

Application No: 21/5700N

Location: Baddiley Hall Farm, BADDILEY HALL LANE, BADDILEY, CW5 8BS

Proposal: Part demolition, conversion and extension of barns to provide 3 no. dwellings, the separation of ancillary residential accommodation (Chestnut Cottage) from the existing dwelling (Baddiley Hall Farmhouse) to provide an additional separate dwellinghouse and ancillary works.

Applicant: Miss Anne Killick

Expiry Date: 24-Mar-2022

SUMMARY

The application proposes the part demolition, conversion and extension of the range of buildings at Baddiley Hall Farm to create three dwellings, along with the separation of the existing ancillary residential accommodation (Chestnut Cottage) from the existing dwelling (Baddiley Hall Farmhouse) to provide an additional separate dwellinghouse.

The site is located within the open countryside as defined in the Cheshire East Local Plan Strategy and is located at the end of a single-track access (Baddiley Hall Lane) and surrounded by open countryside on all side.

The general principal of the proposed development is considered acceptable as it would involve the re-use of existing buildings as supported in principle by relevant policies in the development plan and guidance within the NPPF

It is considered that the proposed development is acceptable in design terms and has an acceptable impact on the character and appearance of area. The proposal is also considered acceptable in terms of amenity, highway safety, flood risk/drainage and ecology subject to conditions being imposed.

It considered that the development constitutes sustainable development and should therefore be approved and there are no material considerations which dictate otherwise.

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee as the agent for the application is an immediate family member of a member of staff employed within the development management service area and representations objecting to the application have been received.

DESCRIPTION OF SITE AND CONTEXT

The application relates to a range of buildings and ancillary accommodation associated with Baddiley Hall Farm. The site is located within the open countryside as defined in the Cheshire East Local Plan Strategy and is located at the end of a single-track access (Baddiley Hall Lane) and surrounded by open countryside on all side.

Baddiley Hall, which is grade II listed, and St Michael's Church, which is grade I listed, are located approximately 100m to the south of the site.

DETAILS OF PROPOSAL

The application proposes the part demolition, conversion and extension of the range of buildings at Baddiley Hall Farm to create three dwellings, along with the separation of the existing ancillary residential accommodation (Chestnut Cottage) from the existing dwelling (Baddiley Hall Farmhouse) to provide an additional separate dwellinghouse.

The application also seeks the change of use of surrounding land to form gardens, accesses and parking areas associated with the properties along with landscaping works.

RELEVANT HISTORY

The most recent and relevant planning history relating to the site is as follows:

| | | |
|----------|---|---|
| P99/0709 | Change of use of part of farm building to residential and alterations to form conservatory, walkway and extended garage | Planning Permission granted on 28.09.1999 |
| P97/0213 | Certificate of lawful use <i>(relating to use of dwelling in breach of occupancy condition)</i> | Certificate granted on 30.04.1997 |
| P92/0604 | Use of tractor shed for manufacture of paving slabs. | Planning Permission granted on 27.08.1992 |
| 7/08450 | Kitchen extension. | Planning Permission granted on 08.10.1981 |
| 7/08148 | Conversion of un-used farm building into one dwelling. | Planning Permission granted on 11.06.1981 |

| | | |
|---------|---------------------|---|
| 7/08084 | Farmhouse building. | Planning Permission granted on 14.05.1981 |
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POLICIES

Cheshire East Local Plan Strategy

MP 1 - Presumption in Favour of Sustainable Development
 PG 1 - Overall Development Strategy
 PG 2 - Settlement Hierarchy
 PG 6 - Open Countryside
 PG 7 - Spatial Distribution of Development
 SD 1 - Sustainable Development
 SD 2 - Sustainable Development principles
 IN 1 - Infrastructure
 IN 2 - Developer Contributions
 SE 1 - Design
 SE 2 - Efficient use of land
 SE 3 - Biodiversity and Geodiversity
 SE 4 - The Landscape
 SE 5 - Trees hedgerows and woodlands
 SE 6 - Green Infrastructure
 SE 7 - The Historic Environment
 SE 12 - Pollution, Land Contamination and Land Instability
 SE 13 - Flood Risk and Water Management
 EG 2 - Rural Economy
 CO 1 - Sustainable Travel and Transport
 CO 2 - Enabling business growth through transport infrastructure
 Appendix C - Parking Standards

Borough of Crewe and Nantwich Replacement Local Plan

NE.5 - Nature Conservation and Habitats
 NE.9 - Protected Species
 NE.10 - Woodland and planting
 NE.16 - Re-Use and Adaption of a Rural Building for Residential Use
 NE.20 - Flood prevention
 BE.1 - Amenity
 BE.3 - Access and Parking
 BE.4 - Drainage, Utilities and Resources
 BE.6 - Development on Potentially Contaminated Land
 BE.16 - Development and Archaeology
 RES.5 - Housing in the Open Countryside

Site Allocations and Development Policies Document

The Site Allocations and Development Policies Document (SADPD) is at an advanced stage of preparation. The Council received the Inspector's Report on 17 October 2022, completing the examination stage of the Plan. The Report concludes that the SADPD provides an appropriate basis for the planning of the Borough, provided that a number of Main Modifications are made to it. The Council can now proceed and adopt the Plan, which is expected to be decided at the

Full Council meeting on 14 December. Having regard to paragraph 48 of the National Planning Policy Framework, relevant policies, as amended by the Main Modifications, may be given substantial weight in determining planning applications.

GEN 1 - Design Principles

ENV 2 - Ecological Implementation

ENV 3 - Landscape Character

ENV 5 - Landscaping

ENV 6 - Trees, Hedgerows and Woodland Implementation

ENV 7 - Climate Change

ENV 15 - New Development and Existing Uses

ENV 16 - Surface Water Management and Flood Risk

HER 7 - Non-designated Heritage Assets

HER 8 - Archaeology

HOU 10 - Amenity

HOU 11 - Residential Standards

INF 3 - Highway Safety and Access

INF 9 - Utilities

RUR 11 - Extensions and Alterations to Buildings Outside of Settlement Boundaries

RUR 12 - Residential Curtilages Outside of Settlement Boundaries

RUR 14 - Re-use of Rural Buildings for Residential Use

CONSULTATIONS (External to Planning)

Public Rights of Way Officer: The property is adjacent to public footpaths Barthomley nos. 1 & 6 and bridleway no 2 as recorded on the Definitive Map. It appears unlikely, however, that the proposal would affect the public right of way.

Informative recommended to make the developer aware of their obligations in respect of the PROW.

Archaeology: The 1839 Tithe map shows the barn structure, which is extant throughout the historic mapping, the proposed development seeks to part demolish this structure, this will likely lead to the destruction or disruption of potential historic materials. The proposed development also seeks to alter the grounds around the barn, which may impact below ground remains relating to the barn.

Condition recommended in respect of the implementation of a programme of archaeological work in accordance with an agreed written scheme of investigation.

Head of Strategic Infrastructure: No objection.

Environmental Health: Recommends conditions relating to electric vehicle charging infrastructure and contamination.

VIEWS OF THE PARISH / TOWN COUNCIL

Sound and District Parish Council: Support the application.

OTHER REPRESENTATIONS

Nine representations have been received from five neighbouring properties which raise the following summarised objections:

- Highway safety concerns - narrow road, limited passing places, lack of footpaths, use of lane by pedestrians and horse riders, increase in traffic as a result of the development
- Further deterioration of highway - pot holes, carriageway erosion/collapse, slurry/mud, drainage issues, flooding, verge damage etc
- Damage to property and vehicles as a result of increased traffic using the lane - construction traffic, residents, waste disposal, fuel deliveries
- Adverse impact to residents on the lane as a result of an increase in residents at the property/site
- Impact on public footpaths
- Ecology issues - bats, newts, barn owls
- 'Group' of properties out of keeping with existing character of the lane
- Considerable alteration, re-building and some extension of the buildings, contrary to policy
- Agricultural restriction on the property
- Lack of contamination information
- Archaeological finds possible
- No need for market housing in this location
- Lack of information relating to the continuing use of the site for agricultural purposes
- Lack of drainage information
- Lack of public consultation

OFFICER APPRAISAL

Principle of Development

The application site is situated within the open countryside. Policy PG6 of the Cheshire East Local Plan Strategy (CELPS) seeks to protect the open countryside from inappropriate development unless it is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area. The policy does however set out that exceptions may be made, including for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension.

Policy PG6 of the CELPS is supported by Policy RUR14 of the SADPD, which whilst not yet adopted policy, advises amongst other criteria that the residential re-use of existing rural buildings will be permitted where the building is of permanent and substantial construction so as not to require extensive alteration or rebuilding; and of a size that is able to accommodate a satisfactory living environment in the new dwelling and would not require extending any extension required must be in accordance with the requirements of Policy RUR 11 'Extensions and alterations to buildings outside of settlement boundaries'.

Policy RUR11 of the SADPD sets out that extensions and alterations to existing buildings in the open countryside and Green Belt will be only be permitted where the proposed development would not result in disproportionate additions over and above the size of the original building, would respect the character of the existing building, particularly where it is of traditional

construction or appearance, and would not unduly harm the rural character of the countryside by virtue of prominence, excessive scale, bulk or visual intrusion.

Policy RUR11 of the SADPD further states that when considering whether a proposal represents disproportionate additions, matters including height, bulk, form, siting and design will be taken into account, with particular attention given to increases in the overall building height. Proposals will usually be considered to represent disproportionate additions where they increase the size of the original building by more than 30% in the Green Belt or 50% in the open countryside.

Furthermore, Policy NE.16 of the Borough of Crewe and Nantwich Replacement Local Plan (BCNRLP) advises that planning permission will not be granted to re-use and adapt a rural building for residential purposes unless it meets a number of criteria. As some of the policy requirements of Policy NE.16 regarding the residential re-use of rural buildings are not referred to in the NPPF, those parts are no longer directly relevant for the purposes of the assessment of applications for the re-use of rural buildings for residential purposes. The residential re-use of rural buildings is therefore considered to be acceptable in principle subject to the impact upon the intrinsic character and beauty of the countryside, its design, impact upon local amenity, highway safety and impact upon protected species.

Additionally, Paragraph 80 of the NPPF sets out that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the circumstances set out is met. Once such circumstance is '*...the development would re-use redundant or disused buildings and enhance its immediate setting.*'

The main range of buildings at Baddiley Hall Farm appear to be robust and it is considered that the buildings are permanent and substantial. Whilst extensions to the buildings are proposed, these largely replace existing extensions and additions to the buildings, with it noted that the more modern structures which detract from the overall character and appearance of the range of buildings are to be removed.

The application also includes the use of the existing ancillary accommodation as a separate and independent dwelling. Given the proposal for the conversion of the range of buildings on the wider site, which would create three dwellings in addition to the existing dwelling, it is considered acceptable in this case to allow the use of the ancillary accommodation as an independent dwelling.

It is noted that local residents have raised objections in respect of the need for open market dwellings in this location and the continued use of the buildings for agricultural purposes. However, the general principle of the proposed development is considered acceptable as it would involve the re-use of existing buildings as supported in principle by relevant policies in the development plan and guidance within the NPPF, subject to compliance with all other relevant policies of the development plan. Given the number of dwellings to be created, there is no requirement for affordable housing to be provided.

Design and Character of the Area

The importance of securing high quality design is specified within the NPPF and Paragraph 126 of the NPPF states that '*The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of*

sustainable development, creates better places in which to live and work and helps make development acceptable to communities.' Paragraph 130 of the NPPF sets out the planning policies and decisions should ensure that developments, amongst other criteria, '*...are visually attractive as a result of good architecture, layout and appropriate and effective landscaping...*' and '*...are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)...*'.

In addition to the policy requirements set out above, Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings.

Policy SD2 of the CELPS states that all development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- Height, scale, form and grouping
- Choice of materials
- External design features
- Massing of the development (the balance between built form and green/public spaces)
- Green infrastructure; and
- Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE1 of the CELPS details that development proposals should make a positive contribution to their surroundings in terms of a number of criteria. This includes ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements. In line with Policy SE1 of the CELPS, Policy GEN1 of the Site Allocations and Development Policies Document (SADPD), whilst not yet adopted policy, sets out that development proposals should, inter alia, contribute positively to the borough's quality of place and local identity through appropriate character, appearance and form in terms of scale, height, density, layout, grouping, urban form, siting, good architecture, massing and materials.

In addition to the criteria set out above, Policy RUR11 of the SADPD sets out the curtilage of the new dwelling must be limited to the original curtilage of the building unless an extension can be justified under Policy RUR 12 'Residential curtilages outside of settlement boundaries' and must not have a harmful effect on the character of the surrounding countryside. The policy also sets out that proposals must be sympathetic to the building's architectural character and/or historic interest, as well as the character of its rural surroundings, and that particular attention will be given to the impact of domestication and urbanisation of the proposals on the surrounding rural area including through:

- i. the supply of utility and infrastructure services, including electricity, water and waste disposal to support residential use;
- ii. the provision of safe vehicular access;
- iii. the provision of adequate amenity space and parking;
- iv. the introduction of a domestic curtilage;
- v. the alteration of agricultural land and field walls; and
- vi. any other engineering operation associated with the development.

The application proposes the part demolition, conversion and extension of the range of buildings at Baddiley Hall Farm to create three dwellings, along with the separation of the existing ancillary residential accommodation (Chestnut Cottage) from the existing dwelling (Baddiley Hall

Farmhouse) to provide an additional and separate dwellinghouse. Proposed works to the buildings includes the demolition of the more modern structures on the site and the conversion, extension and alteration of the traditional range of buildings.

The proposed buildings are considered by the Council's Conservation Officer to be non-designated heritage assets given that they appear on the tithe map and still externally retains that historic character.

Policy SE7 of the CELPS sets out, in respect of non-designated heritage assets that the council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets and will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a development proposal by requiring that the impact of a proposal on the significance of a non-designated heritage asset should be properly considered, as these are often equally valued by local communities. There should be a balanced consideration, weighing the direct and indirect impacts upon the asset and its setting, having regard to the scale of any harm or loss. The policy further sets out that '*...high quality design should be achieved. It should aim to avoid poorly executed pastiche design solutions and should foster innovation and creativity that is sensitive and enhances the significance of heritage assets in terms of architectural design, detailing, scale, massing and use of materials.*'

Policy HER7 of the SADPD sets out that when considering the direct or indirect effects of a development proposal on a non-designated heritage asset (including locally listed buildings), a balanced judgement will be required, having regard to the significance of the heritage asset and the scale of any loss or harm.

Following amendments to the submitted scheme, which has reduced the level of works proposed as well as the extent of demolition of the traditional range of buildings, the works proposed involve:

- The demolition of the more modern buildings and additions (approx. 383sqm)
- The extension of the buildings to the north, east and west elevations (approx. 154sqm)
- The addition of a number of new window/door openings and the insertion of a number of rooflights
- The landscaping of the site to create associated garden and parking areas.

The proposed alterations and extensions to the building are considered to be sympathetic to the buildings architectural character. It is considered that the scheme of works to facilitate the re-use of the buildings for residential purposes would overall retain their agricultural character and appearance and would not result in significant harm to the rural setting of the buildings. The modern buildings on the site, which are utilitarian in character and appearance, and which detract from the overall character and appearance of the range of buildings, are proposed to be demolished and would result in an enhancement to the site. The majority of windows/doors to the proposed residential properties make use of existing openings within the buildings, and whilst the existing outriggers/extensions to the north, east and west elevations would be reconstructed/reconfigured, with a new extension proposed to the north elevation to replace an extension to the east elevation, it is considered that following amendments to the scheme, to reduce the size of the structures and the level of openings proposed, these would appear as sympathetic additions/replacements to the buildings. Conditions in respect of the finer detailing of the conversion scheme (materials, window/door/rooflight details, ventilation openings,

rainwater goods etc) are recommended to ensure that the works are sympathetic to the architectural character of the buildings.

The comments provided by local residents in respect of the conversion of the range of buildings to provide a group of residential properties being out of keeping in respect of the character of Baddiley Hall Lane being of single properties sporadically located is acknowledged. However, it is not uncommon to see ranges of traditional buildings within the countryside converted to residential properties, with both the development plan and guidance within the NPPF supporting the re-use of rural buildings.

The proposed residential curtilages associated with the proposed dwellings would be generally reflective of the existing farmyard areas associated with the agricultural use. No details of boundary treatment or hard or soft landscaping of the site has been provided, and it is recommended that conditions in this regard are imposed to ensure that the site is appropriately landscaped.

The proposal is considered to comply with the relevant policies of the Cheshire East Local Plan Strategy, the Borough of Crewe and Nantwich Replacement Local Plan and the Site Allocations and Development Policies Document.

Amenity

Policy BE.1 of the Borough of Crewe and Nantwich Replacement Local Plan (BCNRLP) requires proposals to not prejudice the amenity of occupiers of adjacent property by reason of, amongst other criteria, overshadowing or overlooking. Policies SD2 and SE1 of the CELPS seek to ensure an appropriate level of privacy for new and existing residential properties.

There are no immediate neighbours to the application site, and therefore it is not considered that the proposal would result in an adverse impact to neighbouring privacy and amenity. Whilst the comments of local residents are noted in respect of the impact of additional traffic using Baddiley Hall Lane on their residential amenity, given that the proposal is relatively small scale and involves the creation of an additional four units on the site, and that the site has a lawful use for agricultural purposes which could involve large vehicles passing properties on the lane, it is not considered that a reason for refusal could be sustained on these grounds in this case.

The proposal is for the conversion of the range of buildings to three residential units, along with the use of the existing ancillary accommodation as an independent unit. The proposal would include reasonable residential curtilages for the proposed properties, and a reasonable separation distance and relationship between the dwellings to retain privacy.

The proposal is considered to comply with the relevant policies of the Cheshire East Local Plan Strategy, the Borough of Crewe and Nantwich Replacement Local Plan and the Site Allocations and Development Policies Document.

Highways

Policy CO2 of the CELPS identifies that 'proposals should adhere to the current adopted Cheshire East Council Parking Standards for Cars and Bicycles set out in Appendix C (Parking Standards)', with Policy SD1 of the CELPS seeking to ensure that developments, wherever

possibly, provide sufficient car parking in accordance with adopted highway standards. Policy BE.3 of the BCNRLP requires new development to provide safe vehicular access and egress arrangements, whilst Policy RES.11 requires development to result in not loss of parking spaces required to meet the standards set out in Appendix 8.1.

The proposal would utilise existing accesses into the site, formerly providing access to the farmyard and courtyard areas, with parking provided within the courtyard area for the existing bungalow (3 x spaces), Chestnut Cottage (2 x spaces) and unit 3 (3 x spaces), with parking for unit 1 (3 x spaces) and unit 2 (4 x spaces) provided to the north of the site. The level of parking proposed is considered to comply with Appendix C of the CELPS which requires one space for 1 bedroom properties, two spaces for 2/3 bedroom properties and three spaces for 4/5+ bedroom properties.

It is noted that objections have been raised by local residents in respect of highway safety concerns. These relate primarily to the current state of the Baddiley Hall Lane and that construction traffic and traffic associated with the additional residential units would exacerbate existing problems, and the narrowness of the road being inappropriate to accommodate traffic associated with additional residential properties.

Whilst the comments of local residents are acknowledged, any highways maintenance issues are not considered to be a planning matter. It is acknowledged that Baddiley Hall Lane is narrow in parts however the scale of development is small, with it noted that the site has a lawful agricultural use and traffic associated with this use will be removed. There is no through traffic at this location and informal passing bays at various locations, although the condition of these as commented on by local residents is noted.

No objections to the proposals have been raised by the Local Highway Authority, with it being advised that '*The net highways impact of the proposal will be minimal and there are informal passing bays along the lane.*'

The proposal is considered to comply with the relevant policies of the Cheshire East Local Plan Strategy, the Borough of Crewe and Nantwich Replacement Local Plan and the Site Allocations and Development Policies Document.

Flood Risk and Drainage

Policy SE13 of the CELPS sets out that development must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation, in line with national guidance.

Policy ENV16 of the SADPD sets out that development proposals should demonstrate how surface water runoff can be appropriately managed. The preference will be for new development to incorporate surface level SuDS with multi-functional benefits, as opposed to underground tanked storage systems, for the management of surface water. Policy INF9 of the SADPD details that all development proposals should demonstrate that the infrastructure capacity for surface water disposal, water supply, wastewater treatment, gas and electricity will be sufficient to meet forecast demands arising from them and that appropriate connections can be made.

The application site is located within flood zone 1, as defined by the Environment Agency, and is not shown as being located within an area at risk of surface water flooding.

No detailed information in respect of the drainage of the site has been submitted, with the application form detailing that surface water would be disposed of by a sustainable drainage system. No details have been provided in respect of the disposal of foul sewage. Given the lack of information provided, it is considered necessary to impose a condition requiring drainage details to be submitted and agreed prior to the commencement of development.

Air Quality

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

The proposed development is not close to any air quality management areas (AQMAs) and an air quality assessment was not deemed necessary. However, the cumulative impact needs to be considered and the Council's Environmental Health Officer has requested the imposition of a planning condition requiring electric vehicle charging points. It is considered reasonable and necessary to impose such a condition.

Ecology

Policy SE3 of the CELPS sets out, amongst other criteria, that all development (including conversions and that on brownfield and greenfield sites) must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

Policy ENV 2 of the SADPD sets out that in accordance with the mitigation hierarchy, all development proposals must make sure that significant harm to biodiversity and geodiversity is firstly avoided; then if impacts cannot be avoided, identify and implement measures to acceptably mitigate these impacts; then finally, and as a last resort, if impacts are unavoidable and cannot be acceptably mitigated, compensation measures should be provided.

Paragraph 180 of the NPPF sets out that when determining applications, Local Planning Authorities should apply a number of principles. These include '*...if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*'

Bats

It has been advised by the Council's Nature Conservation Officer that evidence of what is likely to be the maternity colonies of two bat species was recorded during the surveys. Additionally, day roosts of four other bat species, including species less common in the region were recorded during the surveys. As such, it has been advised that this collection of roosts is of substantial nature conservation value.

In the absence of mitigation the proposed development would pose the risk of killing or injuring any bats present and would result in the loss of the roosts, and it has been advised that the loss

of the roosts would have a high severity of impact on the local scale and a Moderate impact on the species concerned at the regional scale.

Following initial comments made by the Nature Conservation Officer, to mitigate for the risk of killing injuring bats during the construction phase, the submitted revised ecology report makes recommendations on the timing and supervision of the works. The retention of a section of the loft in building no. 1 as a bespoke bat loft, the provision of integrated bat boxes on all converted building gables and the provision of raised bat tiles on any sections of replaced roof on site is proposed to compensate for the loss/modification of the existing roosts.

As 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 the Habitat Regulations when determining this application. The Habitats Regulations only allow planning permission to consent to be granted when:

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

It has been advised that as per the Local Wildlife Site Selection Criteria for the Cheshire region, the presence of two maternity roosts and the collection of bat species present means the development site exceeds the required selection criteria for mammals. As such the building should be considered a 'non-designated asset' and paragraph/point (6) of Policy SE3 of the CELPS applies, requiring the need for mitigation and compensation.

It is considered that the re-use of traditional rural buildings is of overriding public interest as it ensures their retention and re-use, and would prevent their deterioration in the longer term, whilst also providing rural housing. There are no other suitable alternatives in this instance given that the proposal relates to the conversion of existing buildings.

In respect of maintaining the favorable conservation status of the species, if planning consent is granted it has been advised by the Nature Conservation Officer that the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of the species of bat concerned.

A condition in respect of the development being carried out in accordance with the submitted Bat and Barn Owl Survey Report, unless varied by a European Protected Species licence subsequently issued by Natural England, is considered reasonable and necessary in this case.

Great Crested Newts

Evidence of great crested newts (GCN) in the form of positive eDNA analysis has been recorded within the pond adjacent to the site. The submitted *Ecological Assessment* recommends that the site is entered into the GCN District Level Licensing (DLL) scheme and it has been advised by the Nature Conservation Officer that evidence of acceptance onto the GCN DLL scheme has been submitted.

Amphibians

There is a considered low risk that the proposed development may have an adverse impact upon common amphibian species newts which may occur within an adjacent water body. The Nature Conservation Officer has advised that the risks will be adequately mitigated against by the implementation of reasonable avoidance measures detailed within the submitted, and a condition requiring the implementation of the report's recommendations is recommended.

Barn Owls

Evidence of past usage of the buildings by barn owls has been recorded at the site. It has been advised by the Nature Conservation Officer that in the absence of mitigation the proposed development would result in the loss of an occasionally used roost and that occasionally used roosts can be important for this species. The applicant has proposed to install a barn owl box on site to compensate for the loss of the existing roost and this is considered acceptable to the Nature Conservation Officer subject to a condition requiring a barn owl compensation strategy to be submitted and agreed. The recommended condition is considered reasonable and necessary in order to ensure barn owls are appropriately safeguarded during the works and to ensure that an adequate level of compensatory roosting opportunities are provided.

Breeding Birds

In order to protect breeding birds, if planning consent is granted, a condition in respect of the timing of works has been recommended. The recommended condition is considered reasonable and necessary in order to safeguard protected species.

Public Rights of Way

A number of public rights of way (PROW) are located within the vicinity of the site. A bridleway (Baddiley BR2) runs along Baddiley Hall Lane, with a public footpath (Baddiley FP6) running around the southern perimeter of the wider site before running north-east and splitting to form public footpath Baddiley FB5. There is no indication that the Public Rights of Way would be altered from their current routes. No objection is raised by the Council's PROW Officer and an informative is suggested in relation to the developer obligations in respect of the obstruction etc of the PROW.

Archaeology

Policy BE.16 of the BCNRLP sets out how development proposals affecting areas of archaeological potential as shown on the proposals map or other sites of known or presumed archaeological potential will be dealt with. Applicants will be required to demonstrate that this issue has been fully considered in formulating proposals and will be properly accommodated in the development process.

Policy HER8 of the SADPD sets out that proposals affecting areas of archaeological interest (including areas of archaeological potential and sites of less than national importance) will be considered against Policy HER7 'Non-designated heritage assets', with proposals expected to conserve those elements that contribute to the asset's significance in line with the importance of the remains.

It has been advised by the Council's Archaeologist that the proposed development site is in an area of potential archaeological deposits and that the 1839 Tithe map shows the barn structure, which is extant throughout the historic mapping. The proposed development seeks to part demolish this structure, this will likely lead to the destruction or disruption of potential historic materials and also seeks to alter the grounds around the barn, which may impact below ground remains relating to the barn.

It has therefore been advised that a programme of building survey should be undertaken in order to record the structure prior to the part demolition for the development of a record of the structure. Following this a programme of archaeological observation should be undertaken during the works in order to identify and record any historic materials or below ground remains relating to the barn. Given the potential archaeological deposits on the site, it is considered reasonable and necessary in this case to impose such a condition.

Contamination

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon, amongst other issues, soil contamination and any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Where a proposal may affect or be affected by contamination developers will be required to provide a report which investigates the extent of the contamination or stability issues and the possible affect it may have on the development and its future users, the natural and built environment

The application site has a history of agricultural use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. Conditions have been recommended by the Council's Environmental Health Officer which are considered reasonable and necessary in this case to safeguard public health in this regard.

Other Matters

In respect of objections raised regarding restrictions on the property restricting occupation of the property to agricultural use, as set out in the planning history section of the report above a certificate of lawfulness was granted in April 1997 to confirm the use of dwelling in breach of occupancy condition.

With regards to the restrictions on the use of the property know as 'Chestnut Cottage', as set out above, the use of property as a separate and independent dwelling forms parts of the application under consideration and given the proposal for the conversion of the range of buildings on the wider site, which would create three dwellings in addition to the existing dwelling, it is considered acceptable in this case to allow the use of the ancillary accommodation as an independent dwelling.

With regards to a lack of public consultation, it is advised that a site notice was erected on/close to the site on 4 December 2021, with an immediate neighbour of the site advised of the application by letter.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application proposes the part demolition, conversion and extension of the range of buildings at Baddiley Hall Farm to create three dwellings, along with the separation of the existing ancillary residential accommodation (Chestnut Cottage) from the existing dwelling (Baddiley Hall Farmhouse) to provide an additional separate dwellinghouse.

The site is located within the open countryside as defined in the Cheshire East Local Plan Strategy and is located at the end of a single-track access (Baddiley Hall Lane) and surrounded by open countryside on all side.

The general principal of the proposed development is considered acceptable as it would involve the re-use of existing buildings as supported in principle by relevant policies in the development plan and guidance within the NPPF

It is considered that the proposed development is acceptable in design terms and has an acceptable impact on the character and appearance of area. The proposal is also considered acceptable in terms of amenity, highway safety, flood risk/drainage and ecology subject to conditions being imposed.

It considered that the development constitutes sustainable development and there are no material considerations which dictate otherwise.

Subject to the recommended conditions being imposed, the proposal is considered acceptable in this instance and complies with the Development Plan and guidance within the NPPF, and is therefore recommended for approval.

Recommendation:

Approve subject to the following conditions:

- 1. Standard Time**
- 1. Plans Compliance**
- 2. Foul and Surface Water Drainage - to be submitted**
- 3. Barn Owl Compensation Strategy - to be submitted**
- 4. Contamination - details to be submitted**
- 5. Programme of Archaeological Work - to be submitted**
- 6. Landscaping - details to be submitted**
- 7. Materials - to be submitted**
- 8. Treatment of Ventilation Openings - details to be submitted**
- 9. Windows/doors - details to be submitted**
- 10. Rainwater Goods - details to be submitted**
- 11. Rooflights - details to be submitted**
- 12. Electric Vehicle Charging - details to be submitted**
- 13. Contamination Verification Report - to be submitted**
- 14. Soil Brought onto Site**
- 15. Boundary Treatment - to be submitted**
- 16. Landscaping – implementation of approved details**
- 17. External Lighting - to be submitted**

- 18. Bat and Barn Owls – implementation of report recommendations**
- 19. Breeding/Nesting Birds**
- 20. Reasonable Avoidance Measures (Great Crested Newts) - implementation of report recommendations**
- 21. Contamination not previously identified**
- 22. Conversion Only – any rebuilding to be agreed in writing**
- 23. Removal of Permitted Development Rights**

In order to give proper effect to the Board`s/Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.

