Report to East Area Planning Sub-Committee – List A – Applications for Decision

<table>
<thead>
<tr>
<th>Application No:</th>
<th>2017/3408</th>
<th>Application Type:</th>
<th>PNJ</th>
</tr>
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<tbody>
<tr>
<td>Case Officer:</td>
<td>Ike Dimano</td>
<td>Ward:</td>
<td>Thames Ditton Ward</td>
</tr>
<tr>
<td>Location:</td>
<td>Albermarle House 79 High Street Thames Ditton Surrey KT7 0SF</td>
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<td>Proposal:</td>
<td>PD Prior Notification: Change of use from Offices (B1a) to Residential (C3).</td>
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<td>Applicant:</td>
<td>Ms Alex Williams</td>
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<tr>
<td>Agent:</td>
<td>Mr Ray Bell Hunters South Architects Corn Exchange Baffins Lane Chichester Sussex PO19 1BF</td>
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<tr>
<td>Decision Level:</td>
<td>If Grant Prior Approval - Sub-Committee If Refuse Prior Approval – Sub-Committee</td>
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<td>Recommendation:</td>
<td>Grant Prior Approval</td>
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This submission has been made on behalf of Elmbridge Borough Council and there is no requirement for such applications to be considered at Sub-Committee level. However, in this case, the Council are the applicants and given the nature of the proposal and representations received, it has been decided that the submission be presented before the Sub - Committee with public speaking.

*** This application qualifies for public speaking ***

Representations: 30 letters of objection have been received from 24 different addresses and raising the following concerns:

- Impact on highway safety
- Impact on carparking
- Impact on drains and infrastructure
- Inaccuracy of information provided
- Lack of detail in information provided
- Lack of adequate refuse storage
- Lack of adequate access arrangement

Report

1. The application comprises of a two-storey terraced building, known as Albermarle House and which has accommodation in the roofspace with a front facing dormer window. The site is located on the High Street and is within the Settlement Area of Thames Ditton. The building occupies the full width of the site and has parking for up to 8 cars to the rear and which is accessed via Harvest Lane. There is access into the building via the High Street and from Harvest lane.

2. Harvest lane is gated and provides access to a residential development comprising predominantly of 2/3 storey terraced houses.

Constraints

3. The relevant planning constraints are:

   - Area of High Archaeological Potential
Relevant Planning History

<table>
<thead>
<tr>
<th>Reference</th>
<th>Description</th>
<th>Decision</th>
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<tbody>
<tr>
<td>2014/2520</td>
<td>2 air conditioning units on the rear elevation</td>
<td>Grant permission</td>
</tr>
<tr>
<td>2014/0122</td>
<td>Installation of air conditioning units and acoustic screens</td>
<td>Refuse permission</td>
</tr>
<tr>
<td>2007/0461</td>
<td>Single storey rear extension to existing office</td>
<td>Refuse permission</td>
</tr>
<tr>
<td>1988/1292</td>
<td>Erection of two-storey office building with room in roof. (Amendment to that granted under EL86/1105)</td>
<td>Appeal Allowed</td>
</tr>
<tr>
<td>1986/1105</td>
<td>Erection of two storey office building</td>
<td>Grant permission</td>
</tr>
<tr>
<td>1986/1104</td>
<td>Erection of two storey office building</td>
<td>Grant permission</td>
</tr>
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</table>

Proposal

4. Prior approval is being sought under Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 to change the use from offices to residential units. On 6th April 2016, the Town and country Planning (General Permitted Development) (England) (Amendment) Order 2016 was introduced, which provided amendments in relation to several classes of GPDO including the change of use of offices to dwellinghouses. These amendments are relevant in this instance. The submission seeks to provide 5 flats with potential for 9 bed spaces and 5 parking spaces.

Consultations

5. Environmental Services (Pollution) – Raised no objection (No comment to make).


7. Surrey County Council (Transportation) – Does not object, however have suggested conditions for 5 carparking spaces and 6 cycle parking spaces to be provided prior to occupation.


Positive and Proactive Engagement

9. This is an application for whether prior approval is required; the requirements of 186-187 of the NPPF for the Local Planning Authority to engage in a proactive manner are therefore not relevant.
Planning Considerations

10. Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits the change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.

11. As set out in paragraph O.2 of Class O, development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the local authority will be required as to:
   a) Transport and highways impacts of the development
   b) Contamination risks of the site; and
   c) Flooding of the site, and
   d) Impacts of noise from commercial premises on the intended occupiers of the development

12. In this case, having initially reviewed the application, the Local Planning Authority has determined that prior approval is required due to the potential impact concerning the above issues.

13. The relevant consultations and also the display of a site notice have been carried out as set out in Part W. Comments have been received from the Council’s Head of Environmental Services and the County Highway Authority and no objections have been raised to the proposed change of use.

14. In accordance with the prior notification procedure W.10, the Local Planning Authority must, when determining an application take into account any representations made to them as a result of any consultation.

15. In this case, submission documents show that the development proposal would generate significantly less vehicle movements than the existing office use. The proposed development is within a short walking distance of Thames Ditton Train Station and bus routes on the adjacent road offer services to and from Thames Ditton station. The applicants are retaining 5 out of the existing 8 car parking spaces.

16. The submission documents included a planning statement, which has provided detail on the existing use of the site, current carparking provisions and access arrangements on the site. On the basis of the information provided and the comments of the Highways officer regarding car parking and traffic generation, it is not considered that the proposal would have a material impact on the safety and operation of the adjoining public highway.

17. Consultation responses were received from the from the Council’s Environmental Services no objections have been raised. It is not considered that the proposal raises any concerns with regard to pollution. A condition has been recommended by the councils Contaminated Land officer in order to protect future and surrounding occupants of the site.

18. Paragraph W (6) requires that the EA be consulted in the event that the site is within Flood Zone 2 or 3; or if it is within Flood Zone 1 which has critical drainage problems. Given that the site is not located within any of these areas no comment is required from the EA. The proposal would not result in any increase in flood risk to the surrounding area. The change of use to residential is considered to be acceptable in terms of flood risk.

19. The surrounding uses are predominantly residential and as such there are no perceived impacts of noise from commercial premises on future occupiers of the units.

20. The NPPF includes at its core, a presumption in favour of sustainable development as one of the core principles, noting that every effort should be made to objectively meet the housing, business and other development needs of an area and respond positively to wider opportunities for growth. In relation to the provision of a wide choice of high quality homes,
local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided there are not strong economic reasons why such development would be inappropriate.

21. The Council’s Employment Land Review (Addendum March 2011) confirms that there is a surplus of office accommodation in the Borough and that demand is not anticipated to increase in the plan period. On this basis, there is not considered to be a strong economic reason for resisting the proposed change of use, as set out in the NPPF. The proposed development would therefore be in keeping with the provision of the NPPF.

Matters raised in Representations

22. Matters raised within representation have been dealt with above. It should be noted that matters relating to drains cannot be considered within prior approval submissions. The flooding implications of the proposal has been considered above.

23. The application detail and information provided as part of this submission meets the requirements set out in Class O of the GDPO and is considered sufficient to make a determination.

24. Vehicular access to the site is via Harvest Lane; the plans show that this would remain unchanged. Access from the carpark into the building would be via an existing door to the rear part of the building.

25. Storage of refuse and recycling cannot be considered under Class O of the GPDO.

Conclusion

26. The proposed development would comply with the provisions of Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015. In accordance with Section O.2 of the above Order the proposed change of use has been considered in relation to transport and highways impacts of the development, contamination risks of the site, flooding impact and impacts of noise from commercial premises on the intended occupiers of the development and in relation to the provisions of the National Planning Policy Framework 2012 as required by paragraph W (10) of the said Order.

Recommendation: Grant Prior Approval

Conditions/Reasons

1. PRIOR APPROVAL - TIME LIMIT
   The development shall be completed on or before 3 years from the date of this decision.
   
   Reason: In order to comply with the provisions of paragraph 0.2(2) of Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

2. PRIOR APPROVAL - APPROVED DETAILS
   The development shall be carried out in accordance with the information provided under Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended received from the applicant on 19 October 2017.
   
   Reason: In order to comply with the provisions of part W of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
3 CYCLE PARKING
The development hereby approved shall not be first occupied unless and until the following facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority for:

1. Five (5) car parking spaces including 1(one) disabled bay.
2. Three (3) Sheffield cycle racks containing 6(six) cycle parking spaces, which must be enclosed in a secure shelter.

and thereafter the said approved facility shall be provided, retained and maintained to the satisfaction of the Local Planning Authority.

Reason: In order to comply with the provisions of paragraph 0.2(2) of Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

4 Potential Land Contamination
To ensure the potential for contamination has been investigated and the necessary action taken to make the development site suitable for its proposed use, the following steps must be completed to the satisfaction of the Council. No redevelopment shall be commenced until step (a) and (b) have been completed by a competent person. Furthermore there shall be no occupation of any part of the site by any end user prior to meeting the terms of this condition in full.

a) Preliminary Investigation of the Site
A preliminary investigation shall be carried out by a competent person prior to any site clearance or redevelopment, to assess the condition of the land to be re-developed, in respect of contamination. The preliminary investigation must, as a minimum, include a desk-based evaluation, site walkover and Conceptual Site Model and may include intrusive investigation. A written report of the investigation shall be submitted to the Council for written approval.

If the Council are satisfied that there is a significant possibility that the site could pose a significant risk to future occupiers under its proposed redevelopment use as a result of contamination, then the following additional steps shall also be carried out.

b) Site Investigation, Method Statement and Remediation
(i) A written site specific investigation plan using the information obtained from the preliminary investigation, providing details of the investigation for soil, gas and controlled waters where appropriate, shall be submitted to, and approved by, the Council.
(ii) The site investigation shall be undertaken in accordance with the scheme agreed by the Borough Council. The results of the site investigation, a refined conceptual model and a risk assessment of any contamination found shall be submitted in writing to, and approved by, the Council.
(iii) A written Method Statement detailing any remediation requirements shall be submitted to, and approved by, the Council.

c) Development in accordance with the Method Statement
The development of the site shall be carried out in accordance with the approved Method Statement, and any addenda submitted by the developer, and agreed in writing by the Borough Council. Any post remediation monitoring identified in the Method statement, shall be installed by the developer within the timescales identified in the Method Statement and maintained and operated for as long as identified by the Method Statement.

d) Unsuspected Contamination
If, during development, contamination not previously identified, is found to be present at the site then no further development shall be carried out until the developer has submitted, and
had approved by the Council, a written addendum to the Method Statement detailing how the unsuspected contamination shall be dealt with.

e) Completion of Remediation and Verification Report

Verification by an independent, competent person must be carried out prior to occupation of any part of the site by any end user.

Upon completion of the remediation detailed in the Method Statement, and before occupation of any part of the site by any end user, a written Verification Report shall be submitted to, and agreed in writing by, the Council providing verification that the required works regarding decontamination and installation of post remediation monitoring, have been carried out in accordance with the agreed Method Statement and any addenda thereto. The verification shall be carried out and reported by an independent, competent person, stating that remediation was carried out in accordance with the approved remediation scheme and that the site is suitable for the permitted end use.

Reason: To avoid adverse effects from pollution on the environment, harm to human health or general amenity, in accordance with the National Planning Policy Framework.

Informatives

1 REASONS FOR PRIOR APPROVAL
   Summary of reasons for prior approval: The proposed development would comply with the provisions of Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015. In accordance with Section O.2 of the above Order the proposed change of use has been considered in relation to transport and highways impacts of the development, contamination risks of the site, flooding impact and impacts of noise from commercial premises on the intended occupiers of the development and in relation to the provisions of the National Planning Policy Framework 2012 as required by paragraph W (10) of the said Order.

2 ADVICE TO DEVELOPERS REGARDING CONTAMINATION ASSESSMENTS
   Before carrying out any contamination investigation or remediation of a site, the developer is strongly recommended to contact the Environmental Health & Licensing Team for guidance on the requirements for such investigations or remediation. Investigations, in particular, which do not adequately fulfil these recommendations, may result in additional work having to be carried out.