

Development Management – Delegated Officer Report

Application Number: NOTICE/0004/26
required and granted.

Recommendation: Prior Approval

Site: 27 Buckingham Road, Shoreham-By-Sea, West Sussex

Proposal: Application for Prior Approval of Proposed Change of use from a building that has formerly been used under class E (c) (Office Use) where all offices are now vacant, to class C3 with no external alterations to the building.

Date of Site Visit: No visit use of Google Maps

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings

The application site is a three storey terraced building with basement. Steps up to the main entrance and parking to the front. There are bay windows to the front and the building is rendered. It is to the north of Shoreham Town Centre near to the railway station. There is a mixture of both residential and commercial properties within the locality. To the north is office space and to the south is residential, opposite is Shoreham Free Church. There are flats and houses surrounding the site.

The building has been used as office space (Use Class E) with offices over three floors and storage in the basement.

An application for Prior Approval is sought under the provision of the Town and Country Planning GPDO 2015 Schedule 2 Part 3 Class MA for a change of use of the building from commercial, business and service use (Class E) to a single residential dwelling with six bedrooms over three floors and a living room, dining room, kitchen, utility and shower and bathrooms. There is a rear yard and parking to the front, with refuse and cycle storage space available. No external changes are proposed.

Consultations:

West Sussex County Council: The Highways Authority: - No objection

Adur and Worthing Councils: Environmental Health: - No adverse comment

WSP Drainage and Flood Consultant: - Recommend approval

Southern Water: - Southern Water has determined that the flow rate for the above site will remain consistent, so capacity is not an issue, and no Southern Water assets will be affected. Therefore, Southern Water has no objections to this proposal. Please note surface water should not be disposed of into a public foul sewer and must comply with the Hierarchy of H3 of the Building Regulations. For

more details, refer to the Drainage and Waste Disposal: Approved Document H on the GOV.UK website.

Any new connections to the public sewerage system will require a New Sewer Connection application (also known as a Section 106) to be submitted and approved by Southern Water. Due to legislative changes effective from 1st October 2011 regarding the ownership of sewers, it is possible that some previously private sewers, now deemed public, could be crossing the above property and may not be shown on southern Water records. Therefore, if any additional sewers are discovered during construction, an investigation will be required to determine their condition, the number of properties served, and potential access methods before any further work can proceed on site.

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

Representations: - None received.

Relevant 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

(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

(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)(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 201559 .

Planning Assessment

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

The planning history refers to a change of use of offices to betting office and this was refused in 1981 (SU/219/81) therefore there is no evidence to show that the building has not been used as office space since this time. In 1994 temporary approval was given for counselling rooms but this has expired. It is considered the limitations set out in MA.1(1) (b) are met.

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.

The limitations set out in MA.1(1)(d)(e)(f) and (g) do not apply.

Transport and safe site access

The Highway Authority has confirmed that it is not concerned at the highway aspects of this development due to its sustainable location and taking into account the existing use as an office.

No cycle storage provision is shown. There appears to be space for such provision within the rear garden and front forecourt.

No provision has been specifically identified for bin storage, although similarly there appears to be space within the rear garden and front forecourt. These matters can both be secured by planning condition.

Contamination risks

The site is not on known contaminated land. The proposals involve a change of use on the ground floor of the building with no breaking of ground. No contamination risks are envisaged

Flooding risks

WSP and Southern Water have advised that they have no objections to the proposal. There is no concern with regards to flood risk.

Impact of noise from commercial premises in the intended occupiers

There are no concerns at the potential for noise from nearby commercial premises. The site is largely adjoined by residential properties although there are commercial premises, offices, retail nearby. These are not noisy industrial-type uses and are unlikely to cause unacceptable disturbance. There are no Environmental Health Officer concerns.

The provision of adequate natural light to all habitable rooms

All rooms are considered to receive adequate light. The large bay windows provide light and outlook. There are windows to the rear, the basement has light and overlooks the yard, amenity space to the rear.

Article 3(9A)

Article 3 (9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

The house would provide 6 bedrooms and at approximately 200 metres squared in total floor space the space standards refer to a 129 metre squared requirement for a 6 bedroom 7 person dwelling and 138 metres squared for a 6 bedroom 8 person dwelling so this exceeds both of these requirements.

Other

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

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

Recommendation

Prior Approval Required and Granted subject to Conditions:-

1. Approved Plans
2. Cycle parking to be provided
3. Bin storage to be provided.

Informative:

1. You are reminded that the development must be completed within a period of 3 years starting with the prior approval date.
2. Southern Water informative.

Recommendation

Prior Approval not required.

Case Officer: Hannah Barker

Date: 21st April 2026

Authorised by: Peter Barnett

Date: 21 April 2026