

**Report to the District Development
Management Committee**



Report Reference: DEV-017-2016/17
Date of meeting: 8 February 2017

**Epping Forest
District Council**

Subject: Planning Application EPF/2357/16 – Zinc Arts, High Street, Ongar, CM5 0AD – for minor adaptations to be made to the two-storey accommodation block building, with each of the 25 rooms to be used for more general housing and be provided with a galley kitchenette.

Responsible Officer: Ian Ansell (01992 564481)

Democratic Services: Gary Woodhall (01992 564249)

Recommendation:

- (1) To grant planning permission, subject to the following conditions:
1. The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this notice.
 2. The development hereby permitted will be completed strictly in accordance with the approved drawings nos: 1720/1 - 4 inclusive, 5A, 6 and 7A.
 3. The use hereby permitted shall be limited to a period of seven years from the date of this approval, after which time the use shall cease and the building shall be reverted to its previous use unless otherwise agreed in writing by the Local Planning Authority.
 4. Prior to the commencement of the development, notwithstanding any details shown on the approved plans, details of a separate pedestrian access to the building from High Road shall be submitted to and approved by the Local Planning Authority. Such details shall include any works to relocate cycle stores or other structures on the frontage, fencing and gates. The works as agreed shall be fully completed prior to the commencement of the use.
 5. At least one of the residents communal rooms shown on the approved plans shall be available solely for residents use upon first occupation of the accommodation hereby permitted. The second communal room shall thereafter be provided, along with the external link canopy, within 6 months of first occupation, unless otherwise agreed in writing by the Local Planning Authority. Communal facilities shall thereafter be retained in accordance with the approved details for the duration of the use.

6. **Residents parking bays indicated on drawing 1720/7A shall be marked with resident parking signage prior to first occupation and shall thereafter be maintained as such for the duration of the use.**

Report:

1. This application was reported to Area Plans Sub-Committee East on 13 December 2016 with an officer recommendation to grant planning permission, but it was deferred for a site visit, and for further information on financial matters and the nature of the use.

2. Following the site visit, the application was considered by the Area Sub-Committee on 18 January 2017. No substantive additional information was presented to the Committee on the financial issues and officers had nothing to add to the comments in the original report on this issue. The nature of the use proposed is such that in officer's view, it would serve a market that is otherwise under-provided in this location.

3. In discussing the application, the Committee discussed adding two conditions to those presented in the report: a temporary permission for seven years and following comments by the applicant, a condition requiring a new access to the development to be created, thereby separating access from the supported housing on the road frontage. These are shown as conditions 5 and 6 under the above recommendation.

4. Guidance on temporary permissions generally recommends that these are used only where exceptional circumstances exist and where it is appropriate to monitor the use in order to further review its impact; the proposal would appear to meet both of these tests. In this instance, a seven year period is also appropriate in order to recognise that funding may be affected if a shorter period were to be proposed.

5. The separate access will minimise any potential for disturbance that may affect residents of the existing frontage housing, many of whom may be vulnerable, and in this context separation of activity is consistent with the need to adequately monitor the use.

6. Members of the Committee voted to grant planning permission in accordance with the Officer recommendation subject to the additional conditions, after which 4 Members of the Committee exercised their right under the Constitution to require the right for the application to be considered by District Development Management Committee (Part 4, The Rules, Rule M2 refers). It has therefore been referred to this committee for a decision.

7. The application was put forward to Area Plans Sub Committee East with a recommendation by Officers for approval, subject to conditions. The report to the Area Plans Sub Committee East on 18 January 2017 is reproduced below.

Planning Issues:

Report to Area Plans Sub-Committee East – 18 January 2017 version

This application is before this Committee since it is for a type of development that cannot be determined by Officers if more than four objections material to the planning merits of the proposal to be approved are received (Pursuant to The Constitution, Part Three: Scheme of Delegation, Appendix 3)

This application was deferred from the last Plans East Sub Committee to enable members to carry out a site visit and for clarification about the Use Class of the development, and for additional financial information.

The original report is reproduced below and any further information will be reported verbally at committee.

Description of Site:

Zinc Arts Centre occupies the former Great Stony school buildings on the east side of the High Street. Buildings comprise a mix of single and two storey elements; the original building comprises a mix of community and arts uses including teaching/workshop rooms, nursery, café and reception. There have been significant extensions to the originally including a theatre, additional rooms for centre activities and two x two storey residential blocks to the south; a frontage block managed and let by East Thames Housing Association for supported living and the application block at the rear. A car park lies to the northern end of the site comprising around 50 spaces.

The site is located within a primarily residential section of the High Street. Great Stony Park, the residential community to the north and east, lies behind a gated access to the north. The site lies within the Great Stony School Conservation Area and within the Green Belt.

Description of Proposal:

The application relates to the rear of the two storey residential blocks which was built originally as an overnight accommodation block for people involved with activities at the centre. The accommodation is best described as being resembling modern budget en-suite hotel rooms comprising a bed, chair and desk and a number have wet room facilities in the bathrooms. A separate accessible bathroom is currently provided at ground floor and there are 25 rooms served off a central corridor.

Permission is sought for minor adaptations to be made to the building and to use it for more general housing. Each of the 25 rooms will be provided with a galley kitchenette. Residents facilities will include two lounges or activity rooms, one on the ground floor of the building replaces the current accessible bathroom and a second in the rear of the main building accessed from the rear via a laundry room available to all residents – a canopy is shown linking the two elements. Main access to the building will be from the courtyard area via a side access around the frontage block. Nine parking spaces within the main car park are identified as being allocated for residential occupiers.

It should be noted that the application has been amended to remove reference to the variation of a section 106 agreements that limits use of the buildings on the site to purposes connected with community arts or ancillary purposes. This was included in the application description (see consultation responses below) but has been removed

both for procedural reasons – a section 106 agreement cannot be amended as part of a planning application and requires a separate application for alteration – and for further review of whether amendment is in fact required. The applicants have advised that their preference is not to amend the agreement.

Relevant History:

The previous use of the site ceased in the 1990's. The residential buildings in Great Stony Park were separated from the wider site and converted to houses under application EPF/1561/97, the section 106 agreement referred to above was attached to this permission.

Applications specifically relating to the arts centre use comprise:

EPF/1627/98 Change of use of land and buildings from school/playground to arts and education centre with car park, plus minor external alterations - approved.

EPF/1859/08 The demolition of existing outbuildings and small area of single storey rear addition to main arts centre building and new extensions to provide fully wheelchair accessible additional teaching rooms, multi purpose studio, overnight stay accommodation, dining facilities, supported housing (9 flats), cycle and car parking spaces, gardens and new vehicular access from the High Street - approved.

Policies Applied:

CP1	Achieving sustainable development objectives
CP2	Quality of Rural and Built Environment
GB2a	Development in the Green Belt
GB8a	Change of use or adaptation of buildings
GB16	Affordable housing
CF12	Retention of community facilities
DBE9	Loss of Amenity
ST6	Vehicle parking

NPPF The National Planning Policy Framework (NPPF) has been adopted as national policy since March 2012. Paragraph 215 states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. The above policies are broadly consistent with the NPPF and should therefore be given appropriate weight.

Consultation Carried Out and Summary of Representations Received

Date of site visit: 04 November 2016

Number of neighbours consulted: 42

Site notice posted: 04 November 2016

Responses received: 29 objections have been received and one response supporting the proposals. Objections have been received from the following locations (Ongar addresses unless otherwise identified):

GREAT STONEY PARK – 3, 5, 9, 13, 18,20 AND 55.

GREAT LAWN – 4, 15, 19, 23 AND 34

HIGH STREET – BRAESIDE, WOODBINE COTTAGE, 75 AND 1,2 AND 5

HIGHFIELD PLACE

BOWERS DRIVE – 30

FYFIELD ROAD – 59

LONDON ROAD – 135

MAYFLOWER WAY – 28 & 39
RODING VIEW – 9
RODNEY ROAD – 2
THE PAVILIONS – 3
VICTORIA ROAD – 3

In addition, 7 TORRELLS HALL COTTAGES, SHELOW ROAD WILLINGALE AND QUEEN ANNE COTTAGE, GREENSTED ROAD, GREENSTED.

The letter of support is from occupier of 9 FAIRBANK CLOSE, Ongar.

Objectors have raised the following issues:

- Objections to the variation of the s106 agreement – residents were concerned that this affected other properties bound by the legal agreement and would remove any control on the use of the land for general housing. Comment – as referred to above, the issue of the s106 agreement is no longer part of the application and is being addressed separately. The legal matters do not affect Members abilities to determine the planning merits of the case.
- Parking – some residents comment that parking at the centre is inadequate at peak times and the introduction of residential parking would exacerbate the issues.
- Amenity issues, around potential noise disturbance from occupiers within the building and, particularly in relation to the adjacent flats to the south, from the new access to the accommodation.
- Green Belt and Conservation Area issues – residents question the suitability of the development in the context of the site falling within both and what impact the development has on the overall character of the area..
- Appropriateness and character of the use – objectors raise issues around the nature of the accommodation, in terms of the standard of the units in terms of housing standards, conflicts with other activities on and users of the site and the nature of the use which some have referred to being akin to a hostel.
- General accessibility issues – concerns are raised as to whether the location is accessible for the model of car capped development effectively being proposed and the implications thereof for future residents.
- Loss of original site concept – some objections refer to the concept of the centre and how this may be affected by the loss of the existing facilities for specialist courses and the impact a more intensive residential use has on the arts centre function.
- Viability of concept – a number of objectors raise concerns at the viability of the model being proposed by the applicants – in particular is there a genuine demand amongst the target groups for units of the size proposed and what happens if the concept does not attract the level of occupation envisaged.
- One objector, understood to be a former officer at the centre has specifically queried the applicants submission on the financial case.

The submission in support of the application comments that the site is close to the town centre and requires only minor works which will have limited impact, the scheme is supported for providing low cost homes in a secure environment.

ONGAR TOWN COUNCIL objected to the application with regard to the variation of the S106 agreement; the Committee made no other comments on the scheme. In the light of this element having been removed from the application, officers consider the Town Council have no objection.

Main Issues and Considerations:

The applicants have submitted that the current proposal is the culmination of an extended period of review of the operation of facilities at the site. They advise that under the terms of the funding received to improve the facilities including building the residential elements, their current repayment and interest free periods end in March 2017 and the Trust finds itself currently in a position where this funding will have to be serviced if the centre is to remain operational. Failure to adequately address this may have implications for the continued existence of the centre. Efforts to meet these requirements are somewhat hampered by the general financial climate in which the centre operates whereby it has seen a reduction in its broader funding as a result of the loss of grant aid in recent years being experienced by all in the sector. The lack of success of the present use (the annual occupancy of the facility is around 16%) has also meant that it has not generated the income that was originally modelled and was anticipated may contribute to the servicing of the ongoing financial demands. Funding has now been secured to carry out the adaptations referred to in the application but it should be noted that this is time limited will cover only minimal adaptations to the building.

In developing the current proposals the Trust have considered a range of options for more viable uses. These have included discussions with the Council, County Council, charities and housing providers over a range of options including, other leisure related occupation, care facilities and specialist supported housing without success. The Trust have established a community interest company to manage the property if the use proceeds. The Chair of the Trust will also act as Chair of the new company (Group 12) and a number of board members will sit on both boards. Day to day management will be linked in to the Arts Centre's present management – a duty manager is on the site at all times while the centre is open and external agents deal with out of hours issues. A detailed tenancy agreement has been prepared, based on a model used by East Thames for the frontage units. The applicants state their view that the tenancy agreement introduces additional controls of residential tenants that are not available to them under the current use.

As Members are aware, financial considerations can be treated as material to planning decisions. While one objector argues that the financial model put forward by the applicants may be resolved by other means (for example restructuring the debt in light of financial conditions to seek to secure further charge free periods), such alternatives are not before Members, nor is there any evidence this is achievable.

Officers consider that the applicants financial arguments should be acknowledged and given due weight, including concerns as to the future of the centre if alternative resource cannot be generated.. It is broadly acknowledged that arts funding has declined over a number of years and that facilities such as this must look at increasingly varied means of generating income to meet future costs. The existing use of the building does not generate sufficient revenue to justify its retention and alternative uses should be considered if they contribute to the overall viability of the community uses.

As to the use itself, there would appear no obvious reason to object to the principle of a residential use of this nature within the building. While the site is within the Green Belt boundary, it is close to the town, capable of use without major adaptation and does not have a materially greater impact on the Green Belt; thus it is consistent with policy GB8a subject to amenity and parking considerations below. The alterations to the building have no physical impact on the Conservation Area.

In wider amenity terms, officers have had regard to the similarities between the existing and proposed. There is no increase in the number of rooms overall, and the existing use permits occupiers to be resident at all times of the day and night. The addition of basic facilities to the rooms and the loss of the direct link to users of the centre (notwithstanding the Trust's intentions to encourage residents to participate in their activities by offering discount vouchers for use in the centre) will make only limited changes to the potential pattern of occupation. While activity will inevitably increase given the low occupancy of the building at present, this is a result of the lack of success of the existing model rather than anything connected to the character of the use. It is therefore difficult to argue in land use terms that the nature of the proposed use is so far removed from what is currently permitted to justify that residential amenity will be substantially harmed.

Similar arguments arise over issues of parking in that the existing accommodation use shares the car park with other uses in the centre. There is nothing in particular to suggest that those who would currently use the building are any more or less likely to rely on a car than those who may occupy the building in the future. Allocating a parking area for residential occupiers takes a realistic approach to the need to manage the site.

A number of objections refer to the standard of accommodation, both in terms of housing standards, local need and accessibility. While issues around need are to some degree market led, the offer would appear to be unique in the area and would provide accommodation which local agents have advised there is demand for. The applicants advise that as a result of publicity for the scheme, they have also received expressions of interest. The site is no more or less accessible than any other part of Ongar town centre; local bus services link to other parts of the District and beyond. The units are not designed to meet national housing standards, but are aimed at a different market to permanent dwellings to which these standards are usually applied and any assessment on this issue would be misleading. The individual units provide a reasonable standard of facilities for individuals and communal spaces are available to residents as well as access to the centres facilities and activities.

Conclusion:

Officers consider that the financial circumstances of the centre are a significant factor in the development of the proposals and as a result material to the consideration of the application. The prospect that the arts and community use may not be able to survive without the income generated by this use is in your officer's view material and provides unique and special circumstances in determining this application.

In terms of considering issues around the potential impact of the change of use, Members should have regard to the differences between the existing permitted use and the proposal and not be unduly affected by the current levels of activity. In this regard, the existing building contains the same number of rooms that could lawfully be occupied 24 hours a day by occupants who may have access to vehicles that they wish to park on site. In this context, the changes are minor and do not in officers view amount to a significantly more intrusive use.

It is evident that the key to allaying neighbouring resident's fears is that the accommodation is adequately managed. Assurances are in place in that there are links between the arts centre Board and the community interest company established to manage the accommodation and that day-to-day management will be directly

linked. Members can be further assured that the continued interest of the arts centre are best served by good quality management of the whole site.

Members should also note that approving the planning application does not directly affect the existing section 106 agreement relating to the broader use of the building. This remains the subject of ongoing discussions and if it is concluded that the s106 agreement requires revision, this would need to be the subject of a separate application.

It is recognised that the issues in this case are finely balanced. A direct comparison between a fully operational use suggests that there are limited difference between the uses that in land use terms are not sufficient to argue that the use is unacceptable , and do not outweigh other arguments in favour of the application in terms of the diversity of the housing stock and the financial considerations for the centre.

Should you wish to discuss the contents of this report item please use the following contact details by 2pm on the day of the meeting at the latest:

Planning Application Case Officer: Ian Ansell

Direct Line Telephone Number: 01992 564481

or if no direct contact can be made please email:

contactplanning@eppingforestdc.gov.uk