Expiry Date – 8/6

Development Control – Delegated Officer Report

Application Number: NOTICE/0007/21 **Recommendation – PRIOR APPROVAL REQUIRED AND GRANTED**

Site: 51 North Road, Lancing

Proposal: **Application to determine if prior approval is required for change of use of rear of ground floor shop (Use Class A1) to 1no. two-bedroom flat (Use Class C3).**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 13/5

Site and Surroundings

This application relates to a vacant detached retail shop on the west side of North Road between Penstone Park and Culver Way. The site has a rear addition previously used as ancillary storage and a covered side addition. The upper two floors, 1 flat apparently, are vacant but access to it can currently be achieved through the shop or from the covered way on the north side.

The site is in Lancing town centre and within Primary Retail Frontage block 2.

Proposal

An application for Prior Approval is sought under the provisions of the Town and Country Planning GPDO 2015 Schedule 2 Part 3 Class M for a partial change of use from retail (Class A1) to 1no. two bedroom flat (Class C3).

The plans show a smaller shop area retained on the frontage with a WC and kitchenette via the unaltered shopfront. Internally a lobby is to be created to provide separate entrances for the retained shop and flat over. The flat over is shown as ‘rooms’ in the new layout.

The new flat proposed at the rear ground floor will be accessed via an existing side door, currently accessing a covered store. The roof is to be removed to create a gated private courtyard with a further ‘front door’ beyond this courtyard. A rear store roof is also to be removed to create a further small outdoor area at the rear.

The two-bedroom flat would have two new windows added to the south side wall and one in the north side to light/ventilate the kitchen/living room and the existing doors and windows on the rear elevation are to be reorganized to light the bedrooms.

Relevant Planning History

L/74/84 - Single-Storey Rear Extension As Store. Granted

L/133/81 - Reconstruction Of Existing Lean-To And Extension Of Same To Rear (Use As Existing General Store). Granted.

L/168/77 – Cold room for the storage of fruit and vegetables. Granted.

Consultations

Lancing Parish: No objection.

Highways: No objection, the provision of cycle parking should be considered.

Environmental Health: No objection in principle though the outlook from the ground floor flat is not optimal. The PSH team note that the 1st and 2nd floors have been presented as an HMO and would require licensing and consultation with us prior to the development.

Technical Services: Flood zone 1, not at risk from surface water flooding. No objection on flooding grounds. No conditions recommended. Surface water drainage to be designed in accordance with the Building Regulations.

Southern Water: No surface water sewers in the vicinity Surface water drainage should in accordance with the hierarchy contained in H3 of the Building Regulations.
Foul sewer connection application required.
Public sewer may be crossing the site. Investigation required.

Representations

None received.

Relevant Planning Policies

Revised National Planning Policy Framework (HCLG 2019)
National Planning Practice Guidance (CLG)

Planning Assessment

The application is made under the Prior Approval procedure and the consideration is restricted to the limitations, restrictions and conditions set out in respect of Class M, Part 3, Schedule 2 of the GPDO 2015 as amended and the provisions of Paragraph W.

Class M(a)(i) allows for development consisting of a change of use of a building from a use falling within Class A1 (shops) or Class A2 (financial and professional services to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order,

and Class M(b) allows building operations reasonably necessary to convert the building to Class C3.

These provisions are subject to the limitations sets out in M.1 and conditions set out in M.2

Development not permitted

M.1 Development is not permitted by Class M if—
(a) the building was not used for one of the uses referred to in Class M(a)—
(i) on 20th March 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;
(b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;
(c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;
(d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;
(e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
(f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or
(g) the building is—
(i) on article 2(3) land;
(ii) in a site of special scientific interest;
(iii) in a safety hazard area;
(iv) in a military explosives storage area;
(v) a listed building; or
(vi) a scheduled monument.

In this case the limitations or restrictions in M.1 have been met, have not been exceeded or do not apply.

Conditions M.2

M.2 stipulates that where the development proposed is development under Class M(a) and (b), development is permitted subject to the condition that before the beginning of the development, the developer must apply to the LPA for a determination as to whether the prior approval of the authority will be required as to:

(a) transport and highway impacts of the development;
(b) contamination risks in relation to the building;
(c) flooding risks in relation to the building;
(d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use-

(i) on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops), Class A2 (financial and professional services), Class A5 (hot food takeaways) of that Schedule, or, as the case may be, a building used as a launderette, but only where rthere is reasonable prospect of the building being used to provide such services

(ii) where the building is located in a key shopping area, on the sustainability of that shopping area;

(e) the design and external appearance of the building, and

(f) The provision of adequate natural light in all habitable rooms of the dwellinghouses

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

Paragraph W (10)(b) stipulates that the LPA must when determining an application have regard to the NPPF so far as relevant to the subject matter of the prior approval as if the application were a planning application. It also sets out the minimum level of information to be provided. In terms of light adequate light must reach all habitable rooms.

Development under Class M is permitted subject to condition that –

a) Development under Class M(a) and under Class M(b), if any, must be completed within a period of 3 years starting with the prior approval date; and
b) a building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.

The lawful use of the premises is retail (A1). Last used as a bakery with retail counter and extensive rear storage it is currently empty. The flat proposed is 68sqm plus approximately 30sqm of outdoor space. At no point are the existing external dimensions exceeded. Reasonable demolition of lightweight additions is proposed to create outdoor space.

The site is not

(i) on article 2(3) land;
(ii) in a site of special scientific interest;
(iii) in a safety hazard area;
(iv) in a military explosives storage area;
(v) a listed building; or
(vi) a scheduled monument.

The requirements of Part W have also been met.

Transport and Highway Impacts

The site is in a sustainable town centre location, within easy walking distance to Lancing train station and with easy access to local shops, facilities and public transport

connections. The Highway Authority has not raised an objection to the proposals. Cycle parking can be provided within the gated side garden.

Contamination

The Environmental Health Officer has confirmed no objection.

Flooding

The building is in Flood Zone 1, where there is a low probability of flooding. No flood risk has been identified in relation to this property. Surface water drainage is to be designed in accordance with Building Regulations. This is acceptable.

Light

Public Sector Housing has identified that all habitable rooms have windows which provide adequate, though not optimal, light.

Impact on provision of A1 services

The proposal would retain retail use to the frontage of the ground floor with kitchenette and separate WC. It would not preclude the use of this unit for retail purposes. The unit would retain the existing shopfront with modifications inside to create a lobbied entrance to provide separate entrances to the shop and the residential accommodation over.

This site is within the town centre where there is good provision of retail and supporting town centre uses. There would be no undesirable impacts on the provision of services in the area.

Design and External Appearance

Minor elevational changes to the rear elevation are proposed together with the insertion of windows in the side elevations. These are acceptable.

Recommendation

Prior Approval Required and Granted subject to Conditions:-

1. Approved plans
2. 3 years

<u>Informatives</u>

- This Prior Approval relates only to the rear ground floor area. The Private Sector Housing team note that the 1st and 2nd floors have been presented as an HMO. This would require licensing and consultation with them prior to the development. Planning permission may also be required.
- Southern Water – application required

- Southern Water – sewer investigation

Is recommendation contrary to any representations? No.

Case Officer signed: MOK Date: 18.5.2021

Authorised and signed by: Peter Barnett Date: 18 May 2021