

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	AC	27 th May 2020
Planning Development Manager authorisation:	AN	28/05/2020
Admin checks / despatch completed	CC	28.05.2020
Technician Final Checks/ Scanned / LC Notified / UU Emails:	BB	28/05/2020

Application: 20/00465/COUNOT **Town / Parish:** Thorpe Le Soken Parish Council

Applicant: Mr De Roy

Address: Units 7 and 7A Rice Bridge Industrial Estate Station Road

Development: Proposed conversion of office block to 8 residential units.

1. Town / Parish Council

No comments received

2. Consultation Responses

Environment Agency 27.05.2020	We have reviewed the application as submitted and have no objection to this planning application because the site is currently defended and the SMP policy for this area has an aspiration for hold the line. If the SMP policy is not taken forward the development would be unsafe in the future. Please take note of this and the other flood risk considerations which are your responsibility
Environmental Protection 20.05.2020	I have reviewed the acoustic report attached to the above applications and I am satisfied with the conclusion therefore Environmental Protection has no further comments to make in relation to this application.
ECC Highways Dept	It is noted that this is a revised application to 19/01927/COUNOT for the conversion of office block to 6 residential units. The site is located on a private road and close to reasonably good transport links. When compared with the former commercial use, the level of activity will be similar or considerably reduced while the nature of vehicles will also change; therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority subject to mitigation and conditions.

3. Planning History

19/01927/COUNOT	Proposed conversion of office to 6 residential units.	Refused	12.02.2020
20/00465/COUNOT	Proposed conversion of office block to 8 residential units.	Current	

4. Relevant Policies / Government Guidance

5. Officer Appraisal (including Site Description and Proposal)

Site Description

This prior notification application relates to Units 7 and 7a, Rice Bridge Industrial Estate, Station Road, Thorpe-le-Soken. The Rice Bridge Estate comprises a mix of office and industrial units located close to the railway bridge and railway station in Thorpe le Soken. At the entrance to the estate is a large two storey building constructed in the 1980's which is occupied as a single office unit. This is the unit subject of this application. To the front of the office building are 6 car parking spaces. To the south of the estate road are further parking spaces occupied by the office units. To the east are a collection of single storey units which are occupied by various B1 commercial activities. To the north is an existing car MOT and serving garage.

Description of Proposal

It is proposed to convert the building in to eight self-contained apartments, with 3 x 2-bedroom and 1 x 1-bedroom units on the ground floor and 2 x 2-bedroom and 2 x 1 bedroom units on the first floor.

Class O - offices to dwellinghouses

Development consisting of a 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.

Development not permitted

O.1 Development is not permitted by Class O if

- (a) the building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019.

The building is not on article 2(5) land. **The proposal complies.**

- (b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order -

- (i) on 29th May 2013, or
(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use

The building was used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order on 29th May 2013. **The proposal complies.**

- (c) the site is, or forms part of, a safety hazard area

The site is not, or does not form part of, a safety hazard area. **The proposal complies.**

- (d) the site is, or forms part of, a military explosives storage area

The site is not, or does not form part of, a military explosives storage area. **The proposal complies.**

- (e) the building is a listed building or is within the curtilage of a listed building

The building is not a listed building nor is within the curtilage of a listed building. **The proposal complies.**

- (f) the site is, or contains, a scheduled monument.

The site is not nor contains, a scheduled monument. **The proposal complies.**

Conditions

O.2 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
- (d) impacts of noise from commercial premises on the intended occupiers of the development

(a) Transport and Highways Impacts of the Development

It is noted that this is a revised application to 19/01927/COUNOT for the conversion of office block to 6 residential units. The site is located on a private road and close to reasonably good transport links. When compared with the former commercial use, the level of activity will be similar or considerably reduced while the nature of vehicles will also change. The Highways Authority does not raise any objection to the proposal.

Although the site is not situated with a main urban area the site is located close to the local railway station with frequent and extensive public transport, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be considered to this proposal as it is located very close to regular public transport services.

(b) Contamination Risks on the Site

The site is not in an area where there are Contamination Risks on the site.

(c) Flooding Risks on the Site

Paragraph 3.8 of the Planning Statement submitted with the application states that 'The site is within Flood Zone 3, but within an area shown as being protected by existing flood defences. The risk of flooding is therefore low and no greater than for the existing office use. There is no requirement to undertake a sequential test with regard to Class O of the GPDO. There are no known surface drainage problems in the area.

The site is currently protected by flood defences with an effective crest level of 3.14m AOD which is below the present-day in channel 0.5% (1 in 200) annual probability flood level of 3.98m AOD. While flood water does overtop the flood defences their presence results in the site not being at risk of flooding in the present-day 0.5% (1 in 200) annual probability flood event. The defences will continue to offer protection over the lifetime of the development, provided that the hold the line SMP policy is followed and the defences are raised in line with climate change, which is dependent on future funding.

A Flood Evacuation Plan has been proposed and is necessary to ensure the safety of the development in the absence of safe access with internal flooding in the event of a breach flood.

(d) Noise Impacts

Following a review of the acoustic report, Environmental Protection conclude that they do not need to make any further comments.

The provisions of paragraph W (prior approval) apply in relation to that application.

Procedure for applications for prior approval under Part 3

W.1 The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

W.2 The application must be accompanied by

- (a) a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must include any building or other operations
- (b) a plan indicating the site and showing the proposed development
- (c) the developer's contact address
- (d) the developer's email address if the developer is content to receive communications electronically
- (e) where sub-paragraph (6) requires the Environment Agency(a) to be consulted, a site-specific flood risk assessment

together with any fee required to be paid.

- (a) Paragraph 1.1 in the Planning Statement provides a written description of the proposed development
- (b) Drawing number DRB-04 A indicates the site and shows the proposed development
- (c) Question 1 on the application form states that the address is care of the planning agent
- (d) Question 8 on the application form provides an email address
- (e) A site-specific flood risk assessment was received on the 1st April 2020.

The appropriate fee was received on 2nd April 2020. The application complies with the requirements of condition 2 of Paragraph W.

W.3 The local planning authority may refuse an application where, in the opinion of the authority -

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

The proposed development complies with and the developer has provided sufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified in this Part as being applicable to the development in question. The application complies with the requirements of condition 3 of Paragraph W.

W.4 Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

The application is not being refused under sub-paragraph 3; sub-paragraphs (5) to (8) and (10) apply. The application complies with the requirements of condition 4 of Paragraph W.

W.5 Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult -

- (a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road

- (b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority
- (c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway

The Highways Authority were consulted on 27th April 2020. The Local Planning Authority has complied with the requirements of Condition 5 of Paragraph W.

W.6 Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency (b) where the development is -

- (a) in an area within Flood Zone 2 or Flood Zone 3; or
- (b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

The site is within Flood Zone 3 and the Environment Agency were consulted. The Local Planning Authority has complied with the requirements of Condition 6 of Paragraph W.

W.7 The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

The Local Planning Authority notified the consultees referred to in sub-paragraph (5) on 27th April 2020 specifying the date by which they must respond of 18th May 2020; the Local Planning Authority notified the consultees referred to in sub-paragraph (6) on 7th May 2020 specifying the date by which they must respond of 28th May 2020. This date is less than 21 days from the date the notice is given but all consultation responses were submitted prior to the determination date.

W.8 The local planning authority must give notice of the proposed development -

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which -
 - (i) describes the proposed development
 - (ii) provides the address of the proposed development
 - (iii) specifies the date by which representations are to be received by the local planning authority; or
- (b) by serving a notice in that form on any adjoining owner or occupier.

A site notice was displayed on 27th April 2020 (the 21-day period expired on 18th April 2020). The site notice described the development as "Proposed conversion of office block to 8 residential units.". The address of the proposed development is given as " Units 7 and 7A, Rice Bridge Industrial Estate, Station Road, Thorpe Le Soken, CO16 0HH". The site notice specified the date of 18th May 2020 by which representations were to be received by the Local Planning Authority. The Local Planning Authority has complied with the requirements of Condition 8 of Paragraph W.

W.9 The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include— (a) assessments of impacts or risks; (b) statements setting out how impacts or risks are to be mitigated; or (c) details of proposed building or other operations.

The Local Planning Authority did not require the developer to submit further information in regards to assessments of impacts or risks, statements setting out how impacts or risks are to be mitigated or details of proposed building or other operations. The Local Planning Authority has complied with the requirements of Condition 9 of Paragraph W.

W.10 The local planning authority must, when determining an application -

- (a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8)
- (b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012(a), so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and
- (c) in relation to the contamination risks on the site -
 - (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(b), and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012(c), and
 - (ii) if they determine that the site will be contaminated land, refuse to give prior approval.

Representations received as a result of the consultation under sub-paragraph (5) from the Highways Authority and sub-paragraph (6) from the Environment Agency have been taken into account. No representations were received as a result of the notice given under sub-paragraph (8). The Local Planning Authority has had regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012(a), so far as relevant to the subject matter of the prior approval, as if the application were a planning application. As a result of the proposed change of use, taking into account any proposed mitigation, the site will not be contaminated land as described in Part 2A of the Environmental Protection Act 1990(b). The Local Planning Authority has complied with the requirements of Condition 10 of Paragraph W.

W.11 The development must not begin before the occurrence of one of the following -

- (a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required
- (b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
- (c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

The expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority is 28th May 2020. A notification to the applicant is being made in advance of this date informing the applicant that prior approval is not required. The Local Planning Authority has complied with the requirements of Condition 11 of Paragraph W.

W.12 The development must be carried out -

- (a) where prior approval is required, in accordance with the details approved by the local planning authority
- (b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing

W.13 The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

O.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.

Interpretation of Class O

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 on the date of application under paragraph O.2(1), and includes any premises licensed under the Licensing Act 2003(a) or any other place of public entertainment.”.

6. Recommendation

Determination prior approval not required

7. Conditions / Reasons for Refusal

- 1 The development must be carried out in accordance with the details provided in the application (Drawing number DRB-04 A and the Flood Evacuation Plan received 1st April 2020), unless the local planning authority and the developer agree otherwise in writing.

8. Informatives

Cycle parking shall be provided in accordance with the EPOA Parking Standards. The approved facility shall be secure, convenient, always covered and provided prior to first occupation and retained.

Prior to occupation of the proposed dwelling, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for the dwelling, for sustainable transport, approved by Essex County Council, (to include six one day travel vouchers for use with the relevant local public transport operator free of charge).

Although the site is not situated with a main urban area the site is located close to the local railway station with frequent and extensive public transport, the EPOA Parking Standards recommend that a reduced parking standard provision may be applied to residential developments. A reduced parking standard provision level can be considered to this proposal as it is located very close to regular public transport services.

The vehicular access to the site is situated behind gates located at the entrance to Rice Bridge Industrial Estate; if these are ever closed access would be blocked to the prospective residential units. Consideration would need to be given to re-locate these gates beyond the vehicular entrance to 7 and 7A if there is a requirement to close these gates for the benefit of the remainder of the industrial estate.

Steps should be taken to ensure that the Developer provides enough turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 - Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

Are there any letters to be sent to applicant / agent with the decision?		NO
Are there any third parties to be informed of the decision?		NO