

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

5th September 2007

AUTHOR/S: Executive Director / Corporate Manager - Planning and Sustainable Communities

S/2463/06/F and S/2464/06/LB - CONINGTON

Conversion of Barn and Outbuildings into Four Dwellings with Attached Fences and Gates and Alterations, Restoration and Conversion of Barn and Outbuildings to Form 4 Residential Units with Attached Fences and Gates. Demolition of Building E at Marshalls Farm, Conington for Mr N Wright

**Recommendation: Refusal of S/2463/06/F, Approval of S/2464/06/LB
Date for Determination: 15th February 2007**

Members will visit the site on Monday 3rd September 2007

Site and Proposal

1. The application site lies to the east of Conington village, and takes its access from Elsworth Road. At the current time, the site comprises a former farmyard with surrounding farmland. There are a number of buildings on the site, comprising a number of old barns and outbuildings centred around a courtyard. The farm buildings and yard are associated with Marshalls Farm, but are no longer in active use. There is a listed Grade II timber-framed and plastered farmhouse immediately to the south of the site. The site lies outside the defined settlement boundary of the village.
2. These applications, submitted on 21st December 2006, propose the residential conversion of the redundant farm buildings at Marshalls Farm, to create four dwellings with ancillary garages. Vehicular access is to be obtained from the existing entrance on Elsworth Road. Amended drawings received by letter dated 22nd June 2007 show the one two storey 4 bedroom dwelling to incorporate a live work area. The 3 remaining dwellings are all single storey and are either three bedroom (2 no.) or two bedroom (1 no.)

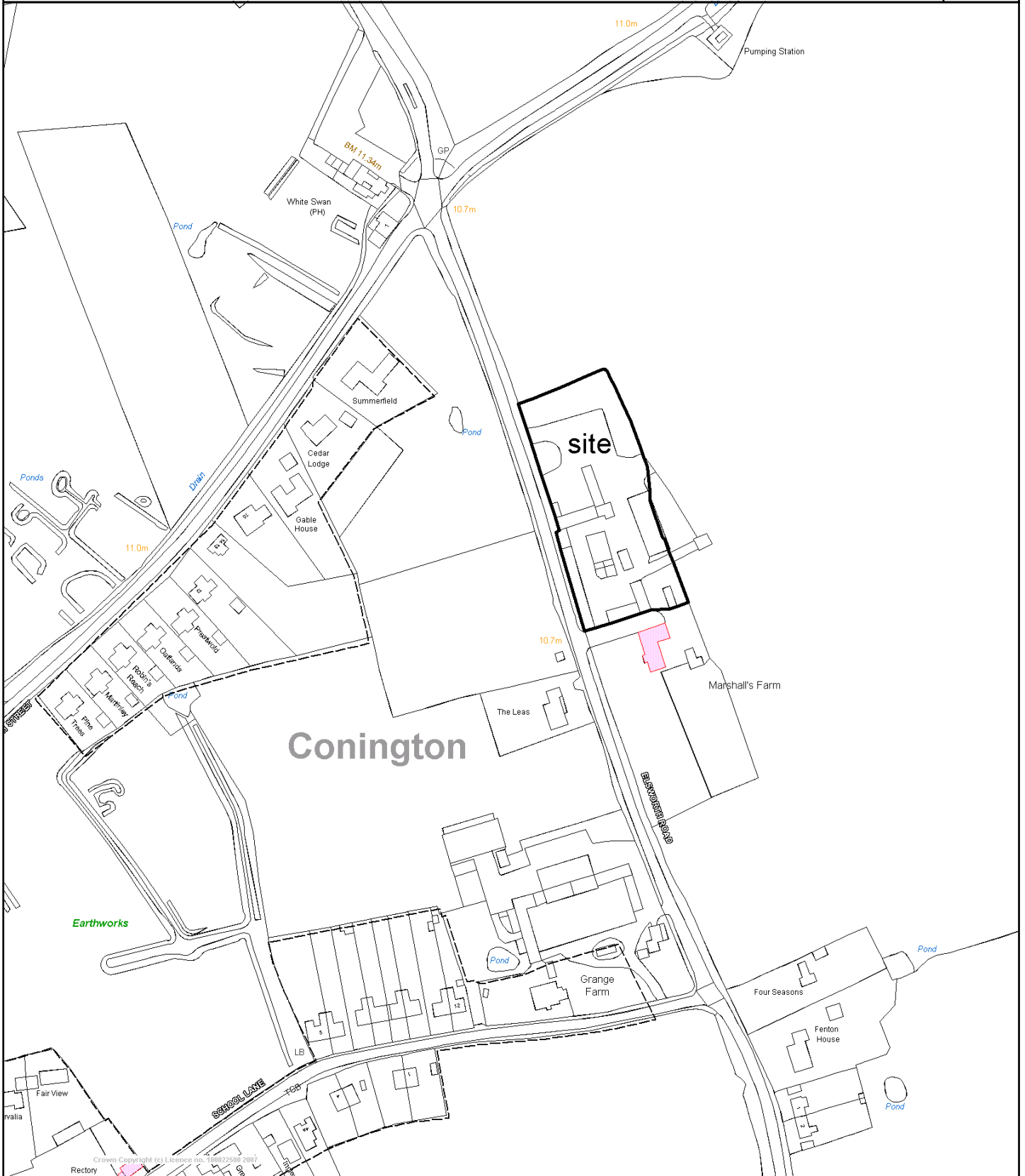
Planning History

3. **S/0036/02/F** - Conversion of farm buildings to B1 (offices/research and development/light industrial) and B8 (warehousing/storage) together with demolition of existing sheds and their replacement with a single storey building for B1 use. This application was approved with conditions on 9th April 2002.
4. **S/0035/02/LB** - Internal and external alterations and conversion of barn B to offices; Including new timber floor on steel frame support, staircase, W.C.'s and Kitchen. Conversion of attached buildings A and D to offices and demolition and rebuilding of building C. This application was approved with conditions on 26th February 2002.

Planning Policy

Cambridgeshire and Peterborough Structure Plan 2003:

5. Policy **P1/2** states that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.



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6. Policy **P1/3** explains that a high standard of design and sustainability for all new development will be required which provides a sense of place that responds to the local character of the built environment.
7. Policy **P5/2** notes that at least 50% of new dwelling should be located on previously developed land, or utilise existing buildings.
8. Policy **P5/3** states that the average density of new housing development needs to be increased, and that densities of less than 30 dwellings per hectare will not be acceptable.
9. Policy **P5/5** notes that small scale housing development will be permitted in villages only where appropriate, taking into account the need for affordable rural housing, the character of the village and its setting, and the level of jobs, services, infrastructure and passenger transport provision in the immediate area.
10. Policy **P7/6** explains that Local Authorities will protect and enhance the quality and distinctiveness of the historic built environment.

South Cambridgeshire Core Strategy Development Plan Document January 2007:

11. Objective **ST/e** notes that to protect the varied character of the villages of South Cambridgeshire it will be ensured that the scale and location of development is in keeping with its size, character and function.
12. Objective **ST/j** states that the District's built and natural heritage will be protected and that new development protects and enhances the townscape assets of local urban design, cultural and conservation importance, and character of landscape.
13. Objective **ST/k** explains that development will be located where it will ensure maximum use of previously developed land, and minimises loss of countryside.
14. Policy **ST3** notes that between 1999 and 2016 at least 37% of new dwellings will either be located on previously developed land or utilise existing buildings.
15. Policy **ST/7** states that Conington has been designated as an 'infill-only' village, where residential development and redevelopment within the village framework will be restricted to not more than two dwellings.

South Cambridgeshire Development Control Policies Development Plan Document (July 2007):

16. Policy **DP/1** states that development will only be permitted where it is demonstrated that it is consistent with the principles of sustainable development, as appropriate to its location, scale and form.
17. Policy **DP/2** notes that new development must be of high quality design, and should preserve or enhance the character of the local area, provide a sense of place whilst responding to the local context and respecting local distinctiveness, and be compatible with its location.
18. Policy **DP/3** explains that development proposals must provide, as appropriate to the nature and scale of the proposal: affordable housing; appropriate access; car parking; cycle parking; outdoor play space; screened storage and collection of refuse; a design that minimises opportunities for crime; and financial contributions towards infrastructure and services.

19. Policy **DP/7** states that outside village frameworks, only development for agriculture, horticulture, forestry, outdoor recreation and other uses which need to be located in the countryside will be permitted.
20. Policy **HG/2** notes that residential developments will contain a mix of units providing accommodation in a range of types, sizes and affordability, to meet local needs.
21. Policy **HG/3** states that for residential developments on all sites of two or more dwellings, 40% or more of the dwellings will be required to be affordable.
22. Policy **HG/8** explains that planning permission for the conversion of rural buildings to residential use will not generally be permitted. Permission will only be exceptionally granted where it can be demonstrated that, having regard to market demand or planning considerations:
 - a) Firstly it is inappropriate for any suitable employment use.
 - b) Secondly, it is inappropriate for employment with a residential conversion as a subordinate part of a scheme for business re-use.

Any conversion must meet a number of criteria, which include the following:

- a) The buildings are structurally sound.
- b) The buildings are not of a makeshift nature and have not been allowed to fall into such a state of dereliction and disrepair that any reconstruction would require planning permission as a new building.
- c) The buildings are capable of re-use without materially changing their existing character or impact upon the surrounding countryside.
- d) The form, bulk and general design of the buildings are in keeping with their surroundings.
- e) Perform well against sustainability issues highlighted by Policy DP/1.

Any increase in floor area will not be permitted except where it is necessary for the benefit of design, or in order to better integrate the development with its surroundings. Future extensions of such buildings will not be permitted. Incidental uses such as car parking and storage should be accommodated within any group of buildings, or on well related land where landscaping can reduce the visual impact of the new site.

Development must be in scale with the rural location. Residential uses must be located close to local services and facilities, and in an accessible location with a choice of means of travel, including non-motorised modes. The cumulative impact of the conversion of a number of buildings on adjoining sites or the local area will also be considered.

Residential conversion permitted as a subordinate part of a scheme for residential re-use will be secured by condition or agreement to ensure the occupation of the dwelling remains directly related to the operation of the enterprise. The dwelling part of the unit must be interdependently linked with the commercial part. A live-work unit should have a minimum of 40 sqm definable functional workspace in addition to the residential element.

23. Paragraph 4.23 considers **Planning Policy Statement 7**: "Sustainable Development in Rural Areas". It explains that there has been considerable pressure to convert barns and vacant rural buildings into residential units, but this is clearly contrary to the general policy of restricting housing proposals outside established village limits. Policy **ET/7** supports conversion of appropriate buildings for employment uses, and this remains the preferred use for such buildings. If this cannot be achieved the

second preference is for a residential unit directly tied to operation of rural enterprise, often referred to as a live-work unit. This would be more sustainable than a conversion for residential use, due to the reduced implications for commuting. Conversion purely for residential use will only be permitted as a last resort, particularly to secure the future of buildings of particular architectural quality or character.

24. Policy **NE/6** states that new development should aim to maintain, and enhance, restore or add to biodiversity. Where there are grounds to believe a proposal may affect a protected species, applicants will be expected to provide an adequate level of survey information to establish the extent of the potential impact together with possible alternatives/ mitigation schemes for the development. Previously developed land will not be considered to be devoid of biodiversity. The re-use of such sites must be undertaken carefully with regard to existing features of biodiversity interest.
25. Policy **NE/11** notes that in relation to flood risk, applications will be judged against national policy (currently PPS25).
26. Policy **CH/3** explains that applications for planning permission and listed building consent will be determined in accordance with legislative provisions and national policy (currently within PPG15).
27. Policy **CH/4** explains that planning permission will not be granted for development which would adversely affect the curtilage or wider setting of a Listed Building.

Consultations

28. **Conington Parish Council**- Recommends approval. A number of points raised, including:
 - a) The buildings are currently run down and unattractive, and detract from the adjacent listed building
 - b) The plans appear to be well thought-out and would enhance the village
 - c) There would be no new-build, and the height would remain the same
 - d) The access would remain the same
 - e) Would bring new facilities into the village and not strain current facilities
29. With regards to the first review of the scheme, the Parish Council stated that there were no objections.
30. **Local Highways Authority** - Problems over the site plan edged red not corresponding to the plan in the Design and Access Statement. Discrepancies between existing/new access on the site, as annotated in the submitted plans. Requests amended layout plan indicating the required geometry to be obtained from the applicant/agent.
31. Revised comments explain that there would be no significant effect on the public highway. If the applications are approved, then need to add an informative to the effect that granting planning permission does not constitute permission or licence to developer to carry out works within, or disturbance of, or interface with, the public highway, and that a separate permission must be sought from the Highways Agency for such works.
32. **Conservation Officer** – In principle there are no objections, but boundaries need to be simplified and amendments to the fenestration are requested. Recommendation is for approval, subject to amendments. Further comments on the first review of the

scheme, it was stated that further amendments are required, but these can be conditioned (door openings, glazing bars, windows, fence).

33. **Building Regulations** - Insufficient details for detailed approval. Concerns over access road width for fire engine; unprotected areas may be a concern if the cladding is replaced; surface spread of flame to roofs exposed; potential flooding issues. Following the first review of amended plans, revised comments stated that the buildings will need to meet the required thermal performance under Part L, and strengthened as required. Foundations may be of concern but can be addressed on site with the engineer. As long as these are dealt with there are no major concerns.
34. **Ecology Officer** - Holding objection, until details on bat population is investigated. Revised comments state that there are no objections to biodiversity impact. A condition should be added to any approval with regards to bat roosting places and other nest boxes. The officer would also welcome the opportunity to discuss the erection of artificial nest boxes for barn owls.
35. **Natural England** - Recommends refusal of the planning application on grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. Revised comments following the submission of a survey note that the agency withdraws its objection from the scheme, but suggests a number of conditions to be added to any approval.
36. **Environment Agency** - No objections, but suggests a number of conditions and informatives to be attached to any approval.
37. **Anglian Water** - Connection proposals to the foul sewer within Elsworth will be considered following submission of a formal Section 106 sewer connection application. Note that there are no public surface water sewers within the vicinity of the site, and therefore alternative methods of disposal will be required.
38. **Corporate Manager (Health and Environmental Services)** - Concerns over the Impact of traffic noise on the site. Requests baseline noise survey for the site and the proposed development, together with a noise mitigation schedule. Also proposes a number of informatives to be added to any approval. A revised response to the proposals is currently being completed, and will be reported verbally at Committee.
39. **County Council Financial Planning Officer**- Seeks contribution from developer of £20,900 for additional places at both primary and secondary school level.

Representations

40. No representations were received in relation to the proposals.

Planning Comments – Key Issues

41. In April 2002 under LPA reference S/0036/02 planning permission was granted for the conversion of farm buildings on the site to B1 and B8 uses, together with the demolition of existing sheds and their replacement with a single storey building for B1 use. Listed building consent was gained in 2002 for the internal and external alterations to the barns, including demolition and rebuilding (LPA reference S/0035/02/LB).

42. The current applications propose the conversion of the barn and outbuildings into four dwellings, with attached fences and gates. A range of supporting documents was submitted with the applications that include the following:
- a) Flood risk assessment
 - b) Design and access statement
 - c) Building design statement
 - d) Report on potential conversion to office use
 - e) Planning statement
43. Further information was requested which resulted in the following being submitted in March 2007:
- a) Structural survey
 - b) Protected species survey
 - c) Noise assessment report
 - d) Further details of marketing that has been undertaken
 - e) Revised plans, taking into account the Conservation Officer's comments
44. Amended consultation responses were received, the details of which are detailed above.
45. The applicants state that potential employment uses have been fully investigated at the site and, that as a result of the Council granting planning permission in 2002 for the conversion of the barns on the site for employment uses, the principle of development on the site and the buildings being capable of and suitable for re-use has already been accepted.

Structural condition of the buildings

46. Following a site inspection it was clear that the buildings on the site are of poor quality, with corrugated steel covering gaps on the elevations on a number of the barns. It is questionable, therefore, whether the barns on the site are worthy of conversion. As there has been a period of almost five years since the last permission on the site, it is considered that the barns have fallen into a worse state of disrepair than may have previously been the case. A structural report was requested from the applicant, which was sent for consultation to the Council's Building Inspector for comments. The officer responded highlighting a number of issues, although there was no major objection to the proposed scheme in principle. The Structural Condition Survey concluded that "The conversion of the farm buildings into domestic accommodation is structurally viable with most of the existing structures used in either their present form or with limited modification and strengthening and without substantial demolition or re-building".

Marketing of the site

47. The agent's supporting statement outlines the marketing which has taken place. This campaign was undertaken after consent was granted for employment uses on the site. The campaign comprised the following:
- a) Preparation of sales particulars that were sent to local agents.
 - b) Display of 'to let' boards on the A14.
 - c) Advertisements in the local press (Cambridge Evening News and Hunts Post).

48. Although the applicants have submitted further details regarding the marketing of the site, it is considered that the details provided are still unacceptable, and do not illustrate that the site is inappropriate for suitable employment use. It is not considered, therefore, that the buildings and application site have been marketed sufficiently as the evidence of doing so has not been produced in detail as part of the applications. No information has been submitted with the applications with regards to the sales particulars which were sent to local agents. There is neither a copy of the particulars, nor a list of the agents or dates when the brochures were sent out to them. There is also no evidence that boards were placed on the A14, and no photographs have been produced with dates on them. In relation to the advertisements that were in the local press, the only dates produced were on eight occasions between 7th February and 4th May 2004 (a period of less than 12 weeks). Copies of the advertisements have not been produced by the agents to support the planning application.
49. Incomplete information has been supplied with regards to any specific enquiries received, phone calls made, requests for detail etc or any follow ups to any enquiries and current status of any outstanding enquiries.

Recent appeal decision

50. Of some relevance to these current applications is the scheme which was submitted under LPA reference S/0351/03/O for residential development on land to the north of Impington Lane that is currently half in employment use, and half designated for residential uses. The Inspector's decision letter (dated 4th May 2006) notes that former Local Plan Policy EM8 requires an applicant to demonstrate that the site is inappropriate for any employment use to continue, having regard to market demand. To demonstrate this, the justification for the policy requires that any application should be accompanied by evidence that the property has been adequately marketed for a period of not less than 12 months on terms that reflect the lawful use and condition of the property.
51. The planning application was accompanied by a statement from the applicants which apparently set out justification for the use of the land for residential purposes. However, this contained no substantive information on marketing, and the Inspector concluded that the marketing information necessary to demonstrate that the site was inappropriate for employment use to continue had not been provided. It is considered that this previous appeal decision letter is relevant to the current application scheme, and that similarly the proposals for Marshalls Farm do not contain substantive information on the marketing of the site.

Update on the application scheme

52. This planning application was due to be reported to Committee on 5th June 2007, with a recommendation for refusal. However, the item was removed from the list at the request of the applicants so that further discussions and negotiations could take place.
53. A meeting was held at the end of June with the applicant's agent where it was agreed that the further information would be submitted with regards to marketing of the site and amendments to the scheme.
54. In a letter dated 18th July 2007 the agent submitted further marketing information on the site. However, this only included copies of the marketing particulars dating back to 2004 (3 years ago). Since this time, no further marketing of the site has taken place. It is considered therefore that this additional information submitted does not satisfy the need in policy terms to market the property.

55. In relation to the amended plans submitted, the scheme now includes one live-work unit. The applicant's agent states that there is low demand for such properties and that one such unit is appropriate on this site. With regards to the adopted Development Control Policies DPD, just providing one live-work unit is not considered to be acceptable given that the first preference for conversion of rural buildings is for employment use, the second is with an element of residential use (live-work unit) and only as a last resort should residential re-use be considered. One live-work unit is not acceptable.

Comments in relation to the Listed Building Consent application

56. In principle from a Listed Building perspective I have no objections to the conversion of the barn and outbuildings which comprise a mid-late 19th century three bay timber framed barn and ranges of attached fletton brick outbuildings; all the buildings are roofed in corrugated asbestos cement sheeting. Whilst I do not support the planning application I do not consider there are any material issues that prevent granting the Listed Building Consent application albeit in the knowledge that if Members are minded to refuse the planning application the works cannot go ahead.
57. The location and form of the fences has been revised since the first submissions and is now acceptable and the only comment concerns the close boarded sections. It is not clear from drawing 05-45-13C if the fence between Units 3 and 4 is close boarded for the entire length or if it is only the section nearest the buildings. It would be preferable, as with the other fences to have the majority of the fence as post and rail, however this could be dealt with by condition. The detail at the junction between the close boarded fence and the lower post and rail fence would be improved if the higher fence ramped down to form a gradual curve rather than an abrupt angle; this could also be dealt with by condition.
58. Amendments have also been made to the door opening on Unit 1 & 2 and the glazing bars have been omitted from the gable windows in Unit 3. However the detail above the windows on the east elevation of Unit 4 has not been revised and the gable windows in Unit 3 still extend up to the top of the gable. These windows are still considered to be too fussy and should be simplified by forming a simple rectangular opening. Again, rather than seek further amendments it should be possible to condition these elements and seek a more satisfactory detail.
59. There is no objection in principle to the introduction of solar panels, however the proposed location on the south-west elevation would be very prominent in the street scene and would result in a domestic appearance that would detract from the simple character and appearance of this curtilage listed former agricultural building. If it is not practical to install the panels on an inner facing elevation, it may be possible to site them on the ground.

Conclusions

60. The Core Strategy and Development Control Policies DPD's have now been adopted by the District Council. A site visit is to be made by the members of Planning Committee to view the redundant agricultural buildings at Marshalls Farm so that they can take a view as to whether the buildings are worthy of conversion to residential use. Paragraph 4.23 of the Development Control Policies DPD concludes that "conversion for purely residential use will only be permitted as a last resort, particularly to secure the future of buildings of particular architectural quality or character". It is my consideration that the buildings are not of particular architectural quality and character to allow them to be converted to residential use in this instance. Since the permission granted to convert the barns into employment use five years

ago, it is considered that they have fallen into a worse state of disrepair than may have previously been the case, and are not of particular quality or character.

61. If Members consider that the buildings are of particular quality or character, then further thought needs to be given to the marketing of the site, which is considered to be inadequate on two matters. Firstly, that the marketing of the site did not last long (advertisements placed in newspapers only took place between February and August 2004), and secondly that this brief marketing undertaken now dates back to over three years ago and is therefore not up to date. It is my consideration that the marketing undertaken on the site is inadequate and that further marketing of the site would need to be undertaken to illustrate that that a business re-use of the buildings cannot take place.
62. In addition to the above, the adopted Core Strategy at Policy ST/7 notes that Conington is an 'infill-only' village, whereby residential development and redevelopment (within village frameworks) will be restricted to not more than two dwellings (and up to eight dwellings where it would lead to the sustainable recycling of brownfield land, bringing overall benefit to the village). The application site lies outside the village framework and proposes four dwellings on the site. Conington has been designated an 'infill-only' village as a result of its poor range of services and facilities.
63. It is considered that the application proposals constitute unsustainable development in the open countryside.
64. If Members are minded to approve the planning application there would be a policy requirement for 40% or more of the dwellings to be affordable. This would not apply to the live/work unit. If the applicant can demonstrate that there may be difficulties over delivery or management of small numbers of affordable houses, a financial contribution towards off-site provision may be acceptable.

Recommendations

65. I therefore recommend refusal of the planning application, for the reasons given below and approval of the Listed Building application subject to conditions referred to above and to other safeguarding conditions.

Reasons for refusal of the planning application:

1. The proposed residential use of the former agricultural barns is considered to be unacceptable as whilst the applicants have submitted a report stating that the buildings are structurally sound, it is considered that they are not of particular architectural quality or character to justify converting for residential use in preference to an employment use or as a subordinate part of a scheme for business use. The scheme is therefore contrary to Policy HG/8 and paragraph 4.23 of the Development Control Policies Development Plan Document 2007.
2. The proposed conversion of the barns is unacceptable, as insufficient information has been provided by the applicant's to illustrate the appropriate marketing of the site. In particular, there has been no recent marketing of the site (i.e. in the last 12 months). It is considered that the justification statements submitted to support the application are not sufficient to justify the proposed scheme, and the proposal is contrary to Policy HG/8 (1a) of the Development Control Policies Development Plan Document 2007.

3. The application proposals are considered to be inappropriate development in the open countryside that is contrary to Policy P1/2 of the Cambridgeshire and Peterborough Structure Plan 2003, which states that development will be restricted in the countryside unless the proposals can be demonstrated to be essential in a particular rural location. In addition, the application scheme does not accord with Policy HG/8 (1) of the Local Development Framework Development Control Policies DPD document, which explains that planning permission for the conversion of rural buildings for residential use will not generally be permitted, and that it will only be exceptionally granted where it has been demonstrated, having regard to market demand or planning considerations, that the site is inappropriate for any suitable employment use and that conversion for residential use will only be permitted as a last resort.

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- South Cambridgeshire LDF Core Strategy 2007
- South Cambridgeshire LDF Development Control Policies 2007
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning Files Reference S/0036/02/F and S/2463/06/F
- Listed Building files reference S/2464/06/LB and S/0035/02/LB
- Copy of appeal decision letter reference APP/W0530/A/05/1194497

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