DELEGATED FILE NOTE

CASE OFFICER: …Kate Poyser……

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
18/01310/PNQ	Change of use of agricultural building to 2 bedroom dwellinghouse and external alterations involving the installation/replacement of windows, doors, roofs and exterior walls.	Barn At Clovertop Nup End Old Knebworth Hertfordshire

Submitted Plan Nos
AT750-01 AT750-02 AT750-03 AT750-04

1.0 Policies

LP25	Re-use of Rural Buildings
LP57	Residential Guidelines and Standards
SECN9	Promoting sustainable transport
SECN8	Promoting healthy and safe communities

2.0 **Site History**

2.1 05/01827/1 Conversion of existing open fronted barn to create dog kennels and associated runs and store. Conditional planning permission granted.

2.2 There have been several applications relating to the extension of the house known as Clovertop. Please see file.

3.0 **Representations**

3.1 Country Highways – does not wish to restrict the grant of permission.

3.2 Environmental Health – raises no objections, but requests a condition relating to a land contamination assessment being carried out.

3.3 Codicote Parish Council – no comments received.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site lies within Nup End which is to the southwest of Old Knebworth and lies within the Green Belt. The barn is an existing building that lies on land between the residential property of 'Clovertop' and Nup End Industrial Estate. The building is single storey, open on it two lengths and is not publicly visible from the road.

4.2 **Proposal**

4.2.1 The proposal is to convert the building into a single, one bedroom residential unit. The four sides would be finished with timber cladding above brick and timber window frames in three elevations. The proposed roof finish is described as single ply. A small garden is proposed to one side. The vehicular access would be gained via the industrial estate.

4.3 **Key Issues**

4.3.1 The key issue is firstly whether the proposed work is permitted development as defined by The Town and Country Planning (General Development Order) 2015, Schedule 2, Part 3, Class Q. Secondly, whether the prior approval of the LPA is required in relation to the six conditions listed in paragraph Q.2.

4.3.2 I shall consider whether the development is permitted under the criteria of paragraph Q.1.

(a) The building has been used for the storage of farm equipment. This is noted by the planning officer in planning permission ref. No. 05/01827/1. The applicant has supplied invoices relating to farming dated 2016 and 2017. I therefore consider it likely that the building was used for agricultural purposes on 20th March 2013.

(b) The floorspace would be less than the maximum of 450sq metres.

(c)There are no other dwellings here converted under Class Q. The proposal would meet the maximum allowed of 3 units.

(d) There is no agricultural tenancy.

(e) As above.

(f) I am aware of no development under Class A or Class B of Part 6 on the agricultural unit since 20th March 2013.

(g) No extensions are proposed and the work would not exceed the existing external dimensions.

(h) There would not be a cumulative increase, under Class Q, falling within Use Class C3, greater than 450 square metres.

(i) The development would not consist of building operations beyond those described in Class Q.

(j) The site lies adjacent to but not within the conservation area. The site is not on

article 2(30 land.

(k) The site does not form part of the listed areas.

(l) The site is not a scheduled monument.

(m) The building is not listed.

I, therefore conclude that the development would be permitted by Class Q, subject to the conditions.

4.3.3 Q.2 (1) lists the conditions of the Class. The applicant has submitted the application for the local planning authority to determine whether prior approval is required under any of the listed matters. The matters are as follows.

4.3.1 (a) transport and highways

The Highway Authority considers the proposal to be of a small scale and would not have an unreasonable impact on the safety and operation of the nearby highway, subject to 2 informatives. As the access to the site is through land not within the applicant's control I consider a condition is required to ensure that access is provided before development commences.

(b) noise impacts

The site is close to a small industrial estate/business park. However, this is an area with other existing residential properties close by. Environmental Health has raised no objection relating to noise.

(c) contamination risks

Environmental Health raises no objections, but requires a condition requiring an environmental risk assessment to be submitted.

(d) flood risks

The site lies within Flood Zone 1 where there is a low risk of flooding.

(e) whether impractical or undesirable

My concern for this is that the access would be via land not within the applicant's control. I therefore, recommend a condition to insure the development is not carried out before access arrangement is secured.

(f) design and appearance

The proposed changes to the design and appearance of the building relates to new walls. The drawings seem to suggest that this would be timber cladding. Proposed fenestration is proposed to be timber framed. There would be a large amount of glazing on the principle elevation. However, this is currently an open elevation and there is little if any public visibility of this wall. I therefore, raise no objections.

4.4 **Conclusion**

4.4.1 The proposed development would be permitted development under Class Q. Prior approval is required, but no objections raised, subject to the suggested conditions.

5.0 **Recommendation**

That Prior Approval be GRANTED subject to the following conditions.

1.

(b) No development approved by this permission shall be commenced prior to the submission to, and agreement of the Local Planning Authority of a written preliminary environmental risk assessment (Phase I) report containing a Conceptual Site Model that indicates sources, pathways and receptors. It should identify the current and past land uses of this site (and adjacent sites) with view to determining the presence of contamination likely to be harmful to human health and the built and natural environment.
(c) If the Local Planning Authority is of the opinion that the report which discharges condition (a), above, indicates a reasonable likelihood of harmful contamination then no development approved by this permission shall be commenced until a Site Investigation (Phase II environmental risk assessment) report has been submitted to and approved by the Local Planning Authority which includes:

(i) A full identification of the location and concentration of all pollutants on this site and the presence of relevant receptors, and;
(ii) The results from the application of an appropriate risk assessment methodology.

(d) No development approved by this permission (other than that necessary for the discharge of this condition) shall be commenced until a Remediation Method Statement report; if required as a result of (b), above; has been submitted to and approved by the Local Planning Authority.

(e) This site shall not be occupied, or brought into use, until:

(i) All works which form part of the Remediation Method Statement report pursuant to the discharge of condition (c) above have been fully completed and if required a formal agreement is submitted that commits to ongoing monitoring and/or maintenance of the remediation scheme.

(ii) A Remediation Verification Report confirming that the site is suitable for use has been submitted to, and agreed by, the Local Planning Authority.

(f) Any contamination, other than that reported by virtue of condition (a) and (b), encountered during the development of this site shall be brought to the attention of the Local Planning Authority as soon as practically possible; a scheme to render this contamination harmless shall be submitted to and agreed by, the Local Planning Authority and subsequently fully implemented prior to the occupation of this site.

Reason: To ensure that any contamination affecting the site is dealt with in a manner that safeguards human health, the built and natural environment and controlled waters.

2. No development shall take place until the vehicular access to the application property via the adjacent industrial estate/business park has been secured in writing with the owner of the industrial estate/business park.

   Reason: to ensure the property has a satisfactory vehicular access to the site to serve the future occupiers, their visitors and emergency vehicles.

3. Details and/or samples of materials to be used on all external elevations and the roof of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the approved details shall be implemented on site.

   Reason:To ensure that the development will have an acceptable appearance which does not detract from the appearance and character of the surrounding area.

Informative/s:

1. Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspxor by telephoning 0300 1234047

2. Road Deposits: It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available via the website https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/highways-roads-and-pavements.aspx or by telephoning 0300 1234047

Signed  Simon Ellis Determining Officer	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Date: 31 July 2018	