

This application seeks prior approval for a change of use from a barn to a dwelling under Class MB of Part 3 of the General Permitted Development Order.

This application has been brought to planning committee as the applicant is an employee of the Borough Council.

The statutory 8 week determination period for the application expires on the 2nd April 2015.

RECOMMENDATION

- (a) Prior approval is **not required** as to the transport and highways impacts; the noise impacts; the flooding risks or as to whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change to a dwelling.
- (b) Prior approval is **required** as to the contamination risks on the site and should be **granted**. The following informatives should be included in the decision:
- Informative regarding importation of soil to facilitate development
 - Coal Authority informatives
 - Informative outlining the conditions of MB.2 of Part 3 of the Town and Country Planning General Permitted Development Order that before beginning the developer, the developer shall apply for a determination as to whether prior approval is required as to the design or external appearance of the building and that the development shall begin within 3 years.

Reason for recommendation

The proposed development complies with the permitted development rights for converting agricultural buildings to residential dwellings as set out in Class MB of Part 3 of the Town and Country Planning General Permitted Development Order.

Key Issues

The application is for prior approval for the change of use of an agricultural building to a dwelling. No extensions are involved in the conversion.

Class MB indicates that the developer is required to make an application for a determination as to whether the prior approval of the Authority will be required for

- the transport and highway impacts of the development;
- noise impacts of the development;
- contamination risks on the site;
- flooding risks on the site; or
- whether the location or siting of the building makes it otherwise impractical or undesirable to change from agricultural use to a use falling within Class C3 (dwellinghouse) of the Schedule to the Use Classes Order.

Building operations reasonably necessary to convert the building to a dwellinghouse are also permitted under Class MB but with certain limitation and with the condition that before starting the development a further determination application is submitted to establish whether prior approval of the design external appearance of the building (relating to the building operations reasonably necessary to convert the building to a dwelling) is then also required.

The council may refuse such an application where the proposed development does not comply with, or there is insufficient information to establish whether the proposed development complies with the conditions, limitations or restrictions. It is noted that no extensions are proposed to the existing building. There would be an element of re building to some of the walls and roof with reclaimed materials, new window openings and new roof lights are proposed however such building operations are considered to be reasonably necessary to convert the building to a dwellinghouse. In this particular case, bearing this in mind and

considering the other conditions etc. it is concluded that the proposed development does comply. It is therefore necessary to determine whether prior approval is required and if it is, should it be granted.

Is prior approval required?

The procedure set out in the GPDO requires that consideration is given to each of the matters covered by the bullet points above.

1. Transport and highway impacts of the development

Prior approval is required if the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site and if so it should consult the relevant Highway Authority.

The application site is served by an existing access off Holly Lane which in turn serves a number of dwellings and farms. It is considered that the introduction of traffic associated with one addition dwelling would not be material and would not materially change the character of traffic in the vicinity of the site. As such it is considered that prior approval as to transport and highways impacts of the development is not required.

Whilst it was not required as part of the procedure, given that prior approval is not required, the Highway Authority has been consulted on the proposal and it should be noted that they have no objections to the proposal.

2. Noise impacts of the development

The building is over 100 metres from the nearest residential property and agricultural buildings at Stonetrough Farm. It is therefore considered that this would not give rise to unacceptable noise implications and therefore prior approval is not required as to the noise impacts of the development.

3. Contamination risks on the site

There is the potential for there to be contamination risks associated with the proposed change of use and as such it is considered that prior approval as to the contamination risks on the site is required.

If the Council determine that the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land then prior approval should be refused. The Environmental Health Division states that whilst the application site is within a high risk coal mining area, there is a low risk of contamination/ mining issues due to the proposal being a conversion involving only minor works as such there is no basis to conclude that any mitigation is required or to conclude that the site will be contaminated land and refuse to give prior approval. It is therefore recommended that prior approval should be granted.

4. Flooding risks on the site

The site is not within a Flood Zone and as such it is considered prior approval is not required as to the flooding risks on the site.

6. 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.

There are no issues which would make it otherwise impractical or undesirable for this building to change from agricultural use to a dwellinghouse.

Material Considerations:

National Planning Policy

National Planning Policy Framework (2012)
Planning Practice Guidance (2014)

Supplementary Planning Guidance
Nil.

Planning History
Nil

Views of Consultees

Kidsgrove Town Council – No objections

Coal Authority –No objections subject to informatives being included on any approval.

Environmental Health Division and Highway Authority – no objections.

Footpaths Officer – have not responded by the due date and as such it is assumed that there are no comments.

Representations

A site notice has been displayed giving an expiry date of the 20th March 2015 for any comments to be made on the application. No comments had been received at the date of writing the report, and any comments received will be reported to the planning committee.

Applicants/agents submission

The requisite plans and application form can be viewed on the Borough Council's website at www.newcastle-staffs.gov.uk/planning/1500098COUNOT

Background Papers
Planning File
Development Plan

Date report prepared

18th March 2015