

## DELEGATED DECISION OFFICER REPORT

| AUTHORISATION                                  | INITIALS | DATE       |
|------------------------------------------------|----------|------------|
| Case officer recommendation:                   | MP       | 20/12/23   |
| Planning Manager / Team Leader authorisation:  | ML       | 20/12/2023 |
| Planning Technician final checks and despatch: | ER       | 21/12/2023 |

**Application:** 23/01603/COUNOT **Town / Parish:** Frinton & Walton Town Council

**Applicant:** Mr David Salmon

**Address:** Barn B Green End Farm Green End Lane

**Development:** Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for conversion of agricultural building into a three bedroom, two storey dwelling.

### **1. Town / Parish Council**

Frinton & Walton Town Council      No comments received.

### **2. Consultation Responses**

ECC Highways Dept  
21.11.2023

The information submitted with the application has been assessed by the Highway Authority and conclusions reached based on a desktop study, no site visit was undertaken in conjunction with this application. The site is situated at the end of Green End Lane, a no through road, and has been subject to a number of previous planning applications that the Highway Authority did not object to, the most recent, planning application: 23/01178/COUNOT. It is noted that the proposal will share the use of the established access for the site. Whilst the site is located in the countryside, it is not considered that the use of the building as a dwelling would give rise to a significant increase in vehicle movements to and from the site or result in a material change in the character of the traffic in the vicinity of the site and considering the previous use of the building for agricultural purposes and the current use of the access, the level of activity will be no greater, therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be provided clear of the highway.

Reason: To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy DM1.

2. The proposed dwelling shall not be occupied until such time as a domestic car parking for two vehicles has been provided in

accordance with the Parking Standards, details to be agreed with the Local Planning Authority. The agreed car parking shall be retained at all times for such purpose.

Reason: To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided in accordance with Policy DM8.

3. Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

4. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack per dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator).

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10

The above conditions are to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative:

1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org)

2: The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Environmental Protection  
27.11.2023

With reference to the above application, please see below for comments from the EP Team:

Contaminated Land: Given the sites surrounding areas historical use for agriculture, we are requesting a Watching Brief be conditioned (on any subsequent approval) and adhered to throughout the demolition and construction phase. We request that the LPA are contacted in the event of unexpected ground conditions being encountered during construction and that the below minimum precautions are undertaken until such time as the LPA responds to the notification. I would also

advise that the developer is made aware that the responsibility for the safe development of the site lies with them.

Minimum requirements for dealing with unexpected ground conditions being encountered during construction.

1. All site works at the position of the suspected contamination will stop and the Local Planning Authority and Environmental Health Department will be notified as a matter of urgency.
2. A suitably trained geo-environmental engineer should assess the visual and olfactory observations of the ground and the extent of contamination and the Client and the Local Authority should be informed of the discovery.
3. The suspected contaminated material will be investigated and tested appropriately in accordance with assessed risks. The investigation works will be carried out in the presence of a suitably qualified geo-environmental engineer. The investigation works will involve the collection of solid samples for testing and, using visual and olfactory observations of the ground, delineate the area over which contaminated materials are present.
4. The unexpected contaminated material will either be left in situ or be stockpiled (except if suspected to be asbestos) whilst testing is carried out and suitable assessments completed to determine whether the material can be re-used on site or requires disposal as appropriate.
5. The testing suite will be determined by the independent geo-environmental specialist based on visual and olfactory observations.
6. Test results will be compared against current assessment criteria suitable for the future use of the area of the site affected.
7. Where the material is left in situ awaiting results, it will either be reburied or covered with plastic sheeting.
8. Where the potentially contaminated material is to be temporarily stockpiled, it will be placed either on a prepared surface of clay, or on 2000-gauge Visqueen sheeting (or other impermeable surface) and covered to prevent dust and odour emissions.
9. Any areas where unexpected visual or olfactory ground contamination is identified will be surveyed and testing results incorporated into a Verification Report.
10. A photographic record will be made of relevant observations.
11. The results of the investigation and testing of any suspect unexpected contamination will be used to determine the relevant actions. After consultation with the Local Authority, materials should either be: o re-used in areas where test results indicate that it meets compliance targets so it can be re-used without treatment; or o treatment of material on site to meet compliance targets so it can be re-used; or o removal from site to a suitably licensed landfill or permitted treatment facility.
12. A Verification Report will be produced for the work.

**REASON:** It is the responsibility of the developer to ensure the safe development of the site and to carry out any appropriate land contamination investigation and remediation works. The condition is to ensure the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

**Asbestos:** Should any asbestos containing materials be present on the development site, or used within the original construction of the

building in question, it must be safely removed by a qualified contractor, with relevant transfer notes being obtained to confirm safe and responsible removal and disposal.

REASON: to ensure that any risks (to future users of the land and neighbouring land and to controlled waters, property and ecological systems) arising from any land contamination are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Construction Activities: In order to minimise potential nuisance caused by demolition/construction works, Environmental Protection recommend that the following hours and actions be adhered to, should the application be approved;

- o No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Mondays to Saturdays (finishing at 13:00 on Saturdays) with no working of any kind permitted on Sundays or any Public/Bank Holiday whilst construction works and alterations are being carried out.

- o No materials produced as a result of the site development or clearance shall be burned on site.

Adherence to the above condition will significantly reduce the likelihood of public complaint and potential enforcement action by Pollution and Environmental Control. The condition gives the best practice for Demolition and Construction sites. Failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974).

REASON: to protect the amenity of nearby residential premises

Asbestos: If there is any asbestos present in the current building or site then adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

REASON: to protect the health of workers and nearby existing residents

\*INFORMATIVE - No information was submitted in relation to the proposal for the disposal of foul water; should the applicant be looking to use a Sewerage Treatment Plant, we would request the standard informative in respect of the "binding rules" is included with any subsequent approval:

Foul Drainage: No information has been submitted in relation to the proposed discharge of foul waste; should the applicant utilise a Sewerage Treatment Plant as a way of disposing of foul waste; we would request, should the application be approved, that the Applicant / Agent, ensure the installation is fully compliant with the Environment Agency's Binding Rules and any other relevant Government guidance and British standards, in respect of these systems. Information on

this can be found at: Septic tanks and treatment plants: permits and general binding rules: The general binding rules - GOV.UK ([www.gov.uk](http://www.gov.uk)). It is strongly recommended these rules are complied with, as they will minimise any potential nuisance to nearby residential dwellings, assist in preventing a potential Public Health nuisance, and minimise the potential for adverse incidents, of which may result in formal enforcement action.

REASON: to protect the health of residents and nearby residential premises.

### 3. **Planning History**

|                 |                                                                                                                                                               |               |            |
|-----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|------------|
| 05/01237/FUL    | First Floor Extension.                                                                                                                                        | Approved      | 08.09.2005 |
| 07/00903/FUL    | Retention of use of four farm buildings for storage and siting of portacabin for ancillary office use.                                                        | Approved      | 01.04.2008 |
| 13/00426/FUL    | Side single storey pitched roof garden room.                                                                                                                  | Approved      | 12.06.2013 |
| 17/02086/COUNOT | Application for prior approval for the conversion of two agricultural buildings into two residential dwellings.                                               | Determination | 23.01.2018 |
| 19/01183/FUL    | Proposed removal of agricultural occupancy condition (condition 2) of application FRW/128/70.                                                                 | Approved      | 03.10.2019 |
| 19/01684/COUNOT | Conversion of agricultural buildings into two dwellings.                                                                                                      | Determination | 18.12.2019 |
| 20/01050/FUL    | Replacement of plot 1 agricultural buildings with a three bed dwelling (in lieu of prior approval for plot 1 dwelling subject of application 17/02086/COUNOT) | Approved      | 22.12.2020 |
| 21/00025/COUNOT | Conversion of agricultural buildings into a dwelling (renewal of 17/02086/COUNOT).                                                                            | Determination | 11.03.2021 |
| 21/01776/FULHH  | Proposed first floor extension above garage, annexe to the ground floor and two storey rear extension.                                                        | Approved      | 04.02.2022 |
| 21/02061/FULHH  | Extension to converted barn in lieu of the conversion of a separate barn into a dwelling                                                                      | Approved      | 24.03.2022 |
| 23/00858/COUNOT | Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for       | Refused       | 11.08.2023 |

|                      |                                                                                                                                                                                                                                                                                                         |         |            |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|------------|
|                      | conversion of an agricultural building to a 4 bedroom house.                                                                                                                                                                                                                                            |         |            |
| 23/01178/COUNOT<br>T | Prior Approval Application under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for proposed conversion of an agricultural building into a three bedroom single storey dwelling (resubmission of refused planning 23/00858/COUNOT). | Refused | 04.10.2023 |

#### **4. Relevant Policies / Government Guidance**

N/A

#### **Status of the Local Plan**

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), supported by our suite of evidence base core documents (<https://www.tendringdc.uk/content/evidence-base>) together with any neighbourhood plans that have been brought into force.

In relation to housing supply:

The Framework requires Councils boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, to account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible or if housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, Paragraph 11 d) of the Framework requires granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (what is often termed the 'tilted balance').

The Local Plan fixes the Council's housing requirement at 550 dwellings per annum. On 19 October 2021 the Council's Strategic Housing Land Availability Assessment (SHLAA) updated the housing land supply position. The SHLAA demonstrates in excess of a six-and-a-half-year supply of deliverable housing land. On 14 January 2022 the Government published the Housing Delivery Test (HDT) 2021 measurement. Against a requirement for 1420 homes for 2018-2021, the total number of homes delivered was 2345. The Council's HDT 2021 measurement was therefore 165%. As a result, the 'tilted balance' at paragraph 11 d) of the Framework does not apply to applications for housing.

#### **Neighbourhood Plans**

A neighbourhood plan introduced by the Localism Act that can be prepared by the local community and gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan to promote development and uphold the strategic policies as part of the Development Plan alongside the Local Plan. Relevant policies are considered in the assessment. Further information on our Neighbourhood Plans and their progress can be found via our website <https://www.tendringdc.uk/content/neighbourhood-plans>

## 5. Officer Appraisal

### Site Description

The building subject of this application is known as 'Barn B' and is sited to the south-eastern side of the wider Green End Farm, which itself is to the east of Green End Lane within the parish of Great Holland.

### Description of Proposal

This application seeks consent for the conversion of one agricultural building into a single residential unit served by three bedrooms, which is located to the southern section of the site.

### Site History

Under planning reference 17/02086/COUNOT in January 2018, prior approval was granted for the conversion of two agricultural buildings to the north and north-west of the current application site into two dwellings, which measured 131sqm for Plot 1 and 150sqm for Plot 2. The three year time limit attached to this decision has since lapsed, with the building to the north having not been developed and the building to the north-west having been demolished.

Under planning reference 19/01684/COUNOT in December 2019, prior approval was granted for the conversion of agricultural buildings sited to the north and north-east of the current application site into two dwellings, which measured 163sqm for Building 'A' and 64sqm for Building 'B'. Building A has now been developed but Building B has not, and therefore Building B has lapsed.

Following this, under reference 20/00702/COUNOT an application for prior approval was turned away for the conversion of Barns 'A', 'B' and 'C' as the number of dwellings and cumulative floorspace exceeded the requirements of Class Q.

In March 2021 under reference 21/00025/COUNOT, prior approval was again granted for the conversion of one of the two agricultural buildings consented within 17/02086/COUNOT (Plot 2). This was renewed as the earlier consent time limit was close to expiry and remains extant.

In August 2023, under reference 23/00858/COUNOT, prior approval was refused for the building subject of this current application on the grounds that the works represented too significant an amount of works, and also the proposed alterations saw an increase beyond the dimensions of the existing building.

Most recently, under reference 23/01178/COUNOT, prior approval was again refused for the building subject of this application on the grounds that the works represented too significant an amount of works, and also the proposed alterations saw an increase beyond the dimensions of the existing building.

### Assessment

Class Q - agricultural buildings to dwellinghouses

Q. Development consisting of -

(a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; or  
(b) development referred to in paragraph (a) together with building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Q.1 Development is not permitted by Class Q if -

(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;

***The application form confirms that the site was used solely for an agricultural use as part of an established agricultural unit on 20th March 2013. The proposal complies.***

(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;

***In this case the proposal is for the conversion of one agricultural building with a proposed floorspace of 150sqm. Therefore, the conversion falls within the 'larger' dwellinghouse description. Under planning references 19/01684/COUNOT and 21/00025/COUNOT prior approval has previously been granted to convert two agricultural buildings into residential use, measuring 163sqm and 150sqm, both of which fall within the established agricultural unit. The proposal therefore would result in a total of three 'larger' dwellings with a cumulative floorspace of 463sqm. The proposal therefore adheres with this criterion.***

***While additional prior approvals have been granted at the site, as detailed above these have since lapsed and therefore are not considered on this occasion.***

(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;

***In this case, the proposal is for the conversion of a barn measuring 150sqm which exceeds the definition of a 'smaller' dwellinghouse and is therefore not applicable. Within planning reference 19/01684/COUNOT one 'smaller' dwelling has previously been granted consent on the established agricultural unit, however this has since lapsed. Therefore, the cumulative number of separate 'smaller' dwellinghouses developed under Class Q within the established agricultural unit does not exceed 5. The proposal complies.***

(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;

***In this case the proposal is for the conversion of one agricultural building with a proposed floorspace of 150sqm. However, under planning references 19/01684/COUNOT and***

**21/00025/COUNOT prior approval has previously been granted to convert two 'larger' agricultural buildings into residential use, measuring 163sqm and 150sqm respectively, both of which fall within the established agricultural unit. The cumulative floorspace of development under Class Q within the established agricultural unit is therefore 463sqm and does not exceed the 465sqm threshold. The proposal therefore adheres with this criterion.**

**The cumulative number of dwellinghouses would be three, and therefore it does not fail this part of the criterion.**

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

**The site is not occupied under an agricultural tenancy. The proposal complies.**

(f) less than 1 year before the date development begins -

(i) an agricultural tenancy over the site has been terminated, and

(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;

**Less than one year before the date development begins an agricultural tenancy over the site has not been terminated and the termination was for the purpose of carrying out development under Class Q. The proposal complies.**

(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 -

(i) since 20th March 2013; or

(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;

**No 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 since 20th March 2013 or 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. The proposal complies.**

(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.

**Within earlier applications relating to the conversion of this building, concerns were raised that there was a brick plinth extending beyond the existing building. This has now been removed within the current application, and therefore proposal does not extend beyond the external dimensions of the existing building at any point, and this criterion is therefore met.**

(i) the development under Class Q(b) would consist of building operations other than -

(i) the installation or replacement of -

(aa) windows, doors, roofs, or exterior walls, or

(bb) water, drainage, electricity, gas or other services,

to the extent reasonably necessary for the building to function as a dwellinghouse; and

(ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i);

***In comparison to the scheme previously determined under planning reference 23/01178/COUNOT the development has been amended, with the key alterations being a larger part of the existing building now being demolished and therefore no infill walls, the inclusion of a first floor, less fenestration to the front, rear and one side elevation, and the inclusion of two additional windows to the other side elevation.***

***The development under Class Q(b) will continue to see alterations to the existing building, but given there is no longer an infill wall, a brick plinth and less fenestration overall, on balance, officers conclude that the combination of works no longer exceeds the above requirements, and the criterion is met.***

(j) the site is on article 2(3) land;

***The site is not on article 2(3) land. The proposal complies.***

(k) the site is, or forms part of -

- (i) a site of special scientific interest;
- (ii) a safety hazard area;
- (iii) a military explosives storage area;

***The site is not nor forms part of a site of special scientific interest, a safety hazard area or a military explosives storage area. The proposal complies.***

(l) the site is, or contains, a scheduled monument; or

***The site is not nor contains, a scheduled monument. The proposal complies.***

(m) the building is a listed building.

***The building is not a listed building. The proposal complies.***

#### Conditions

Q.2 - (1) Where the development proposed is development under Class Q(a) together with development under Class Q(b), development is permitted subject to the condition that 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
- (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.

#### Transport and Highways Impacts of the Development:

***The site will be accessed using an existing vehicular access via Green End Lane to the west. The vehicular movements associated with one additional dwelling in this location will not result in increased conflict or danger to the highway network. In respect of car parking provision, Essex Parking Standards state a need for two spaces measuring 5.5m x 2.9m for dwellings with two***

*bedrooms or more. The plans submitted demonstrate this is achieved. Essex Highways Authority raise no objection to the development subject to conditions.*

Noise Impacts of the Development:

*The proposal would not result in any material noise impacts. The proposal complies.*

Contamination Risks on the Site:

*The Council's Environmental Protection Team have been consulted and have stated that due to the previous use of the site for agricultural uses, a condition should be included for a Watching Brief. Subject to the inclusion of this condition the proposal complies.*

Flooding Risks on the Site:

*The site is located outside of an area of recognised flood risk. The proposal complies.*

Whether the Location or Siting of the Building is Impractical or Undesirable for the Building to Change:

Paragraph 109 of the National Planning Practice Guidance states:

*"When considering whether it is appropriate for the change of use to take place in a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. That an agricultural building is in a location where the local planning authority would not normally grant planning permission for a new dwelling is not a sufficient reason for refusing prior approval.*

*There may, however, be circumstances where the impact cannot be mitigated. Therefore, when looking at location, local planning authorities may, for example, consider that because an agricultural building on the top of a hill with no road access, power source or other services its conversion is impractical. Additionally, the location of the building whose use would change may be undesirable if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals.*

*When a local authority considers location and siting it should not therefore be applying tests from the National Planning Policy Framework except to the extent these are relevant to the subject matter of the prior approval. So, for example, factors such as whether the property is for a rural worker, or whether the design is of exceptional quality or innovative, are unlikely to be relevant."*

*On this occasion, the agricultural building subject of this application is located to the eastern side of Green End Farm, set amongst a series of other agricultural building as well as residential properties following previous planning permissions. On this basis, the Local Planning Authority does not consider that the location or siting of the building would make it impractical or undesirable for the proposed change of use. The proposal complies.*

The Design or External Appearance of the Building:

*The design will see the conversion of one existing agricultural building. In comparison to the scheme previously determined under planning reference 23/01178/COUNOT the development has been amended, with there now being no infill walls or brick plinth and less fenestration. Overall, therefore, Officers conclude that on balance the level of works proposed is not excessive and would be what would be expected from such a conversion. Furthermore, the design of the building is considered to retain a rural appearance in-keeping with the existing surrounds. Therefore, the Local Planning Authority does not consider that the proposed development will have any significant impact on the design or external appearance of the building.*

The Provision of Adequate Natural Light in all Habitable Rooms of the Dwellinghouses:

*Habitable Rooms are defined as "any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms". Drawing Number GE2/1B indicates that each habitable room will have adequate natural light.*

## **6. Recommendation**

Determination prior approval not required.

## **7. Conditions**

- 1 Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.

Reason - In order to comply Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 2 **CONDITION:** The development hereby permitted shall be carried out in accordance with the drawings/documents listed below and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non-material amendment following an application in that regard (except for Listed Building Consents). Such development hereby permitted shall be carried out in accordance with any Phasing Plan approved, or as necessary in accordance with any successive Phasing Plan as may subsequently be approved in writing by the Local Planning Authority prior to the commencement of development pursuant to this condition.

Drawing Numbers GE2/1B and GE2/2'B'.

**REASON:** For the avoidance of doubt and in the interests of proper phased planning of the development.

**NOTE/S FOR CONDITION:**

The primary role of this condition is to confirm the approved plans and documents that form the planning decision. Any document or plan not listed in this condition is not approved, unless otherwise separately referenced in other conditions that also form this decision. The second role of this condition is to allow the potential process of Non Material Amendment if found necessary and such future applications shall be considered on their merits. Lastly, this condition also allows for a phasing plan to be submitted for consideration as a discharge of condition application should phasing be needed by the developer/s if not otherwise already approved as part of this permission. A phasing plan submission via this condition is optional and not a requirement.

Please note in the latest revision of the National Planning Policy Framework (NPPF) it provides that Local Planning Authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). Accordingly, any future amendment of any kind will be considered in line with this paragraph, alongside the Development Plan and all other material considerations.

Any indication found on the approved plans and documents to describe the plans as approximate and/or not to be scaled and/or measurements to be checked on site or similar, will not be considered applicable and the scale and measurements shown shall be the approved details and used as necessary for compliance purposes and/or enforcement action.

- 3 **CONDITION:** If during construction/demolition works evidence of potential contamination is encountered, works shall cease, and the site fully assessed to enable an appropriate

remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build, then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

REASON - To ensure that any risks from land contamination to the future users of the land and neighbouring land are minimised.

- 4      **CONDITION:** Prior to first occupation of each dwelling, a Residential Travel Information Pack (travel pack) shall be provided to each dwelling for use of its first occupiers. The travel pack shall be agreed, in writing, by the Local planning authority prior to provision and shall include a minimum of six one day travel vouchers for use with a local transport operator.

REASON: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

## **8. Informatives**

N/A

## **9. Equality Impact Assessment**

In making this recommendation/decision regard must be had to the public sector equality duty (PSED) under section 149 of the Equality Act 2010 (as amended). This means that the Council must have due regard to the need in discharging its functions that in summary include A) Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act; B. Advance equality of opportunity between people who share a protected characteristic\* (See Table) and those who do not; C. Foster good relations between people who share a protected characteristic\* and those who do not, including tackling prejudice and promoting understanding.

It is vital to note that the PSED and associated legislation are a significant consideration and material planning consideration in the decision-making process. This is applicable to all planning decisions including prior approvals, outline, full, adverts, listed buildings etc. It does not impose an obligation to achieve the outcomes outlined in Section 149. Section 149 represents just one of several factors to be weighed against other pertinent considerations.

In the present context, it has been carefully evaluated that the recommendation articulated in this report and the consequent decision are not expected to disproportionately affect any protected characteristic\* adversely. The PSED has been duly considered and given the necessary regard, as expounded below.

| Protected Characteristics * | Analysis                                                                                    | Impact  |
|-----------------------------|---------------------------------------------------------------------------------------------|---------|
| Age                         | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |

|                                                                    |                                                                                             |         |
|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------|---------|
| Disability                                                         | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Gender Reassignment                                                | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Marriage or Civil Partnership                                      | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Pregnancy and Maternity                                            | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Race (Including colour, nationality and ethnic or national origin) | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Sexual Orientation                                                 | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Sex (gender)                                                       | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |
| Religion or Belief                                                 | The proposal put forward will not likely have direct equality impacts on this target group. | Neutral |