

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Okehampton **Ward:** Okehampton South

Application No: 0848/18/POD

Agent/Applicant:

West Devon Borough Council
Kilworthy Park
Drake Road
Tavistock
Devon
PL19 0BZ

Site Address: 10 St James Street, Okehampton, Devon, EX20 1DH

Development: Notification for prior approval for proposed change of use of building from Office use (Class B1(a)) to 2no. dwellinghouses (Class C3)(resubmission of 0226/18/POD)

Reason item is being put before Committee: WDBC is the owner of the application site.



Recommendation: Prior approval not required

Conditions

1. Accord with plans

Informative regarding time period for completion

Key issues for consideration:

This is an application for prior approval of the proposed change of use of an office building (Class B1(a)) and any land within its curtilage to a dwelling house (Class C3).

The application is made under the provisions of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (subsequently amended), which came into force on 15th April 2015. This amends the Town and Country (General Permitted Development) Order 1995 to allow new permitted development rights for the change of use office buildings to residential use.

The Local Planning Authority are tasked with considering the proposed development against the new Permitted Development Rights within Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Site Description:

The site is situated towards the edge of Okehampton town centre on the west side of St James Street. It comprises a two storey end of terrace period property, which is currently being used by WDBC as an office.

The site is located within the Okehampton Conservation Area and Flood Zone 1.

The Proposal:

Notification for prior approval for the change of use of the existing building from B1(a) (office) use to a dwelling (C3 use). External alterations to facilitate the proposed change of use are not covered under Class O.

The current submission states change of use is proposed to form two dwellings. A previous notification for conversion to three dwellings was withdrawn (0226/18/POD).

Consultations:

- County Highways Authority – No highways related issues
- Okehampton Town Council – No comments received in respect of current proposal. Response in respect of previous application can be noted as an objection:
 - *“There is no provision for parking and therefore the residents would have to rely on any, already congested, street provision and car parks.*
 - *Residents of the town and surrounding area would have to travel further afield to access the services provided by the office currently housed within the building.*
 - *The building is in a secondary shopping position at the top end of the arcade, located between a shop and café. There is concern that conversion to domestic dwelling, removing it from this*

function, will have an economic downturn effect on the town centre, destroying the economic viability of the town.”

Representations:

One letter has been received which considers that adequate parking should be put in place before approval of more buildings in Okehampton town centre, where they consider parking and traffic is already at capacity.

Relevant Planning History

- 0226/18/POD: Notification for prior approval for proposed change of use of building from Office use (Class B1(a)) to 3no. dwellinghouses (Class C3). 10 St James Street, Okehampton, Devon, EX20 1DH. Withdrawn.
- 8350/2005/OKE: Alterations to shop frontage reconstruction of porch and alteration to section of roof to rear of building. 10 St. James Street Okehampton Devon EX20 1DH. Consent: 12 Jan 06
- 7582/2005/OKE: Change of use of building to Council offices/information centre. 10 St James Street, Okehampton, Devon EX20 1DH. Consent: 06 Jul 05. No specific conditions regarding use included.

ANALYSIS

Class O of the above Order permits:

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

Development not permitted

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

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

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

(i) on 29th May 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

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

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

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

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

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

From the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016:

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

(a) transport and highways impacts of the development,

(b) contamination risks on the site,

(c) flooding risks on the site, and

(d) impacts of noise from commercial premises on the intended occupiers of the development,

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

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.”

The proposed development has been considered against the provisions of Class O:

O.1(a) the building is not on article 2(5) land.

O.1(b) the building appears to have been in B1(a) office use on the 29th May 2013. Permission was granted for the Council's use of the building in 2005.

O.1(c) – this requirement has now been omitted by virtue of the Town and Country.

O.1(d) the site is not within a safety hazard area.

O.1(e) the site does not form part of a military explosives area

O.1(f) the building is not listed

O.1(g) the site does not contain a scheduled monument

Conditions:

O.2(a) the proposal is considered acceptable in highways terms, with the town centre location providing access to local public transport services. Notwithstanding the concern raised by third parties it is considered prior approval could not be refused on the grounds of lack of parking in this sustainable location.

O.2(b) no contamination objections are raised.

O.2(c) the site is located within Flood Zone 1 and no substantive flood risk issues are raised.

O.2(d) the site is located towards the edge of Okehampton town centre where some residential uses are already part of the character of the street scene. No substantive noise impact concerns are therefore raised.

Having regard to the current state and use of the building (the roof space already includes a dormer window) no ecology concerns are raised.

In relation to the other concerns previously raised by the Town Council:

Residents travelling further to access services – this matter cannot be considered as part of the prior approval process.

Impact on economic viability – the provisions of Class O do not allow this issue to be considered as part of the prior approval process.

In light of the above it is considered in this instance that the proposal accords with the conditions of Class O and Prior Approval is not required.

Planning Policy

Policy considerations are not applicable to this type of application.

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conditions in full:

1. The development hereby approved shall in all respects accord strictly with drawing number Site Location Plan received by the Local Planning Authority on 7th March 2018.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

Informative

1. Your attention is drawn to the Conditions contained within Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In particular condition (2) which requires the development to be completed within a 3 year period from the date of prior approval being granted.