Expiry Date - 09/10/2023

Development Control – Delegated Officer Report

Application Number: AWDM/1126/23 Recommendation – APPROVE

Site: 1 Broadwater Street West Worthing West Sussex BN14 9BT

Proposal: Part change of use from Offices to provide 2no. flats at ground and first floor, part demolition of existing ground floor and erection of single storey extension. New door to front elevation (numbers 1-3 Broadwater Street West)

Date of site visit: 07.11.23

Neighbours checked: y

Additional neighbour notifications: N

Site and Surroundings

The application property is a two-storey building which forms part of a retail terrace and parade along Broadwater Street West.

The property is currently vacant but was formerly occupied by HSBC bank at ground and first floor levels.

At ground floor level was the bank plus ancillary office space. Other office space and staff facilities were at first floor level.

As the site is within the retail centre, the site is surrounded by generally commercial uses with some residential units on upper floors.

There is a vehicular access road to the rear accessed from Rectory Gardens

The site is adjacent to the Broadwater Conservation Area and close to the Broadwater Green Conservation Area but has no specific heritage designation

The site is within the Broadwater District shopping centre

Proposal

The application which has been amended since originally submitted is for part change of use of the building to accommodate two flats.

The application proposes a two bedroom flat at first floor accessed via a reconfigured staircase within a newly created hallway which can be accessed from the new door onto the street or to the rear courtyard. The flat would have a dual aspect lounge, kitchen, two separate bedrooms and a bathroom. The proposed dwelling provides approximately 75sq.m of floor space

At ground floor the application proposed the demolition of part of the single storey element at the rear and the erection of a smaller extension to the remaining rear to provide a one bedroom 1 person flat of 40sqm. The flat would be set off the rear boundary which will provide it with private outdoor space.

The existing courtyard area to the north of the single storey element would provide for bin and cycle storage.

The ground floor would remain as a commercial unit of 123sqm retaining the shop front and also providing some access to the rear courtyard for bin storage.

Relevant Planning History:

AWDM/1275/16- Change of use from vacant unit (Class A2) to a restaurant/hot food takeaway (Class A3/A5) and external alterations, including the installation of ventilation and extraction equipment with ducting behind rear chimney. APPROVED

AWDM/0975/15-Replacement of external ATM- APPROVED

AWDM/0641/13-Replacement entrance door to include the removal of the existing stepped threshold to create level access- APPROVED

NOTICE/0005/23-Application for permitted development for prior approval for change of use from (Use Class E) at part ground floor and first floor to 2 flats (Use Class C3)- REFUSED:

The proposed development does not afford adequate natural daylight to all the habitable rooms of the ground floor flat. The Local Planning Authority is not satisfied that satisfactory living conditions would be provided for the future occupiers of the residential dwellings. As a result the proposed development would be contrary to policy DM2 and DM5 of the Worthing Local Plan 2023 and the provisions of the National Planning Policy Framework (NPPF)
As such the application does not accord with requirements of Paragraph MA (2)(f) and therefore the conditions of Schedule 2, Part 3, Class MA of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) have not been met.

Consultations:

West Sussex County Council – Highways

Summary and Context

This application is for the part change of use from offices to provide two flats at ground and first floor. The site is located on Broadwater Street West, an A-

classified road subject to a speed restriction of 30 mph. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

The LHA previously provided consultation advice for this site for application NOTICE/0005/23, raising no highway safety concerns. The Local Planning Authority (LPA) refused the application on grounds unrelated to highways.

Content

No vehicular access is associated with this site. No traffic flow information has been provided with the current application; however, Class E uses tend to generate greater material movements than C3 residential. Therefore, the LHA does not anticipate that material movements associated with the site will exceed that of the existing.

The WSCC Car Parking Demand Calculator indicates that a residential development of this size and location would require at least three car parking spaces. The applicant proposes a nil car parking provision - consequently, parking would have to be accommodated on-street. Comprehensive parking restrictions are in place on nearby roads, prohibiting parking in places that would be detriment to highway safety. The LHA does not anticipate that the existing nil car parking provision would result in a highway safety concern or parking capacity issue. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

The applicant has demonstrated cycle parking provision for both the revised Class E Use and proposed residential use, providing four cycle parking spaces in accordance with WSCC Parking Standards for their respective use classes. The site is situated in a sustainable location within walking/cycle distance of local services, amenities, and public transport links.

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 111), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve the application, the following condition should be applied:

Cycle parking
No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Southern Water-
Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

If this is a brownfield site redevelopment, the developer can discharge surface water flow no greater than existing levels if proven to already be connected and it is ensured that there is no overall increase in flows into the surface water system. The developer will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed surface water flow will be no greater than the existing contributing flows.

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.

Adur and Worthing Council:

Environmental Health:

Public Health

There are no EH objections in principle.

Please can you include a noise condition to include a scheme to protect the flat overlooking Broadwater Street as the noise maps show high traffic noise levels in this location.

Private Sector Housing

No objection to the first floor flat, but the outlook from the ground floor flat is poor and the main living area is next to a public access space with security and privacy issues.
The internal door could be moved so that the bedroom is no longer an inner room

Representations:

None

Expiry Date - 09/10/2023

Relevant Planning Policies

National Planning Policy Framework (September 2023)
National Planning Practice Guidance

Worthing Local Plan 2023

SP1 - Presumption in favour of sustainable development
DM1 HOUSING MIX
DM2 - DENSITY
DM5 - QUALITY OF THE BUILT ENVIRONMENT
DM6- PUBLIC REALM
DM13 Retail and town centre uses
DM16 - SUSTAINABLE DESIGN
DM22 Pollution

Planning Assessment

Principle

The proposal is for the extension and conversion of offices and ancillary commercial storage area on the ground and first floors of 1-3 Broadwater Street, a new door to the front and the demolition and erection of single storey extension to the rear.

Paragraph 11 identifies at the heart of the NPPF a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

The Worthing Local Plan (2020-2036) (WLP) was adopted by Council on the 28th March. The Worthing Local Plan (2023) now forms part of the statutory development plan, which sets the strategic development and land-use priorities for Worthing (outside the South Downs National Park) up to 2032, and contains the policies against which development management decisions within that area will be made.

The adopted Development Plan comprises the Worthing Local Plan 2023 and relevant supporting documents.

DM1 of the WLP states amongst other things that: a) In order to deliver sustainable, mixed and balanced communities, the Council will expect all applications for new housing to consider the most up-to-date evidence of housing needs and demands.

c) Housing developments should provide flexible, socially inclusive and adaptable accommodation to help meet the diverse needs of the community and the changing needs of occupants over time. The Council will expect all new build dwellings to meet the optional higher Building Regulations Standard M4(2) for Accessible and Adaptable dwellings.

DM2 - DENSITY states

a) Development proposals must make the most efficient use of land, which will usually mean developing at densities above those of the surrounding area. The optimum density of a development should result from a design-led approach to determine the capacity of the site. Particular consideration must be given to:

i) the site context and character of the surrounding area in which it is located, and including consideration of any nearby heritage assets or important landscape;

ii) its current and future level of accessibility by walking, cycling and public transport; Social Policies

iii) the need to achieve high quality design;

iv) the need to minimise environmental impacts, including detrimental impacts on the amenities of adjoining occupiers;

v) and the capacity of surrounding infrastructure.

b) Residential development of family housing should achieve a net density of a minimum of 35 dwellings per hectare. In exceptional cases, lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs;

c) Higher densities, in excess of 100 dwellings per hectare should be achieved in most mixed-use developments, flatted developments and developments located in the town centre and in areas close to public transport interchanges and local services.

d) New dwellings across all tenures will be expected to meet as a minimum, the nationally described space standards (or any subsequent Government update) for internal floor areas and storage space. These standards will apply

to all open market dwellings and affordable housing, including those created through subdivision and conversion. The Council's local standards will continue to apply for external space.

e) The Council will only consider any variation to the requirements set out above in exceptional circumstances, for example when a social or charitable housing provider is able to demonstrate that the homes it is seeking to deliver meets an identified need for supported housing and temporary emergency accommodation and that there is a clear and robust 'move on' strategy and site management in place.

Policy DM5 of the SDWLP requires all new development to be:

i) of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area (including consideration of proportion, form, design, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping);

ii) enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping, impact on street scene and layout of the development;

iii) make a positive contribution to the sense of place, local character and distinctiveness of an area;

iv) respect, preserve and enhance heritage assets and settings;

v) be well built, accessible, fit for purpose, and adaptable to changing lifestyle, demography and climate;

vi) include a layout and design which: take account of potential users of the site; create safe conditions for access, egress and active travel (walking and cycling) between all locations; provide good links to integrated public transport; and have acceptable parking arrangements (in terms of amount and layout);

vii) make a positive contribution to creating a safe and secure environment by integrating measures for security and designing out opportunities for crime;

viii) not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise or vehicular movements or loss of important open space;

ix) respect the existing natural features of the site, including landform, trees and biodiversity and contribute positively to biodiversity net gain;

x) ensure that lighting incorporated into developments provides the minimum for public safety, is energy efficient and avoids light pollution

DM13 - RETAIL AND TOWN CENTRE USES

a) The Local Plan will support the vitality and viability of Worthing's town centres by seeking to meet the identified floorspace needs for retail and other town centre uses up to 2026

b) Changes of use and redevelopments within town, district and local centres will be carefully controlled to ensure that they support, rather than detract from, the successful functioning of the centres and their ability to meet local needs. according to their function in the hierarchy . When considering all such proposals regard will be had as to whether they would:

i) Make a positive contribution to the vitality, viability and diversity of the centre;

ii) Not unacceptably impact on daytime footfall;

iii) Maintain a strong role for the centre in providing a varied range of convenience goods and meeting other day-to-day needs;

iv) Positively restore and/or enhance the character and appearance of the frontage;

v) Maintain the continuity of active frontages;

vi) Be of a scale and type of use appropriate to the size and function of the centre, or part of the centre concerned;

vii) Ensure that any proposal will cause no significant adverse effects for the occupiers of neighbouring properties;

viii) Ensure that that there will be no severe negative impact on existing parking arrangements;

ix) Retain or re-provides ancillary facilities within individual premises, (such as loading, storage, staff or administrative facilities), unless it is demonstrated that these are no longer necessary for appropriate future use of the premises;

x) Result in an over concentration of uses such as takeaways and other uses with closed and inactive street frontages. The Council will consider the role of the centre within which the proposal is located and other matters such as the numbers of existing similar uses within the frontage and any existing or potential issues. Permission will not be granted where harm to the vitality and viability of the centre, or the amenity of local residents and businesses, cannot be adequately mitigated;

xi) Require conditions to be applied to any new development where it is relevant and appropriate to do so, in order to control the proposed uses

District Centres and Local Centres

e) The policy approach seeks to encourage convenient and accessible local shopping facilities that are of a scale appropriate to the role and function of the centre to meet day to day needs of residents, and contribute to social inclusion. When considering relevant proposals within these centres regard will be had to the following:

i) in District and Medium Scale Local Centres - seek to retain a core of retail uses of at least 50% of the units in the whole centre, to ensure the role and function of the level of centre is maintained. Allow for uses such as financial and service and restaurant and cafes of an appropriate scale for the role and function of the centre. Other uses will be supported where it can be demonstrated that the use will enhance the vitality and viability of the centre in which it is proposed, generates footfall and retains an active shopfront with a shopfront display;

Upper Floor Uses

f) The efficient and effective use of the upper floors that add to the vitality and viability of centres will be encouraged subject to:

i) the proposed use of the upper floor will not undermine the viability of the unit on the ground floor particularly those retail uses;

ii) consideration will be given to the nature of the use, its appropriateness to the centre in which it is proposed, hours of operation, intensity of use and impact on nearby uses

Policy DM16 regarding – sustainable design indicates

a) All development (excluding householder applications) will be required to achieve the relevant minimum standards below unless superseded by national planning policy or Building Regulations. Applications for major development must be supported by a Sustainability Statement demonstrating that the minimum standards are met and where possible exceeded. All development is encouraged to exceed these minimum standards where possible

Policy DM17 – ENERGY

a) All new housing and major non-residential development should incorporate renewable and low carbon energy production equipment to meet at least 10% of predicted total energy requirements (after Co2 reductions from energy efficiency measures).

DM18 – BIODIVERSITY

b)All development should ensure the protection, conservation, and enhancement of biodiversity. If significant harm cannot be avoided (by locating development on an alternative site with less harmful impacts or through design), then such harm should be adequately mitigated. Where it cannot be adequately mitigated then as a last resort such harm must be compensated for. Where it cannot be compensated for, then planning permission should be refused. This process is known as the mitigation hierarchy.

The ‘Guide for residential Development (SPD) October 2013 seeks to outline the key elements for achieving these objectives when considering all new residential developments in Worthing. The aim of this SPD is to interpret policy as well as to include design-led good practice guidance.

Paragraph 3.1 of the SPD states that ‘To retain the quality of the local environment, it is essential that development proposals are designed to respond positively to their context. New development should relate well to its

surroundings. It should not ignore the existing environment but should respond to it, exploiting site features and incorporating them into the process.

Para 3.3 states ‘A key element to the achievement of good design is an appreciation of the context in which it is situated. During the design process of any new development consideration will need to be given to its local setting, the surrounding densities, local building heights and other local features.’

At para 3.11 the SPD indicates that new residential development should seek to incorporate the principles of Lifetime Homes Standards, new dwellings including extensions and conversions should comply with the requirements of the Space Standards SPD. Where proposals do not comply a clear justification will need to be set out in the planning application. It is important to ensure that dwellings are capable of providing a suitable layout and adequate room sizes that reflect the use and type. All new dwellings including extensions and conversions should comply with the requirements of the Space Standards SPD. Where proposals do not comply a clear justification will need to be set out in the planning application. Guide for Residential Development (SPD) - October 2013 16 of accommodation.

It should be noted that the Worthing Local Plan (WLP) (2023) now endorses the nationally described space standards (or any subsequent Government update) for internal floor areas and storage space (policy DM2 and supporting text properties, and amongst other things contribute towards an overall improvement in the quality of the living environment.

The creation of flats is acceptable in principle in this sustainable location, the proposal retains a good size commercial unit at ground floor with facilities and access to the rear, the proposal would not have an impact on the vitality and viability of the unit as required by policy DM13 of the Worthing local plan. The key issues are the impact on the visual area, residential amenity for future residents, impact on neighbouring properties and parking and accessibility as assessed against the Development Plan and relevant policies within the NPPF.

In this respect, the accompanying letter an Estate Agent outlines that the property has been vacant since 2015 when HSBC bank vacated the premises. The property has been marketed since this time with no demand for the property in its current form. Following 8 years of marketing the ground floor of the property has now been let to an estate agent (Class E use). The proposed tenant, however, does not require the entire ground floor and in this respect, results in a large area to the rear and on the first floor which would otherwise remain vacant. The proposed development retains the active frontage and retains the Class E use and shopfront making good use of the site in compliance with Policy DM13 and Worthing local plan and will assist in the vitality and viability of the District Centre.

Visual Amenity

The application involves an alteration to the shopfront fronting Broadwater Street West to provide an entrance to the flats.

At the rear the proposal involves the demolition of part of the rear single storey flat roof element of the building and the erection of a small extension to the rear.

The proposed new door would be in bricked up part of the elevation and would be in character with the existing windows and doors. The proposed door would not have an impact on the character of the street scene or shopping frontage.

The removal of part of ground floor and part replacement with a small extension would be an improvement to the building taking the building off the rear access road and providing space between the access road and the building.

Other external alterations involve bin stores and cycle storage within the rear courtyard. These would be retained within the application site and would not have an impact on the character of the area.

Residential Amenity

Future Occupants

The Guide for residential development SPD- Living above shops and other commercial premises indicates that the following points must be considered when assessing an application for living above shops or commercial properties:

- The amenity of residents and occupiers, or of the surrounding area.
- Sound proofing measures for the residential units.
- Design/space standards.
- Independent and safe access shall be provided to the residential unit which is separate from that of ground floor use.

As set above policy DM2 of the WLP new dwellings across all tenures will be expected to meet as a minimum, the nationally described space standards (or any subsequent Government update) for internal floor areas and storage space. These standards will apply to all open market dwellings and affordable housing, including those created through subdivision and conversion. The Council's local standards will continue to apply for external space.

Both proposed flats could be accessed from the front or rear of the property and have independent access from the commercial unit.

The first floor flat would be two bedrooms with an area of 75sqm.

The ground floor flat would be one bedroom with an area of 40sqm.

The proposed development meets the minimum requirements of the nationally described space standards.

In relation to the layout of the flats and daylight and sunlight.

At first floor the two bedroom flat would have good sized windows to the east to serve the lounge and a bedroom. At the rear the kitchen area and bathroom would have high levels windows and the bedroom would have a small window and fire door. The windows would face west and would from an acceptable level of amenity for the occupants.

At ground floor the proposed flat would be to the rear of the building. The flat has been reduced since originally submitted and now involves a one bedroom one person unit of 40sqm. Part of the rear of the building has been removed and a small courtyard area provided for the property has well full height bi fold doors into the courtyard and western elevation, providing the unit with good light to the living room and bedroom and a good area of provide outside space. The windows in the north elevation into the existing courtyard would be opaque. Although there is likely to be some noise and disturbance from the occupants of the other flat and potential commercial unit using the courtyard area in view of the improvement to the flat as outlined above it is considered on balance the ground floor unit is now acceptable.

Environmental Health (PSH) have raised concerns regarding the ground floor flat having a poor living area next to a public access space with security and privacy issues.

The application has been amended since these comments were received and although the windows to the northern elevation are not ideal these will be opaque. The proposal has also been amended to take the rear elevation off the service road with larger windows providing the property with improved light, amenity and privacy. Furthermore the internal door has been removed to the bedroom removing concerns regarding an inner room.

Both properties have separate access from the commercial unit.

Environmental health (PH) have requested a condition regarding the submission of a noise report for the first floor flat from noise from Broadwater Street.

Neighbour amenity

The changes to the shopfront and entrance would not impact on neighbouring residential properties.

Accessibility

The site is situated in a sustainable location in easy walking distance of modes of transport other than the private car and local shops and facilities. The LHA have not raised any objections. Cycle parking is shown on site.

Sustainability and Ecology

The proposal will repurpose and convert the building and in with its conversion comply with up to date building regulations requirement for sustainability.

The building is a conversion within an urban setting and although environmental information has not been submitted in accordance with policy DM18 the proposal does now include an element of outdoor space which would enable enhancements in landscaping and biodiversity. An appropriate condition to secure landscaping and biodiversity improvement is considered appropriate.

CIL

The proposal is liable to CIL

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Standard time limit
3. Matching materials
4. Cycle parking
5. Soundproofing from external
6. Refuse and waste
7. Hours of works
8. Landscaping and biodiversity

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

New address

Formal application to Southern Water for connection to sewerage system
CIL

Expiry Date - 09/10/2023

Is recommendation contrary to letter(s) of representation? N

Case Officer: Jackie Fox Date: 21.11.23

Authorised by: Jo Morin Date: 21.11.2023