

Ward Yarty

Reference 19/2283/COU

Applicant Mr I Chubb

Location The Big Office Chubbs Yard Chardstock
Axminster EX13 7BT

Proposal Change of use from office to dwelling
(retrospective)



RECOMMENDATION: Approval with conditions

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		Committee Date: 4th November 2020
Yarty (Chardstock)	19/2283/COU	Target Date: 15.01.2020
Applicant:	Mr I Chubb	
Location:	The Big Office Chubbs Yard	
Proposal:	Change of use from office to dwelling (retrospective)	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The planning application is before Members as the applicant is a Member of the Council.

The proposal seeks retrospective planning consent for conversion of a former office use to residential accommodation.

Policy D8 of the adopted local plan facilitates the conversion of rural buildings subject to certain criteria. As Chardstock does not have a built up area boundary for planning purposes the proposal takes place within the open countryside and in a location where the conversion of existing buildings is supported by policy D8.

Whilst Chardstock does not have a built up area boundary it does have a number of services and facilities which means that in accordance with policy D8 occupiers would be located close to a range of accessible services and facilities to meet the everyday needs of residents. Accordingly there are no objections to the principle of the development in relation to Policy D8.

The proposal would result in the loss of an office use and therefore the impact on employment needs to be taken into account. Set against the backdrop of the Covid-19 pandemic there is lack of demand for such office uses at the present time. In light of this, and with a lack of evidence for the need for this unit from the Economic Development, it is not considered that it could be demonstrated that the loss of this unit from business use would undermine employment opportunities in the area. As such, there is no need for a marketing exercise under Strategy 32 and the policy is considered to comply with this strategy. Therefore this issue does not weigh against the scheme.

As the building is a relatively recent construction with the built form relatively unchanged through the conversion works there is not harm to the character of the building or wider area (including AONB).

The building is within the designated conservation area but is not considered to harm its historic character and no objections are raised by the conservation officer.

The proposal takes place within a commercial yard area and there could be a conflict with road users and pedestrians. The driveway area and the curtilage of the dwellings house is defined by a raised curb which reduces likely risk of conflicting traffic.

Given the above the proposal is considered to accord with the requirements of strategy 7, 32 and policies TC2 and D8 of the local plan. Therefore the officer recommendation is one of approval.

CONSULTATIONS

Local Consultations

Clerk To Chardstock Parish Council

Council does NOT support this application for the following reasons:

- Unacceptable layout and design
- Fire safety concerns over building materials and composition close to adjacent thatched dwellings, listed buildings and joinery business.
- Appearance is detrimental to existing village streetscene
- Dwelling does not appear to be disabled accessible or compliant
- Council has concerns over highway safety given immediate proximity of residents to commercial vehicles and industrial machinery
- Council has concerns over availability and safety of parking on site
- Conversion of dwelling would cause negative impact on character of village and adjoining conservation area and listed buildings
- The loss of the last remaining economic amenity site in the parish would be of detrimental harm to the parish and residents (see Early's Garage decision)
- Council has concerns over the safety of future residents and the security of the previously locked yard against intruders and those with criminal intent.
- Council is concerned that the dwellings garden sits on top of a former fuel tank which has been flagged as "hazardous - unknown substances" in local planning survey searches. The risk of contamination and fire risk does not appear to have been considered prior to the conversion.
- Council also queries whether the building itself is capable of conversion to a dwelling house given the building materials and construction previously seen at the site.

Council respectfully reminds the LPA that the village is designated as Unsustainable and queries whether this dwelling house would be granted consent as a new build as opposed to a converted commercial unit.

Chardstock Parish N/Plan Strategy CPNP02 c) states that;

"development near listed buildings in the parish, should be sympathetic and harmonious with respect to density and spacing and not intrusive or out of proportion."

Chardstock Parish N/Plan Strategy CPNP02 c) states that;
"development of commercial premises should not disturb the peaceful, rural atmosphere of the parish"

Council also queries the purported ability to claim Permitted Development on this site as it is part of a light to medium industrial site, rather than a suite of offices. Whilst Council does not deny that the building HAS been used as an office in the past, its conversion should be viewed in context of the other commercial activity nearby and the predominant use of the whole site, which certainly is NOT Class O. The Planning Portal also states that Permitted COU does not apply in a Conservation Area or AONB and thus Council queries the advice previously given by the Enforcement Officer.

Technical Consultations

Economic Development Officer 22.09.2020 –

I am not personally aware of any recent or live enquiries for B1 employment space in Chardstock but should make clear that the vast majority of premises enquires are directed towards commercial marketing agents and not to local authority economic development teams.

To try and understand better the supply of available premises, I carried out both a Zoopla search and a CoStar analysis. Local agencies may have listings but I can find no alternative or comparable B1 workspace being actively marketed within Chardstock, only in Chard 4.2 miles north.

As such, from what I can tell, local B1 supply does appear constrained. In the current recession following from the ongoing pandemic, I'm unable to speak with any confidence on B1 workspace demand in this location, not least for what is a fairly unique property which differs from more traditional office workspace in terms of both design and setting. Were the unit a B2 workshop and marketed effectively, I've no doubt a tenant could be found as such workspaces are less impacted by C-19 distancing measures. Also worth highlighting the very limited parking provision would further reduce the level of potential B1 office use interest.

Having said all of that, local knowledge is key and if the Parish Council are aware of legitimate potential demand for this employment space, perhaps associated with any increased commercial activity on site, this should be taken into account. In this instance there could be potential for the loss of the unit to residential use causing some degree of harm to local employment opportunity. This would then warrant the completion of a robust marketing exercise undertaken in accordance with our published marketing guidance prior to COU at <https://eastdevon.gov.uk/planning/planning-services/planning-development-management/viability-guidance-notes/marketing-strategy-statement-guidance/>

Conservation

CONSULTATION REPLY TO PLANNING EAST TEAM

PLANNING APPLICATION AFFECTING LISTED BUILDING AND CONSERVATION AREA

ADDRESS: The Big Office Chubbs Yard, Chardstock

GRADE: II setting APPLICATION NO: 19/2283/COU

CONSERVATION AREA: Adjacent Chardstock

PROPOSAL: Change of use from office to dwelling (retrospective)

BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

See listing description and information on file.

HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

This application relates to the change of use of The Big Office from an office to a dwelling. The building is of a portacabin type appearance, clad in timber with upvc windows. There is a small garden area and parking to the north east of the site.

With regards any heritage concerns these would relate to whether the use as a dwelling has an impact on the setting of the listed building or the wider Chardstock Conservation Area.

Chardstock is a typically rural village containing many examples of vernacular architecture. Dating from as early as C15, there is also much late C19 work which contributes to a more planned appearance. The village is characterised by its traditional appearance, the use of traditional building materials including thatch, Ham Hill stone and Bridgewater pantiles. In addition, the use of chert for boundary walls. The village comprises a variety of spatial alignment and juxtaposition which provides an enhanced visual interest and vistas within the street scene that provide a sense of enclosure. The village is essentially dwellings with a Church, School and some small business uses.

The Big Office is located in Chubb's Yard and lies to the west of the boundary of the Chardstock Conservation Area. Yew Tree Cottage is listed Grade II and is located to the southwest of application site. The current use is consistent with the majority of the village and no changes have been made to the external appearance of the structure.

It is considered that the use of the building as a dwelling has no impact on the existing designated heritage assets

Other Representations

Two letters of objection have been received to date (in summary);

- Set a precedent for loss of industrial/commercial buildings
- Risk to personal safety due to location within a functioning industrial yard

- Not in keeping
- Building unlikely to be up to building regulation standards
- Potentially contaminated land
- Impact on heritage assets

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)

D8 (Re-use of Rural Buildings Outside of Settlements)

Strategy 7 (Development in the Countryside)

EN14 (Control of Pollution)

EN10 (Development affecting Conservation Areas)

EN9 (Development affecting a Designated heritage Asset)

TC2 (Accessibility of New Development)

TC9 (Parking Provision in New Development)

TC7 (Adequacy of Road Network and Site Access)

Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings)

Neighbourhood Plans

Chardstock Neighbourhood Plan (made)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

Site Location and Description

This planning application relates to the retrospective change of use of 'The Big Office' from an office use to a dwelling. The building is single storey and clad in timber with upvc windows. There is a small garden area and parking to the north east of the site.

The proposal takes place within the conservation area, with two listed buildings in reasonable proximity of the development. It is also within the designated Area of Outstanding Natural Beauty.

Proposed Development

The proposal seeks retrospective use of an office building for use as an independent dwelling house, within Chardstock. The application seeks consent for a change of use

only, meaning that material operations which could change the external appearance of the building do not form part of the proposal. Internally the building contains a bedroom, living room and kitchen/shower room. Other parts of the building have not been surveyed but are included within the application site meaning that this internal floor area could also be used for residential purposes if granted consent.

The property is situated within a commercial yard area within Chardstock. It is understood that the office was converted to a dwelling over the summer of 2018 and has been lived in since October 2018. These works included installing a kitchen and shower room. The building had been use as an office from 2012 and prior to this the building was used as a recording studio.

ANALYSIS

The main issues concerning this proposal are;

- The principle of the development
- Whether the proposal would have the character and appearance of the area, with specific regard to the AONB.
- The impact of the loss of an office use
- The impact on the designated conservation area and the adjacent listed buildings
- Parking and access issues

Addressing each of these in turn;

Principle of the development

The proposal takes place within the settlement of Chardstock. Under the adopted local plan Chardstock did not retain a Built up Area Boundary (BUAB) and so this proposal is considered to take place within the countryside for development plan purposes. Development in rural areas is heavily restricted. Strategy 7 of the local plan is relevant in that this prohibits development in the countryside other than that which accords with a specific policy of the local plan.

Policy D8 facilitates the reuse/conversion of rural buildings. This policy does not differentiate between old or new buildings or refer to a previous use of a building - for example it does not require the former use to be agricultural - or require the building to be of a certain quality. Most rural buildings would be sited in the countryside and so as a matter of principle the policy relates to buildings outside of a BUAB and as such the proposal should be considered against this policy. There are no policies in the neighbourhood plan which conflict with this approach.

Policy D8 establishes a set of criteria including the requirement to not substantively add to the need to travel by car or lead to the dispersal of activity. Further, policy D8 clarifies that for residential purposes, such as this, it needs to be established that development is located close to a range of accessible services and facilities to meet the everyday needs of residents. Therefore it is a requirement to assess the ability of Chardstock to meet every day needs of occupiers.

It is noted that Chardstock has a Church, Pub, Shop, village community Hall and passing bus routes linking to larger settlements. Therefore whilst during consideration of the local plan the lack of sustainability merits of Chardstock lead to the omission of a BUAB (and policy position resisting the construction of new building residential development), the settlement is considered to have adequate facilities for assessment under policy D8 that requires less facilities as it relates to the conversion of existing buildings that by their rural nature are detached from the full range of services and facilities required for new build residential development.

The conversion of the building to residential use is therefore considered to be acceptable in principle being supported by Policy D8 of the adopted Local Plan.

Whether the proposal would have the character and appearance of the area, with specific regard to the AONB.

It is a policy requirement of D8 that the conversion of the building is in keeping with its surroundings, local building style and materials. Whilst the building has served other uses, including a recording studio, the conversion to residential accommodation has occurred without substantially affecting its character.

The building, within the context of the yard, has never provided an agricultural aesthetic to retain and there have been no obvious changes to the materials of the building through the conversion works. Policy D8 required buildings to be structurally sound but given its relatively modern timber construction there are no doubts with regards to its structural integrity. Whilst the apparent use of upvc materials are not particularly sensitive to a rural area it is noted that there are plenty of other examples within the locality.

Whilst the proposal is within the AONB landscape it is also within a built up area and surrounded by other buildings. Due to the position of the site, the fact that a change of use type of development is proposed only and the limited restricted surrounding views from outside the built form of Chardstock the conversion works are not considered to harm the AONB or indeed the natural landscape qualities which lead to its designation.

The impact of the loss of an office use

If consented the proposal would regularise the loss of a potentially employment generating use in the form of a B1 (office) use. Strategy 32 of the local plan states permission will not be granted for change of use where it would harm the business and employment opportunities in the area. Policy D8 makes no such stipulation for re-uses of such buildings instead stating only that for residential proposals it must be established that the building is no longer required for agricultural use or diversification purposes – as is the case here.

LP Strategy 32 seeks to resist the loss of employment and community sites, whether allocated or not to ensure that local communities remain vibrant and viable and to meet the needs of residents, including job opportunities. It establishes that permission will not be granted for changes of use to non-employment or community uses where it would harm social or community gathering and/or business and employment opportunities in the area, unless certain criteria is met.

Like the Doyle Centre, Exmouth, (APP/U1105/W/18/3201622) appeal decision strategy 32 of the Local Plan is engaged. The appeal decision at the Doyle Centre applied an apparent two stage process to the interpretation of strategy 32. The strategy begins with a presumption against yielding employment use of buildings by firstly establishing whether there is any harm resulting from the proposal. Secondly, if there is such harm to business and employment opportunities then options for retention of the site premises should be fully explored via a marketing period and clear demonstration of surplus supply or provision in the locality. If this can be demonstrated then it stands to reason that there would be no material harm to employment opportunism and therefore such a building can relinquish an employment use, overriding the presumption at the beginning of this strategy.

The comments of the Economic Development Officer have been sought and it is apparent that for B1 office uses (now Class E uses under the Amended Use Classes Order 2020), against the backdrop of the current Covid-19 situation, that there is no strong evidence of the need for office accommodation of this type in this location. The Economic Development Officer confirms that this would be decidedly different were the premises used for B2 or other uses where there is some evidence of current demand.

In light of the lack of evidence of the need for office accommodation of this type in this location, it would be very difficult to argue that the loss of the unit to residential use would harm business or employment opportunities in the area. In light of this lack of harm, there is no requirement under Strategy 32 of the Local Plan for the proposal to be subject to a marketing period.

As such there is no evidence on offer to establish that harm is likely to occur through the loss of an independent office use in this location to an extent that planning permission could be refused under Strategy 32. The proposal is therefore considered to comply with Strategy 32.

The impact on the conservation area and adjacent listed buildings

The proposal takes place within the designated conservation area and therefore there is a requirement to adhere to the statutory duties enshrined in Sections 66 and 72 of the Conservation Area and Listed Building Act 1990. At a policy level policy EN9 and EN10 of the adopted local plan requires development to conserve or enhance the conservation area and to preserve the historic fabric.

Chardstock is a rural village containing many examples of vernacular architecture. Dating from as early as C15, there is also much late C19 work which contributes to a more planned appearance. The village is characterised by its traditional appearance, the use of traditional building materials including thatch, Ham Hill stone and Bridgewater pantiles. In addition, the use of chert for boundary walls. The village comprises a variety of spatial alignment and juxtaposition which provides an enhanced visual interest and vistas within the street scene that provide a sense of enclosure. The village is essentially dwellings with a Church, School and some small business uses.

The Big Office is located in Chubb's Yard and lies to the west of the boundary of the Chardstock Conservation Area. Yew Tree Cottage and The Old House are listed Grade II and is located to the southwest and east of the application site respectively. The current use is consistent with the majority of the village and no changes have been made to the external appearance of the structure.

It is considered that the use of the building as a dwelling has no impact on the existing designated heritage assets and therefore would comply with policy EN10 of the adopted Local Plan. The conservation officer therefore raises no objection to the proposal having special regards to the duties of the Conservation Area and Listed Building Consent Act, 1990 and the relevant policies of the development plan.

Parking and access issues

The submitted plans show that an allocated parking space to the north of the intended garden area within accords with the requirements of local plan policy TC9 (parking Provision in New Development) which requires at least 1 car parking space should be provided for one bedroom homes.

There has been some concern raised that there could be a conflict in the domestic use of this site and the comings and goings associated with the traffic of the commercial units within the yard.

Within the yard area there is enough width for passing of vehicles save for an area immediately in front of the application site where, for a short stretch, it would be a single carriage width only. However, occupants leaving the intended car parking space should have sight of oncoming vehicles entering the yard making conflict unlikely to arise on a consistent basis to effect the free flow of traffic. Further, there is no indication that this would result in an unacceptable impact on the traffic using the public highway outside of the yard area.

The curtilage of the proposed residential unit would be defined with a raised curb and it is unlikely that occupants would not be well aware of its context within a commercially operational yard.

Other Matters

Reference has been made the permitted development rights available under Class O, Part 3, Schedule 2 of the General Permitted Development Order (England) 2015. The prior notification procedure facilitates development subject to some caveats. National guidance notes that the statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established. In this case the development would be disqualified from this prior notification procedure by reason of failing to apply prior to the development taking place and due to the fact that the proposal takes place within an AONB and conservation area. Accordingly the development should be subject to the rigour of the development plan and the prior notification process does not aid the merits of this planning application.

There has been some concern raised with regards to the size of the living accommodation on offer and the requirements of buildings regulation. Building regulations are, of course, a separate matter for consideration outside of the sphere of planning. There is no set space standards for living accommodation within the local plan but this aside the living accommodation does not appear generally substandard in terms of size. The red line of the development incorporates other parts of the building and therefore, if granted, these other parts of the building could also be converted. This should allow for increased internal living space if required. In addition, the proposed use would not be harmful to the amenity of surrounding residents.

The land on which the change of use is situated has not been highlighted as contaminated land. There is a part of the yard to the North of the application site which is recognised as contaminated land however this is not expected to impact upon the development which seeks change of use only and proposes no interruptions to ground conditions.

It is a requirement of policy D8 that a Bat and Barn Owl survey should accompany an application where appropriate. This building is of a chalet style of a relatively modern construction meaning there appears to be little room with the eaves areas for such species to be located. Moreover, no physical changes are proposed to the roof or eaves structures meaning that this is not a circumstance where a Bat and Barn Owl survey would be appropriate.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)
2. Notwithstanding the provisions 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 works within Schedule 2 Part 1 Classes A, B, C, D, E, F & G for the enlargement, improvement or other alterations to the dwellings hereby permitted other than works that do not materially affect the external appearance of the buildings shall be undertaken and no works within Schedule 2 Part 2 Class A (enclosures). (Reason - The space available would not permit such additions without detriment to the character and appearance of the building and surrounding land in accordance with Policy D1 (Design and Local Distinctiveness) and D8 (Re-Use of Rural Buildings Outside of Settlements) of the adopted East Devon Local Plan).

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

	Location Plan	20.11.19
19/22/01A	Combined Plans	12.11.19

List of Background Papers

Application file, consultations and policy documents referred to in the report.