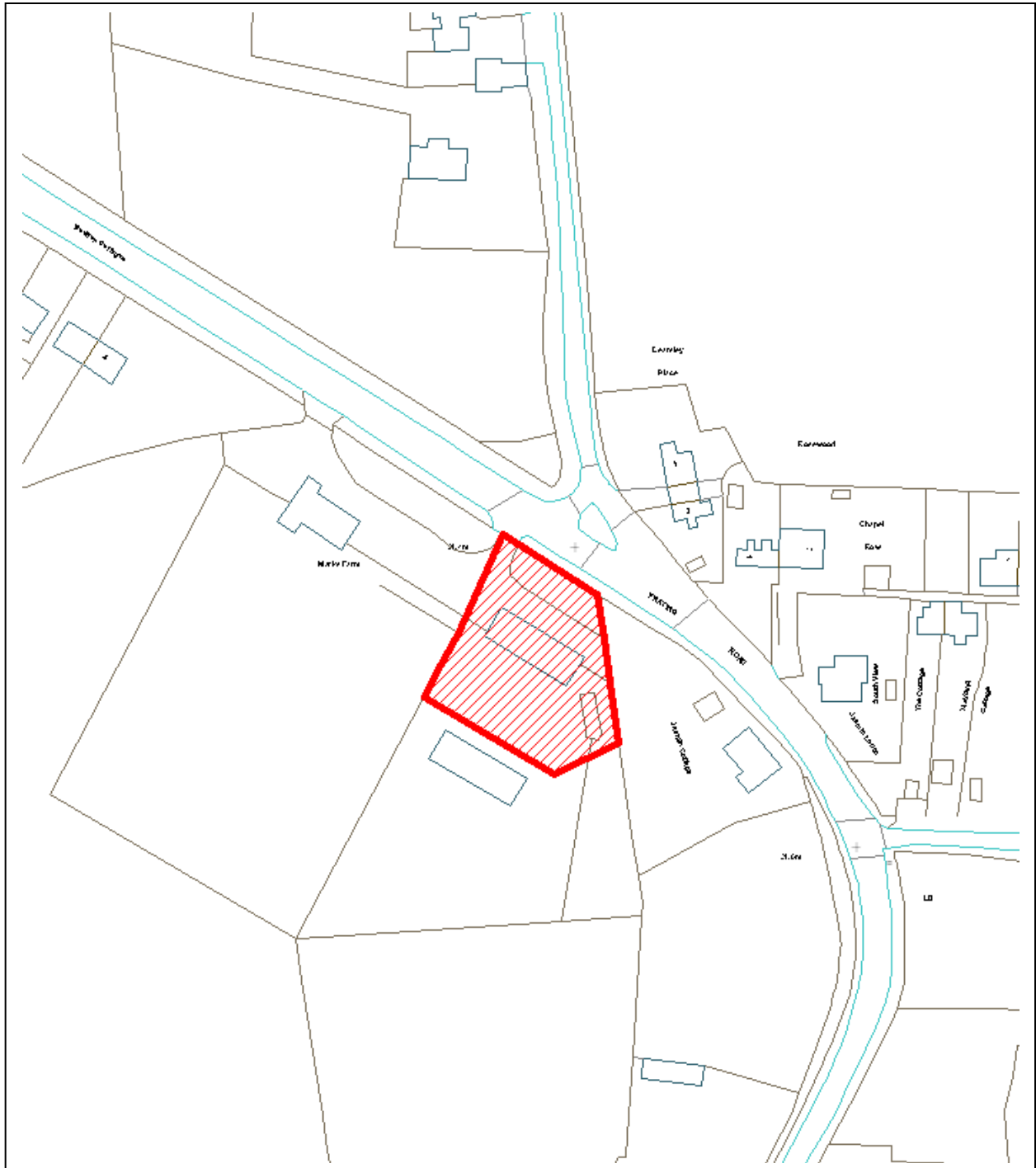


PLANNING COMMITTEE

8<sup>TH</sup> OCTOBER 2013

REPORT OF THE HEAD OF PLANNING

**A.9 PLANNING APPLICATION - 12/01126/FUL - LANDMARK HOUSE FRATING ROAD, GREAT BROMLEY, CO7 7JN**



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

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

## 1. **Executive Summary**

- 1.1 This application was considered at Planning Committee on 4<sup>th</sup> December 2012 where Members resolved to grant planning permission, subject to the standard time limit and approved plans conditions, and completion of a legal agreement within 3 months for public open space provision. There was provision within the recommendation to refuse planning permission if the legal agreement had not been completed within three months. However as the application had already passed its statutory 8 week period it was considered reasonable to allow the applicant additional time to complete the agreement. The legal agreement has now been completed and the application therefore returns to Planning Committee for determination.
- 1.2 The site lies outside of the defined settlement limits within the saved Local Plan, but within the defined settlement limits of the draft Local Plan. A significant change has occurred since the application was first considered at Planning Committee. At that time the draft Plan was still in its initial stage of consultation so the level of weight afforded to its policies was minimal. The Plan has now progressed and Officers are nearing completion of the document confirming what changes need to be made to the Plan before it can be submitted for independent examination. Officers are recommending no change to the boundary in this location, so the draft Local Plan can be applied pragmatically at this stage, despite the fact it has yet to be formally adopted.
- 1.3 The application proposes change of use of an existing single storey building from an office to a four bedroom dwelling with no external alterations proposed. The proposal would result in the loss of 160 sq m of unallocated Class B1(a) floor space, given the small amount of employment land involved there is no objection on this ground.
- 1.4 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.
- 1.5 It is therefore recommended that planning permission is granted subject to conditions as detailed below.

**Recommendation: Approve**

**Conditions:**

1. Standard 3 year time limit for commencement
2. Development in accordance with submitted plans

## 2. **Planning Policy**

### National Policy:

National Planning Policy Framework (2012)

The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. Local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

### 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)*

SD4	Smaller Rural Settlements
SD5	Managing Growth
SD9	Design of New Development
PRO14	Employment Sites
PE04	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 Regeneration - Regret the loss of this employment facility, but understand the applicant's concerns about shared access and therefore do not wish to lodge a strong objection.
- 4.2 Great Bromley Parish Council - No comments received.

#### **5. Representations**

None received.

#### **6. Assessment**

6.1 The main planning considerations are:

- Principle of residential use;
- Loss of employment land; and,
- Financial contribution towards public open space.

#### **Proposal**

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

#### **Site location**

6.3 The site lies 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.

#### **Principle of residential use**

6.4 The site lies outside the defined settlement boundary of the saved Local Plan but within the settlement boundary of the draft Local Plan. The draft Plan has now progressed and Officers are nearing completion of the document confirming what changes need to be made to the Plan before it can be submitted for independent examination. Officers are recommending no change to the boundary in this location, so the draft Local Plan can be applied pragmatically at this stage, despite the fact it has yet to be formally adopted. The principle of residential use is therefore accepted subject to material considerations discussed below.

6.5 Furthermore 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.

#### **Loss of employment land**

6.6 The proposal would result in the loss of 160 sq m of Class B1(a) floor space. Saved 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.

- 6.7 Draft Policy PRO14 states proposals for redevelopment for residential use may be allowed if it can be demonstrated to the Council's satisfaction that the land or premises is no longer economically viable for B1(b & c), B2, B8 or any alternative permanent employment use that might be permitted; or that it is inherently unsuitable for any form of alternative employment use that might be permitted in accordance with the policies in the draft plan; or that the employment activity will be relocated to one of the district's identified employment sites.
- 6.8 This is not an allocated employment site in either the saved or the draft Local Plan. No marketing information has been provided. The amount of floor space involved results in a calculation of only 2.1 employees. Where this number is less than 2 the Council has accepted there is no merit in seeking a financial contribution as this would be too small. This view has also been taken for this case given the small amount of floor space involved.
- 6.9 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**

- 6.10 Saved Policy COM6 and draft Policy PEO22 state 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.
- 6.11 There is an identified significant deficit in both formal open space and equipped play in the village and a contribution is therefore justified. A unilateral undertaking to provide the required financial contribution has been provided in accordance with saved Policy COM6 and draft Policy PEO22.

#### **Other considerations**

- 6.12 The proposed dwelling is provided with private amenity space significantly in excess of the requirements under saved Policy HG9 and draft Policy PEO4.
- 6.13 There is sufficient hard surfaced 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.

#### **Background Papers**

None.