Development Management - Delegated Officer Report

Application Number: **Recommendation – Approve**
AWDM/0855/13

Site: **6 Broad Reach, Shoreham-by-Sea, BN43 5EY**

Proposal: **Change of use from live-work unit to dwelling only (retrospective)**

Date of site visit: 7 August 2013

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application property is within the Ropetackle development granted planning permission in 2003 (SU/216/02). It was designated as a live/work unit, along with 9 other properties in the vicinity. No. 6 is one of a terrace of properties within the main block of original live/work units at this development. The property has three floors with (as approved originally) a garage and work area on the ground floor and living accommodation on the upper floors.

This application seeks retrospective permission for a change of the property to a solely residential use.

Relevant site history

The property is restricted by virtue of Condition 35 of SU/216/02.

ADC/0419/07 – 1 Broad Reach – application refused for the use of the live/work unit as a separate office and residential unit

ADC/0259/09 – 10 Broad Reach – application for a Certificate of Lawfulness granted for use of live/work unit as a dwellinghouse

AWDM/0425/12 – 8 Broad Reach – Permission granted for change of use from a live-work unit to a single dwellinghouse (retrospective)

AWDM/0790/12 – 9 Broad Reach – Permission granted for change of use from a live-work unit to a single dwellinghouse (retrospective)

AWDM/0515/13 – 5 Broad Reach - Application for a Certificate of Lawfulness granted for existing use of former live/work unit as a single dwelling.

Consultations

Adur & Worthing Councils – The Environmental Health Officer has no objection

Representations

None received

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1
National Planning Policy Framework (CLG 2012)

Planning Assessment

Principle

The original consent for the Ropetackle development envisaged a mixed use development of residential, retail, office and community facility. The live/work units formed part of that vision of a mixed use development and the loss of one unit would conflict to some extent from the original aims of the development. However, the restriction of a property to a live/work use is considered to be quite prohibitive and impractical.

The applicant moved into the premises about 8 years ago and has never used the work area for that purpose. It now contains a sofa and television and is clearly used as a living room.

The application for No.8 in 2012 was supported by a Planning Statement which highlighted the lack of parking and delivery space for commercial premises and the close proximity of residential properties to the live/work units. The buildings were considered by the agent to be “inappropriate for B1 uses beyond that which would be permitted as ancillary to residential use, making the condition and designation of live/work units appear unnecessary”. It went on to argue that the condition is also unreasonable as it requires the associated residential accommodation to be occupied solely by persons (including their dependants) working on the same premises. The agent asked what would happen if the occupier retires, becomes incapable of work or goes bankrupt. The Statement then argued that there is an oversupply of office accommodation within Adur while the floorspace provided within the live/work unit for office use is of poor quality.

It is considered that the same arguments are relevant to the current application and it is therefore considered that the change of use to a single dwelling is acceptable in principle. Furthermore, planning policy officers have previously advised that, while recognising that there is a place for live/work units in mixed use developments and recognising the advice in the NPPF, live/work units should in future be considered as an additional bonus to any employment floorspace required on the site, rather than contributing to specifically meeting Adur’s employment floorspace needs. Therefore the loss of a live/work unit would not have a detrimental impact on employment provision in the District and this would negate the need to attach potentially unenforceable and impractical conditions for their retention.

Visual amenity

No physical changes to the external appearance of the building have been carried out or are necessary.

Residential amenity

The use of the property as a single dwelling with no work floorspace will clearly not have an adverse impact on residential amenity.

Accessibility and parking

The existing parking space remains and the change of use has not resulted in any material change to the number of vehicular movements associated with the property. Cycle parking provision already exists and is unchanged.

Recommendation

APPROVE for the reason:-

The change of use from a live/work unit to a solely residential use has resulted in the loss of designated B1 floorspace. However, the property is physically separate and of a different character to the other live/work units within the Ropetackle development and the condition was considered to be overly restrictive. It is not considered therefore that the change of use has detracted from the local environment, had a detrimental impact on employment provision in the District, or resulted in unacceptable detriment to the amenities of neighbouring properties. It consequently does not conflict with saved policy AG1 of the Adur District Local Plan

Subject to Conditions:-

None

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.

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

Case Officer: Peter Barnett Date: 15 August 2013

Authorised by: Gary Peck Date: 16 August 2013