

Committee Report

Committee Date: 03 May 2017

Item No: 1

Reference: 4968/16
Case Officer: Ruth Bishop

Description of Development: Notification for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development.

Location: Land to the rear of 1 Red Houses, All Saints Road, Creeting St Mary

Parish: Creeting St Mary

Ward: The Stonhams

Ward Member/s:

Site Area:

Conservation Area: No

Listed Building: None

Received: 15/12/2016

Expiry Date: 28/04/2017

Application Type: PAA: Agricultural bldg to dwellinghouse

Development Type: Other

Environmental Impact Assessment:

Applicant: Mrs P Ivatt

Agent:: Hollins Architects & Surveyors

DOCUMENTS SUBMITTED FOR CONSIDERATION

List of applications supporting documents and reports

Defined Red Line Plan:

The defined Red Line Plan for this application is the Location Plan at scale 1:1250 on drawing 16208 2 received 15th December 2016 only. This drawing is the red line plan that shall be referred to as the defined application site. Any other drawings approved or refused that may show any alternative red line plan separately or as part of any other submitted document have not been accepted on the basis of defining the application site.

Plans and Documents:

Application Form received 15/12/2016.

CIL Forms received 15/12/2016.

Design & Access Statement 15/12/2016.

Land Contamination Questionnaire received 15/12/2016.

Enviroscreen report by Argyll received 03/01/2017.

Speed Survey results received 20/03/2017.

Drawing 16208 1 Agricultural Building Conversion – Prior Notification received 15/12/2016.

Drawing 16208 2 Proposed Plan, Elevations & Location Plan received 15/12/2016.

The application, plans and documents submitted by the Applicant can be viewed online at www.midsuffolk.gov.uk via the following link:

<http://planningpages.midsuffolk.gov.uk/online-applications/>

Alternatively, a copy is available to view at the Mid Suffolk and Babergh District Council Offices.

SUMMARY

The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The officers recommend approval of this application. The proposed development represents sustainable development that would not harm the surrounding landscape, highway network, neighbour amenity or biodiversity.

PART ONE – REASON FOR REFERENCE TO COMMITTEE

The application is referred to committee for the following reason/s:

- Councillor Morley, a Member of the Council, has requested that the application is determined by the appropriate Committee and the request has been made in accordance with the Planning Charter or such other protocol / procedure adopted by the Council. The Member's reasoning is included in the agenda bundle.

PART TWO – APPLICATION BACKGROUND

This section details history, policies, advice provided, other legalisation and events that form the background in terms of both material considerations and procedural background.

History

2. 3297/15 Erection of farm manager's dwelling and garage with construction of vehicular access to All Saints Road. (This new dwelling and access is located approximately

opposite the existing access to the barn that is the subject of this application.)

Details of Previous Committee / Resolutions

3. None

Details of Member site visit

4. None

Details of any Pre Application Advice

5. None

PART THREE – ASSESSMENT OF APPLICATION

Consultations

6. Summary of Consultations

Creting St Mary Parish Council – Support this application.

Suffolk County Council - Highways – Object due to highway safety.

MSDC - Environmental Health - Land Contamination- No objection.

Representations

7. Summary of neighbour and other representations

None received.

The Site and Surroundings

8. The site is located at the north end of Creting St Mary, off All Saints Road, the main road which runs through the village. There is a row terraced and detached dwellings on the south side of the road, and the site access is a track that runs down the side of the last dwelling in the row. The track provides vehicle access to the rear of several terraced properties, access to the barn that is subject to this application, access to paddocks, and access to agricultural fields. Nearby, on the opposite side of the road is Whissel's Farm, which consists of a large collection of agricultural buildings. The barn is located within a large fenced area. The barn has a high, red brick plinth with a timber frame walls above clad in black horizontal timber boarding. Internally the walls are concrete block and the roof is clad in profile sheeting. The barn is surrounded by paddocks and open countryside to the west, south and east, with the terraced houses to the north.

The Proposal

9. Please note details of the proposed development including plans and application

documents can be found online.

10. The application seeks Class Q Prior Approval to be granted for the agricultural barn to be converted into a dwelling. The proposed dwelling has two bedrooms, a small study, snug, utility, and open plan kitchen-dining-living area. The barn proposed for conversion is approximately 14.7 x 10.7 metres in size, and as per the restrictions of Class Q does not extend beyond the existing building's envelope.
11. The proposed new dwelling is a single storey high, and relatively modest in size and scale. The proposal results in a traditional, attractive barn conversion that enhances the immediate area.

NATIONAL PLANNING POLICY FRAMEWORK

12. The National Planning Policy Framework (NPPF) contains the Government's planning policies for England and sets out how these are expected to be applied. Planning law continues to require that applications for planning permission are determined in accordance with the Development Plan unless material considerations indicate otherwise. The policies contained within the NPPF are a material consideration and should be taken into account for decision-making purposes.

CORE STRATEGY

13. As this application relates to a prior notification under the Permitted Development Order, local policies are not relevant. Please see the assessment section of this report.

NEIGHBOURHOOD PLAN / SUPPLEMENTARY PLANNING DOCUMENTS / AREA ACTION PLAN

14. As this application relates to a prior notification under the Permitted Development Order, local policies are not relevant. Please see the assessment section of this report.

SAVED POLICIES IN THE LOCAL PLAN

15. (As this application relates to a prior notification under the Permitted Development Order, local policies are not relevant. Please see the assessment section of this report.

Main Considerations

Legislative background – Class Q Prior Approval Notifications

16. As of 6th April 2014 development consisting of a change of use of an agricultural building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) is permitted development under Schedule 2, Part 3, Class MB of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GDPO).
17. In April 2015 the GDPO was consolidated to The Town and Country (General Permitted Development) Order 2015. Under Article 3, Schedule 2, Part 3 Class Q permits agricultural buildings to dwellinghouses and replaces class MB.

18. Developers are required to apply to the Local Planning Authority for determination as to whether prior approval 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; and
 - e) Whether the location or siting of the building makes it otherwise impractical or undesirable for the change of use.
 - f) the design or external appearance of the building,
19. As part of their assessment the Local Planning Authority is required to determine whether the proposed development complies with any conditions, limitations or restrictions specified within the relevant regulations as being applicable to the development in question.

Limitations of Class Q

20. Assessment of Class Q is restricted to the provisions of that class and Part W of the Town and Country Planning (GPDO) Order 2015 as amended. This includes the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014.
 - (a) The building is in use and full of agricultural vehicles and machinery.
 - (b) It is noted that the existing floor space of the building to be converted is under 450sqm.
 - (c) The total number of dwelling created is one.
 - (d) The applicant has declared that the land is not occupied under an agricultural tenancy agreement.
 - (e) The applicant has declared that no agricultural tenancy has been terminated in the last year.
 - (g) The development does not increase the existing dimensions of the building.
 - (h) The total cumulative floor space of the proposed dwelling does not exceed the limit of 450sqm.
 - (i) The building operations are considered necessary to carry out the development as proposed are considered to be unreasonable.
21. As stated above the application is considered to comply with each of the restrictions of Class Q part 1 (a) – (i).

Transport and highways impacts

22. The track that provides access to the site also provides access to the rear of some terraced houses, paddocks and agricultural fields. The track is in use by agricultural vehicles, horseboxes and the occasional car. The junction where the track meets All Saints Road is within a 30 mph speed limit but a short distance from a change to the national speed limit of 60 mph.
23. The Local Highway Authority (LHA) considers the visibility splays to the northeast acceptable and the visibility splay to the southwest unacceptable. The 90m long visibility splay to the southwest encroaches onto 3rd party land and therefore is not considered securable. The Highways Officer has advised that a speed survey at the site would need to demonstrate 85% of the traffic's speed was low enough to justify a reduction in the visibility splay.

24. The LHA has explained several points detailed in the consultation response provided. The change of the use of the building from agricultural to residential use would represent a consistent flow of traffic. Drivers of agricultural vehicles are situated much higher than in a standard car, with different visibility levels. This explains the need to improve the existing access by increasing the visibility splays should the barn be converted to a dwelling.
25. The applicant has employed a Highways Consultant who has carried out a speed survey at All Saints Road. The Highway Consultant concluded that the 85% percentile speed is not below 30 mph, but both the median and mean speeds of traffic are below 30mph. The applicant is willing to improve the surface and layout of the existing junction to increase highway safety. The Highway consultant also notes that the track is in existing use, and the proposal would result in smaller domestic vehicle movements, rather than larger agricultural related traffic.
26. The LHA has considered the additional information submitted by the applicant's Highway Consultant and does not consider the median or mean speeds relevant. The SCC Highway Officer only considers the 85% percentile speeds relevant and the speed survey carried out show the traffic speeds to not meet the standards necessary to allow for a reduction in the specified visibility splay.
27. As such, the LHA has recommended the application is refused due highway safety as the standard visibility splays cannot be achieved without encroaching on 3rd party land.

Noise

28. It is considered that there would not be any significant noise impacts from the use of the site as a dwelling when compared to the existing agricultural use of the site and considering the relatively isolated location of the site.

Contamination Risks

29. The applicant has provided a land contamination report which shows there is no significant risk of contamination such that would warrant a refusal of th a proposal on these grounds. The Environmental Management Officer has no objection to the application.

Flooding Risks

30. The site is not located in an area at risk of flooding and there are no adverse issues in this respect.

Location

31. The proposed dwelling would be in the countryside where the presumption is against residential development. However, Planning Policy Guidance relating to change of use of agricultural buildings to residential (updated 03/05/2015) states residential use comes under permitted development rights but with limitations which, in respect of the location of the building, come down to "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)".

32. In light of this update to the Planning Practice Guidance it is considered that the location of the site is acceptable.

The design and external appearance of the buildings

33. The proposal converts the barn into a relatively modest, single storey dwelling. The barn is approximately 14.7 x 10.7 metres in size. The dwelling provides two bedrooms, a small study, snug, utility and open plan kitchen-dining-living room.
34. The proposed barn conversion has a traditional appearance which retains the red brick and black horizontal time cladding. The overall appearance is appropriate to the rural setting and is considered to enhance the surrounding area.

Consideration of representations

35. There have been no representations beyond consultees to consider in regard to this application.
36. The proposed dwelling is set back a considerable distance from the row of terrace properties and separated by a row of trees and hedges. Due to the distance and screening, the proposal is not considered to give rise to any concerns of loss of neighbour amenity by reason of form, design or use a dwelling.

PART FOUR – CONCLUSION

Planning Balance

37. The proposed development is in accordance with all the restrictions and limitations of the General Permitted Development Order, Class Q, Part 1 and Part W.
38. The proposed development is not considered acceptable in regard to transport and highway impacts of the development, as detailed in the General Permitted Development Order, Class Q, Part 2.
39. The Local Highway Authority recommends refusal of the application on highway safety grounds. It is considered inappropriate, at officer level, not to support the expert advice of the Suffolk County Council Highway Officer.

Statement Required By Article 35 Of The Town And Country Planning (Development Management Procedure) Order 2015.

40. When determining planning applications The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires Local Planning Authorities to explain how, in dealing with the application they have worked with the applicant to resolve any problems or issues arising.
41. In this case the application as submitted raised an objection from the Local Highway Authority as the proposed visibility splay would extend across land outside of the applicant's control. The Local Planning Authority has worked with the applicant to extend the period for determining the application to allow time for Highway Consultants to be hired, highway surveys to be carried out, the SCC

Highways Officer to consider the additional information. The SCC Highways Officer remains opposed to the development and recommends refusal.

Identification of any Legal Implications of the decision

42. It is not considered there will be any legal implications if the application is refused.
43. The application has been considered in respect of the current development plan policies and relevant planning legislation. Other legislation including the following have been considered in respect of the proposed development.
 - Human Rights Act 1998
 - The Equalities Act 2012
 - Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
 - Natural Environment and Rural Communities (NERC) Act 2006 (any rural site)
 - The Conservation of Habitats and Species Regulations 2010
 - Localism Act
 - Consideration has been given to the provisions of Section 17 of the Crime and Disorder Act, 1998, in the assessment of this application but the proposal does not raise any significant issues.

RECOMMENDATION

That Prior Approval is required, and prior approval be refused on transport and highway impacts.