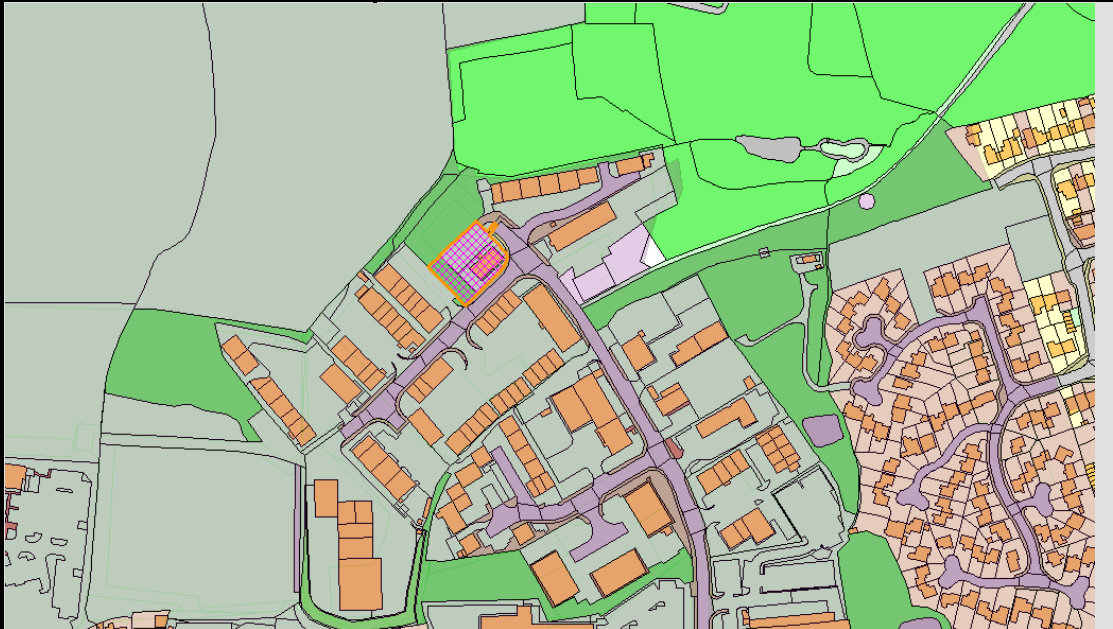


Committee Report – 1st December 2022

Application Number:	1/0969/2022/LA
Registration date:	6 October 2022
Expiry date:	1 December 2022
Applicant:	Torrige District Council
Agent:	North Devon Architects Ltd
Case Officer:	Kristian Evely
Site Address:	Sully House, Clovelly Road Industrial Estate, Bideford, Devon, EX39 3HN,
Proposal:	Change of use of existing office building (Class E) to form emergency accommodation (Sui Generis), including installation of solar panels and change of use of adjacent land for the siting of modular housing units, energy centre and bin store
Recommendation:	Grant

An aerial map showing the site location. The site is highlighted in a light purple color. The map shows a residential area with orange-roofed houses, green fields, and a road network. The site is located in an industrial estate area, adjacent to a residential area.

Reason for referral:

Torrige District Council is the applicant.

Relevant History:

Application No.	Description	Status	Closed
1/1988/1998	NEW OFFICES	PER	09.02.1999
1/0126/2009/FULM	New Offices (B1 & A2) and car parking (Amended Description)	PER	02.09.2009

Site Description & Proposal

Site Description:

The existing site comprises of a vacant office (since 2020) known as Sully House. The site is within the Development Boundary of Bideford on the Clovelly Road Industrial Estate. The site is surrounded to the south, east and west by existing industrial units, and is undeveloped to the north. The site is accessed from the highway to the east and includes pedestrian access in the form of a pavement.

Proposed Development

As set out on the submitted plans and documentation, this application seeks a change of use of existing office building (Class E) to form emergency accommodation (Sui Generis), including installation of solar panels and change of use of adjacent land for the siting of modular housing units, energy centre and bin store.

The emergency accommodation would contain 8 units of accommodation, with another 6 being added in the form of modular units. 17 parking spaces are provided on site and a cycle area is proposed. Foul drainage will connect into the public sewer.

Consultee representations:

Bideford Town Council:

17.11.2022

RESOLVED: That the application is approved, however members wished to re-iterate their previous comments that they query the absence of any play area and also the rationale of siting residential use on an industrial estate.

27.10.2022

RESOLVED: That the application is approved but members query the absence of any play area and also the rationale of siting residential use on an industrial estate.

Environmental Protection Officer:

16.11.2022

Further to the initial consultation response dated 17 October, the Environmental Protection Team has reviewed the objections raised and offers further comments.

Whilst it is acknowledged that concerns have been raised about the potential impact on existing business operations with the presence of the proposed development, it must be reiterated that the application site is to be used for temporary accommodation. As a result, the nuisance processes under environmental legislation will not apply when having regard for the transient or short term stay of occupants.

Notwithstanding the above, although it is appreciated that industrial units can change, the existing business operations currently neighbouring the proposed development (eg. suppliers, offices) would not be considered to result in a significant impact to residential amenity.

17.10.2022

The following consultation response is provided by the Environmental Protection Team in relation to the above application.

The application site is located within an industrial estate consisting of various commercial and industrial units. Although there is the potential for an adverse impact on amenity, it is acknowledged that the proposed development will be used as hostel accommodation involving transient occupants as opposed to permanent residents. Furthermore, the units immediately neighbouring the proposed development appear to operate during daytime hours only. Having consideration for the intended use and the operating times of neighbouring land use, any concerns for amenity are significantly negated.

The Environmental Protection Team has no objections to the application.

Designing Out Crime Officer - DC&D Police:

14.11.2022

I have no additional/further comments from a designing out crime and ASB perspective.

26.10.2022

Thank you for this change of use application, I have no objections in principle to the proposals. The site security and management/policy proposals, which understandably are not disclosed on the public portal, would appear to address any immediate concerns from a crime and ASB reduction and safeguarding perspective.

It is my understanding that the proposed refurbishment and the modular units will meet Part Q minimum standards (PAS24:2016) and there will be access control features where appropriate.

The proposed site wide boundary treatments provide clear definition of public and private space.

The provision of private vehicle parking would appear adequate; however I have some concerns with the indicated cycle parking. I recommend consideration is given to providing an enclosed secure cycle storage unit for residents as opposed to the indicated hoop style. Cycle stores should have some form of internal lighting and include a lockable door to ensure they are secure and prevent unauthorised access. The locking system must be easily operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person. The bicycle rack should have a minimum foundation of 300mm with a ground anchor.

South West Water:

11.11.2022

I can confirm South West Water has no additional/further comments to make.

17.10.2022

Clean Potable Water

South West Water is able to provide clean potable water services from the existing public water main for the above proposal. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

Foul Sewerage Services

South West Water is able to provide foul sewerage services from the existing public foul or combined sewer in the vicinity of the site. The practical point of connection will be determined by the diameter of the connecting pipework being no larger than the diameter of the company's existing network.

The applicant can apply to South West Water for clarification of the point of connection for either clean potable water services and/or foul sewerage services. For more information and to download the application form, please visit our website:

Surface Water Services

The applicant should demonstrate to your LPA that its prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable (with evidence that the Run-off Destination Hierarchy has been addressed, and reasoning as to why any preferred disposal route is not reasonably practicable):

1. Discharge into the ground (infiltration); or where not reasonably practicable,
2. Discharge to a surface waterbody; or where not reasonably practicable,
3. Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable,
4. Discharge to a combined sewer. (Subject to Sewerage Undertaker carrying out capacity evaluation)

Having reviewed the applicant's current information as to proposed surface water disposal for its development, please note that method proposed to discharge into a surface water sewerage network system is acceptable and meets with the Run-off Destination Hierarchy.

The Environment Agency:

19.10.2022

We have no objections to the proposal as submitted. The majority of the site is located within Flood Zone 1, defined as having a low probability of flooding. The flood map for planning indicates that the access/egress route to the development could be affected by flooding so I have attached additional guidance on this.

Devon County Council (Highways):

09.11.2022

I have no issues with pedestrian links from the site to community facilities such as schools, employment opportunities, shops, public transport links etc.

I also have no issue with the parking provisions offered.

As a result, I am satisfied that the proposed development offers 'safe and suitable' access, as is the test of the National Planning Policy Framework (NPPF).

Representations:

Number of neighbours consulted:	18	Number of letters of support:	0
Number of representations received:	4	Number of neutral representations:	0
Number of objection letters:	4		

3rd party representations are summarised below

- Residential housing on a busy industrial estate
- Not suitable for children to play in this area
- Should be incorporated on a housing development
- Highways danger
- A residential use on the estate could put other businesses at risk
- This application provides no detail on the marketing of sequential approach to mixed use development
- Conflict between residents of the proposed use and existing uses on the estate
- Lack of information should make the application invalid
- Incorrect information within the application.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); BID (Bideford Spatial Vision and Development Strategy); ST17 (A Balanced Local Housing Market); DM13 (Safeguarding Employment Land); ST04 (Improving the Quality of Development); DM04 (Design Principles); DM08A (Landscape and Seascape Character); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM08A (Landscape and Seascape Character); ST14 (Enhancing Environmental Assets); ST10 (Transport Strategy); DM05 (Highways); DM06 (Parking Provision); ST03 (Adapting to Climate Change and Strengthening Resilience);

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

The main considerations with this application are:

- Principle of Development
- Character and Appearance
- Residential Amenity
- Biodiversity
- Highways
- Drainage
- Conclusion

1. Principle of Development

1.1. Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

1.2. The site subject of this application falls within the development boundary of Bideford. Bideford is identified as a 'Strategic Centre' under Policy ST06 of the North Devon and Torridge Local Plan (NDTLP), which notes that Bideford will provide a focus for housing and employment development. ST06 proceeds to acknowledge Bideford can accommodate significant levels of development. NDTLP Policy BID defines the spatial vision for Bideford and reiterates the position that Bideford will be a focus for growth.

1.3. Policy ST17 (2) relates to specialist housing accommodation, and notes:

(2) Within development boundaries, or the principal-built form of defined settlements without settlement boundaries, proposals for specialist housing accommodation will be supported where they:

- (a) meet an identified local need;
- (b) are proportionate in scale to the locality;
- (c) are located so they are accessible to local facilities; and
- (d) provide necessary ancillary facilities as part of the development, that complement locally available amenities and, where possible, be made available to the wider community.

Each point is considered below:

(a) The Planning Officer has been in liaison with TDC's Housing Options Team to ascertain the 'need' for emergency accommodation within the Torridge District. The following information has been provided:

'There is a 'housing crisis' and, locally, this has stemmed from a range of factors, including higher numbers relocating to the Southwest, government measures disincentivising private landlords, rising property prices encouraging landlords to sell, and a booming holiday market, which has encouraged landlords who had been offering long term lets to move into the holiday market. This perfect storm has led to significant change within the private rented sector, with a lack of supply leading to rising rents and, consequently, lower income households have been able to afford fewer and fewer of the properties currently coming to market.

With the cost-of-living crisis and rising mortgage rates, it is likely that the squeeze on renters will continue as landlords look to pass on rising costs where possible.

The Council alone cannot affect housing supply, and although Housing Options negotiates with private landlords to secure as many of the properties coming to market as possible for the households the Council works with, households' must be able to afford the rent being asked and fewer properties are being offered at a rent that can be afforded by many.

The lack of housing supply has led to households having to remain in temporary accommodation provided by the Council for longer and, consequently, the Council's own stock of owned and leased accommodation has not been sufficient to meet rising need. This has led to the Council becoming increasingly reliant on spot purchased temporary accommodation, such as bed and breakfast and holiday lets. This type of accommodation is short term in nature and scarcely available during high season. It is also very expensive, and the increased spend on spot purchased accommodation has put the Council under significant financial pressure and therefore we are seeking to increase our stock of temporary accommodation.

The Council currently has 66 households in temporary accommodation. In contrast the Council currently has 24 units of temporary accommodation that the Council owns or manages.'

Overall, it can be concluded there is a significant need for emergency accommodation with the district.

(b) Taking into consideration the need identified within (a) above, the proposal is considered to be proportionate in scale to the strategic centre of Bideford.

(c) The site is located within walking distance of shops, schools, etc, and is acceptable in this regard.

(d) Due to the nature of this accommodation (intended that the occupants are transient), and the location of the scheme within a sustainable location in Bideford (close to shops, public transport facilities, school, swimming facilities, a woodland footpath for recreation) the proposal is considered acceptable in this regard.

1.4. Overall, the proposal can be said to be meeting a significant housing need within Bideford, and is compliant with policy ST17 (2) of the NDTLP.

1.5. In addition to the above, this site is classified as 'Employment Land' due to its use as an office and siting on the Clovelly Road Industrial Estate, as such DM13 is relevant, which seeks to safeguard employment land. DM13 is detailed below:

'In order to maintain a range of suitable and available sites and buildings for employment, non-employment development uses will not be supported on allocated sites or in buildings previously used for employment or in buildings currently used for employment unless:

(a) there is sufficient quality and quantity of employment sites available in the local area to provide opportunities for local employment uses; or

(b) it can be demonstrated through appropriate marketing that the site no longer provides a realistic prospect for employment uses; or

(c) the existing use is causing harm to surrounding uses and the new use will not cause harm for the existing neighbouring uses; and in all cases

(d) a sequential test has been applied for redevelopment of the site based on the following order of preference:

- (i) employment based redevelopment;
- (ii) mixed use including employment generating redevelopment;
- (iii) non-employment generating redevelopment.'

1.6. In terms of justifying the scheme, the applicant has provided the following statement:

"The building has been vacant since 30th December 2020. This was the last date any lease has been held on the property. The current agent took instruction from October 2020 and we can see that Stratton Creber, Webbers and JD Commercial have boards there previous to this."

1.7. Thus, it can be said that the site has been marketed for a sufficient period of time (Policy DM13 requires at least 12 months) along with a variety of agents. The site was advertised as a detached-self-contained office building. Taking consideration of the sustained advertising campaign with a variety of agents, along with the appropriate marketing of the scheme as an office, it can be said that the proposal is compliant with DM13 (b) and (d) (i). It should also be noted that this scheme does not seek dwellinghouses, but a 'sui generis' use.

1.8. It can be concluded that the proposal is acceptable in principle. In particular, it would utilise a vacant and redundant building which has gone through a sustained period of advertising and will provide a much-needed form of specialist accommodation. The remaining planning considerations are discussed below.

2. Character and Appearance

2.1. Policy ST04 of the NDTLP encourages improved design quality, and notes: development will achieve high quality inclusive and sustainable design to support the creation of successful, vibrant places. Designs will be based on a clear process that analyses and responds to the characteristics of the site, its wider context and the surrounding area, taking full account of the principles of design found in Policy DM04.

2.2. Policy DM04 then proceeds to detail 14 design principles which should be taken into consideration within any new development. The crux of DM04 requires new developments to be of high-quality design, including being well related to their surroundings, be of an appropriate scale, include quality materials, and to be sympathetic to the character and appearance of the local area.

2.3. Policy DM08A is also relevant which relates to landscape impacts and seeks to ensure that proposals do not cause undue landscape harm.

2.4. This application seeks the change of use of a redundant building, including the addition of modular housing pods. In terms of design, the proposals are fit for the intended purpose and the overall appearance of the existing building remains unchanged. The surrounding character of the area is that of an industrial estate, and the proposal will be consistent with this. Overall, the proposals are compliant with ST04 and DM04 of the NDTLP.

3. Residential Amenity

3.1. Policy DM01 of the NDTLP confirms that development will be supported where it would not significantly harm the amenities of neighbouring occupiers or uses or result in harm to the future occupiers of the development from existing or allocated uses.

3.2. Policy DM02 of the NDTLP relates to Environmental Protection and seeks to ensure proposals have an acceptable impact with regards to hazards and pollution.

3.3. 3rd party representations raise concerns regarding the conflict of the use with existing neighbouring land uses. The Council's Environmental Protection Team was consulted on this application and raise no objections to the scheme.

3.4. Taking into consideration the lack of objection from Environmental Protection, the proposal is considered to have an acceptable impact on residential amenity. Policies DM01 and DM02 are satisfied.

4. Biodiversity

4.1. Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is also supported by Policy DM08 of the NDTLP. In addition, Policy ST14 seeks to deliver biodiversity enhancement through development.

4.2. The application is accompanied by an Ecological Impact Appraisal, produced by Orbis Ecology dated 16/09/2022. The Impact Assessment identifies that the proposal would be acceptable and would not result in any harm to a protected species. Mitigation is required, and a condition will be added to try and encourage a net gain.

4.3. Subject to conditions, the proposal is considered to accords with policies DM08 and ST14 of the NDTLP.

5. Highways

5.1. Policies ST10 and DM05 of the NDTLP seek, among other things, to ensure that development does not adversely affect the local or strategic highway network and that vehicular accesses are safe and well designed. In addition, DM06 of the NDTLP seeks to ensure that appropriate parking provision is delivered as part of development.

5.2. Paragraph 111 of the NPPF states 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

5.3. The Highways Authority has been consulted and note:

'I have no issues with pedestrian links from the site to community facilities such as schools, employment opportunities, shops, public transport links etc.

I also have no issue with the parking provisions offered.

As a result, I am satisfied that the proposed development offers 'safe and suitable' access, as is the test of the National Planning Policy Framework (NPPF).'

5.4. Based upon the above points, it is considered the proposal complies with Policies ST10, DM05 and DM06 of the NDTLP, along with national policies within the NPPF.

6. Drainage

6.1. Policy ST03 of the NDTLP notes that development should 'adopt effective water management including Sustainable Drainages Systems, water quality improvements, water efficiency measures and the use of rainwater'. In addition, policy DM04 notes development should provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater.

6.2. The NPPF and Planning Practice Guidance provide further advice on foul drainage, with a hierarchal approach being used. The PPG notes new development should aim to discharge foul water into the public sewer; however, if this is not possible then a package treatment plant may be used. It proceeds to note if a package treatment plant is not possible to use, then a septic tank will be

considered. Justification for the use of alternative drainage systems other than mains drainage is required.

6.3. This application proposes to connect into the existing public sewer, which is acceptable in terms of the drainage hierarchy. South West Water, the Environment Agency, and the Council's Environmental Protection Team have no objections in relation to this development". Overall, the proposal is considered compliant with Policies ST03 and DM04 of the NDTLP.

7. Other

7.1. Third party representations note that the application should have been invalid and treated as a major. The application was received prior to the Council's new Local List being adopted and is not considered a major. There was a mistake regarding the site area in the application form, and this has been amended.

7.2. During the processing of the application the Planning Officer requested additional plans due to inconsistencies between documents. The amendments did not change the substance of what was being applied for, and therefore a 7-day re-consultation was considered appropriate.

8. Conclusion

8.1. The principle of development is considered to be acceptable, and the proposal will not cause any significant harm to neighbouring amenity, highways, ecology, and the character and appearance of the area. In addition, the proposal will have the significant benefit of providing specialist accommodation to a vulnerable group.

Approval is recommended.

Human rights

Consideration has been given to the Human Rights Act 1998.

Conclusion

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

Recommendation

GRANT subject to the following conditions

- 1 The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

- 3 The landscaping hereby approved (including the proposed boundary treatments and site security measures) shall be implemented in accordance with the agreed details within 6 months of the development coming into use.

Reason: To ensure that the development is carried out in accordance with the agreed details.

- 4 The recommendations stated in the preliminary ecological appraisal completed by Orbis Ecology, issues on 16th September 2022 should be implemented. In particular, mitigation is required relating to badgers and nesting birds.

Reason: In the interests of enhancing the habitats of protected species in accordance with the duties outlined in the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006 and The Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010) and requirements of the NPPF.

- 5 Prior to the development hereby permitted being brought into use, a general-purpose bird box and general purpose bat box shall be installed on the site (in accordance with best practice principles where possible) and shall be retained and maintained thereafter.

Best practice principles include:

- The bat box shall be installed at a minimum of 3 metres above ground level. Where possible, the bat box shall be installed so it faces between south-west and south-east, in a position away from artificial light and with a clear flight line in.
- The bird box shall be installed at a minimum of 2 metres above ground level. Where possible, the bird box shall be installed so that it faces between north and east, with a clear flight path and without any clutter in front of the entrance.

Reason: To ensure the proposal is in accordance with Policy DM08 of the North Devon and Torridge Local Plan 2018.

Plans Schedule

Reference	Received
2231 P01 A	10.11.2022
2231 P04 B	16.09.2022
2231 P05 B	06.10.2022
2231 P06	16.09.2022
0000-HF-000-00-DR-BC-0001 C04	16.09.2022
0000-HF-000-00-DR-BC-0002 C12	16.09.2022
0000-HF-000-00-DR-MAN-5001 C05	23.09.2022
CHM-83 D7	16.09.2022
CHM-88 D4	16.09.2022
CHM-89 D3	16.09.2022
CHM-90 D3	16.09.2022
0010-HF-000-00-DR-BC-0001 P02	06.10.2022
0010-HF-000-00-DR-BC-0002 P02	06.10.2022

Statement of Engagement

The National Planning Policy Framework requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.