Expiry Date – 19/9, eot

Development Control – Delegated Officer Report

Application Number: AWDM/0/19 Recommendation – Refuse

Site: 43 High Street, Shoreham

Proposal: Demolition of existing single storey rear extension and construction of four storey rear extension to provide extended ground floor retail floorspace plus 3no. studio flats with rear balconies. Conversion of upper floors of existing building to provide a further 3no. studio flats including extension to existing roof to form mansard roof with dormer windows to front. New shopfront to include separate access to proposed flats. Storage for flats to be included at ground floor level. Restoration of front elevation of existing building including new sash windows.

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 13/9

Site and Surroundings

This application relates to a mid terraced three storey building on the south side of Shoreham High Street within the Shoreham conservation area. The rear site boundary faces the river but does not extend to the riverside walkway. Nos. 39-41, Tosca's restaurant, own most of the land bounding the riverside walkway. This walkway is also within the conservation area. On the site at ground floor is a vacant betting office and there is a two bedroom maisonette on the two upper floors accessed from a rear staircase, also currently vacant. The building has a shallow pitched roof behind a front parapet, typical to the terrace in which its sits. Immediately to the east is a double fronted restaurant also with upper floor residential accessed from the rear. This building is in the process of being extended along the riverside walkway to create a two storey detached addition with first floor dining space.

To the west is the Grade II listed Old Town Hall. It has a 2 storey façade and is used as a restaurant on the ground floor with office accommodation above over 2 floors. At the rear is The Annexe, a later 4 storey addition with a flat roof which is also used for office accommodation. There is also a 2 storey rear extension . The ground level drops towards the river to the south and the entry level of the annexe is at lower ground floor. In the mid 1980's planning permission was approved for a further extension to provide a four storey block of flats fronting the river, with garaging at ground floor, Town Quay Apartments.

Proposal

Permission is sought to demolish the rear extensions and roof of the main building and to replace them with a mansard roof extension with a higher ridge line and front and rear dormers. The existing upper floors and mansard are to be converted into 3 studio flats. A ground and four storey link extension to a further four storey mansarded building at the rear is also proposed. The link includes east facing windows on the first and second floors and dormers in the roof. It provides staircase access to both sets of upper floors.

The proposed riverside building has three studio flats on each of the upper floors, each has a south facing balcony. This building has the same height as the extended frontage building. The ground floor shop is to be extended almost to the rear boundary. As well as extending the shop the ground floor will include 6 storage units, one for each flat, accessed from the rear, together with a small back yard where refuse storage is shown.

The existing shop will be sub divided to create access from the front to the upper floors. A new shopfront is proposed with two doors. This area includes stair and lift access. It also includes a wheelchair park, as the studio flats are to be marketed to the disabled. Infilling window openings on the frontage upper floors are proposed in timber sash.

Relevant Planning History

SU/382/77 – Galvanised steel stair and balustrade to provide access to first floor flat. Granted 13.10.77

Consultations

Environment Agency:

'Thank you for the consultation on the above application, please quote our reference on all correspondence.

We have reviewed the information as submitted and have the following comments.

Environment Agency position
*We have **no objection** to the proposed development as submitted.*

Advice to LPA/applicant
We strongly recommend the use of flood resistance and resilience measures. Physical barriers, raised electrical fittings and special construction materials are just some of the ways you can help reduce flood damage.

To find out which measures will be effective for this development, please contact your building control department. In the meantime, if you'd like to find out more about reducing flood damage, visit the Flood Risk and Coastal Change pages of the planning practice guidance. The following documents may also be useful:
Department for Communities and Local Government: Preparing for

floodshttp://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf
Department for Communities and Local Government: Improving the flood performance of new buildings: https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the PPG.

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit https://www.gov.uk/sign-up-for-flood-warnings. It's a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding – time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit https://www.gov.uk/prepare-for-flooding.

To get help during a flood, visit https://www.gov.uk/help-during-flood.
For advice on what do after a flood, visit https://www.gov.uk/after-flood. '

Highways:

'This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

This proposal is for the demolition of existing single storey rear extension, construction of four storey rear extension, conversion of existing upper floors and construction of a fourth storey to existing building to create a total of 6 studio flats, and extension of retail unit at ground floor. The site is located on High Street, an A classified road subject to a speed limit of 30mph in this location. The site currently comprises of a retail unit to the ground floor and single maisonette to the first and second floor.

No vehicular access currently serves the property and no alterations to this arrangement are proposed. As such, the applicant proposes a nil parking provision for the proposed dwellings. Under the WSCC Car Parking Guidance (adopted August 2019), six car parking spaces may be provided for the proposal. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detriment to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking from an amenity point of view.

The LHA appreciate the sustainable nature of the site, within close proximity of a variety of local shops and services, including bus stops and Shoreham-by-Sea train station. The LHA would ordinarily anticipate a minimum of 3 communal cycle storage spaces for a development of this size and location. Although each residential unit is provided with storage on the ground floor, this is not of sufficient size to accommodate cycles. However, it is acknowledged that the applicant intends to market the proposed dwellings towards disabled residents. The LPA should consider whether it is appropriate to condition secure and covered cycle storage in the event that the dwellings are not marketed towards disabled residents.

No highway safety concerns would be anticipated as result of the proposed extension to retail floor space or extensions to provide a net total of five additional flats.

Conclusion
The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.'

Operational Waste Team:

'With regard to this application we don't see access to the bin store from the town quay apartments side. The refuse vehicle backs down a service alleyway at the side of this building and walks through an archway to collect the domestic bins from the courtyard. The bins can be seen in the Photo "Proposed view". The plans show no access to the bin store from here.

Bins will not be collected from around the back along the riverbank.'

Southern Water:

'*Southern Water would have no objections to the above proposal.*

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:
A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link https://beta.southernwater.co.uk/infrastructure-charges

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), www.southernwater.co.uk or by email at developerservices@southernwater.co.uk.'

Technical Services: *No objection*

Environmental Health:

'The High Street has been identified by DEFRA as an area severely affected by traffic noise. The rear of the development, overlooking the river, is affected by mechanical noise from the kitchen extract, ventilation systems, etc and from customers of the Crown and Anchor using the beer garden. Despite this no scheme based on good acoustic evidence has been provided to protect the new residential dwellings from noise.

The development site is also in an Air Quality Management Area. As this is introducing new residential exposure into an existing Air Quality management Area, the Sussex air quality guidance must be followed - see https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/air-quality-and-planning/. In this case I recommend an air quality assessment is carried out to show what levels of NO2 and PM2.5 residents will be exposed to.

Finally, I am concerned that the South facing top floor flat is at risk of overheating, particularly if the sliding doors have to be kept closed to protect the dwelling from noise. The other South facing dwellings are shaded by the overhanging balconies whereas this unit built in the roof will be exposed to direct solar glare all day.

I have no objections to the development in principle but I will have to object to the application as presented as no acoustic assessment or mitigation has been included in the scheme.

I would recommend A ProPG Planning and Noise assessment which shall deliver the internal noise level guidelines set out in BS8233:2014 and as far as reasonably practicable the WHO guidelines for external amenity areas.

I would recommend that the acoustic scheme include mechanical MVHR ventilation for the whole development with the air intake at the rear of the property so cleaner air is brought into the property. This is because the High Street windows will have to remain closed to achieve these guidelines and you would not want to leave the proposed sliding glazed doors, at the rear, open at night or in adverse weather.

Finally, I would request an overheating assessment for the development.'

Adur Conservation Advisory Group

'It was unanimously agreed that this application would greatly enhance the rear of this property which can be clearly viewed from the other side of the river, which will bring it into line with those other properties which have thus been improved.

*Members unanimously agreed to support the **APPROVAL** of this application.'*

Representations

11 representations received.

2 support the application as follows:

1. Time to improve this stretch of riverside.
2. Rear of buildings in a poor state.
3. Modern contemporary design to suit the riverside and area.
4. These flats will have great south views.
5. High Street regeneration required.

9 objections received from Town Quay Apartments and 39 and 41 High Street summarized as follows:

1. Overdevelopment.
2. Polluted road.
3. No parking.
4. Ghettoisation of the disabled.
5. Plans do not show first floor addition to Tosca's restaurant at rear. This will impair the riverside aspect of this development
6. No access to the flats refuse or storage areas except through the retail unit, unlikely to be allowed, or out the front and down the side of the Old Town Hall and passed Town Quay apartments. Palpably impractical and possibly embarrassing for wheelchair users. Same applies to use of the only outdoor space, which will be overshadowed by Tosca's development.
7. Who will empty the bins? The Council has said they will not in this location. This could lead to foul smells, infestations and other potential health hazards so close to residents and the neighbouring restaurants.
8. No rear access for refuse vehicles means no access for emergency vehicles. How would residents, especially disabled residents, manage in an emergency?
9. Blocking of sewage pipe at Town Hall.
10. The development will turn Town Quay courtyard from a largely open congenial lung to an alley like space surrounded, dominated and almost totally enclosed by towering walls, in conjunction with the 2nd storey extension at Tosca's, with no sunlight. Killing cherished planted beds.
11. Chambers bistro outside dining terrace will lose its sunlight.
12. Design is an incongruous intrusion.
13. Overlooking from flats and from balconies.
14. Noise from balconies as they are only 8 metres from Town Quay apartments.
15. Loss of view of rising sun.

16. What happens to the disabled residents when the lift fails?
17. Planning has already been given for 6 flats in the old town hall (2014). 6 more is overcrowding.
18. Permission was turned down at No.41 for a first floor rear extension. This is even bigger.
19. Damage to town hall wall.
20. Where are materials store during construction? How will access for builders be achieved? Narrow access at the rear exists.
21. Loss of tree.
22. Town Quay residents suffer from noise from the Crown and Anchor gardens. The proposed flats will be even nearer.
23. Disrepair by the owners should not persuade planners that this is a good idea.
24. Render on a riverside building will need regular maintenance.
25. Harm to Tosca's business during build/demolition.
26. Loss of light to 41
27. Overcrowding. Flats have been at Frosts to the east and are proposed opposite Kwik Fit.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2019
Adur Local Plan 2017 Policies 1, 2, 11, 15, 16, 17, 18, 20, 22, 33, 34, 35 and 36
Shoreham Conservation Area Appraisal
Technical Housing Standards 2015 – DCLG
Development Management Standard No. 1: Space Around Dwellings
NPPF 2019

Planning Assessment

Principle

The principle of development can be supported as this is a brown field site within Shoreham town centre. The provision of housing in such a sustainable location is also, in principle, acceptable. For consideration is the impact of the proposals on the adjoining listed building and Shoreham conservation area together with its overall design composition. Impacts on neighbours must also be considered as well as future occupiers living conditions. Highways, refuse arrangements and flood risk are secondary issues. The application came in cold. The applicant did not engage in any pre application discussions

<u>Impacts on the adjoining listed building and wider conservation area.</u>

The adjoining Building, Chambers restaurant, occupies Shoreham's former Town Hall and is a Grade II listed building. It shares a party wall with the application property.

A heritage statement was not submitted with the application and there is genuine concern that the extensions proposed could lead to harm to the listed building. It is not clear whether the chimneys shown on the west side elevation drawings are those of the listed building .There are three chimneys in total. They are not shown on the roof plan. It

is difficult to ascertain the exact impacts on the fabric of the Listed Building particularly at roof level but also in terms of the garden boundary wall with Town Quay apartments.

This building forms part of a short Victorian terrace with low pitched roofs, hidden to a large extent behind the parapet wall, along the High Street. The adjoining listed building has a shallow hipped slate roof but a higher ridge line than the adjoining terrace. The front of the former Town Hall has tall double pilasters on single pedestals flanking a central bay and supporting projecting pediment. The old Town Hall maintains its former status in the High Street with the lower ridge of the terrace helping to assert its significance. To extend and raise the roof of the adjoining terraced building using a mansard roof form with dormers would affect the setting of the listed building.

The roof extension is also considered to be harmful to the appearance of the conservation area. The terrace to which it belongs has a uniformity and rhythm. The proposed raised ridge height and mansard form would disturb this rhythm to the detriment of the appearance of the terrace and consequently also the appearance of Shoreham conservation area.

The four storey rear link extension and rear building sit on, or adjoin, the boundary with the listed building and car park of Town Quay apartments. The impact on the current boundary wall in this area, believed to be part of the listed building, is unclear. Loss of part of the listed building wall would not be acceptable.

The 4 storey scale and proximity of the link extension and rear building proposed to the listed building would cause harm to its setting. It would encroach and intrude onto its setting.

In conclusion it is considered that the roof extensions to the main building will be harmful to the setting of the listed building and to the appearance of the conservation area. The scale and proximity of the rear extension and new building will also encroach on the setting of the listed building to its detriment. The special architectural importance of the listed building will be harmed by this development. The harm caused in this case cannot be justified in terms of the provision of 3 substandard units of accommodation.

In general design terms the scale of the balconies of the balconies on the rear building is considered to be excessive and rather bulky, and appear alien to the proposed form of building with a traditional mansard roof. The blank (east) flank wall of the rear building will be clearly visible for neighbours and in distant views from the other side of the river. This tall, deep, blank wall will not enhance the appearance of the conservation area.

Neighbour Impacts

The link extension and rear building extend nearly 10 metres along the shared boundary with the listed building and Town Quay apartments' car park and outside space. It will have an overbearing and oppressive impact on residents of Town Quay. It will have the same impact on an outside rear dining terrace of Chambers restaurant, the listed building The rear balconies will overlook bedrooms in Town Quay and use of these large balconies has the potential to be disturbing to occupiers of Town Quay as they are within 4metres of these flats.

The link and rear building will extend 14 metres further beyond the rear wall of the flat above No. 41, to the east, and result in a loss of light and overbearing impact.

The blank (east) flank wall of the rear building will be clearly visible for neighbours and in distant views from the other side of the river. This high, deep, blank wall emphasises the building's dominant scale and will add to the oppressive impact on neighbours.

The upper floors of Chambers restaurant, the listed building to the west, are in office use, as is its rear/side extension. Planning permission in 2014, now expired, did allow for the conversion of this floorspace into at least 6 flats. The extensions proposed would not be so harmful to users of the adjoining office space but there is potential for harm to future residential occupiers if such a conversion were proposed again. This development might prejudice such a conversion.

Future Occupiers Living conditions.

The six studio flats proposed have floor areas of between 32 and 38 square metres. The DCLG's technical housing standards 2015 set a minimum floor area of 37 square metres for a 1 bedspace flat where there is a shower room only. Only 2 of the proposed units meet this minimum standard. Built in storage of 1 sqm is not shown within the flats. Additional storage for each flat is shown in the rear yard area but this is relatively inaccessible. The designated bedroom space does not meet the minimum 7.5 sq metres for one person. These units are cramped.

This application is put forward on the basis that these units are designed for the disabled with a wheelchair store and lift. The Technical Housing Standards also say:

'*The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.*'

The proposed units would not meet the requirements for wheelchair users, the shower rooms are particularly small. In most cases they fail to meet the minimum internal floorspace for the able bodied.

Bedrooms of one unit face that of another with 7 metres. This is a cramped arrangement. The first floor rear extension to Tosca's rear building is not shown on the montage. This will reduce the outlook for the rear building's first floor studio

The site is within an Air Quality Management Area. As this is introducing new residential exposure into an existing Air Quality management Area, the Sussex air quality guidance must be followed - see https://www.adur-worthing.gov.uk/environmental-health/pollution/air-quality-and-pollution/air-quality-and-planning/. No such air quality assessment has been carried out and therefore it cannot be established what levels of NO2 and PM2.5 residents will be exposed to and whether or which mitigation measures may be required. The applicant declined to carry out this study when requested.

The High Street has been identified by DEFRA as an area severely affected by traffic noise. The rear of the development, overlooking the river, is affected by mechanical noise from the kitchen extract and ventilation systems of the neighbouring restaurants and from customers of the Crown and Anchor pub using the beer garden. Despite this no scheme based on good acoustic evidence has been provided to protect the new residential dwellings from noise in line with the NPPF.

Environmental Health are also concerned that the South facing top floor flat is at risk of overheating, particularly if the sliding doors have to be kept closed to protect the dwelling from noise. The other South facing dwellings are shaded by the overhanging balconies whereas this unit built in the roof will be exposed to direct solar glare all day. An overheating assessment is required but has not been provided.

Refuse storage and individual storage units are shown in the rear yard. This area is only accessible from the front of the building and down the side of the listed buildings and along the riverside walkway. This is inconvenient and impractical, especially for wheelchair users.

Highways

The site does not provide car parking or cycle parking facilities. The absence of car parking is not significant as this site is in a highly sustainable location with bus routes east and west outside the site and the train station within in easy reach. The absence of cycle parking is more significant as the site does not support alternative transport means. However, if they are genuinely to be rented by a social landlord to wheelchair users this requirement is unnecessary.

Waste Services say they will not collect bins form the rear of the site as there is no vehicle access. The walkway is blocked by bollards to the west of the site to prevent vehicle access. They will not transfer waste from the site to the access road to the side of the Old Town Hall which is where Town Quay's bins are collected from. This objection does not appear to have a solution.

Flood risk

The Environment Agency has confirmed they have no objection to the proposal. All residential accommodation is at least at first floor level.

Conclusion

The Government's objective of significantly boosting the supply of housing as set out in the Framework is recognized and it is appreciated that the Framework recognises the contribution of small and medium sites to housing supply and encourages the making of efficient use of land. It is accepted that the provision of additional housing as proposed would make a minor contribution to the social and economic objectives for sustainable development as set out in the Framework. The proximity of the site to a public transport service, local facilities and services would contribute to the achievement of the environmental objective of sustainable development.

However, the presumption in favour of sustainable development as envisaged by the NPPF does not apply in this case as the adverse impacts of approving this proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Recommendation REFUSE for the following reasons:

1. The scale, design and proximity of the proposed extensions will be harmful to the setting of the adjacent listed building and to the appearance of Shoreham Conservation Area. The application is therefore contrary to policies 15, 16 and 17 of the Adur Local Plan and the relevant paragraphs of the National Planning Policy Framework.
2. The development provides cramped and substandard accommodation and fails to provide cycle parking or accessible refuse storage resulting in an unsatisfactory living environment for future occupiers. It is therefore contrary to policy 20 of the Adur Local Plan, the Technical Housing Standards 2015 - DCLG, and the National Planning Policy Framework.
3. The scale, height, proximity and design of the proposal will have an unacceptable impact on adjoining occupiers due to an overbearing impact, overlooking, loss of outlook and loss of light. The proposal is therefore contrary to policy 15 of the Adur Local Plan and the National Planning Policy Framework.
4. The application fails to demonstrate that future occupiers will not be exposed to poor air quality, excessive noise or overheating, to their detriment. The development is therefore contrary to policies 15 and 34 of the Adur Local Plan and the National Planning Policy Framework.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Is recommendation contrary to any representations? No.

Case Officer signed:	MOK	Date: 4/10/19
Authorised and signed by:	Peter Barnett	Date: 7 October 2019