

Development Management - Delegated Officer Report

Application Number: NOTICE/0007/25 Recommendation – Prior Approval Required and Granted

Site: 1-3 Ship Street, Shoreham

Proposal: Application for Prior Approval for Proposed Change of use from commercial office (Use Class E) to 3no. independent dwellings (Use Class C3). 1no. one bed, two person ground floor dwelling and 1no. two bed, four person dwelling at each of the first and second floors.

Date of site visit: 3/6

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This application relates to a three storey end of terrace 1960's office building on the west side of Ship Street close to the junction with the High Street. The site includes a rear yard with storage building. Access to this yard is possible externally on the south side of the building or through the communal hallway. The building has a commercial frontage and is a flat roofed building with a part rendered frontage. It does not have any off street parking.

It is attached to No. 5 to the north a former office building recently converted into a single dwelling. To the south is a Wine Bar fronting High Street.

The site is in the Shoreham conservation area but is not a listed building. There are no TPO's on the site. There is no known flood risk associated with the site.

The building is currently vacant but was last used as a Chartered Accountants offices – Gibson Appleby - who occupied it in 2009 and vacated in February of this year.

Prior Approval is sought to convert this former office building into 3 residential units, one on each floor.

Relevant Planning History

AWDM/1459/12 – Replacement windows and doors. Granted

SU/167/95/TP – Portakabin at rear. Granted

SU/224/85/TP- Change of use from office to teaching establishment for micro-computer and English language studies. Granted

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SU/98/81/TP - Change of use of ground & first floors to snooker centre with temporary residential accommodation on second floor. Granted

Consultations

WSP Drainage Consultant:

'Thank you for your consultation on the above site. We have reviewed the application as the drainage consultant acting on behalf of the Council and wish to make the following comments.

The applicant is applying for prior approval for proposed change of use from commercial office (Use Class E) to 3no. independent dwellings (Use Class C3). 1no. two bed, three-person ground floor dwelling and 1no. two bed, four person dwelling at each first and second floor. The application is to Adur District Council.

Following a review of the submitted information, we have no objection on surface water grounds. Due to the site, size, location, and type of development we would recommend the approval of the application.'

Highways:

'This application is for prior approval for the change of use from commercial office to residential for 3 x two-bedroom flats. The site is located on Ship Street, an unclassified road subject to a speed limit of 20mph.

Under the current General Permitted Development Order (GPDO), it is permitted development to change use from office (Class E) to residential (Class C3) subject first to prior approval being granted. As part of the prior approval process, there are a number of matters to be considered. This includes matters relating to highways and transport. However, the GDPO is quite clear as to what highways matter can be considered, namely whether the proposal is likely to result in a material increase or 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, Class E uses tend to generate greater material movements than C3 residential. Therefore, the LHA does not anticipate that material movements associated with the site will exceed that of the existing.

No off-street vehicular parking provision is proposed – therefore, vehicular parking would have to be accommodated on-street or within nearby paid-for provision, as per the existing arrangement. Comprehensive parking restrictions are in place on nearby roads, prohibiting parking in places that would be detriment to highway safety. The LHA does not anticipate that the existing nil car parking provision would result in a highway safety concern. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

Weight is given to the fact that the site is situated in a sustainable location within walking/cycle distance of local services, amenities, and public transport links. Cycle storage is demonstrated in the form of three uncovered Sheffield stands. The LHA would prefer the cycle provision to be covered, to ensure

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that bicycles stay dry. The LPA may wish to secure covered and secure cycle parking provision to promote sustainable travel.

In summary, the movements associated with Class E use have done so safely with no known safety highways concerns, and C3 residential uses are considered less intensive. West Sussex County Council in its role as LHA has therefore considered the proposal on that basis. In principle, the current GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms.'

Southern Water:

Insufficient Information provided

Construction of the development shall not commence until details of the proposed means of foul/surface water drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk

Environmental Health - Public Health

No objection. The High Street is no longer an AQMA, emissions have improved with the cleaner vehicles on the road. The neighbouring bar does not have a beer garden and the flats are side on.

Conservation Area Advisory Panel: Supports the application.

Representations

2 objections received from Nos. 2 and 11

1. Loss of privacy
2. Noise
3. Over intensive conversion
4. Inadequate space for bikes
5. No parking for future occupiers
6. Disruption to traffic during construction as no off street parking/loading

Relevant Planning Policies

Adur Local Plan 2017 Policies 1, 2, 11,15, 16, 17, 20, 22, 25, 28, 34, 35, 36
National Planning Policy Framework (December 2024)
WSCC Guidance on Parking at New Developments (Sept 2020).

Legislation

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 MA, Part 3, Schedule 2 of the GPDO 2015 as amended and the provisions of Paragraph W.

Class MA allows for 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.

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

Development not permitted

MA.1

- (1) Development is not permitted by Class MA-
 - (a) deleted 2024;
 - (b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;
 - (c) deleted 2024;
 - (d) if land covered by, or within the curtilage of, the building —
 - (i) is or forms part of a site of special scientific interest;
 - (ii) is or forms part of a listed building or land within its curtilage;
 - (iii) is or forms part of a scheduled monument or land within its curtilage;
 - (iv) is or forms part of a safety hazard area; or
 - (v) is or forms part of a military explosives storage area;
 - (e) if the building is within—
 - (i) an area of outstanding natural beauty;
 - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;
 - (iii) the Broads;
 - (iv) a National Park; or
 - (v) a World Heritage Site;
 - (f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or
 - (g) before 1 August 2022, if —
 - (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
 - (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions – medical or health services);
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule

Conditions

MA.2

(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, 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,the impact on the local provision of the type of services lost; and

- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.
- (3) An application for prior approval for development under Class MA may not be made before 1 August 2021.
- (4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if—
 - (a) for paragraph (e) of sub-paragraph (2) there were substituted—
 - “(e) where—
 - (i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;
 - (ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,.”;
 - b) in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”,
 - (c) after sub-paragraph (6) there were inserted—
 - “(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;
 - (d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5) (6) and (6A)”;
 - (5) Development must be completed within a period of 3 years starting with the prior approval date.
 - (6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

Interpretation of Class MA

MA.3.Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

- (a) contain two or more dwellinghouses; and
- (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Planning Assessment

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

Limitations MA.1

MA.1(b)

The applicant confirmed that the 3 floors of the building were in use for office purposes by a firm of accountants between 2009 and Feb 2025. At the time of

the site visit the use had ceased on site and the building was being emptied. The outbuilding was yet to be emptied and was still full of box filing.

MA.1(d) The building is not:-

- within an SSSI;
- a Listed building;
- a Scheduled Monument;
- within a safety hazard area;
- within a military explosives area.

MA.1(e) The building is not:-

- within an AONB;
- within a National Park;
- within the Broads;
- within a World Heritage Site;
- within an area specified under Section 4(3) of the Wildlife and Countryside Act.

MA.1(f) The building is not occupied under an agricultural tenancy.

MA.1(g) The application post-dates 1 Aug 2022.

Conditions MA.2

Transport and safe site access

The site is very sustainably located within Shoreham town centre with its various shops and services and with good public transport links by train and close by.

The development would be a car-free development to which the Local Highway Authority has raised no objection. [The Local Planning Authority cannot consider the 'amenity' impacts of on-street parking under the provision of the GPDO.]

An area reserved for bin storage is identified within the private yard to the rear of the site. The plans have been amended to show bike storage within the existing secure outbuilding.

Contamination risks

The site is not within an area identified as potentially contaminated.

Flooding risks

The area is within EA Flood Zone 1 and is not identified as being within an area susceptible to surface water flooding now or in the future.

It is the reuse of a building with no ground works. It would not be reasonable to require details of foul and surface water drainage to be submitted. Relevant Southern Water informatics are recommended.

Impact of noise from commercial premises in the intended occupiers

This is a town centre site not an area of heavy or general industry, waste management, storage and distribution, or a mix of such uses. To the north, opposite and to the rear are residential properties. To the south is an alleyway which separates the site from the yard, not beer garden, of a restaurant/wine bar fronting High Street. It is not considered that future occupiers would be exposed to serious noise nuisance.

The provision of adequate natural light to all habitable rooms

All proposed habitable rooms would be adequately provided with natural daylight by the existing windows to the front (east) and rear (west) of the building.

Article 3(9A)

Flat 1 (ground floor) would have a GIA of 54.5sqm with a double bedroom and storage >2sqm. This meets the minimum floor area in the Technical Housing Standard of 50.0sqm for a 1b2p unit.

Flats 2 and 3 (first and second floors respectively) would have GIA's of 71sqm and 70.8sqm with 2 double bedrooms in each and storage >2.5sqm in each. They meet the Government's minimum Technical Housing Standard of 70sqm for 2 bedroom, 4 person units.

Other

The building is within a Conservation Area. The loss of this small area of office floorspace will not be harmful to the character or sustainability of the conservation area. The minor changes to the ground floor frontage will need a separate planning permission.

The building does not meet the fire risk condition (as it is not more than 18 metres tall).

The proposal does not involve the loss of a registered nursery or a health centre.

Recommendation

Prior Approval is Required and Granted subject to Conditions:-

1. Approved plans
2. Cycle and refuse storage provided prior to first occupation

Informative

- Hours of construction - advice
- Reminder to applicant that any external changes (including cycle storage structure/shed) will require planning permission.
- Southern Water connections

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- Asbestos register

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

Case Officer: MOK Date: 18/6

Authorised by: Peter Barnett Date: 18 June 2025