Development Management – Delegated Officer Report

Application Number: NOTICE/0018/22 **Recommendation – Prior Approval Required and Approved**

Site: **73 - 75 North Road, Lancing**

Proposal: **Application for permitted development for prior approval for change of use from (Use Class E) at first floor to 2no. one bedroom flats (Use Class C3)**

Neighbours Checked: Y

Additional Neighbour Notifications N

Site and Surroundings:

The application relates to a two storey, flat roofed vacant building which was previously occupied by Nationwide Building Society (Use Class E). It has a flat roofed ground floor extension at the rear.

The site is within the primary shopping frontage where there is a mix of commercial and residential uses at ground and upper floor levels. Immediately to the rear there is a car repair garage which abuts a narrow passageway which runs between the sites.

Description of Development

The application is for prior approval for change of use of the first floor to 2no. bedsit flats.

In terms of external changes, 5no. existing air conditioning units are to be removed from the rear elevation while at the side of the building refuse storage is to be provided by creating a new enclave in the side wall.

Relevant Planning History

AWDM/0922/22 - First floor rear extension and conversion of first floor into two one bedroom (two person) self contained flats together with internal and external alterations – refused

NOTICE/0013/22 - Application for permitted development for prior approval for change of use from Commercial, Business and Service (Use Class E) on ground floor at rear of the property to 1no. two person one bedroom flat (Use Class C3) – refused

NOTICE/0014/22 - Application for permitted development for prior approval for change of use from offices (Use Class E) at first floor to 2no. one person one bedroom flats (Use Class C3) - refused

Consultations:

WSCC Highways: The proposed flats would not be provided any off street car parking provision. As such any parking associated with the dwellings would need to park either in a paid for provision or safely on street taking into consideration any existing Traffic Regulation Orders.

The site is located in a sustainable location in close proximity to public services, amenities and employment options. As such it is not anticipated that the occupiers of these dwellings would be reliant on the use of a private motor car. It is also appreciated that the existing quantum of commercial floorspace lost as part of this application (80 sqm) could have generated its own car parking demand. It would be anticipated that the existing commercial floorspace could have generated parking demand for circa 2 / 3 spaces as per current WSCC parking guidance for E Class Financial Institutions. This is similar to the anticipated parking demand created by 2 x 1 bed flats in this location. As such it is not anticipated that the proposed will result in any noticeable impact towards on in street car parking demand / capacity.
The flats are provided with an internal storage area that could be used to accommodate cycle parking.

Adur and Worthing Councils: EHO (Public Health): The acoustic report is ok. Given we do not know how the downstairs premises will be used going forward I would agree to add the sound insulation condition.

That the sound insulation between the downstairs commercial unit and the proposed first floor residential shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB).

Asbestos
As this application seeks to convert commercial to residential, I would recommend an informative relating to asbestos:

Contaminated Land
This site is located adjacent to land which has been identified as potentially contaminated. If any ground works are involved with this application, I would recommend a condition.

EHO (Private Sector Housing): No objections

Technical Services: Flood risk- The application is within flood zone 1, and is 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.

Their initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer and should be in line with the Hierarchy of H3 of Building Regulations with preference for use of soakaways

Lancing Parish Council: No objection

Representations:

None

Relevant Planning Policies

Adur Local Plan 2017 policies 9, 15, 27
Sustainable Energy SPD (August 2019)
Lancing Vision 2012
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 consisting 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 a building society and Google Street View shows that use as being present since at least 2009.

The application form states that the property has been vacant for at least 3 months.

The proposals relate to a floor area of 38 and 39sqm and does not exceed 1,500 square metres. It meets 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 the town centre, 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 of a similar nature to the existing.

Cycle storage is shown on the plans as being on a wall mounted stand. There is no outdoor amenity space capable of providing external storage.

Refuse storage is proposed to be provided in a new space at the side of the building, using a small amount of the ground floor. This will need to be the subject of a separate planning application.

(b) contamination risks on the site,

The land to the rear (the garage) has been identified as potentially contaminated and that includes this site. No ground works are proposed however.

(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 risk from surface water flooding. However, 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 on a busy commercial street with activity throughout the day and into the evening. There are commercial units both sides and the ground floor would remain in commercial use. There is a car repair garage immediately to the rear. A Noise Survey was carried out and submitted in support of the application. The existing a/c units at the rear are to be removed.

The survey found that noise from the Culver Road garage directly at the rear of the site was below background noise levels and is therefore likely to have a low adverse impact. The garage is also closed at 5.30pm and will not cause a nuisance at night.

For road traffic noise, appropriate double glazing and trickle ventilation systems can be provided which would ensure bedrooms would have sound levels below the maximum 30dB.

The EHO has no objection on this basis but does recommend soundproofing between the flats and the commercial use on the ground floor.

(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 not within a conservation area

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

The application proposes the conversion of the first floor into 2 bedsits. The front flat is well served by two large windows facing the street. The rear flat has three windows facing over the garage at the rear. The windows currently have bars across them and there is an A/C unit on the roof of the rear extension. There is likely to be adequate light with the bars removed.

(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.

Recommendation

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. Works for implementation of the development shall not commence until a scheme for protecting the proposed noise sensitive development from external commercial noise has been submitted to and approved in writing by the local planning authority. The scheme shall have regard to

the principles of BS 4142:2014+A1:2019 and achieve the indoor ambient noise levels for dwellings specified in BS:8233:2014. The scheme should include full details of glazing and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

3. Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise from the commercial unit below has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall be designed to achieve a minimum airborne sound insulation value of 50dB (DnTw+Ctr dB) for floors/ceilings. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and achieve the specified criteria.

Informative:

- Hours of construction
- Asbestos
- Southern Water – advice
- New Address
- PP required for external works to form bin store

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

Case Officer: Peter Barnett Date: 6 October 2022

Authorised by: Gary Peck Date: 6 October 2022