Development Management – Delegated Officer Report

Application Number: NOTICE/0021/22 Recommendation – Prior Approval Required and Approved

Site: Healthlink House, The Annexe, Southwick Street, Southwick

Proposal: Application for Prior Approval of Proposed Change of use from Commercial, Business and Service (Use Class E) to form 1no. 4 bedroom residential unit (Use Class C3).

Neighbours Checked: Y

Additional Neighbour Notifications N

Site and Surroundings

The application relates to a single storey, flat roofed vacant building which was previously occupied by Rubix (Use Class E).

The site is within a residential area adjacent to Southwick Square; it has a shared access from Southwick Street. It is within the Conservation Area.

Description of Development

The application is for prior approval for change of use of the building to form 1 no. 4 bedroom residential property. No external changes are proposed to the building. The internal space is to be divided into an open plan kitchen, dining, lounge space. 4 bedrooms, one with ensuite, a bathroom, utility with entrance hall. There is amenity space provided to the rear and frontage of the building with parking provision, bin and bike stores shown.

Relevant Planning History

AWDM/1350/19 Demolition of 2 no. office buildings and construction of 5 no. 2 bed houses with associated parking. REFUSED

AWDM/0783/20 Demolition of 2 no. office buildings and construction of 3 no. mews houses and one detached cottage with associated car parking. REFUSED and APPEAL DISMISSED.

Consultations

West Sussex County Council Highways Authority: -

The Local Highway Authority (LHA) acknowledges the permitted change of use from offices to residential use subject first to prior approval being granted. As part of the prior approval, the LHA can consider only whether the proposal is likely to result in a

material increase or a material change in the character of traffic in the vicinity of the site. No traffic flow information has been provided with the current application. However, from experience of other similar proposals, the LHA recognise that office uses generate more vehicle movements compared with the proposed residential use. As such, there is no expectation for this proposal to give rise to any increase or material change in the character of traffic in the vicinity of the site. The prior notification process does not enable parking provision or other matters relating to accessibility to be considered. Nevertheless, the applicant has demonstrated three car parking spaces. Under WSCC Parking Standards, the LHA would expect a dwelling of this size and location to provide at least three car parking spaces. Therefore, the LHA is satisfied with the proposed amount of parking. From inspection of the plans, the parking spaces appear suitably sized and on-site turning appears achievable. Regarding cycles, the applicant has demonstrated a cycle store, which is of sufficient size to provide secure cycle parking in accordance with WSCC Parking Standards. In summary, there would be no highway grounds to resist the prior approval.

Adur District Conservation Advisory Group: - Approve

Adur and Worthing Councils:

EHO (Private Sector Housing): Please could the following informative be placed on any planning permission that may be granted

The Private Sector Housing team of Adur & Worthing Councils have identified that some aspects of the development may result in hazards that require action under the Housing Act 2004. Typical hazards can include ‘inner’ rooms (where the only means of escape in the case of fire is through another risk room i.e. bedroom, living room, kitchen, etc.) or where there are inadequate windows or outlook from habitable rooms.

All four bedrooms can only be accessed through the open plan kitchen living room and, apart from one with an independent entrance, they are inner rooms. The windows do not look like they will comply with the requirements for fire escape windows

Compliance with Building Regulations will not necessarily address the hazards identified and you should contact the Private Sector Housing team to confirm that the layout of the property is acceptable prior to commencing the development in order to avoid the need for any formal intervention or the requirement of retrospective works.

Technical Services: Flood risk- The application is within flood zone 1, and has areas in the vicinity shown to be at low risk from surface water flooding. We therefore have no objection on flood risk grounds.

Surface water drainage- the application is for change of use. We have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

Southern Water: Requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Representations

An objection was received from the owner/occupiers of no. 27 Glebe Close when the proposals were originally submitted this has been superseded by an email confirming no objections.

Objection received making the following points: -

- Could this application be a prelude to removing business usage and allowing housing development on the premises.
- Do the developers need to inform you how the premises will be used.
- How easy will problems be resolved if noise to neighbours becomes a problem.
- Is there any recourse if the proposed development exceeds or changes from what has been applied for.
- As the building is prefabricated how is this suitable for housing with regards to sound proofing.
- Is there anyway to know who would occupy the premises.
- The proposed development would be easily heard by us as space is limited.
- The current area is quiet so a 4 bed property may become an issue.

Relevant Planning Policies

Adur Local Plan 2017 policies 9, 15, 17,
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Legislation

Permitted development

MA Development consists of a change of use of a building and any land within its curtilage from a use falling within Class E (Commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that order.

Development under Class MA is permitted subject to the conditions

(2) 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 as to—

(a) transport impacts of the development, particularly to ensure safe site access
(b) contamination risks in relation to the building,
(c) flooding risks in relation to the building,
(d) impacts of noise from commercial premises on the intended occupiers of the development;
(e) where-
(i) the building is located in a conservation area, and
(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

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

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or
(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006(a), the impact on the local provision of the type of services lost.

with any fee required to be paid.

(2A)Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.
(3) The local planning authority may refuse an application where, in the opinion of the authority—
(a) the proposed development does not comply with, or
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions except for conditions in paragraph M.2(1)(f), paragraph N.2(1)(e), paragraph O.2(1)(e), paragraph PA.2(1)(v), or paragraph Q.2(1)(g), limitations or restrictions specified in this Part as being applicable to the development in question.
(4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.
(5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—
(a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;

(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and

(c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency58 where the development is—

(a) in an area within Flood Zone 2 or Flood Zone 3; or

(b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

(7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

(8) The local planning authority must give notice of the proposed development—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

(i) describes the proposed development;

(ii) provides the address of the proposed development;

(iii) specifies the date by which representations are to be received by the local
planning authority; or

(b) by serving a notice in that form on any.

(i) on any adjoining owner or occupier; and

(ii) where the proposed development relates to part of a building, on any owner or occupier of the other part or parts of the building".

Assessment against the legislation

The starting point for consideration of the proposal is whether it can lawfully take advantage of the procedures under Class MA

The site was previously in use as offices and business use the most recent use was Rag Retail and this business vacated the site 3 months ago. The application form states that the property has been vacant for at least 3 months.

The proposal relates to a floor area of 154 square metres and does not exceed 1,500 square metres. It vastly exceeds the nationally described space standard.

The building is not covered by or within an SSSI, a Listed building, a Scheduled Monument, within a safety hazard area, a military explosives area, an AONB, a National Park, the Broads, a World Heritage Site or area specified under Section 4(3) of the Wildlife and Countryside Act.

Consideration of the planning merits of the proposal is restricted to those matters set out in MA.

(a) transport impacts of the development, particularly to ensure safe site access

The site is sustainably located within easy walking distance of the various shops and services available within Southwick Square, and with good public transport links to other parts of the town and destinations further afield.

The LHA do not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The LHA anticipate that the level of traffic generated by the proposed dwelling would be no greater than existing.

Cycle and refuse storage are shown on the submitted plans to the front of the building fencing is also shown these will require separate consent.

(b) contamination risks on the site,

There are no concerns in relation to contaminated land the building is to be converted and no ground works are proposed.

(c) flooding risks on the site,

The site is within flood zone 1 and the Engineer has advised that areas in the vicinity are shown to be at low risk from surface water flooding. The proposals are for conversion works and there are therefore no objections to the proposals.

(d) impacts of noise from commercial premises on the intended occupiers of the development,

The site is located within a predominantly residential area, close to the commercial centre of Southwick. There would be no concern with regards to noise from adjacent premises. As the building is single storey and the entire building is to be converted there is no need for any soundproofing.

(e) where-
(i) the building is located in a conservation area, and
(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

The building is within the Conservation Area. Conversion is proposed therefore no changes to the building will have any impact. However the nature of the use changing from commercial to residential will be more in keeping with the character of this locality and will in turn enhance the Conservation Area.

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

The application proposes the conversion of the entire building at ground floor into a single residential unit. The kitchen, dinner, lounge is served by multiple windows.

The bedrooms are all served by windows. All rooms are considered to have adequate light.

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and

N/A in this case

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or
(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006(a), the impact on the local provision of the type of services lost.

NA in this case.

APPROVAL

Prior Approval is required because of the relevant issues raised above and is recommended for APPROVAL subject to the following conditions:

1. Approved plans
2. No part of the development shall be first occupied until covered and secure cycle parking spaces and refuse storage have been provided and shall remain in place at all times unless otherwise approved by the Local Planning Authority.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
3. Car parking space (details approved)
No part of the development shall be first occupied until the car parking has been constructed in accordance with the proposed block plan. These spaces shall thereafter be retained at all times for their designated purpose.
Reason: To provide car-parking space for the use

Informative:

1. Hours of construction
2. Southern Water – advice
3. New Address
4. Asbestos
5. Application required for external alterations.

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

Case Officer: Hannah Barker Date: 1st November 2022

Authorised by: Gary Peck Date: 2 November 2022