

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	28/05/19
Planning Development Manager authorisation:	AN	30/5/19
Admin checks / despatch completed	AN SB	31/05/19 31/05/19.

Application: 19/00604/COUNOT **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr Ambridge

Address: Rear of Stoneleigh High Street Thorpe Le Soken

Development: Proposed conversion of a B1 light industrial building into a dwelling.

1. Town / Parish Council

Thorpe-le-Soken No comment.

2. Consultation Responses

ECC Highways Dept

The information that was submitted in association with the application has been fully considered by the Highway Authority. The proposal highlights that there is existing off road parking/ garage within the boundary of the plot which is accessed via St Michael's Road (private road). In addition there are good public transport links in the vicinity of the site therefore:

From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to the following conditions:

1. The Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, covered and provided prior to first occupation and retained at all times.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety and amenity in accordance with Policy DM8.

2. Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10.

Informative 1: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

Environmental Protection I have reviewed the above application and have no adverse comment to make.

3. Planning History

TPC/96/74

Conifer

Current

05.12.1996

4. Relevant Policies / Government Guidance

N/A

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the supply of deliverable housing sites that the Council can demonstrate falls below 5 years and so the NPPF says that planning permission should be granted for development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole. Determining planning applications therefore entails weighing up the various material considerations. The housing land supply shortfall is relatively modest when calculated using the standard method prescribed by the NPPF. In addition, the actual need for housing was found to be much less than the figure produced by the standard method when tested at the recent Examination In Public of the Local plan. Therefore, the justification for reducing the

weight attributed to Local Plan policies is reduced as is the weight to be given to the delivery of new housing to help with the deficit.

5. Officer Appraisal

Proposal

The proposal is to change the use of a light industrial building (Class B1c) to Class C3 (Dwelling Houses) under the new relaxed permitted development allowances as set out in Schedule 2, Part 3, Class PA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The application relates to the change of use of the existing light industrial building into a single dwelling. The total gross floor space to be provided is approximately 65m².

This is a "prior notification" under Part 3 of The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015. The applicant is seeking the Council's determination as to whether its "prior approval" is required for the change of use from agricultural use to C3 (Residential).

Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) (England) Order 2015 sets out that development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(c) (light industrial) of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule shall not be permitted development where:

(a) an application under paragraph PA.2(1) in respect of the development is received by the local planning authority on or before 30th September 2017;

The application was received after 30 September 2017 and therefore meets this criterion.

(b) the building was not used solely for a light industrial use on 19th March 2014 or, in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

The agent for the application has confirmed the use of the building was B1 light industrial on 19 March 2014. Information from Companies House has been provided that confirms this.

(c) the prior approval date falls on or after 1st October 2020;

The prior approval date will fall before 1 October 2020 and therefore meets this criterion.

(d) the gross floor space of the existing building exceeds 500 square metres;

The gross floor space is approximately 65 square metres and therefore falls below the allotted 500 square metres.

(e) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

The agent for the application has confirmed the site is not under an agricultural tenancy. Therefore this criterion is met.

(f) less than 1 year before the date the development begins—

(i) an agricultural tenancy over the site has been terminated, and

(ii) the termination was for the purpose of carrying out development under this Class,

unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural purposes;

No such agricultural tenancy has been terminated. Therefore this criterion is met.

- (g) the site is, or forms part of—
 - (i) a site of special scientific interest;
 - (ii) a safety hazard area;
 - (iii) a military explosives storage area;

The application site does not fall within any of the above and therefore meets this criterion.

- (h) the building is a listed building or is within the curtilage of a listed building; or
- (i) the site is, or contains, a scheduled monument.

The application site does not fall within any of the above and therefore meets this criterion.

In addition to the above requirements, condition PA.2(b) requires the Local Planning Authority to consider as to whether the following issues would require prior approval:

- (i) transport and highways impacts of the development;

The plans show a garage allocated for the site adjacent to St Michael's Road; however this falls under the minimum measurements as required by the Adopted Car Parking Standards, which state the size should be a minimum of 7m x 3m internally. However, there is also space in front of the garage to accommodate one space. That notwithstanding the site is in a highly sustainable location within good walking distance to the Thorpe-le-Soken Town Centre and all of the services that offers.

Essex Highways Authority have stated no objections subject to a condition relating to cycle parking. An additional condition requesting a Residential Travel Information Pack was requested, however given the minor nature of the development, will not be included. Cycle parking can be accommodated within the existing garage.

- (ii) contamination risks in relation to the building,

The site is not located near to any land designated as contaminated land. Therefore, this criterion is met.

- (iii) flooding risks in relation to the building,

The building is not within designated Flood Risk Zones 2 & 3. Therefore, this criterion is met.

- (iv) where the authority considers the building to which the development relates is within an area that is important for providing industrial services or storage or distribution services or a mix of those services (which includes, where the development relates to part of a building, services provided from any other part of the building), whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services,

The application site is located in a densely populated area of predominantly residential properties, but also a range of commercial uses. There is no other nearby examples of B1 light industrial uses. Therefore, there is no principle objection to an additional residential property in this location.

Representations

Thorpe-le-Soken Parish Council have made no comment.

Conclusion

Having regard to the above it is considered that the change of use of the light industrial building to C3 (dwellinghouse) does not require Prior Approval, as it would meet the requirements set out in

Schedule 2, Part 3, Class PA of the Town and Country Planning (General Permitted Development) (England) Order 2015.

6. Recommendation

Determination prior approval not required

7. Conditions

1 The proposal constitutes permitted development as defined in Schedule 2, Part 3, Class P of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and may therefore be carried out providing that it is wholly in accordance with the legislation.

8. Informatives

N/A