Development Management – Delegated Officer Report

Application Number: NOTICE/0028/15 **Recommendation – Prior Approval Required and Refused**

Site: **86 Manor Road, Lancing, West Sussex**

Proposal: **Application for permitted development for prior approval for change of use of ground floor shop (Use Class A1) to 1no. two bedroom flat (Use Class C3)**

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This is a notification of a proposed change of use from a retail shop (Class A1) to one flat (Class C3 dwellinghouse). Such development became permitted initially under Class IA and now Class M of the GDPO (2015), subject to various limitations and conditions involving a prior approval process.

The site comprises a ground floor retail (A1) unit which was functioning as a butchers shop until Aug 2015 it has since been vacant and relates to the ground floor only. The site is within a parade of shops/commercial uses which is formed of 8 units. The first floor of the buildings are residential use. It is proposed to convert the ground floor retail unit, no. 86 to a single two bedroom flat. The submitted plans show a floorplan layout however the applicant's agent has given no details relating to the proposed access arrangements to the flat or details of external alterations, stating that should consent be granted an application would be submitted for such changes. The 'indicative' ground floor layout plan submitted shows two bedrooms, lounge/diner, bathroom and kitchen.

Relevant Planning History

The retail parade has been established for some time and does provide a local service providing retail and commercial uses for local people. There is limited planning history relating to the parade which may be indicative of the continuous retail uses and lack of need to divert to any other uses.

AWDM/0375/11 – Change of use from A2 to health management centre. This was a personal consent.

ADC/0368/08 – rear extension

ADC/0158/10 – Advertisement

Consultations:

WSCC: The Highway Authority comments:

The proposal is for the prior approval of an existing A1 unit into a single residential unit with access onto Manor Road via an existing access point. From an inspection of the plans alone, there is no apparent visibility issue at the point of access onto Manor Road.

The most recently available verified accident records reveal there have been no personal injury accidents in the vicinity of the existing point of access, indicating a low risk of highway safety issues with this proposal.

The conversion of a retail shop into residential will generally result in a reduction of movements from the site. However even if there is a small increase in movements there would not be a detriment to highway safety from this proposal.

Condition

No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and 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.

Southern Water:

No objection to the change of use proposal. Any new connection will require a formal application for a connection to the public foul and surface water sewer to be made by the applicant or developer.

We request that should this application receive planning approval the following informative is attached to the consent. "A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW. (Tel:03303030119)

Adur and Worthing Councils:

Engineers: *Thank you for the opportunity to comment upon this application, the proposed site lies within flood zone 1 and appears to be unaffected by surface water flooding.*

The application is for a change of use which will not affect surface water flows therefore we have no further comment.

Environmental Health (Contaminated Land) - The Council's Environmental Health Contaminated Land Officer has requested that an asbestos condition is required.

Planning Policy Officer –

Tests relating to permitted development Class M are the same that we would already apply to all relevant applications / proposals. The most significant test with regards to prior approval is whether the COU is deemed to be undesirable in relation to any impact on the provision of retail and/or financial and professional services and the sustainability of a key shopping area if the building is located in such an area.

The site in question is designated as a Local Shopping Parade in both the adopted Adur Local Plan 1996 and the emerging Adur Local Plan (Proposed Submission Adur Local Plan 2014). The loss of a retail unit at this parade would, in my view, have a detrimental impact on the parade's vitality and would set an undesirable precedent which would have a negative impact on the long term viability of the parade. I also note that as of April 2015 there were no vacancies within this parade which suggests it is well used and provides a valuable neighbourhood function. On this basis I would object on policy grounds.

Representations: Letter of objection received from Morris Models 80, Manor Road

- Change of use should require planning permission and would be against the adur Plan 2014 in relation to loss of employment and retail opportunity. Such a change of use would make similar future developments difficult to resist and destroy the local community asset which exists.
- This unit was trading as a butchers until the end of aug 2015 no marketing board has been seen on the property.
- The property has been empty for less than 4 months.
- Contrary to local Plan.
- The shopping parade is a community asset and it would be impossible to resist future applications if this change of use was granted.

Letter of objection received from 78A Manor Road

- Object as these are the only shops in north Lancing and need to retain them as shops.

Letter of objection received from 78 Manor Road

- Strongly object to this proposal the only shops in north Lancing and we need to retain them as shops.
- Loss of post office and shop in Mill Road. The proposal will affect existing trade.

Email in support from a member of the public

- The retail outlet has proven non-viable in the past. The change from commercial to residential makes sense. This would not be setting precedent. The design is sympathetic and consistent with maximising use of the space without being obtrusive. Parking would not be an issue. The shop cannot be classified as a loss of amenity. It lost its use some time ago as a general community amenity due to apathy and supermarket proximity. I fully endorse the application as I firmly believe it will only prove an uplift to the area.

Relevant Planning Policies

Town and Country Planning (General Permitted Development) Order 2015 (as amended), Schedule 2, Part 3, Class M
Saved Adur District Local Plan (1996): AG1, AS5
Proposed Submission Adur Local Plan 2014: 28

Planning Assessment

Class M allows as Permitted development

Development consisting of—

(a) a change of use of a building from —

(i) a use falling within Class A1 (shops) or A2 (financial and professional services) of the Schedule to the Use Classes Order;

(ii) a use as a betting office or pay day loan shop; or

(iii) a mixed use combining use as a dwellinghouse with –

(aa) a use as a betting office or pay day loan shop, or
(bb) a use falling within either Class A1 (shops) or Class A2 (financial and professional services) of that Schedule (whether that use was granted permission under Class G of this Part or otherwise),

to a use falling within Class C3 (dwelling houses) of that Schedule, and

(b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule.

Development is not permitted by Class M where—

(a) the building was not used for one of the uses referred to in Class M(a) on 20th March 2013 or, if the building 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 A2 (financial and professional services) of that Schedule 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.

Conditions

M.2 (2) Where the development proposed is development under Class M(a) only, development is permitted subject to the condition that before the beginning of 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 the items referred to in sub-paragraphs (1)(a) to (d) and the provisions of Paragraph W (prior approval) of this Part apply in relation to that application —

[(a) transport and highways 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) or, as the case may be, A2 (financial and professional services) of that Schedule, but only where there is a reasonable prospect of the building being used to provide such services, or
(ii) where the building is located in a key shopping area, on the sustainability of that shopping area.]

(3) Development under Class M is permitted subject to the condition that –

(a) development under Class M(a) 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 dwelling house 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 dwelling house.

Part W sets out that a 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 proposal complies with any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

The application proposal meets the tests of M1 since the site is not part of any area excluded from the order; evidence indicates the site was last used for A1 shop purposes and the site does not form part of a safety hazard area; a military explosives storage area; nor is the building a listed building or a scheduled monument

Consideration of the planning merits of the application is restricted to those set out in M2 and that the provisions within paragraph W are met.

Transport and highways impacts

The site is sustainably located close to local facilities and with good public transport links. There is off street parking provision to the front of the shopping parade. There are likely to be less vehicular and pedestrian movements associated with the proposed use as flats than with its use as an A1 shop. The Highway Authority has not raised an objection subject to the provision of cycle parking.

Land contamination

The applicant can be advised of the requirement to provide asbestos records for the EHO.

Flooding

The site is in Flood Zone 1 and appears to be unaffected by surface water flooding. The change of use would not affect surface water flows.

Impact on provision of A1 services and sustainability of shopping area if a key shopping area

Policy AS5 of the saved Adur Local Plan seeks to retain a predominant shopping use in designated shopping parades as this is, and states that changes to non retail uses at ground floor will not normally be permitted. The emerging Adur Local Plan 2014 states that there are a number of small local shopping parades throughout Adur serving day to day local needs. Manor Road Lancing is identified as one of these. Policy 28: Retail, Town Centres and Local Parades states that “In areas designated as local shopping parades, a predominant shopping use (as defined in the Town and Country Planning (Use Classes) Order 1987 as amended) on ground floor premises will be retained. Where proposals would result in a dominance of non-retail uses, this will only be acceptable where it can be demonstrated that retailing is no longer a viable use in that unit, particularly where it has remained vacant for a long period, (normally a minimum of one year) and that reasonable attempts have been made to market it for retail purposes.”

It is considered that this designation would amount to the site being within a key shopping area for the purposes of assessing the application under the considerations of Class M. The tests used to assess this prior approval application would be similar to those used when assessing the application against Local Plan Policies and so the assessment has been made in this context.

The centre provides for day to day shopping and community needs. The saved and emerging Local Plans set out protection for retail uses in this shopping Parade as set out above. The Councils policies are in conformity with the clear intent of the NPPF that local policies appropriate to the specific circumstances of individual centres should be the starting point in the consideration of specific proposals. Although there is potential in the local policies to allow for flexibility, this is in circumstances where there has been long term vacancy and when the viability and vitality of the parade would be enhanced.

The current proposals would result in the loss of an A1 ground floor retail use, within a currently, seen to be thriving local shopping area. Evidence indicates that the unit had been fully occupied until April 2015. No evidence has been provided to show that marketing has been carried out and so there is no reason to suggest that a further occupier for retail would seek to accommodate the unit in the short to medium term future with suitable marketing. The proposals would therefore represent a genuine loss of retail floorspace and retail frontage within a key shopping area. This loss of retail and the introduction of C3 use in this key shopping area would undermine the objectives of providing for day to day shopping and community needs, reducing the retail offer and therefore would not contribute to the sustainability of the centre. This would be contrary to the objectives of the NPPF in promoting healthy communities with strong neighbourhood centres and in the delivery of community facilities and local services to enhance the sustainability of communities. The NPPF specifically states that decisions should *'guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day to needs*.'

The proposed use for one, two bedroom flat (Class C3) would not comply with saved LP policy AS5 or emerging LP Policy 28. Clearly there is a need to be mindful of market conditions and to weigh up the potential for long term vacancy against the concerns about vitality and viability. However it is not considered at this time that there is a valid argument that the change of use to C3 will enhance this key shopping area. There is still reasonable prospect of the building being used for A1 purposes in the future. Other units within the parade are fully functional and there is no indication of any degradation of the shopping parade as a whole nor evidence of many vacant units for prolonged periods of time.

<u>Design and External Appearance</u>
The applicant's agent gives no details of the proposed external changes to the building that would occur should change of use be granted. These matters would have been for consideration here however in the absence of such information no assessment can be made.

<u>Paragraph W</u>

The Council considers that sufficient information has been submitted with this application in relation to any conditions, limitations or restrictions relevant to the development. It is considered that the remainder of the requirements set out within paragraph W have been met.

Recommendation

PRIOR APPROVAL IS REQUIRED AND REFUSED

Prior approval for the proposed change of use from retail shop (Class A1) to 1 flat (Class C3 dwelling house) as shown on drawing nos. 3215.SP01, 3215.SP02, 3215.SK02 Rev A – received on 20th Nov 2015, is required and refused because of the detrimental impact of the change of use on adequate provision of retail services and the sustainability of the key neighbourhood shopping area and would therefore conflict with the policies of the National Planning Policy Framework 2012.

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

Case Officer: Hannah Barker Date: 12th January 2016

Authorised by: Jo Morin Date: 14.01.2016