

Development Management Delegated Decision Report

B/22/0160



SUMMARY OF APPLICATION			
Application Reference	B/22/0160		
Application Type	Prior Notification under Part 3 - Use Classes		
Proposal	Application for Prior Approval under Schedule 2, Part 3, Class Q for the conversion of a former Agricultural Barn into a single dwelling house including necessary alterations		
Location	Agricultural barn to the west of Seadyke Road, Kirton, Boston, PE20 1QE		
Applicant	Mr J Cheer, A E Cheer Ltd C/O Origin Design Studio Ltd		
Agent	Mr Michael Orridge, Origin Design Studio Ltd		
Received Date:	08-Apr-2022	Consultation Expiry Date:	06-May-2022
Valid Date:	08-Apr-2022	Statutory Expiry Date:	03-Jun-2022
Date of Site Visit:	05-May-2022	Extension of Time Date:	16-June-2022
Objections received?	Yes		
5 day notification record:			
Councillors notified	Date	Response received – date	Ok to continue
N/A	N/A	N/A	N/A
Recommendation	Prior Approval Required and Given		
Report by:	Charlie Parry		
Date:	01-Jun-2022		

OFFICER REPORT

SITE AND SURROUNDINGS:

The site to which the application relates is an agricultural barn located to the west of Seadyke Road. The site is located within the open countryside as it falls outside of a recognised settlement boundary, in accordance with Policy 1 of the SELLP. The existing barn benefits from an access and is surrounded by an agricultural field. The existing materials include a mix of brick and cladding to the walls. The roof is also made from cladding and is pitched.

DETAILS OF PROPOSAL:

The application seeks a determination as to whether the prior approval of the Local Planning Authority is required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)



for the change of use of an agricultural building to a dwelling house. The proposal is for determination of whether or not prior approval is required as to:

- a) transport and highways impacts of the development,
- b) the noise impacts of the development,
- c) Contamination risks on the site,
- d) flooding risks on the site,
- e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order,
- f) the design or external appearance of the building, and
- g) the provision of adequate natural light in all habitable rooms of the dwelling house.

The applicant proposes one large residential dwelling with four bedrooms. The applicant proposes 3 parking spaces and some outdoor amenity space to the south of the property.

RELEVANT HISTORY:

No relevant planning history

RELEVANT LEGISLATIONS AND DOCUMENTS:

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) Schedule 2, Part 3, Class Q – agricultural buildings to dwelling houses.

National Planning Policy Framework

CONSULTATION RESPONSES:

Building Control

No comments

Environmental Health

No objections in principle but request a Electrical Vehicle Charging Point to be installed.

Environment Agency

29-Apr-2022

Object to the grant of planning permission for the following reason:

The FRA submitted with this application (J1867 Revision A01 – April 2022 by Origin Design Studio Ltd) does not comply with the requirements set out in the Planning Practice Guidance, Flood Risk and Coastal Change section, paragraph 030. It does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

31-May-2022

We have reviewed the FRA and consider that it satisfactorily addresses our earlier concerns. It now correctly references the potential flood depths in case of a breach during a 0.1% annual probability event, with allowance for climate change. It proposes raising all sleeping accommodation above this depth and the remaining living

accommodation by 1.0m. Although the latter will not be above the extreme 0.1% breach scenario flood level it will be at or above the 0.5% scenario level.

The amended plans reflect the recommendations of the amended FRA.

Subject to the condition below, we therefore **withdraw** our previous objection, dated 29 April 2022.

Lincolnshire County Council (*Local Highway and Lead Local Flood Authority*)
Does not wish to restrict the grant of permission.

Internal Drainage Board

The Board has received the above planning application and has the following comments:

Rainfall Runoff

Due to the nature of the application, a method of surface water discharge has not been stated. Whilst it is appreciated that there may be existing infrastructure, the local planning authority must be satisfied that any existing systems function adequately for the lifetime of the development.

If there is an existing discharge from the site into any adjacent watercourse, then the prior written consent of the Board required for any additional impermeable area to be drained.

If the applicant intends to discharge surface water via soakaways, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code. Evidence that soakaways are suitable for the development should be submitted to the local planning authority for approval. Consent will not be required from the Board.

Full details of any surface water schemes for the proposed development should be submitted to the local planning authority for consideration and approval.

Disposal of Foul or Dirty Water

As above, no method of foul water discharge appears to have been stated.

The discharge of foul or dirty water direct into any watercourse is strictly prohibited.

If foul water from the development is to be discharged via package or bio-treatment units then the applicant has the following options:

1. If the final discharge is to any watercourse, then the Boards prior written consent is required. Consent may also be required from the Environment Agency.

2. If the discharge is to soakaways, then any soakaways or infiltration systems should be designed and proved in accordance with BRE Digest 365 or other approved code, and the applicant will be expected to provide the local planning authority with evidence that soakaways are suitable for the site.

Filling in or Culverting Watercourses

There is believed to be an open and piped watercourse on the east boundary of the site.

The applicant is reminded that within common law, the ownership and maintenance responsibility for any watercourse, and any structures within, lies with the adjacent landowners. Where a section of watercourse lies wholly within a land or property boundary, or lies alongside a highway, then the land or property owner is considered wholly responsible for the ownership and maintenance of that section of watercourse and any structures within.

If the applicant plans to replace any existing, or construct any new, structures within any watercourse bounding the site, then under Section 23 of the Land Drainage Act 1991, the prior written consent of the Board is required for any proposed permanent or temporary works or structures, within any watercourse, including infilling or diversion.

THIRD PARTY REPRESENTATIONS RECEIVED:

There has been one objection as a result of the consultation process, their comments are summarised below:

- There would be a significant increase in traffic which would be inappropriate for Steadyke Road
- There would be an unacceptable impact on noise as a result of the demolition and building work
- There would be dust disturbance
- There's a contamination risk as it used to be used for chemical storage.
- There is a flood risk concern
- The location of the site is impractical as there are no amenities or facilities within walking distance. There are no footpaths or street lights either.
- It would not look appropriate, and would look more like an industrial unit rather than residential.
- There would be an invasion of privacy to the properties from across the road
- There would be a lack of light provision to the bedrooms
- There would be an adverse impact on wildlife, in particular on owls

EVALUATION:

Class Q of the GPDO permits the change of use of a building and any land within its curtilage from a use as an agricultural building to a dwelling house, together with building operations reasonably necessary to convert the building.

The first test therefore when assessing whether a proposal complies with Class Q is to ensure that the building is capable of conversion and that the scheme does not involve rebuilding or fresh build elements.

The applicant proposes to replace the cladding to the walls and roof and install windows/doors to provide natural light. The cladding would be like for like which is in accordance with the requirements of the NPPF. Building control have been consulted and raised no objections to the proposed development. There is no evidence at this time to suggest that the building is not structurally capable of conversion.

Following this, there are a range of criteria that must be met in order to comply with the requirements of Class Q. These are set out below, along with an evaluation of the scheme against each point.

Development not permitted Q.1 Development is not permitted by Class Q if -	Evaluation
a) the site was not used solely for an agricultural use as part of an established agricultural unit— (i) on 20th March 2013, or (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 site which was brought into use after 20th March 2013, for a period of at least 10 years before the date development under Class Q begins;	Criteria met. There is no evidence that the building was not in use as an agricultural building on the 20th March 2013.
(b) in the case of— (i) a larger dwellinghouse, within an established agricultural unit— (aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or (bb) the cumulative floor space of the existing building or buildings changing use to a larger dwellinghouse or dwellinghouses under Class Q exceeds 465 square metres; (ba) the floor space of any dwellinghouse developed under Class Q having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 465 square metres;	Criteria met. There is one larger dwelling house as a result of the proposed scheme and does not exceed 465 square metres.
(c) in the case of— (i) a smaller dwellinghouse, within an established agricultural unit— (aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or (bb) the floor space of any one separate smaller dwellinghouse having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeds 100 square metres;	Not applicable. No smaller dwelling houses proposed.
(d) the development under Class Q (together with any previous development under Class Q) within an established agricultural unit would result in either or both of the following— (i) a larger dwellinghouse or larger dwellinghouses having more than 465 square metres of floor space having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; (ii) the cumulative number of separate dwellinghouses having a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order exceeding 5;	Criteria met. The proposed dwelling does not exceed 465 square metres of floorspace. No previous developments on the agricultural unit under Class Q are identified.
(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;	Not applicable. Application form confirms no tenant.

<p>(f) less than 1 year before the date development begins—</p> <p>(i) an agricultural tenancy over the site has been terminated, and</p> <p>(ii) the termination was for the purpose of carrying out development under Class Q, unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;</p>	<p>Not applicable.</p> <p>Application form confirms no tenant in the past year.</p>
<p>(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit—</p> <p>(i) since 20th March 2013; or</p> <p>(ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins;</p>	<p>Not applicable.</p> <p>No works carried out under Part 6 since 20th March 2013.</p>
<p>(h) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;</p>	<p>Criteria met.</p> <p>At no point does the proposed dwelling extend beyond the external dimensions of the agricultural building.</p>
<p>(i) the development under Class Q(b) would consist of building operations other than—</p> <p>(i) the installation or replacement of—</p> <p>(aa) windows, doors, roofs, or exterior walls, or</p> <p>(bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and</p> <p>(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);</p>	<p>Criteria met</p> <p>The alterations as proposed (installation of windows and doors as well as replacement cladding) are reasonably necessary for the building to function as a dwellinghouse.</p>
<p>(j) the site is on article 2(3) land;</p>	<p>Criteria met.</p> <p>Site is not on article 2(3) land.</p>
<p>(k) the site is, or forms part of –</p> <p>(i) a site of special scientific interest;</p> <p>(ii) a safety hazard area;</p> <p>(iii) a military explosives storage area;</p>	<p>Criteria met.</p> <p>Site is not on land that forms part of a SSSI, safety hazard area or military explosives storage area.</p>
<p>(l) the site is, or contains, a scheduled monument;</p>	<p>Criteria met.</p> <p>Site is not and does not contain a scheduled monument.</p>
<p>(m) the building is a listed building.</p>	<p>Criteria met.</p> <p>The building is not listed.</p>

Under Q.2, the local planning authority is required to determine as to whether the prior approval of the authority will be required as to—

- a) transport and highways impacts of the development,
- b) noise impacts of the development,
- c) contamination risks on the site,
- d) flooding risks on the site,
- e) whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, and
- f) the design or external appearance of the building, and
- g) the provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(a) Transport and Highways

The site benefits from existing access, which is considered to be suitable and the visibility is good in all directions. There is an objection in relation to Seadyke Road being too narrow and an increased amount of traffic. This is noted however the road is suitable for the existing residential properties and the addition of one more is not considered to have an adverse impact. There are three proposed parking spaces which is adequate for the proposed 4 bedroom property. The Highways Department have been consulted and raise no objections on transport or highway impacts.

The proposal is acceptable in this respect.

(b) Noise Impacts

The building is located relatively close to the nearby residential properties across the road. There has been an objection in relation to noise pollution as a result of demolition and construction. The proposed development would involve little demolition with the bricked lower half of the building remaining. In addition, the proposal is unlikely to result in a significant impact on the neighbouring properties in terms of noise. This is due to the proposed dwelling being a sufficient distance from them and there is minimal development required to convert the building. Additionally, the site is within the open countryside where background noise is low. Furthermore, Environmental Health have raised no objection to the proposal, including in terms of noise impacts.

The proposal is acceptable in this respect.

(c) Contamination Risk on Site

Any contamination risk would be associated with its previous agricultural use. The objection refers to contamination issues as concern regarding chemicals being stored on site. However, Environmental Health have raised no issues with such. The building may contain asbestos, however, the developer would be required to comply with the Control of Asbestos Regulations 2012. A condition can be attached to any permission in relation to contamination risks.

(d) Flood Risk

The application site is located within Floodzone 3 and therefore a flood risk assessment is required with appropriate mitigation measures in place. As the building is unsuitable for a two-storey dwelling the applicant has proposed mitigation measures in order to make ground floor sleeping accommodation acceptable. This means that all the bedrooms will be set at 1.5m above existing ground level and the other habitable rooms would be 1m above ground level. Furthermore, resilient construction will be installed to a height 300mm above the predicted flood depth, and demountable defences to 600mm above floor level. The Environment Agency have withdrawn their objection following the revised Flood Risk Assessment and have recommended a condition is attached to the decision notice. Subject to this it is considered to be acceptable in respect of this.

(e) Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change to a dwellinghouse

The proposed conversion would make more effective use of a dis-used agricultural building which appears to be generally structurally sound. The proposed layout provides a good standard of accommodation and the building is well-sited in relation to the access point. The building will have an acceptable impact on the neighbouring properties and the character and appearance of the surrounding area. It would also not be affected by any type of harmful activities such as commercial and agricultural uses. The applicants/developer also have obligations under the Wildlife and Countryside Act to ensure that no harm results to protected species/habitats.

The proposal is acceptable in this respect.

(f) The design or external appearance of the building

The building is constructed from a concrete portal frame and has a concrete floor and concrete walls at low level. The proposal would retain the structure and will be insulated on the inside. The existing cladding will be replaced with new like for like cladding. The only changes required will be the installation of new windows and doors, some of which will be within the existing openings. Overall, the character of the building will not be affected. The objection comment raises concern with the design however the design is considered to be acceptable when considered in accordance with the NPPF.

Overall the development is considered acceptable in this respect.

(g) The provision of adequate natural light in all habitable rooms of the dwellinghouses

The habitable rooms of the building are served by windows.

The proposal is acceptable in this respect.

CONCLUSION:

It is considered that the proposed development would be in accordance with relevant provisions of Class Q of Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order, 2015 (as amended). For the reasons discussed above, it

is considered that prior approval is required for the matters set out in Q.2(1)(d) & (f), and granted and conditions are imposed in respect of such.

RECOMMENDATION:

Prior approval required and granted, subject to conditions.

CONDITIONS / REASONS	
Pre-commencement conditions?	No Agreed with applicant/agent - Date: N/A
1.	<p>The development must be completed within a period of 3 years starting with the date of this notice.</p> <p>Reason: To comply with the requirements of Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.</p>
2.	<p>The development shall be carried out in accordance with the details provided in this application. These are as follows:</p> <ul style="list-style-type: none"> - Proposed Block & Site Plan, Drawing No. J1883-SCH-20, Received 24-May-2022 - Proposed Roof and Floor Plans, Drawing No. J1883-SCH-21, Received 24-May-2022 - Proposed Elevations 1 of 2, Drawing No. J1883-SCH-22, Received 24-May-2022 - Proposed Elevations 2 of 2, Drawing No. J1883-SCH-23, Received 24-May-2022 <p>Reason: For the avoidance of doubt and to ensure that the development complies with the requirements of Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 and Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036).</p>
3.	<p>The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) reference J1883, A02, dated April 2022 completed by Origin Design Studio Limited and the following mitigation measures detailed within the FRA:</p> <ul style="list-style-type: none"> • Finished floor levels of habitable accommodation to be set no lower than 4.0m above Ordnance Datum (AOD), equivalent to 1.0m above existing ground level • All bedrooms to be located on a safe refuge floor set no lower than 4.5m AOD, 1.5m above existing ground level • Flood resilience and resistance measures to be incorporated into the proposed development as stated <p>The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.</p> <p>Reason: To reduce the risk of flooding to the proposed development and future occupants.</p>

4.	<p>If, during development, contamination is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority.</p> <p>Reason: To ensure all contamination within the site is dealt with in accordance with Policy 30 of the South East Lincolnshire Local Plan 2011-2036.</p>
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INFORMATIVES / NOTES TO BE INCLUDED ON/WITH DECISION NOTICE

STATEMENT OF PROACTIVE WORKING:

In determining this application, the authority has taken account of the guidance in paragraph 38 of the National Planning Policy Framework 2021 in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough.

1.	<p>As you are aware, the discharge and enforcement of planning conditions rests with your authority. You must therefore be satisfied that the proposed condition meets the requirements of the 6 tests in paragraph 56 of the National Planning Policy Framework. Further guidance on the 6 tests is provided in the planning practice guidance (https://www.gov.uk/guidance/use-of-planning-conditions).</p> <p>The required floor levels of 4.0m AOD and 4.5m AOD, equivalent to the recommendations in the FRA (1.0m and 1.5m above ground), are based on a site level estimated using our mapping system.</p> <p>Due to the residual flood risk and danger posed of the dwelling being subject to internal flooding and becoming isolated by surrounding flood waters, it is advised that a flood warning and evacuation plan is produced for the development to address the residual risks of flooding at the site and to confirm the approach that will be taken for safe evacuation of the area.</p>
2.	<p>The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb or contact vehiclecrossings@lincolnshire.gov.uk</p>
3.	<p>Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance</p>

	<p>please visit our website via the following links:</p>
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	<p>Traffic Management - https://www.lincolnshire.gov.uk/traffic-management</p>
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	<p>Licences and Permits - https://www.lincolnshire.gov.uk/licences-permits</p>
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