DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO/ADDRESS: 11/0009 – 14 West Avenue

DATE OF SITE VISIT: 15/3

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES): None.

SITE AND SURROUNDINGS:

This application relates to two semi detached properties on the east side of West Avenue at its junction with Mill Road. The property was originally built as one house but was subdivided into two in the 1950's. The eastern half of the building is in occupation as a single dwelling known as East Court, 36 Mill Road. The western, more imposing half, is unoccupied and has been for the last 10 years. It is not clear whether its last use is as offices or whether the 2001 permission to convert from offices back to residential was ever implemented.

Mill Road is a busy road and bus route and has a mix of residential and commercial/community uses on it. To the east of the site is the Quaker meeting rooms, beyond which is a nursing home. Across the road in Mill Road a new development of flats has been erected. West Avenue is entirely residential with houses immediately to the north of the site and flats on the opposite side of the road.

The property is within the Mill Road Conservation Area and the building has been identified as a positive indicator. It is also a Local Interest Building. There are protected trees on the site. Vehicular access exists from both road frontages.

PROPOSAL

Permission is sought to use both properties as a private Health Spa. The proposal shows the two properties laid out with eight consulting rooms and the proposed use is intended to operate 7 days a week between the hours of 8am to 10.30pm. 3 bedrooms are retained together with a large reception, lounge staff room, kitchen, utility room and equipment store. The bedrooms are described as for 'very exceptional use when a visiting consultant may need an overnight stay' or 'to hold study groups where clients have treatments explained to them beforehand.' The application describes employment levels for the use as 4 full time staff and 2 part time staff. Spa treatments will include holistic healing yoga, reiki, aromatherapy, shiatsu and body and facial treatments including Thai massage. This will be a private Health Spa. The application makes no mention of any links to the National Health Service.

The agent has supplied a drawing showing the areas that are currently hard surfaced and suggested in his application that this space could accommodate 8 car parking spaces with access from either existing drop kerb. No specific layout is shown but he states that no additional hardsurfacing is proposed and no trees/shrubbery will be lost. 4 cycle parking areas are also proposed – but not shown.

The agent's statement confirms that the proposal is limited to internal alterations only, as illustrated in the drawings, with the external changes limited to simple decoration to match the existing building.

RELEVANT PLANNING HISTORY:

01/00320 – Change of use from office to residential dwelling. Granted 8.5.01

87/916 – Reconstruction of side extension, demolition of chimney stack Macadam surface for parking. Granted 13.10.87

87/445 – Change of use of property from residential to office use. Granted 30.6.87

54/793 – Concrete garage to property comprising two flats. Granted 16.11.54

54/458 – Alterations to convert existing property into 2 self contained flats. (14) Granted 6.7.54

51/124 – Division of existing house into 2 units of accommodation with vehicular access to Mill Road Granted 20.3.51

51/61 – Outline application for the division of the main house into 2 units, conversion of chauffeurs cottage and garage into a dwelling house and conversion of Billiard room to dwelling house (14, 14B, 14C West Ave) Refused 20.2.51.

RELEVANT PLANNING POLICIES:

RES7, BE1, TR9, H10, H18 and SC1 of the saved Local Plan.
SP3, RE3, BE1, CC1, CC6, RE3, H1, H2, H4, H6, T4, BE1, BE6, S6, SCT5 of the South East Plan
PPS1 Delivering Sustainable Development
PPS4 Employment
PPS5 Planning for the Historic Environment
Policies 4, 7, 8, 9, 13 and 16 of the Submission Core Strategy

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES:

3 objections received summarised as follows:

i) A commercial/business use would be out of character in a residential area.

ii) The proposed hours, 7 days a week, are excessive and are likely to lead to conflict with residential neighbours.
iii) Inadequate parking provision which will increase on-street parking in West Avenue which is already very busy.
iv) If granted other businesses may wish to open in the area.
v) There are protected trees on site and this is a conservation area, are they threatened?
vi) Plans do not show the garage at East Court – what is it to be used for?

Health: *No objection subject to conditions requiring the submission of details of any air conditioning units or external lighting to be installed.*

Highways: *No objection as applicant is proposing 8 off street parking spaces and space for disabled motorists. However, the access is not sufficient to provide for an increase in vehicle movements, and therefore WSCC would recommend that a condition securing a minimum access width of 4.1 metres is attached to any planning consent.*

Planning Policy:

'Local Plan 2003

H 10: *Loss of existing dwellings*
H 18: *Loss of amenity*

Emerging Core Strategy 2011

Policy 7: *Meeting housing need*
Policy 8: *Mix of housing*
Policy 9: *Existing housing stock*

The main concern with this application is the loss of two large residential dwellings. Policies that apply are H10 from the Local Plan and Policy 7, 8 and 9 from the Core Strategy. The amenity (Local Plan Policy H18) will also be affected with more traffic coming into this residential area.

Weight of the Core Strategy
It is anticipated that the Inspector's final, binding report will confirm the Core Strategy's soundness. This is expected imminently. With this in mind it is reasonable to give due weight to the housing polices in the Core Strategy.

The pivotal policy for this application in terms of the Core Strategy is Policy 9 – Existing housing stock. This policy seeks to ensure the retention of the existing housing stock and part of the policy's objective is to retain existing family housing. This forms the main policy objection for this proposal.'

Economic Development: *'14 West Avenue has remained empty for a 10 year period and was last used as B1 office space. This application for 14 West Avenue and 36 Mill Road will provide an employment generating use on the corner of a main arterial road. This application will provide good access, free*

on street parking and 8 proposed on site parking spaces. 36 Mill Road is located between the unused B1 office space at 14 West Avenue and a church meeting place, with a nursing home to the east.

Economic Development supports this application for change of use to Health Spa to generate employment, encourage investment in the premises and provide services for the community.

HUMAN RIGHTS:

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is accepted that the proposal, if refused, would have some impact on the applicant's Rights. However, it is considered that the harm caused by the development outweighs these and that in the public interest the application should be refused. Accordingly, it is considered that the decision complies with the Human Rights Act 1998.

PLANNING ASSESSMENT:

The relevant factors for consideration in this case are the benefits of the proposed economic development and community use set against the loss of one, or possibly two, houses. Also for consideration are the impacts of the development on neighbouring amenity and the impact of the proposal on the appearance of the building and the wider conservation area and its impact on the highway network.

This building was subdivided down the middle in the 1950's and converted into two houses. East Court, 36 Mill Road, on the east side is occupied as a house. 14 West Avenue was occupied as a house between the early 1950's and late 1980's and then following permission in 1987 it was used as offices until approximately the year 2001. In 2001 planning permission was granted for it to revert back to a dwelling. It is not clear whether this permission was ever implemented, the agent thinks not, though it has been rated domestically since 2001. It has remained empty since. The proposed development therefore involves the loss of either two family homes, one of which is occupied, or one occupied family home and a vacant office.

Saved local plan policy H10 resists the loss of existing dwellings unless the existing dwelling provides an unacceptable form of accommodation and cannot be adapted to do so or the proposed use or development provides a demonstrable benefit to the community which outweighs the loss of the dwelling concerned. Policy 9 of the Submission Core Strategy has the same objective.

PPS 4 Employment asks local authorities to adopt a positive and constructive approach towards planning applications for economic development and states that planning applications which secure sustainable economic growth should be treated favourably. It also encourages the efficient and effective use of land and the reuse of vacant and derelict buildings, including historic

buildings. All applications for economic development should be assessed against:

i) The minimisation of reliance on carbon based fuels;
ii) the accessibility of the proposal by a choice of means of transport;
iii) whether the development secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
iv) the impact on economic and physical regeneration in the area including impact on deprived areas and social inclusion objectives and,
v) impact on local employment.

Economic development which is not in accordance with the development plan, as here, should be assessed against the following points:

i) weigh market and other economic information alongside environmental and social information.
ii) Take full account of any longer term benefits, as well as the costs, of development such as job creation;
iii) Consider whether the proposal helps to meet the wider objectives of the development plan.

One half of the building, 36 Mill Road clearly provides acceptable residential accommodation as it is occupied. 14 West Avenue is unoccupied and in a moderate state of disrepair. It is understood the applicant has owned the buildings for many years and it is not believed that any attempt to sell them, for any use, has been made. Certainly no marketing or sales information has been supplied with the application. The building is clearly capable of reoccupation following some investment. This could again be for a B1 use or a residential use either as a house or perhaps in the form of a sub division. 14 West Avenue has had permission in the past to further sub-divide into two units. The applicant has not demonstrated that the building is unusable for B1 or residential purposes.

The Strategic Housing Market Assessment and Core Strategy indicate there is currently an unsatisfactory imbalance in terms of the housing offer within areas of Worthing. The town's housing stock is focussed towards smaller properties, typically 1-2 bedrooms (40%). Flats account for almost one third of the stock which is significantly higher than regional and national levels. At the same time there is a relatively low stock of larger properties available on the open market and this has been exacerbated by the loss of a significant number of family homes through redevelopment and flat conversions in recent years. The loss of two houses cannot be justified particularly as it would exacerbate an existing family housing shortage and is therefore unacceptable. As such the proposal is contrary to saved local plan policy H10 and Core Strategy Policies 7, 8 and 9.

As the use of 14 West Avenue is not clear it is possible that this proposal involves the office floorspace. Again, no justification has been put forward for

the loss of B1 floorspace. The proposal is also therefore contrary to South East Plan policy RE3 and Submission Core Strategy Policy 4. which seek to protect viable B1 office floorspace.

The site is well located in terms of links to local public transport including buses and the train. Off street parking is also proposed and cycle parking could easily be provided. It is also well positioned in terms of residential neighbours and potential future users who could visit on foot. Jobs are to be created, 4 full time and 2 part time, though no information has been supplied in terms of whether these jobs are likely to come from the local job market. The proposal would also bring a vacant building back into use and the external decoration proposed will uplift this neglected local interest building.

Nonetheless it is not considered that the application has satisfactorily demonstrated that the proposed use will be of such benefit to the wider local community in any regard to outweigh the loss of one or two family homes or B1 floorspace.

The proposed hours of use are 8am to 10.30pm seven days a week. These are considered to be excessive. West Avenue is, in general terms, a residential neighbourhood. The commercial activity associated with 8 consultancy rooms, together with potential additional study groups on site at any time could involve considerable comings and goings. Neighbours are, not unreasonably, concerned about the proposed level of activity. The applicant has failed to account for the likely numbers of visitors to the site at any one time or throughout the course of the day but it is considered that late night activity throughout the week could be harmful to the peaceful enjoyment of nearby residents.

In terms of car parking and highway issues the Highway Authority have said they are satisfied with the intended level of parking provision. However, the eight spaces referred to in the application have not been shown in a layout drawing and it is not clear whether sufficient turning on site exists for these spaces to be used independently of one another. The agent states no additional hardstanding works are required but this has not been demonstrated. There is real concern that protected trees within the site could be vulnerable if such works were necessary.

Additionally, the Highway Authority would like to see the West Avenue access widened to 4.1 metres. This has not been shown. The site has an imposing flint boundary wall that would need to be removed in part. The extent of this flint wall removal and the reinstatement of the gate pier have not been shown. It is not possible to ascertain whether the necessary works could be done without harm to the conservation area.

Conclusion

It is not clear why this building has remained empty for 10 years. It seems possible that it could be altered to create a residential or B1 environment again. In the absence of any marketing information or justification otherwise for this proposal there is insufficient reason to override newly adopted policies.

And whilst this proposed Health Spa use would bring 14 West Avenue back into use this would be at the expense of the family home at 36 Mill Road. The building's appearance would be improved through decoration but the extent of other external changes is not clear. For the scheme to be acceptable to the Highway Authority the access needs to be widened and a parking layout for 8 cars needs to be provided. This has not been shown in plan form. Without this information it is not possible to properly assess the physical impact on the appearance of the building, protected trees on site or the wider conservation area. Six jobs would be created, but it is not clear whether these would be local jobs. The level of activity proposed has not been fully explained and so a proper assessment of whether activity is likely to be disturbing to residential neighbours is difficult to make. However, the hours of use proposed over seven days, and the potential numbers of people on site at a given time suggests disturbance is probably and likely.

RECOMMENDATION

Refuse for the following reasons:

1. The proposal involves the loss of at least one family dwelling which would exacerbate a known shortage of such accommodation within the Borough. As such the proposal is contrary to saved local plan policy H10 and Submission Core Strategy policies 7, 8 and 9.

2. The application fails to demonstrate that the proposal would not result in an unjustified loss of ~~business~~ floorspace. As such the proposal is contrary to South East Plan Policy RE3 and Submission Core Strategy Policy 4. & B1 - office

3. The vehicle access proposed is inadequate in width and the applicant has failed to demonstrate that eight car parking spaces, four cycle parking spaces and necessary manoeuvring space can satisfactorily be provided on site without harm to protected trees or the appearance of the frontage. The proposal therefore has the potential to lead to a loss of visual amenity, loss of trees and conflict with the free flow of pedestrian and vehicular traffic on West Avenue. The application is therefore contrary to saved Local Plan policies BE1, TR9 and H18, South East Plan policies BE1, BE6 and T4 and Submission Core Strategy policies 13 and 16.

4. The proposed hours of use seven days a week and associated level of activity represents an intensive commercial use in a generally residential area which is likely to give rise to noise and disturbance to adjoining neighbours. As such the proposal is considered to be contrary to saved Local Plan policy H18, South East Plan policies BE1 and CC6 and Submission Core Strategy policy 16.

REASONS FOR RECOMMENDATION:

The proposal conflicts with the relevant policies of the Development Plan.

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION? No.

DELEGATED

Case Officer sign..... Date 13-5-11

Authorising Officer sign..... Date 16.5.11