Expiry Date – 11/10

Development Control – Delegated Officer Report

Application Number: NOTICE/0013/19 Recommendation – Refuse

Site: **11 North Road, Lancing**

Proposal: **Application for permitted development for prior approval for change of use from offices (Use Class B1a) to 4no flats comprising 3no studio flats and 1no 2 bedroom flat (Use Class C3).**

Date of site visit: 4/10

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application site relates to a part single, part two storey detached building set back behind commercial premises on the west side of North Road. The building is occupied by Ambex Limited who supply equipment to the marine industry.

The upper floor has an office/meeting room and separate store. At ground floor there are 6 rooms, other than kitchen and WC's. One room is set up as a workshop, one has a pentagonal desk and is where the testing/linking/repair takes place. A third small room is identified as the 'quarantine room' which is where all equipment is received prior to testing etc. Two other rooms are identified as office floorspace on the drawing but at the time of visit were housing storage containers partly stacked in anticipation of the company's relocation. The only room actively in use as office floorpsace was the largest ground floor room. The site is backland and accessed between 9 and 13 North Road via a narrow passage. There is parking and bin storage on the forecourt.

Proposal

The application seeks prior approval for a change of use from offices (Use Class B1a) to 4 flats, 2 studios at ground floor and one at first floor and a two bedroom flat at ground floor.

The existing entrances will be used. Notwithstanding the submitted Planning Statement one new window is shown in the first floor west facing wall.

Relevant Planning History:

ADC/0210/07 - Alterations, refurbishment and general improvements to offices/light industrial premises (rear of 3-9 North Road). Granted 8.6.07

ADC/0220/06 - Redevelopment of existing commercial buildings at rear of No's 3-9 to create a terrace of 3 two-bedroom houses (plus detached cycle/bin store). Refused 11.9.06

L/215/87 - Application For Certificate Of Established Use As Printing Works. Issued 26.1.88.

L/76/80 - Demolish Existing Building And Erect Single-Storey Office Building. Granted 29.5.80
L/376/79 – Rebuilding of extension with flat roof. Refused 14.1.80
L/393/78 - Two Storey Extension. Granted 16.11.78

Consultations:

Environmental Health:

Public Health

'In regards to the above application, NOTICE/0013/19, please see Environmental Health recommended conditions:

Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted

Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the
Local Planning Authority:

(1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
(2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant

linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

If there are no ground works the contamination condition will not be necessary. '

Private Sector Housing

'I would like to raise concerns about fire safety associated with the internal arrangement within Unit 2 of the proposed development. Both bedrooms open into a passageway which is open off the kitchen and living area. This effectively means that the two bedrooms are inner rooms which require the occupant to pass through a high risk area before they can escape via the enclosed entrance hall by the front door.

I strongly recommend that the proposal is amended such that the kitchen and living room are enclosed by a partition wall and door offering 30 minutes of fire resistance to ensure that should a fire occur in this area that the occupants can escape from the bedrooms to the entrance hall via an enclosed and protected passageway.'

Highways:

'This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Planning Services should be considered to be advice only, with respect to this planning application.

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.
I refer to your consultation in respect of the above planning application and would provide the following comments.

Proposal
Summary The proposal is for the Prior Approval for the change of use of B1 office to C3 Dwelling (3 Studio Flats and 1 No. 2 bed flat). The site is located on and accessed via North Road which is a C classified road subject to a 30 mph Speed limit.

Vehicle Parking, Turning and Cycle Parking
Under WSCC Parking Guidance (adopted August 2019), the LHA would anticipate that 5 parking spaces would be sufficient for a flats of this size and location. A Nil car parking provision is proposed for the new flats. Under the WSCC Car Parking Guidance (adopted August 2019), 5 car parking spaces should be provided for the proposal. The LHA is mindful that the existing B1 office use would have generated a parking demand itself. Current WSCC parking guidance advises a minimum parking space of 1 space per 30 spm of B1 office. While the existing floor space has not been provided it is clear that the office use will generate its own parking demand. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety. On balance, taking into consideration the existing parking demand, we would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking. The site is located in a sustainable location within walking and cycling distance to a range of public services, amenities and employment options. Bus and rail links provide a realistic travel opportunity for longer trips. It would not be anticipated that future occupiers of the dwelling would be reliant on the use of a private motor vehicle. As a result, The Local Highways Authority (LHA) would like to see cycle storage space being implemented.

Conclusion The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following conditions should be applied:

Conditions Cycle Parking
No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.'

Southern Water

'Thank you for your letter dated 20/08/2019.
The applicant has not stated details of means of disposal of foul and surface water drainage from the site.

Southern Water requires a formal application for any new 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
Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.
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:

Two objections summarised as follows:

i. Overlooking of private communal garden of St Bernards Court
ii. Excessive noise from occupants.
iii. Overdevelopment
iv. Currently cars for the building obstruct the fire service access in the driveway serving the adjoining properties. This will worsen with 4 dwellings
v. This area is also blocked to neighbours who have access over it for their bins.
vi. How can this be allowed under PD if it has been refused planning permission in the past?

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 —

(a) the building is on article 2(5) land and an application under paragraph O.2(1) in respect of the development is received by the local planning authority on or before 30th May 2019;
(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.—(1) 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,
(c) flooding risks on the site, and
(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 200349 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 4th October 2019. The rooms were not laid out as per the existing plan submitted with the application. The first floor was as annotated in the existing layout drawing 19-B01-1 rev B, office/meeting room. The ground floor was not.

Inside the front (east facing) door the small room on the right is not an office. It is a locked room labelled 'Quarantine & Goods Out. Keep door locked'. The larger room beyond this is also not office floorspace. This is a testing room with lots of electrical equipment and a pentagonal desk where the testing/linking/minor repairs of marine equipment is undertaken. This leads on to another room annotated as office space. At the time of the site visit this area did not include office equipment but did include loaded wheeled storage crates in anticipation of the company's imminent move. This was also true of the small office with external door beyond this room. The 'store' identified in the drawing is better described as a workshop and included hand tools, an 'L' shaped work bench and shelving for small containers of screws etc. The only ground floor room in active office use was the largest room beyond the WC's and kitchen area.

The applicant argues that the product testing area and workshop are purely ancillary to the office use as they are only used 'for a few hours a week'.

These areas are integral to the business operation. On site it was advised that every piece of equipment that comes into the site, even new ones, are tested before being sent out. Others are tested and linked to other pieces of equipment to ensure they will do the right job and some pieces receive minor repairs on site. Whilst the frequency of use is low the floorspace given over to the use is not insignificant. Also this light industrial activity is integral to their business.

It is not demonstrated that the existing use falls within Use Class B1(a).

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/0013/19 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 Lancing Town Centre with amenities directly outside the site including shops and a bus route. Lancing train station is almost immediately to the north.

There is ground floor parking for one car, possibly two, and it is not anticipated that the proposed use would generate a significantly greater demand for parking than the mixed B1 use occupying both floors. On street parking restrictions will ensure any overspill will be safely dealt with.

There is space within the front forecourt 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

No ground works are to be undertaken. As this office building was built before 2000 an informative regarding the asbestos register requirements is recommended.

(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 adjoins residential accommodation on the upper floors of frontage commercial premises within the town centre. The pub's car park adjoins to the south and there is a garage compound to the west belonging to a block of flats, St Bernard's Court. Only one unit is proposed on the upper floor and it is 8 metres off the common boundary with the pub car park. A staircase window and bathroom window face this direction. A west facing kitchen window is proposed which would overlook the garages of the flats behind. This level of activity is not

expected to lead to nuisance. The quieter parts of the proposed unit face east over their own forecourt. Ground floor units, adjoining the pub car park do not have windows facing it. It is not anticipated that the surrounding commercial uses would create unacceptable levels of noise which would make a residential use unpleasant to occupy.

Recommendation

The proposal requires Prior Approval and this should be REFUSED for the following reason:

1. The proposal has not demonstrated that B1(a) offices was the lawful use of the premises on the relevant date such that the property can take advantage of the Prior Approval procedures to change use to C3.

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

Case Officer:	MOK	Date: 08.10.19
Authorised by:	Peter Barnett	Date: 8 October 2019