

Planning Committee 11 October 2016
Report of the Chief Planning and Development Officer



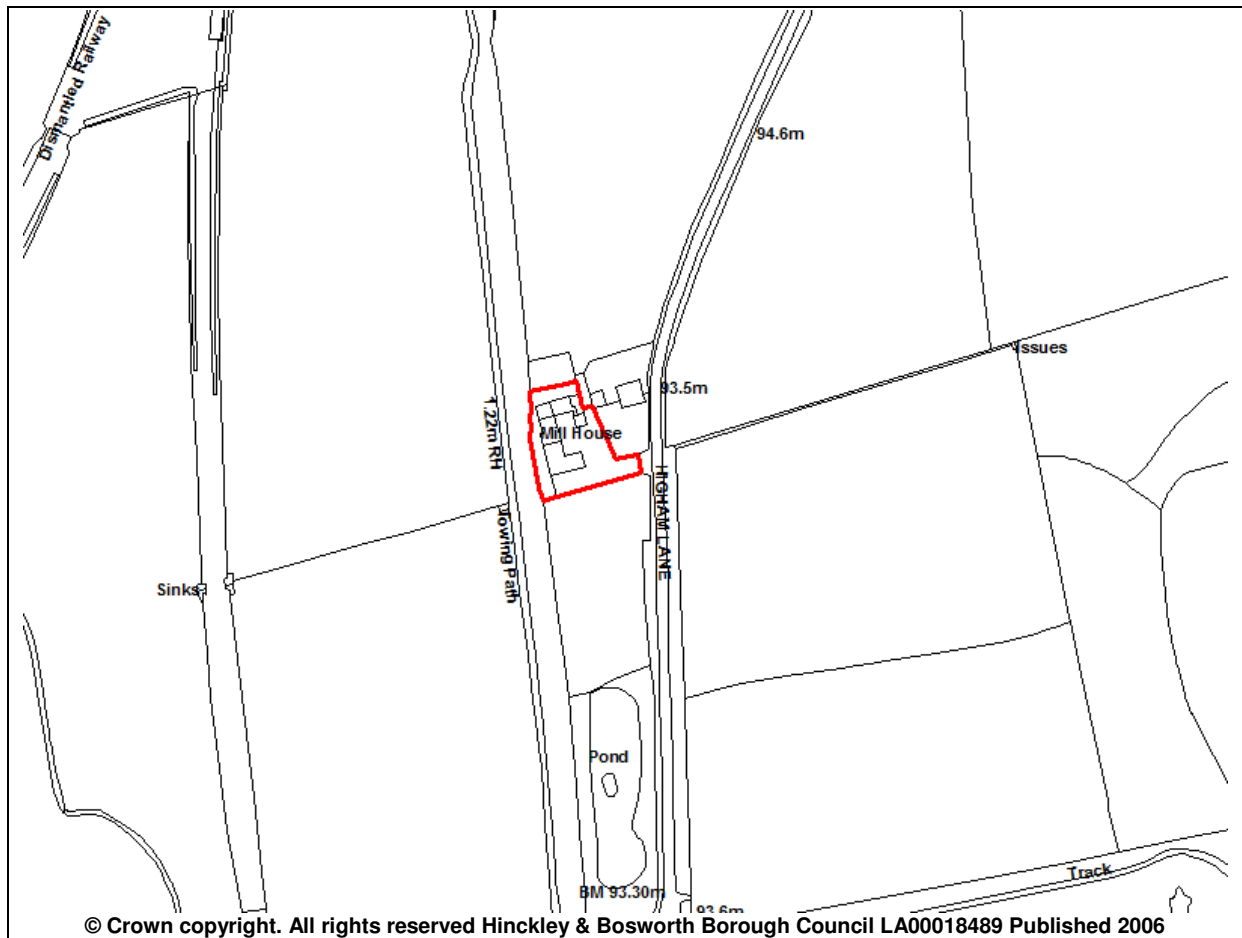
Hinckley & Bosworth
Borough Council

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Planning Ref: 16/00828/CPGDO
Applicant: Mr Reg Ward
Ward: Ambien

Site: Mill House Higham Lane Stoke Golding

Proposal: Prior notification for change of use from storage and distribution
(Class B8) to five dwellings (Class C3)



1. Recommendations

1.1. Subject to no significant issues being raised prior to the expiry of the consultation period on 7 October 2016, grant prior approval subject to:

- Planning conditions outlined at the end of this report.

2. Application Description

2.1. This application seeks a determination as to whether the prior approval of the local planning authority is required for the change of use of a storage building and curtilage land (Class B8) to five new dwellings with residential curtilage (Class C3).

2.2. A Planning Statement, existing floor plans and elevations, proposed floor plans and elevations and proposed window and door details have been submitted to support the application.

2.3. The proposed plans and elevations include alterations to the building that would require separate full planning permission. A planning application (reference 16/00822/FUL) has been submitted and is reported as a separate item in this agenda.

3. Description of the Site and Surrounding Area

3.1. The application site measures approximately 0.15 hectares and is located in the countryside approximately 500 metres to the south west of Stoke Golding and to the west of Higham Lane. The storage building to which this application relates is located towards the rear of the site and has two storey and single storey wings with pitched roof design arranged around a central courtyard. It is constructed of white painted render, concrete roof tiles and has a variety of windows, doors and openings.

3.2. Mill House, a two storey detached dwelling constructed of white painted render and concrete roof tiles and occupied by the applicant, lies immediately to the east of the storage building. The Ashby Canal Conservation Area lies immediately to the west of the building. There are agricultural fields to the north and a grassed paddock to the south of the site.

3.3. There is a double width vehicular access and separate additional pedestrian access from Higham Lane serving the storage building and Mill House. The access gates are located 5.5 metres behind the Higham Lane carriageway and open inwards. There are visibility splays defined by brick walls to either side of the access.

4. Relevant Planning History

85/00581/4	Erection of building for garaging and storage in connection with milk distribution business	Permitted	23.07.1985
78/00088/4M	Construction of garages for milk floats	Permitted	21.02.1978
77/00397/4M	Demolition of building and construction of cold room and loading dock	Permitted	26.04.1977
75/01171/4M	Erection of garage and store room	Permitted	05.09.1975

5. Publicity

5.1. The application has been publicised by the posting of a site notice within the vicinity of the site. There are no adjacent residential neighbours.

5.2. No responses have been received at the time of writing as a result of public consultation.

6. Consultation

6.1. No objections have been received from:-
Leicestershire County Council (Highways)
Environmental Health (Pollution)
Environmental Health (Drainage)

6.2. No response has been received at the time of writing from Leicestershire County Council (Drainage).

6.3. The consultation period remains open at the time of writing and closes on 7 October 2016. Any further consultation response received will be reported and appraised as a late item.

7. Policy

7.1. The determination as to whether the prior approval of the local planning authority is required for the change of use of the storage building and curtilage land (Use Class B8) to five new dwellings with residential curtilage (Use Class C3) must be assessed in accordance with the criteria and conditions of Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015.

8. Appraisal

8.1. The main considerations in respect of this application are whether the proposed change of use meets the criteria and conditions for permitted development under the provisions of Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015.

8.2. Class P relates to development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B8 (storage or distribution centre) of the Schedule to the use Classes Order to a use falling within Class C3 (dwellinghouses).

8.3. Development is not permitted if the proposal fails to meet all of the criteria and conditions within Class P. An assessment of the proposal against the criteria and conditions within Class P follows:

Criteria

8.4. P.1 Development is not permitted by Class P if-

(a) the building was not used solely for a storage or distribution centre use on 19 March 2014 or in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

- Assessment - the building was used solely for storage on 19 March 2014.

(b) the building was not used solely for a storage or distribution centre use for a period of at least four years before the date of development under Class P begins;

- Assessment - the building has been used solely for storage and/or distribution since the 1970's as evidenced through the planning history of the site (see Section 4 above).

(c) the use of the building falling within Class C3 (dwelling houses) was begun after 15 April 2018;

- Assessment - the submitted Planning Statement confirms that the residential use will begin prior to 15 April 2018 and this can be controlled by the imposition of a planning condition.

(d) the gross floor space of the existing building exceeds 500 square metres;

- Assessment - the gross floor space of the existing building measures 427 square metres.

(e) the site is occupied by an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

- Assessment - the site is not occupied as an agricultural tenancy.

- (f) Less than one year before the date of development begins –
- (i) an agricultural tenancy over the site has been terminated, and
 - (ii) the termination was for the purpose of carrying out development under Class P, unless, both the landlord and tenant have agreed in writing that the site is no longer required for agricultural purposes;
 - Assessment - no agricultural tenancy has been terminated within the past year.
- (g) the building is within –
- (i) an area of outstanding natural beauty;
 - (ii) an area specified by the Secretary of State for the purposes of Section 41(3) of the Wildlife and Countryside Act 1981(a);
 - (iii) the Broads; or
 - (iv) a National Park;
 - (v) a World Heritage Site;
 - Assessment - the building is not within any of the above specified areas.
- (h) The site is, or forms part of –
- (i) a site of special scientific interest (SSSI);
 - (ii) a safety hazard area;
 - (iii) a military explosives storage area;
 - Assessment - the site is not and does not form part of any of the above specified areas.
- (i) the building is a listed building or is within the curtilage of a listed building;
 - Assessment - the building is not listed or within the curtilage of a listed building.
- (j) The site is, or contains a scheduled monument.
 - Assessment - the site is not and does not contain a scheduled monument.

Conditions

8.5. P.2 Development is permitted by Class P 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:-

- (i) impacts of air quality on the intended occupiers of the development;
 - Assessment - the site is adjacent to an existing dwelling and also a canal used principally for tourism and recreation purposes but is otherwise in the open countryside rather than on any industrial or employment site. Therefore there would not be any significant adverse impacts in relation to air quality on the intended occupiers of the development.
- (ii) transport and highway impacts of the development;
 - Assessment - there is a double width vehicular access from Higham Lane into the site surfaced in tarmac that serves the storage building and the adjacent dwelling. The double access gates and a

separate pedestrian gate are set back 5.5 metres from the carriageway to enable vehicles to pull clear of the highway. There are visibility splays to both sides defined by brick walls that terminate approximately 1 metre back from the carriageway. The proposal includes the formation of 12 car parking spaces and turning space to serve the existing and proposed dwellings.

- By virtue of the existing/potential lawful Class B8 storage use of the site and potential associated vehicle movements, the scale of development proposed for only five new dwellings, existing visibility from the access and proposed off-street parking provision, the proposed change of use would not result in any significant or severe transportation/highways impacts. Therefore Leicestershire County Council (Highways) raise no objections to the proposal.

(iii) contamination risks in relation to the building;

- Assessment - there are no known contamination risks associated with the land or building. Environmental Health (Pollution) has assessed the scheme and raises no objections to the proposal.

(iv) flooding risks in relation to the building;

- Assessment - notwithstanding that the site is adjacent to the Ashby canal, the site is within Flood Zone 1 and there are no known critical drainage problems in the area. It is not anticipated that there would be any significant flooding risk arising from the proposed change of use. Environmental Health (Drainage) has assessed the application and raises no objections to the proposal. The consultation response from Leicestershire County Council (Drainage) has not been received at the time of writing and any response received be reported as late item to the agenda.

(v) noise impacts of the development;

- Assessment - the proposed change of use to five new dwellings would not result in any significant noise impacts.

(vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services.

- Assessment - the building is not located in an area that is important for providing storage or distribution services, industrial services or a mix of those services.

8.6 Taking into account the above assessment, it is considered that the proposed development meets the various criteria and conditions set out within Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015.

9. Equality Implications

9.1. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

9.3. There are no known equality implications arising directly from this development.

10. Conclusion

10.1. From the submitted details and plans, available evidence and following a site visit, the proposed change of use from storage (Class B8) to five new dwellings (Class C3) would meet all of the criteria and conditions for permitted development under the provisions of Class P of the Town and Country Planning (General Permitted Development)(England) Order 2015.

10.2. By virtue of the relatively isolated countryside location of the site, former/authorised uses and the nature of the proposed use, the proposal would not result in any significant impacts in respect of transportation/highways, air quality, noise or contamination. Subject to no significant issues being raised in relation to flooding impacts prior to the expiry of the consultation period on 7 October 2016, the prior approval of the local planning authority should be granted subject to conditions.

11. Recommendation

11.1. Subject to no significant issues being raised prior to the expiry of the consultation period on 7 October 2016, grant prior approval subject to:

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

1. The use of the building for Class 3 (dwellinghouses) shall be begun on or before 15 April 2018.

Reason: To comply with the requirements of Schedule 2, Part 3, Class P (P.1(c)) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

11.3. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.