Development Management – Delegated Officer Report

Application Number: **NOTICE/0006/18**

Recommendation – Prior Approval not required

Site: **5 West Street, Shoreham-By-Sea**

Proposal: **Application for permitted development for prior approval for change of use from offices (Use Class B1) to 1no. 1 bedroom flat (C3)**

Date of site visit: 17 May 2018

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This is a notification of a proposed change of use of a ground floor Class B1(a) office to Class C3 (dwellinghouse). Such development is permitted by Part 3, Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, subject to conditions and a prior approval process.

The site comprises a two storey building with accommodation within the roof. The building is currently in B1(a) office use on the ground floor with a 2 bed flat on the upper floors.

It is proposed to convert the ground floor into residential use to form 1no. 1 bedroom flat. No external works are proposed. The site lies within the Shoreham Conservation Area.

Relevant site history

SU/113/03 – Change of use of dwelling to offices on ground floor with maisonette above with rear entrance and external staircase - approved (no restrictive conditions).

Consultations

West Sussex County Council: The **Highway Authority** has not raised any highway concerns. The application does not propose any parking provision or vehicular access to the dwelling. However the LHA appreciate the sustainable location of the site, situated within close proximity to local shops, bus services and a train station, and consider that there are viable options for sustainable modes of transport to reduce the reliance upon the private car. Furthermore, as parking within the vicinity is restricted, existing employees and visitors to the office would likely be by foot and considering that no parking is possible for the residential use the LHA anticipate that the level of traffic generated would be of a similar nature.

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.

If the Local Planning Authority is minded to approve the application, they may wish to condition cycle parking.

Adur & Worthing Councils: The **Environmental Health** Officer has no adverse comments

The ***Engineer*** has no drainage concerns

Representations

None received

Relevant Legislation

Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2, Part 3, Class O, as amended

Planning Assessment

Policy and Principle

This is an application to determine whether the prior approval of the local authority is required. It is not therefore subject to the usual planning policy considerations or amenity standards.

Class O states that before development can commence the developer must apply to the LPA for a determination as to whether prior approval 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.

Assessment in relation to Class O

Transport and Highways Impacts

Paragraph W states that if 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 LPA must consult the local highway authority.

The Highway Authority has confirmed that it is not concerned at the highway aspects of this development due to its sustainable location and taking into account the existing use as an office.

Contamination

The site is not on known contaminated land and the EHO does not have any concerns in relation to the contamination risks on the site.

Flood Risk

Paragraph W advises that the Environment Agency must be consulted where the development is within Flood Zones 2 or 3, or within Flood Zone 1 where there are critical drainage problems.

In this case, the site is within Flood Zone 1 and there are no known drainage problems in the area.

Noise

There are no concerns at the potential for noise from nearby commercial premises. The site is largely adjoined by residential properties although there are commercial premises to the south and west on Shoreham High Street. However, these are not noisy industrial-type uses and are unlikely to cause unacceptable disturbance. There are no Environmental Health Officer concerns.

Other considerations

Development under Class O is not permitted where –

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

None of the above applies in this case.

Assessment

The ground floor of the building is in use as an office under Class B1 (a). There are no known conditions or legal agreements preventing a change of use of the building. The proposed development complies with the requirements of Class O and the prior approval of the LPA is not required in this instance.

Recommendation

Prior approval not required

Informatives: (1) Plans

Case Officer: Peter Barnett Date: 24 May 2018

Authorised by: Gary Peck Date: 24 May 2018