



## DELEGATED REPORT

**Application Ref:** 2020/1346/PAD                      Date of Report: 04-Jun-21  
**Case Officer:** Darren Burbeary  
**Determination** 4 June 2021  
**Date:**

**Proposal:** Proposed change of use of an agricultural building to a dwelling.  
**Address:** The Old Piggery, Far Wood Lane, Greetham, Rutland, LE15 7QT,

**Neighbour Responses**  
None

### Consultation Responses

Highways                      Highways Objection - Access route is unsuitable for residential amenity and does not support all modes of travel. Wholly reliant on private car use.

If approved requires a CMP

No further comments

Public                      Public Protection would like to a phased contaminated land assessment  
Protection                      being undertaken.

Public                      Given the outcome of the phase 1 assessment we want to see the next  
Protection                      phase of intrusive investigation and assessments in order to judge the  
   magnitude of harm and the necessary remediation steps required before  
   approval.

Public                      The phase II survey did not identify any contaminated risks that required  
Protection                      remediation .On that basis it can be issued.

The                      The Environment Agency does not wish to make any comments on this  
Environment                      application. It does not appear to meet any of the criteria listed on our  
Agency                      External Consultation Checklist and it was therefore not necessary to  
   consult us.

Ecology Unit                      The building proposed for conversion is adjacent to open countryside and  
   sited in an area with good bat foraging habitat. A bat survey is therefore  
   needed. Bat surveys involve an external and internal inspection of the  
   building by an appropriately licensed bat worker and an assessment of its

potential value for bat roosting. This can be done at any time of year. If evidence of bat use is found, or the building is considered to have low, moderate or high value, or the surveyor cannot fully inspect the building, a suite of emergence surveys may also be required.

Emergence surveys can only be carried out between May and mid Sept. The number of survey visits needed depends on the findings of the inspection, and should follow national guidelines. Buildings with low roost potential require 1 survey; medium require 2, and high potential require 3 surveys. The suite of surveys should include at least one between May and August.

A list of consultants able to do this work is available on request, and guidance on bat surveys is at this link.

<https://www.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-and-rutland-environment-records-centre-lrerc>.

Depending on the results of surveys, mitigation may be required, and may be the subject of a planning condition and possibly a European Protected Species license application to Natural England.

Please note that ODPM Regulations require protected species surveys to be submitted prior to determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation ' Statutory Obligations and their Impact within the Planning System).

A barn owl survey is also required.

If this information cannot be supplied, I recommend that this application is withdrawn or refused, on the grounds of inadequate information about protected species.

Ecology Unit 10th Feb '21:

The Preliminary Bat Roost Assessment And Nesting Bird Survey Report (Eco-Check Consultancy Ltd, January 2021) is satisfactory; no bats or evidence of such was found, and I agree that the building has negligible or very low bat potential. No further survey work is required.

As per section 5.1.3 of the ecology report 2 bat boxes/bricks should be incorporated into the building and recommendations in the report regarding lighting should be followed. 3 nest boxes as specified in the report should be installed on the site. This should be made a condition of any planning permission should it be granted.

Highways  
England

Highways England has no comments to make on this application.

## Planning Officer's Report

### Evaluation

This is a submission for prior approval application for the change of use of an existing agricultural building to form one dwelling. The former grainstore is located on the eastern side of the A1 and is accessed by a private road that also serves other residential properties and farms. The building is partly screened from the A1 by mature vegetation and to the south by woodland. Views to the north are open across agricultural land.

Planning permission is not deemed necessary for the proposed development on the basis that the proposal conforms with the conditions, limitations and restrictions set out in Class Q of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015) as amended by The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018 (GPDO 2018).

Where the proposed development is permitted development under Class Q of the GPDO 2015 and 2018, the applicant is required to apply to the Local Planning Authority for a determination as to whether prior approval is required for the following items:

- A. Transport and highways impact of the development;
- B. Noise impact 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 use; and,
- F. The design or external appearance of the building.

### Principle of the use

The Prior Approval Statement submitted states that the applicants are dairy farmers, with their main farm being Greetham Lodge Farm, Stretton, however they are currently in the process of going out of milk production. The building subject to this application is a crop and machinery store although it is currently empty. The applicants have also stated that the building has been in agricultural use as part of an established farming business. This is confirmed in the accompanying Prior Approval Statement which also establishes that the building was used solely for agricultural use as part of an established agricultural unit on or before 20th March 2013.

It is proposed to convert the building into one larger dwelling with a total floor area of 324 m<sup>2</sup>. The curtilage of the proposed dwelling will not exceed the current footprint of the building 324 m<sup>2</sup> and will provide sufficient amenity area, car parking and turning space within the defined curtilage.

The proposed development will not result in an extension of the existing external dimensions of the building and the development will not comprise building operations other than the installation or replacement of the following which Class Q allows:

1. Windows, doors, roof or exterior walls; or
2. Water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and
3. Partial demolition to the extent reasonably necessary to carry out building operations allowed above

The site falls within an established agricultural unit on agricultural land occupied and used for the purposes of agriculture before 20 March 2013, is not associated with a Listed Building, a Scheduled Monument, is not located in a Conservation Area or on any other Article 2(3) land, is not in a Site of Special Scientific Interest, nor in a safety hazard or a military explosives storage area. The proposed curtilage of the dwelling is no more than the land occupied by the agricultural building, as shown on the submitted block plan.

The applicants agent was informed that Prior Approval was required for this notification because the Senior Environmental Health Officer had advised that the information contained within the supporting planning statement concerning land contamination is not sufficient in this instance and a contaminated land assessment phase 1 assessment (as a minimum) is required., together with the need for structural survey prepared by a relevant qualified specialist to consider the structural integrity of the existing building and the potential suitability for conversion to a domestic dwelling

#### Contaminated Land

Due to the nature of the use of the building and surrounding land the Councils Public Protection Team confirmed that a phased contaminated land assessment is required.

The phased 1 contaminated report. The desk based study has recommended an intrusive investigation in table 15 of the report. I would recommend this is undertaken to ensure the scale of the contamination is properly understood and remediated. The report does recommend an alternative strategy of assuming contamination and acting to break the linkages in table 16. However, it cannot be used for mobile pollutants that may be present. Therefore, I recommend the steps in table 15 undertaken and remediation strategy developed and executed on the results of this. Once completed a verification report to demonstrate the site is suitable for use should be submitted

Following the receipt of the contaminated land assessment phase 1 assessment due to the conclusions a Phase 2 report was required. Environmental Protection have stated that 'The phase II survey did not identify any contaminated risks that required remediation. On that basis it can be issued'. No conditions were recommended.

#### Structural Report

The building and is in good condition and the notification has been supported by a Structural Survey. The report confirms that the overall structure of the building is in good condition. There is no evidence of structural movement or structural defects to the existing frame and structure. The report has identified a small number of minor defects in localised areas of the existing building, however the report confirms that these are cosmetic, not structural and could be repaired locally at the time the development works are carried out.

#### Impact of the use on the character of the area

The proposed development will not result in an extension of the existing external dimensions of the building at any given point.

The building is in good condition and is proposed to be converted to a dwelling by retaining and utilising the existing steel frame structure, corrugated wall cladding, corrugated roof cladding, load bearing concrete floor and internal galvanised metal grain walling. The corrugated roof and wall cladding that is being retained from the original structure, will be retained as a grey colour.

Internally, the walls and roof will incorporate timber studwork with linings, internal skin, insulation and internal over boarding to meet Building Regulations and allowable building operations under Class Q.

#### Impact on the neighbouring properties

The building is located away from other buildings but residential amenity is not a Class Q consideration.

#### Highway issues

Highways Objection - Access route is unsuitable for residential amenity and does not support all modes of travel. Wholly reliant on private car use.

If approved requires a CMP

The objection raised by RCC Highways concerning the fact that the access road does not support all modes of travel, except a car, is not part of the criteria Class Q Notifications are assessed against. It is accepted that this is an unsustainable location – it is noted that this is not a consideration under Class Q although if a full application is then submitted, sustainability is a consideration. The existing access serves other residential properties and farmsteads. It is not considered the additional use of the access by one dwelling could support a reason for refusal on amenity grounds. Therefore the proposal, subject to a condition requiring a Construction Management Plan to be agreed with the Local Planning Authority prior to starting any works on site is acceptable and meets the Highways assessment criteria set out under Class Q.

#### Ecology

While ecology is not a matter specifically identified for the planning authority's consideration under the prior notification process, other legislation, such as the Wildlife and Countryside Act 1981, the Countryside and Rights of Way Act 2000 and the Conservation of Habitats and Species Regulations 2010 afford protection to particular species of flora and fauna, and also to important habitats. While development may be permitted by the GPDO (as amended) this does not absolve the developer for the need to comply with these requirements.

The applicants have submitted an ecology report and the Planning Ecologist has confirmed that The Preliminary Bat Roost Assessment And Nesting Bird Survey Report (Eco-Check Consultancy Ltd, January 2021) is satisfactory; no bats or evidence of such was found, and I agree that the building has negligible or very low bat potential. No further survey work is required.

As per section 5.1.3 of the ecology report 2 bat boxes/bricks should be incorporated into the building and recommendations in the report regarding lighting should be followed. 3 nest boxes as specified in the report should be installed on the site. This should be made a condition of any planning permission should it be granted. As this is a Class Q Prior Approval Notification an informative has been added for the reasons stated above.

#### Crime and Disorder

It is considered that the proposal would not result in any significant crime and disorder implications.

#### Human Rights Implications

Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.

It is considered that no relevant Article of that act will be breached.

### Conclusion

The proposal complies with the criteria set out in Class Q and can proceed.

### **Recommendation:** Granted - Prior Approval

1. No development shall take place until a Construction Management Plan has been submitted and approved in writing by the Local Planning Authority, which will include the following:-
  - a) A scheme for monitoring, reporting and control of construction noise and vibration including hours of working and scope for remedial action.
  - b) A scheme for the control of dust and scope for remedial action in the event that dust is identified as an issue or any complaints are received.
  - c) A scheme of chassis and wheel cleaning for all construction vehicles to include the details of location and specification of a fully working jetted drive-thru bath type wheel wash system together with hard surfacing laid between the apparatus and public highway in either concrete or tarmacadam, to be maintained free of mud, slurry and any other form of contamination whilst in use. A contingency plan including if necessary the temporary cessation of all construction operations and movements to be implemented in the event that the approved vehicle cleaning scheme fails to be effective for any reason.
  - d) Haul routes to the site and hours of delivery.
  - e) Measures to ensure that vehicles can access the site immediately upon arrival to ensure there is no queuing on the public highway.
  - f) Details of site compounds, storage area and contractor/visitor parking/turning.
  - g) Details of the site enclosure or part thereof and gated site security.
  - h) Confirmation of any tree protection measures.
  - i) Confirmation that any demolition will be carried out in accordance with the ecological assessment.
  - j) A scheme for dealing with complaints.
  - k) Details of any temporary lighting which must not directly light the public highway.
  - l) Phasing plans where necessary.

The development shall thereafter be carried out in accordance with the approved Construction Management Plan.

Reason: In the interests of residential amenity and highway safety in accordance with policies Policies SP15 and SP17 of Site Allocations & Policies Development Plan Document Adopted October 2014.

### Notes to Applicant

1. This permission shall not be construed as granting rights to development on, under or over land not in the control of the applicant.
2. The attached planning permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that, if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance, you are advised to obtain permission from the owner of such land for such access before work is commenced.

3. As per section 5.1.3 of the ecology report (Eco-Check Consultancy Ltd, January 2021) 2 bat boxes/bricks should be incorporated into the building and recommendations in the report regarding lighting should be followed and 3 nest boxes as specified in the report should be installed on the site.
4. As some species of bird may nest on or within buildings, any demolition or other works which affect the structure of the building should either take place outside the bird-nesting season (March to July inclusive), or within 24 hours of the 'all-clear' from an appropriately qualified ecologist following a negative bird-nesting survey. Netting to prevent bird nesting may only be done with prior approval of the LPA. In addition, there is always a possibility that a building could support roosting bats, which are protected by law from harm. As a precaution, the applicant should ensure that all contractors and individuals working on the property are aware of this possibility, as works must cease if bats are found during the course of the works whilst expert advice from a bat ecologist is obtained. Bats are particularly associated with the roof structure of buildings, including lofts, rafters, beams, gables, eaves, soffits, flashing, ridge-tile, chimneys, the undertile area, etc. but may also be present in crevices in stone or brickwork and in cavity walls.
5. Rutland County Council became a Community Infrastructure Levy (CIL) Charging Authority on 1st March 2016. Full details of CIL are available on the Council's website <https://www.rutland.gov.uk/my-services/planning-and-building-control/planning/planning-policy/community-infrastructure-levy-cil/>.

This development may be subject to a Community Infrastructure Levy (CIL) liability. A Notice of Chargeable Development (Form 5) must be submitted prior to commencing development. . Failure to do so could result in additional financial penalties. If you have not received an acknowledgement by the time you intend to commence development then it is imperative that you contact [cil@rutland.gov.uk](mailto:cil@rutland.gov.uk).

Some developments may be eligible for relief, further information and the CIL forms can be downloaded from the Planning Portal [https://www.planningportal.co.uk/info/200136/policy\\_and\\_legislation/70/community\\_infrastructure\\_levy](https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy) . Detailed CIL guidance is available on the GOV.UK website <https://www.gov.uk/guidance/community-infrastructure-levy>