

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6th August 2008

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

S/0836/08/F and S/0690/08/LB - CONINGTON
Conversion and Alteration of Barn and Outbuildings to 4 No. Live/Work Units with Attached Fences and Gates following Demolition of Building E at Marshalls Farm, Elsworth Road for Mr N Wright

Recommendation: Delegated approval
Date for Determination: 4th July 2008 (S/0836/08/F)
5th June 2008 (S/0690/08/LB)

Notes:

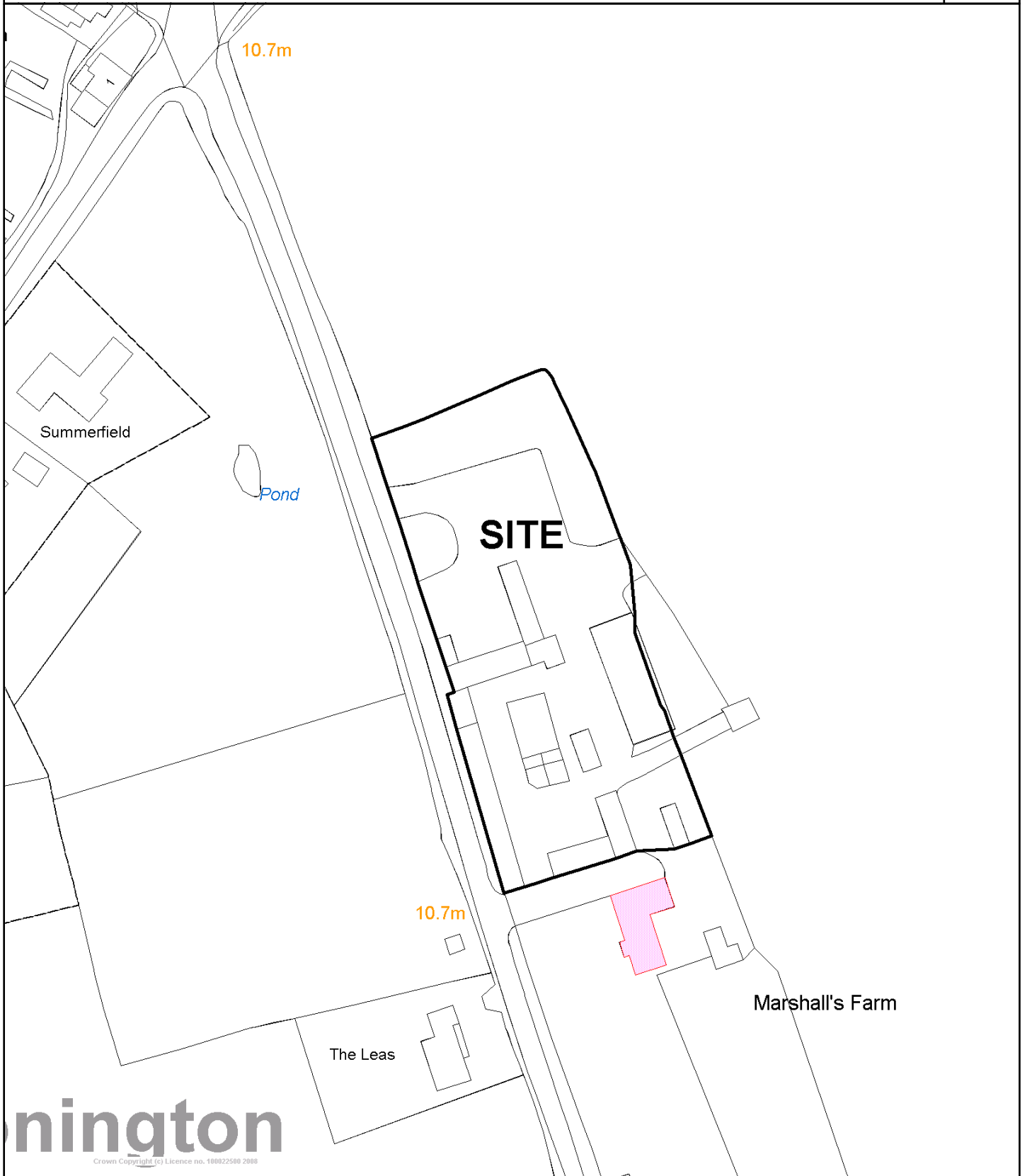
These applications have been reported to the Planning Committee for determination because the applicant is a District Councillor.

Site and Proposal

1. The application site lies to the east of Conington village, accessed from Elsworth Road. At the current time, the site comprises a former farmyard with surrounding farmland. There are a number of old barns and outbuildings that are curtilage listed 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. The site lies within Flood Zones 2 and 3.
3. The applications, submitted on 9th May 2008 (planning) and 10th April 2008 (LB), propose the conversion of the curtilage listed redundant farm buildings to create four live/work units. The scheme involves an element of demolition (240m²) and new build (90m²) and utilises an existing access point into the site from Elsworth Road. Units 1, 2 and 4 are single storey. Unit 3 is two storey. The mix is 1 x 2 bed, 2 x 3 bed and 1 x 4 bed. The units are each provided with a work space of approximately 40m².
4. Submitted with the application is a design and access statement, a planning and listed building consent statement, a report on potential conversion to office use, a marketing report, a flood risk assessment, a protected species survey and a structural condition survey.

Planning History

5. **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.



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6. **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.
7. **S/2463/06/F** – Conversion of barn and outbuilding into 3 dwellings and one live/work unit with attached fences and gates - withdrawn.
8. **S/2464/06/LB** – Alterations, restoration and conversion of barn and outbuildings to form 4 residential units with attached fences and gates and demolition of building E - withdrawn.

Planning Policy

South Cambridgeshire Local Development Framework 2007:

9. **HG/8 – Conversion of Buildings in the Countryside for Residential Use.**
 1. Planning permission for conversion of rural buildings for residential use will not generally be permitted. Planning permission will only exceptionally be granted where it can be demonstrated, having regard to market demand or planning considerations:
 - (a) Firstly it is inappropriate for any suitable employment use;
and
 - (b) Secondly it is inappropriate for employment with residential conversion as a subordinate part of a scheme for business re-use.
 2. Any conversion must meet the following criteria:
 - (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.
 3. Any increase in floor area will not be permitted except where it is necessary for the benefit of the 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.

4. 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.
 5. Residential conversion permitted as a subordinate part of a scheme for business re-use, will be secured by planning 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 40m² of definable functional workspace in addition to the residential element. Internal uses may be horizontally or vertically split. The workspace must be flexible, and capable of accommodating a range of employment uses.
10. Paragraph 4.23 states:
- PPS7: Sustainable Development in Rural Areas requires authorities to include policies setting out criteria for permitting conversion of rural buildings for residential uses. 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 a rural enterprise, often referred to as a live-work unit. This would be more sustainable, than a conversion for a purely 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.
11. **CH/3 – Listed Buildings** states that there is a presumption in favour of the retention and preservation of local materials and details on Listed Buildings and applications should be determined in accordance with legislative provisions and national policy.
12. **ET/7 – Conversion of Rural Buildings for Employment**
1. The change of use or adaptation of buildings (without extension) in the countryside for employment use will be permitted provided the following apply:
 - (a) The buildings are structurally sound;
 - (b) The buildings are not makeshift in nature and are of permanent, substantial construction;
 - (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.
 2. Any increase in floor area will be strictly controlled, and must be for the benefit of the design, or in order to better integrate the development with its surroundings. There will be a general presumption against future extensions of such buildings. Incidental uses such as car parking and storage should be

accommodated within the group of buildings, or on well related land where landscaping can reduce the visual impact of the new site.

3. Employment generated must be in scale with the rural location. Developments resulting in significant numbers of employees or visitors must only be located near to larger settlements or accessible by public transport, cycling, or walking. The cumulative impact of the conversion of a number of buildings on adjoining sites will also be considered.
13. **DP/1 – Sustainable Development** 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.
14. **DP/2 Design of New Development** requires all new development to be of a high quality design and indicates the specific elements to be achieved where appropriate. It also sets out the requirements for Design and Access Statements.
15. **DP/3 Development Criteria** sets out what all new development should provide, as appropriate to its nature, scale and economic viability.
16. **Policy NE/6 - Biodiversity** requires new developments to aim to maintain, enhance, restore or add to biodiversity. The District Council will refuse development that would have an adverse significant impact on the population or conservation status of protected species, priority species or habitat, unless the impact can be adequately mitigated by measures secured by planning conditions. 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. Development proposals will be expected to include measures that maintain and enhance important features whilst incorporating them within any development of the site.
17. **Policy NE/9 - Water and Drainage Infrastructure** indicates that planning permission will not be granted where there are inadequate water supply, sewerage or land drainage systems to meet the demands of the development unless there is an agreed phasing agreement between the developer and the relevant service provider to ensure the provision of necessary infrastructure.

Consultation

18. **Conington Parish Council** comments in relation to the Listed Building application:

“There was overwhelming support for the previous plans and as there have been no further comments approval is given for these plans.”
19. No comments have been received in relation to the planning application.

Environmental Protection Team Leader

20. “No development approved by this permission shall be commenced until:
 - (a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority.

- (b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation method statement) have been submitted to and approved in writing by the Local Planning Authority.
- (c) The works specified in the remediation method statement have been completed and a validation report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.
- (d) If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material should be agreed in writing by the Local Planning Authority."

Conservation Manager

21. "The scheme is very similar to the one that was previously proposed and withdrawn and in principle there is no objection to the conversion of the mid-late 19th century timber framed barn and early 20th century outbuildings. The buildings are curtilage listed and although of some historic interest they are of no great merit and therefore the proposed alterations will not have a significant impact on their character and appearance or on the setting of the grade II listed farmhouse. However there are some points that need to be addressed:

The solar panels are still located on the west elevation. In our comments of 14/08/07 it was suggested that they should be moved to the east elevation but if this is not practical they could perhaps be sited on the ground.

There are no stores for refuse bins, garden equipment etc and we would not wish to see garden sheds erected. Consideration should be given to this and if necessary the workspace units could be extended or adapted to provide some storage.

The fence between units 3 and 4 is shown as a 1.8m high boarded fence when all the others are post and rail. There is no reason why this has to be the case and a post and rail fence would be more appropriate.

Bound gravel would be more appropriate for the shared access than tar spray over chippings and the edging should be granite sets and not standard kerbs.

PD rights should be removed.

Conditions should include details of joinery, samples of slate, sample of stained weatherboarding confirmation of the colour of the paint for units 1, 2 & 4."

Environment Agency

22. The submitted Flood Risk Assessment is acceptable in principle.

It recommends conditions be imposed in relation to floor levels being set at least 300mm above the average surrounding ground level and submission of a scheme for the provision and implementation of Flood Proofing Measures, both to protect the development from flooding in extreme circumstances and a scheme for surface water drainage.

In addition it recommends a number of informatives.

Ecology Officer

23. "The protected species survey is dated February 2007. With regard to the previous withdrawn proposal I do not consider anything significant to have changed in the design with respect to potential impact upon biodiversity.
24. I feel that the previous comments of Natural England still to be relevant, in so far that they removed their objection but recommended conditions.
25. Conditions should be used to secure:
- (a) An update on the bat and barn owl survey immediately prior to development (given that a period of time has passed since the original survey).
 - (b) That compensatory measures will be provided for bats and barn owls.
 - (c) That no development will commence during the bird nest season.
26. If such conditions are worded properly and fully I have no objection to the development."

Local Highway Authority

27. No objections subject to conditions to require dimensioned car parking spaces, visibility splays, no unbound material used for the driveway, gates to be set back a minimum of 5m, access road to be a minimum of 5m for the first 15m with a 1.8m footway, restriction of discharge of surface water drainage onto the highway, marking out, surfacing and sealing of car parking bays, retention of car parking areas for parking and the provision of a bin collection point.

Representations

28. None received.

Planning Comments - Key Issues

39. The key issues to consider are:

The principle of the development
Impact on curtilage listed buildings and setting of Listed Farmhouse
Highway safety
Ecology
Flood Risk
Contamination

Principle

29. There are no specific policies in the Development Plan that consider the reuse of rural buildings for live/work units. However, policy HG/8 considers conversion to residential use and ET/7 conversion to employment (see above). The proposal should therefore be judged against these policies
30. Looking at the criteria in Policy ET/7 I am satisfied that the buildings are structurally sound. The structural condition survey submitted with the application concludes that: "the conversion of the farm buildings...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". I am mindful that the buildings have been granted planning permission for conversion to employment use in 2002, although this permission has now lapsed.

31. In order to ensure that the information in the survey is accurate, however, and to take account of the need for a more detailed examination (the report indicates that some more detailed consideration will be necessary for example to determine which timbers may need to be replaced due to woodworm damage) it will be necessary to impose a condition requiring a detailed schedule of works to the buildings to be submitted prior to development commencing.
32. Should a more detailed analysis reveal that more significant works are required such that replacement buildings are necessary a new planning application would be required to consider this and would be judged against national and local policies that do not preclude the replacement of buildings in the countryside in principle.
33. For similar reasons to the above I do not consider the buildings to be makeshift in nature and they are of permanent and substantial construction.
34. The proposed elevational treatment shows a scheme that is sympathetic to its setting such that it demonstrates the buildings are capable of re-use without materially changing their existing character or impact upon the surrounding countryside. I note, however, the comments of the Conservation Manager in relation to some minor changes that are felt necessary to ensure the scheme fully respects its historic setting.
35. The form bulk and general design are typical of a courtyard farm setting and I consider are in keeping with their surroundings.
36. There is an element of new build following demolition but this amounts to a net decrease in floor area and is not therefore of concern.
37. The development will not attract significant numbers of employees and therefore it is not required to be located near to larger settlements or accessible by public transport, cycling or walking. The nature of the scheme as live/work should reduce the number of vehicle movements normally associated with a solely employment site.
38. I conclude that the site is appropriate for employment use and conforms with the criteria set out in Policy ET/7.
39. With regard to Policy HG/8, this considers the conversion to solely residential use and states that this will not generally be permitted and is to be considered as a last resort, particularly to secure the future of buildings of particular architectural quality or character. It states that the first preference for re-use is employment but "if this cannot be achieved the second preference is for a residential unit directly tied to operation of a rural enterprise, often referred to as a live-work unit" [paragraph 4.23 – see above]. Whilst I have already concluded that employment re-use is acceptable the applicant must demonstrate why this cannot be achieved.
40. The applicant contends that there is no market for an employment use and that to convert the buildings in this way is economically unviable.
41. The evidence upon which the market assertions are based is not in my opinion compelling. A 'To Let' sign was erected on the buildings in October 2003 and again in January 2004. A board visible from the A14 was up for 12 months and 8 press adverts were published over a 4 month period in 2004. The details have, until August 2006, been available on the agents website. All of this generated 16 responses between Feb 2004 and August 2006 the details of which do not indicate any serious enquiries. I would have preferred to see a more thorough 12 month marketing campaign but I do not disagree with the agents that the market has slowed for such premises over the last couple of years and I do not doubt that this combined with the costs of conversion and the likely low returns (detailed in the submitted reports) make a solely employment scheme difficult to achieve.

42. I do not consider that these factors would justify a purely residential scheme. The previous, now withdrawn applications, for residential conversion were to be recommended for refusal due to the lack of certainty that solely employment use could not be achieved.
43. I therefore consider that, on balance, live-work units, as a second preference are acceptable in principle.
44. Turning to the remaining tests in Policy HG/8 these are broadly similar to those for conversion in ET/7 and the arguments are discussed above.
45. With regard to the sustainability issues. The site is poorly served in terms of its location, the availability of alternative methods of transport and lack of facilities but I consider the benefits of bringing the home and the work place being together will to some extent counter this especially when having regard to the likely number of vehicle movements that could be associated with a solely employment use.
46. I therefore conclude that the principle of a scheme for the conversion of the buildings to live-work units complies with the relevant policies of the development plan in principle.

Listed Building impact

47. I note the support for the scheme from the Conservation Manager but I feel that the suggested changes should be required and that this should be considered prior to any planning permission being granted. I am also mindful of the suggestions of the Environment Agency in relation to floor levels. This has the potential to impact on the physical conversion works and I would need to be satisfied that this would not result in any conflict with the historical factors of the conversion. To this end I would like to visit the site with the Conservation Manager to further consider this detail. If Members are minded to approve the application I would request that the decision be delegated to officers in light of the need for this further examination and be subject to the satisfactory resolution of these issues.

Highway safety

48. I note the comments of the Local Highway Authority. Provided the suggested conditions are imposed I do not consider the scheme to be unacceptable in relation to highway safety.
49. I am satisfied that the scheme provides sufficient parking for the use.

Ecology

50. I note the support from the Ecology Officer but again conditions are necessary to ensure that the relevant biodiversity issues are satisfactorily addressed.

Flood Risk

51. The Environment Agency is satisfied with the Flood Risk Assessment and subject to the satisfactory resolution of its requirements with the historic factors appropriate conditions can ensure that the development does not represent an unacceptable flood risk.

Contamination

52. I note the comments of the Environmental Protection Team Leader. Adequate conditions will ensure that any potential contamination is not a concern for the future occupiers of the site.

Recommendation

53. Delegated approval subject to further consideration of the comments of the Conservation Manager and the Environment Agency and subject to the following condition to ensure the interdependent links between the residential and employment elements of the use and to conditions requested by the Conservation Manager, the Ecology Officer, the Local Highway Authority, the Environment Agency and the Environmental Protection Team Leader as appropriate for the planning and listed building applications:
1. At least one member of the household of each live-work unit, hereby permitted, shall, in association with and for the duration of, the residential occupation of that unit, occupy the defined employment space for that unit, as shown on plans reference 05-45-11 rev. F and 05-45-14 rev. B, as their sole or principal place of work. The employment spaces shall not be used for any purpose other than employment in association with the corresponding residential occupation of each unit.

Background Papers:

- Planning Application Files Ref S/0836/08/F, S/2463/06/F and S/0036/02/F
- Listed Building Consent Application Files Ref. S/0690/08/LB, S/2464/06/LB and S/0035/02/LB
- South Cambridgeshire Local Development Framework Development Control Policies Development Plan Document 2007

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