
- 11. All roof lights to be Conservation Area roof lights**
- 12. The proposed development to proceed in accordance with the recommendations made by the submitted Ecological Survey report dated September 2013 unless varied by a European Protected Species license subsequently issued by Natural England.**
- 13. Prior to the commencement of development an inspection should be carried out to ensure no nesting birds are using the site**
- 14. If protected species are found, works are to stop and qualified Ecologist is to be contacted to be contacted**

- 15. Restoration and repair of the buildings only**
- 16. Limit residential curtilage to that shown on the submitted plans**
- 17. Removal of modern agricultural buildings prior to the occupation of the barns**
- 18. Details of 2 passing places to be provided on the eastern and western side of the existing drive at 100m and 200m from the farmhouse**
- 19. Bin storage details to be submitted and approved in writing by the Local Planning Authority**
- 20. Retention of open bays to barn 3 which shall not be enclosed**
- 21. Approved Plans**
- 22. Hours of construction restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.**

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

Should this application be the subject of an appeal, authority be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

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