

Application Number

P/2011/1321

Site AddressBench House
Blackball Lane
Brixham
Devon
TQ5 8AX**Case Officer**

Mr John Burton

Ward

Berry Head With Furzeham

Description

Temporary change of use of Bench House from residential to site office for the duration of the road widening scheme (approximately 3-4 months).

Executive summary/key outcomes

The Development Management Committee has already approved a scheme for the widening of Blackball Lane at its pinchpoint in between Bench House and Dalverton Court and the works can now proceed. The use of Bench House as a temporary office during the course of construction is not considered to impact upon any neighbouring land use or occupier. Following completion of the works the property would revert to its former use as a residential dwelling. There are no planning principles or policy reasons that would dictate that this temporary consent should not be granted. No adverse third party representations have as yet been received, although it should be noted that the advertisement period will not have expired by the time Committee meets to consider the proposal.

Recommendations

Committee are asked to delegate the responsibility of dealing with any adverse representations that may be received after consideration at Committee to the Executive Head Spatial Planning, unless they are in writing and raise objections that relate to justifiable issues which have not previously been considered by Members. Subject to this proviso, the recommendation is one of conditional approval. The condition that is suggested to accompany the approval is a 6 month temporary limit for the change of use, after which time the use would automatically revert to one of residential use.

Site details

Residential property accessed off Blackball Lane but situated above road level, and opposite the block of residential flats called Dalverton Court. Its garden area is supported by a tall retaining wall which acts as a pinchpoint to the highway below. Underneath the garden lie two former Lime Kilns, but it has been established by English Heritage that these are not worthy of listing. Bench House is situated within the Brixham Town Conservation Area.

Detailed proposals

Planning permission has already been obtained to widen Blackball Lane by moving back the wall retaining the garden of Bench House. Bench House has been acquired by the Council to facilitate this. The works involved are estimated to take approximately 3 or 4 months, and during this time, it would assist if Bench House could be used as a temporary site office. It is currently a residential property although it is understood not to have been occupied for some time. Planning permission is therefore sought for a temporary change of use from residential use to an office (site office) for the duration of the road widening and associated engineering works. The proposal needs to come before Committee for resolution because the site is owned by the Council.

Summary of consultation responses

None sought

Summary of representations

None have been received as yet, but please note that the 3 week public consultation period does not expire until end of 22nd February.

The application is presented to February's meeting partly to assist in speeding up the decision on behalf of the Council, but also because the application would be beyond its target 8 week period come March's Committee date. However, the validation or start date which relates to when the appropriate fee was received means that the consultation period will not have expired by the time Members consider the matter. Clearly Members of the Public and interested third parties must be given the appropriate time to consider the proposal and make any appropriate views known. However, in this instance, it is suggested that it would be expedient for Committee to delegate the responsibility of dealing with any adverse relevant representations received after the Committee date to the Executive Head Spatial Planning, unless those representations are objections raising appropriate and valid issues which have not previously been considered by Members.

Relevant planning history

P/2011/0968	Variation of condition 3 of permission P/2011/0039, relating to the bat survey and memorandum dated 06/01/2011. Matter considered and approved by Members at December's Committee.
P/2011/0040	Demolition works (Conservation area consent), permission granted 24/03/2011.
P/2011/0039	Demolition works and alterations to form road widening, reduction of residential curtilage and formation of new retaining wall topped by new railings. Permission granted 23/03/2011.

Key issues/material considerations

Principal and planning policy

The only relevant planning policy the Council has adopted to cover this is policy H8 of the Saved Adopted Torbay Local Plan. This policy does not permit changes of use from housing to other uses where 4 criteria listed are met. These relate to existing living conditions, the residential character of the area, provision of self contained accommodation and the achievement of other local plan objectives. It is not considered that this current proposal would meet any of these criteria. Nevertheless, the proposal will only be temporary for the duration of the road widening works anyway. The proposal is not therefore considered to be contrary to policy.

Economy

The widening of the road is required to ease the passage of traffic past a narrow pinchpoint on this popular route. It serves the AstraZeneca Laboratories, the boat storage areas and the Council's car parks. However, the Torbay Development Agency have plans to regenerate the Council owned land to provide for a mixed use development that will include a range of 'B' class uses as defined by the Town and Country Planning Use Classes Order. This will provide many jobs and new employment opportunities, the numbers of which are as yet unknown. However, it is vital that the road is widened in order to improve access and so attract the identified development. The provision of the site office at Bench House is helping towards this ultimate aim.

Environmental impacts

Members may recall that when the earlier planning application for the road widening scheme and the subsequent application to amend one of the conditions, were considered, some third party concern had been expressed about the impact of the scheme upon the old lime kilns under the garden of Bench House and the likelihood of bats hibernating over the winter in the old kilns. These issues have been satisfactorily resolved. It should be understood that this current proposal will not have any impact upon the old lime kilns or any bats that may be in the area. It simply relates to a different use for an existing building, and does not involve any development or excavation works. There will not therefore be any impact arising out of this proposal upon any historic structure or artefact, nor will the proposal have any undue impact upon wildlife or the environment in general.

Planning Obligation

A change of use can often lead to a requirement to have a Planning Obligation under s106 of the Town and Country Planning Act, in order to secure a financial payment to offset implications arising from the proposed change of use. In this instance, the change of use is only required on a temporary basis, it is suggested for three to four months. It is not considered that there would be any impacts arising in such a short space of time, and the change of use would in any event be temporary not permanent. On this basis it is clearly not appropriate to seek

financial redress via a Planning Obligation.

Conclusions

The Council or its approved contractors will clearly need a site office while the works to widen the road, now authorised in planning law, are undertaken. It makes clear sense to use Bench House which is within the Council's ownership. The proposal is not considered to be contrary to the relevant planning policy. The proposal for the temporary use of bench house as a site office does not in itself include for any alterations, development or engineering works, and so will have no impact upon the environment or any other interest of acknowledged importance. As the proposal is sought for a temporary period it would not be appropriate to seek any financial payment under a Planning Obligation, which is designed to redress costs that might arise on a permanent basis. Although the Council consider that the site office will only be required for some 3 to 4 months, it is considered reasonable to grant the permission for a period of 6 months to cater for any slippage in progress with the works. The required condition can be worded such that the residential use should be reinstated at an earlier time if the site office is not needed for so long.

Condition(s)/Reason(s)

01. The use of Bench House as a temporary site office shall inure for a period not exceeding 6 months from the date of its first use as a site office. After the passage of 6 months, or at any such time earlier that the temporary use may cease, the building and land shall be restored to residential use and the site reinstated to the condition it was in prior to its use as a temporary site office.

Reason: The permission is required only for a temporary period and the consent for a change of use has been granted on this basis. Once the temporary use has ceased, it is important that the land is restored for use as a residential property to ensure that the proposal is in accordance with H8 and BES of the Saved Adopted Torbay Local plan.

Relevant Policies

H8 Change of use from housing to other uses