

Recommendation Report for

REF NO: AL/84/20/PD

LOCATION: Workshop at Hales Barn Farm
Norton

PROPOSAL: Prior Notification under Part 20, Class ZA for the demolition of Class B1(c) Light Industrial) building & construction of 1 No. new dwelling house in its' place (C3 Dwelling house).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	It is proposed to demolish a workshop and to construct 1no 2 storey dwelling in its place - to include disconnection of existing electricity and water supply; removal of any old waste from the existing building; works associated with the installation of an air source heat pump and for the installation of services (water, electric, sewage and telephone / broadband) to new building; provision of access to and egress from the new building; and the use of scaffolding to support all demolition and building operations.
SITE AREA	250 square metres
TOPOGRAPHY	Predominantly flat
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	No obvious boundaries to the existing building.
SITE CHARACTERISTICS	Single storey (with a low pitched roof) building which lies on the south side of the access track running through Hales Barn Farm and to the west of a larger barn.
CHARACTER OF LOCALITY	Hales Barn Farm is a large converted barn located a short distance to the south of the A27(T), approximately a mile west of the village of Fontwell. The land holding comprising Hales Barn Farm is some 10.52 hectares in size with the main dwelling and fields to the north of the central east-west track and a long linear parcel of land south of the track.

RELEVANT SITE HISTORY

AL/31/20/PD	Notification for Prior Approval under Part 3, Class PA for change of use building (Class B1(c)) to 1 No dwelling (Class C3).	No Object'n + Conds 15-06-20
AL/9/15/CLE	Application for a Certificate of Lawfulness for an existing	Refused

use or development - Use of land for the stationing of a mobile home for the purposes of human habitation 13-03-18

AL/31/20/PD for a conversion of the building in use as Class B1 to a 3 bedroom single storey dwelling. No external alterations are proposed. Two parking spaces are indicated forward of the building with garden behind it.

It is unclear when this building was first granted permission or when it was first regulated by planning. However, the submitted planning statement refers to non-agricultural use since at least 1990, first for the repair of classic cars and then since 1997 as a carpentry workshop. Within the planning history of the whole site are references to the conversion of two former agricultural units to business units and these may refer to the building in question.

The current application is for the same building, however taking advantage of a new 20th Part of the GDPO; an existing building would be demolished and a new 2 storey dwelling constructed in its place.

REPRESENTATIONS

None.

COMMENTS ON REPRESENTATIONS RECEIVED:

N/A

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

WSCC, the Local Highways Authority (LHA) advises to contact Highways England for further advice on the suitability of this proposal since the access for Hales Barn is via A27.

Highways England have not been consulted on this application, however their consultation response on the previous application is still relevant (B1 would be replaced with C3). The change of use (from B1 to dwelling) was not considered to result in a material increase or a material change in the character of traffic on the A27 near the site. Therefore they raised no objection but on the proviso that a Construction Traffic Management Plan is submitted to manage the impact of construction on the A27.

WSCC request a condition to secure cycle storage and remind to applicant that public use of the Public Right of Way (PROW) takes precedence over private vehicular traffic as part of the private access track is also (PROW) Footpath no. 312. Developers/landowners should ensure it is a criminal offence to damage the surface of a PROW. Any route resurfacing must seek prior approval with the County Council before any work commences. The applicant would be liable for any damage to the surface arising from their exercise of private access rights.

The applicant may wish to consult WSCC Public Rights of Way Team, to see if any underlying issue that may arise. Please contact the Team on 01243 777620.

ENVIRONMENTAL HEALTH has no objection to this application in principle, subject to recommend condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted

POLICY CONTEXT

Designation applicable to site:

Outside the Built Up Area Boundary;

Area of Special Advert Control

No Public Sewer;

TPO/AL/1/89;

WSSC Mineral Consultation Area for Sharp Sand & Gravel; and

Within 12km of Singleton & Cocking Tunnels Special Area of Conservation.

DEVELOPMENT PLAN POLICIES

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

PERMITTED DEVELOPMENT BACKGROUND:

This application falls to be determined under the provisions of inserted Class ZA in Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020 in respect of a demolition of buildings and construction of new dwellinghouses in their place.

The principle of the development is not in dispute. New Class ZA allows the demolition of buildings and construction of new dwellinghouses in their place as long as certain criteria are met.

Permitted Development

ZA. 1) Development consisting of works for the demolition of one or other of:

(a) any building comprising a single purpose-built detached block of flats, and

(b) any other single detached building, comprising premises established:

(i) for office use falling within Class B1(a) of the Schedule to the 1987 Order,

(ii) for research and development falling within Class B1(b) of the Schedule to the 1987 Order, or

(iii) for an industrial process falling within Class B1(c) of the Schedule to the 1987 Order, or for any combination of them,

existing on 12 March 2020, together with its replacement by a single building covered by sub-paragraph (2), involving operations listed in sub-paragraph (3).

(2) The building in question is to comprise one or other of:

(a) a purpose-built detached block of flats, or

(b) a purpose-built detached dwellinghouse.

(3) The operations in question are:

(a) operations reasonably necessary for the demolition and construction, which may include the installation of a basement or cellar in the new building, whether or not there is one in the old building;

(b) works for the removal of plant servicing the old building;

(c) works for the disconnection of services from the old building;

(d) works for the removal of any means of access to and egress from the old building;

(e) works for the removal of storage and waste from the old building;

- (f)works for the installation of plant to service the new building;
- (g)works for the installation of services to be connected to the new building;
- (h)works to enable access to and egress from the new building, including means of escape from fire;
- (i)works for the construction, within the new building, of storage, waste or other ancillary facilities to support the new building;
- (j)the use of scaffolding and other temporary structures to support the operations listed in paragraphs (a) to (i) over a period:
- (i)starting with their installation no earlier than one month before the beginning of those operations, and
- (ii)ending with their removal no later than one month after the completion of those operations.

(4) In relation to Class ZA:

"development" includes any change of use from the use of the old building to the use of the new building within Class C3 of the Schedule to the 1987 Order;"the 1987 Order" means the Use Classes Order as in force on 12 March 2020;"the old building" and "the new building" respectively mean the building proposed for demolition and the building proposed as replacement; and"services" means water, drainage, electricity, gas, and other services to the extent reasonably necessary for the new building to function as the building in question as defined by sub-paragraph (2) above.

Development not permitted

ZA1. Development is not permitted by Class ZA:

- (a)if land covered by, or within the curtilage of, the old building:
 - (i)is occupied in any part under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
 - (ii)is or forms part of article 2(3) land;
 - (iii)is or forms part of a site of special scientific interest;
 - (iv)is or forms part of a listed building or land within its curtilage;
 - (v)is or forms part of a scheduled monument or land within its curtilage;
 - (vi)is or forms part of a safety hazard area;
 - (vii)is or forms part of a military explosives storage area; or
 - (viii)is within 3 kilometres of the perimeter of an aerodrome;
- (b)if the old building was constructed after 31 December 1989;
- (c)if the footprint of the old building exceeds 1,000 square metres;
- (d)if the height of the highest part of the roof of the old building above ground level (not including plant, radio masts and antennae) is greater than 18 metres at any point;
- (e)unless the old building has been vacant for a period of at least 6 months immediately prior to the date of the application for prior approval;
- (f)if the old building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the old building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support (and for this purpose keeping the old building vacant does not of itself count as action or inaction);
- (g)if the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area);
- (h)if any of the footprint of the new building falls outside the footprint of the old building;
- (i)if any part of the exterior wall of the new building nearest to a highway is nearer to the highway than the part nearest the highway of the exterior wall nearest the highway of the old building;
- (j)if the height (not including plant, radio masts and antennae) of the new building would at any point exceed the lower of:
 - (i)7 metres above the height (not including plant) of old building; or
 - (ii)18 metres,above ground level;
- (k)if the new building has more than $X + 2$ storeys, where "X" is the number of storeys in the old building;

(l) if the new building has more storeys than the old building and the floor to ceiling height of any additional storey in the new building, measured internally, would at any point be greater than the lower of:

(i) the floor to ceiling height, measured internally, of any storey in the old building; or

(ii) 3 metres; or

(m) if the height of any plant on the roof of the new building as measured from the lowest surface of that roof would be greater than the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the old building.

Conditions

ZA.2. (1) Development under Class ZA is permitted subject to the following conditions.

(2) Where any development under Class ZA is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to:

(a) transport and highways impacts of the development;

(b) contamination risks in relation to the new building;

(c) flooding risks in relation to the new building;

(d) the design of the new building;

(e) the external appearance of the new building;

(f) the provision of adequate natural light in all habitable rooms of each new dwellinghouse in or comprising the new building;

(g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light;

(h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;

(i) the impact on business and new residents of the development's introduction of, or increase in, residential use in the area in which the development is to take place;

(j) the impact of the development on heritage and archaeology;

(k) the method of demolition of the old building;

(l) the plans for landscaping of the development, including the planting and maintenance of shrubs and trees; and

(m) any:

(i) air traffic and defence asset impacts of the development, and

(ii) impact that, because of the siting of the new building, the development will have on a protected vista identified in the Directions Relating to Protected Vistas dated 15 March 2012 by the Secretary of State⁽³⁾, unless no part of the new building (including plant, radio masts and antennae) occupies airspace not occupied by the old building (including plant, radio masts and antennae).

(3) In sub-paragraph (1)(h), "commercial premises" means any premises in the surrounding area which are normally used for the purpose of any commercial or industrial undertaking which existed on the date of the application under sub-paragraph (2), and includes premises licensed under the Licensing Act 2003⁽⁴⁾ or any other place of public entertainment.

(4) When the developer applies under sub-paragraph (2), paragraph B (procedure for applications for prior approval under Part 20) applies to the application and the material covered by paragraph B(1A) to B(1C).

(5) Any development under Class ZA is permitted subject to the condition that it must be completed within a period of 3 years starting with the date prior approval is granted.

(6) Any development under Class ZA is permitted subject to the condition that before beginning the development, the developer must provide the local planning authority with a report for the management

of the construction of the development, which is acceptable to the authority and sets out the method of demolition, the proposed development hours of operation and how any adverse impact of noise, dust and vibration and traffic on occupiers of the new building and adjoining owners or occupiers will be mitigated, the proposed use of materials, and the plans for the disposal and recycling of waste generated by the development and that in carrying out the development the developer must comply with the report.

(7) The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion.

(8) The notification referred to in sub-paragraph (6) must be in writing and must include:

- (a) the name of the developer;
- (b) the address or location of the development; and
- (c) the date of completion.

(9) Any new dwellinghouse created under Class ZA is to remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the 1987 Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse."

Amendments to Paragraphs B and C of Part 20 of Schedule 2

5. (1) Paragraph B (procedure for applications for prior approval under Part 20) is amended as follows.

(2) After sub-paragraph (1), insert:

"(1A) The application, if made in relation to development proposed under Class ZA, must be accompanied by:

- (a) a written description of the proposed development, which must include details of the building proposed for demolition, the building proposed as replacement and the operations proposed under paragraph ZA(3);
- (b) a plan, drawn to an identified scale and showing the direction of North, indicating the site of the proposed development;
- (c) drawings prepared to an identified scale and showing external dimensions and elevations of:
 - (i) the building proposed for demolition,
 - (ii) the building scheduled as replacement, and, in the direction of North, the positioning of each, together with the applicable information called for by sub-paragraph (1B);
- (d) a written statement specifying:
 - (i) the number of dwellinghouses in the building proposed for demolition, and
 - (ii) the number of new dwellinghouses proposed in the building proposed as replacement,
- (e) where sub-paragraph (6) requires the Environment Agency(5) to be consulted, a site-specific flood risk assessment;
- (f) a written statement in respect of heritage and archaeological considerations of the development;
- (g) the developer's contact address; and
- (h) the developer's email address if the developer is content to receive communications electronically; together with any fee required to be paid.

Class ZA requires a Prior Approval application to the local authority and will be decided within 8 weeks or 56 days.

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

ANALYSIS OF PERMITTED DEVELOPMENT RESTRICTIONS:

(a) Development consisting of works for the demolition of building for an industrial process falling within Class B1(c) of the Schedule to the 1987 Order, existing on 12 March 2020;

(2) Demolished building would be replaced by a single purpose-built detached dwellinghouse;

(3) Would involve operations:

- disconnection of existing electricity and water supply; removal of any old waste from the existing building; works associated with the installation of an air source heat pump and for the installation of services DATA ERROR!!!

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.

CIL DETAILS

This application is CIL Liable therefore developer contributions towards infrastructure will be required but dependant on any exemptions or relief that may apply.

RECOMMENDATION

- 1 The development hereby approved must be completed within a period of 3 years starting with the date prior approval is granted.

Reason: To comply with the provisions of inserted Class ZA in Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 3) Order 2020.

- 2 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. Development shall not be first occupied until:
- i) An investigation and risk assessment has been undertaken in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority;
 - ii) where remediation is necessary a remediation scheme must be submitted to and approved in writing by the Local Planning Authority. Any remediation shall be fully implemented in accordance with the approved scheme before the development is brought into use; and
 - iii) a verification report for the remediation shall be submitted in writing to the Local Planning Authority before the development is first brought into use.

Reason: To protect the amenity of local residents in accordance with Policy QE DM4 of the Arun Local Plan 2011 - 2031.

- 3 No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with Highways England. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters,

- the anticipated number, frequency, types and timing of vehicles used during construction;
- a commitment that construction vehicles will avoid the network peak hours of 0800-0900 and 1700-1800 where practicable;
- swept paths demonstrating all of the types of construction vehicles can safely enter and exit the A27 at the access;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway; and
- measures to reduce dust, dirt and any other airborne contaminants and to reduce as far as reasonably possible these passing beyond the site boundaries, which shall include sheeted loads and dampening stockpiles where necessary.

Reason: The Construction Traffic Management Plan is required to ensure that construction of the development does not result in avoidable congestion on the A27 trunk road, to ensure that the A27 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and policy T SP1 of the Arun Local Plan to satisfy the reasonable requirements of road safety. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction workers.

- 4 No part of the development shall be first occupied until covered and secure cycle parking spaces (minimum of 2 spaces) have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with policy T DM1 of the Arun Local Plan and the National Planning Policy Framework.

- 5 INFORMATIVE: For the avoidance of doubt the approved details are the drawings 1 "Location Plan", 2 "Block Plan", 3 "Proposed Site Plan", 4 "Existing Floor Plans and Elevations" and 5 "Proposed Floor Plans and Elevations" all submitted on 20th November 2020.

- 6 INFORMATIVE: Advice in respect on the Construction Traffic Management Plan can be obtained from the Spatial Planning Team, Highways England, Bridge House, 1 Walnut Tree Close Guildford, Surrey GU1 4LZ. Highways England switchboard Tel 0300 470 1370 Email planningse@highwaysengland.co.uk.