DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO/ADDRESS: 10/0714 – Madeira Lodge, 1 Madeira Avenue.

DATE OF SITE VISIT: 12/10

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES): None.

SITE AND SURROUNDINGS:

This is a two storey detached building formerly run as a guest house on the north side of Brighton Road and the junction of Madeira Avenue. The site is opposite Beach House grounds and is within the old Central Accommodation Area.

The site is not within a conservation area and neither is the building listed.

PROPOSAL

On the 8th October 2007 planning permission was granted for the conversion of this guest house to form 4 new flats and retention of existing flat (owners accommodation). This application seeks a new permission to replace this extant permission.

No external works are proposed. The conversion involves two No. 1 bedroom flats on the ground floor, one with its own rear entrance, the other accessed from the communal front entrance, two No. 1 bedroom flats at first floor and a one bedroom flat split over the second and third floors.

RELEVANT PLANNING HISTORY:

07/1066 – Conversion of existing guest house to form 4 new flats and retention of existing flat (owners accommodation). Granted 8.10.07

07/0022 – Detached 2/s dwelling in rear garden. Refused 6.3.07

91/0520 – Change of use to guest house. Granted 3.9.91

RELEVANT PLANNING POLICIES:

RES7, BE1, H13, H18, TR9 of the adopted Local Plan.
Policies 5, 7, 8 and 16 of the Submission Core Strategy.
PPS1: Delivering Sustainable Development
PPS3: Housing
PPG13: Transport and Land Use

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES:

Applicant's Supporting Statement

Dated 21st August 2007

Principally the proposal relates to Change of Use and conversion of Madeira Lodge currently used as a Guest House, into five flats, comprising four new flats and the refurbishment of the owners existing accommodation to provide a fifth flat.

We are aware that Madeira Lodge falls within the Central Accommodation Area and therefore any proposal will need to be considered against Policy T2 of the Worthing Borough Local Plan.

In that regard Madeira Lodge as a Guest House business has been in decline over a number of years and is no longer viable as a profitable business and, should it be required, evidence relating to accounts can be submitted to demonstrate profitability.

As will be noted from the submitted plans the building itself can be converted without any external alterations, making use of existing fenestration, and the provision of five flats will assist in meeting the Borough's housing demand. Moreover, notwithstanding the loss of property as a Guest House the proposal fully accords with both Government Guidance and the Local Plan Policy in making efficient use of a building within the Urban Area in the provision of housing.

Undercover cycle parking will be provided within the courtyard area where vehicle parking could be accommodated but we would suggest having regard to the property's town centre location that onsite parking is not prerequisite, especially taking into account the advice given within PPG13.

We consider therefore, taking into account the trading position of the guest House that the proposal is development plan compliant.'

*One **neighbour objection** received:*

i) the property has become a home for ex-offenders and occupiers are very noisy and intimidating. 4 more flats will mean more people and more trouble

Highway Authority*: 'This application seeks in essence an extension of time of the permitted WB/07/1066/FULL. There would be no highway grounds to resist this proposal. A suitably worded condition should be applied to any planning consent to ensure the provision of covered and secure cycle parking for the new flats.*

Tourism Officer: *No objection.*

Planning Policy previously commented: *'Evidence should be supplied to demonstrate this is an unviable business. However, consultation with the*

Local Tourist Board did conclude that they are unlikely to object to its loss. It is not worthy of accreditation and considerable expenditure would need to be spent to bring up to standard.

Environment Agency: *Low environmental risk.*

Technical Services: '*It is apparent that the alterations to the building will not affect the volume of surface water or roof water discharged from it. Therefore we have no comment to make.'*

Health: No objections subject to:

i) compliance with Building Regulations particularly for fire safety.
ii) details of refuse storage.

HUMAN RIGHTS:

First Protocol (Protection of Property) of the Human Rights Act 1998 is relevant to this application. It is accepted that the proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that the level of development proposed would not cause undue harm in terms of additional noise, disturbance and loss of privacy and that, on balance, existing residential quality of life would not be adversely affected as a result of the proposal. Accordingly it is considered that it is acceptable with regard to Article 8 and Article 1.

PLANNING ASSESSMENT:

This former guest house has not been in operation for five years. It closed due to its unprofitability. At the time of the last application the previous owner was still living at the address but had not operated his Bed and Breakfast use for two years. Since the applicant bought the site, after the grant of the extant permission, it appears to have been used as an HMO but exactly when this began is unclear.

The Tourism Officer has confirmed she has no objection to this replacement permission application.

The proposal involves the conversion of the existing building into 5 self contained one bedroom flats, two on the ground floor, two on the second floor and one split between the second and third floors. No extensions or external changes are involved. In terms of the neighbour objection the use of the property as an HMO is not authorised. The current use is not fully understood and will be the subject of an enforcement investigation. However, if it is currently an HMO it is likely that with self containment fewer people will live on site.

The creation of five units of accommodation remains welcome in this peripheral town centre location.

The entire rear garden is currently hard surfaced and devoted to car parking. The applicant's supporting statement suggests parking is not a pre-requisite in

this location and the Highway Authority is not seeking off street parking. However, in the absence of an alternative plan to convert this space into garden the existing space will be used by drivers. Consequently it will be important to see a parking and turning layout and improved visibility from the site. There is scope to provide some dedicated outdoor space for at least the ground floor units and so a condition to this effect is again recommended. Secure cycle parking is to be provided within the parking area, subject to condition along with refuse storage.

Conclusion

Government guidance is that applications to replace extant permissions should be granted unless circumstances have changed materially since it was first granted. Circumstances have not changed materially in this case.

RECOMMENDATION

Grant subject to conditions.

1. 5 years
2. Approved Plans
3. Refuse storage
4. Car parking/turning
5. Visibility splays
6. Garden areas for flats

REASONS FOR RECOMMENDATION:

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

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION? Yes.

DELEGATED

Case Officer sign..... [redacted] Date.....22/10.....

Authorising Offi sign..... [redacted] Date.....26.10.10.....