Development Management – Delegated Officer Report

Application Number: NOTICE/0014/19 **Recommendation – PRIOR APPROVAL REQUIRED AND GRANTED**

Site: **Development Site At 11 And 11A, East Street Shoreham-By-Sea**

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

Date of site visit: 17 September 2019

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application site relates to the first floor former offices above 11 and 11A East Street. The first floor is currently vacant but was previously occupied as offices by A and S Aerials until late June 2019. The building sits within the pedestrianised part of East Street within the Shoreham Conservation Area.

Proposal

The application seeks prior approval for a change of use from offices (Use Class B1a) to 1no. 2 bedroom flat (Use Class C3). The proposed floor plan shows access from a side door, separate from the ground floor shops, with a staircase leading to the proposed accommodation above. No external alterations are proposed at this stage.

Relevant Planning History:

SU/140/88 – Change of use from flat to offices at first floor level - approved

Consultations:

West Sussex County Council: The **Highways** Officer has no objection. Comments that this application does not indicate any existing parking provision and therefore no vehicular access considerations are required in this case. In terms of parking, the existing use would have generated a parking demand, which presumably would have needed to be accommodated on street or in a paid for provision. The anticipated parking demand of a 2 bed flat in this location would be similar to that of the existing use and therefore would not result in a material change to wider parking requirements.

The site benefits from being situated in a sustainable location in a close proximity to local shops, bus stops and employment opportunities. Shoreham By Sea train station is approximately 5 min walk. An alternative transport mode to public transport that can be used is cycling. It may be possible to provide a cycle parking facility on site, if so it would be advised that such a provision is secured via planning condition. A suitably worded condition is included below if the Local Planning Authority considers cycle parking achievable.

In principle, the current GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms.

Recommends condition requiring provision of secure cycle parking.

Adur & Worthing Councils: The **Environmental Health** Officer has no objections.

Representations:

None received.

Relevant Planning Policies

Adur Local Plan 2017 Policies 3, 11, 15, 16, 17, 18, 20, 27, 28, 36
National Planning Policy Framework 2019

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, as amended, 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 17 September 2019 and the first floor was vacant. The applicant has advised that the previous occupants, A & S Aerials used the first floor as offices until late June 2019. As such, it is considered that the existing use falls into Use Class B1(a). There is also a planning permission from 1988 which authorised the change of use from flat to offices at first floor level.

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/0014/19 is restricted to those matters set out in O.2.

(a) transport and highways impacts of the development

The site is very sustainably located in the shopping area of East Street with amenities, a bus route and train station within easy walking distance.

The street is pedestrianised and there is no parking provision on site. It is not anticipated that the proposed use as a single flat would generate a significantly greater demand for parking than the previous office use.

There is space at the rear to provide bike storage and a suitable condition is recommended to require that secure, covered bike storage is provided prior to the occupation of the flat.

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 shopping street with retail and other commercial uses prevalent.

At ground floor level, directly below is a shop and chemist. However, 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, provided the conversion is carried out to a sufficient standard with appropriate sound insulation as per the Building Regulations.

East Street is pedestrianised and the site is set back from the busy High Street. Consequently, the proposed flat is unlikely to be exposed to noise levels from traffic. The Environmental Health Officer has no objection.

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 shall be provided prior to commencement of use of the flat 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 28 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.

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

Case Officer: Peter Barnett Date: 27 September 2019

Authorised by: Gary Peck Date: 27 September 2019