

29 July 2021



Mendip District Council
Cannards Grave Road
Shepton Mallet
Somerset
BA4 5BT

Mike Washbourne
E: mike.washbourne@savills.com
DL: +44 (0) 20 3810 9843

33 Margaret Street W1G 0JD
T: +44 (0) 20 7499 8644
F: +44 (0) 20 7495 3773
savills.com

Dear Sir / Madam,

TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (AMENDED) SCHEDULE 2, PART 3, CLASS O

VALLIS HOUSE, 57 VALLIS ROAD, FROME, SOMERSET, BA11 3EG

1. INTRODUCTION

We are instructed by our client, Vallis House Limited, to submit a *prior approval* application to Mendip District Council ("MDC") at the above property ("the site") for:

'Change of use of building from Office Use (Class E(g)) to Dwellinghouses (Class C3)'.

The application has been submitted electronically via the Planning Portal (ref: PP-10061602) and comprises the following information:

- This cover letter;
- Completed application form;
- Statutory application fee of £96 plus £28 service charge (inclusive of VAT);
- Completed CIL additional information form;
- A Noise Assessment report, prepared by Hepworth Acoustics; and
- Scheme plans, prepared by Prime Meridian Architects, as follows

Drawing Reference	Drawing Title	Scale and Size
654.01/PL01	Existing site plan; and Location plan	1:200 @ A1; and 1:1250 @ A1
654.01/PL02	Existing lower ground floor plan	1:100 @ A1
654.01/PL03	Existing upper ground floor plan	1:100 @ A1
654.01/PL04	Existing first floor plan	1:100 @ A1
654.01/PL05	Existing elevations	1:100 @ A1
654.01/PL06	Proposed lower ground floor plan	1:100 @ A1
654.01/PL07	Proposed upper ground floor plan	1:100 @ A1
654.01/PL08	Proposed first floor plan	1:100 @ A1
654.01/PL09	Proposed site plan	1:200 @ A1
654.01/PL10	Proposed elevations	1:100 @ A1
654.01/PL11	Block Plan	1:500 @ A3

It should be noted that there are no external changes proposed to the elevations or roof of the building. The existing building is being retained, repaired and converted for residential use in a manner whereby your authority's express consent through the grant of formal planning permission is neither sought, nor required.

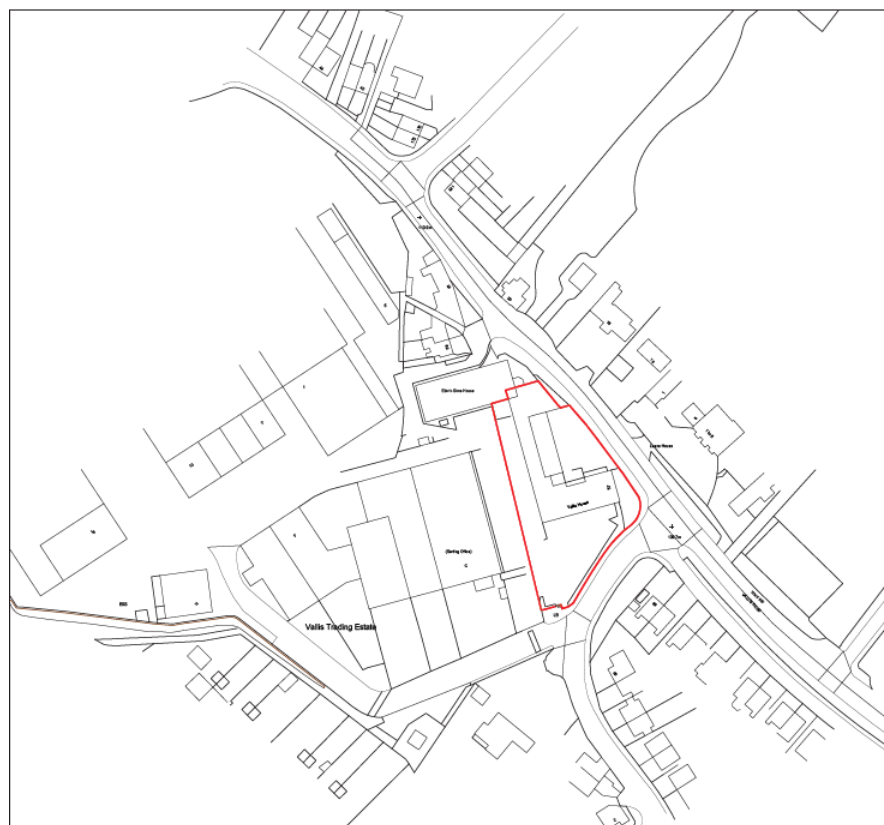
2. SITE DESCRIPTION AND CONTEXT

The site area in question extends to 0.25Ha, comprising Vallis House, an L-shaped building fronting on to Vallis Road and arranged over lower ground, upper ground and first floor levels, together with areas of under-croft and external car parking. There are 55 existing car parking spaces on site. Both Vallis House and the car parking area can be accessed from either Vallis Road to the east or Robins Lane to the south.

Vallis House is in office use, although much of the building is currently vacant. The long section of the L-shaped building is occupied at upper ground floor level. There is a lower-ground floor level at the southeast and northernmost parts of the building only, with under-croft parking intervening between these spaces and situated below the upper-ground floor. The under-croft parking opens onto an area of external parking, accessed from Vallis Road.

The site is located within the edge of the development limits of Frome. Aside from the site and the neighbouring Vallis Trading Estate to the west, the surrounding area is predominantly residential. Beyond the Vallis Trading Estate is currently an empty parcel of land (as per a review of Google Maps), which was granted planning permission (app ref: 2017/0722/FUL) in March 2019 for a mixed use development of 64 dwellings and B1 floorspace.

The site is located within Flood Zone 1. The site does not comprise any statutorily listed buildings and is not located adjacent to a Conservation Area. There are no Article 4 Directions that affect the site.



2 LOCATION PLAN
SCALE - 1:1250 @ A1



Figure 1 – Site Location

3. PLANNING HISTORY

A search of the planning history for the site has been undertaken through the Council's on-line planning register. The applications relevant to our prior approval application are summarised below.

Reference	Details	Decision	Date
2021/0651/PAO	Prior approval for a proposed change of use of a building from Office Use (Class B1(a)) to Dwellinghouses (Class C3)	Prior approval not required	26/04/21
2016/0195/CLP	Minor interior remodelling, addition of new window. Relocation of rain water pipe.	Development is lawful	15/02/16
100056/020	Single storey light industrial storage	Approval	09/07/84

In April 2021, your Council allowed a Class O prior approval scheme (app ref: 2021/0651/PAO) for conversion of the subject building to 22 self-contained residential units; although the conversion never commenced and Vallis House has since remained in use as offices. Insofar as national and local planning policies are concerned, circumstances remain absolutely the same today as at the time of the local authority's April 2021 decision.

The Decision Notice recorded the reason for approval as follows:

“Having regard to transport and highways impacts; contamination risks; flooding risks; and impacts of noise from commercial premises on the intended occupiers of the development and following no objections being received, it is considered that prior approval of the change of use of the building is not required in accordance with Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2015 (As Amended)”.

The planning history of the site does not indicate any uses other than office use (Use Class B1(a)). Crucially, the 2021/0651/PAO decision confirmed the current lawful use of Vallis House as an office B1(a) and moreover, Class O is agreed to, in principle, for this site.

In addition, we have undertaken a review of the business rates information provided on GOV.UK which confirms that currently there are no other uses on the ground, first or second floors except for ‘offices and premises’, i.e. B1(a) use. In light of the above information, it is clear that Vallis House has a lawful B1(a) office use.

4. PROPOSED CHANGE OF USE

Our client's prior approval application is for the ‘Change of use of building from Office Use (Class E(g) to Dwellinghouses (Class C3)’.

It is proposed to convert Vallis House to create 31 self-contained residential units. As shown in the enclosed architectural drawings, the lower-ground floor will provide 3 residential units, a cycle store, bin store and undercroft parking. The upper-ground and first floor levels will each comprise 14 units.

This Prior Approval application has been prepared to reflect the merits associated with the last Prior Approval application (ref: 2021/0651/PAO), with the key difference being that our client's scheme increases the residential units proposed from 22 units to 31 units.

The enclosed proposals for Vallis House illustrate a conversion scheme that is as equally well thought through and acceptable across the usual technical topics (unit sizes, daylight/sunlight and residential amenity) as the earlier, 22-unit scheme that your authority considered earlier this year. Equally, from the point of view of noise impact / amenity interests, the enclosed scheme is acceptable – please refer to the noise report prepared by Hepworth Acoustics that accompanies our submission.

5. PLANNING CONSIDERATIONS

Under Schedule 2, Part 3, Class O of the GPDO, the following development is permitted:

'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 Class Order, to a use falling within Class C3 (dwellinghouses) of that Schedule'.

Under Paragraph O.1 of the GPDO Schedule 2, Part 3, Class O, development is not permitted by Class O if:

- (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;**
- (d) the site is, or forms part of, a safety hazard area;*
- (e) the site is, or forms part of, a military explosives storage area;*
- (f) the building is a listed building or is within the curtilage of a listed building; or*
- (g) the site is, or contains, a scheduled monument.*

Paragraph O.1 (b) does not apply to the application. The building was in lawful use as offices on 29th May 2013 and has since continued to be in lawful use as offices. The site does not form a safety hazard area and does not form part of a military explosive storage area. The building on site is not listed or within the curtilage of a listed building, nor does the site contain a scheduled monument. The site fully satisfies the above criteria.

Paragraph O.2 (1) of Class O states that 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 from the point of view of these five topics:

- (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, and*
- (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses and the provision of paragraph W (prior approval) apply in relation to that application*

(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.

Paragraph O.3 states clearer the intended interpretation and the purpose of Class O "commercial premises" referring any to 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 2003/56 or any other place of public entertainment.

Following your authority's evaluation of the earlier, 22-unit residential prior approval scheme for Vallis House, we do not consider that any circumstances have changed materially in the interim period between the grant of

approval and today's date such as to warrant technical reports to support the enclosed scheme. However, on the topic of noise impact we are nevertheless providing a report by Hepworth Acoustics, as described above.

The 2021/0651/PAO Officer's Report will be considered throughout, and hereon referred to simply as the "Officer's Report".

a) Transport and highways impacts of the development,

The existing access from Vallis Road and Robins Lane will remain; and it was considered in the Officer's Report that *"both access points provide adequate visibility in both directions"*. Further, the 55 car parking spaces will be retained, thereby supplying sufficient levels of car parking. The proposed change of use will additionally provide space for cycle storage on the lower ground floor.

Your authority advised that for the purposes of the earlier 22 unit residential conversion scheme, a minimum of 37 spaces for the conversion would be required in order to meet the Somerset Parking Strategy (SPS) standards. For the enclosed, 31-unit prior approval scheme, the parking requirement increases to a minimum of 53 spaces. No difficulty arises in this case, given Vallis House has 55 existing car parking spaces, all of which will be retained to serve the new residential use.

Due to the current / historic office use already generating significant vehicle movements during peak hours, your Officer's Report for the 22-unit scheme explained that there would be no detrimental impact on the local highway network. That remains the case with the 31-unit scheme.

Further, as per the Officer's Report, the Highways consultant issued no objection to the previous prior approval, and the considerations were summarised as:

- *"There is sufficient capacity within the existing local road network for this development.*
- *The parking levels that are existing are over the levels that are required within the Somerset Parking Strategy (SPS).*
- *The accesses into the development are both pre-existing and would not cause the Highway Authority to raise an objection."*

The proposed change of use is consistent with planning policy guidance and is not anticipated to give rise to any major transport or highways issues. There would not be any unacceptable impact on the highways and transportation network arising from the proposed change of use of the site from office to residential.

b) Contamination Risk

As per the Officer's Report, Mendip's contaminated land consultant issued raised no concern about the intended residential use of the building and summarised the risk as follows:

"The site falls within an area of Contaminated Land due to the former use of the adjacent site as a woollen manufacturer, given the nature of the proposal wherein no physical or excavation works are required, nor soft landscaping, it is considered that there are no land contamination issues relating to the site and accordingly an informative is suggested advising a watching brief if approval is given."

As such, the proposed change of use from office to residential associated with the subject prior approval scheme is again considered entirely acceptable. There are no material contamination risks or issues present here that would in any way restrict the intended conversion of the building.

c) Flood Risk

The site is within Flood Zone 1 and experiences no recorded critical water flooding.

As per the Officer's Report, Mendip's land drainage consultant raised no objection to the earlier scheme and their evaluation was summarised by the following statement: "*There are no proposed changes to the external footprint of the building, therefore there will be no changes to the surface run off*".

As such, it was considered that the development and change of use of the site to residential use was entirely appropriate in view of the topic of flood risk. The position is unchanged by today's submission of a new prior approval scheme – and no concern arises.

d) Impacts of Noise from Commercial Premises on the Intended Occupiers

The site is located in a commercial area. A Noise Assessment has been prepared by Hepworth Acoustics to consider the potential impact of noise from neighbouring commercial premises on the future occupiers of the development.

Since the previous application, it has been considered important to verify the noise levels arising from the existing office premises on the site and to further consider the mitigation measures put forward as part of the previous Prior Approval Application to the Council.

A noise survey was undertaken at the site and the noise levels have been considered to be low impact. The report determines that no specific mitigation measures are necessary at the proposed development in order to achieve suitable acoustic levels for the future residents of the new dwellings.

It should be further acknowledged that in the previous application, first, your authority's environmental protection consultant issued no objection; and secondly, Royal Mail, whose sorting office is approximately 15m east of Vallis House submitted written comments to your department whilst expressly confirming that the organisation did not object to the proposal per se.

In conclusion, based on the findings of the Noise Assessment by Hepworth Acoustics and given the background to the previous application, the intended conversion scheme is satisfactory from the point of view of noise impacts.

e) Daylight Matters

Vallis House benefits from windows arranged around the building – and daylight, sunlight and overshadowing are not considered to be of any concern to the proposed change of use of the building. That was also the position held by your Council for the 22-unit scheme.

f) Unit Sizes

All the units to be provided by the subject conversion scheme comply with National Size Standards and are in line with all relevant prevailing Regulations and guidance..

6. CONCLUSION

The submitted application seeks to convert the existing office spaces (Use Class B1(a)) into 31 self-contained residential units. In accordance with Schedule 2, Part 3, Class O (offices to dwellinghouses) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (Amended). A change of use of a site from office (Use Class B1(a)) to residential (Class C3) use constitutes permitted development subject to the determination as to whether prior approval will be required, in consideration of transport and highways impacts, contamination risks on site, flooding risks, impacts of noise from premises on the intended occupiers sufficient daylight levels to the accommodation and compliance with National unit size standards.



The information that has been provided in this application demonstrates the proposal will satisfy the requirements of Part 3, Paragraphs O.1 and O.2, and therefore it is considered prior approval is not required for the proposed change of use.

We trust you have the necessary information to register, validate and determine our *prior approval* application. However, if you have any queries, or if further information is required, please do not hesitate to contact myself or Chris Constanti at the address given above. We look forward to receiving your acknowledgement of the application.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "M D Washbourne". The signature is fluid and cursive, with a long horizontal stroke at the end.

M D Washbourne MRICS
Director