

PLANNING COMMITTEE – 21 JUNE 2018

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 18/502472/PNOCLA			
APPLICATION PROPOSAL			
<p>Prior notification for the change of use of offices to 75 residential apartment units. For the Council's prior approval to:</p> <ul style="list-style-type: none"> - Transport and Highways impacts of the development; - Contamination risks on the site; - Flooding risks on the site; and - Impacts of noise from commercial premises on the intended occupiers of the development. 			
ADDRESS Eastgate House, 25-29 London Road, Sittingbourne, Kent, ME10 1NQ.			
RECOMMENDATION Grant, subject to the views of KCC Highways & Transportation, Highways England, and any further comments from third parties (closing date 21 st June 2018).			
SUMMARY OF REASONS FOR RECOMMENDATION			
The proposal meets the requirements of Part O of the Town & Country Planning (general Permitted Development) (England) Order 2015 (as amended).			
REASON FOR REFERRAL TO COMMITTEE			
Called in by Councillor Truelove.			
WARD Homewood	PARISH/TOWN COUNCIL	APPLICANT AA Homes	
		AGENT Indigo Planning	
DECISION DUE DATE 29/06/18	PUBLICITY EXPIRY DATE 21/06/18		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
17/506024/PNOCLA	Prior approval for conversion from offices to 22 residential flats.	Prior approval not required	15.01.18
The proposed development met the requirements of Class O without giving rise to any serious concerns in respect of highways, flooding, pollution, or noise, and the Council's prior approval was therefore not required.			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Application site is a three-storey office block situated along the A2 close to the town centre (roughly 420m to the top of the High Street). It is constructed of brick with large sections of glazing along the front and rear elevations. Vehicle access is via an underpass into a car park area to the rear, which serves this building and a number of surrounding commercial / light industrial units. This building has 48 allocated spaces within the car park.
- 1.02 There are residential properties adjacent to the site, fronting on to the A2, and around the sides of the wider trading estate. Members will note that 31, London Road – located immediately to the west – has the benefit of planning permission (reference 16/507181/FULL and 17/505232/FULL) for re-development to provide a total of ten dwellings.
- 1.03 The building was originally granted planning permission in 1977 (ref. SW/77/0959 and 1039). The permitted development rights of the building were not affected by that permission.
- 1.04 The site is located in Flood Zone 1, an area of low flood risk.

2.0 PROPOSAL

- 2.01 The application seeks to determine whether the Council's prior approval (under Class O of the GPDO 2015 as amended) is required for change of use of the property from offices to 75 one-bed residential flats, with the following issues to be considered:
- Transport and highways impacts;
 - Contamination risks;
 - Flood risk; and
 - Impact of noise from commercial premises on the intended occupiers.
- 2.02 It is proposed to convert the ground floor to provide 20 flats; first floor to 13 flats; second floor to 21 flats; and the third floor to 21 flats. These will be arranged off the central access corridor, with stairway access at either end of the building.
- 2.03 The proposed flats will vary from approximately 26sqm to 89sqm. No details of the precise internal layout of each flat have been provided (nor are they required to be by the legislation) but it is evident that each flat will be roughly rectangular / square and, for the upper floors of the building, capable of conversion resulting in a logical, usable layout. With regard to the ground floor, the proposed layout lacks a corridor to allow access to some of the flats. An amended plan has been requested and I will update Members at the meeting.
- 2.04 The agent's covering letter comments:
- “This application follows the recent prior approval application for the building's conversion to provide 22 x residential flats (LPA reference 17/506024/PNOCLA). In determining this previous application, the Council has confirmed that the site is eligible for a permitted development change of use under Class O and has assessed it against the relevant planning considerations (transport, flooding, contamination and noise).”*

3.0 SUMMARY INFORMATION

	Proposed
No. of Storeys	3
Parking Spaces	48
No. of Residential Units	75
No. of Affordable Units	0

4.0 PLANNING CONSTRAINTS

- 4.01 The site is within an area of potential archaeological importance, and trees to the front of the building are covered by TPO (ref. 7973 and 7974), but neither of these designations are affected by the current proposals.

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The key considerations are those set out by Class O and paragraph W of Part 3 of Schedule 2 to the General Permitted Development (England) Order 2015 (as amended).
- 5.02 Class O sets out that *“change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule”* is permitted development, provided that the proposal first meets certain requirements (a) to (g), which include the building having last been in office use, the site not being within a conservation area, not being a listed building, etc.
- 5.03 Class O sets out the conditions of permitted development provided that the applicant submit details in respect of certain issues:

“Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- (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.”*

6.0 LOCAL REPRESENTATIONS

- 6.01 A letter of objection has been received from a nearby residents, raising the following summarised issues:
- Local parking is restricted to permit holders only;
 - Local parking is over-subscribed; and
 - The Council shouldn't issue any permits to residents of this development, and that should be made a condition of the planning permission.
- 6.02 The deadline for comments is, as noted above, 21 June 2018, and if further responses are received, I will update Members at the meeting.

7.0 CONSULTATIONS

- 7.01 I await comments from KCC Highways & Transportation and Highways England and will update Members at the meeting.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 Application ref. 17/506024/PNOCLA is relevant in that it granted consent for conversion of the building, under Class O permitted development rights, to 22 self-contained residential flats.
- 8.02 The current application is supported by relevant plans and drawings.

9.0 APPRAISAL

- 9.01 The scope of what can be considered under Class O is very limited, and I am therefore not able to take into account matters like provision of outdoor amenity space, or the internal layout. As set out at 5.03 above: what can be considered under this type of application is set out by the GPDO:
- (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.

Transport and highways impacts

- 9.02 The application proposes 75 flats within the existing building, with 48 designated parking spaces to the rear. Current adopted Kent Vehicle Parking Standards set out that for one-bed flats in sustainable urban locations such as this, a maximum provision of one parking space per dwelling is acceptable. In that regard the scheme accords with the adopted standards. I also note that the site is within walking distance of the town centre, and that the road to the front is subject to double yellow lines and zig-zag lines, which would prevent anti-social parking on the highway. Any anti-social parking within the car park to the rear of the building would be a private matter for the owners of those properties.
- 9.03 It should also be noted that parking demand for a proposed residential use has to be balanced against potential vehicle movements and parking if the building were to be put back into office use. The adopted Kent Parking Standards suggest that an office block of this size would require 74 parking spaces (1 per 25sqm), in which regard the current proposal generates a lower parking demand.
- 9.04 In this regard I consider the highways impacts to be acceptable.
- 9.05 I am, however, as noted above, awaiting comments from KCC Highways and Transportation and Highways England, particularly in respect of the volume of additional traffic likely to be generated by the conversion and the potential impact upon the wider highway network. I will update Members at the meeting and it may be the case that my recommendation changes, subject to the comments received.

Contamination risks

- 9.06 The site is not considered to be contaminated and no ground works are proposed. Prior approval is therefore not required in this respect.

Flooding risks

- 9.07 The site is located in Flood Zone 1, and sits at the top of a hill where flooding is unlikely to occur. Prior approval is therefore not required in this respect.

Impacts of noise from commercial premises on the intended occupiers

- 9.08 The site is largely surrounded by residential properties. There are a number of small commercial / light industrial units within the trading estate but these do not generate significant levels of noise and disturbance, and would require planning permission to change to uses that would do so. There is unlikely to be any significant noise impacts on the intended occupiers, and prior approval is therefore not required in this respect.

Other matters

- 9.09 I am concerned about the number and size of units to be provided. Whilst they are generally of a usable scale (though many are on the small side) and layout in themselves, the provision of 75 small flats without any outdoor amenity space could give rise to very poor quality accommodation. Unfortunately, however, officers and Members are not able to take this into consideration under the guidelines of Class O, which is a failing of the legislation in my opinion.
- 9.10 I note local objection, but there is no scope for consideration of local objections within the permitted development change of use process.

10.0 CONCLUSION


- 10.01 This application seeks the Council's prior approval for conversion of an office block to 75 residential flats. The development meets the criteria as set out in Class O of the General Permitted Development (England) Order 2015 (as amended), and no other matters can be considered under such an application. I am, however, awaiting comments from KCC Highways and Transportation and Highways England in respect of highways impacts.
- 10.02 Subject to receipt of comments from KCC Highways and Transportation and Highways England, I recommend that prior approval is not required.

11.0 RECOMMENDATION – Prior Approval not required:

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



18/502472/PNOCLA - Eastgate House, 25-29 London Road, Sittingbourne
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