

OFFICERS REPORT

Application No: Y16/0008/PA

Location: Building Adjoining Walnut Tree Cottages Ashford Road Brenzett Kent

Proposal Determination as to whether the prior approval of the Local Authority is required under Class Q of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 for the change of use and conversion from agricultural to a dwellinghouse with associated operational development.

ASSESSMENT

Performance data:-

Date application valid: 13.04.2016

Applicable 8/13/16 week target date: 08.06.2016

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) No.

If Yes, revised 8/13/16 week target date: NA

Is the application being determined after 26 weeks without a PPA or a PEA? No.

APPLICANT: Mrs Osbourne

AGENT: Mr P Durr

SITE DESCRIPTION

The site is located within the open countryside of the Romney Marsh in the rural Parish of Brenzett, outside of any settlement boundary. The site is located off the west side of Ashford Road, at the north end of Ashford Road and close to the junction of the A2070 highway. The site is located within the wider Romney Marsh Local Landscape classification where this area has a distinctly rural character and appearance and predominantly consists of flat agricultural farmland.

The immediate site is a modest two storey farm building in a field adjacent to (but outside of) the residential curtilage of Walnut Tree Cottages. The building has a floor area of approximately 85 sqm and is constructed of a timber frame on top of a brick dwarf wall. It was last used for agricultural storage in connection with a market garden business.

SITE VISIT

A site visit was carried out on the 15.04.2016, where the building was viewed from the streetscene of Ashford Road.

PLANNING HISTORY

No planning history

PUBLICITY

Neighbour letters - Expiry 04.05.2016

Site Notice - Expiry 11.05.2016.

LOCAL REPRESENTATIONS

One representation from Brenzett Parish Council supporting the scheme.

CONSULTATION

Environment Agency - No objection.

Highways England - No objection.

Kent Highway Services - No comments

The development does not meet the criteria to warrant involvement from the highway Authority.

Contaminated Land Consultant (Merebrook) - No objection. It is recommended that the standard contaminated land condition be applied.

PROPOSAL

This application is a prior notification and seeks whether prior approval is required for the -

Q. a) Change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order, and

b) Building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwelling houses) of that Schedule.

The application is submitted in accordance with permitted development rights under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.

This application proposes to convert the existing building (with building operations) to a single detached dwelling with a footprint of 85 sqm.

The development would retain the existing scale and height of 5 metres to the ridge line as well as the main roof form. The conversion works would consist of new external ebony weatherboarding, new windows and doors and a replacement Decra plain tile sheet roofing system. Internally the floor is proposed to be raised by 300mm to mitigate against surface water flooding. It is proposed that the lower block walls, timber structure and timber roof truces are retained. Internally the dwelling would comprise of a sitting room, entrance hall, kitchen, utility room and wc at ground floor and two bedrooms with en-suite bathrooms at first floor.

The building would have a footprint area of 85 sqm.

Q.1

In accordance with Q.1, the development is considered to be permitted development in accordance with class a) - m). In this regard, the building was in agricultural storage use on the 20.03.2013, has a small existing and proposed floor area of below the required maximum areas and is for only one dwelling house. It is not occupied under an agricultural tenancy agreement and the building is not located within a SSSI, safety hazard area, a military explosives storage area or on Article 2(3) land. No other development under Class A and B of Part 6 of this Schedule has been carried out on the established agricultural unit.

In accordance with i), the building is considered to be of a timber frame and masonry construction of a reasonable condition that could in officer's opinion, be capable of conversion with building operations that are reasonably necessary to convert the building to a residential use. The main bulk, form and footprint of the building would be retained.

Conditions

Q.2 (1)

If the development is acceptable in accordance with Class MB.1 criteria's a) - m) above then it is permitted development subject to (in accordance with Q.2) before beginning the development, the developer shall 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; and
- 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 to C3 residential.
- f) The design or external appearance of the building.

APPRAISAL

With regard to a) transport and highways impact, it is considered that the development is acceptable and presents no adverse highway implications. The development of a single residential dwelling with two bedrooms is not considered to generate a high level of traffic that would be a less intensive use compared to the commercial storage use. Access would be via the existing access of Ashford Road onto a quite rural lane which is considered acceptable and would be less intensive. Within the curtilage, there would also be plenty of private off street parking. Highways England have been consulted and considered the scheme (given the close proximity to the A2070 junction) and raised no objection and Kent Highway and Transportation have declined to comment given the small scale of the development. As such it is not considered that there are any significant highways and transportation issues to refuse prior approval upon.

Concerning noise b), Located within the peaceful countryside, it is not considered that this site is unduly noisy. There are no known significant noise generating operations or sources nearby and residential properties are close by such as Walnut Tree Cottages, where their occupiers appear to reside without an unacceptable loss of amenities. The proposed residential use and small dwelling house would be a soft end use and is not considered to result in high levels of noise to the detriment of other residents nearby. As such it is considered that there are no noise issues concerning this application.

In terms of contamination c), the Council has no records of contamination being present on the site and it is acknowledged that no excavation works are proposed either. Following consultation, the Environment Agency has not raised any concerns about contamination. However, it is recognised that the building is relatively old has an agricultural use and has been used for storage and possibly other uses over time therefore it is reasonable to consider that contamination and harmful substances may be present in the building and on the land. The application has been accompanied by a basic desk top assessment suitable for house conveyancing but this does not investigate the contamination issues in detail required for

planning purposes. The Council's contaminated land consultant has been consulted and considers that whilst the site is unlikely to be grossly impacted by contamination, given the past uses some contamination may be present. The consultant advises that the new residential use would introduce new sensitive receptors and on this basis raises no objection but advises that the standard contaminated land condition be imposed in any grant of approval to control this.

It is therefore considered that prior approval should be granted upon conditional approval (in accordance with Part W 13) with the imposition of a contamination survey and any subsequent recommended required remediation measures to be carried out prior to occupation. This is considered to be reasonable and normal procedure for granting planning permission for residential developments.

With regard to flood risk d), the site is identified to be in Environment Agency flood risk zones 2 and 3a at risk of tidal flooding should breaches of sea defences and/or significant over topping occur. This is a generalised mapping of the whole of the Romney Marsh. However at a closer more detailed examination, using the Council's Strategic Flood Risk Assessment (SFRA), the site is not identified within a flood risk area and as such is safe until year 2115.

The Environment Agency has raised no objection and the application has been accompanied by an independent flood risk assessment which confirms the site to not be at significant tidal flood risk and of low surface water flood risk. On this basis the Council is satisfied that the site is not at significant risk to flooding. To help mitigate potential surface water flooding it is considered that a condition be imposed (in accordance with para W13) of any grant of permission for the flood management measures set out in the LPA to be incorporated into the conversion.

Concerning e), it is the opinion of the Council that there is no reason to consider that the location or siting of the building makes it otherwise impractical or undesirable for a dwelling house to be sited here. This would be the same as other existing dwelling houses that are located nearby.

Lastly concerning the design and external appearance f), the development is also considered acceptable where it would retain the main bulk, form and appearance of the building. The building would be converted using acceptable materials being the existing lower section brick walls, new ebony weatherboarding, a new sheet profile roof and windows and doors. The conversion would not result in the building having a greater visual impact in the area and therefore the design and external appearance is considered acceptable. Given the rural location and character, to ensure a good finish and appearance, it is recommended (in accordance with para W13) for a condition to be imposed to control the materials and request samples.

CONCLUSION

Therefore on the basis of Class Q, conditional prior approval is recommended to be granted.

The following conditions are recommended to be imposed under para W (13);

1. Approved plans
2. Contamination assessment
2. Flood mitigation measures
3. Samples of materials

SCHEME OF DELEGATION

This application has been considered by the DM Team leader C Dethier on the 24.05.2016 who considered it to be acceptable and agreed with the Officers' recommendation to grant conditional prior approval.

HUMAN RIGHTS

I have also taken into account the human rights issues relevant to this application. In my view, the Assessment section above and the Recommendation represents an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) [and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties)] and the wider public interest.

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: Position: Date:

Report and draft decision notice amended (if appropriate)

Name: JM LING Position: Senior Planning Officer Date:
25.05.2016

Senior Officer

Report not agreed. Details of further work required as follows:

Name: Position: Date:

Report and draft decision notice agreed and file passed to admin to issue decision.

Name: Position: Date: