

PLANNING STATEMENT

under

Prior Notification under Class MA

of

**Town & Country Planning (General Permitted
Development)(England) Order 2015 (As amended)**

for

Change of use of building from offices (Use Class E(g))

to dwellinghouse (Use Class C3)

at

Nelson House, Coombe Lane, Axminster EX13 5AX

for

Paul Bentley

of

Nelson House, Coombe Lane, Axminster EX13 5AX

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1.0 INTRODUCTION

- 1.1 **Purpose:** This Planning Statement has been prepared in support of a prior notification for the change of use of a building most recently in office use to a single dwellinghouse, with no external alterations.
- 1.2 **Intent:** This Statement's role is to illustrate how the proposals accord with the requirements imposed by Class R and thus do not trigger any requirement for the submission of additional information for prior approval and/or the need for full planning permission.
- 1.3 **Submission:** This application comprises this Statement along with the plans and documentation listed in the Appendices.

2.0 Planning History & Constraints

- 2.1 **Planning History:** The following planning history of greatest relevance has been revealed from examination of East Devon District Council's Planning Application web search:

LPA Ref. No.	Development	Decision	Date
23/0048/PREAPP	Pre-application enquiry on change of use of offices to dwellinghouse	Response issued	05/07/2023
22/2793/TCA	Proposed works to tree (Monterey Cypress) within Conservation Area	Withdrawn	13/02/2023
13/0025/FUL	Replacement single storey (rear) extension	Granted	14/01/2013
02/P2269	Conversion of office premises into Six 1 & 2 bedroom town houses & maisonettes (Nelson House & Victoria Halls)	Granted	07/10/2002
01/P0269	Replace Conservatory, Wood to UPVC	Refused	17/10/2001
93/P0392	Extension to provide additional offices	Granted	10/03/1993
88/P1624	Change of use to offices	Granted	06/09/1988
88/P1326	Renewal of temporary consent for prefabricated building single storey for offices	Granted	14/09/1981
87/P1267	Conversion to 3 flats	Granted	02/09/1987
77/C0898	Prefabricated building single storey for offices	Granted	06/09/1977
74/C0970	Temporary single storey timber building – reception office for vet	Granted	14/01/1975

- 2.2 **Statutory & Non-Statutory Designations:** In accordance with the Government MAGIC website the following have been considered:

Designations	Contains, abuts or lies inside
Conservation Area (CA)	Yes – Axminster
Area of Outstanding Natural Beauty (AONB)	No
National Park (NP)	No
Statutory Listed Building (LB)	No
Site of Scientific Special Interest (SSSI)	No
Scheduled Ancient Monument (SAM)	No
Public Right of Way (PROW)	No
Flood Risk Zone (FRZ)	No
Safety Hazard Zone Consultation Area (SHZCA)	No
Tree or Hedgerow Preservation Order (TPO)	No
Site of Nature Conservation Interest (SNCI)	No

3.0 Site & Surrounding Area

3.1 Character & Location:

i. **Current Character:** The site's character and form is derived from the substantial and attractive building it contains and its original construction as a large family home (formerly known as 'Coombe field') screened from the passing highway by a high natural stone wall. The building faces south and sits at ninety degrees to the passing highway. It's core comprises three floors over two and a half storeys, with secondary elements of one and a half and single storey. Servants quarters would have originally been on the top floors within the roof space of the building. The main roofs and dormers are finished in slate with exterior walls variously finished in natural stone, render and clay brick. Windows are modern, timber, double glazed units. A one and a half storey wing connects the western flank of the core of the building to the passing highway boundary along with a later single storey addition. The former front garden which would have encompassed a private driveway leading to the dwellinghouse has been developed to provide a veterinary practice and its associated car park. The veterinary practice building sits at the southern end of the original property close to the access. The site is approached through the centre of the practice carpark and a private parking courtyard set against the front of Nelson House. A small, planted garden area lies to the east of this courtyard and encompasses a single large evergreen Monterey Cypress. The front courtyard has sufficient space for four cars, plus motorcycles and cycles and is separated from the larger carpark by a low wall. To the rear/north and side/east of the building are small private courtyards, screened by high boundary walls, the first of which has a gate providing direct access to the passing highway. The property has most recently been used as offices for a research and survey company and prior to the construction of the current veterinary surgery was the home of the Coombe field Veterinary Practice. The property is presently unoccupied following the relocation of the last business and sale to the current owner.

ii. Building Area Calculations:

<i>Gross External Area</i>	<i>458.89 m²</i>
<i>Gross Internal Area Including Loft Space and Eaves Storage</i>	<i>380.93 m²</i>
<i>Gross Internal Area Including Loft Space</i>	<i>363.02 m²</i>
<i>Gross Internal Area</i>	<i>336.63 m²</i>

iii. **Location:** Nelson House sits on the eastern side of Coombe Lane within the Built Up Area Boundary and designated Conservation Area for the town of Axminster. The town centre lies a short walk to the west.

iv. **Surrounding Area:** The site lies within an area of Axminster comprised of a mixture of terraced, semi-detached and detached residential properties with private rear gardens. A number of individual properties reflect the more substantial scale of Nelson House and possess more substantial gardens. A variety of buildings and sites within the vicinity, interspersed with the residential properties, are also in active employment use.

3.2 **Access:** The site possesses a combined vehicle and pedestrian access to its own parking courtyard in front of the building's main façade via the veterinary practice access and carpark. The site also possesses a pedestrian and cycle access through the roadside boundary wall into a secure, private rear courtyard.

4.0 PROPOSAL

- 4.1 The proposals are for the sympathetic conversion and alteration of the original building back into a single dwellinghouse with associated private parking.
- 4.2 The submitted drawings demonstrate the lack of external alteration required to achieve the reinstatement of residential use of the main building, providing adequate levels of natural light to all living rooms. The existing private parking facilities will be retained.
- 4.3 Supporting letters from:
 - a. Local commercial lettings and sales agents confirms the lack of demand for and suitability of the property for modern day employment use.
 - b. Former owner/occupier confirming previous occupancy levels relevant to potential impact on nitrate levels in foul water discharges to the mains sewerage system.

5.0 PLANNING REGULATION, LEGISLATION, POLICY & ANALYSIS

- 5.1 **Planning Regulation:** Class R of the Town & Country Planning (General Permitted Development)(England) Order 2015 (As amended) enables the change of use of commercial premises whose use(s) fall within Use Class E to residential premises falling within Use Class C3. The following schedule confirms how the current proposal complies with each of the requirements of Class R and thus does not trigger any requirement for the submission of additional information for Prior Approval and/or full planning permission:
- 5.2 **Legislation & Policy:** The current policy framework is provided by the National Planning Policy Framework (the 'National Framework') and the East Devon Local Plan 2016 (although Axminster Neighbourhood Area was designated in 2013, no Neighbourhood Plan has been prepared or made part of the Local Plan), the East Devon Villages Plans 2018 and the emerging replacement Local Plan (dependent on its progress towards formal Adoption). The production of a replacement Local Plan is presently underway, but had recently been suspended pending the Government publication of intended changes to the National Framework relating primarily to the policy uncertainty introduced by the Government's stated intention to revise provisions relating to local housing delivery targets. No legislation or policy relating to the National Framework or the local Development Plan is relevant to the consideration of prior notifications and/or prior approvals under the Town & Country Planning (General Permitted Development)(England) Order 2015 (As amended). However, the following points from the National Framework highlight the emphasis the Government places on the provision of new homes through methods such as permitted development.
- 5.2 **National Planning Policy Framework** confirms the key priorities of: achieving sustainable development; supporting a prosperous rural economy and requiring good design for development proposals. The current National Planning Practice Guidance (the 'Practice Guidance') provides further guidance in respect of advice provided within the National Framework.
 - (a) **Sustainable Development:** Paragraph 11 stresses the presumption in favour of sustainable development, provision of new housing and the drive for visual enhancement of the built environment, whilst fostering high quality design and protecting the quality of designated landscapes.

- (b) **Pre-application Engagement:** Paragraph 39 actively encourages pre-application engagement to try and resolve as many potential issues in as productive a manner as possible prior to any formal application for planning permission. The previous planning permissions granted for the conversion of the building to multiple residential units established certain key principles, effectively dismissing the justification for retention of the space within the building for office/employment purposes. The last permission for conversion of the building to three apartments required the permanent blocking up of an upper floor bathroom window to protect the privacy of neighbouring property occupants. This work was completed and so it may reasonably be argued that the development permitted at the time was implemented by the completion of those works. The applicants and their agent wish to work with officers of the Authority to address any areas of legitimate concern in as constructive and positive manner as possible to secure the required resolution to enable continued positive consideration and determination of the current proposals. This submission is framed to accord with the pre-application advice sought from and provided by officers of the Local Planning Authority to ensure accordance with the provisions and requirements of Class MA.
- (c) **Decision Making:** Paragraph 38 confirms that Authorities should approach decisions on proposed development in a positive and creative way, working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area and seeking to approve applications for sustainable development where possible. The applicant welcomes the constructive approach taken by officers in their engagement with their consultants during the formal consideration of the application in a genuine effort to develop revisions and secure supplementary/additional assessments and information identified as required to positively address legitimate and justifiable concerns.
- (d) **Historic Environment:** Section 16 Conserving and Enhancing the Historic Environment addresses development in the historic environment. Paragraph 195 addresses the situation where a proposal involves an historic building which is non-designated but notionally lies within a potential field of impact upon the wider setting of designated heritage assets. Paragraph 197 addresses the consideration of a new development making a positive contribution and Paragraph 200 provides for the assessment of harm. The lack of proposed external changes to the building and the external areas of the site means there would be no potential impact on the immediate visual contextual setting of the designated heritage asset of Axminster Conservation Area.

5.3 **Class MA, Part 3 of Town & Country Planning (General Permitted Development)(England) Order 2015 (As amended):** Enables a prior notification process for formal determination by the Local Planning Authority as to whether prior approval is required. Class MA permits a change of use from Class E to Class C3 but does not allow operational development in the form of external alterations to any building (such changes may require a separate planning application). The matters for consideration by the Authority in order for them to determine whether the proposal complies with the requirements of the Order are listed as follows with comments in italics confirmed how the proposals are considered to meet those requirements:

- (a) transport impacts of the development, particularly to ensure safe site access; *the change from offices to a single private residence will result in a substantial decrease in traffic generation and thus transport impact on the local highway*

network, and in addition the existing access and on site parking arrangements (which have successfully coped with that more intensive use without issue) will be retained unchanged;

- (b) *contamination risks in relation to the building; the office use of the building has not created any potential contamination risk to the proposed residential use;*
- (c) *flooding risks in relation to the building; the site does not lie within any identified flood risk zone;*
- (d) *impacts of noise from commercial premises on the intended occupiers of the development; the property is surrounded to the east, west and north by private residential properties, and to the south by the car park of the local veterinary practice. The neighbouring residential uses will not engender any commercial noise. Noise from the car park (through which the site accesses the public highway) is concentrated during the hours of the working week and the veterinary building does not produce any noise of greater consequence than the movement of customer and staff vehicles.*
- (e) *where (i) the building is located in a conservation area, and (ii) the development involves change of use of part or all of the ground floor, the impact of that change of use on the character or sustainability of the conservation area; the proposals as set out in the submitted survey and proposal drawings demonstrate the lack of external alteration to this substantial character building and that the proposals will therefore conserve the character of the designated Conservation Area. The previous office activity at ground floor level did not provide an active commercial frontage contributing to the vitality of the Conservation Area due to the concealed location of the building, screened from the public highway by the high natural stone garden wall.*
- (f) *the provision of adequate natural light in all habitable rooms of the dwellinghouses; originally built as a single family home, all rooms have adequate natural light provided, as clearly demonstrated by the submitted survey and proposal drawings. The single bathroom where the window has previously been blocked does not represent a 'living room' for the purposes of Class MA.*
- (g) *the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; the site is not located with an area important for any such uses;*
- (h) *where the development involves the loss of services provided by (i) a registered nursery, or (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; the proposal does not involve the loss of such services;*
- (i) *where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building. The proposal does not relate to a 'tall' building and provides ample opportunity for future occupants to exit the building safely and for emergency services to reach within hose and ladder length of the exterior.*

To comply with the requirements of the Order this application is accompanied by "a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows,

doors and walls, and the elevations of the dwellinghouses". These plans also demonstrate the proposed single dwellinghouse will not just satisfy but substantially exceed the minimum nationally described space standard to comply with article 3(9A) of the Order (which was brought into effect by SI 2020 no. 1243 in 2021).

6.0 OTHER MATTERS

6.1 Nutrient Neutrality:

- (a) **Appropriate Assessment:** Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017 Proposals under Class MA do not escape consideration of nutrient impacts because Article 3(1) of the Order only permits development subject to the provisions of Regulations 75-78 of the Conservation of Habitats and Species Regulations 2017. This means that even with all the above provisions of Class MA satisfied, the development would only be able to go ahead if an application under Regulation 77 was successful. As the site lies within the catchment of the River Axe within which nutrient neutrality solutions are required under current Habitat Regulations, the proposed development could only satisfy the requirements of Regulation 77 if it would result in either (i) a reduction in nutrient impact, (ii) no additional nutrient impact or (iii) in the event of additional nutrient impact provide adequate compensatory provision sufficient to effectively mitigate such impacts.
- (b) **Past Use:** The use as an office (or another Class E use) would generate foul waste. For the purposes of the relevant assessment under the Habitats Regulations officers had indicated in the pre-application advice letter that the Authority would take the view that people working within the catchment are also likely to live within the catchment. Accordingly, officers intended to attribute all impacts arising from foul waste associated with that office use to households within the catchment rather than to workplaces to avoid double counting.
- (c) **Proposed Use:** By such attribution 'accounting' officers indicated they considered the loss of the office use would not result in any reduction in nutrient pollution (because workers would still be resident and working within the catchment) and the proposed use as a single dwelling would result in another new household contributing to pollution of the River Axe. This analysis leads me to the view that an application for a change of use would be unsuccessful at the present time (until a nutrient neutrality solution is in place).
- (d) **Net Reduction in Nitrate Impact:** A supporting letter and office layout plan from the previous commercial owner/occupier of the building confirms the range of residential locations for staff and customers sufficient to demonstrate a sufficient number of residences located outside the River Axe catchment area to ensure the

proposed use as a single private residence will clearly represent a net reduction in anticipated nitrate impact sufficient to fully address the officer concerns expressed in their pre-application advice.

6.2 Planning Conditions: Legitimate and proportionate conditions may be attached to any grant of prior approval to control matters of material concern relevant to planning and development control. The aim of this submission has been to incorporate sufficient detail to preclude any need to consider conditions precedent that might require further formal submission to and approval of any additional information by the LPA following any grant of planning permission. The time-period for commencement of any development approved would be three years from the date of any decision notice and it is intended to implement the proposed work and complete the project as swiftly as possible following any approval and with minimum disturbance.

7.0 CONCLUSION

- 7.1 The current proposals will secure the restoration of the existing building to its original use as a single dwellinghouse, maintaining this substantial character building, without material harm to any interests of acknowledged importance.
- 7.2 The relevant planning considerations that could reasonably apply to this proposal are all readily capable of being satisfactorily addressed by conditions attached to the desired permission.
- 7.3 The applicants look forward to securing a positive formal determination at the earliest opportunity but will be happy to provide any additional information as may reasonably be required to support an officer recommendation for approval.

Statement prepared 20/11/23 by:

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8.0 Appendices

- i. Nelson House Marketing Review & Listing performance reports for Axminster & Seaton
- ii. Nelson House Occupancy Letter (Aug 2023) & Nelson House Office Plan
- iii. Drawings:
 - NH100 – Site Location Plan – 1:1250 scale @ A4
 - NH101 – Existing Block Layout Plan – 1:500 scale @ A2
 - NH102 – Existing (floor, roof & elevations) – 1:200 scale @ A3
 - NH401 – Proposed Block Layout Plan – 1:500 scale @ A2
 - NH402 – Proposed (floor, roof & elevations) – 1:200 scale @ A3

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