Development Control – Delegated Officer Report

Application Number: **NOTICE/0006/15**

Recommendation – Prior Approval not required

Site: **4 - 6 East Street, Shoreham-By-Sea West Sussex, BN43 5ZE**

Proposal: **Application for permitted development for prior approval for change of use of first-floor only from offices (Use Class B1) to 4no. self-contained studio flats (Use Class C3).**

Date of site visit: 15 April 2015

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

This is a notification of a proposed change of use of Class B1(a) offices to Class C3 (dwellinghouse). Such development is permitted by Part 3, Class O of the GPDO 2015, subject to conditions and a prior approval process.

The site comprises a two storey building which is in use as a café on the ground floor and was formerly occupied by Robert Simon Solicitors on the first floor. It is within the Shoreham Conservation Area on the corner of East Street and the High Street.

It is proposed to convert the first floor into 4 studio flats. No external alterations are proposed. No parking is available.

Relevant site history

SU/97/85 - Erect Two-Storey Block Containing On The Ground Floor Shops (CLASS1) And/Or Offices (Class II) With Offices On The First Floor

Consultations

West Sussex County Council: The Highway Authority has not raised any highway concerns

Adur & Worthing Councils: The Environmental Health Officer advises that there may be asbestos in the building. Also expresses concern about impact of traffic noise on future occupants and would like to see a scheme of acoustic protection and alternative ventilation used. Also concerned at noise from commercial use below (NB – none of these concerns can be taken into account when assessing this type of application).

Representations

None received

Relevant Legislation

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

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. Paragraph W under Part 3 states that determination as to whether prior approval is required is limited to the following:

- Transport and highway impacts of the development – is the development likely to result in a material increase or a material change in the character of traffic in the vicinity of the site? If so, the LPA should consult the local highway authority.

- Contamination risks on the site – the LPA must determine whether, as a result of the proposed change of use, taking into account any mitigation, the site will be contaminated land as described in the Environmental Protection Act 1990. If the site is determined to be contaminated land, the LPA must refuse to give prior approval.

- Flooding risks on the site - LPA will be required to consult the Environment Agency where the development is in a Flood Zone

In this case, the Highway Authority has confirmed that it is not concerned at the highway aspects of this development. The site is not within a flood zone.

The site is on potentially contaminated land. However, the development involves the conversion of the upper floor only, with no ground works, and it is not considered that the contamination risks of the site are serious and do not fall foul of the procedure outlined in Paragraph W.

Development under Class O is not permitted where –

- The building is on Article 2 (5) land
- The building was not used for a use falling within Class B1 (a) offices on 29 May 2013 or, if the building was in use before that date but not in use on that date, when it was last in use
- The use of the building falling within Class C3 was begun after 30 May 2016
- The site is or forms part of a safety hazard area
- The site is or forms part of a military explosives storage area
- The building is a listed building or is within the curtilage of a listed building
- The site is, or contains, a scheduled monument

None of the above applies in this case.

Assessment

The building was formerly in use as offices under Class B1 (a). There are no 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) To advise applicant of asbestos and (2) Plans

Case Officer: Peter Barnett Date: 7 May 2015

Authorised by: Gary Peck Date: 7 May 2015