

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Planning Committee 16 January 2019  
**AUTHOR/S:** Joint Director of Planning and Economic Development

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**Application Number:** S/3418/18/PA

**Parish:** Meldreth

**Proposal:** The conversion of a timber barn into 2no. dwellings; the conversion of a brick chitting shed into 1no. dwelling; the conversion of a timber cart shed into 1no. dwelling; the demolition of one redundant barn and some lean to structures to provide parking amenity and car parking space.

**Site Address:** Fenny Lane Farm, Fenny Lane, Meldreth, Cambridgeshire

**Applicant(s):** Phillippa Hart and Joanne Vries

**Recommendation:** That prior approval is required and granted.

**Key Material Considerations:** Provisions of Class Q (Permitted Development Rights)  
Transport and highways impacts of the development,  
Noise impacts of the development,  
Contamination risks on the site,  
Flooding risks on the site,  
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  
The design or external appearance of the building  
Duty under the Habitats Directive

**Committee Site Visit:** 15 January 2019

**Departure Application:** N/A

**Presenting Officer:** Aaron Sands, Senior Planning Officer

**Application Brought to Committee Because:** The applicant is an elected member, and therefore the application is required to be referred to Planning Committee.

**Date by Which Decision Due:** 18 January 2019

## **Executive Summary**

1. This proposal comprises an application as to whether the Prior Approval of the Local Planning Authority is required by the Local Planning Authority (LPA) as to matters detailed in Schedule 2 Part 3 Classes Q and W of the Town and Country Planning (General Permitted Development) Order 2015. The provisions were introduced in 2014 to make the conversion of agricultural buildings to dwellinghouses falling within Use Class C3, and associated operational development necessary to carry out the conversion, permitted development.
2. The legislation requires attention is only paid to the considerations within the relevant class, but does not override any other duties of the LPA under any other legislation, notably with regards to biodiversity. In considering whether to require or grant prior approval for the elements listed in Schedule 2 Part 3 Class Q Paragraph Q.2–(1), the provisions of the National Planning Policy Framework 2018, and the National Planning Practice Guidance are those matters that should be had regard to, as if the proposal was a planning application.
3. Officers have reviewed the submitted documents and consider the development accords with the relevant provisions of Class Q, following receipt of additional information particularly with regards to the structural status of dwelling 4 and in respect of protected species. It is recommended that prior approval is required and granted, subject to conditions as set out towards the end of this report.

## **Site Planning History**

4. S/2065/15/PB – Prior Approval Application - Proposal to convert two agricultural buildings into three dwellings. Prior Approval Required and Granted. 02/11/2015.
5. S/2890/17/FL – New farm access. Approved. 15/02/2018.

## **Site Details**

6. The site comprises a collection of what appears to be now unused agricultural barns. The buildings are set to the rear of Fenny Land Farmhouse, located surrounding the garden area of that property and forming a clustered agricultural complex, with a number of larger buildings to the north. The site is located outside the Development Framework for Meldreth, which begins to the east of the site, beyond a small group of allotments. There is an area Tree Preservation Order covering a small cluster of trees between the existing access for the farm and the farmhouse access, covering a number of Beech Trees.

## **Proposal**

7. This application proposes the conversion and change of use of 3no. agricultural buildings into 4no. dwellings falling within Use Class C3, alongside associated curtilage land, as well as associated operational development necessary to facilitate the conversion.

## **Environmental Impact Assessment (EIA)**

8. The provisions of the GPDO do not apply to any development that comprises EIA development, as assessed against the Town and Country Planning (Environment Impact Assessment) Regulations 2017 (EIA Regulations). This proposal has been considered against the relevant columns of Schedule 2 (specifically criterion 10) of the EIA Regulations and falls below the thresholds where it would be required to be screened. In any event, officers consider the development to be of too small a scale to be considered EIA development, either individually or cumulatively, and having regard to the nearest 'sensitive areas' as defined by regulation 2 of the EIA Regulations

## **Relevant Planning Policy and Legislation**

9. In considering applications made pursuant to Class Q, the Local Plan is not a consideration. Class W states that the LPA must, when determining such applications, have regard to any representations made in response to consultation, have regard to the National Planning Policy Framework, as if the application were for planning permission, and in relation to contamination specifically, determine whether the site would fall within Part 2A of the Environmental Protection Act 1990, having regard to the Contaminated Land Statutory Guidance 2012. The provisions do not otherwise alter the LPAs duty in accordance to accord with or consider matters under any other Acts or Statutory Instruments.
10. The following list therefore comprises the relevant policy, legislation and guidance with which this determination must have regard.

### **11. National Policy & Guidance**

National Planning Policy Framework 2018 (NPPF)  
Planning Practice Guidance (NPPG)  
Noise Policy Statement for England 2010 (NPSE)  
Contaminated Land Statutory Guidance 2012 (CLSG)

### **12. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)**

### **13. The Natural Environment and Rural Communities Act 2006 (NERC Act)**

### **14. The Conservation of Habitats and Species Regulations 2017 (CHSR)**

## **Consultations**

15. **Meldreth Parish Council** – Support with no further comments.
16. **County Highway Authority (LHA)** – The LHA would seek the access road to the north of the proposed residential access be permanently closed, and not just gated, to prevent vehicle movements from the residential area to the farm area. Further comments suggest this could be conditioned. Recommend conditions regarding bin storage areas and a traffic management plan. Request the turning head is removed from the application.
17. **Environmental Health Officer (EHO)** – No objections. Recommend conditions regarding construction hours and burning of waste material.

18. **Land Contamination Officer (LCO)** – No objections. Recommend a condition requiring further investigation and details of remediation works to be submitted.
19. **Drainage Officer** – No objection subject to surface and foul water details to be submitted.
20. **Ecology Officer** – No objection. The survey submitted is considered sufficient to ensure that appropriate mitigation could be achieved to ensure the proposal would not result in harm to protected species, subject to a condition requiring further surveys and later submission of details.
21. **Tree Officer** – There are trees on or adjacent the site with legal protection through a Tree Preservation Order (TPO 0007) and other trees without statutory protection. A simple tree protection statement and/or plan would be required and a condition is therefore recommended.

### **Representations**

22. No other representations received

### **Planning Assessment**

23. Where the development proposed is development under Class Q, before beginning the development, the developer must apply to the local planning authority for a determination 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;
  - (f) The design or external appearance of the building;and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.
24. Para. W provides details in respect of the requirements of any application and how it is to be dealt with by the LPA, in terms of the matters that can be considered, appropriate notifications and consultations, timescales and other relevant matters.
25. The key considerations in this application are therefore;
  - Whether the Proposal Accords with the Provisions of Class Q
  - Transport and highways impacts of the development,
  - Noise impacts of the development,
  - Contamination risks on the site,
  - Flooding risks on the site,
  - 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

- The design or external appearance of the building
- Duty under the Habitats Directive

*Whether the Proposal Accords with the Provisions of Class Q*

26. In accordance with Schedule 2 Part 3 Class W para.(3), the LPA may refused prior approval where the proposed development does not comply with, or insufficient information has been submitted to demonstrate the development complies with the provisions of any prior approval under Part 3. The provisions are set out as follows

Development is not permitted by Class Q if	Officer Note
<p>(a) the site was not used solely for an agricultural use as part of an established agricultural unit—</p> <p>(i) on 20th March 2013, or</p> <p>(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</p> <p>(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;</p>	<p>(a) the building appears to be of an agricultural nature, albeit no longer in use, but noting the previous application officers consider it is likely the last lawful use was for agricultural purposes.</p>
<p>(b) in the case of—</p> <p>(i) a larger dwellinghouse, within an established agricultural unit—</p> <p>(aa) the cumulative number of separate larger dwellinghouses developed under Class Q exceeds 3; or</p> <p>(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;</p>	<p>(b) The application creates. 3no. larger dwellinghouses, totalling 430m<sup>2</sup> and therefore falling below the threshold.</p>
<p>(c) in the case of—</p> <p>(i) a smaller dwellinghouse, within an established agricultural unit—</p> <p>(aa) the cumulative number of separate smaller dwellinghouses developed under Class Q exceeds 5; or</p> <p>(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;</p>	<p>(c) The application creates 1no. smaller dwellinghouse totalling 94m<sup>2</sup>.</p>
<p>(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—</p> <p>(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;</p> <p>(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;</p>	<p>(d) No other Class Q changes have been identified, notwithstanding that the previous notification has now lapsed. The total proposed no. of dwellings is therefore 4.</p>
<p>(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;</p>	<p>(e) the site appears to be in agricultural use, but does not appear to be under tenancy.</p>
<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,</p> <p>unless both the landlord and the tenant have agreed in writing that the</p>	<p>(f) the site is in agricultural use, but does not appear to be under tenancy.</p>

<p>site is no longer required for agricultural use;</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>(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>(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>(j) the site is 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>(l) the site is, or contains, a scheduled monument; or</p> <p>(m) the building is a listed building.</p>	<p>(g) no development under Schedule 2 Part 6 has been identified within this agricultural unit.</p> <p>(h) The proposed plans indicate the development would not extend beyond the existing external dimensions.</p> <p>(i) Please see below for consideration of this matter</p> <p>(j) The site is not on article 2(3) land.</p> <p>(k) The site is not, and does not form part of, any of these criterions.</p> <p>(l) The site is not, and does not form part of, a Schedule Ancient Monument.</p> <p>(m) The buildings are not listed buildings.</p>
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27. With regards to criterion (i), the NPPG (paragraph: 105 Reference ID: 13-105-20180615) sets out that the works envisaged are those that are necessary to convert the building, but that this excludes works that would be tantamount to reconstruction. The Courts (Hibbitt and another v Secretary of State for Communities and Local Government (1) and Rushcliffe Borough Council (2) [2016] EWHC 2853 (Admin)) have judged that works comprise a reconstruction where they introduce new or replacement structural elements, or where existing structural elements are significantly reinforced, to facilitate the conversion of a building.

28. Dwellings 1, 2 and 3 were previously assessed under application ref. S/2065/15/PB and appeared to be structurally sound. While some time has passed since that, officers have reviewed these buildings, and note the substantial construction, with the internal structural elements appearing in a good condition, with no bowing, decay or other indications that they are structurally unsound.

29. Dwelling 4 comprises what has been referred to as a timber cart shed. At the time of the officer's site visit it was heavily covered in ivy, and there was

evident scarring of the timber cladding where ivy had been previously removed. Officers noted that a section of the end of that building had collapsed. The western-most wall was entirely covered by ivy, but it was not clear what the form of that wall was. A structural survey has been submitted in respect of that building, which indicates that the visible main structural elements, that is the upright beams and trusses, are in a sufficiently stable and suitable condition that they could support the additional load that would come from the additional material provided as part of the support to the building.

30. It is noted that Dwelling 4 includes a Solar PV array. Officers consider the provision of that is not necessary to ensure the building could function as a dwellinghouse and would not accord with para. (i). However, as noted in paragraph. 27 of this report, the LPA has the power to grant prior approval where the proposals do not accord with the regulations, and it is for the developer to ensure they accord with the regulations. In this instance, it is considered that an informative would be sufficient to identify this element would be non-compliant, and should be replaced with the roofing material utilised across the rest of that building.
31. Subject to an informative, it is considered that the proposal would sufficiently accord with the provisions of Class Q, and it falls to an assessment of the relevant considerations as to whether prior approval is required, as well as any other relevant considerations.

#### **Transport and highways impacts of the development**

32. The application site comprises an agricultural unit, with the dwellings forming the cluster to the south, and what appears to be 2no. large agricultural buildings to the north. Officers note an alternative access to the farm has been granted permission (S/2890/17/FL), and the LHA have stated that the farm access to the north of the dwellings should be stopped up. While a line has been shown along that area, officers note that little details are provided as to the actuality of that. However, details of the stopping up could be conditioned, as officers consider it would be easily achievable.
33. Parking is predominantly located in a small parking court to the north of dwelling 1, amended to ensure adequate manoeuvring space would be provided to enable vehicles could exit in a forward gear without needing to reverse down to the roadside. There is adequate parking provision across the entirety of the site.
34. The access that would serve the dwellings is as existing, with a wide verge, and officers noted there was exceedingly good visibility in either direction that would readily ensure the safety of that, both for pedestrians utilising the footpaths and also for vehicles and cyclists on the road itself. No objection has been raised from the LHA on the basis of the access, and it is considered that no adverse safety impacts would arise from the use of the access at a greater intensity.
35. The site is well linked to Meldreth, some 10 to 15 minutes walk from the train station and the High Street, and bus stops sit at either end of Fenny Lane. It is therefore considered that appropriate opportunities to promote sustainable transport modes are readily available within the area.

36. On the whole, the proposal is considered accord with paras 108 and 110 of the NPPF 2018. It is considered appropriate that details of bin storage areas be conditioned to ensure there is space at the roadside and within the curtilages made available so that bins would not be left in potentially inappropriate locations to the detriment of vehicular or pedestrian safety. It is also considered appropriate to condition a traffic management plan, noting that there are constraints within the site in terms of manoeuvring for larger vehicles, and to ensure that appropriate places provided for storage of materials, parking of contractors and other elements that might result in an adverse safety impact to the highway if left in inappropriate locations.

### **Noise impacts of the development**

37. The application site is located immediately adjacent to both a residential dwelling and an allotment area, both of which are sensitive to noise in terms of the health of the occupant and the enjoyment of a recreational area. The use of the application site for residential purposes is not considered likely to give rise to any noise that would adversely impact the surrounding areas. The noise generated would be predominantly typical residential noise and is likely to be at a low overall level, compatible with the surrounding uses.
38. The garden areas of the proposed dwellings are separated from areas used by vehicles, and are immediately bordered by areas compatible with their use for residential purposes. The dwellings themselves would be required to be appropriately insulated in any event, and given the distance from the closest noise sources it is not considered the internal area would be significantly impacted by the development.
39. To the immediate north, separated by the parking area, is a large agricultural building, with others further beyond that. The buildings further beyond are at a reasonable distance, such that the distance would mitigate impacts of noise. Officers note that the immediate north building would remain in agricultural use, and that it is substantial, and may provide a significant level of use that has the potential to give rise to noise issues in relation to the future occupants of the dwellings.
40. As noted above, approval has already been provided for an alternative access, and it would be appropriate and necessary to stop up the access to prevent future development highway safety conflicts. That requirement would further limit noise, as it would prevent passing agricultural traffic, which might otherwise arise on a regular basis in close proximity to these dwellings. It is, however, noted that a significant level of agricultural storage could occur in that building. Notwithstanding that, officers note that the entrance to the building is to the north, away from the dwellings, and that there would be aspects of the dwelling that would not adjoin or be in close proximity to agricultural uses. The most utilised area, where there is a focus for noise and activity, is therefore located away from the dwellings, and it is considered unlikely there would be any interrelation between the two that would result in an unacceptable noise impact to future occupants.
41. On the whole it is not considered likely the proposed dwellings would be impacted by noise, or likely to result in noise generation that would result in a significant adverse impact to the surroundings. The proposal therefore would accord with para 180 of the NPPF, having regard to the aims of the NPSE.

42. It is noted that the Environmental Health Officer has suggested conditions in respect of the burning of waste material and working hours. Burning of waste is covered by other legislation such that it is not necessary to impose a separate condition. With regards to working hours, officers note that the site is close to both residential property and to a sensitive recreational use. It is considered that it would be appropriate to impose a condition to limit noise impacts to those sensitive areas, albeit in an amended form to restrict external works.

#### **Contamination risks on the site**

43. Para. 180 of the NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Para. 178 of the NPPF states that planning policies and decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990 (EPA 1990).
44. The CLSG sets out the definitions by which land should be considered “contaminated land” for the purposes of the EPA 1990. In particular, it is clear that land should be significantly contaminated, and therefore either be or present a significant possibility of causing harm or pollution to people and/or groundwater.
45. The application has been accompanied by a contamination assessment that has identified further investigation is required, due to the presence of asbestos, and officers note the cemetery opposite the site that has been identified as a potential source of contamination due to its historic use. While intrusive surveys were carried out in 2015 these did not cover the entirety of the site as now proposed, and would require updating in any event. The Land Contamination Officer has suggested a condition should be required to ensure suitable investigation and remediation, and it is considered this should be imposed to ensure the site is suitable for the proposed use in accordance with para. 178.
46. Subject to appropriate conditions, which would identify any contaminants and remediation necessary, it is considered the land could be readily made such that it would not fall within Part IIA, and would therefore accord with national policy and the provisions of the NPPF and CLSG. Officers consider the suggested condition would not be sufficiently precise to be enforceable and capable of discharge, and have therefore suggested an amended form.

### **Flooding risks on the site**

47. The site is not located in an area at risk from flooding either from fluvial or surface water matters. The Drainage Officer has recommended a condition requiring details of surface water and foul water drainage, and officers consider that this would be appropriate to impose in order to ensure risks to flooding and drainage are managed and would not be at risk from impacts of climate change and a changing water environment, in accordance with paras. 149 and 150.

### **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**

48. The NPPG makes clear (Paragraph: 108 Reference ID: 13-108-20150305) that the tests as to whether the location is sustainable may not be applied to applications for prior approval, as many such buildings proposed to be converted, by their nature, are not commonly located within existing settlements. In considering this part, specifically the location or siting of the building must be considered as to whether it is impractical, meaning it would not be “sensible or realistic” and/or undesirable, meaning “harmful or objectionable”.
49. In considering this site, officer’s note there is good access, that the location and siting of the building adjacent the road makes them readily accessible to enable conversion, providing ready availability for the connection of services. There are no particular features in the surroundings that would indicate the buildings would be unlikely to be taken up for residential dwellings due to surrounding properties.
50. Notwithstanding any relevant matters considered in the above and below sections, in terms of the location and siting of the building there are no particular constraints that would make residential use in this location harmful, or likely to give rise to harm to future occupants, noting the above in respect of highway safety given the wider agricultural use.
51. Officers note the position of the protected trees immediately along the access, and the siting of the development is such that these would be in very close proximity to vehicles and to construction traffic that might cause harm or the loss of trees if not appropriately protected. The general running of the site following conversion is unlikely to place an undue threat on these trees, but the process of construction may, and it is considered necessary to condition a tree protection plan, as suggested by the Tree Officer, to ensure the development would not result in the loss of protected trees.

### **The design or external appearance of the building**

52. The proposed design of the dwellings largely retains the form of the barns, following the demolition of some of the attached buildings that are of a more utilitarian appearance. Dwellings 1, 2 and 3 retain the existing facing and roofing materials utilising small openings for fenestration facing externally, where they would be less visually dominant, with larger openings to the private amenity spaces where it not be highly visible from a public point, detracting from the simpler form of the buildings as a whole.

53. Dwelling 4 would retain the facing material, but would replace the roof of the building with concrete tiles, a material that would not be commonly visible on converted barns and may be inappropriate depending on the details of the material. This building is the most prominent building within the site, given its position immediately along the roadside. There is limited opportunity for screening due to the topography of the land that falls away from the site towards the roadside. It is considered that details of the material should be required by condition, notwithstanding those details provided, which would allow for either a clear assessment of the details to be submitted or for a suitable alternative to be provided.
54. It is considered that details of boundary treatments are appropriate in order to retain the character of the countryside, in order to prevent, where relevant, inappropriate fencing materials from eroding the open nature of the area.
55. Subject to those the above suggested conditions officers consider the design and external appearance of the buildings would not be inappropriate, retaining an agricultural character of the existing buildings, particularly to those areas visible from more public locations. The application would therefore accord with the provisions of the NPPF that seek to promote good design.

#### **Duty under the Habitats Directive**

56. Notwithstanding the provisions of Class Q, the LPA has a statutory duty under Section 40 NERC to exercise its functions having regard, as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Regulation 9 CHSR makes explicitly clear that duty under NERC must be exercised where relevant to nature conservation so as to secure compliance with the requirements of the Directives. SSHCLG has confirmed through letter on the 10<sup>th</sup> June 2014 to the Bat Conservation Trust that the provisions of Class Q do not override the requirements to comply with other legislative provisions.
57. The application for conversion relates to a number of barns, well connected to the surrounding open landscape, with plentiful trees in the area and with OS maps showing drains in the surroundings. At the time of the officer's site visit it was noted that there was a number of potential access points to the buildings, and that their structures contained elements that would afford potential habitat, particularly for bats.
58. While any activity that requires works that could affect an EU protected species, such as bats, which are covered by the relevant provisions of Schedule 2 of CHSR, would be subject to the potential need for a license from Natural England, the Supreme Court notes that, in relation to planning applications, *(Morge (FC) (Appellant) v Hampshire County Council (Respondent) [2011] UKSC 2)* this matter could not be left purely to condition, as that is not engaging with the directives and therefore does not discharge the duty. That case has made clear that planning permission should not be granted where it is unclear whether a licence would be forthcoming.
59. A survey has been submitted assessing the buildings for their potential suitability for bats. The survey notes that the potential is low for a number of buildings, but that further surveys will be necessary. A mitigation scheme has

been put forward on the basis of a worst case scenario, noting that it is not possible at this time of year to conclusively determine the presence and impact to protected species. However, noting the findings of the report it is considered that it would be likely Natural England could be in a position to grant a licence. The Ecology Officer has therefore recommended that further surveys be conditioned, and used to update the mitigation scheme that has been put forward prior to works commencing. It is therefore considered that, subject to that condition, the relevant duties would be discharged and the proposal would not result in an unacceptable impact to protected species.

### **Conclusion**

60. In conclusion, it is considered that the proposal would accord with the provisions of the regulations. There are matters that are necessary to address, as set out above, such that prior approval is required, but officers consider that approval could be granted subject to conditions.

### **Recommendation**

61. Planning conditions and Informatives as set out below, with the final wording of any amendments to these to be agreed in consultation with the Chair and Vice Chair prior to the issuing of prior approval:

### **Conditions**

1. The development hereby permitted shall be carried out in accordance with the following approved plans, except where modified through conditions of this permission:  
Location Plan  
Proposed Site Plan – Drawing no. 04 rev B  
Dwelling 1 Plans – Drawing no. 07 rev A  
Dwellings 2 & 3 – Ground Floor Plans – Drawing no. 8 rev A  
Dwellings 2 & 3 – First Floor and Roof Plans – Drawing no. 09 rev A  
Proposed Elevations Q-T (Dwellings 2 & 3) – Drawing no. 10 rev A  
Proposed Elevations M-P (Dwelling 1) – Drawing no. 11 rev A  
Proposed Ground Floor Plan – Dwelling 4 – Drawing no. 14 rev A  
Proposed Roof Plan – Dwelling 4 – Drawing no. 15 rev A  
Proposed Elevations – Dwelling 4 – Drawing no. 17 rev A  
(Reason - To define the scope of the permission and facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990).
2. No demolition or construction works shall commence on site until a traffic management plan has been agreed with the Local Planning Authority in consultation with the Highway Authority. The principle areas of concern that should be addressed are:
  - (i) Movements and control of muck away lorries
  - (ii) Contractor parking
  - (iii) Movements and control of all deliveries
  - (iv) Control of dust, mud and debrisThe agreed details must be implemented on site and maintained for the duration of the development works.  
(Reason – In the interest of highway safety in accordance with paragraphs 108 and 110 of the National Planning Policy Framework 2018.)

3. Prior to the occupation of the dwellings hereby permitted the access between the site and the dwellings immediately to the north of the Access road (as labelled on drawing no. 04) shall be effectively and permanently stopped up in accordance with details first submitted to and approved in writing by the Local Planning Authority. The works shall be thereafter retained and maintained in accordance with the approved details.  
(Reason – To prevent the interaction between residential and agricultural vehicles and pedestrians noting the position of parking and pedestrian areas within the site and ensure the safe functioning of the proposal in accordance with paragraphs 108 and 110 of the National Planning Policy Framework 2018.)
4. Prior to the dwellings hereby permitted first being occupied details of refuse bin storage and presentation areas shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the dwellings hereby permitted and thereafter retained in their approved form.  
(Reason – In the interest of highway safety in accordance with paragraphs 108 and 110 of the National Planning Policy Framework 2018.)
5. Unless otherwise agreed in writing, no development shall occur until;
  - (i) The application site has been subject to a further 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; and
  - (ii) 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; and  
(Reason – To ensure appropriate protections are in place that that would ensure the land is remediated to a state where it would not pose unacceptable risks to future occupants, workers, or groundwater, in accordance with paragraph 178 of the National Planning Policy Framework 2018.)
6. The dwellings hereby permitted shall not be occupied until the works specified in the remediation method statement (as approved under condition 5 above) have been completed, and a Verification report submitted to and approved in writing by the Local Planning Authority, in accordance with the approved scheme.  
(Reason – To ensure appropriate protections are in place that that would ensure the land is remediated to a state where it would not pose unacceptable risks to future occupants, workers, or groundwater, in accordance with paragraph 178 of the National Planning Policy Framework 2018.)
7. If, during remediation and/or construction works, any contamination is identified that has not been considered in the remediation method statement required under Condition 5(ii) above, then development shall cease until remediation proposals for this material shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the proposals shall be implemented in accordance with the approved details  
(Reason – To ensure appropriate protections are in place that that would ensure the land is remediated to a state where it would not pose unacceptable risks to future occupants, workers, or groundwater, in

accordance with paragraph 178 of the National Planning Policy Framework 2018.)

8. Notwithstanding the details provided, prior to any development commencing as part of the conversion of dwelling 4, samples of the roofing materials to be used in the external surface of that dwelling shall be submitted to and approved in writing by the Local Planning Authority. The details shall be implemented as approved.

(Reason – To ensure the external appearance of the dwelling would be acceptable and would retain the character of the building in accordance with paragraph 127 of the National Planning Policy Framework 2018.)

9. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment for each dwelling shall be completed before that/the dwelling is occupied in accordance with the approved details and shall thereafter be retained.

(Reason - To ensure that the appearance of the site does not detract from the character of the area and maintains a sense of place in accordance with paragraph 127 of the National Planning Policy Framework 2018.)

10. The development hereby permitted shall not commence until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to occupation of the dwellings hereby permitted and thereafter retained and maintained in accordance with its approved form.

(Reason – To ensure the function of the site would not result in adverse flood risk from surface or foul waters in accordance with paragraph 163 of the National Planning Policy Framework 2018.)

11. Before any works on site commence, an Arboricultural Method Statement and Tree Protection Strategy shall be submitted to and approved in writing by the Local Authority, including details of timing of events, protective fencing and ground protection measures. The tree protection measures shall be installed in accordance with the approved tree protection strategy before any works commence on site and shall remain in place throughout the construction period and may only be removed following completion of all construction works.

(Reason – To ensure adequate protection is in place for important trees that provide a strong contribution to the rural character of the area and are of substantial amenity value, in accordance with paragraph 127 of the National Planning Policy Framework 2018.)

12. Prior to the commencement of the development, follow-up nocturnal surveys as set out in the Daytime Bat Inspection report dated 7<sup>th</sup> December 2018 prepared by MKA Ecology (Ecology Report) shall be undertaken during May to August (inclusive) to determine whether bats are roosting and the mitigation strategy as already submitted as part of the Ecology Report, shall be modified as appropriate based on the results and then be submitted to and the amended strategy approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

(Reason – To ensure the development would accord with the requirements and objectives of the Conservation of Habitats and Species Regulations 2017, and in accordance with Section 40 of the Natural Environments and Rural Communities Act 2006.)

13. No external works and no development related deliveries to or dispatches from the site shall occur except between the hours of 08:00am to 18:00pm Mondays to Fridays (inclusive), 08:00am to 13:00pm on Saturdays and at no time on Sundays or Bank or Public Holidays.

(Reason – To mitigate the impacts of noise from the development to sensitive surrounding uses, in accordance with paragraph 180 of the National Planning Policy Framework 2018.)

#### **Informatives;**

1. While officers have assessed the proposal against the provisions of Class Q it is the developer's responsibility to ensure all works comply with the regulations. The developer may wish to consider submitting a Lawful Development Certificate for a legally binding confirmation as to whether the proposal complies with the regulations.
2. The developer is advised that the solar panels shown as being provided to dwelling 4 would not be considered development that is reasonably necessary to convert the building in accordance with Class Q para (i)(i). It is advised to remove the solar panels and continue the roof tiles in order to comply with the regulations.

#### **Background Papers:**

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

[National Planning Policy Framework 2018](#)  
[Planning Practice Guidance](#)  
[Noise Policy Statement for England](#)  
[Contaminated Land Statutory Guidance](#)  
[The Town and Country Planning \(General Permitted Development\) Order 2015](#)  
[Application File S/3418/18/FL](#)

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