Development Management - Delegated Officer Report

Application Number: **Recommendation – Approve**
AWDM/0439/17

Site: **3 Harbour House, Harbour Way**
Shoreham-By-Sea

Proposal: **Variation of condition 2 of SU/97/04 to enable formation of 2 bedroom flat on the ground floor.**

Date of site visit: 28 April 2017

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to one of 8 similar live/work units on the north side of Harbour Way. The two storey building was formerly in use as a single B1 office building which was converted in 1998 to live/work units (SU/88/98). That consent was subject to, among others, Condition 3 which restricted the ground floor of the premises to B1 office use with the first floor as residential.

In 2004 this condition was varied to enable flexibility between the floors (i.e. to allow residential use on the ground floor and business use on the upper floor) (SU/97/04).

Permission is now sought to change the use of No.3 to solely residential use, with a new 2 bed flat on the ground floor to replace the former recording studio. At first floor, the existing 2 bed flat is to remain. The property has a parking space at the front and a small garden at the rear.

Relevant site history

As above plus

AWDM/0250/11 – Change of use of No. 5 from a 'live-work' unit to a dwellinghouse. Approved

AWDM/0044/13 - Change of use of No.7 from live-work unit to a dwelling. Approved

Consultations

Adur & Worthing Councils: The **Environmental Health** (Private Sector Housing) Officer comments that the proposed ground floor flat creates at least one bedroom where the only means of escape in the case of fire is through a high risk kitchen-living area and so is an ‘inner’ room. The risk can be mitigated if the window to this room can be constructed to comply with building regulation requirements for a fire escape window.

I would also note that the creation of a residential unit between two nominal work areas increases the potential for noise nuisance or disturbance and is against the spirit of the concept of the live-work units allowed on this site.

Representations

1 letter of support received from the occupier of 25 Riverside Road:

- This restriction was lifted in 2004, allowing ground and first floor to be used for residential purposes.

Relevant Planning Policies

Adopted Adur District Local Plan 1993 – 2006 (ADC 1996): AG1, AE8, AE9
Submission Adur Local Plan 2016 – policy 15
National Planning Policy Framework

Planning Assessment

Principle

The main considerations are the loss of commercial floorspace and the impact on the amenities of the area.

Loss of employment space

The view has been taken with other live-work units in Shoreham at Harbour House and Ropetackle that their change of use to a single dwelling (or flats in this case) is acceptable in principle. Furthermore, planning policy officers have previously advised that, while recognising that there is a place for live/work units in mixed use developments, such units should in future be considered as an additional bonus to any employment floorspace required on the site, rather than contributing to specifically meeting Adur's employment floorspace needs. Therefore the loss of a live/work unit would not have a detrimental impact on employment provision in the District and this would negate the need to attach potentially unenforceable and impractical conditions for their retention.

Visual amenity and character

The proposal will have no impact on the external appearance of the building.

Residential amenity

The site sits between live/work units but these are restricted to B1 office use only and will not result in disturbance or activity unsuitable in a residential area. There is no concern therefore over possible future noise disturbance to residents.

The site has a small rear garden and it is considered that adequate amenity space will be provided. The property was formerly in part residential use and has an internal layout on both floors which lends itself comfortably to residential use.

The comments of the EHO are noted but these are issues that are primarily for separate consideration under the Building Regulations. There would be no planning objection to the replacement of the rear ground floor window with an escape window.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Time limit

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Is recommendation contrary to letter(s) of representation? N

Case Officer: Peter Barnett Date: 3 May 2017

Authorised by: Gary Peck Date: 3 May 2017