

Development Management Delegated Decision Report

«Apn_Number»



SUMMARY OF APPLICATION				
Application Reference	B/20/0303			
Application Type	Prior Notification under Part 3 - Use Classes			
Proposal	Prior notification for the proposed change of use of agricultural building to a flexible commercial use			
Location	THE MILL FARM, Wigtoft Road, Sutterton, Boston, Lincolnshire, PE20 2EL			
Applicant	F. Craven & Sons Limited			
Agent	Robert Doughty Consultancy			
Received Date:	14-Aug-2020	Consultation Expiry Date:	15-Sep-2020	
Valid Date:	14-Aug-2020	Statutory Expiry Date:	09-Oct-2020	
Date of Site Visit:	27-Aug-2020	Extension of Time Date:		
Objections received?	No			
5 day notification record:				
	Councillors notified	Date	Response received – date	Ok to continue
Recommendation	Prior approval required and given			
Report by:	Emma Dennis			
Date:	17/09/2020			



OFFICER REPORT

SITE AND SURROUNDINGS:

The application site is located on the northern side of Wigtoft Road, Sutterton and forms part of an agricultural unit.

DETAILS OF PROPOSAL:

It is proposed to change the use of an agricultural building to a flexible commercial use. The proposed use is to be used as a distillery using potato waste from the farm.

RELEVANT HISTORY:

B/01/0453 Erection of general purpose glasshouse
Granted – 06/09/2001

B/06/0552 Two storey and single storey rear extension
Granted – 21/09/2006

B/08/0215 Erection of agricultural store
Granted – 27/05/2008

B/11/0396 Construction of a two storey extension to provide ground floor garaging and boot room with first floor games room above.

B/18/0485 Prior notification for a proposed open sided extension to existing potato store
PA Given – 04/01/2019

RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:

The South East Lincolnshire Local Plan is not a consideration when determining this type of application.

However, the National Planning Policy Framework (2019) (NPPF) should be used when making a decision on this type of application but only in regards to the following criteria;

- Transport and highways impacts of the development,
- Noise impacts of the development,
- Contamination risks on the site
- Flooding risks on the site

CONSULTATION RESPONSES:

Sutterton Parish Council has discussed the above application and has no objections.

THIRD PARTY REPRESENTATIONS RECEIVED:

No third party representations have been received.

EVALUATION:

It needs to be established whether the proposed change of use would fall within the parameters of Class R, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Class R allows for development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a flexible use falling within Class A1 (shops), Class A2 (financial and professional services), Class A3 (restaurants and cafes), Class B1 (business), Class B8 (storage or distribution), Class C1 (hotels) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order.

Development not permitted: Development is not permitted by Class R where:

- (a) the building was not used solely for an agricultural use as part of an established agricultural unit—
 - i. on 3rd July 2012;
 - ii. in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
 - iii. in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;
- (b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 500 square metres;
- (c) the site is, or forms part of, a military explosives storage area;
- (d) the site is, or forms part of, a safety hazard area; or
- (e) the building is a listed building or a scheduled monument.

The site history shows that the building relating to this application is located within the large agricultural site with several farm buildings and glasshouses. It is stated that the building is now surplus to requirements due to its size and design and it is not, or part of, a military explosives storage area or safety hazard area and the building is not listed or a scheduled ancient monument. The cumulative floor space proposed to be changed would not exceed 500 square metres.

Therefore the proposals would appear to comply with the aforementioned criteria.

Permitted development under Class R is granted, subject to a series of conditions, these are set out below.

Conditions: Class R development is permitted subject to the following conditions set out in R.2:

- (a) a site which has changed use under Class R may, subject to paragraph R.3, subsequently change use to another use falling within one of the use classes comprising the flexible use;
- (b) for the purposes of the Use Classes Order and this Order, after a site has changed use under Class R the site is to be treated as having a sui generis use;
- (c) after a site has changed use under Class R, the planning permissions granted by Class G of Part 7 of this Schedule apply to the building, subject to the following modifications—
 - i. “curtilage” has the meaning given in paragraph X (interpretation) of this Part;
 - ii. any reference to “office building” is to be read as a reference to the building which has changed use under Class R.

These conditions are noted and would apply automatically to any development within this class.

In addition, under Class R, the developer must seek prior approval from the local planning authority, the considerations of which are influenced by the floorspace proposed.

The cumulative floor space of the building exceeds 150 square metres and therefore the prior approval of the authority is required as to:

- Transport and highways impacts of the development: The proposed building has been used for storing farming equipment and it is considered that due to the small scale of the proposed business the level of increased traffic would not significantly impact the level of traffic on or leaving the site. It has been assessed that there is good visibility leaving the site in both directions and marked parking spaces within the application site to accommodate the extra vehicles this sole business will bring.
- Noise impacts of the development: Considering the existing use of the site and with the subject building being in the middle of the farm, the use proposed will not generate any noise more detectable over the existing noise found within a large working farm. The barns surrounding the subject building will act as a noise bund and ensure that it will not be detrimental to residential amenity.
- Contamination risks on the site: It has been assessed during the site visit and a constraint search that due to the concrete floor on the subject building and the access to the farmyard and leading up to the building there will not be any risk of contamination to the proposed use. It has been confirmed that the use of agricultural chemicals are strictly controlled and stored in accordance with regulations so it is considered that there will be no contamination risk to the proposed use.
- Flood risks on the site: The application site lies within Flood Zone 3 and even though the existing use and proposed use both fall within the same vulnerability class the Environment Agency's appropriate mitigation is to ensure the finished floor levels are should be raised as high as practicable (minimum 300mm above the existing ground level). The Environment Agency recommends that appropriate mitigation measures/flood resilience techniques are incorporated into the development.

Given all of the aforementioned, it is considered that the proposals would be acceptable in relation to the effects identified above. As such, it is considered that the proposals are compliant with the legislation, and as such, prior approval is required and is granted.

RECOMMENDATION: Prior approval required and given

The works must be undertaken in accordance with the details submitted as part of this notification and in compliance with the requirements set out within Class R of Part 3 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

Most notably the development must be begun within 3 years of the date of this Notice.