

AGENDA ITEM NO: 8/2(g)

Parish:	Walsoken	
Proposal:	Proposed residential development, involving demolition of existing buildings benefitting from prior notification approval for 5 dwellings	
Location:	Manor House Farm Nurseries Green Lane Walsoken Wisbech	
Applicant:	Mr and Mrs Griffin	
Case No:	21/00205/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 20 April 2021 Extension of Time Expiry Date: 17 June 2021

Reason for Referral to Planning Committee – The views of the Parish Council are contrary to the Officer recommendation and at the instruction of the Sifting Panel on 07 April 2021.

Neighbourhood Plan: No

Case Summary

The site lies on the eastern side of Green Lane, Walsoken approx. 35m south of its junction with Broadend Road. The site contains two redundant agricultural buildings which have a history of permissions for conversion into dwellings. The most recent is a prior notification to convert the two buildings into 3 and 2 dwellings respectively (ref: 20/01849/PACU3) which is extant.

This application seeks to construct two new buildings – one containing three dwellings and one containing two dwellings. These would effectively replace the 5 units with extant prior approval consent, which is a 'fall-back' position and a material consideration in determining this full application.

The site lies within an area classed as countryside and within Flood Zone 1 of the Strategic Flood Risk Assessment.

Key Issues

Principle of development
Impact upon character and appearance of the countryside
Access and highway implications
Other material considerations

Recommendation

APPROVE

THE APPLICATION

The site lies on the eastern side of Green Lane, Walsoken approx. 35m south of its junction with Broadend Road. The site contains two redundant agricultural buildings which have a history of permissions for conversion into dwellings. The most recent is a prior notification to convert the two buildings into 3 and 2 dwellings respectively (ref: 20/01849/PACU3) which is extant.

This application seeks to construct two new buildings – one containing three dwellings and one containing two dwellings. These would effectively replace the 5 units with extant prior approval consent, which is a ‘fall-back’ position and a material consideration in determining this full application.

The proposal seeks a block of three 3 bed roomed units and a pair of 3 bed roomed units on the siting of the existing buildings, with associated south-facing gardens and parking/turning areas.

The site lies within an area classed as countryside and within Flood Zone 1 of the Strategic Flood Risk Assessment.

SUPPORTING CASE

The Agent raises the following statement in support of this application:

“This Statement supports the Full Planning Application for a residential development at Green Lane, Walsoken involving the replacement of existing barns benefitting from an extant approval for 5 dwellings (20/01849/PACU3). In addition, the large barn benefits from an extant approval for conversion to a single dwelling under reference 20/00709/F which also includes a large area of residential curtilage and triple garage.

This scheme is consistent with these approvals as well as other approvals within the district which have been approved to replace existing barns acknowledging the fall-back position of conversion under the permitted development regulations.

It is proposed to demolish the existing barns on site (with approval for 5 dwellings) and construct 5 dwellings comprising of a pair of semi-detached dwellings and a terrace of 3 dwellings. We believe this proposal will deliver a better-quality scheme, enhancing the site and occupant amenity as well as delivering a scheme that is respectful of the area.

The proposal has been designed to be sympathetic with the nature of this site and reflect a more contemporary solution for the site. Although contemporary the proposal has taken inspiration from agricultural buildings. The submitted drawings demonstrate that the site can comfortably accommodate the dwelling together with the required amenity space, parking and turning.

The proposed level of accommodation along with the proposed form and massing are conveyed on the drawings provided. This level of redevelopment is considered to provide a high-quality scheme that enhances the current use of the site. It reflects the agricultural nature of the site and previous approvals to create a more sustainable, higher quality scheme.

The site is located within Flood Zone 1 as defined on the Environment Agency’s Flood Maps.

We also note the Parish Council objection and comments and respond to these below:

1. Noted, however, approval already exists on the site for 5 dwellings of a similar scale and size and therefore this application will not represent an increase over and above the extant approval.
2. Noted, however, approval already exists on the site for 5 dwellings of a similar scale and size and therefore this application will not represent an increase over and above the extant approval. In addition, highways have no objection to the proposal.
3. The trees are not within the applicant's ownership and not included within the red line, however, our assumption would be that with an occupied site, maintenance would be more proactive.
4. The proposal has been designed to be sympathetic to the surrounding area and in our opinion represents a better scheme than the extant approval. Also as noted the site already benefits from approval for 5 dwellings.
5. Thank you for the previous support for residential development of the site.”

PLANNING HISTORY

20/01849/PACU3: Prior Approval – Approved (Delegated): 13/01/21 - Notification for Prior Approval for change of use of agricultural buildings to 5 dwellings (Schedule 2, Part 3, Class Q)

20/00709/F: Application Permitted (Delegated): 02/09/20 - Proposed barn conversion to dwelling and garage block

18/00817/PACU3: Prior Approval – Approved (Delegated): 17/08/18 - Prior notification for a change of use from an agricultural building to a dwelling house

18/00114/PACU3: Prior Approval – Approved (Delegated): 09/03/18 - Prior Notification: Change of use of agricultural building to a dwelling house

16/01195/PACU3: Prior Approval - Not Required (Delegated): 28/09/16 - Change of use of agricultural buildings to two dwellings (C3)

RESPONSE TO CONSULTATION

Parish Council: DO NOT SUPPORT – for the following reasons –

1. This site has been redundant for many years, with less than one vehicle on average accessing the property in any week. Access by building supplies companies and concrete lorries for example could destroy the road surface at the entrance to Green Lane, due to the volumes of trucks during this build.
2. Green Lane is a very narrow rural lane with very poor visibility, particularly for any vehicles coming out of the proposed housing onto the lane. If 5 houses are built there could easily be in excess of 10 vehicles which could be a safety issue especially as it's already very difficult for pedestrians to walk safely along the lane.
3. Whilst it's not completely clear where the boundary of ownership of the site lies, the trees on that corner regularly overgrow the road, and we have to request that the owner cuts them back, as they don't seem to automatically take responsibility.

4. The erection of 5 dwellings will have a potentially significant impact on neighbours and infrastructure,
5. The Parish Council supported the earlier application on this site for a change of use to 2 dwellings as it was felt this was more suited to the site.

Highways Authority: NO OBJECTION - Mindful that the site has permission for the same number of dwellings under planning reference 20/01849/PACU3 which is without highway related conditions. On balance of that, and the class uses that the site would currently hold, I would not seek to restrict the grant of permission.

Internal Drainage Board: No response received

Environmental Health & Housing – Environmental Quality: NO OBJECTION subject to conditions relating to contamination remediation.

District Emergency Planning Officer: NO OBJECTION - Because of its location in an area that during an extreme flood event could become isolated from safe access and egress routes (i.e. become a dry island), I would suggest that the occupiers:

Should sign up to the Environment Agency flood warning system; and prepare a flood evacuation plan.

Environment Agency: NO COMMENT

REPRESENTATIONS None received

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2019

PLANNING CONSIDERATIONS

The key issues for consideration in assessing this application are as follows:

- Principle of development
- Impact upon character and appearance of the countryside
- Access and highway implications
- Other material considerations

Principle of development

Class Q, Part 3, Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 as amended allows the conversion of redundant agricultural buildings into dwellings subject to meeting certain criteria. A proposal for conversion into 5 dwellings has been assessed under application ref: 20/01849/PACU3 and granted consent on 13 January 2021 for 5 dwellings.

As stated above, this current proposal is a full application for 5 new dwellings contained within two buildings as a replacement development for the barn conversions approved under application ref: 20/01849/PACU3, which is extant and a significant material consideration in terms of 'fall-back' position.

The status of a fall-back development as a material consideration is not a new concept and has been applied in court judgements such as 'Samuel Smith Old Brewery v The Secretary of State for Communities & Local Government, Selby District Council and UK Coal Mining Ltd'. This decision states that for a fall-back position to be a 'real prospect', it does not have to be probable or likely: a possibility will suffice. It is also noted that 'fall-back' cases tend to be very fact-specific and are a matter of planning judgement. Examples are given within the judgement where for instance there may be an old planning application which is still capable of implementation or where it could be argued that the impact of that which was permitted development would be much the same as the impact of the development for which planning permission was being sought.

The concept of 'fall-back' is also considered more recently in 'Michael Mansell v Tonbridge & Malling Borough Council' where approval was given for the redevelopment of the site of a large barn and a bungalow to provide four dwellings. The judgement covers more than one aspect of the decision but makes reference to Class Q of the GDPO as a 'fall-back' position and reiterates the comments made in the Samuel Smith Old Brewery case that the council should satisfy itself that there was a 'real prospect' of the fall-back development being implemented, although it was again reiterated that the basic principle is that 'for a prospect to be a real prospect, it does not have to be probable or likely; a possibility will suffice'.

Consequently taking the above into account it is considered that there is a 'real prospect' of the applicant implementing the fall-back position of converting the existing buildings given that the consent is extant and has over two and a half years to run. This is therefore a material consideration of significant weight in the determination of this application.

It will also be noted from the History section above that the western-most building also has permission for conversion of the barn into a dwelling and a new garage block (approved under ref: 20/00709/F) which is also extant.

The principle of the development is therefore considered to be already established given these circumstances.

The Parish Council indicate a preference for two dwellings but there remains the extant prior notification consent for 5 dwellings in total on this site which could be built out immediately.

Notwithstanding the above there is still planning judgement to be exercised, particularly in relation to the design solution chosen here, which is significantly different than the extant approval for a conversion. Commentary on this aspect is detailed below.

Impact upon character and appearance of the countryside

The site presently contains two utilitarian agricultural buildings metal framed and mostly metal cladding to roof and walls, but some brickwork and blockwork.

This application seeks to build two new buildings in red antique facing bricks and double pantiled roofs. The proportions of the western-most building is very similar to those of the existing with a reduced girth from 12m to 11m and increased length from 17.25m to 18m. The eave height is 5m (increase of 500mm) and ridge height is 6.6m (increase of 300mm) which provides more typical domestic room heights within the structure. This would accommodate three 3 bedroomed residential units.

The proportions of the eastern-most building has a similar girth at 12.6m (increase of 400mm) and increased length from 9m to 12.8m. The eave and ridge heights of 5m and 6.7m (increases of 1300mm respectively) which are similar to those of the western block. This would accommodate two 3 bedroomed residential units (opposed to two 2 bedroomed units in the conversion scheme).

The approved scheme under the permitted development regime retained the proportions of the agricultural buildings and used cladding as the main external material. There is no doubt the original design and proportions were more rustic and barn-like in appearance, whereas the current scheme is of a more domestic scale and appearance. This will be a particular consideration for the Committee.

Finally, it should be pointed out that the site is well screened by established peripheral landscaping on all sides, and views into and out of the site are limited.

Access and highway implications

The Parish Council raise concerns regarding adverse impact from construction traffic upon the surface of Green Lane and poor visibility.

The Local Highway Authority (LHA) do not share these concerns given the former agricultural use of the site and buildings which could have generated unrestricted tractor and HGV movements, plus the extant conversion consent.

Any damage caused to Green Lane would be the responsibility of the developer to rectify and a matter for the LHA to control rather than the Local Planning Authority.

The LHA suggests a condition to secure the parking and turning areas within the site, which may be added to any permission. Two spaces per dwelling meets the adopted parking standards for 3 bedroomed dwellings.

The proposal therefore accords with the provisions of Policy CS08 of the Core Strategy (2011) and Policies DM15 & DM17 of the SADMPP (2016).

Other material considerations

The inter-relationship with adjoining property is considered to be acceptable in light of the orientation of windows and related rooms served. The nearest neighbours (16 Broadend Road) lie approx. 40m to the north-east of the site and as mentioned earlier in this report, there is good peripheral established landscaping which contains the site.

Foul water is proposed to be dealt with via a package treatment plant and surface water by soakaway – both to be dealt with by Building Regulations as per previous approvals.

The removal of any asbestos-containing materials is covered by separate legislation, however given the previous use a remediation scheme has been submitted and conditions are proposed by Environmental Quality.

The site lies in Flood Zone 1 and is within a Dry Island as indicated in the Council-adopted SFRA. The request of the District Emergency Planning Officer is noted, however the issue will be addressed by an informative note rather than a condition, due to failing the tests applied to use of conditions in relation to enforceability.

There are no significant Crime and Disorder issues raised by this proposal.

CONCLUSION

This is a proposal for the replacement of existing buildings, which can be converted under an extant consent, on a well-screened site on Green Lane in Walsoken. The principle of development is long established on this site.

The key issue in this case however is considered to be whether the proposed design of the scheme is appropriate for this rural locality. Previously approved schemes have used more rustic materials or design, and the proportions have reflected the proportions of the existing buildings. The current scheme is undoubtedly more domestic in appearance and scale, with little reference to the existing agricultural buildings. The Committee will therefore need to consider which is the preferred approach. On balance, officers feel they can recommend approval of this scheme put forward.

All other issues are considered to be acceptable, and whilst the concerns of the Parish Council are noted, the proposal is for the construction of 5 new dwellings in the form of a block of three and pair of semi-detached units, in a similar format to those already granted consent under permitted development rights/procedure (which is extant and a fall-back position and a material consideration of significant weight). The site also has the benefit of an extant permission to convert the western-most building into a single barn style dwelling and a new garage block (approved under ref: 20/00709/F).

Given the above commentary the proposal is therefore considered to accord with the provisions of the NPPF, Core Strategy Policies CS06, CS08 & CS11 of the LDF and Policies DM15 & DM17 of the SADMPP. It is duly recommended for approval subject to certain conditions stated below.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

1 Condition The development hereby permitted shall be begun before 21 September 2023.

1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans: PP2000 Revision B & PP2100 Revision B.

2 Reason For the avoidance of doubt and in the interests of proper planning.

3 Condition The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of groundworks, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

3 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. This needs to be a pre-commencement condition given the need to ensure that contamination is fully dealt with at the outset of development.

4 Condition In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with a scheme to be agreed with the Local Planning Authority, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

4 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.

5 Condition Prior to the first use of the development hereby permitted the proposed access, on-site car parking and turning areas shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.

5 Reason To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety and to accord with the provisions of the NPPF, Core Strategy Policies CS08 & CS11, and Policies DM15 & DM17 of the SADMP.

- 6 Condition Notwithstanding the provisions of Schedule 2, Part 1, Classes A to H inclusive of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the enlargement, improvement or other alteration to the dwelling house, additions or alterations to the roof, porches, buildings etc. incidental to the enjoyment of the dwelling house, hard surfaces, chimneys, flues etc. and microwave antenna, shall not be allowed without the granting of specific planning permission.
- 6 Reason In order that the Local Planning Authority may retain control of development which might be detrimental to the amenities of the locality if otherwise allowed by the mentioned Order, as this is effectively a new dwelling in the countryside and to accord with the provisions of Core Strategy Policies CS06 & CS08 of the LDF, and Policy DM15 of the SADMPP.