

Recommendation Report for

REF NO: AL/44/17/PD

LOCATION: Lidsey Barn
Lidsey Farm
Lidsey

PROPOSAL: Prior Notification for a change of use of a building from office use (class B1(a) to a dwellinghouse (Class C3)

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	As above. The works would convert the barn into a 2 bedroom dwelling house. 2 parking spaces are indicated adjacent to the driveway in front of the building and the property would have a amenity area to the north and south.
SITE AREA	N/A
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A
TOPOGRAPHY	Predominantly flat
TREES	None of any significance affected by the proposed development.
BOUNDARY TREATMENT	Ranch style fencing and walling
SITE CHARACTERISTICS	Detached former barn with stone and brick walls and pitched corrugated sheet roofing with roof lights on one side. Currently used as an office with ancillary storage.
CHARACTER OF LOCALITY	Predominantly rural adjacent to A29. Large caravan site opposite. Some commercial units close to site. Residential properties to the north.

RELEVANT SITE HISTORY

AL/44/01/	Change of use for the storage of farm machinery and engineering contractors vehicles & machinery.	ApproveConditionally 08-08-2001
-----------	---	------------------------------------

REPRESENTATIONS

Representations received:

None

Comments on Representations received:

None

CONSULTATIONS

WSCC Strategic Planning
Environmental Health

Consultations responses received:

County Highways - The Local Highway Authority acknowledges the permitted change of use from offices to residential subject first to prior approval being granted. As part of the prior approval, the LHA can consider only whether the proposal is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

The proposal is for the change of use from an office building to a 2 bed dwelling at the above address. Lidsey Road is an 'A' classified road with a 50mph speed limit in this location.

A study of the block plan demonstrates that the dwelling will share an existing access off Lidsey Road which also serves light industrial buildings to the rear of the site. There are no alterations proposed to the access which has adequate visibility in both directions onto Lidsey Road. The Local Highway Authority (LHA) has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There have been three recorded injury accidents in the vicinity, however, these accidents were not related to highway safety issues and there is no evidence to suggest that the local road network is operating unsafely, or that the proposal would exacerbate an existing safety concern.

The prior notification process does not enable parking provision to be considered. Nevertheless, the block plan establishes that two parking spaces are to be provided as part of this development. This is in accordance with the WSCC Parking Demand Calculator. Sufficient turning space is to be provided, enabling a vehicle to exit the site in a forward gear.

In conclusion the proposal is not anticipated to result in a material increase or change in the character of local traffic. Therefore, the prior approval is considered acceptable in highway terms and the LHA would not wish to raise any objections.

Environmental Health - It is difficult to support such an application for residential development due the very close proximity of the industrial unit directly behind the planned residential conversion. The problem is exacerbated in that although the current noise impact of businesses operating here may be calculated, this cannot take account of any future use.

As a result the developer should provide a comprehensive Noise Impact Assessment (Acoustic Report) for this planned residential use, taking into account all the potential noise sources which could affect future residents. This report should be prepared according to the provisions of BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, in particular in respect of residential development. Such a report to be agreed with this Department prior to commencement of works. The applicant should make reference to The Planning & Noise Advice Document: Sussex (July 2015), copy attached.

Comments on Consultation responses:

Comments from environmental health have been imposed as a condition

POLICY CONTEXT

Designation applicable to site:
Outside built up area boundary
Class A road

DEVELOPMENT PLAN POLICIES

[Arun District Local Plan 2003:](#)

PLANNING POLICY GUIDANCE

POLICY COMMENTARY

The application is determined under the provisions of Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) in respect of a development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within Class B1 (a) (offices) of that schedule.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

This application falls to be determined under the provisions of Class O of the Town and Country Planning (General Permitted Development) Order 2016 in respect of a development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within Class B1 (a) (offices) of that schedule.

The principle of the development is not in dispute. Class O allows for the change of use (and limited building operations) provided that:

- (1) (a) the building is not on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019;
- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use;
- (d) the site is not or does not form part of a safety hazard area;
- (e) the site is not or does not form part of a military explosives storage area; and
- (f/g) the building is not a listed building or not a scheduled monument.

The above criteria are considered to have been met.

Class O (paragraph O.2) states that an application must be made to determine whether or not the prior approval of the Council will be required in respect of:

- (a) transport and highways impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site, and
- (d) impacts of noise from commercial premises on the intended occupiers of the development, and the provisions of paragraph W (prior approval) apply in relation to that application.

- (2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

The Order also state the provision of Paragraph W shall apply in relation to any application and part (10) of paragraph W includes the following:

"(10) The local planning authority must, when determining an application..

- (a) take into account any representations made to them as a result of any consultation under subparagraphs (5) or (6) and any notice given under sub-paragraph (8);

- (b) have regard to the National Planning Policy Framework issued by the Department for

Communities and Local Government in March 2012(a), so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and

(c) in relation to the contamination risks on the site

(i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(b), and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012(c), and

(ii) if they determine that the site will be contaminated land, refuse to give prior approval."

This allows the local planning authority to have regard to any representations received and the NPPF but only in relation to the 4 issues stated above. Advice has been received from the DCLG which confirms that it is not possible to refuse prior approval on the basis of an issue/impact not listed above. The Local Planning Authority has 56 days to provide its comments to the applicant's agent or it is deemed that they have no objection

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

TRANSPORT AND HIGHWAYS

WSCC have no objections to the proposal on transport and highways grounds.

CONTAMINATION RISKS

The application is to change the use of a building which was formerly an office and prior to that it was used as a hay barn. There are no records of contamination and Environmental Health have not objected to the proposal in relation to contamination issues.

FLOOD RISK

The application is located with Flood Zone 1, as such there is no objection on grounds of flooding.

NOISE AND DISTURBANCE

It is considered that a residential use in this area could be affected by noise generated from adjoining commercial uses. Environmental Health find it difficult to support such an application for residential development due to the very close proximity of the industrial unit directly behind the planned residential conversion. The problem is exacerbated in that although the current noise impact of businesses operating here may be calculated, this cannot take account of any future use.

As a result it is considered that the developer should provide a comprehensive Noise Impact Assessment (Acoustic Report) for this planned residential use, taking into account all the potential noise sources which could affect future residents. This has been incorporated as a condition.

The use of the site as a single dwelling would be unlikely to result in a material increase in noise or disturbance to adjoining properties and it would not be adversely affected by the adjoining residential or business uses. The building adjoins a dwelling to the north.

It is considered that no objection should be raised to this proposal. subject to the imposition of the condition requested by Environmental Health.

HUMAN RIGHTS ACT

Human Rights Act:

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

NO OBJECTION

- 1 Prior to commencement of development a comprehensive Noise Impact Assessment (Acoustic Report) shall be submitted to and approved by the Local Planning Authority taking into account all the potential noise sources which could affect future residents. This report should be prepared in accordance with the provisions of BS8233:2014 Guidance on Sound Insulation and Noise Reduction for Buildings, in particular in respect of residential development including reference to The Planning & Noise Advice Document: Sussex (July 2015).

AL/44/17/PD

Reason: To safeguard the amenities of future residents in accordance with Arun District Local Plan policies GEN7 and GEN32.