

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health

I have read the attached documents and have no adverse comments to make.

Contamination:

Final Comment

The plan & notes are very helpful as a basis for the site exposure conceptual site model. As several garden areas are identified, the conditions previously recommended in my response dated 29/04/2016 remain valid – I would appreciate it if you could include them on the decision notice when you determine the application next week.

Original Comments:

Contamination Risks

Risks are equivalent to those discussed under the previous application. This is acknowledged within the Planning Statement for the "The Milking Parlour & The Cattle Stalls" (s 4.4), and an equivalent approach to that previously agreed for the related conversion is proposed. This is agreed to be broadly appropriate, and should be formalised by means of appropriate conditions.

I note that the statement refers to the Farm being an 'arable, sheep & poultry' unit. If there is any knowledge of the previous location of a formal or informal sheep dip structure; this location should be targeted by at least one sample.

Spatial issues

It is noted that while elevations are included with the application, as with the previous application, no detailed plan is provided. Reference is made in the planning statement to the provision of 'amenity space' (4.6 b)) - and an area of green space is shown on the 3D illustration presented.

The statement for this application appears to show land previously assumed to form the private amenity space (courtyard garden area) referred to in respect of "the Dairy" as private courtyard parking, with separate vehicular access. This is referred to as a 'second courtyard development', which is a description of which I am unclear on the meaning of.

The lack of a clear plan that identifies the extent of land subject to the change of use from agricultural classification to C3 residential dwelling will complicate the conceptual model against which the soil quality data will be considered. This could lead to the applicant being required to undertake additional rounds of sampling if critical areas of the site are omitted, or elevated contaminants are identified within an area of the site with ambiguous use classification.

It should also be noted that (whilst the intention to retain the residential properties as holiday lets is acknowledged) the lack of clarity in respect of what land remains in agricultural use, and what land has residential status could complicate any future open market sale &/or affect the ability to secure mortgage (or other) finance against the dwelling; whether by the applicant, or by a future purchaser.

It is strongly recommended that the applicant provide a clear plan for approval as part of this application that clearly identifies the curtilage of the residential conversion - identifying parking areas & proposed hard-cover, shared amenity space, and private courtyard / garden areas; alongside land to remain in agricultural use. This will maximise the value of the proposed ground quality investigation, and could avoid foreseeable issues arising with future land transactions.

The layout illustration also suggests that substantial demolition of the Southern (23m x 5m) building is required, with approx 8m lost from it's eastern end, and approximately 4m from it's Western end. This is not discussed in the statement - it may not be material to the application, but certainly adds to the ambiguity with respect to boundaries and uses of areas of the site that may influence the interpretation of soils data, or the conceptual model.

It is expected that the site layout will be resolved with a degree of certainty as part of the ground quality assessment.

Conclusions:

It is considered appropriate to take an approach to contamination risk that is consistent with that taken for the related development (adjacent); whereby a proportionate physical investigation of soils was secured by condition. Suggested wording is reproduced below.

As previously, requirements have been pared-back in response to the nature & scale of the application, and to the context of the plot. An 'unexpected contamination' condition (or informative) has been omitted due to the scale of the site & the nature of the development – though it should be noted that a 3 unit development is a rather different prospect to the single unit conversion that initially drove this approach, and I may have been more inclined to maintain a stronger condition had these schemes been submitted under a single application.

It remains the case however that it is unlikely that significant unexpected contamination could be present that would not be identified by the required intrusive investigation, assuming that is undertaken with the sample density previously discussed with the applicant.

Conditions relate to:

Contamination
Verification

Subject to the inclusion of the above conditions on the approval, I have no objections.

Engineering/Drainage, Havant Council
No drainage observations

Development Engineer

The Highway Authority has no adverse comment to this planning application.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 3

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

7 Planning Considerations

- 7.1 This application is a prior notification under Schedule 2 Part 3 Class Q of the GPDO 2015.

Q. Development consisting of—

(a) a change of use of a building and any land within its curtilage from a use as an

Schedule

to the Use Classes Order; and

to in

paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

The GPDO sets a series of tests under Q.1 stating that 'Development is not permitted by class Q ' unless a number of tests are met. The applicant has confirmed that the development would meet tests (a) - (m).

- 7.2 A number of conditions then need to be met:

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, and
(f) the design or external appearance of the building,*

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(a) transport and highways impacts of the development.

The site is accessed by an existing farm track which leads to one other property and the farm buildings from Northwood Lane. The development is considered to have an acceptable access and the Development Engineer has raised no objections to the proposed development. A condition in relation to car parking is recommended.

(b) noise impacts of the development.

The development would be located close to another dwelling, Northwood Farmhouse. The residential use is unlikely to cause noise nuisance to that property. The Environmental Health Officer raises no objection to the proposed development.

(c) contamination risks on the site.

Given the sites historic use as a working farm the Environmental Health Officer has identified potential concerns in relation to the development. These have been discussed with the applicant. It is considered that potential risks need to be addressed via the imposition of conditions. It is clear from Paragraph W that *(13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.* The development is therefore considered acceptable subject to the imposition of conditions.

(d) flooding risks on the site.

The proposal lies in Flood Zone 1 (low flood risk). Issues relating to flood risk have been discussed with the applicant by the Councils Projects Engineer (in relation to the adjacent recent prior approval for residential use). No flood risk objection has been raised.

(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

Planning Practice Guidance 'Permitted development rights for the change of use of agricultural buildings' provides guidance on this matter.

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.

The site is not isolated in location with other residential properties nearby. There may be some conflict between the residential use and the farm complex beyond. The Environmental Health Officer has raised no objection to the proposal. The adjacent atcost barn understood to be used for crop, mainly peas and a section of the building is proposed to be demolished to create a physical separation. This is considered necessary and a condition is recommended. The curtilage should also be confirmed by condition (the submitted plan needs further clarification) to ensure an adequate space around the building to minimise the risk of conflicts between the farm and residential uses.

(f) the design or external appearance of the building.

It is clear from the current appearance of the building will be changed as a result of the proposal and full details of the proposed change are not provided. A condition in relation to the proposed changes is therefore appropriate.

8 Conclusion

In conclusion the proposed development is considered to require prior approval which can be granted subject to conditions related to contamination, demolition, car parking, curtilage and the alterations to the building.

9 RECOMMENDATION:

That the Head of Planning be authorised to for application APP/16/00338

(A) subject to the following conditions

- 1 Prior to the commencement of development hereby approved (other than site clearance, partial demolition and consequential works for the purpose of ensuring structural stability of retained buildings), an assessment of the nature and extent of contamination at the site, whether originating from within or outside the curtilage, shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall be undertaken by competent persons, and the findings presented as a written report.

The assessment may comprise separate reports as appropriate, but unless specifically excluded in writing by the Local Planning Authority, shall include;

1. Site investigation appropriate to both the previous & approved use of the site; to provide sufficient data and information to adequately identify & characterise any physical contamination on or affecting the site, and to inform an appropriate assessment of the risks to future occupants.
2. The results of an appropriate risk assessment based upon (1), and where unacceptable risks are identified, a Remediation Strategy that includes;
 - appropriately considered remedial objectives,
 - an appraisal of remedial &/or risk mitigation options, having due regard to sustainability, and;
 - clearly defined proposals for mitigation of the identified risks.
3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the Remediation Strategy (2) are complete, to include consideration of contingency action.

All elements shall be adhered to unless agreed in writing by the Local Planning Authority

Reason: Having due regard to policies DM10 of the Havant Borough Adopted Core Strategy 2011 and DM17 of the Havant Borough Local Plan (Allocations) 2014, Contamination may be present at the site as a result of both previous land uses (&/or activities) that could pose a risk to future residential occupants.

- 2 Prior to the occupation of any relevant part of the permitted development, any verification report required in accordance with condition [1] shall be submitted to and approved in writing by the Local Planning Authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan, and must demonstrate that site remediation criteria have been met &/or that the integrity of risk mitigation measures is adequate.

Reason: Having due regard to policies DM10 of the Havant Borough Local Plan (Core Strategy 2011) and DM17 of the Havant Borough Local Plan (Allocations) 2014, Contamination may be present at the site as a result of both previous land uses (&/or activities) that could pose a risk to future residential occupants.

- 3 The development hereby permitted shall not commence unless and until details of the proposed external works to the building are submitted to and approved in writing by the Local Planning Authority.

Reason: To control the extent of the alterations in the interests of the character and appearance of the area and the building having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 4 The dwelling hereby permitted shall not be occupied unless and until the demolition of a section of the adjacent agricultural building (Pea Store) has taken place in accordance with the submitted details in this application.

Reason: To ensure that a sufficient separation distance exists between agricultural buildings and the residential use having due regard to the occupants of the dwelling and policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 The occupation of the dwelling shall not commence unless and until car parking for two cars is provided within the curtilage of each dwelling unless alternative car parking arrangements are approved in writing by the Local Planning Authority.

Reason: To ensure that the parking is acceptable in the interests of amenity having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 Notwithstanding the submitted plan the occupation of the dwellings hereby permitted shall not take place unless and until a more detailed plan indicating the layout of the curtilage of each dwelling has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate amenity space around the building and a compatible relationship to the adjacent farm use having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.