

## DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	21.09.2021
Planning Development Manager authorisation:	JJ	21/09/2021
Admin checks / despatch completed	DB	22.09.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	Cc	22.09.2021

**Application:** 21/01346/COUNOT                      **Town / Parish:** Elmstead Market Parish Council

**Applicant:** Gary and Keith Youngs

**Address:** The Insurance Centre Clacton Road Elmstead

**Development:** Proposed change the use of first floor office into a self-contained two-bedroom flat.

### **1. Town / Parish Council**

Elmstead Market Parish Council      No comments received

### **2. Consultation Responses**

ECC Highways Dept                      It is noted that there are no changes to the vehicular access and there appears to be some off-street parking to the rear of the premises. The site is located in the centre of the village with access to public transport facilities and good local amenities, taking into account these considerations, from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions in relation to storage of building materials and manoeuvring of all vehicles clear of the highway, provision of cycle parking, provision of car parking, provision and implementation of a Residential Travel Information Pack for sustainable transport

### **3. Planning History**

91/00688/FUL	Replacement/new shop front (window)	Approved	14.08.1991
91/01435/ADV	Non-illuminated shop signs	Refused	04.02.1992
92/00512/FUL	Extension and alterations to existing showroom	Approved	07.07.1992
92/00626/ADV	Shop Signs	Refused	21.07.1992
93/01457/ADV	Shop sign on side elevation	Approved	22.02.1994
98/00268/FUL	Alterations to provide display windows in front elevation of existing storage building	Approved	15.04.1998
03/00114/OUT	Demolition of existing warehouse building and erection of 1 No. 3 bed house, 1 No 3 bed bungalow and 1 No. 2 bed bungalow.	Refused	10.04.2003

04/01931/FUL	Change of use to offices of insurance brokers	Approved	12.11.2004
11/00979/FUL	Change of use of first floor flat to offices in association with insurance brokers on ground floor.	Approved	26.10.2011

#### 4. **Relevant Legislation**

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Technical Housing Standards – Nationally Described Space Standard (2015)

#### 5. **Officer Appraisal**

##### Site Description

The application site is located on the southern side of Clacton Road and comprises of a retail use at ground floor and offices and a flat at first floor. There is an access way along the eastern side of the building to a rear parking area. The surrounding area is a mix of commercial properties and residential dwellings.

##### Proposal

The application for Prior Approval seeks to change the use of the remaining first floor office to a two-bedroom flat.

##### Use of the building

It is considered that the entire building has had an A1/A2 use in the past and the first floor was used as office space. The Applicant submitted a pre-application (preapp) enquiry before this prior approval application was submitted to the LPA. It was considered in the earlier preapp response that this conversion would be undertaken under Class M. However in light of the application submitted, including the use of the first floor as an office and the changes to the Use Classes, particularly the formation of Class E, which includes offices, it is appropriate to consider the application for Prior Approval under that which the application has been submitted, which is Class O (offices to dwellinghouse).

The site is not a Listed Building or sited within a Conservation Area or Flood Zone 2 or 3.

##### Appraisal

##### Class O - offices to dwellinghouses

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.

O.1 Development is not permitted by Class O if -

(a) the building is on article 2(5) land.

*The building is not on article 2(5) land. The proposal complies.*

(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order -

(i) on 29th May 2013, or

- (ii) 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 building was used for a use falling within Class B1(a) (offices of the Schedule to the Use Classes Order on 29th May 2013). The proposal complies.*

- (c) the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 30th May 2016

*The use of the building falling within Class C3 (dwellinghouses) of that Schedule was not begun after 30th May 2016. The proposal complies.*

- (d) the site is, or forms part of, a safety hazard area

*The site is not, or does not form part of, a safety hazard area. The proposal complies.*

- (e) the site is, or forms part of, a military explosives storage area

*The site is not, or does not form part of, a military explosives storage area. The proposal complies.*

- (f) the building is a listed building or is within the curtilage of a listed building

*The building is not a listed building nor is within the curtilage of a listed building. The proposal complies.*

- (g) the site is, or contains, a scheduled monument.

*The site is not nor contains, a scheduled monument. The proposal complies.*

### Conditions

O.2 (1) Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to -

- (a) transport and highways impacts of the development
- (b) contamination risks on the site; and
- (c) flooding risks on the site,
- (d) impacts of noise from commercial premises on the intended occupiers of the development,
- (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

and the provisions of paragraph W (prior approval) of this Part apply in relation to this application.

### Transport and Highways Impacts of the Development

Subject to conditions the Highways Authority does not raise any objection to the proposal as outlined above.

### Contamination Risks on the Site

The site is not in an area where there are any known contamination risks on the site.

### Flooding risks on the site

The site is located within Flood Zone 1, which has a low risk of flooding and therefore the flood risk is minimal within the site.

### Noise Impacts from Commercial Premises on the Intended Occupiers of the Development

The proposal is not considered to result in any material noise impacts from the surrounding commercial properties which are mainly shops and restaurants. The area is predominately residential.

### The Provision of Adequate Natural Light in all Habitable Rooms of the Dwellinghouses

Habitable Rooms are defined as "any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms". Drawing 0313/DP/02 dated 28/07/21, indicates that each habitable room will have adequate natural light.

It is also considered that the proposed layout meets the requirements of the Technical Housing Standards – Nationally Described Space Standard (2015) for a 2 bedroom one storey property which requires a gross internal floor space of between 61sqm and 70sqm

### **Procedure for applications for prior approval under Part 3 W**

The Local Planning Authority has undertaken all relevant consultations in regard to Highways impacts, Flood Risk and Contaminated Land and neighboring properties as outlined in the appraisal section of this report. A Site Notice was posted at the entrance to the site adjacent to the main highway and neighbouring properties were notified of the application. It is considered that the provisions of paragraph W in relation to natural light and space standards have been adhered to.

## **6. Recommendation**

Prior Approval Not Required

## **7. Conditions**

- 1 Development under Class O is permitted subject to the condition that development must be completed within a period of 3 years starting with the prior approval date.
- 2 The development must be carried out where prior approval is not required in accordance with the details provided in the application referred and Plan(s) 0309/PA/02, 0313/DP/02, 0313/PA/04
- 3 The proposed development shall not be occupied until such time as a domestic car parking for a minimum of one vehicle has been provided in accordance with the Parking Standards. The agreed car parking shall be retained at all times for such purpose.

Reason: To ensure that on street parking of vehicles in the adjoining streets/roads does not occur and that appropriate parking is provided

- 4 Areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles shall be provided clear of the highway.

Reason: To ensure that appropriate loading and unloading facilities are available to ensure that the highway is not obstructed in the interest of highway safety

<b>Are there any letters to be sent to applicant / agent with the decision? If so please specify:</b>		NO
<b>Are there any third parties to be informed of the decision? If so, please specify:</b>		NO