

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

<b>Application No:</b>	2018/0588	<b>Application Type:</b>	S37A
<b>Case Officer:</b>	Natalie Lynch	<b>Ward:</b>	Walton South Ward
<b>Location:</b>	8 to 18 and Garages Southwest of 74 Oakbank Avenue Walton-On-Thames Surrey		
<b>Proposal:</b>	Variation of Condition: 2 (Approved Plans) of planning permission 2014/4111 (Detached building with retail unit and flats) to change siting of bin and cycle stores.		
<b>Applicant:</b>	Devcon Ltd		
<b>Agent:</b>	Mr Andrew Heasman 3-D Architecture Ltd Suite G Kennett House The Office Village Uckfield TN22 1SL		
<b>Decision Level:</b>	If Permit – Sub-Committee If Refuse – Sub-Committee		
<b>Recommendation:</b>	Permit		

**This application was deferred by the North Area Planning Sub-Committee on 10<sup>th</sup> September 2018 to allow further discussions to be held with the owners of the site and Ward Member regarding the location of the bin store and ensuring the bin store area is managed and kept tidy.**

**Since the North Area Planning Sub-Committee, the applicant has provided a Waste Management and Collection Plan which confirms that the refuse store would be inspected periodically by the Neighbourhoods and Estates Management teams. Any maintenance issues can also be reported directly to the Management team through their website. This Waste Management and Collection Plan was circulated to Members. As this document clarifies the management of the refuse store and does not change the physical structure of the store, there would be no adverse impact on neighbouring amenity it was not considered necessary to re-consult neighbours on this document. The Waste Management and Collection Plan would be secured by condition to ensure the refuse store would be maintained and managed appropriately.**

**The original report is set out below.**

**Representations:** A petition has been received containing 23 signatures from 21 addresses raising the following concerns:

- Dangerous mixed-use waste
- Refuse store being used for both commercial and refuse waste
- Odour pollution
- Attract rodents
- Fly-tipping area
- Area for people to loiter
- Increase in bicycle thefts

**\*\*\*This application has been promoted by Councillor Cross if the recommendation is to permit\*\*\***

## Report

### Description

1. The application site contains a detached three storey building which contains six residential units and a commercial unit at ground floor.

### Constraints

2. The relevant planning constraints are:
  - Flood Zone 2

### Policy

3. In addition to the National Planning Policy Framework and the National Planning Practice Guidance, the following local policies and guidance are relevant to the determination of this application:

#### Core Strategy 2011

CS3 – Walton on Thames

CS17 – Local Character, Density and Design

CS25 – Travel and Accessibility

CS26 – Flooding

#### Development Management Plan 2015

DM1 – Presumption in favour of sustainable development

DM2 – Design and Amenity

DM5 – Pollution

DM7 – Access and parking

DM8 – Refuse, recycling and external plant

#### Design & Character SPD 2012

#### Flood Risk SPD 2016

4. **Relevant Planning History**

Reference	Description	Decision
2018/0915	Retrospective application for roof integrated solar panels on south elevation.	Granted
2018/0736	Confirmation of Compliance with Condition: 12 (Cycle Parking) of planning permission 2014/4111 allowed at appeal.	Pending
2017/3938	Confirmation of Compliance with Conditions: 8 (Sound Testing), 11 (Parking and Turning), 12 (Cycle Storage), 14 (Contamination Remediation) and 15 (Method Statement) of planning permission 2014/4111 allowed at appeal.	Condition(s) - Confirm in Part-Refuse in Part
2017/3849	Confirmation of Compliance with Condition 8 (Sound Proofing) of planning permission 2014/4111 allowed at appeal	Condition(s) - Confirm Compliance
2017/3816	Non-Material Amendments to	Withdrawn

	planning permission 2014/4111 (allowed at appeal) to install electronically operated roller shutters to shop windows, 3 no. external wall mounted refrigerator condensing units and a non-illuminated fascia sign.	
2016/3817	Confirmation of Compliance with Conditions: 3 (Materials), 5 (Landscaping) and 13 (Construction Method Statement) of planning permission 2014/4111 allowed at appeal	Conditions - Confirm Compliance
2014/4111	Detached three storey building incorporating ground floor retail (A3 use) unit and 6 affordable units with associated parking and bin store following demolition of existing buildings on site	Allowed on appeal
2014/0532	Development comprising 2 detached buildings incorporating retail unit, community centre and 17 affordable flats to the rear and above with associated parking, refuse, recycling and amenity areas following demolition of existing Oakbank Avenue shops AND Ansell Hall	Appeal dismissed
2013/4466	Development comprising 2 detached buildings incorporating retail unit and 18 affordable flats to the rear and above with associated parking, refuse, recycling and amenity areas following demolition of existing Oakbank Avenue shops and Ansell Hall	Withdrawn
2014/0532	Development comprising 2 detached buildings incorporating retail unit, community centre and 17 affordable flats to the rear and above with associated parking, refuse, recycling and amenity areas following demolition of existing Oakbank Avenue shops and Ansell Hall	Refused (discussed further within the report)

### Proposal

- Retrospective planning permission is sought for the variation of condition 2 (Approved Plans) of planning permission 2014/4111 (Detached building with retail unit and flats) to change the siting of the approved bin and cycle stores. The bin and cycle stores have now been constructed.

## **Consultations**

6. Surrey County Council (Transportation) - Based upon the information supplied without site inspection the Highway Authority has assessed the impact of the proposal on highway safety and capacity and raised no objections. The development is considered to be in accordance with policy CS25 of the Elmbridge Core Strategy 2011 and policy DM7 of the Development Management Plan 2015.
7. Environmental Services – no comments.

## **Positive and Proactive Engagement**

8. The revised NPPF requires local planning authorities to work with the applicant in a positive and proactive manner to resolve problems before the application is submitted and to foster the delivery of sustainable development. This requirement is met within Elmbridge through the availability of pre-application advice.
9. No formal pre-application advice was sought prior to the submission of this application.

## **Planning Considerations**

10. The main planning considerations in the determination of this application are:
  - The principle of the proposed development
  - The design of the proposal and its impact on the host dwelling, the character of the area and the street scene
  - The impact on the amenity of neighbouring properties
  - The impact on the highway
  - The impact on flood risk

### The principle of the proposed development

11. Section 73 of the Town and Country Planning Act 1990 (as amended) provides for the 'determination of applications to develop land without compliance with conditions previously attached'. It only provides for the variation of conditions attached to an existing planning permission; it does not provide a means for varying the development permitted (other than through the imposition of new/varied conditions).
12. The principle of a residential development in this location has already been established through the granting of planning permission ref 2014/4111. This application seeks minor alterations to the approved scheme to re-locate the bin and cycle stores. As this would not alter the description of development and the proposed additions would be considered a minor amendment to the original scheme, a s73 application would be considered appropriate in this instance.
13. In light of the previous permissions, the key consideration in the determination of this proposal is whether or not the amended plans result in a development that adversely impacts upon the general character of the area, the amenity of the neighbouring properties, the impact on the highway and flood risk. This is now assessed in the next sections.

### The design of the proposal and its impact on the host dwelling, the character of the area and the street scene

14. Policy DM8 seeks to ensure that the design and siting of bin storage respect the visual amenities of the host building and the area. The bin store was previously approved in a more visible location. This has now been re-positioned to be behind the building, reducing its visibility from the street scene. The structure has been finished in timber cladding and has no adverse impact on the overall character and appearance of the street scene.

15. Policy DM7 seeks to ensure that cycle stores respect the character of the area. The cycle store has been located to where the approved bin store was. The cycle shelter has been finished in steel and clear plastic sheeting. This provides safe, secure and covered cycle parking. The cycle store has no adverse impact on the character and appearance of the wider area.

#### The impact on the amenity of neighbouring properties

16. Policy DM2 seeks to protect the amenity of neighbouring properties. The bin and cycle store would have no adverse impact on neighbouring amenity in terms of loss of light or outlook. Verbal discussions have been held with the Environmental Health Officer who has confirmed that they do not have any concerns with the re-location of the bin store as there would be sufficient capacity to ensure any refuse would be stored in wheelie bins and not on the ground. It will be the responsibility of the managing agents to ensure this area is kept clean and tidy so as not cause any odours or attract rodents that could have an adverse impact on neighbouring amenity.

#### The impact on the highway

17. The proposed re-location of the bin and cycle stores would have no adverse impact on the highway. Surrey County Council as the Highway Authority have raised no objection to the proposals and are satisfied with the cycle shelter being provided.

#### The impact on flood risk

18. Core Policy CS26 seeks to reduce the overall and local risk of flooding in the Borough. It requires that new development is located, designed and laid out to ensure that its safe; the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere; and that residual risks are safely managed. National guidance advises that minor developments are unlikely to raise significant flood risk unless specific issues arise as defined in paragraph 47 of the PPG. Elmbridge Strategic Flood Risk Assessment (SFRA) published May 2015 advises that in parts of the Borough there is potential for minor development to be considered to be having an cumulative impact on flood risk in the local area as a result of impact on flood storage capacity and flood flows (paragraph 7.2.13). Therefore, it is appropriate to take a precautionary approach to all development within an areas identified as being at risk of flooding.
19. The site is located in Flood Zone 2. However, as the bin and cycle store were approved and have only being re-located within the application site, there would be no additional increase in flood risk or non-permeable areas as a result of this application. Therefore, in this instance it is considered that a Flood Risk Assessment is not required.

#### **Matters raised in Representations**

20. Concerns have been raised regarding the refuse store being used for commercial and residential refuse. Environmental Services have raised no objections to this arrangement.
21. A number of concerns have been raised relating to anti-social behaviour including this being an area for people to loiter and an increase in bicycle thefts. The re-location of the bin and cycle store would have no impact on anti-social behaviour.
22. All the matters raised have been addressed in the report.

#### **Conclusion**

23. On the basis of the above, and in light of any other material considerations, the proposal is considered to be in accordance with the development plan. Accordingly, the recommendation is to grant permission.

## **Recommendation: Grant Permission**

### **Conditions/Reasons**

**2 LIST OF APPROVED PLANS**

The development hereby permitted shall be carried out in strict accordance with the following list of approved plans: OBS/303/101, OBS/303/102, OBS/303/103, OBS/303/110, OBS/303/111A, OBS/303/112, OBS/303/113, OBS/303/140, OBS/303/141 and OBS/438/100 received on 21 February 2018, 2016/080/BR1 Rev L received 06 March 2018 and 2016.080.BR12 received on 12 March 2018 and 2016/080/BR17 Rev. C received on 19 July 2018.

Reason: To ensure that the development is carried out in a satisfactory manner.

**4 ADDITIONAL WINDOWS**

The development hereby permitted shall have no windows or other openings (other than those shown on the approved plans) inserted into any elevation unless planning permission has first been granted by the Borough Council.

Reason: To preserve the reasonable privacy of neighbouring residents in accordance with Policy DM2 of the Elmbridge Development Management Plan 2015 and the Elmbridge Design and Character SPD 2012.

**6 LANDSCAPING - IMPLEMENTATION**

All hard and soft landscaping works shall be carried out in accordance with the approved details. Arboricultural work to existing trees shall be carried out prior to the commencement of any other development, otherwise all remaining landscaping work and new planting shall be carried out prior to the occupation of any part of the development or in accordance to the timetable agreed with the Borough Council. Any trees or plants, which within a period of five years of the commencement of any works in pursuance of the development die, are removed, or become seriously damaged or diseased, shall be replaced as soon as practicable with others of similar size and species, following consultation with the Borough Council, unless the Borough Council gives written consent to any variation.

Reason: To preserve and enhance the visual amenities of the locality in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015.

**7 NOISE**

The measured or calculated rating level of the cumulative effect of the noise emitted from any plant or equipment installed shall be below the existing background level by at least 5 dB(A), or 10 dB(A) if there is a particular tonal or discrete component to the noise, at all times when the plant is in operation. The measurements shall be based on the 5 minute LAeq. The measured or calculated noise levels shall be determined at the boundary of the nearest ground floor noise sensitive premises or 1 metre from the facade of the nearest first floor (or higher) noise sensitive premises, and in accordance with the latest BS4142; Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas. An alternative position for assessment may be used but this must be detailed on a map and noise propagation calculations detailed to show how the design criteria is achieved.

Reason: In order to safeguard against the emission of noise and protect the amenities of the locality in accordance with Policy DM5 of the Elmbridge Development Management Plan 2015.

**9 HOURS OF OPENING (RETAIL USE)**

The retail use hereby permitted shall not be open to customers outside the following times: 07:00 to 23:00 daily.

Reason: To safeguard the amenities of the locality in accordance with Policy DM5 of the Elmbridge Development Management Plan 2015.

10 DELIVERIES

Deliveries and collections from the premises shall only be carried out between the hours of 07:00 and 21:30 daily.

Reason: In order that the development should not prejudice highway safety, the free flow of traffic nor cause inconvenience to other highway users in accordance with Policy DM7 of the Elmbridge Development Management Plan 2015.

14 LAND CONTAMINATION

In order to address any issues concerning contamination, a written desk top study of the site shall be carried out and a written site investigation designed for the site using the information obtained from the desk top study. This must provide details of the investigation for soil, gas and controlled waters where appropriate. These shall be submitted to, and approved by, the Council. 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. A written Method Statement detailing any remediation requirements shall be submitted to, and approved by, the Council.

Reason: To ensure there would be no risk to future occupiers in accordance with policy DM5 of the Elmbridge Development Management Plan 2015.

15 LAND CONTAMINATION

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. 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. 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 report shall be submitted to, and agreed in writing by the Local Planning Authority.

Reason: To ensure there would be no risk to future occupiers in accordance with policy DM5 of the Elmbridge Development Management Plan 2015.

16 AFFORDABLE HOUSING

Prior to occupation a scheme for the provision of affordable housing (to comprise all the dwellings in the development) has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in annex 2 of the National Planning Policy Framework or any future guidance that replaces it and shall comply with the affordable Housing guidance contained within the Council's developer contributions supplementary planning document or any future guidance that replaces it. The scheme shall include:

- i) a schedule providing a breakdown of which dwellings will be provided for affordable rent and which will be made available on shared-ownership terms;
- ii) the standards to which the affordable housing shall be built;
- iii) the arrangements to be ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- iv) the occupancy criteria to be used for determining the selection of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: to ensure the affordable housing arrangements comply with Policy CS21 of the Elmbridge Core Strategy (2011), the Developer Contributions SPD and the NPPF.

17 WASTE MANAGEMENT AND COLLECTION PLAN

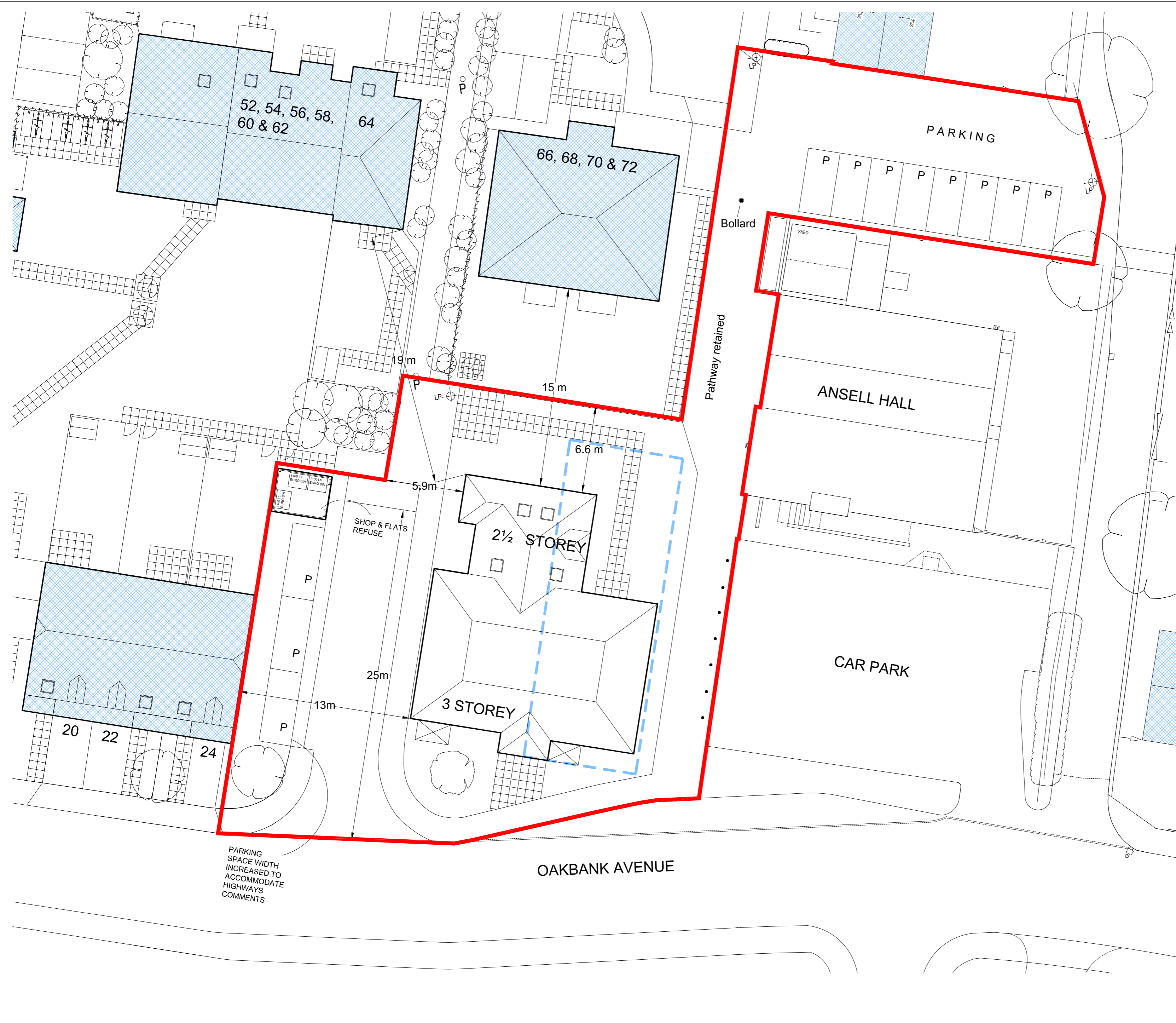
The approved Waste Management and Collection Plan shall be implemented and adhered to throughout the lifetime of the development.

Reason: to ensure the refuse store is maintained and managed appropriately in accordance with policy DM8 of the Elmbridge Development Management Plan 2015.




**Informatives**

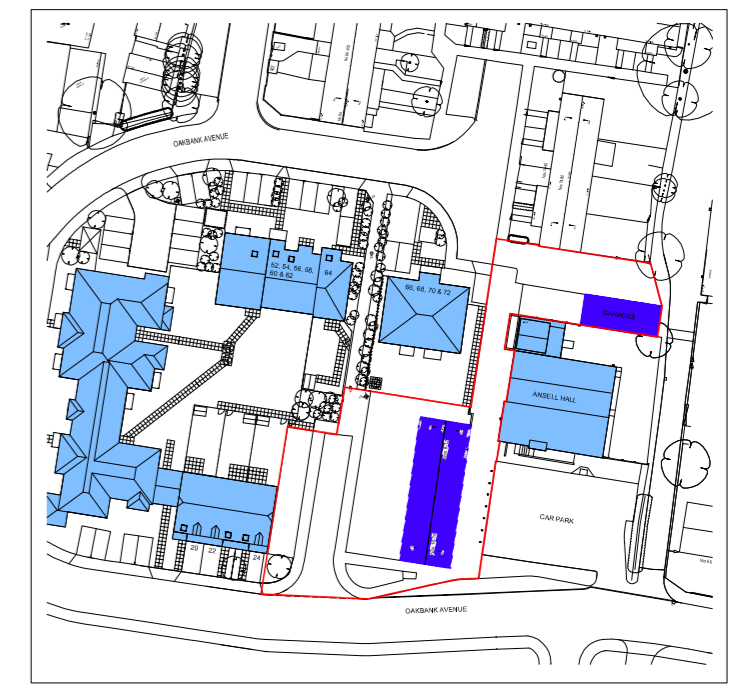
- 1 Planning conditions - some of those conditions applied to the original permission 2014/4111 have had their details agreed, been discharged or remain in force. For clarity details of these are set out below:
  - 3 - details agreed by 2016/3817
  - 5 - details agreed by 2016/3817
  - 8 - details agreed by 2017/3849 and 2017/3938
  - 11 - details agreed by 2017/3938
  - 12 - details submitted under 2018/0736
  - 13 - details agreed by 2016/3817







PROPOSED LAYOUT KEY

-  Outline of existing shops
-  Adjacent Existing Buildings
-  Total area: 1494 m<sup>2</sup>



EXISTING LOCATION PLAN - 1:1250

EXISTING LOCATION PLAN KEY

-  To be demolished
-  Adjacent Existing Buildings

PARKING SPACE WIDTH INCREASED TO ACCOMMODATE HIGHWAYS COMMENTS



Rev. Description Date  
**dps**  
 Architectural Consultants

 **paragon**  
 Community Housing Group Ltd

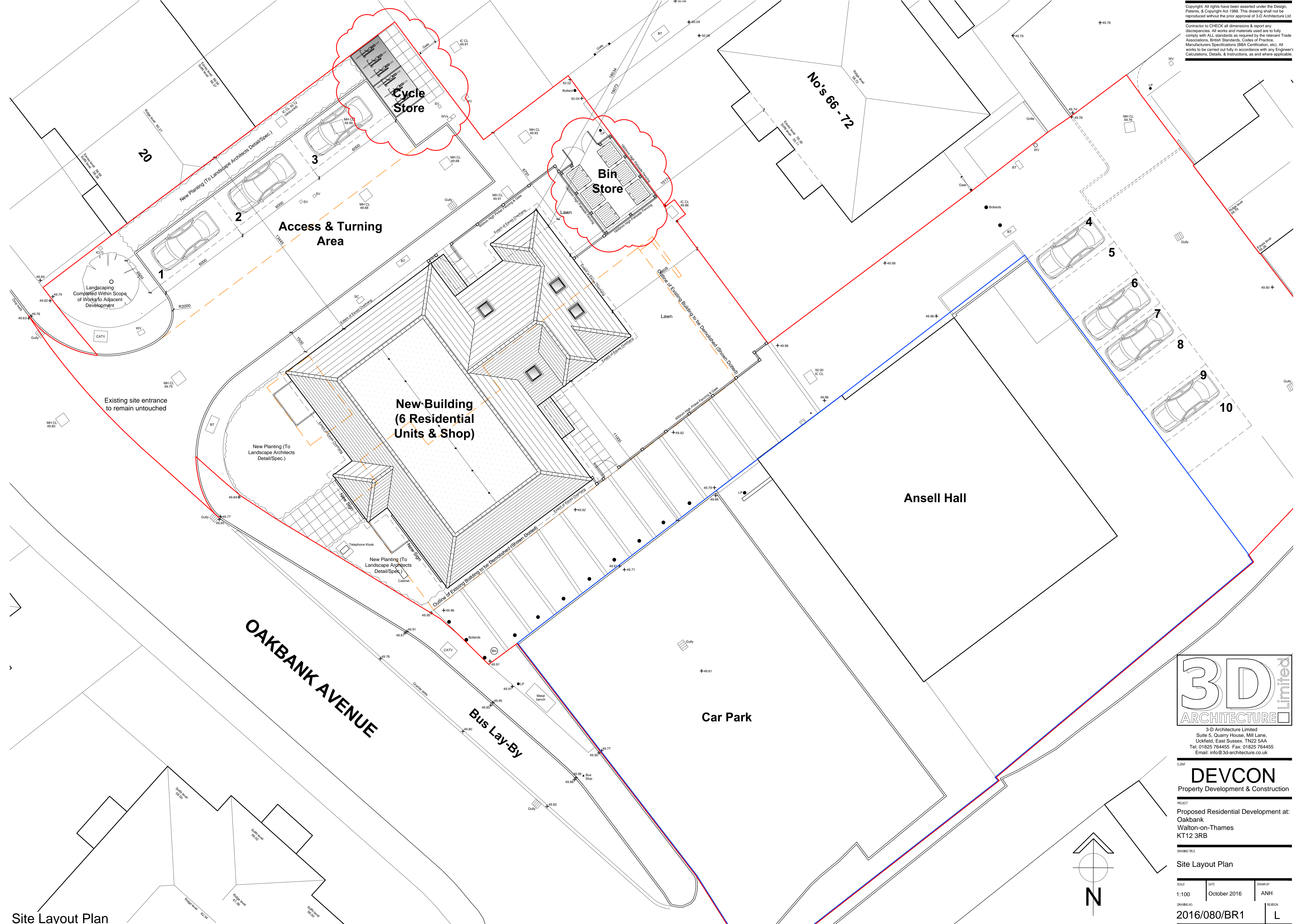
Site OAKBANK AVENUE SHOP  
 WALTON ON THAMES

Project PROPOSED SITE LAYOUT

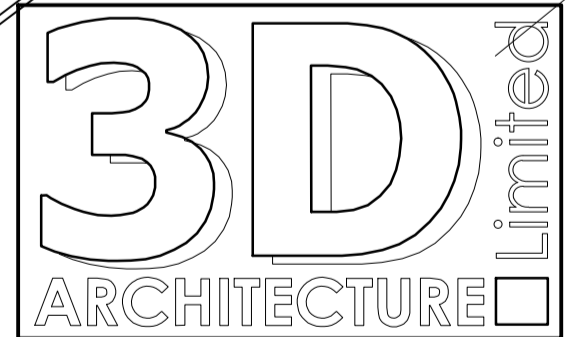
Drawing No. OBS/438/100 Rev. .  
 Scale 1/200 @ A2  
 Date AUG 2014 Drawn DPS



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Site Layout Plan



3-D Architecture Limited  
 Suite 5, Quarry House, Mill Lane,  
 Uckfield, East Sussex, TN22 5AA  
 Tel: 01825 764455 Fax: 01825 764455  
 Email: info@3d-architecture.co.uk

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**DEVCON**  
 Property Development & Construction

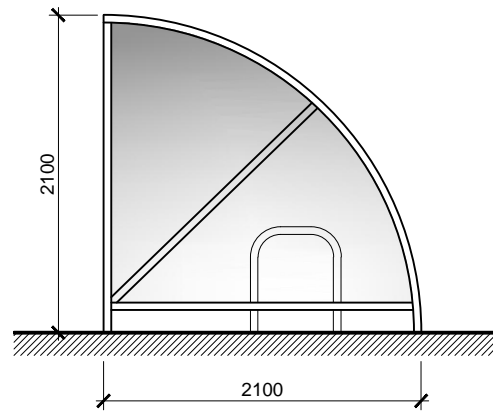
PROJECT  
 Proposed Residential Development at:  
 Oakbank  
 Walton-on-Thames  
 KT12 3RB

DRAWING TITLE  
 Site Layout Plan

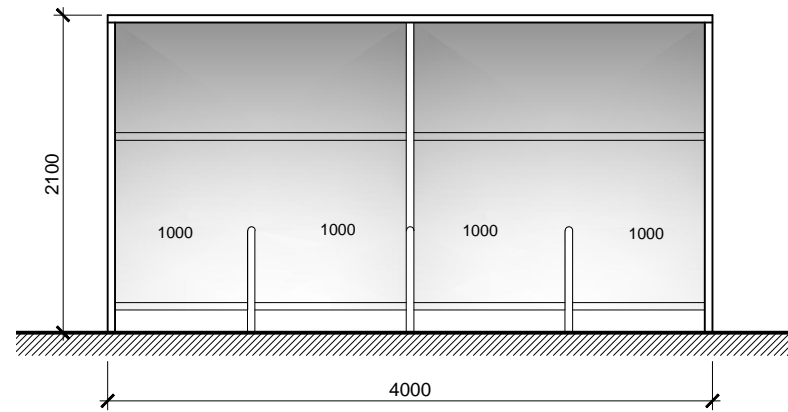
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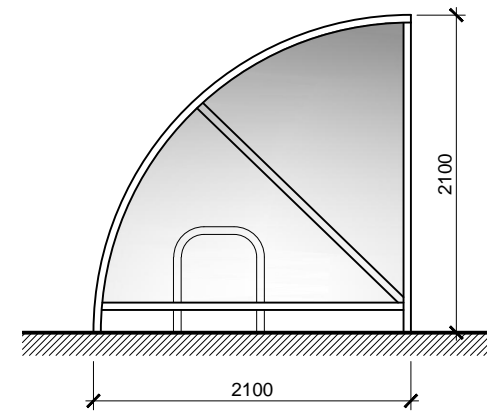
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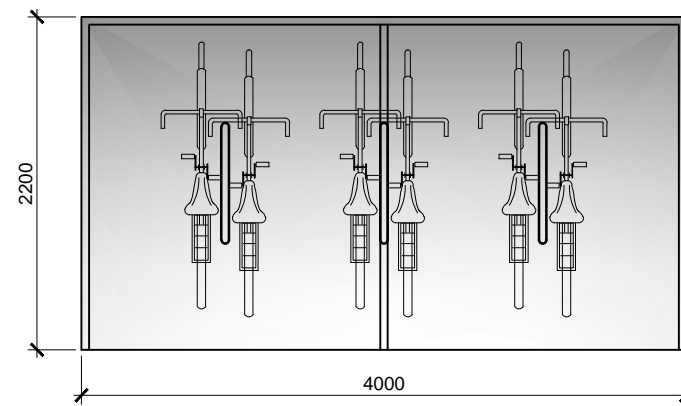
Side Elevation



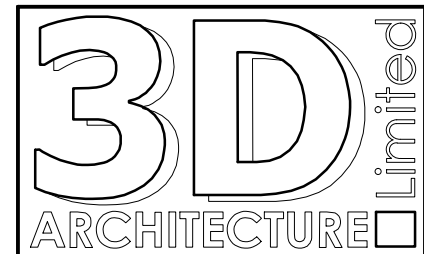
Front Elevation



Side Elevation



General Arrangement Plan



3-D Architecture Limited  
 Suite 5, Quarry House, Mill Lane,  
 Uckfield, East Sussex. TN22 5AA  
 Tel: 01825 764455 Fax: 01825 764455  
 Email: info@3d-architecture.co.uk

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Property Development & Construction

PROJECT

Proposed Residential Development at:  
 Oakbank  
 Walton-on-Thames  
 KT12 3RB

DRAWING TITLE

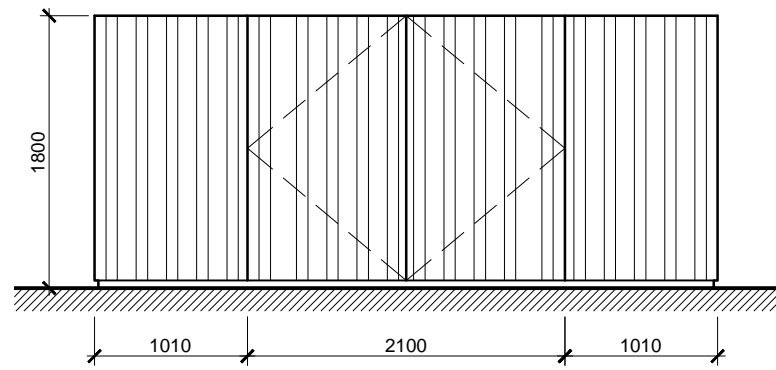
Cycle Store Layout

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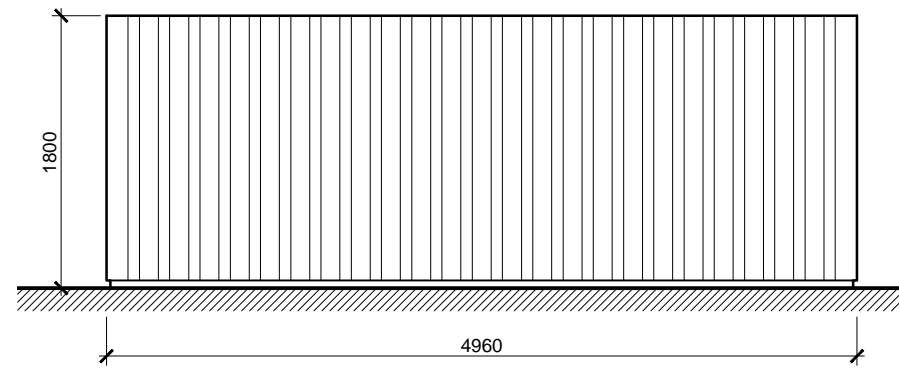


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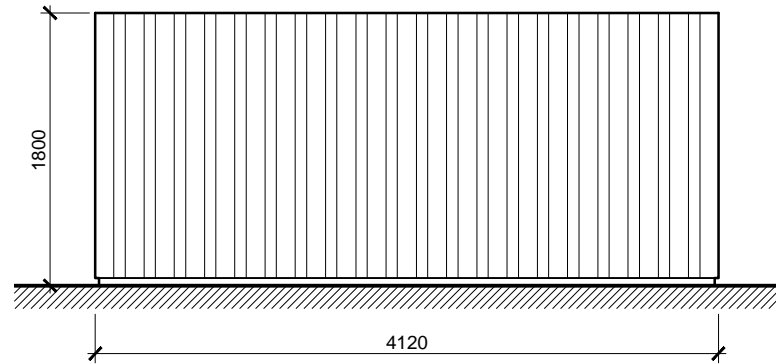
Contractor to CHECK all dimensions & report any discrepancies. All works and materials used are to fully comply with ALL standards as required by the relevant Trade Associations, British Standards, Codes of Practice, Manufacturers Specifications (BBA Certification, etc). All works to be carried out fully in accordance with any Engineer's Calculations, Details, & Instructions, as and where applicable.



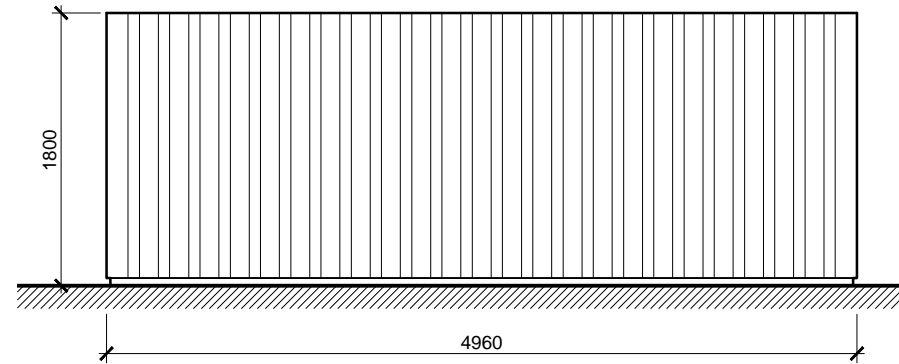
Front Elevation



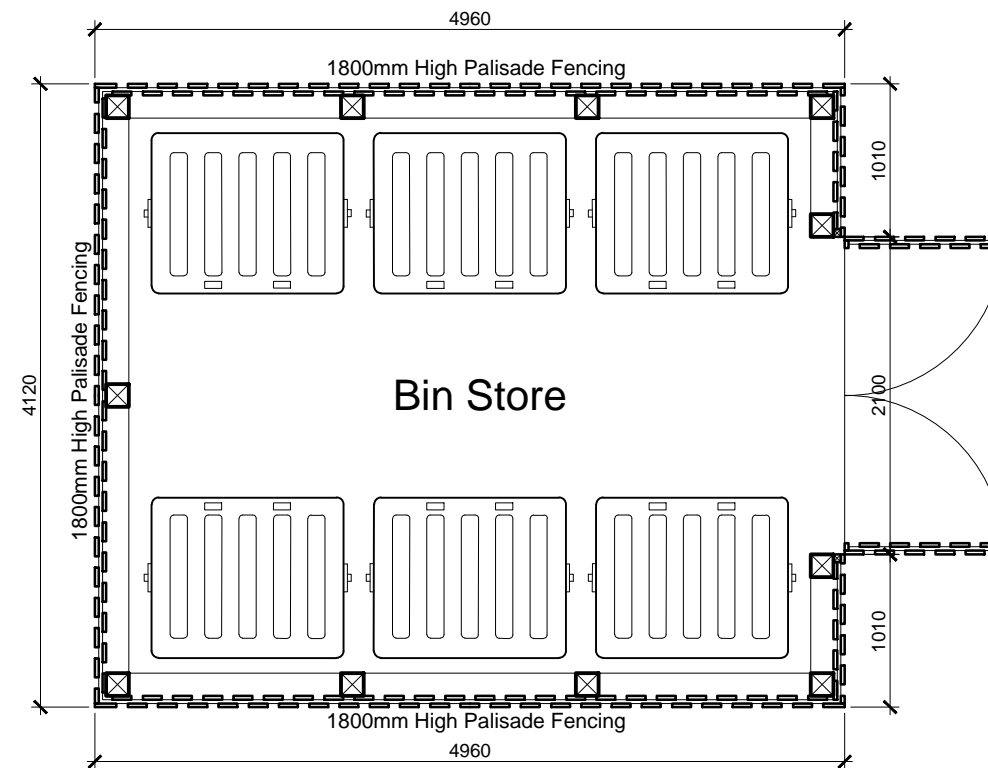
Side Elevation



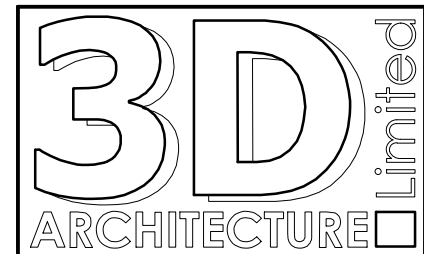
Rear Elevation



Side Elevation



General Arrangement Plan



3-D Architecture Limited  
 Suite 5, Quarry House, Mill Lane,  
 Uckfield, East Sussex. TN22 5AA  
 Tel: 01825 764455 Fax: 01825 764455  
 Email: info@3d-architecture.co.uk

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Property Development & Construction

PROJECT

Proposed Residential Development at:  
 Oakbank  
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DRAWING TITLE

Bin Store Layout

SCALE	DATE	DRAWN BY
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