

DELEGATED DECISION

Prior Approval Application under Part 4, Class J of Part 4 of The Town and Country (General Permitted Development) (England) Order 2013

Class J

Development consisting of a change of use of a building and any land within its curtilage to use a falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Report of the Head of Planning, Sport and Green Spaces

Address SUMMERFIELD OFFICE BUILDING SPRINGWELL LANE
RICKMANSWORTH

Development: Change of use to residential (Prior Approval)

LBH Ref Nos: 24597/APP/2013/3101

Drawing Nos: Location Plan and 3 Site Photographs
Sitecheck Report dated 8/5/13

Date Plans Received: 18/10/2013

Date(s) of Amendment(s):

Date Application Valid: 18/10/2013

1. RECOMMENDATIONS

1.1 Recommendations

PRIOR APPROVAL REFUSED

REASONS FOR REFUSAL

The last use of the building would appear to be as ancillary accommodation in relation to the use of part of the site as a garden centre and therefore does not fall within Use Class B1(a) (offices) of the Schedule to the Use Classes Order as required by Section J.1(b) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

The use of the building is subject to condition 12 of planning permission dated 7/8/90 (App. No. 24597/A/89/1968 refers) which states that the sales building/office/store shall be used for purposes solely in connection with the garden centre operations and therefore the use of the building cannot benefit from permitted development rights granted by the Town and Country Planning (General Permitted Development) (England) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

The site is located within Flood Zone 3 and the proposed residential use represents a more vulnerable development in terms of the flood risk associated with the site. The application does not demonstrate that the development is appropriate in this location and that the flood risk has been suitably mitigated, in accordance with Policy EM6 of the Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012), Policy 5.12 of the London Plan (July 2011), the National Planning Policy Framework (March 2012) and Planning Policy Statement 25 Technical Note.

INFORMATIVES

- 1 On the application form, it is mentioned that it is intended to use the site as a bedroom furniture business. You are advised that in the absence of any further details, this use may require planning permission that may not be forthcoming.

2.0 Planning Considerations

1) Is there an existing planning condition removing permitted development rights?

YES - Condition 12 of the original application for the change of use of the watercress beds to garden nursery and erection of associated shop and office building with parking for 28 vehicles; erection of a 4 bedroom bungalow approved on 7/8/90 (App. No. 24597/A/89/1968) states 'The sales building/office/store shall be used for purposes solely in connection with the garden centre operations'.

2) Is the building a Listed Building / in a Conservation Area.

YES - Springwell Lock Conservation Area.

3.0 CONSULTATIONS

Traffic Impacts

The application site is accessed from Springwell Lane and forms a 1.3ha enclosed site with a gated access drive. In addition to the office building, the site comprises a detached bungalow and a garden centre, but it appears that the site is currently vacant. There is a detached garage at the side of the office building and additional parking could be provided on the access road.

Contamination

The Council has no evidence to suggest that this site is contaminated.

Flooding

The proposed development would be located within Flood Zone 3, and is classified as more vulnerable development by Table 2 of the Technical Guidance to the National Planning Policy Framework (NPPF).

The NPPF advises that such inappropriate development in areas at risk of flooding should be avoided. Furthermore, a Flood Risk Assessment has not been submitted which assesses flood risk and how those risks are to be mitigated.

Both the Environment Agency and the Council's Flood and Water Officer raise objection to the proposal.

Consultee Comments

EXTERNAL CONSULTEES:

2 site notices were displayed on 12/11/13, with a closing date of 3/12/13. 0 responses have been received.

ENVIRONMENTAL AGENCY:

The proposed development is located within Flood Zone 3a, and is classified by Table 2 of the Technical Guidance to the National Planning Policy Framework (NPPF) as more vulnerable development. Flood Zone 3a is defined as having a 1 in 100 or greater annual probability of river flooding (>1%), or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any year.

Section 7(a) to Part N of the General Permitted Development Order states that the local

authority may require the developer to submit additional information regarding the impacts and risks referred to in Paragraph J2 (flood risk) which may include:

- a) Assessments of impacts or risks
- b) Statements setting out how impacts of risk are to be mitigated.

The notification has not been accompanied by relevant information about flood risk and therefore fails to show how the development will comply with the NPPF policies on flood risk. It does not demonstrate how people and property will be kept safe from flood hazards.

During a flood event of this magnitude, access to the development will be lost, placing an increased burden on the emergency services. The journey to safe, dry areas outside the 1 in 100 year plus climate change floodplain may involve crossing areas outside of potentially hazardous flood water. Those venturing out on foot in areas where flooding exceeds 100mm or so could be at risk from a wide range of hazards, including for example unmarked drops, or access chambers where the cover has been swept away. It is therefore important that the applicant considers these risks and incorporates any mitigation measures required. Please note that it is not our role to review and assess evacuation plans or flood management plans.

We therefore request that, in response to this letter, you inform the applicant that a Flood Risk Assessment (FRA) is required. Without an FRA at this time, our formal response is to object to the application for prior approval until one is submitted that adequately addresses the risk.

INTERNAL CONSULTEES:

FLOOD AND WATER OFFICER:

I object to the proposed development, as no justification has been provided as to why this development should be sited in an area with a high probability of flooding - Flood Zone 3, and a Site Specific Flood Risk Assessment has not been provided to demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Fluvial Flood Risk

Sequential Test

I object to the proposed development as no justification has been provided as to why this development should be sited in an area with a high probability of flooding.

The site is shown to be within flood zone 3 and the National Planning Policy Framework on page 23 states:

'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.'

The Council needs to be assured that if they are allowing new residential in areas of flood risk, then there must be an appropriate reason. This development will involve changing the use to a more vulnerable use of residential dwelling, into an area with a high probability of flooding.

The Council has to be able to accept that the benefits of the development outweigh this risk by determining there is no available land at a lower risk of flooding. It is for the applicant to satisfy the Council as to why this dwelling should be located in this area. Without suitable evidence the Council should look to alternative sites at a lower risk to fulfil its housing needs.

The majority of the Borough is outside of flood zones 2 and 3, including its main centres. The Council's housing land studies suggest that there are many locations across the Borough not at risk of flooding. To overcome the objection the applicant will need to demonstrate that there is clear justification for developing this area ahead of sites at a lower risk of flooding. This being the only site owned, is not suitable justification for putting people and property at risk of flooding.

Exception Test

The applicant must demonstrate that flood risk can be suitably mitigated in accordance with the NPPF and Policy EM6 of the Local Plan. The National Planning Policy Framework states:

For the Exception Test to be passed:

- * It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Risk Assessment where one has been prepared; and

- * a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the test will have to be passed for development to be allocated or permitted.

A site specific Flood Risk Assessment (FRA) has not been submitted. An Environmental Report has been submitted which confirms the site is at risk of flooding and raises it as an issue that should be considered further. This confirms the site is at risk from fluvial flooding, however makes no assessment of the risks to the site or from the proposed development or makes any recommendations to mitigate those risks which have been taken account of within the planning proposals.

The National Planning Policy Framework also states that it should be demonstrated: development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

This proposal for change of use introduces additional residents into an area of significant risk. People returning to their homes may be inclined to navigate flood waters, or seek to retrieve flooded property (eg. a vehicle) placing themselves at risk, and putting added burden on emergency services, and there is no assessment of the access and escape routes within this application.

The proposal has not considered flood resistance, as proposed finished floor levels of the development appear to be at ground level, meaning residents and their property would be at risk from flooding into the property.

Surface Water

Note: Any conversion should also demonstrate the use of methods to minimise the use of potable water, including water saving measures and equipment, water collection facilities to capture excess rainwater. As well as the use of sustainable drainage methods on the site.

Recommendations

I object to the proposed development as the application does not demonstrate that it is appropriate in location and that flood risk is suitably mitigated as required by Policy EM6 Flood Risk Management in the Hillingdon Local Plan: Part 1 - Strategic Policies (Nov. 2012)

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