



Appeal Decision

Site Visit made on 9 June 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 JUNE 2021

Appeal Ref: APP/C3620/W/21/3267897

Vincent Walk Units, Vincent Walk, Dorking RH4 2HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Chris Green of c/o Stonegate Homes against Mole Valley District Council.
 - The application Ref MO/2020/1843, is dated 12 October 2020.
 - The development proposed is full planning application for the improvement and conversion of a B1C industrial unit into 9 residential dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for full planning application for the improvement and conversion of a B1C industrial unit into 9 residential dwellings at Vincent Walk Units, Vincent Walk, Dorking RH4 2HA in accordance with the terms of the application, Ref MO/2020/1843, dated 12 October 2020, subject to the conditions listed in the schedule at the end of this decision.

Preliminary Matters

2. This is an appeal against the failure to give notice of a decision within prescribed timescales. However, in their evidence the LPA state that, had they been in a position to determine the application they would have granted planning permission. I will now go on to deal with the issues raised by interested parties in their objections to the proposal.

Reasons

3. The site is within the Dorking Conservation Area (CA) which derives its significance as a whole from its traditional town centre layout and the historic buildings within it. The group of commercial units on Vincent Walk, including the appeal site, make a positive contribution in that their industrial appearance is characteristic of a commercial town centre use.
4. The proposed development would continue the use of tin and timber cladding on the site and retain this commercial aesthetic. This would therefore preserve the character and appearance of this positive characteristic of the CA.
5. The two storey mass of the proposed development is in keeping with the height of the surrounding area, and this applies whether or not the existing first floor was an ad hoc addition.
6. The plans show that there would be no windows in the west elevation facing towards Mount Street. The closest windows in the north elevation serve a stair and hall and therefore would be likely to create glimpsed views only.

Furthermore, any views from these windows towards windows at 34-36 Mount Street would mainly be at an obscure angle. Consequently, there would not be a harmful loss of privacy to neighbouring occupiers in this regard.

7. Structural issues would be assessed under building regulations and the stability of the retaining wall is not a material consideration to which I can attribute any degree of weight.

Conditions

8. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, including ensuring that the conditions would not unnecessarily delay the delivery of development.
9. I am attaching the standard implementation condition, and in the interests of certainty a condition to define the plans with which the scheme should accord. A condition requiring submission of the details of materials of walls, roofs, rainwater goods and fenestration would be necessary to preserve the character and appearance of the area including the CA. I have combined these conditions for brevity.
10. Details of decentralised and renewable or low-carbon energy sources are required in the interests of renewable energy and energy conservation. Details of porous hard surfacing are necessary in order to preserve the character and appearance of the area and to mitigate flood risk. A condition to secure details of refuse storage is also attached to ensure acceptable living conditions for future occupiers.
11. The units are close to residential properties and access is constrained. Therefore, a construction transport management plan (CTMP) is required in the interests of neighbouring living conditions and highway safety. This condition is pre-commencement as the measures included in the CTMP would be required for the full duration of the works. The submission of details and provision of cycle stores are required in the interests of character and appearance and sustainable transport, and the provision of car parking spaces is required for highway safety reasons. However, the evidence does not indicate an area for vehicle turning or unloading and therefore I have omitted this from the condition.
12. Vincent Walk units were previously in industrial use and although I have limited detail as to their specific use this may mean that there is contaminated land and asbestos on the site. In these circumstances a condition would provide an appropriate method to identify and treat any potentially contaminated land or asbestos on the site. This is a pre-commencement condition as the scheme would be required to be implemented before any building works commence.
13. The site is located within an existing group of industrial properties. If this use were to re-commence future residents could be affected by noise. Therefore, a condition to require appropriate sound insulation to the proposed units would be necessary in the interests of the living conditions of future occupiers.
14. The appeal site is within an area of high archaeological potential where remains are significant due to their association with the historic core of Dorking. Advice from the Surrey County Council archaeological officer indicates that the

proposed internal works are unlikely to have an impact on any intact heritage assets of significance that may be present, however alterations to hardstanding and services may have an impact. I am aware that there are other permissions which have previously been granted on this site, however they do not form part of the development before me now. Having regard to this significance, the most appropriate response would be to record any findings and this could be secured by condition and I have therefore attached a condition to this effect. Consequently, the scale of any harm to archaeological remains would be acceptable. This condition must be pre-commencement as the scheme would be required to be implemented before any building works commence.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed.

H Miles

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 6343-LOC01-Location Plan, 6343-200A-Proposed Site Plan, 6343-205A-Proposed Elevations Sheet 3, 6343-EX01-Existing Ground Floor Plan, 6343-EX02-Existing First Floor Plan, 6343-204A-Proposed Elevations Sheet 2, 6343-202A-Proposed First Floor Plan, 6343-201A-Proposed Ground Floor Plan, 6343-206A-Proposed Elevations Sheet 4, 6343-203A-Proposed Elevations Sheet 1
- 2) The development hereby permitted shall begin not later than three years from the date of this decision.
- 3) Before any above ground works commence, samples of:
 - i) wall materials,
 - ii) roof coverings,
 - iii) guttering and rainwater goods,
 - iv) all external joinery windows, doors and roof lights including materials, method of opening and large scale drawings showing sections through mullions, transoms and glazing barsshall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- 4) Before any above ground works commence, details to reduce the carbon emissions of the predicted energy use of the development hereby permitted by at least 10% through the on-site installation and implementation of decentralised and renewable or low-carbon energy sources shall be submitted to and approved in writing by the Local Planning Authority and be implemented prior to the first occupation of the development.
- 5) Before any above ground works commence, details of the hard surfacing to be used within the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall indicate either porous materials or the provision of a direct run-off from the hard surface to a permeable or porous area. All hard surfacing shall be carried out in accordance with the approved details, completed prior to the first occupation of the development hereby permitted and thereafter, permanently retained as such.
- 6) The development hereby approved shall not be first occupied unless and until detailed drawings showing a refuse and recycling storage facility for each property have been submitted to and approved in writing by the Local Planning Authority. These storage facilities shall be completed prior to the first occupation of the development hereby permitted and thereafter, permanently retained as such.
- 7) The development hereby approved shall not be first occupied unless and until space has been laid out within the site, in accordance with the approved plans, for vehicles to be parked. Thereafter the parking areas shall be retained and maintained for their designated purpose.
- 8) No development shall commence until a Construction Transport Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. The required CTMP to include details of:

- i) parking for vehicles of site personnel, operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials
- iv) programme of works (including measures for traffic management)
- v) HGV deliveries and hours of operation
- vi) measures to prevent the deposit of materials on the highway.

Only the approved details shall be implemented during the construction of the development.

- 9) The development hereby approved shall not be first occupied unless and until a scheme showing the secure parking of bicycles within the development site has been submitted to and approved in writing by the Local Planning Authority. These approved facilities shall be completed prior to the first occupation of the development hereby permitted and thereafter retained and maintained for their designated purpose.
- 10) No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority.
- i) A soil survey which shall take specific account of the potential risk from organic solvents and asbestos in accordance with the processes detailed in the Environment Agency's Model Procedures for the Management of Contamination (CLR11).
 - ii) A risk assessment and scheme for decontamination

The details as approved shall be implemented before any part of the development hereby permitted is occupied.

- 11) No development shall commence until a pre-demolition and refurbishment asbestos survey and mitigation scheme has been submitted to and approved in writing by the Local Planning Authority. The survey shall be in accordance with HSG264 supported by an appropriate mitigation scheme to control risks to future occupiers. The scheme must be written by a suitably qualified person and identify potential sources of asbestos contamination and detail removal or mitigation appropriate for the proposed end use. The details as approved shall be implemented before any part of the development hereby permitted is occupied.
- 12) The development hereby approved shall not be first occupied unless and until a scheme of sound insulation to demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings guidelines values as specified in BS8233:2014 - Guidance on Sound Insulation and Noise Reduction for Buildings, has been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall be completed prior to the first occupation of the development hereby permitted and retained and maintained thereafter.
- 13) No development shall commence until an Archaeological Impact Assessment (AIA) has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include a consideration of the impact to the site and details of mitigation and the timescale for this. The details as approved shall be implemented before any part of the development hereby permitted is occupied.