

OFFICERS REPORT

Application No: Y17/0004/PA

Location: Ross House Ross Way Folkestone Kent CT20 3UJ

Proposal Determination as to whether the prior approval of the Local Planning Authority is required under Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of a building and any land within its curtilage from a Class B1(a) use (offices) to provide 16 self contained apartments (4 x 1-bedroomed, 12 x 2-bedroomed) within Class C3 use(dwellinghouses).

ASSESSMENT

Performance data:-

Date application valid: 10.02.2017

Applicable 8/13/16 week target date: 07.04.2017

Planning Performance Agreement (PPA) or Planning Extension Agreement (PEA) ? n/a

If Yes, revised 8/13/16 week target date: n/a

Is the application being determined after 26 weeks without a PPA or a PEA? n/a

SITE VISIT

Carried out site visit on 21.02.2017.

The site and proposals were assessed from street and surrounding area.

SITE DESCRIPTION

The application site is located to the southern side of Ross Way, within the Hillside Industrial Estate. The property was last in use as offices with a car park to its eastern side. The premises are currently vacant.

The site falls within the urban boundary of Folkestone.

HISTORY

Y16/0029/PA Determination as to whether the prior approval of the Local Planning Authority is required under Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of a building and any land within its curtilage from a Class B1(a) use (offices) to provide 20 self contained apartments (1 studio, 4 x one-bedroomed, 11 x 2-bedroomed, 4 x 3-bedroomed) within Class C3 use(dwellinghouses) and a workshop, together with an external binstore. (Prior Approval Refused)

Y15/0010/PA Determination as to whether the prior approval is required for the change of use from offices (Class B1a) to 14no. residential dwelling units (Class C3). (Prior Approval not required)

83/0792/SH PERMANENT USE OF BUILDING AS OFFICE ACCOMMODATION (Approved)

PROPOSAL

This application is made under Class O, Part 3, Schedule 2 of the GPDO 2015 for determination as to whether the prior approval of the Local Planning Authority is required under Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the change of use of a building and any land within its curtilage from a Class B1(a) use (offices) to provide 16 self contained apartments (4 x 1-bedroomed, 12 x 2-bedroomed) within Class C3 use(dwellinghouses).

Significant levels of internal works are proposed to enable the change of use.

No external alterations to the building are proposed but the block plan shows the location of a binstore and the acoustic assessment refers to the intention to replace all the windows.

PUBLICITY

Neighbour letters: Expiry date 10.03.2017

Site notice: Expiry date 17.03.2017

LOCAL REPRESENTATIONS

None received.

APPRAISAL

The application is to be assessed in accordance with the requirements of Class O, which permits the development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the use classes Order from a use falling within Class B1a (offices) of that schedule.

O. 1 The development is acceptable in accordance with the criteria of class O where:

- a) the building is not on article 2(5) land;
- b) the building was last used as offices;
- c) the use as C3 dwelling houses has not yet commenced;
- d) the site is not part of a safety hazard zone;
- e) the site is not part of a military explosive storage area;
- f) the building is not listed or a scheduled monument;

In terms of criteria above, the LPA is satisfied that none of these criteria apply and the building was last in use as offices for the NHS.

It is noted that Class O does not allow for 'building operations reasonable necessary to convert the building..' as some other prior approval classes do. In this case significant levels of internal works are proposed, but no external works to the building.

In respect to 'building operations' it would seem that this refers to external works only necessary for conversion as the Town and Country Planning Act 1990 Section 55 uses the phrase 'building operations' in the meaning of development and says:

"55 Meaning of "development" and "new development".

(1)Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

[F1(1A)For the purposes of this Act "building operations" includes—

- (a)demolition of buildings;
- (b)rebuilding;
- (c)structural alterations of or additions to buildings; and
- (d)other operations normally undertaken by a person carrying on business as a builder.]

(2)The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground; "

Therefore the internal works proposed do not require planning permission.

It is noted that the footprint of a detached external bin store is indicated on the proposed layout plan but no other details of this have been supplied. This could not be carried out under this prior approval route. Likewise it is noted that the Noise Impact Assessment refers to a scheme to fit double glazed windows throughout the building - but this is development in its own right requiring planning permission and cannot be carried out under this prior approval route. The third element of additional structure work is the supply of cycle storage facilities which will also require planning permission. This can be made clear by planning informative.

The only aspects for consideration that are covered in respect of prior approval under Class O are the following matters :

(a) Transport and highways impacts of the development;

(b) Contamination risks on the site;

(c) Flooding risks on the site; and

(d) Impacts of noise from commercial premises on the intended occupiers of the development.

Part (d) of the list above was added to the GPDO 2015 under the 2016 amendment as was the following wording :

O.2 (2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

The 2016 GPDO amendment section 'Interpretation of Class O' states that :

O.3 For the purposes of Class O 'commercial premises' means any premises normally used for the purpose of any commercial or industrial undertaking which existed in the date the application under paragraph O.2(1) and includes any premises licensed under the Licensing Act 2003(a) or any other place of public entertainment.'

(a) Transport and highway impacts -

The submitted ground floor plan (proposed) shows the notional parking of 19 cars around the building.

The Kent County Council Highways and Transportation Officer has provided the following comments :

"The proposal site having an existing permitted use with associated vehicle movements does not cause any concern in relation to traffic generation on the highway network.

The indicated parking provision meets the required standards and layout is acceptable.

In terms of the conversion to residential accommodation I only have one concern. There are existing vehicular accesses onto Ross Way which are adequate with good visibility, there is however no pedestrian entrance and no footway on the south side of Ross Way. As a residential use the site is likely to generate more trips on foot to access local facilities, bus services etc. There is on site a short section of footway adjacent to the western wall of the building, I would like this extended access across the verge adjacent to the vehicular access and to include a new pair of pedestrian dropped kerbs to aid pedestrians (particularly the mobility impaired / elderly and parents with pushchairs) accessing the site safely.

With the above in mind I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway

authority:-

- o Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- o Provision of measures to prevent the discharge of surface water onto the highway.
- o Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- o Provision of footway link to site and pedestrian dropped crossing on Ross Way to be provided prior to occupation and be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
- o Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority."

It is considered that the use of conditions (Grampian style is possible for the footway) can be used to overcome any highway objections. The applicant has advised their understanding and agreement of this.

(b) Contamination risk in relation to the building -

The Environment Agency maps show that the site is not in a controlled groundwater zone. The Council is not aware of any past uses that could have left contamination and the proposal is for internal conversion with no private gardens for individual units. The proposal is therefore considered to be acceptable in terms of contamination matters.

(c) Flooding risks in relation to the building -

This area is not at risk to flooding on the Environment Agency flood hazard maps of the Shepway Strategic Flood Risk Assessment hazard maps. Therefore there are no flood risk issues in this instance.

(d) Impacts of noise from commercial premises on the intended occupiers of the development.

The site is located within an established Employment site (Hillside Industrial Estate) with surrounding pre-existing commercial uses that are noisy - such as the public waste/recycling amenity site to the south of the site.

In support of this application there has been submitted a noise impact assessment which has been reviewed by Environmental Protection officers who comment that :

"Environmental Health has reviewed the noise impact assessment report No. MRL/100/1145.1v1, produced by MRL acoustics.

In accordance with 5.4 conclusion, it states that a specific scheme of noise mitigation measures is not required for this particular site in order to meet the required internal acoustic criteria and fully protect the amenity of future residents in accordance with the standards outline in BS 8233: 2014.

It makes recommendation in 4.31 that all habitual rooms the glazing should consist of minimum construction of 4mm glass - nominal 20mm air gap - 4mm glass.

The report is unclear, however, whether the noise from the motorcycling training centre, adjacent to the property was captured in the monitoring process.

If the noise has been captured in this report, then it would reflect a true representation regarding the noise on site and a worst case scenario would have been established. Environmental Health would therefore accept this report and the mitigation.

If the noise has not been captured, then it is unknown whether this would have an adverse impact on the day time recordings. I would therefore advise clarification be made on this point."

The case officer has contacted the adjacent Motorcycle Training Centre who confirms that during the time of the assessment was undertaken they had 2 CBT training sessions on the Wednesday and a full training course also running on the Thursday from 10.30am.

Therefore the report's conclusion that a specific scheme of noise mitigation measures is not required for this particular site in order to meet the required internal acoustic criteria and fully protect the amenity of future residents in accordance with the standards outline in BS 8233: 2014 is accepted.

(It is also noted that within this application there is the intention to install new windows throughout the building but this would be development requiring planning permission in its own right and cannot be a condition of this prior approval.)

CONCLUSION

Subject to suitably worded conditions to it is recommended that Prior Approval be granted under Class O, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 2015 (as amended).

Case Officer:

Report and draft decision notice completed and passed to senior officer.

Name: Position: Date:

Report and draft decision notice amended (if appropriate)

Name: W Simpson Position: Planner Date: 15.03.2017

Senior Officer

Report not agreed. Details of further work required as follows:

Name: Position: Date:

Report and draft decision notice agreed and file passed to admin to issue decision.

Name: C Dethier Position: DM Team Leader Date: 7/4/17