Development Management - Delegated Officer Report

Application Number: **Recommendation –** **Approve**
AWDM/1379/12

Site: **32 High Street Shoreham-By-Sea, West Sussex**

Proposal: **Renewal of extant planning permission ADC/0379/09 for change of use and conversion of first floor offices to 3 flats (2 one bedroom and one bedsitting room) with first floor rear extension and external balustrading and stairs to rear car park.**

Date of site visit: 3rd December 2012

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The site comprises of first floor offices and ancillary kitchen and toilets above an existing commercial unit on Shoreham High Street within the town centre. The main office space is accommodated within the first floor of the main building and to the rear there are two pitched roof additions where the kitchen and toilet are located. To the north and east is an expanse of flat roof marking the north, east and west boundaries of the site. Also included within the site is a small yard area to the north east at ground floor level which is used for refuse and storage in relation to the retail unit below.

The site is on a corner with the High Street to the south and Middle Street to the west. On the opposite side of Middle Street is the Marlipins Museum a Grade I listed building. To the east abutting the site is the Bank House, a three storey building with rooms in the roof. Barclays Bank is at ground floor level with residential above. To the north is Middle Street car park which currently has permission for 2 two bedroom flats above a ground floor parking area which is to be used by the adjacent estate agents. Consent was initially granted under ADC/0462/08 and has subsequently been replaced by AWDM/1031/11. This land has been newly resurfaced and parking for 6 cars has been formally marked out however there is space for more cars to park here. The car park is privately owned and is shown on the location plan as being under the same ownership as the application site.

Permission was granted at the application site in 2009 to convert and extend the existing offices to form two, 1 bedroom flats and one bed sit. The existing first floor accommodation was to remain with a hipped roof extension extending onto the existing flat roof along the western side fronting Middle Street to the northern boundary of the site. This extension was to then continue to the east with an end gable facing east. The ridge height was to be the same as the existing rear additions at 7.5 metres. The extension fronting onto Middle Street was approved at 7.8 metres long with the section along the northern boundary 5.2 metres long.

Prior to permission being granted in 2009 a previous scheme was withdrawn ADC/0198/09. This application was for an unsympathetic rear addition which did not respect the architectural and historical character of the existing building and was detrimental to the Conservation Area and setting of the adjacent listed building.

The scheme that was approved under ADC/0379/09 had a communal entrance to the flats at ground floor level from the High Street, (no change to existing.) A doorway was approved on the eastern side of the communal lobby at first floor level which lead onto the flat roof. This provided access across the roof to an external staircase leading to the cycle and refuse store at ground floor in an existing yard area.

Planning permission ADC/0379/09 has not been implemented and has since lapsed. This application seeks a new permission to replace the aforementioned planning permission.

The main difference since the previous application was determined is that the existing first floor office space is now occupied. Also, the front first-floor timber sash windows have been replaced in uPVC (although no permission has been sought for this alteration). The latest planning permission has not been implemented in respect of the adjoining land to the north.

Consultations

West Sussex County Council: The Highways Authority states that since the previous application in 2009 I am not aware of any adverse comments that may have been made by the Highway authority, or of any other highway related concerns with this site and the current use. Therefore I would not foresee there being any significant highway issues to this use continuing. I would advise that the same conditions are applied with respect to bin storage.

Adur & Worthing Councils: Waste and Strategy – Bins may be stored in the yard area as shown on the plans but they must be presented where the car park meets Middle Street for collection. Standard size bins should be used.

Environmental Health (contaminated land officer) has advised that an informative relating to contaminated land be attached.

The Environmental Health Officer (Environmental Protection) comments that the High Street has been identified by DEFRA as an area severely affected by noise. I would ask for an acoustic assessment to be under taken to ascertain the exact noise exposure of the property including a scheme to protect the habitable rooms from excess noise. The standard to be achieved shall be British Standard BS 8233:1999: Sound insulation and noise reduction for buildings.

British Standard 8233 Indoor Noise Levels

Room	Good	Reasonable
Living Room	30 dB LAeq,T	40 dB LAeq,T

Bedroom 30 dB LAeq,T 35 dB LAeq,T & 45 dB LAmax,F

As a minimum I would expect the reasonable level to be achieved.

The scheme should recognise that the High Street is an Air Quality Management Area and any whole house ventilation scheme or forced air ventilation to habitable rooms should have the air intake from the roof to ensure traffic polluted air is not blown directly into the property.

Planning Policy have advised that Policy RE3 of the South East Plan states that accessible and well located commercial sites should be retained where there is a good prospect of employment use. Circumstances are now different and the premises are occupied.

Environment Agency: No comment

Conservation Advisory Group: Approve

Representations: - 1 email received from the owner/occupier of the adjacent Bank House. Objection due to over shadowing, loss of light, overlooking, overbearing, loss of privacy. The owner of this building also owns the attached property which has also received planning permission (AWDM/1031/11) should both of these applications be granted, there would be total enclosure, overlooking and loss of privacy would be intolerable. Both properties could be amalgamated into a much larger scheme. I trust the planning authority will see sense and look at the bigger picture and consider the impact granting both of these developments will have. I would be happy to air my views and concerns to the planning committee.

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AH2, AB4, AB11 and Appendix 11 ‘Supplementary Planning Guidance’ comprising: DC Standard No. 4 'Flat Conversions' 1996
Good Practice Guidance Note ‘Internal Space Standards For New Homes’ 2010
South East Plan (GOSE 2009): CC1, CC6, BE1
National Planning Policy Framework (CLG 2012)

Planning Assessment

Principle

As an application for a replacement of ADC/0379/09, which was extant at the time of submission, the presumption is in favour of approval unless material circumstances have changed since the time of its original determination.

The relevant considerations are:- (i) the principle of residential development, (ii) the design and its effect on the character and appearance of the surrounding Conservation Area, (iii) the impact on living conditions of existing and future occupiers, and (iv) access and parking considerations.

Planning policy has changed over time with the introduction of the National Planning Policy Framework (NPPF) and the Council's 'Internal Space Standards for New Homes' 2010. Both these planning documents are material considerations in the determination in this current application. The Draft Adur Local Plan was published for consultation in 2012, but has little material weight at present.

There are no saved policies in the adopted Adur District Local Plan which seek to resist the loss of existing office accommodation in Shoreham town centre. South East Plan Policy RE3 states that accessible and well located commercial sites should be retained where there is a good prospect of employment use. However, this policy is itself afforded limited weight in view of the Secretary of State's stated intention to abolish the RSS. In granting the previous permission the loss of the office space was considered to be acceptable in the light of it being vacant and the economic climate being poor at that time. The offices are now occupied. Draft policy 24 in the Adur Local Plan 2012 states that the change of use of land or buildings last in B1/B2/B8 use will be resisted unless it can be demonstrated that that the premises are genuinely redundant and unlikely to be re-used for commercial purpose in the Plan period. In due course, the Draft Local Plan will assume greater materiality, but in the light of the weight attached to the recent planning permission, it is considered it would be difficult to resist the loss of the existing office accommodation even though it is occupied.

The NPPF states that local authorities should recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites (paragraph 23).

Residential Amenity – the living conditions of future occupiers

Saved Policy AH2 of the Adur District Local Plan states that new residential development will be expected to be designed so that it accords with the standards adopted by the District Planning Authority.

The previous scheme was considered against the Council's Development Control Standard No.4 'Flat Conversions' which still applies and relates to flat conversion and changes of use. However since this application was approved the Good Practice Guidance Note 'Internal Space Standards For New Homes' 2010 has been adopted. This guidance was produced in response to growing concerns over the small size of dwellings being built within Adur District, particularly flats, and their ability to provide satisfactory living conditions and be sustainable in the longer term. The document states that adequate space is important to the health and well-being of residents and to undertake normal household activities.

This 2010 Guidance Note states that a studio flat must have a total floor area of 32sqm (compared to 30sqm in DC Standard No.4). The submitted plans show the flat to have 30.3sqm of internal floor area (annotated as 32sqm on the plans.). There is no storage space provided. The 2010 Guidance Note requires 1.5sqm of storage area (although this is not a requirement of DC Standard No.4). The 2010 Guidance Note states that there should be a living, cooking and eating area totalling 22sqm and sleeping area of 7sqm. It is not

clear from the submitted plans where the space for sleeping would be owing to the shape of the room and position of doors/fittings.

Flats 2 and 3 are one bedroom flats and the 2010 Guidance Note states that these should have a minimum floor area of 51sqm (compared to 45sqm in DC Standard No.4). Flat 2 is measured from the plan at 45sqm (the plan states 46sqm). There is no internal storage and the 2010 Guidance Note state that 2.5sqm of storage is required. The sleeping space is also sub-standard in relation to the 2010 Guidance Note, being 9.45sqm as opposed to the 12sqm requirement.

Flat 3 is measured at 45sqm (as stated on the plan) but again there is no storage space provided internally. The sleeping space meets the required standard however this is a long narrow room (2.7m at its widest). A large amount of the internal area consists of a corridor which is unusable as living space.

The flats have been laid out with the main outlook to the south facing onto the High Street and west onto Middle Street. The only outlook from the bedsit is to the south towards the High Street. Flat 1 again has its main outlook onto the High Street with the only other window in the flat serving the bedroom onto Middle Street. Flat 3 has limited outlook with the main rooms facing onto Middle Street, a narrow street with buildings directly opposite. This flat does have bathroom windows facing onto existing flat roof and a north facing living room window. However should the adjacent site be developed this north window and outlook to the lounge would be lost.

The Council's Environmental Health Officer has advised that the High Street is identified by DEFRA as an area severely affected by noise. A noise assessment was not considered necessary on the basis that sound insulation and noise reduction methods would be required to be put in place in the construction and conversion of the building. Environmental Health also indentified the site as being in an Air Quality Management Area. The National Planning Policy Framework states that when determining a planning application that consideration should be given to Air Quality Management Areas. In order to meet the requirements relating to noise and air quality the windows onto the High Street would have to be fixed shut and the dwellings would need to have forced air ventilation to habitable rooms and should have their air intake from the roof to ensure traffic polluted air is not blown directly into the property.

The bedsit flat (Flat 1), served solely by 2 windows facing High Street would therefore be entirely dependent on mechanical ventilation in order to ensure satisfactory internal environment for future occupiers. Combined with the small size and awkward shape it is considered the proposal would provide an unacceptable poor standard of residential accommodation for the occupiers of this flat. Flat 2 would also have its main outlook onto the High Street. Although there is a window serving the bedroom facing Middle Street, the main living and cooking area would have no natural ventilation.

The 2010 Guidance Note states that there is a need to ensure that dwellings contain sufficient space both internally and externally for the storage of household items and for 'dirty' storage. As stated above, no internal storage

space is provided for the flats. Included within the red line area is a yard which is shown to be accessed by the occupiers of the flats across the flat roof and down external steps to ground level. It is proposed that cycle and refuse storage would be provided in the small yard area. This provision is not ideal being relatively detached from the dwellings. The Waste Strategy Officer has advised that these bins would need to be taken to Middle Road for collection by the future occupiers. Access would be required across the adjacent site and it is not clear how this would be compatible with the implementation of the extant planning permission AWDM/1031/11.

It is considered that these issues could be addressed by a revised layout albeit likely involving a reduction in the number of dwelling units provided. The above concerns have been discussed with the applicant's agent and there may be scope to resubmit in the future with a new scheme. However it was considered that there was no intention to proceed in the near future.

Residential Amenity – the impact on neighbouring occupiers

It remains that the site is mainly surrounded by non-residential office or commercial buildings. As previously considered the main residential property potentially affected by this development is No.1 Bank House which is located directly above Barclays Bank at first floor level. This building directly abuts the site to the east.

The relationship of the extension and the effect on the amenities of nearby occupiers was previously considered acceptable and there have been no changes to site circumstances or the adjoining properties that would warrant arriving at a different decision. A condition of planning permission stipulated that the remaining area of flat roof should not be used as amenity space and the proposed new door on the east flank wall should only to used for access to the refuse/cycle store and not used as the main entrance route.

Design and Character and Impact on Conservation Area

The Council has a statutory duty to pay special attention to the need to preserve or enhance the character or appearance of Conservation Areas and to preserve the setting of listed buildings. It is therefore essential that new development respects the existing historic environment. The relevant saved policies are CH4-5 and AB4 & AB11. AB3 states that permission will not be granted for development that would generate a level of traffic flow or other activity likely to affect adversely the character of the Conservation Area.

With the introduction of the NPPF there still remains the need and requirement to preserve or enhance the character and appearance of Conservation Areas. It was considered previously that the traditional design and materials of the proposed addition would improve the appearance of the rear part of the building and enhance the character of the Conservation Area by screening the existing large expanse of flat roof in views from Middle Street. Also before, it is not considered the proposed development would in anyway detract or visually harm the setting of the adjacent listed Marlipins museum to the east.

Recommendation

Refuse for the reason:-

1. The proposed development would provide an unacceptable standard of residential accommodation, particularly for the future occupiers of the bedsit flat, owing to the limited space and poor internal layout, and failure to demonstrate how the effects of road traffic noise and poor air quality could be addressed to provide a satisfactory living environment. It is therefore contrary to saved policy AH2 of the Adur District Local Plan and the NPPF.

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

Case Officer: Hannah Barker Date: 5th March 2013

Authorised by: Jo Morin Date: 7 March 2013