Development Control – Delegated Officer Report

Application Number: AWDM/1132/16 Recommendation – Approve

Site: 5 Penzance House Harbour Way

Proposal: Change of use from gym to Use Class C3 (residential) to form 1 no. two-bedroom flat and associated external works

Date of site visit: 19.9.16

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application property is a ground floor gym integrated into a residential flat block in a comprehensive housing scheme completed out in recent years.

The proposal is for change of use from a gymnasium with a D2 use class into a single dwelling unit with pedestrian access onto Sea Spray Avenue and vehicular access onto Joseph Walk via existing access points.

The surrounding area is an outer residential suburb of Shoreham, close to the beach.

Relevant site history
ADC/0355/10
Change of use of vacant shop (Class A1) to fitness suite (Class D2)
Permitted 07.12.2010

Consultations (summarised)
Southern Water: *attach informative*

West Sussex County Highways: *Local Highway Authority does not anticipate any highway safety or capacity issues with this proposal. No designated vehicular parking provision. Change of use from gym to dwelling should reduce number of related movements to property. In any case, site located close to amenities, facilities and public transport links meaning that there would not be reliance on motor car for transportation.*

Adur & Worthing Councils Environmental Health: *Previous application (ADC/0355/10) and note condition 3 relates to sound insulation. Happy to assess information relating to whether existing sound insulation is suitable condition to remain or be replaced but failing this, recommend following applied: noise - construction work shall not commence until acoustic scheme for protecting residential units above subject property submitted to and approved by local planning authority. Scheme shall be designed to achieve minimum airborne sound insulation value of 50dB for floors/ceilings. Following approval and completion of scheme, test undertaken to demonstrate attenuation measures are effective and achieve specified criteria (if there are*

residential units adjacent to the property, the required level is 48dB for walls.) Following should please be adhered: hours of demolition/construction - normal hours to be observed; dust - appropriate method(s) of dust suppression to be implemented if required; contaminated land - site is directly over potentially contaminated land and PFA and asbestos (if ground works). Precautionary condition and PFA informative, asbestos and full condition if groundworks.

Adur & Worthing Councils Engineers: *No adverse comments. Site lies within flood zone 2 but appears unaffected by surface water flooding. All statements regarding connections to sewers and soakaways are irrelevant as no external changes proposed. Looked at site, and property is accessed via steps, as such although the property lies in Zone 2 footprint likelihood of flooding is almost negligible*

Representations
Comments received from occupier of 25 Falcon Close: *Shoreham Beach Residents' Association, of which I am chair, raises no objection. Having consulted Sussex Wharf residents' group, it is felt the conversion would reduce parking problems in area and remove any noise issues from neighbours. It is suggested that allocated parking should be provided as condition. Gym was popular and well run but recognised owner now established larger premises in Lancing. Not felt unit could be easily let to another commercial operator.*

Relevant Planning Policies
Adur District Local Plan saved policies: AG1, AH7
National Planning Policy Framework

Planning Assessment

Principle

The proposal would make a very modest contribution toward satisfying the district's unmet housing need and demand.

A residential dwelling would be entirely in keeping with the rest of the residential use in the block and wider area.

Obviously when the housing scheme was conceived, there was intent to provide some commerical floorspace. However the viable commerical use has proven difficult to sustain in this location. The original A1 (retail shop) use was found to be unviable. The gym that replaced it has provided equally unviable. Significantly the commercial use is not protected under planning policy as it is a stand-alone business situated outside of a commerical parade.

The gym has the potential to be used by the local community. However, no public opposition to its loss has been received either as a gym or other commerical use. There are other gym premises in the wider area.

If a different commerical operator were to operate from the premises, it could be in conflict in principle with the residential character of the estates, especially in terms of noise and disturbance and vehicle trips.

Visual amenity

The steps are a discrete feature in the street scene. Their loss would not adversely harm visually.

The various new windows would be in keeping with the rest of the fenestration on the building.

Residential amenity

A residential use is betterment to the amenities of adjoining neighbours (including the flat(s) directly above) compared to a gym use. Therefore there is no necessity to seek further detail on sound insulation, as suggested by Environmental Health.

The scale of the development does not necessitate dust suppression measures or restrictions on hours of construction by way of planning conditions.

Flooding

The Local Planning Authority concurs with the Council's Engineers that no human health would be put at risk from the proposal due to the building's elevated position.

Parking and accessibility

There is nil parking provision. However the loss of the gym use would reduce vehicle trips and potentially reduce on-street parking pressure.

No highway concerns are raised.

Contamination

The site is part of a large scale housing development, which has been completed out. A condition of that development was that mitigation of any contamination on site be undertaken.

However the Council's Environmental Health officer insists the condition be imposed. The planning agent has agreed to this condition.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard time limit
3. Precautionary contamination condition
4. Exterior materials/finishes and making good to match

Informative

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. Southern Water

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

Case Officer: Matthew Porter Date: 20-9-2016

Authorised by: Peter Barnett Date: 20 September 2016