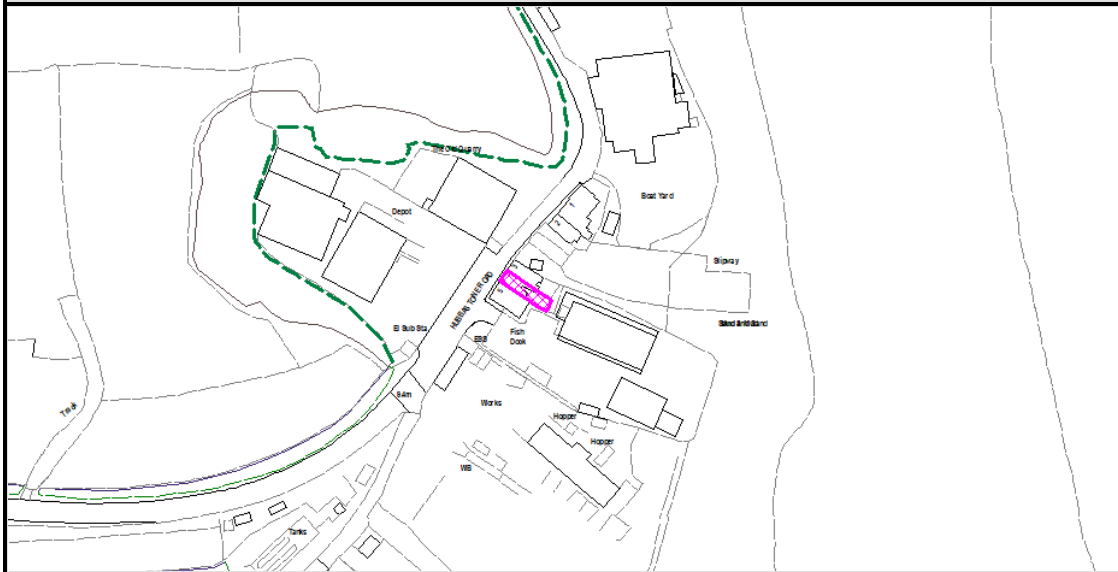


Committee Report – 1st December 2022

Application Number:	1/0958/2022/LA
Registration date:	7 October 2022
Expiry date:	2 December 2022
Applicant:	Torrige District Council
Agent:	
Case Officer:	Angelo Massos
Site Address:	4 Hubbastone Road, Appledore, Devon, EX39 1LZ
Proposal:	Change of use from office (Class E) to hostel accommodation (Sui Generis)
Recommendation:	Grant



Reason for referral:

This application site is owned by Torridge District Council and therefore has to be determined by the Plans Committee.

Relevant History:

Application No.	Description	Status	Closed
1/0954/1992	REMOVAL OF CONDITION NO.3 OF PLANNING PERMISSION NO 1/212/90/41/11 DATED 27.3.90	PER	14.08.1992
1/1702/1998	CHANGE OF USE FROM RESIDENTIAL INTO OFFICES	PER	15.02.1999
1/1364/2005/COU	Change of use from offices to two flats and one cottage and construction of attenuation wall	REF	13.10.2005
1/2191/2006/FUL	Construction of new fish landing jetty, new structural facing to existing dock wall, extension to fish processing building and construction of new fish processing building and change of use to 4 & 5 Hubbastone Road from offices to office space and wet fish dock on ground floor and lecture/training space on first floor.	PER	10.04.2007
1/0641/2007/FUL	Construction of new fish landing jetty, new structural facing to existing dock wall, extension to fish processing building and construction of new fish processing building and change of use to 4 & 5 Hubbastone Road from offices to office space and wet fish dock on ground floor and lecture/training space on first floor. Variation of Conditions 4 and 10 of planning application 1/2191/2006/FUL	PER	27.07.2007
1/0406/2011/COU	Change from Class B1 to A1 for use as tattoo studio	PER	08.07.2011

Site Description & Proposal

Site Description:

The site is within the settlement of Appledore. The site fronts Hubbastone Road and is a traditional end of terraced property constructed from render and slate. The wider area contains a variety of industrial buildings, including the fish dock to the east, commercial garages to the west, and the shipyard to the south. The site is currently an office building owned by TDC. Number 5 Hubbastone Road is an office building that has an internal door link into number 4 Hubbastone. Number 5 Hubbastone benefits from planning permission for the change of use of the office into hostel accommodation permission reference 1/1175/2020/LA.

Proposal:

This application seeks the change of use of 4 Hubbastone Road (office) into a hostel. The building would include 2 separate family bedrooms units that include a living area, kitchen and shared utility, WC/Shower, and a storage room. The proposed accommodation will be utilised in conjunction with Number 5 Hubbastone, with internal connections on both the ground and first floor.

Consultee representations:

Northam Town Council:

Northam Town Council recommends this proposal be approved.

Devon County Council (Highways):

Standing Advice.

Environmental Protection Officer:

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

The application site is located in an area consisting of various commercial enterprises, some of which operate during noise-sensitive times and subsequently, there is the potential for detriment to the amenity value of the proposed development. However, it is acknowledged that the proposed development will be used as hostel accommodation involving transient occupants as opposed to permanent residents. Having consideration for the intended use, any concerns for amenity are significantly negated.

Having regard for the proximity of existing neighbouring dwellings, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

Representations:

Number of neighbours consulted:	7	Number of letters of support:	0
Number of representations received:	0	Number of neutral representations:	0
Number of objection letters:	0		

No representations received.

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST04 (Improving the Quality of Development); ST06 (Spatial Development Strategy for Northern Devon's Strategic and Main Centres); ST14 (Enhancing Environmental Assets); NOR (Northam Spatial Vision and Development Strategy); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); DM13 (Safeguarding Employment Land);

Government Guidance:

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

Planning Considerations

The material considerations in this variation of condition application are considered to be:

- 1. Principle of development**
- 2. Effect on residential amenity**
- 3. Design**
- 4. Ecology**
- 5. Impact on highways**

1. Principle of development

This site is within the settlement boundary of Appledore and therefore Policy ST06 of the North Devon and Torridge Local Plan (NDTLP) is relevant. Policy ST06 supports development in Appledore where it would increase the towns capacity for self-containment. In addition, policy NOR is relevant, which encourages the further development of Appledore as a centre of maritime activities, and notes: "The development of marine based industries and a quality tourism offer will contribute to re-balancing Northam's community and add economic value to the area."

This application seeks hostel accommodation so that the local shipyard can utilise a local building for short term accommodation. This will help support the shipyard, as staff may have to travel long distances to the site and work unsocial hours for small periods of time. This justification is considered consistent with the vision for the area which seeks to support the marine industries in the area.

Notwithstanding the above, this application relates to the change of use of an office (part of) and therefore DM13 needs to be applied.

Policy DM13 seeks to safeguard employment land, and notes non-employment uses will not be supported in buildings previously or 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 development

The existing building is partly tenanted by Complete Quality Care, a care agency that have now secured and are moving into a new more suitable provision of office accommodation a person from the Fishing Industry.

Paragraph 13.85 of Policy DM13 provides background, and notes: 'Existing and allocated employment sites provide the land supply necessary to support economic growth and secure the continuing presence of valuable employment assets. The loss of employment sites, whether in existing use or land allocated for employment could negatively impact on achieving Local Plan objectives that seek to ensure the presence of appropriate infrastructure to achieve a rejuvenated economy. In protecting the existing employment land resource the need to allocate additional employment land is reduced and the value of previous infrastructure investment is retained.'

In addition, Paragraph 13.88 of the NDTLP and supporting text to Policy DM13 is a consideration, and notes: 'The Local Planning Authorities will require evidence of comprehensive and appropriate marketing to be submitted with a planning application that proposes the alternative use of an employment site. Appropriate marketing includes marketing at a reasonable price or rent, with appropriate conditions attached, for at least 12 months prior to the application submission at each stage of the sequential approach. In cases where the building or site is unused, supporting information of the steps taken to explore regeneration opportunities for employment uses will usually be required.'

This site has not been marketed for 12 months and therefore cannot demonstrate compliance with DM13b. Nonetheless, the change of use will provide emergency temporary accommodation for individual and/or families within the district at risk of homelessness. In addition, the site is currently predominantly vacant, and bearing in mind the current global circumstances regarding Covid-19, and the cost of living and increase in homelessness, the likelihood of the site remaining predominately vacant is high. In the opinion of the planning officer, these are material planning considerations which weigh in favour of the application.

Overall, this scheme will utilise a vacant public asset whilst providing much needed emergency accommodation, thus, whilst not technically 'policy compliant' with Policy DM13, it will deliver "appropriate infrastructure to achieve a rejuvenated economy" as noted in the supporting text whilst providing an important provision of accommodation that is required to house the more vulnerable members within the community. Therefore, in the opinion of the planning officer, the scheme is acceptable in principle.

2. Effect on residential amenity

Policies DM01 and DM02 of the NDTLP seek to protect residential amenity both in terms of pollution and hazards, and from any privacy and overbearing impacts.

This property relates to a change of use and is acceptable having regards to privacy and overbearing impacts when taking into consideration the relationship with the surrounding buildings/uses. Torridge District Council's Environmental Protection Team were consulted on this application and note:

"The application site is located in an area consisting of various commercial enterprises, some of which operate during noise-sensitive times and subsequently, there is the potential for detriment to the amenity value of the proposed development. However, it is acknowledged that the proposed development will be used as hostel accommodation involving transient occupants as opposed to permanent residents. Having consideration for the intended use, any concerns for amenity are significantly negated.

Having regard for the proximity of existing neighbouring dwellings, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity".

Your planning officer concurs with the advice given by Environmental Protection and considers that the use of this building for short term hostel accommodation is compatible with the surrounding uses.

Condition 3 restricts the hours of construction works and deliveries in order to safeguard the neighbouring of neighbouring dwellings.

Overall, this proposal is deemed to comply with policies DM01 and DM02

3. Design

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.

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.

This application does not propose any external changes to the existing building and is thus acceptable having regards to its impact on the character and appearance of the area, or any wider landscape harm. Amended plans have been subsequently provided to ensure the proposed internal layout provides a provision of accommodation to accommodate two family size units.

4. Impact on ecology

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 further reinforced within the NDTLP through policies ST14 and DM08, which require development to maintain or where possible enhance biodiversity and militate against the potential loss of habitats.

A wildlife trigger list has been provided which indicates that there is unlikely to be any adverse impact upon protected species as a result of this scheme. Torrington District Council is satisfied that scheme complies with the statutory duties resulting from the above acts.

5. Impact on highways

Paragraph 111 of the NPPF advises that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highways safety, or the residual cumulative impacts on the road network would be severe.

Policy DM05 of the NDTLP relates to highways, and notes:

- (1) All development must ensure safe and designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highways users including cyclists and pedestrians.
- (2) All development shall protect and enhance existing public rights of way, footpaths, cycle ways and bridleways and facilitate improvements to existing or provide new connections to these routes where practical to do so.

This proposal is likely to have a neutral impact on the local highways network in terms of the number of vehicles travelling to the site. Therefore, the proposal is acceptable.

Conclusion

This will assist in the re-use of a predominantly vacant building, which will subsequently make provision for temporary accommodation to address homelessness. The principle of development is considered acceptable, and there are no other material considerations which weight against the granting of planning permission. 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 Construction works shall not take place other than between 0700hrs and 1900hrs on Mondays to Fridays, Saturdays between 0800hrs and 1300hrs and at no time on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties.

Plans Schedule

Reference	Received
Proposed Floor Plan	15.11.2022
Location Plan	07.10.2022
Block Plan	07.10.2022

Statement of Engagement

In accordance with paragraphs 38 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and proactive manner. In this instance there was no need for further engagement as the development as submitted is considered to accord with the development plan. In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.