

# Delegation Report

S/1668/15/PB

100, Histon Road, Cottenham

**Prior approval application for change of use from agricultural building to 2 dwellings.**

## Site and Proposal

The application site is located just outside but immediately adjacent to the village development framework of Cottenham in the countryside. The site is home to a main dwelling set back from the road by 15 metres behind a gravelled parking area, with a vehicle access to the South East side of the dwelling leading to a single range of outbuildings. The vehicle access continues to the North East side of the outbuildings to a paddock beyond.

The application relates to the outbuilding and seeks Prior Approval from the Local Planning Authority for the change of use of the building to a two dwellings.

## Policy

Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

## Consultations and Representations

Parish Council – has recommended refusal of the application on the grounds that it states the site is prone to flooding, the risk of overlooking and loss of privacy for neighbours, a visual amenity issue for neighbours, access, that the proposal is overdevelopment and out of character with the pattern of development, the increase in traffic potentially causing disturbance, the sustainability of materials, the lack of details of the proposed built structure and its view that the proposal would not be permitted development without extending the building.

Local Highways Authority - initially objected to the proposal on the basis of a lack of information regarding the access point with the public highway, however it has since withdrawn its objection having considered further information submitted by the applicant subject to conditions requiring the provision of sufficient space to park clear of the public highway and enter turn and leave the site in a forward gear. It has also requested a condition requiring the submission of a construction traffic management plan.

SCDC Contaminated Land Officer - notes the potentially contaminative historical usage and the potential impact of unremediated contamination on end users of the dwellings. He recommends a condition requiring a Phase 1 Desk Study followed by a scheme for the investigation and recording of contamination and the remediation of any identified contamination. On that basis, he is content for approval to be granted.

SCDC Environmental Health Officer - does not object to the proposed development in terms of noise impact or sensitivity, however he requests conditions in respect of hours of construction and other construction practices.

Neighbours – two representations have been received from the owner/occupiers of No. 98 Histon Road and No. 106 Histon Road.

The owner/occupiers of No. 98 Histon Road, express concern in respect of the additional traffic impact on Histon Road, the contamination risks on site, flooding risks and the lack of details for the final design of the converted building. They also question the accuracy of the submitted site plan.

The owner/occupiers of No. 106 Histon Road raise concerns in respect of highway safety and access, noise impact, flood risk and potential overlooking from the proposed dwellings. They also refer to an ongoing disagreement regarding the common boundary between the two properties and the fact that the plans do not reflect recent extensions carried out to No. 106.

### **Planning Comments**

Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 allows for the change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within C3 (dwellinghouse) along with building operations reasonably necessary to convert the building. This is subject to a number of requirements and conditions.

### **Requirements**

The applicant has declared that: the buildings were in agricultural use immediately before 20 March 2013; the cumulative floor space of the existing building or buildings would be 106.7 square metres; the cumulative number of separate dwellinghouses created will be two; the site is not occupied under an agricultural tenancy; the development (together with any previous development under Class Q) would not result in more than 450 square metres of floor space of building or buildings within an established agricultural unit having changed use under Class Q; the development under Class Q would consist of the installation of new windows and doors and that there would be little change in the external appearance of the building.

The site is not on article 2(3) land, It is not a site of special scientific interest, a safety hazard area, a military explosives storage area, the site of a scheduled monument and the building is not a listed building.

### **Conditions**

Condition Q.2 (1) requires the developer to apply to the Local Planning Authority to determine whether Prior Approval is required in respect of transport and highway 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 use and the design or external appearance of the building.

### Transport and highway impacts of the development

The County Highways Authority has initially raised an objection to the proposed development in respect of a lack of information regarding the access arrangements. The applicant's agent has since provided further information in respect of the proposed development stating that the existing market stall on site which sells vegetables attracts an average of 40 vehicle movements per day. They state that this

use will cease if the barns are converted and the proposed dwellings would not result in any additional trips over and above that average of 40 vehicle movements. This has been accepted by the Highways Authority and on the basis that the vegetable sales cease, the proposed residential units are considered acceptable in terms of their impact on the traffic movements in the area.

There is a significant amount of off street parking and turning facilities at the site, including on the frontage and in the area to the side of No. 100 and to the side of the barn. While detailed parking and turning layouts have not been provided, it is considered that suitable provision can be accommodated on site to allow the parking and turning of domestic vehicles associated with the existing dwelling and the new dwellings on site. The Local Highways Authority shares this view and considers the application acceptable, subject to the implementation of a condition on the approval which requires further details to be submitted showing the parking and turning arrangements for the dwellings.

The Local Highways Authority has also requested a Construction Traffic Management Plan in order to ensure the construction phase does not adversely impact on highway safety in the area.

) On that basis, the proposed development is considered acceptable in terms of its impact on transport and highway safety subject to the imposition of conditions.

#### Noise Impacts of the development

The noise impacts created from the residential use of the barn are not considered likely to impact on the amenity of neighbouring properties and the Council's Environmental Health Officer is content that the use will be acceptable in terms of noise generation and sensitivity. He requests conditions dealing with the noise impacts of the construction phase, which would be applied to any permission. The submitted Acorus Condition Report details that the existing box profile metal sheeting would be removed as part of the conversion and replaced with fibre cement weatherboarding and insulated studwork walls. This provision for insulation, which would have to meet current building regulations standards, would ensure that noise from the residential use of the building would not have any significant impact on the amenity of neighbouring properties, including on the host property.

) The access and parking of vehicles to the rear of the site has some potential to create noise and disturbance which could affect neighbouring properties, however, given the existing residential use of No. 100, the vehicle trips to the site associated with the current vegetable stall which would cease, the existing storage use at the barn and associated commercial vehicles delivering to the site, it is not considered that the additional domestic vehicle movements to the site would have any significant impact on residential amenity.

On that basis, the proposed development is considered acceptable in terms of the noise impacts of the development.

#### Contamination risks on the site

The barn has a potentially contaminative historic usage including agricultural storage and the proposed residential use would be sensitive to contamination. The advice of the Council's Contaminated Land Officer is that further assessment is required in order to ensure that all potential contamination is identified and suitably remediated. This would require a desk assessment and site walkover, a detailed scheme of investigation and recording of contamination and the detailing of remediation

objectives through risk assessment and ultimately the carrying out of that remediation work and confirmed via a verification report.

On the basis that a condition requiring the above works is applied to any permission granted the Scientific Officer is content that the application is acceptable in terms of the contamination risks on site.

#### Flooding risks on the site

The site is located outside of Flood Zones 2 and 3 however anecdotal evidence has been provided by the Parish Council and neighbours that some flooding has occurred on site in recent years. The applicant's agent has provided further information on this matter stating that the barn itself has never flooded while in the applicant's ownership (for the last 15 years) and that land drains in the rear field do occasionally become blocked and requiring clearing.

Given the barn is an existing building, it is not considered its conversion would result in any additional surface water runoff nor would it increase flood risk in the area.

In terms of the susceptibility of the building to flooding, it is considered that this could be adequately mitigated by a condition requiring the internal floor levels of the dwelling are no lower than the existing barn, which the application states has not flooded at any time in the applicant's ownership. On that basis, the proposed development is considered acceptable in terms of the flood risks of the site.

#### Other Considerations

The regulations also require an assessment as to whether or not the location or siting of the building makes its conversion to residential dwellings otherwise impractical or undesirable. While the site is just outside the development framework of Cottenham, it is adjacent to the framework boundary and is not considered to be unduly isolated from the settlement or its facilities and amenities, including shops, services and public transport links. Given the acceptability of the scheme in terms of the immediate neighbours identified by the above consideration, it is not considered that there are any other factors in respect of the location or siting of the building which would make its conversion to residential dwellings otherwise impractical or undesirable.

#### Design and external appearance

No elevation or floor plan details showing the proposed dwellings have been submitted with the application and it is considered that while the principle of the change of use and the methodology for the physical works detailed within the Acorus reports are acceptable, elevations and floor plans would be required in order to ensure that the building would have an acceptable appearance and that any new window and door openings would not unduly impact on the amenity of the neighbouring properties. Such elevations and floor plans would be required by condition and no further windows or doors, other than those shown on the approved drawings, would be permitted to be installed in the dwellings.

#### **Conclusion**

The proposed development is considered to comply with the conditions of Class 3, Part Q of the and is the prior approval of the Local Authority in respect of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the application is therefore considered acceptable, subject to the following conditions:

1. Prior to the commencement of development, a scheme showing parking and turning arrangements for the two new dwellings enabling vehicles to enter, turn and leave the site in forward gear and park clear of the public highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the first occupation of either dwelling and thereafter retained for the specific use of parking and turning of domestic vehicles. (Reason – In the interests of highway safety in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)
2. Prior to the commencement of development, a construction traffic management plan shall be submitted to and approved in writing by the Local Planning Authority. The principle areas of concern that should be addressed are: i) Movements and control of muck away lorries (all loading and unloading should be undertaken off the adopted public highway); ii) Contractor parking, for both phases all such parking should be within the curtilage of the site and not on street; iii) Movements and control of all deliveries (all loading and unloading should be undertaken off the adopted public highway); iv) Control of dust, mud and debris, in relationship to the functioning of the adopted public highway. The approved plan shall be fully implemented during the construction phase. (Reason – In the interests of highway safety in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)
3. Prior to the first occupation of either dwelling, the use of the site for the sale of vegetables shall permanently cease and the kiosk and all signage relating to that previous use shall be permanently removed from the site. (Reason – In the interests of highway safety in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)
4. No construction site machinery or plant shall be operated, no noisy works shall be carried out and no construction related deliveries taken at or dispatched from the site except between the hours of 0800-1800 Monday to Friday, 0800-1300 Saturday and not at any time on Sundays or Bank or Public holidays. (Reason - To minimise noise disturbance for adjoining residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
4. There shall be no burning of any waste or other materials on the site, without the prior written consent of the Local Planning Authority. (Reason: To ensure nuisance is not caused to local residents in accordance with Policy NE/16 of the adopted Local Development Framework 2007.)
5. No development shall commence on site until:
  - a) The application site has been subject to a detailed desk study and site walkover, to be submitted to and approved by the Local Planning Authority.
  - b) The application site has been subject to a detailed 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.
  - c) 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.

d) The works specified in the remediation method statement 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 that 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 in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)

6. If, during remediation works, any contamination is identified that has not been considered in the remediation method statement, then remediation proposals for this material shall be agreed in writing by the Local Planning Authority. (Reason – To ensure that 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 in accordance with Policy DP/1 of the adopted Local Development Framework 2007.)
7. The finished floor levels of the dwellings shall be no lower than the existing finished floor level of the barn. (Reason: To ensure the dwellings are adequately protected from the risk of flooding in accordance with Policy NE/11 of the adopted Local Development Framework 2007).
8. Prior to the commencement of development, floor plans, a roof plan and elevations of the dwellings at a scale of 1:50 or 1:100 shall be submitted to and approved in writing by the Local Planning Authority. (Reason: To ensure an acceptable impact on visual amenity and to ensure no overlooking or loss of privacy to neighbouring dwellings in accordance with Policies DP/2 and DP/3 of the adopted Local Development Framework 2007.)

**Signature of Delegation Officer**



**Date**

3 Sept 15