Development Control – Delegated Officer Report

Application Number: **NOTICE/0001/16**

Recommendation – Prior Approval not required

Site: **94 Southview Road, Southwick**

Proposal: **Prior Approval for change of use from Use Class B1 (office) to Use Class C3 (dwelling) including the removal of front dormer and replacement with two rooflights.**

Date of site visit: 26 January 2016

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This is a notification of a proposed change of use of Class B1(a) offices to Class C3 (dwellinghouse). Such development is permitted by Part 3, Class O of the GPDO 2015, subject to conditions and a prior approval process.

The site comprises a two storey semi-detached building which was formerly a dwelling but has been used as the offices of SD Holdings Ltd for more than 20 years. The occupiers will be relocating to new accommodation currently under construction at the southern end of Southview Road. It is proposed to convert the offices into a single 4-bed dwelling. An existing flat roofed dormer on the front elevation is to be removed and replaced with 2 rooflights. No parking is available.

Relevant site history

None

Consultations

West Sussex County Council: The **Highway Authority** has not raised any highway concerns. The conversion of an office 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.

Adur & Worthing Councils: The **Environmental Health** Officer has requested the full contaminated land condition.

(NB This application is for prior approval only and does not involve any groundworks. The area is largely residential and the site at the rear (former dairy) was redeveloped for residential purposes several years ago, at which time a full contaminated land investigation and remediation was carried out.)

The **Engineer** has no drainage concerns

Representations

None received

Relevant Legislation

Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class O

Planning Assessment

Policy and Principle

This is an application to determine whether the prior approval of the local authority is required. It is not therefore subject to the usual planning policy considerations or amenity standards. Paragraph W under Part 3 states that determination as to whether prior approval is required is limited to the following:

- Transport and highway impacts of the development – is the development likely to result in a material increase or a material change in the character of traffic in the vicinity of the site? If so, the LPA should consult the local highway authority.

- Contamination risks on the site – the LPA must determine whether, as a result of the proposed change of use, taking into account any mitigation, the site will be contaminated land as described in the Environmental Protection Act 1990. If the site is determined to be contaminated land, the LPA must refuse to give prior approval.

- Flooding risks on the site - LPA will be required to consult the Environment Agency where the development is in a Flood Zone

In this case, the Highway Authority has confirmed that it is not concerned at the highway aspects of this development. The site is not within a flood zone.

The site is on potentially contaminated land. However, the development involves the conversion of the building only, with no ground works, and it is not considered that the contamination risks of the site are serious and do not fall foul of the procedure outlined in Paragraph W. Furthermore, the site to the rear, which contained a dairy premises attached to the current offices, was investigated and remediated during its redevelopment to flats.

Development under Class O is not permitted where –

- The building is on Article 2 (5) land
- The building was not used for a use falling within Class B1 (a) offices on 29 May 2013 or, if the building was in use before that date but not in use on that date, when it was last in use

- The use of the building falling within Class C3 was begun after 30 May 2016
- The site is or forms part of a safety hazard area
- The site is or forms part of a military explosives storage area
- The building is a listed building or is within the curtilage of a listed building
- The site is, or contains, a scheduled monument

None of the above applies in this case.

Assessment

The building is in use as offices under Class B1 (a). There are no conditions or legal agreements preventing a change of use of the building. The proposed development complies with the requirements of Class O and the prior approval of the LPA is not required in this instance.

Recommendation

Prior approval not required

Informatives: (1) Plans

Case Officer: Peter Barnett Date: 5 February 2016

Authorised by: Gary Peck Date: 5 February 2016