

Application Ref: 19/00506/R3FUL

Proposal: Conversion of agricultural building to two residential dwellings

Site: Fletchers Farm, Thorney Road, Newborough, Peterborough

Applicant: NPS Peterborough

Agent: NPS Property Consultants LTD

Site visit: 17.04.2019

Reason for Call In: Cllr Brown objects due to the condition of the road.

Case officer: Mr M A Thomson

Telephone No. 01733 4501733 453478

E-Mail: matt.thomson@peterborough.gov.uk

Recommendation: **GRANT** subject to relevant conditions

Process of Determination:

This is a regulation 3 application and the Chair of Planning Committee on the 8th August 2019 considered the Case Officers report and the Officer recommendation within it under the Delegation Confirmation Report process and agreed to sign off the decision in line with Officer Recommendation.

In the following Councillor consultation process of this decision Cllr Brown objected and requested that the application be called in to the Planning and Environmental Protection Committee for consideration and determination.

1 Description of the site and surroundings and Summary of the proposal

Site Description

The application site comprises an established group of three agricultural buildings situated within the open countryside.

Building 1 is an a-typical steel frame building situated on the northern boundary, with apex roof and lean to element to side. Building 2 is a linear brick building barn, standing at two storeys in place, with a single storey off-shoot. Building 3 is another steel frame building.

To the immediate east is a large detached farmhouse and new build dwelling and business.

The application site and these neighbouring buildings are served by a single access road, onto Thorney Road (B1443).

The application site is situated within Flood Zone 2 and the outer consultation zone for a National Grid High Pressure Gas line (FM02 - Wisbech Nene West to Duddington).

Pre-Amble

Earlier this year two prior notification applications were received to change the use of Building 1 and Building 3 from agricultural buildings to residential dwellings under App Refs: 19/00532/PRIOR and 19/00631/PRIOR, and were refused for the following reasons:

19/00532/PRIOR

R 1 The cumulative amount of floor space to be created within the established agricultural unit through the conversion of Buildings 1 and 3 would exceed 465 square metres. As such the proposal fails to accord with Schedule 2 Part 3 Q.1(b)(i)(bb) and Class W(3)(a) of the

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Policies CS16 of the Peterborough Core Strategy DPD (2011), PP2 of the Peterborough Policies DPD (2012) and LP16 of the emerging Local Plan.

R 2 The application has not been accompanied by a structural survey, therefore it has not been demonstrated that it is not otherwise impractical for conversion, and the application is therefore contrary to Schedule 2, Part 3, Class Q.2.(1)(e) and Class W.3(b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Policies CS16 of the Peterborough Core Strategy (2011), PP2 and PP4 of the Peterborough Policies DPD (2012) and LP16 of the emerging Local Plan.

R 3 The proposed development would result in a significant reduction in the overall size of the building, and would result in an amended roof shape. The works proposed are considered to exceed what is partial demolition, reasonable for the building to function as a dwelling house and therefore is contrary to Schedule 2, Part 3, Class Q.1(i)(i) & (ii) and Class W(3)(a) & (b) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Policies CS16 of the Peterborough Core Strategy (2011), PP2 of the Peterborough Policies DPD (2012) and LP16 of the emerging Local Plan.

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Further to learning that the application site is within the outer consultation zone of a high pressure pipeline the applications should have also been refused under Schedule 2, Part 3, Class Q.1(k)(ii) of the Order, as the barns are located within a 'safety hazard area'. As such it is anticipated that these applications will be resubmitted as full planning applications.

Proposal

The Applicant seeks planning permission for the 'Conversion of agricultural building (building 2) into two residential dwellings'.

The fabric of the building would largely be unchanged, with the majority of existing openings being re-used either as windows or doors. There is a single storey off-shoot to the south, the southern wall of which would be rebuilt. And a new first floor window would be provided to serve a bedroom on the north elevation.

Each dwelling would comprise kitchen/diner, dining room, downstairs w/c, sitting room, study and two bedrooms with bathrooms above.

Materials proposed are as follows:

Walling - matching red brick (repairs only)
Roofing - Clay interlocking pantiles
Windows - Timber frame

Doors - Timber
 Boundary - Willow Panel Fencing
 Guttering - Powder coated metal gutters in black
 Bargeboards/fascia - timber construction stained or painted

2 Planning History

Reference	Proposal	Decision	Date
19/00631/PRIOR	Conversion of agricultural building to one dwelling	Prior Approval Refused	10/06/2019
19/00532/PRIOR	Change of use of agricultural building to two dwellings	Prior Approval Refused	10/06/2019

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (February 2019)

Section 14: Climate Change
 Section 15: Conserving the Natural Environment
 Section 16: Conserving the Historic Environment

Peterborough Local Plan 2016 to 2036 (Submission)

LP02 - The Settle Hierarchy and the Countryside

The location/scale of new development should accord with the settlement hierarchy. Proposals within village envelopes will be supported in principle, subject to them being of an appropriate scale. Development in the open countryside will be permitted only where key criteria are met.

LP03 - Spatial Strategy for the Location of Residential Development

Provision will be made for an additional 21,315 dwellings from April 2016 to March 2036 in the urban area, strategic areas/allocations.

LP11 - Development in the Countryside

Part A: Re-Use and Conversion of Non-Residential Buildings for Residential Use in the Countryside- Change of use proposals will be supported provided that the use has not ceased, for agricultural buildings they were not constructed in the last 10 years, no more than 3 units would be created, significant reconstruction is not required and there are no fundamental constraints to delivery or harm arising.

Part B: Replacement of Permanent Existing Dwellings in the Countryside- Proposals will be supported provided that the residential use has not been abandoned, it is a permanent structure and the dwelling is not of architectural or historic merit. The replacement dwelling should be of an appropriate scale and design and is located on the site of the original house (unless suitable justification is provided).

Part C: Mobile Homes/Temporary Dwellings in the Countryside- Applications will be considered in the same way as permanent dwellings.

Part D: New Dwellings in the Countryside- Permission for a permanent dwelling in the countryside for an agricultural worker will only be granted to support existing agricultural activities on a well-established agricultural unit subject to demonstration of a functional need which cannot be met by an existing dwelling or conversion.

Part E: The Rural Economy- Development involving the expansion or conversion of an existing employment use/building or use for tourism/leisure will be supported provided it is an appropriate scale, would not adversely affect the local community/services and would not cause harm to the character of the area and would be accessible.

Part F: Protecting the Best and Most Versatile Agricultural Land- Proposals should protect this land to ensure the continuation of the agricultural economy. With the exception of allocated sites proposals affecting this land will only be accepted if there is lower grade land available, the impacts have been minimised through design solutions and where feasible the land is restored when the development ceases.

Part G: Agricultural Diversification- Proposals will be permitted provided that the location and scale are appropriate for the use and the scale is appropriate for the business.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP13d) City Centre- All proposal must demonstrate that careful consideration has been given to prioritising pedestrian access, to improving access for those with mobility issues, to encouraging cyclists and to reducing the need for vehicles to access the area.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP19 - The Historic Environment

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

LP27 - Landscape Character

New development in and adjoining the countryside should be located and designed in a way that is sensitive to its landscaping setting, retaining and enhancing the landscape character.

LP28 - Biodiversity and Geological Conservation

Part 1: Designated Site

International Sites- The highest level of protection will be afforded to these sites. Proposals which would have an adverse impact on the integrity of such areas and which cannot be avoided or adequately mitigated will only be permitted in exceptional circumstances where there are no suitable alternatives, overriding public interest and subject to appropriate compensation.

National Sites- Proposals within or outside a SSSI likely to have an adverse effect will not normally be permitted unless the benefits outweigh the adverse impacts.

Local Sites- Development likely to have an adverse effect will only be permitted where the need and benefits outweigh the loss.

Habitats and Species of Principal Importance- Development proposals will be considered in the context of the duty to promote and protect species and habitats. Development which would have an adverse impact will only be permitted where the need and benefit clearly outweigh the impact. Appropriate mitigation or compensation will be required.

Part 2: Habitats and Geodiversity in Development

All proposals should conserve and enhance avoiding a negative impact on biodiversity and geodiversity.

Part 3: Mitigation of Potential Adverse Impacts of Development

Development should avoid adverse impact as the first principle. Where such impacts are unavoidable they must be adequately and appropriately mitigated. Compensation will be required as a last resort.

LP32 - Flood and Water Management

Proposals should adopt a sequential approach to flood risk management in line with the NPPF and council's Flood and Water Management SPD.. Sustainable drainage systems should be used where appropriate. Development proposals should also protect the water environment.

LP33 - Development on Land Affected by Contamination

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

4 Consultations/Representations

PCC Archaeological Officer

No objection - The proposed development is deemed to have negligible consequences for potential buried remains.

PCC Peterborough Highways Services

No objection - The existing farm access benefits from good inter-visibility to the east and west between motorists leaving the access and travelling along the adjacent Thorney Road.

The site access is relatively narrow (single carriageway track) however it widens out considerably where it connects onto the adjacent public highway thus providing sufficient space to pass for a vehicle turning into the access and another waiting within the access to enter Thorney Road.

The LHA are of the view that the proposals shall not result in a significant increase in the number of vehicles accessing/egressing the site on a daily basis. The site itself is remote from the public

highway and there is more than adequate space within the site for the parking and turning of vehicles associated with the new dwellings. Informatives are sought to be attached with respect to naming and numbering.

PCC Pollution Team

No objection - Seek a condition to be attached with respect to uncovering unsuspected contamination.

PCC Wildlife Officer

No objection - The application has been accompanied by an Ecology Report (July 2018).

A Common Pipistrelle bat was found in the barn and evidence of Brown Long-eared bats also using the barn was recorded. Subsequent bat activity surveys appear to indicate that the barn is being used as a day roost, rather than a maternity roost. A European Protected Species licence would therefore be required to be obtained from Natural England by the applicant.

The outline mitigation/compensation principles set out in section 7.2 of the report appear broadly acceptable and I am satisfied that the "three tests" as set out in section 7.5 are likely to be met. It is therefore requested that a detailed Bat Method Statement is submitted to the LPA for approval prior to commencement of development.

Evidence of a roosting barn owl was found during the survey of the building proposed for conversion. I would therefore request that a detailed barn owl mitigation scheme is submitted to the LPA for approval prior to commencement of any building/construction activities.

Evidence of bird nests were found in the building proposed for conversion. It is therefore recommended that a standard bird nesting Informative be attached.

To mitigate for the loss of nesting habitat, it is requested that a range of nesting boxes are installed that cater for a number of different species such as House Sparrow, Starling & Swallow. Details regarding numbers, designs and locations should be secured by condition.

Evidence of a badger sett was found in close proximity to the application site. It is therefore advised that all construction trenches are covered overnight or a means of escape provided for any badgers or other mammals that may have become trapped.

The proposed development is located in close proximity to Hill Farm Pond County Wildlife Site, however it is not considered that this proposal would have an impact upon the features for which this site has been designated a County Wildlife Site.

It is recommended that existing surrounding vegetation is retained wherever possible. With regard to any additional planting it is recommended native trees and shrub species are used, as listed in section 8 of the submitted ecology report, full details of which may be secured via a suitably worded condition.

PCC Conservation Officer

No objection - Historic agricultural buildings are at high risk of falling into disrepair, due to redundancy of such structures in modern farming practices, where larger storage spaces are required. We are generally supportive of sympathetic alternative uses for such buildings in order to keep them in beneficial use, where they are more likely to be properly maintained.

It is particularly positive to see the conversion of this building will use the vast majority of the existing openings, rather than chopping new openings. It is beneficial that this range has a substantial number of openings. Unsympathetic new openings can severely detract from the essential character of agricultural buildings, by way of overly domesticating them.

The existing roof covering consists of asbestos sheets and are not particularly sympathetic to the

character of the host building. It is proposed to use interlocking clay pantiles to the whole roof. This raises some concern. Generally, the taller agricultural buildings of the C19 in the fens i.e. the two storey element, would have a slate covering and the lower ancillary buildings would either again have slate or possibly a pantile. A pantile throughout would look a little brash and appear more hacienda than agricultural barn, especially in conjunction with the orange/red brick elevations. Additionally, most modern pantiles have a lacquered finish that never weather, it would be important to source a pantile that will tone down over time. The roof should be finished without soffits and fascias and any rain water goods secured on rise and fall brackets.

The use of timber cladding to repair the small gable ended projection at the rear is supported.

Large glazing of the arcaded arched cart sheds is considered to show this feature to its best potential, rather than infilling.

The sympathetic re-sue of this building is deemed to be very positive and is supported in terms of heritage and conservation. Details are particularly important in retaining the buildings character, appearance and appeal. As such, materials should be seen upfront or controlled by way of condition.

Environment Agency

No objection

Cadent Gas

No objection - Thank you for consulting Cadent Gas for this application. We do not object to the proposal in principle. Please note there is a National Grid pipeline in close proximity to the proposal, you will need a separate response from National Grid.

National Grid

No objection - The Local Planning Authority should liaise with the HSE regarding their land use planning methodology and associated consultation zones.

A number of advisory notes have been attached to the Cadent and National Grid responses, which shall be attached as an informative(s).

Health & Safety Executive

No objection - Do not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

North Level District Internal Drainage Board

No objection

Clr Brown

Objection - objection to the proposal on the grounds of the existing condition of the road, and concerns that the proposed development would deteriorate the road condition further. The applicant NPS have repaired the road historically, with patch repairs, however these have had little impact.

Newborough & Borough Fen Parish Council

No objection - The linked Prior Notification applications 19/00532/PRIOR and 19/00631/PRIOR fail to meet Class Q Permitted Development legislation in that the cumulative floor space of both existing buildings exceed 465 square meters.

In addition the cumulative residential C3 floor space of the three proposed residential dwellings, with and without mezzanine floors exceed Class Q Permitted Development legislation of up to three larger dwelling houses with a maximum cumulative total residential floor space of 465 square metres.

Furthermore, the Parish council has concerns regarding access to the properties. A significant number of agricultural vehicles use this road and any additional traffic will cause problems for access and safety.

Local Residents/Interested Parties

Initial consultations: 2
Total number of responses: 2
Total number of objections: 2
Total number in support: 0

Two letters of representation have been received from the same property, and is for all intents a duplicate, likely caused by an error when the representation was submitted through the Councils website given their date and time stamp, raising the following concerns:

- There is to be no changes to the existing road, which is in a poor state of repair and could result in health and safety issues and potential car repairs;
- This proposal in combination with the prior approval application would result in the intensification of vehicle traffic; and
- There is insufficient passing space.

5 Assessment of the planning issues

The Principle of Development

Policy LP11 Part A states where a change of use proposal to residential use requires permission, and where the site is located in the countryside, then the proposal will be supported provided that the following criteria are met;

a) the use of the building has ceased; and

- The agricultural use of this farm building appears to have ceased, and it is understood that the farmer has recently relocated closer to Thorney village.

b) where the use of the building was previously for agricultural purposes, it was not constructed within 10 years preceding the proposal being submitted; and

- This is a historic building and has been in place for a number of decades.

c) the proposal results in no more than five residential units; and

- This proposal would create a total of 2x 2-bedroom dwellings.

d) the building is not in such a state of dereliction or disrepair that significant reconstruction requiring planning permission would be required; and

- The building is of brick built construction, it appears to be structurally sound and capable of being rebuilt without substantial reconstruction. The roof would need to be rebuilt to support new roofing materials.

e) there are no fundamental constraints to deliver the site, or significant harm arising.

- National Grid and Cadent have advised that there is a high pressure pipeline to the north of the application site, the access road of which crosses the pipeline, however have raised no objections to the proposal. The Health and Safety Executive have responded with no objection, stating they do not advise against the granting of planning permission. The National Grid and Cadent correspondence has listed a number of informatives, these will be brought to the attention of the Applicant and form part of any approved planning consent.

Matters of design, amenity, biodiversity and access are discussed in further detail below.

Notwithstanding Criterion e, the principle of converting the building to residential is acceptable and the proposal would otherwise accord with Policy LP11 of the Peterborough Local Plan (2019).

Design and Layout

The Councils Conservation Officer has raised no objection to the proposal, supporting the re-use of existing openings for the proposed doors and windows. It is noted that the existing asbestos sheet roof is required to be replaced, and is proposed to be replaced by interlocking clay pantiles. This has raised some concern in respect of the hierarchy of buildings and use of appropriate materials to reflect this hierarchy, and as such whether a slate or pantile should be used. There are also some concerns with the use of soffits and fascia's, which would result in the unnecessary domestication of the building, and should use rise and fall brackets for the rain water goods. The use of timber cladding to repair the small gable ended projection at the rear is supported. Large glazing of the arcaded arched cart sheds is considered to show this feature to its best potential, rather than infilling. As such a condition is recommended to be appended to any planning approval to require material details to be submitted to and approved in writing by the Local Planning Authority. A condition is also recommended in respect to the installation of any flues and vents.

To facilitate the proposed gardens the southern barn, building 3, would have to be reduced in size to accommodate the provision of the proposed garden and parking area. As such a compliance condition is recommended to be imposed to require the gardens to be provided before the dwellings are first occupied.

A condition is also recommended in respect of the removal of permitted development rights for new extensions, outbuildings and external alterations, to protect the character and appearance of the building.

Therefore subject to securing the above planning conditions it is considered that the proposed conversion of the building into two residential properties would not result in harm the character or appearance of the host building or immediate surrounding area. The proposal would therefore be in accordance with Policies LP11, LP16 and LP19 of the Peterborough Local Plan (2019) and Paragraph 197 of the NPPF (2019).

Existing and Future Occupier Amenity

The application site, including the adjacent steel framed buildings and yard has planning permission to operate as an agricultural farm, which could operate 24/7 using a variety of large farming equipment and HGVs. Therefore the use of this building for residential use would result in an overall net decrease in overall levels of noise and disturbance from the site.

The proposed building would utilise existing openings, with the exception of a new opening on the first floor front elevation serving a bedroom. It should be noted that there is already a north facing door serving the proposed kitchen in Unit 1 (western unit) adjacent to Fletchers Farmhouse to the immediate west, which was observed during the Case Officer's site visit.

A 1.5m fence is proposed to be sited adjacent to Fletchers Farm. Fletchers Farm is a large stone two storey detached farmhouse, which does not have any ground or first floor side facing openings. There is however a mobile office situated south of Unit 1. It is anticipated that at a height of only 1.5m it would be possible to look over this fence into the garden of Unit 1 from the neighbour's mobile office, which could be used at all hours of the day. Therefore it is considered reasonable and necessary to require a fence height of 1.8m/2m in this location, to protect both the privacy of future occupiers and the amenity of existing occupiers of Fletchers Farm.

It is considered that each dwelling would be served by a suitably sized garden and that primary habitable rooms would be served by good levels of natural light.

Therefore the proposal would not result in any unacceptable overbearing impact on the amenity of neighbour occupiers, nor any unacceptable loss of light, outlook or privacy for neighbours, and a satisfactory level of amenity would be provided for future occupiers of the 2 dwellings proposed. The proposal would therefore accord with Policies LP16 and LP17 of the Peterborough Local Plan (2019).

Biodiversity

The Council's Wildlife Officer has raised no objection, subject to conditions being imposed on any planning consent to secure a bat method statement and owl mitigation scheme. Conditions are also recommended in respect of requiring trenches to be covered overnight or providing a means for mammals to escape, and the use of native species in any landscaping proposal. Subject to securing these matters by condition(s) the proposal would not have an adverse impact on protected species or the biodiversity value of the site, and the proposal would accord with Policy LP28 of the Peterborough Local Plan (2019).

Access and Parking

The Local Highway Authority (LHA) have raised no objection to the proposal, advising that the existing farm access benefits from good inter-visibility to the east and west between motorists leaving the access and travelling along the adjacent Thorney Road. The site access is relatively narrow (single carriageway track) however it widens out considerably where it connects onto the adjacent public highway thus providing sufficient space to pass for a vehicle turning into the access and another waiting within the access to enter Thorney Road.

The LHA are of the view that the proposals shall not result in a significant increase in the number of vehicles accessing/egressing the site on a daily basis, given the existing agricultural use and that it could operate 24/7. The site itself is remote from the public highway and there is more than adequate space within the site for the parking and turning of vehicles associated with the new dwellings.

A letter of representation received has raised concerns in respect of the intensification of use of the access road, from both this application and the recently determined prior approval applications, and the associated impact on the state of the road. However as set out above the Local Highway Authority have raised no objection to the proposal.

With respect to the state of the access road, it is understood that it is owned by the Council as a private landowner, and it is not a public highway therefore the access road is not maintained by the Local Highway Authority. As such it is presumably maintained by those that historically leased the agricultural unit or those that use it to access their dwellings. Therefore the maintenance and upkeep of this road is a private legal civil matter between the landowners and those that have access rights across it, and is therefore not a material planning consideration that influences the granting of planning permission.

It should be emphasised that the agricultural use could operate 24/7, 365 days per year and involve the movement of large agricultural vehicles and HGVs. Further, the works proposed are for conversion only. As such the number of vehicle movements associated with the existing lawful use of the site, and the damage to the road associated with this historic use, could far exceed the vehicle movements associated with the conversion of the agricultural barn into two dwellings and associated subsequent vehicle movements.

It is considered satisfactory parking could be provided on site to serve the proposed use and safe access onto Thorney Road could be achieved. Therefore the proposal would not result in a highway safety hazard and so would accord with Policy LP13 of the Peterborough Local Plan (2019).

Flood Risk and Contamination

This application site is located within Flood Zone 2, however as this is a change of use application and as confirmed by Paragraph 164 of the NPPF (2019) the proposal is not required to be

assessed against the sequential and exceptions test, however is required to provide a satisfactory Flood Risk Assessment (FRA). A FRA has accompanied the application and states the barn would be 150mm above existing ground level and they are proposing 300mm of flood resilient construction above finished floor level, with a safe point of refuge provided at first floor. For the avoidance of doubt the Environment Agency and North Level Internal Drainage Board have raised no objections to the proposal, however a compliance condition for the installation of flood resilience measures is recommended to be appended for the avoidance of doubt.

The Councils Pollution Control Officer has raised no objection to the proposal, however has requested a condition be imposed with respect to any unsuspected contamination found on site.

Subject to the imposition of these conditions the proposal would not give rise to surface water flooding, suitable flood risk mitigation would be proposed, and the contamination is low and would be mitigated if found. Therefore the proposed development would be in accordance with Policies LP32 and LP33 of the Peterborough Local Plan (2019) and Paragraphs 164 and 178-180 of the NPPF (2019).

For the avoidance of doubt where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Other Matters

Further to the Case Officer's site visit, it was brought to our attention that the proposed garden area serving Unit 1 infringed on the garden serving Fletches Farm, which is currently occupied on a 5 year tenancy agreement. The Case officer advised boundary disputes are a legal civil matters between the relevant two parties, however informed the planning agent of the issue. The planning agent has confirmed that they believe that the redline area of the application site including the garden is correct. It is understood discussions in this regard have taken place between the Landlord and the tenant. Therefore in good faith Officers have to proceed on the basis that the redline plan denoting the application site is correct, in the absence of any legal documentation to the contrary.

It is understood that the existing roofing over the barn is asbestos sheeting; therefore the safety of its removal is covered under separate HSE legislation outside of the planning application process.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- The use of the agricultural building has ceased, it was constructed more than 10 years ago, the scheme would result in less than 5 residential units, the building is not in such a state of dereliction of disrepair that would require significant reconstruction and there are no fundamental constraints to delivering the site. As such the proposed change of use and conversion from agricultural to two residential dwellings would accord with Policy LP11 of the Peterborough Local Plan (2019);
- The proposed change of use and conversion from agricultural to two residential dwellings would not harm the character or appearance of the host building or immediate area, or buried archaeology, and would preserve the setting of this non-designated heritage asset, and would accord with Paragraph 197 of the NPPF (2019) and Policies LP16, LP19 and LP27 of the Peterborough Local Plan (2019);
- The proposed change of use and conversion from agricultural to two residential dwellings would not have an unacceptable harmful impact to neighbouring amenity, and would provide satisfactory amenity for future occupiers, in accordance with Policies LP17 and LP32 of the Peterborough Local Plan (2019) and paragraph 178-180 of the NPPF (2019);
- The proposed change of use and conversion from agricultural to two residential dwellings would not adversely affected protected species and would not detract from the biodiversity value of the site, in accordance with Policy L28 of the Peterborough Local Plan (2019);

- There are no Highway safety concerns and parking can be accommodated on site, in accordance with Policy LP13 of the Peterborough Local Plan (2019)

7 Recommendation

The Executive Director of Place and Economy recommends that Planning Permission (Regulation 3) is **GRANTED** subject to the following conditions:

C 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).

C 2 With the exception of stripping out the building no development shall take place until material details of walling, cladding, roofing, vent, flues and external doors and windows have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the roofing shall use a slate material, and guttering shall use rise and fall brackets. There shall be no use of soffits or fascia's. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy LP16 of the Peterborough Local Plan (2019).

C 3 All external joinery to the windows and/or doors shall be inset by 50mm from the face of the elevation to which they serve.

Reason: In order to preserve the special architectural and historic character of the building, in accordance with the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and Policies LP16 and LP19 of the Peterborough Local Plan (2019).

C 4 Prior to the occupation of the first dwelling a scheme for the hard and soft landscaping of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the following:-

- Planting plans including retained trees, species, numbers, size and density of planting
- Details of any boundary treatment
- Bin storage areas

The approved hard landscaping scheme shall be carried out prior to the first occupation of the dwellings, and retained thereafter.

The soft landscaping shall be carried out within the first available planting season following first occupation or alternatively in accordance with a timetable for landscape implementation which has been approved as part of the submitted landscape scheme.

Any trees, shrubs or hedges forming part of the approved landscaping scheme (except those contained in enclosed rear gardens to individual dwellings) that die, are removed or become diseased within five years of the implementation of the landscaping scheme shall be replaced during the next available planting season by the developers, or their successors in title with an equivalent size, number and species to those being replaced. Any replacement trees, shrubs or hedgerows dying within five years of planting shall themselves be replaced with an equivalent size, number and species.

Reason: In the interests of visual amenity and enhancement of biodiversity in accordance with Policies LP16 and LP28 of the Peterborough Local Plan (2019).

- C 5 Prior to the first commencement of any development a bat method statement shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include full details regarding timing of construction works, presence of a licensed bat ecologist including pre-commencement bat checks, and numbers, locations and specifications of alternative bat roosting features to be installed on the barn. Details of any external lighting should also be confirmed. Thereafter the development shall be implemented in accordance with the approved details, and thereafter maintained and retained as such in perpetuity.

Reason: In the interest of protecting the biodiversity value of the site, in accordance with Policy LP28 of the Peterborough Local Plan (2019). This is a pre-commencement condition as these details need to be approved before development commences on site.

- C 6 Prior to the first commencement of any development a barn owl mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include timing of works to avoid the nesting season, along with provision of a minimum of two new barn owl boxes to be installed into the converted barns. Thereafter the development shall be implemented in accordance with the approved details, and thereafter maintained and retained as such in perpetuity.

Reason: In the interest of protecting the biodiversity value of the site, in accordance with Policy LP28 of the Peterborough Local Plan (2019). This is a pre-commencement condition as these details need to be approved before development commences on site.

- C 7 During construction works all construction trenches shall be covered overnight and a method of escape for mammals, specifically hedgehogs, shall be provided to each trench. With respect to any impenetrable barriers hereby approved adequately sized gaps shall be provided every 10 metres to enable the movements of hedgehogs.

Reason: In the interest of preserving the biodiversity value of the site, in accordance with Policy LP28 of the Peterborough Local Plan (2019).

- C 8 Prior to the occupation of the dwellings hereby approved details of bat and bird boxes (House Sparrow, Starling & Swift) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the bat and bird boxes shall be implemented in accordance with the approved details and thereafter retained in perpetuity.

Reason: In the interest of preserving the biodiversity value of the site, in accordance with Policy LP28 of the Peterborough Local Plan (2019)

- C 9 If, during development, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspect contamination has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter not be carried out except in complete accordance with the approved scheme.

Reason: To ensure all contamination within the site is dealt with in accordance with Paragraphs 178-180 of the NPPF (2019) and Policy LP32 of the Peterborough Local Plan (2019).

- C10 Prior to the occupation of the first dwelling, or on completion of development, whichever is sooner, the garden areas serving Units 1 and 2 shall be made available to serve future occupiers in accordance with Drawing 01-02-18-2-1272 - 3 3 (Proposed Block Plan).

Thereafter the garden areas shall remain available for future occupiers in perpetuity.

Reason: To ensure future occupiers are provided satisfactory living conditions, in accordance with Policy LP16 and LP17 of the Peterborough Local Plan (2019).

- C11 Prior to occupation of the first dwelling hereby approved, or on completion of development, whichever is sooner, space shall be laid out for 2 vehicles to park in accordance with Drawing 01-02-18-2-1272 - 3 3 (Proposed Block Plan) and those areas shall not thereafter be used for any purpose other than the parking of vehicles in connection with the use of the new dwellings hereby approved. These parking bays shall be marked to refer to the property to which they relate.

Reason: To ensure the development is provided with satisfactory parking, in accordance with Policy LP13 of the Peterborough Local Plan (2019).

- C12 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D, E, F and G and Part 2, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, roof alterations or roof lights, porches, outbuildings, areas of hard standing, chimneys, vents or flues or external painting shall be constructed or undertaken other than as those expressly authorised by this permission or those expressly authorised by any future planning permission.

Reason: In order to protect the amenity of the area and to ensure future occupiers are provided with satisfactory living conditions, in accordance with Policies LP11, LP16, LP17 and LP27 of the Peterborough Local Plan (2019).

- C13 The development hereby approved shall be implemented in accordance with the submitted Flood Risk Assessment (GCB/NPS, Beel, 2019), incorporating the flood resilience measures set out under Section 10.1, and shall thereafter be retained as such

Reason: In the interest of mitigating flood risk, in accordance with Policy LP32 of the Peterborough Local Plan (2019).

- C14 The development hereby approved shall be carried out in accordance with the following approved plans:

- 01-02-18-2-1272 - 3 1 – Location Plan
- 01-02-18-2-1272 - 3 2 – Existing Block Plan
- 01-02-18-2-1272 - 3 3 – Proposed Block Plan
- 01-02-18-2-1272 - 3 4 – Existing Floor Plan
- 01-02-18-2-1272 - 3 5 – Proposed Floor Plan
- 01-02-18-2-1272 - 3 6 – Existing Elevations
- 01-02-18-2-1272 - 3 7 - Proposed Elevations

Reason: To clarify the approved details and to ensure the development accords with the reasoning and justification for granting approval.

- Cc: Councillor: Cllr Allen, Cllr Brown and Cllr Simons