Expiry Date – 12/9

Development Control – Delegated Officer Report

Application Number: NOTICE/0012/19 Recommendation – Grant

Site: **5 Ship Street, Shoreham**

Proposal: **Application for permitted development for prior approval for change of use of upper storeys of building from offices (Use Class B1a) to a dwelling (Class C3); no external alterations**

Date of site visit: 26/7 and 8/8

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application site relates to offices at first and second floor level above an open ground floor on the west side of Ship Street. The building is mid terraced with offices at No. 3, a chartered accountants, and cottages from No. 7 northwards.

The uppers floors are accessed via a door at ground floor recessed within the open ground floor. This area is used for parking purposes. The property has a tiny rear yard area.

Proposal

The application seeks prior approval for a change of use from offices (Use Class B1a) to 1 no. 3 bedroom dwelling (maisonette) (Use Class C3). The proposed floorplans show the ground floor retained as existing, open plan parking. At first floor an open plan kitchen, living/dining room is shown with 3 bedrooms and a bathroom on the second floor.

The existing entrance will be used and there are no external alterations proposed at this stage.

Relevant Planning History:

SU/50/97 – Security grille at front of vehicle access and portable store at rear of parking area. Granted 28.4.97 (Temp exps 30.4.01)

SU/56/66 – Demolition of existing and erection of offices. Granted 7.6.66

Consultations:

Health:

No objection on Public Sector Health grounds.

The following condition is advised:

'The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property. As this is being renovated to residential, the Council need to be satisfied that if any asbestos is present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register - and any remedial strategy where appropriate – should be provided prior to works commencing.'

Waste Services

'There is no allocation for refuse bins shown here. This is an area with very limited space so bins cannot be left on the highway and there looks like no access to the rear.'

Highways:

'This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

This proposal is a prior notification for the change of use of the upper floors from offices (B1) to a 3-bedroom residential dwelling (C3). Under the current General Permitted Development Order (GPDO), it is permitted development to change use from offices (Class B1) 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.

The site is located on Ship Street, an unclassified road subject to a speed limit of 30 mph. The WSCC Car Parking Demand Calculator has indicated that a dwelling of this size in this location would require 2 car parking spaces. An existing garage is to be retained for the proposed dwelling. The garage has internal dimensions of approximately 5.8m x 10m, which meets the Manual for Streets (MfS) specifications to allow for 1 car to be parked inside. Any overspill parking would therefore have to be accommodated on-street. Whilst on-street parking is limited in the immediate vicinity, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be detrimental to highways safety. Ship Street has single yellow lines on the east side and part of the west side of the carriageway. The LHA does not anticipate that highways safety would be detrimentally affected by the proposed nil car

parking provision. The planning authority may wish to consider the potential impacts of this proposal on on-street parking from an amenity point of view.

The LHA appreciates that the site is situated in a location within walking distance of shops, services and public transport links. From experience, B1 offices 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.

An inspection of collision data provided to WSCC by Sussex Police reveal 2 recorded injury accidents within the vicinity of the site. However, these were not attributed to road layout.

Therefore there is no evidence to suggest that the nearby road network is operating unsafely or that the proposal would exacerbate an existing safety concern. In principle, the current GDPO gives limited ability to consider wider highway and transport impacts beyond those set out. The proposal is not anticipated to result in a material increase in movements at the site. The prior approval is therefore considered acceptable in highways terms. If the Local Planning Authority is minded to approve the application, they may wish to condition cycle parking.'

Southern Water

'The applicant has not stated details of the proposed means of disposal of foul and surface water from the site.

Southern Water requires a formal application for a connection to the foul 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 read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link https://beta.southernwater.co.uk/infrastructure-charges

The disposal of surface water from this development should be in compliance with the hierarchy of Part H3 of Building Regulations:

a) An adequate soakaway or some other adequate infiltration system.
b) A water course.
c) Where neither of the above is practicable: a sewer.

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk'

Representations:

One comment received.

'Open plan parking exists at the front, is this being retained?'

Relevant Planning Policies

Adur Local Plan 2017 Policies 2, 3, 11, 15, 16, 18, 20
National Planning Policy Framework 2019
National Planning Practice Guidance

Planning Assessment

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 O, Part 3, Schedule 2 of the GPDO 2015 and the provisions of Paragraph W.

Permitted development

O. ***Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.***

Development not permitted

O.1 Development is not permitted by Class O if—
(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—
(i) on 29th May 2013, or
(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
(d) the site is, or forms part of, a safety hazard area;
(e) the site is, or forms part of, a military explosives storage area;
(f) the building is a listed building or is within the curtilage of a listed building; or
(g) the site is, or contains, a scheduled monument.

Conditions
O.2 Development under Class O is permitted subject to the condition that before beginning 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—
(a) transport and highways impacts of the development;
(b) contamination risks on the site; and
(c) flooding risks on the site,
(d) impacts of noise from commercial premises on the intended occupiers of the development,

and the provisions of paragraph W (prior approval) apply in relation to that application.

(2) Development under Class O is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Interpretation of Class O
O.3. For the purposes of Class O, "commercial premises" means any premises normally used for the purpose of any commercial or industrial undertaking which existed on the date of application under paragraph O.2(1), and includes any premises licensed under the Licensing Act 2003 or any other place of public entertainment.

Paragraph 'W' outlines the procedures for applications for prior approval under Part 3. A number of the provisions relate to the validation, consultation and processing, however, parts 5, 6 and 10(c) address the assessment for transport, flooding and contamination impacts respectively. These are addressed below.

Part 10(a) and (b) states that local planning authority shall, when determining an application (a) take into account any representations made to them as a result of any consultation and (b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in February 2019 as if the application were a planning application.

Assessment under 0.1 criteria (b)

(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—
(i) on 29th May 2013, or
(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

A site inspection was carried out inside the building on 8th August 2019 and the first and second floors were operating as a B1 (a) office by a Property Company, Maxiwood Ltd. The rooms were laid out with desks and associated office equipment, filing cabinets, fax machines etc. computers for staff and there was no public waiting room or reception area, and as such, it is considered that the existing use falls into Use Class B1(a). It appeared that this use has been operating within the building for some time, and the Council has no reason/evidence to suspect that this is not the case.
Turning to the other tests under O.1:-

(d) the site is, or forms part of, a safety hazard area;
(e) the site is, or forms part of, a military explosives storage area;
(f) the building is a listed building or is within the curtilage of a listed building; or
(g) the site is, or contains, a scheduled monument.

- The site does not form part of a safety hazard area; a military explosives storage area; nor is the building listed or a scheduled monument under d, e, f and g.

Consideration of the planning merits of NOTICE/0012/19 is restricted to those matters set out in O.2.

(a) transport and highways impacts of the development

The site is very sustainably located, within Shoreham Town Centre with amenities directly outside the site including shops and a bus route. Shoreham By Sea train station is within easy walking distance.

There is ground floor parking for one car, possibly two, and it is not anticipated that the proposed use as 1 three bedroom maisonette would generate a significantly greater demand for parking than the current office use occupying both floors. On street parking restrictions will ensure any overspill will be safely dealt with.

There is space within the covered ground floor and small rear yard to provide bike storage and refuse/recycling storage.

Given the above, it is not considered that the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

(b) contamination risks on the site

The site is not identified as potentially contaminated land.

(c) flooding risks on the site

The site is not in flood zones 2 or 3 and there are no identified critical drainage problems.

(d) impacts of noise from commercial premises on the intended occupiers of the development

The site lies within a largely residential street within the town centre. There is a cottage to the north and a B1 office to the south. There are no surrounding commercial uses that would be considered to create unacceptable levels of noise which would make a residential use unpleasant to occupy.
As this office building was built before 2000 an informative regarding the asbestos register requirements is recommended.

Recommendation

The proposal requires Prior Approval and this should be GRANTED, subject to Conditions:-

1. Drawing Numbers
2. Standard time limit
3. Secure, covered cycle parking and refuse storage facilities shall be provided within the site prior to commencement of use of the dwelling hereby approved and shall thereafter be retained permanently solely for such purposes.

   Reason: To encourage and provide for a sustainable non-car mode of transport in compliance with the National Planning Policy Framework and having regard to policy 15 of the Adur Local Plan.

Informatives

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. The applicant is advised that any external alterations to the building, including replacement windows will require planning permission.

3. The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are legally obliged to hold a copy of an asbestos register for each property. As this is being renovated to residential, the Council need to be satisfied that if any asbestos is present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register - and any remedial strategy where appropriate – should be provided prior to works commencing.
4. Southern Water sewer connection
5. Possible sewer crossing site

Is recommendation contrary to letter(s) of representation? No

Case Officer: MOK Date: 10.9.19

Authorised by: Peter Barnett Date: 10 September 2019