



Planning and Building Control
Arun District Council
1 Maltravers Rd
Littlehampton
BN17 5LF

LB ref. 19013
Your ref.

31 May 2019

Dear Sir or Madam,

Application for Prior Approval for use of first floor of 98-100 Chichester Road, Bognor Regis for residential use.

On behalf of our clients Calculis Financial Planners Ltd., we write in support of an application lodged today for the above under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended).

Proposals

It is proposed that the first floor which offers between 40-45sqm of floor area (GIA) be converted into 1x residential apartment. No external changes are proposed, and the internal laying out will ensure that the floor plan makes use of existing openings while recognising the need to meet other requirements (including particularly the Building Regulations).

Background / History

An application for planning permission to convert the first floor into residential accommodation, submitted in 2007, was successful and granted planning permission by Arun District Council (ADC) . This consent lapsed and a further application (BR/187/16/PL) was lodged in November 2016 and determined by ADC in May 2017. This was refused consent, in part based upon emerging plan policies the requirements of which changed following the subsequent adoption of the new Local Plan in July 2018.

It is evident in the earlier planning history and from the consideration of the latest application that it is common ground the first floor use of the premises has been and is as (B1a) office use.



Clarification of Existing Use

As previously recognised in earlier determinations by the Council, the use of the first floor is, within Use Class B1(a) of the use classes order, or office use. For the avoidance of any doubt we set out here the present use of the site.

The ground floor of the building will continue to be occupied as offices by Calculis. Having regard to case law the present occupying business is considered to clearly represent a B1(a) use as opposed to class A2. This is because its services are not provided principally to visiting members of the public and as case law reaffirms¹ for customers of the business, predominantly by phone and correspondence.

The present use by Calculis does not have a reception as the vast majority of clients come in on an appointments only basis.

As a firm Calculis Financial Advisers provides advice for Pensions, Investments and Mortgages. There are 4 advisers at the premises, 2 for pensions and investments whom are present in the Office 2.5 days a week each, and 2 Mortgage advisers who are based at the office full time.

The premises has been in consistent use as offices since before the relevant date of the 29th May 2013. Indeed, the planning history shows the site was used as offices by the applicant 'Allfield Financial Group' in 2007 and it has been consistently occupied as offices having originally received consent in 1988 to change its use from A1 retail (BR/63/88).

Application of criteria within 'Class O'

Having addressed the history/pattern of use of the premises above there are further criteria within Class O.1 which we address below:

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

Not relevant and now defunct under GPDO 2016 amendments

(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;

Not applicable, as demonstrated by the planning history, but which could be further reinforced by evidence (including Council controlled information e.g. business rates) if necessary.

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

Criteria deleted by GPDO 2016 amendments

(d) the site is, or forms part of, a safety hazard area;

Not applicable

(e) the site is, or forms part of, a military explosives storage area;

Not applicable

(f) the building is a listed building or is within the curtilage of a listed building; or

Not applicable

(g) the site is, or contains, a scheduled monument.

Not applicable

¹ of particular relevance is *Kalra v Secretary of State for the Environment*, November 1995

Key considerations

As amended the GPDO sets the procedure, including the range of key considerations for the determination of such applications, that must be followed in making an application for prior approval. For Part O these are set out under Paragraph W;

Having regard to the recent determination of the application for full planning permission, and its reasons for refusal, it is considered there are no cogent reasons for concern in respect of the limited material grounds set out by the GPDO. Should officers arrive at an alternate view we would be keen to engage further on any such issues prior to the determination of the application.

Having regard to Part O.2 criteria the GPDO requires the developer to apply to the Council as to whether the prior approval of the authority will be required in respect of the following;

a) transport and highway impacts of the development;

In this case the site is located within a highly sustainable location and consequently is considered suitable for a zero-parking development. No issues were raised in this regard as part of the recently determined planning application.

b) contamination risks on the site

The site is not contaminated and no excavation is proposed, consequently there are no contamination risks associated with the proposed conversion. The site does not lie close to any known land-fill site. No issues were raised in this regard as part of the recently determined planning application.

c) flooding risks on the site

The site lies within Flood Zone 1 (where all development is considered acceptable) and there are no flooding risks or critical drainage issues associated with the site. No issues were raised in this regard as part of the recently determined planning application.



Extract from EA Mapping service showing site location outside of any flood risk areas

d) impacts of noise from commercial premises on the intended occupiers of the development;

There are no impacts from noise related to commercial premises which would have a harmful impact upon intended occupiers. The site is bounded by residential properties with no commercial premises in proximity of the site, such that there is no impact from noise arising on the intended occupiers. No issues were raised in this regard as part of the recently determined planning application.

In accordance with Paragraph W of the GPDO, the attached plans indicate the site and show the proposed development.

The developer's contact address is the same as the site address. The organization also operates from other offices, as shown on their website at <https://www.calculis.co.uk>

I trust the above and accompanying drawings will enable you to favourably determine the application, however, should you require any additional information please do not hesitate to contact me. The relevant planning fee will be paid separately, direct by the applicant.

