

Area West Committee – 15<sup>th</sup> August 2012

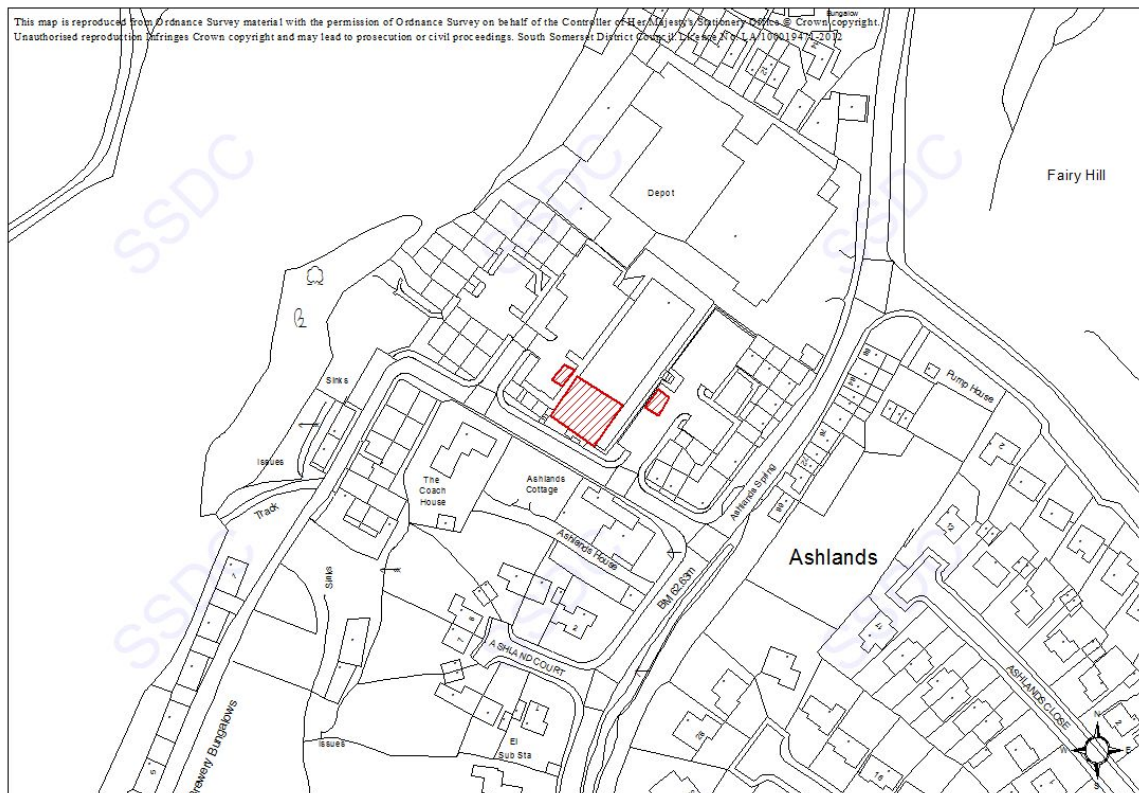
**Officer Report On Planning Application: 12/01610/FUL**

<b>Proposal :</b>	Change of use of 4 No. Units from office units (Use Class B1) to 4 No. residential flats (GR 344142/110470)
<b>Site Address:</b>	1, 2, 5 & 6 The Barley Yard, Crewkerne, Somerset
<b>Parish:</b>	Crewkerne
<b>CREWKERNE TOWN Ward (SSDC Members)</b>	Mr J Dyke (Cllr) M Best & (Cllr) Ms A M Singleton (Cllr)
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	25th June 2012
<b>Applicant :</b>	Boldacre Estates
<b>Agent: (no agent if blank)</b>	Paul Dance, Foxgloves, 11 North Street Stoke Sub Hamdon, Somerset TA14 6QR
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

**REASON FOR REFERRAL TO COMMITTEE**

The application is to be considered by Area West Committee at the request of the Ward Member, with the agreement of the nominated substitute Vice Chair. It is felt that the application should be given further consideration by members, to consider the potential impact of the proposed development in terms of the loss of small scale business units within Crewkerne.

**SITE DESCRIPTION AND PROPOSAL**



This application relates to four business units (B1) on the ground floor of the old brewery buildings at The Barley Yard development off North Street, Crewkerne. The site is mostly surrounded by residential properties, with the application premises forming part of the wider mixed use development on this former industrial site. It is located within the Crewkerne defined development area but is beyond the designated Town Centre. Each of the units has one allocated parking space. Planning permission has recently been refused to change the use of the units from B1 business premises to residential (C3). This followed a previous application, which was withdrawn following concerns by SSDC Planning Policy and Economic Development in regard to the robustness of marketing of the application premises.

The proposal is a resubmission for the change the use of the units to residential and includes additional marketing details and justification, not provided in the previously refused application, 11/04975/FUL.

## **HISTORY**

- 11/04975/FUL: Change of use of 4 No. Units from office units (Use Class B1) to 4 No. residential flats – Refused.
- 11/03309/FUL: Change of use of 5 no. units from office suites (use class b1) to 5 no. residential flats - Application withdrawn.
- 04/03161/FUL: Refurbishment of old Brewery buildings and new buildings to provide a mixed use development, including 35 no. apartments, 27 no. houses and cottages, 10 no. office/studio/workshop spaces and 1 no. convenience store - Permitted with conditions.
- 04/01874/FUL: Description Conversion and part demolition of brewery building to form 21 No. apartments and 6 No. B1 Business units, 12 No. town houses and 3 No. apartments, 12 No. affordable apartments and retail convenience stores - Application Withdrawn

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

### Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan:  
STR1 - Sustainable Development  
STR4 - Development in Towns  
Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (Adopted April 2006)  
ST5 - General Principles of Development  
ST6 - The Quality of Development  
ME3 - Employment within Development Areas  
ME6 - Retention of Land and Premises

### Policy-related Material Considerations

National Planning Policy Framework (March 2012):

Chapter 1 - Building a Strong Competitive Economy  
 Chapter 2 - Ensuring the Vitality of Town Centres  
 Chapter 4 - Promoting Sustainable Transport  
 Chapter 6 - Delivering a Wide Choice of High Quality Homes

South Somerset Sustainable Community Strategy (2008-2026):

Goal 5 - High Performance Local Economy: A competitive, high performing economy that is diverse, adaptable and resource efficient.

Goal 8 - Quality Development: Sustainably sited and constructed high quality homes, buildings and public spaces where people can live and work in an environmentally friendly and healthy way.

Goal 9 - Homes: A balanced housing market with a range of low carbon affordable homes with the flexibility to meet the changing needs of the population.

Somerset County Council Parking Strategy (March 2012)

## CONSULTATIONS

**Town Council:** The Council remains unconvinced about the need for additional dwellings and still believes that the commercial units are suitable for small starter units and therefore the reasons for refusal of this application are similar to the previous application (11/04975/FUL):

Recommend refusal on the following grounds:

- No amenity space for dwellings
- The commercial units are particularly suitable for small starter units and the Council would not wish to prevent employment and new business opportunities; maintaining a supply of such units in the town is deemed important. There remains no overriding need for additional dwellings – there are plenty of new builds on the Maiden Beech and CLR Keysites and other property conversions around the town

**SSDC Technical Services:** No comment.

**County Highway Authority:** I refer to the above mentioned planning application received on 9 May 12. The Highway Authority was consulted on a previous scheme for this site on 30 Jan 12 and responded on 8 Feb 12. The proposal has not changed and the comments made previously still apply and are reproduced below:

Proposal relates to the change of use of four office units to four flats.

The four office units were granted permission in 2005 along with the surrounding residential units. The Highway Authority has no objection in principle to this proposal as it is likely that the level of vehicle movements is comparable between the two uses.

In terms of the detail relating to the provision of parking, ideally the Highway Authority would require that two spaces are provided per residential unit. It is evident from the submitted documents that parking will be provided on a ratio of one space per unit. This would usually be a cause of concern for the Highway Authority however it is apparent that the surrounding residential units are served by a similar parking provision.

Therefore taking into account the above information I raise no objection to this proposal.

**SSDC Environmental Protection Unit:** No observations.

**SSDC Planning Policy:** (As supplied for previous application 11/03309/FUL)

Evidence of Need for Employment Land

I have evidence of a long-term need for employment land in Crewkerne - the Draft Core Strategy seeks to deliver approx 10.5 hectares of employment land in Crewkerne to 2028, whilst in October 2010, there was a supply of 10.83 hectares of employment land (identified in the South Somerset Employment Land Review). All of this outstanding supply (approx 10.5 hectares) is however tied up in the Crewkerne Key Site, and as the ELR states, "due to the phasing requirements of the proposed Crewkerne allocation, the needs of the immediate market cannot be met." I have no evidence of the immediate need for employment land and premises in Crewkerne, or of the unit types required, but I believe Economic Development are researching this.

For information, approx 2.3 hectares of employment land has been lost, or is likely to be lost (planning permission has been awarded) to other uses between 1st April 2006 and 31st March 2010.

Evidence of Need for Small Residential Units

In terms of the need for residential units, the Strategic Housing Market Assessment (2009) provides evidence on the requirements for the mix of market housing, but only at a District level. The table below (which is reproduced in the Draft Core Strategy) shows the possible profile for new market housing, taking into account supply and demand for each type and size of dwelling:

Dwelling Type (Percentage Required)

Detached House (32%)  
Semi-detached house (28%)  
Terrace house (12%)  
Bungalow (18%)  
Flat/maisonette (10%)

1 bedroom (5%)  
2 bedroom (32%)  
3 bedroom (43%)  
4+ bedroom (20%)

I have no other information on the need for one/two bedroom units.

Marketing

The applicant has not followed the guidance in the Council's document, "Commercial Marketing of Property in relation to Planning and Listed Building Applications" (2008), and I would urge them to do so.

**SSDC Economic Development Unit:** Further to our discussion, I write to offer a summary of the SSDC Economic Development Service view on the above application. This follows our meeting with the applicant Boldre Estates Ltd, their agents and the receipt of a far more detailed breakdown of the marketing that has taken place in respect of these properties.

Previously, we questioned the degree to which these premises had been robustly marketed. They remain well advertised online and after reviewing the breakdown of additional marketing spend since 2006, we can now see that genuine attempts to fill the premises for the intended use have indeed been made by Boldre Estates Ltd - using numerous methods, over 6 years and at considerable expense.

It was not possible to reach this conclusion on the strength of the marketing report previously submitted for consideration.

While maintaining a view that there remain commercial prospects for the properties in this location, we accept that to ask the applicant to continue with marketing expenditure for a greater length of time with little evidence of a general upturn in market demand for small office space would be unwarranted.

We must also consider whether permitting this COU would have a significant (adverse) impact on the economy of Crewkerne. We maintain a view that it is possible for certain commercial activity to be sustained here, however, as noble an aspiration it is to defend commercial use, there is only so far we can insist that a small company continue to spend in pursuit of this. The Barley Yard development is not a primary trading location and there remain other empty commercial units to provide for future demand.

It was noted that our previous recommendation that the COU be refused was made in the absence of more robust financial information and evidence of robust local marketing. Had this been provided sooner, our consideration would have altered considerably. We withdraw our recommendation that this application be refused.

## **REPRESENTATIONS**

The application has been advertised by site notice for the requisite period. One letter of objection has been received from a neighbouring resident. The following comments were made:

- Lack of parking to the rear of the building to allow for additional residents – unless they are allocated/meant to be parking at the front of the building.
- 4 additional families/couple would lead to a significant increase in refuse. Bere Court bin store struggles with collections every two weeks as it is. Increased refuse and possibly overflowing poses a vermin risk as well as unfair “penalty” charges being pushed onto existing residents because of additional refuse.

## **CONSIDERATIONS**

The application seeks to change the use of four B1 business units to flats for residential purpose. The site is located within the defined development area of Crewkerne but just beyond the designated Town Centre.

Objections have been registered by local residents and the Town Council. These revolve around concerns about parking, additional refuse, pressure on existing utilities, lack of amenity space and loss of local employment premises, particularly those suitable as starter units.

### Loss of Employment Premises

When permission was granted for the original redevelopment of this former industrial site in 2004, consent was granted on the understanding that the development would be a mixed-use site, comprising workshops, offices, houses, a shop and a doctor's or dentist's surgery. Particular emphasis was given to the provision of an element of business use. In response to this application, particular concern has been raised by Crewkerne Town



Council, as they contend that the units are suitable for starter units and they would wish to see a supply of business/commercial units maintained in the town.

In considering the loss of existing employment land and premises, saved policy ME6 of the South Somerset Local Plan is of particular relevance. This states:

"Proposals for the alternative use of existing and allocated employment land and premises, which would have a significant adverse effect on employment opportunities will not be permitted except where:

1. There is an overriding need which outweighs the employment value of the land and premises and for which there is no suitable alternative site; or
2. Significant environmental benefits would result which outweigh the employment value of the land or premises

Such exceptions will only be permitted where the following criteria are satisfied:

- The development satisfactorily respects the form, character and setting of the settlement and its historical and architectural heritage;
- There is no significant adverse impact on the amenities of nearby residents resulting from noise, disturbance, smell or litter;
- The development would not give rise to serious problems of access, road safety or traffic congestion;
- Proposals attracting large numbers of people should be easily accessible by a variety of means of transport, including public transport."

The previous application (11/04975/FUL) was refused on the basis that it was considered that no adequate overriding need had been identified for the loss of these employment units and that there was insufficient evidence provided to show that there has been a robust and extensive approach to marketing the premises. This resubmission includes a great deal more information that had not previously been made available to the local Planning Authority and includes details of marketing by four separate estate agents, in excess of 5 years, and the costs associated with this marketing.

This information has been further considered by the Council's Economic Development Team and as a result, the previous recommendation of refusal has been withdrawn. Economic Development recognise that the properties have indeed been marketed using numerous methods and at considerable expense. It is therefore considered that genuine attempts have been made to market the business units in a robust manner. Even though it is not accepted that it would not be possible for certain commercial activities to be sustained at this location, it is acknowledged that The Barley Yard is not a primary trading location and it is now clear that there has been a lack of demand for these premises, which is not helped by restrictive covenants preventing occupation for any B1 use other than as offices due to the mainly residential nature of the rest of the development. Even with these restrictions being present, the applicant has proposed generous incentives such as competitive rents and even rent free periods but despite these, there has been little or no interest. It is noted that the original development of The Barley Yard included the expectation that the business units should be available for a wide range of B1 uses, rather than just office use, so weight does have to be given to this in assessing the application and considering whether the marketing approach is appropriate. The restrictive covenant has been put in place by the landlord and is beyond the applicant's control so while this does not preclude the Local Planning Authority considering that the units should have been marketed beyond just office use, it is considered that there is limited prospect of them becoming available for the wider B1 use.

Considering the lack of interest and length of vacancy, it is considered unreasonable to take the view that the loss of these business units will have a significant adverse affect on employment opportunities locally. While it may be desirable to hold on for economic improvement and continue to retain these units for business use, the Economic Development Unit have concerns about doing so where this would require a small business to continue to spend in pursuit of this aim, even though there may be little prospect of it coming forward.

This view is further supported by paragraph 22 of the recently adopted National Planning Policy Framework, which states “planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.”

### Other Issues

Concerns are also raised in regard to the impact that the use of the premises as residential units will have on the amenity of neighbouring residents and future occupiers of the dwellings. Specific areas of concern are the perceived lack of parking for existing residents, pressure on existing utilities such as water drainage and refuse, the requirement for sound insulation, as well as concerns about the lack of private amenity space to be provided.

In regard to parking, it is noted that despite existing problems, each of these units has one allocated parking space, which will be available to residents. This is consistent with the existing provision for other properties within the development and as a result, the proposed parking provision is considered to be acceptable. The County Highway Authority have advised of the usual requirement for two spaces but as the potential vehicle movements are likely to be similar to the permitted use and taking into account existing parking arrangements, no objection is raised.

The concerns regarding drainage, fresh water, electricity and refuse provision are not considered to be matters that will cause significant harm to the amenities of local residents. Some of these issues are dealt with under building regulations approval, however in planning terms, there are existing units, which include toilets, water and electricity. The proposed change of use is not considered to have a significant impact on the existing arrangements.

While the lack of private amenity space is of some concern, it is noted that these are small flats and it is not uncommon for such developments to have limited provision for amenity space. It is noted that there are other flats within this development site, which do not benefit from private amenity space.

### **CONCLUSION**

Overall, it is not considered that the proposed development would lead to a significant adverse affect on employment opportunities or have a detrimental impact on highway safety or the residential amenity of the occupiers of neighbouring properties. As such, the recommendation to Members is to approve planning permission for the change of use of these units for residential purposes.

## RECOMMENDATION

Approve with conditions

01. The proposed change of use is considered to be an acceptable form of development, which is not considered to have a significant adverse affect on employment opportunities or have a detrimental impact on highway safety or to the amenities other local residents, in accordance with the aims and objectives of policies STR1 and 49 of the Somerset and Exmoor National Joint Structure Plan Review, saved policies ST5, ST6 and ME6 of the South Somerset Local Plan 2006 and the provisions of chapters 1, 2, 4 and 6 of the National Planning Policy Framework.

## SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans: 'BB2/002', 'BB2/005' and 'BB2/006', received 19th April 2012.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. The area allocated for parking on the approved plans, 'BB2/005' and 'BB2/006', shall be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policy 49 of the Somerset and Exmoor National Joint Structure Plan Review and saved policy ST5 of the South Somerset Local Plan.