Development Management – Delegated Officer Report

Application Number: NOTICE/0020/22 Recommendation – Prior Approval Required and Approved

Site: Sherwood House, Southwick Street, Southwick

Proposal: Application for Prior Approval of Proposed Change of use from Commercial, Business and Service (Use Class E) to form 1no. 2 bedroom residential unit (Use Class C3).

Neighbours Checked: Y

Additional Neighbour Notifications N

Site and Surroundings

The application relates to a single storey, flat roofed vacant building which was previously occupied by Rag Retail (Use Class E).

The site is within a residential area adjacent to Southwick Square it has a shared access from Southwick Street. It is within the Conservation Area.

Description of Development

The application is for prior approval for change of use of the building to form 1 no. 2 bedroom residential property. No external changes are proposed to the building. The internal space is to be divided into an open plan kitchen, dining space. 2 bedrooms, one with ensuite, a lounge, bathroom and study, utility with entrance hall. There is amenity space provided to the sides and frontage of the building with parking provision.

Relevant Planning History

AWDM/1350/19 Demolition of 2 no. office buildings and construction of 5 no. 2 bed houses with associated parking. REFUSED

AWDM/0783/20 Demolition of 2 no. office buildings and construction of 3 no. mews houses and one detached cottage with associated car parking. REFUSED and APPEAL DISMISSED.

Consultations

West Sussex County Council Highways Authority: -

There are no proposed alterations to the existing access with Southwick Street. Visibility at the access point with Southwick Street appears sufficient for the posted speed limit. Data supplied to WSCC by Sussex Police reveals no recorded injury accidents, caused by the road layout. Therefore, there is no evidence to suggest that

the existing access is operating unsafely, or that the proposal would exacerbate an existing safety concern.
The parking demand for the existing use in this location would be greater to that of the proposed; therefore we do not raise any capacity issues.

Parking and Turning
The site layout plan demonstrates onsite parking provision of 2 spaces and this accords with WSCC Car Parking Calculator for dwelling of this size and location. Space is available onsite for vehicles to turn and egress in forward gear. Given the recent changes to the Building Regulations Approved Document S (Infrastructure for the Charging of Electric Vehicles), it may be that the provision of EV charging is now covered under separate legislation to planning. Therefore, WSCC as Highway Authority have no comment to
make upon the EV charging provision as a result of this planning application. However, the planning case officer should check whether the development is being built under the old Building Control regulations, in place prior to June 15th 2022, and if they are, it may be appropriate to secure EV charging provision through the planning process.

Sustainability
The site benefits from being situated in a sustainable area in a close proximity to local shops and bus stop. Southwick train station is approximately 5 min walk. The LHA would recommend that secure and covered cycle parking is provided for the dwelling in order to encourage sustainable transport methods.

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 111), and that there are no transport grounds to resist the proposal. If the Local Planning Authority are minded to approve this application, the following conditions are advised.

Conditions
Car parking space (details approved)
No part of the development shall be first occupied until the car parking has been constructed in accordance with the proposed block plan. These spaces shall thereafter be retained at all times for their designated purpose.
Reason: To provide car-parking space for the use

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.

Adur District Conservation Advisory Group: - Approve

Adur and Worthing Councils:

EHO Public Health: - No comment

EHO (Private Sector Housing): The proposed development is completely unacceptable. The only access to the bedrooms is through a high risk lounge or a higher risk kitchen and so they are inner rooms. In addition, Bedrooms 2 and 3 do not have windows and so have no outlook, ventilation or alternative means of escape in the case of fire. Further the provision of windows with acceptable outlook in the kitchen dining room is completely inadequate.

Technical Services: Flood risk- The application is within flood zone 1, and has areas in the vicinity shown to be at low risk from surface water flooding. We therefore have no objection on flood risk grounds.

Surface water drainage- the application is for change of use. We have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

Southern Water: Requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

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.

Representations

None

Relevant Planning Policies

Adur Local Plan 2017 policies 9, 15, 17,
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Legislation

Permitted development

MA Development consists 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.

Development under Class MA is permitted subject to the conditions

(2) 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 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(a), the impact on the local provision of the type of services lost.

with any fee required to be paid.

(2A)Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.
(3) The local planning authority may refuse an application where, in the opinion of the authority—
(a) the proposed development does not comply with, or
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions except for conditions in paragraph M.2(1)(f), paragraph N.2(1)(e), paragraph O.2(1)(e), paragraph PA.2(1)(v), or paragraph Q.2(1)(g), limitations or restrictions specified in this Part as being applicable to the development in question.
(4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.
(5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the

local planning authority 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, the local planning authority must consult—

(a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;

(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and

(c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency58 where the development is—

(a) in an area within Flood Zone 2 or Flood Zone 3; or

(b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

(7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

(8) The local planning authority must give notice of the proposed development—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

(i) describes the proposed development;

(ii) provides the address of the proposed development;

(iii) specifies the date by which representations are to be received by the local
planning authority; or

(b) by serving a notice in that form on any.

(i) on any adjoining owner or occupier; and

(ii) where the proposed development relates to part of a building, on any owner or occupier of the other part or parts of the building".

Assessment against the legislation

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

The site was previously in use as offices and business use; the most recent use was Rag Retail and this business vacated the site 3 months ago. The application form states that the property has been vacant for at least 3 months.

The proposal relates to a floor area of 140 square metres and does not exceed 1,500 square metres. It vastly exceeds the nationally described space standard.

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.

Consideration of the planning merits of the proposal is restricted to those matters set out in MA.

(a) transport impacts of the development, particularly to ensure safe site access

The site is sustainably located within easy walking distance of the various shops and services available within Southwick Square, and with good public transport links to other parts of the town and destinations further afield.

The LHA do not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The LHA anticipate that the level of traffic generated by the proposed dwelling would be no greater than existing.

Cycle and refuse storage can be provided in the amenity space or to the front of the building.

(b) contamination risks on the site,

There are no concerns in relation to contaminated land the building is to be converted and no ground works are proposed.

(c) flooding risks on the site,

The site is within flood zone 1 and the Engineer has advised that areas in the vicinity are shown to be at low risk from surface water flooding. The proposals are for conversion works and there are therefore no objections to the proposals.

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

The site is located within a predominantly residential area, close to the commercial centre of Southwick. There would be no concern with regards to noise from adjacent premises. As the building is single storey and the entire building is to be converted there is no need for any soundproofing.

(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;

The building is within the Conservation Area. Conversion is proposed therefore no changes to the building will have any impact. However the nature of the use changing from commercial to residential will be more in keeping with the character of this locality and will in turn enhance the Conservation Area.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

The application proposes the conversion of the entire building at ground floor into a single residential unit. The kitchen, dinner is served by windows and a rooflight. The two bedrooms have windows, the lounge has double aspect windows and doors onto the amenity space and two rooflights. There is also a study served by a rooflight. All rooms are considered to have adequate light.

(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

N/A in this case

(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(a), the impact on the local provision of the type of services lost.

NA in this case.

APPROVAL

Prior Approval is required because of the relevant issues raised above and is recommended for APPROVAL subject to the following conditions:

1. Approved plans
2. No part of the development shall be first occupied until covered and secure cycle parking spaces and refuse storage have been provided and shall remain in place at all times unless otherwise 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.
3. Car parking space (details approved)
No part of the development shall be first occupied until the car parking has been constructed in accordance with the proposed block plan. These spaces shall thereafter be retained at all times for their designated purpose.
Reason: To provide car-parking space for the use

Informative:

1. Hours of construction
2. Southern Water – advice
3. New Address
4. Asbestos
5. Application required for external alterations.

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

Case Officer: Hannah Barker Date: 1st November 2022

Authorised by: Gary Peck Date: 2 November 2022