

17/3696/GPD16
1A St Leonards Road, East Sheen

Site and Surrounding

The application site relates to a single storey warehouse located to the rear of 1 St Leonards Road, East Sheen. The site is located in the Sheen Lane Mortlake Conservation Area and the East Sheen Town Centre boundary.

Proposal

The proposal is for the change of use of the premises from B8 (Warehouse and Distribution) to C3 (residential) use to create 6 no. 1 bedroom units.

This application relates to the prior notification to determine whether prior approval is necessary for the proposed development.

History

Ref	Proposal	Decision	Dec Date
16/3978/GPD16	Change of use from B8 (Warehouse and Distribution) to C3 (residential - 6 no. 1 bed flats).	Refused	09.12.2016
98/0712	Change Of Use Of Prefabricated Building From Storage/packaging Use To Scout Hall.	granted permission	20/08/1998
82/0316	Demolition of existing buildings and erection of a prefabricated building for storage/packaging use with ancillary offices and loading bay. (Drawing No. UN/4395/R1 received on 14/9/82 and amended on 16/11/82).	granted permission	19/11/1982

Public and Other Representations

The occupiers of neighbouring properties were consulted and 1 letter of support was received stating the following:

- Note access constraints of site access

Amendments

Revised drawings were received incorporating mitigation measures set out in Road Safety Audit.

Professional Comments

Class P – Storage or Distribution Centre to Dwellinghouse

'Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B (storage and distribution centre)

of the Schedule to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule.

- a) The supporting information submitted by the applicant states that the site is currently occupied by a warehouse (B8) with ancillary office space on the first floor.

Planning permission was granted under planning reference 82/0316 for the demolition of existing buildings and the erection of a prefabricated building for storage/packaging use with ancillary offices and loading bay. This was followed by planning consent 98/0712 for the change of use to a scout hall, although it remains unclear as to whether this permission was implemented.

The applicant has provided no further information to demonstrate that the existing building was in B8 use in the intervening period, however, Building Control records demonstrate that the building was in use for a period of at least 4 years prior to the submission of this application and the Council does not have any further evidence to demonstrate an alternative use and so accept the premises to be in B8 (Storage) use.

- b) As (a) above.
- c) The applicant will need to comply with this clause (commencement of C3 use after 15 April 2018) to benefit from these permitted development rights
- d) The gross floor space of the existing building does not exceed 500sqm. It measures 187.86 sqm.
- e) The site has not been occupied under an agricultural tenancy
- f) Not applicable
- g) The building is not within
- i) An Area of Outstanding Natural Beauty
 - ii) An area specified by the SoS for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
 - iii) The Broads; or
 - iv) A National Park;
 - v) A World Heritage Site;
- h) The site does not form part of
- i) A site of special scientific interest
 - ii) A safety hazard area
 - iii) A military explosive storage area
- i) The building is not listed nor within the curtilage of a listed building
- j) The site does not contain a scheduled monument

Conditions

P.2 (a) The developer has provided information on historical planning applications which confirm the building was in B8 in 1982 - see parts (a) and (b) above for further information.

- (b) (i) Impacts on air quality

The applicant has submitted an Air Quality Assessment in support of the application which has been reviewed by the Council's Environmental Health Officer who raised no concerns with the outcome of the assessment.

(ii) Transport and highways impacts of the development

The Council expects schemes to provide an appropriate level of off-street parking to avoid an unacceptable impact on on-street parking conditions and local traffic conditions. There is a requirement for the provision of 1 space per 1 bedroom residential units in accordance with Policy DM TP8. Given the scheme proposes 6 x 1 bedroom dwellinghouse, 6 off-street parking spaces would have been required. No on-site parking has been provided as part of the proposal.

Whilst the building itself is located in PTAL Zone 3 (moderate), the Council consider the site to be in PTAL Zone 2 given the entrance to the site is located in this zone. Furthermore, the site is located in a CPZ area which is operational between Mon-Fri 10am – 12pm.

It is acknowledged that the site is located in East Sheen Town Centre, provides cycle facilities and proposes one bed flats which are more likely to attract smaller households who may be less reliant on private transport than a larger family household. However, given the poor public transport provision and limited CPZ operational hours in the area it is considered that the above is unlikely to deter car ownership and thus the proposal for 6 additional units would result in further additional parking pressure on the area which is already under stress.

Application 16/3978/GPD16 was refused on the following grounds:

Reason for Refusal 1.

Under Class P.2(b)(ii) (transport and highways impact of the development) of the Town and Country Planning (General Permitted Development) (England) Order 2015, prior approval is required and refused. The proposal creates a shortfall of 6 car parking spaces in an area of high parking stress and in the absence of a satisfactory parking survey that demonstrates that any shortfall would not be prejudicial to the free flow of traffic and highway and pedestrian safety in surrounding streets, the applicant has failed to demonstrate that the scheme will not give rise to excessive on-street parking demand outside CPZ hours which would have a detrimental impact on the free flow of traffic and the safety and convenience of other road users. The scheme would thereby be contrary to the aims and objectives of the NPPF and Local Plan, particularly Policies DM TP6 and DM TP8 of the adopted Development Management Plan.

Reason for Refusal 2.

Under Class P.2(b)(ii) (transport and highways impact of the development) of the Town and Country Planning (General Permitted Development) (England) Order 2015, prior approval is required and refused. By reason of access to the property being through an access road and car park, and the lack of dedicated pedestrian footpath, the applicant has failed to demonstrate that there would not be an adverse impact on the free flow of traffic and pedestrian safety. The scheme would thereby be contrary to the aims and objectives of the NPPF and Local Plan, particularly Policy DM TP6 of the adopted Development Management Plan.

The above application was appealed by the applicant and the inspector upheld Reason for Refusal 1 in the absence of a legal agreement securing a car free

development. However, the inspector dismissed Reason for Refusal 2 considering that it would provide safe and suitable access to the site for pedestrians.

Notwithstanding the outcome of the appeal, in order to overcome the Council's previously raised concerns, the applicant has provided a Road Safety Audit which sets out a number of recommendations to ensure that the site can be accessed safely by vehicles and pedestrians. These mitigation measures include the removal of the existing handrail, the resetting of the dropped kerbs either side of the site access and introduction of tactile paving and the designation of the access route as shared space.

No on-site parking is proposed for this development of 6 no. 1 bedroom dwellings. The applicant has provided an updated transport statement since the previous refused applications which includes a parking survey undertaken in early 2017. This acknowledges that the area suffers from parking stress and recommends that a restriction is placed on future occupiers restricting access to parking permits in the CPZ area and in Council run car parks.

The Council's Transport Officer has considered the proposal in light of the updated transport statement and the mitigation measures proposed and raises no objections subject to the following conditions:

- Condition removing any entitlement to resident/visitor parking permits and business parking contracts in any council run car parks now and in the future for all future occupants of the development.
- Five year car club membership
- Construction Method Statement

Details of refuse and recycling storage can be secured through conditions.

On this basis, and given the findings of the appeal decision for application 16/3978/GPD16, it is considered that the reasons for refusal have been overcome and that the proposal would not result in an adverse impact on the free flow of traffic and highway and pedestrian safety and so is in accordance with the NPPF and Local Plan, particularly Policies DM TP6 and DM TP8 of the adopted Development Management Plan.

(iii) Contamination risks in relation to the building

The site and its immediate surroundings have been subject previous industrial uses including a warehouse, light industrial unit, cosmetics works and a timber works. Given the sensitivity of the proposed end use, a contaminated land condition will be recommended.

Further to this, a phase 1 desk top study was supplied with the report which considers potential soil contamination related risks to be low based on the fact that the site will remain covered by hardstanding and no ground break is proposed as part of the development. The Council's Environmental Health Officer raised no significant concerns with the findings of this study but, given the nature of the area, recommended a standard condition to be attached to any permission given.

(iv) flooding risks in relation to the building

The site is not situated within a Flood Risk area.

(v) Noise impacts of the development

The applicant has submitted a noise assessment in support of the application which has been reviewed by the Council's Environmental Health Officer who raised no concerns with the outcome of the assessment.

Concerns were raised about the impact of existing commercial premises in the vicinity of the site where there are mechanical services and kitchen extract plant which may negatively impact on occupiers of the proposed development given the corrugated sheet steel fabric of the building which typically has reduced sound insulation performance. However, it is acknowledged that noise impact **on** the proposed development is not a consideration for this type of prior approval application.

(vi) where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services

Given the siting of the location, it is not considered the located in an area that is important for providing storage.

Recommendation

17/3696GPD16: That a written notice is issued confirming that **PRIOR APPROVAL IS REQUIRED AND APPROVED**