Development Control – Delegated Officer Report

Application Number: NOTICE/0011/15 **Recommendation – Prior Approval required and approved**

Site: **71 South Street, Lancing**

Proposal: **Application for permitted development for prior approval for change of use from solicitors offices to a three bedroom dwelling**

Site visit: 2 June 2015

Site and surrounds
The application site comprises a two storey end of terrace building on the east side of South Street.

The building has been is use as a solicitors office but has been vacated and is currently being refurbished. To the south, other buildings within this terrace are in residential use. To the north there is a vehicular access serving a public car park beyond the rear of the site.

The planning history indicates that the building has been in use as a solicitors office since 1965 when permission was granted for a change of use from residential to a solicitors office (L/223/65 refers). There are no restrictive conditions relating to the use of the premises on the permission for its use as a solicitors office.

Proposal
The proposal seeks to convert the building to a 3-bedroom dwelling house. No external alterations are proposed and the house would be accessed from the existing front door.

Relevant site history
As above

Consultations

WSCC Highway Authority - *From inspection of the plans and information provided, the application provides 1 dedicated vehicular parking. Proposals should also include a provision of cycle storage which should be secure and covered and in line with WSCC standards (2 spaces). The site is also within a sustainable location with good links to public transport, therefore mitigating the need for occupiers to require a private car.*

The site is recognised as having a permitted A2 use. In considering the change of use, the potential vehicle movements from the permitted use is a

material consideration. In light of the scale of the permitted and proposed development, it is considered that traffic generation would be less intensive through the C3 use. It is therefore not considered that this proposal could be resisted on the basis of traffic generation.

No concerns wished to be raised to this application from a highways perspective, subject to a condition securing the car parking and cycle parking.

Environmental Health (Contaminated Land) - The Council's Environmental Health Contaminated Land Officer has advised that asbestos may be present.

Representations
None

Planning Assessment

Class O of the General Permitted Development Order states:

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—

(a)the building is on article 2(5) land;

(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;

(c)the use of the building falling within Class C3 (dwellinghouses) of that Schedule was begun after 30th May 2016;

(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 application proposal meets the tests of O1 since the site is not part of any area excluded from the order; evidence indicates the site was last used for B1a office purposes and the site does not form part of a safety hazard area; a military explosives storage area; nor is the building a listed building or a scheduled monument. (A solicitor's office could be an A2 use if it attracted customers to walk in off the street, but it would qualify for the same prior approval rights to change to a dwelling provided it has a floor area of less than 150sqm, which in this particular case it does. It would also need to be considered in terms of its impact of the loss of provision of that service to the area. In this case, its loss is not considered to be harmful to the viability or sustainability of the area).

Consideration of the planning merits of the application is restricted to those set out in O2 and that the provisions within paragraph W are met.

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,

and the provisions of paragraph W (prior approval) apply in relation to that application.

Transport and highways impacts

WSCC Car Parking Demand Calculator indicates that the car parking demand for a three bedroom dwelling in this location would be two parking spaces. The applicant has indicated that a car parking space would be provided at the rear of the site and so giving a shortfall of one space. The site is sustainably located close to local facilities in Lancing and with good public transport links. It is disappointing that no cycle parking is indicated, however there is scope to include a cycle store within the rear curtilage. The use as a dwelling is likely to be less intensive than a B1a use with less parking demand and so overall transport and highways impacts are considered acceptable. The Highway Authority have raised no objections subject to car parking and cycle parking being provided. Prior approval would be required for this aspect and can be dealt with by way of conditions.

Land contamination

The Council's Environmental Health Officer has advised that asbestos may be present therefore an informative is recommended requiring the Applicant to forward a copy of the relevant asbestos report for the building to the Council's Environmental Health Contaminated Land department.

Flooding

The site is in Flood Zone 1 and the Council is not aware of any critical drainage problems on the site which have been notified to the Local Planning Authority

Paragraph W

The Council considers that sufficient information has been submitted with this application in relation to any conditions, limitations or restrictions relevant to the development. It is considered that the remainder of the requirements set out within paragraph W have been met.

Conclusion

Prior Approval is required due to the highway issues raised above and approved subject to the following conditions:

1. Drawing numbers
   Unnumbered Site Location Plan, Site Plan, Plan No.1, Plan No.2 deposited 18 June 2015.
2. Car parking to be provided.
3. Cycle parking details

INFORMATIVES:

1. The owners of commercial buildings have a duty to have the current asbestos register/records for the property. The relevant asbestos survey should therefore be submitted to the Council's Environmental Health Contaminated Land Officer prior to the commencement of any alterations to the building.

Case Officer: Rebekah Smith Date: 20 July 2015

Authorising Officer: Peter Barnett Date: 20 July 2015