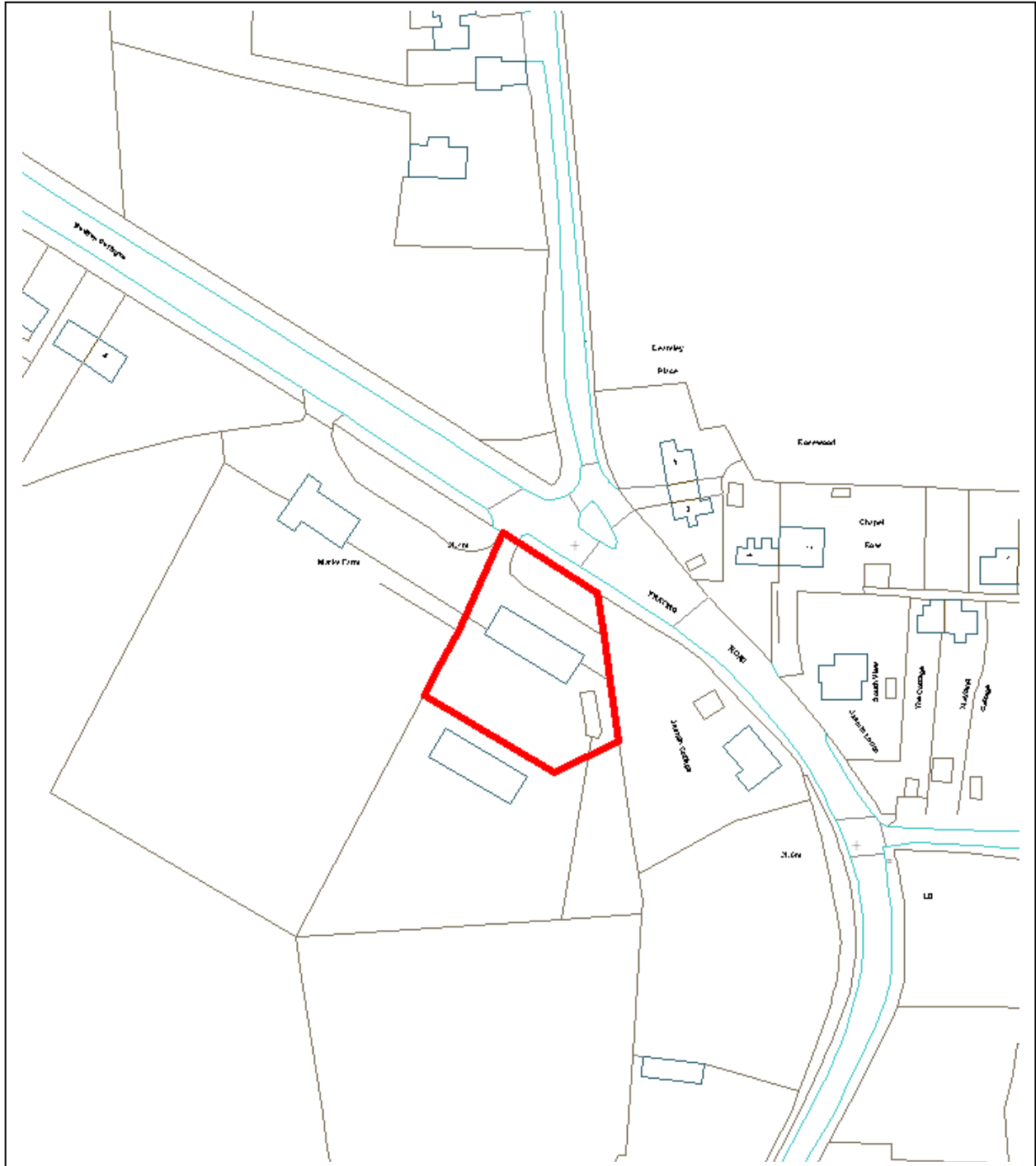


PLANNING COMMITTEE

4 DECEMBER 2012

REPORT OF THE HEAD OF PLANNING

A.8 PLANNING APPLICATION - 12/01126/FUL - LANDMARK HOUSE, FRATING ROAD, GREAT BROMLEY, CO7 7JN



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Application:	12/01126/FUL	Town / Parish: Great Bromley Parish Council
Applicant:	Mr & Mrs O F Barber	
Address:	Landmark House, Frating Road, Great Bromley, CO7 7JN	
Development:	Change of use from office (use class B1) to a single dwelling (use class C3).	

1. **Executive Summary**

- 1.1 The site lies outside of any defined settlement limits, within a group of dwellings. The application proposes change of use of an existing single storey building from office to a four bedroom dwelling with no external alterations proposed.
- 1.2 It is considered that conversion to a single residential dwelling would represent a more sustainable form of development in this rural residential area, resulting in a less intensive use of the access and removing all commercial vehicle movements. Occupation by a business unrelated to the neighbouring dwelling would also be likely to result in harm to residential amenity in terms of vehicular movements and disturbance.
- 1.3 The proposal would result in the loss of 160 sq m of unallocated Class B1(a) floor space which results in a calculation of 2.1 employees. It is therefore considered that there is no merit in applying Policy ER3 as the financial contribution in this case would be too small.
- 1.4 It is therefore recommended that planning permission is granted subject to conditions and completion of the unilateral undertaking.

Recommendation: Approve

That the Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

(a) Within 3 months of the date of the Committee's resolution to approve, the completion of a legal agreement under the provisions of section 106 of the Town and Country Planning Act 1990 dealing with the following matter:

- Public Open Space Provision

(b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate) and with the reason for approval set out in (ii) below.

(i) **Conditions:**

1. Time limit for commencement – 3 years
2. Development in accordance with the submitted plans

(ii) **Reason for approval:**

In approving this application the Local Planning Authority has taken account of the

development plan policies listed. The amount of employment floor space to be lost is too small to justify a financial contribution under Local Plan Policy ER3. It is considered that conversion to a single residential dwelling would represent a more sustainable form of development in this rural residential area, resulting in a less intensive use of the access and removing all commercial vehicle movements. Occupation by a business unrelated to the neighbouring dwelling would also be likely to result in harm to residential amenity. It is therefore considered that these matters outweigh the fact that the site is located outside of the defined development boundary. Residential conversion of this building to a single dwelling would not seriously undermine the Council's housing settlement policies and would not set a harmful precedent for the surrounding area.

(c) The Head of Planning (or the equivalent authorised officer) be authorised to refuse planning permission in the event that such legal agreement has not been completed within the period of three months, as the requirements necessary to make the development acceptable in planning terms had not been secured through S106 planning obligation, contrary to Local Plan policy COM6.

2. Planning Policy

National Policy:

National Planning Policy Framework (2012)

Local Plan Policy:

Tendring District Local Plan (2007)

QL1	Spatial Strategy
QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
ER3	Protection of Employment Land
HG9	Private Amenity Space
COM6	Provision of Recreational Open Space for New Residential Development
TR1a	Development Affecting Highways
TR7	Vehicle Parking at New Development

Tendring District Local Plan Proposed Submission Draft (2012)

SD5	Managing Growth
SD9	Design of New Development
PRO14	Employment Sites
PEO4	Standards for New Housing

PEO22 Green Infrastructure in New Residential Development

SD8 Transport and Accessibility

3. **Relevant Planning History**

07/00295/FUL Change of use from ancillary office and domestic storage to use as business office. Approved 02.05.2007

4. **Consultations**

4.1 Parish Council: No comments received.

Regeneration

4.2 No comments received.

5. **Representations**

5.1 None received.

6. **Assessment**

The main planning considerations are:

- Creation of a dwelling outside the defined settlement limits;
- Loss of employment land; and,
- Financial contribution towards public open space.

Proposal

6.1 Change of use of single storey building from office to a four bedroom dwelling. No external alterations are proposed.

Site Location

6.2 The site lies outside of any defined settlement limits to the south side of Frating Road. To the western boundary lies the applicant's dwelling Marks Farm and to the south lies farm land and an agricultural building, to the eastern boundary lies Jasmin Cottage, and opposite on the north side of Frating Road are a number of dwellings. A dense front boundary hedge provides significant screening from the highway.

Policy Considerations

6.3 The main policy considerations are the National Planning Policy Framework and local plan policies QL1, ER3 and COM6.

6.4 The objectives of both the National Planning Policy Framework and Local Plan policies are to ensure a more sustainable pattern of development by directing new dwellings into main urban areas and away from countryside locations.

6.5 Policy QL1 seeks to direct new development to the main urban areas where there is greater accessibility to services, employment and public transport. Outside settlement development boundaries only development which is consistent with countryside policies will be permitted.

- 6.6 Policy ER3 seeks to protect land in, or allocated, for employment use unless evidence is provided of a sustained but ultimately unsuccessful marketing campaign; or the land is considered inherently unsuitable for employment use.
- 6.7 Policy COM6 states that residential development below 1.5 hectares in size, where existing public open space facilities are inadequate, shall provide a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of the future occupiers of the development.

Creation of a dwelling outside the defined settlement limits

- 6.8 The site lies outside of any defined settlement limits within the adopted Local Plan and therefore only development which is consistent with countryside policies should be permitted. However in this case, given the existing permission for B1(a) office use it is considered that conversion to a single residential dwelling would represent a more sustainable form of development in this rural residential area. The redevelopment would result in a much less intensive use of the access and remove all resultant commercial vehicle movements. The applicant has outgrown this small unit and occupation by a business unrelated to the neighbouring dwelling would be likely to result in harm to residential amenity in terms of vehicular movements and disturbance. There is therefore considered to be no material harm in allowing the conversion of this building to a single dwelling.
- 6.9 The site lies within the defined settlement limits proposed in the draft Local Plan which is under consultation until 7th January 2013. The draft Local Plan is a material planning consideration however the level of weight which can be afforded is limited at this stage.

Loss of Employment Land

- 6.10 The proposal would result in the loss of 160 sq m of Class B1(a) floor space. Local Plan policy ER3 seeks to protect land in, or allocated, for employment use unless evidence is provided of a sustained but ultimately unsuccessful marketing campaign; or the land is considered inherently unsuitable for employment use. Where the loss of an employment site is permitted an alternative site or a financial contribution towards the Council's employment, training or regeneration programmes will normally be required.
- 6.11 This is not an allocated employment site in either the adopted or the draft Tendring District Local Plan. No marketing information has been provided. The amount of floor space involved results in a calculation of 2.1 employees. Where this number is less than 2 the Council has accepted there is no merit in applying Policy ER3 as the financial contribution would be too small. This view has also been taken for this case given the small amount of floor space involved.
- 6.12 This building has been used for domestic storage and ancillary office space for the occupiers of the neighbouring dwelling Marks Farm. In 2007 planning permission was granted for non-ancillary use of the office although most of the staff employed at that time were living at Marks Farm. That permission limits use to B1(a) office only due to the rural location and potential highway safety concerns. The close proximity of Marks Farm and other neighbouring dwellings limit the potential use of this building and it is therefore considered that a residential use in this location would be most suitable.

Financial Contribution towards Public Open Space

- 6.13 Policy COM6 of the Adopted Tendring District Local Plan (2007) states that residential development below 1.5 hectares in size, where existing public open space facilities are

inadequate, shall provide a financial contribution towards the provision of new or improved off-site facilities to meet the projected needs of the future occupiers of the development.

- 6.14 Public Experience have confirmed that there is a significant deficit in both formal open space and equipped play in the village and a contribution is therefore justified. At the time of writing the unilateral undertaking had not been completed and an update will be provided at the meeting.

Other Considerations

- 6.15 The proposed dwelling is provided with private amenity space significantly in excess of the requirements under Local Plan policy HG9.
- 6.16 There is sufficient hardsurfaced parking and turning in front of the building and an existing vehicular access. The proposed use as a single dwelling would result in a much less intensive use of the access and remove all resultant commercial vehicle movements.
- 6.17 Accordingly the scheme is recommended for approval subject to conditions and completion of the unilateral undertaking.

Background Papers

None.