Expiry Date - 23/01/2012

Development Control – Delegated Officer Report

Application Number:
AWDM/1000/11

Recommendation – Refuse Application

Site: **29 High Street Shoreham-By-Sea West Sussex**

Proposal: **Amendment of ADC/0142/09 to convert ground floor (rear) first floor and second floor to 3 x one-bedroom flats, 1x two-bedroom flat and 1 x studio flat (instead of 4 two-bedroom flats) (No's 29 and 31)**

The Application

The application site comprises of nos. 29 and 31 High Street which form part of a terrace within the main shopping street in the built up area of Shoreham town centre. The site also lies within the Conservation Area. The buildings front the High Street to the north with commercial premises at ground, first and second floor level. The second floor is formed within the roof space where there are front and rear dormers. There have been other various alterations and additions to the buildings including rear flat roof additions.

To the south/rear of the site is a rear amenity/garden area which backs onto the river. Due to the drop in levels to the rear towards the river the lower ground floor of the building (which is below pavement level on the High Street frontage) is at ground floor at the same level as the garden area and the river bank. This floor is currently used as ancillary storage for the ground floor commercial units.

Permission exists to convert the existing buildings into 4 two bedroom flats under ADC/0142/09. This application seeks permission to amend that consent to provide 5 flats in total, comprising a 1-bed flat on the ground floor, 2 x 1-bed flats and a studio flat on the first floor and a 2-bed flat at second floor. The ground floor flat, as before, is provided to the rear of the ground floor, with a balcony area above the lower ground floor flat roof enclosed by railings facing south towards the river. The second floor flat also has a rear balcony area to the south. Refuse storage for all flats is to be at the rear at lower ground floor level with the rear amenity space to be communal space for the use of the occupiers of the flats.

The only external changes to the buildings are to the rear, facing onto the river with the enclosing of balcony areas to the ground floor and second floor level with railings 1 metre in height and a riverside retaining wall.

Consultations and Representations

Consultations/Comments

West Sussex County Council: - The Transport Planning Officer has advised that he has no highway objections to the alterations

Adur and Worthing Councils – The Waste Strategy Manager has no objection

The Environmental Health Officer states that his section was not consulted on the original application. He is concerned at the application as the High Street facing units will be affected by traffic noise while the rear will be affected by customer noise from the adjoining pub, which is licensed to be open until 1.30am at weekends. The new dwellings will therefore need to be protected from noise and he considers that a whole house ventilation system and acoustic glazing is required.

Environment Agency: - The proposed development will only be acceptable if the following measures as detailed in the previously approved Flood Risk Assessment (FRA) are implemented and secured by way of a planning condition on any planning permission. "The development permitted by this planning permission shall only be carried out in accordance with the approved FRA (dated 8 May 2009) and the following mitigation measure detailed within the FRA: Finished floor levels are set no lower than 5.5 m above Ordnance Datum (AOD)

Third Parties

ADCAG – Refuse as detrimental to the character of the Conservation Area and is one flat too many

Relevant Planning Policies and Guidance

Adopted Adur District Local Plan 1993 – 2006 (ADC 1996) (saved policies): AG1, AB4, AB16, AH2, AH5, AH9, AS1 and Appendix 11 'Supplementary Planning Guidance' comprising Development Control Standard No.2, 'Space Around New Dwellings and Flats' and No.4, 'Flat Conversions'.
Good Practice Guidance Note – Internal Space Standards for New Homes (ADC 2010)
PPS 1 'Delivering Sustainable Development' (ODPM 2005).
PPS3 'Housing' (DCLG 2006)
PPS4 'Planning for Sustainable Economic Growth' (DCLG 2009)
PPS5 'Planning for the Historic Environment' (DCLG 2010)
PPG24 'Planning and Noise' (DoE 1994)

Planning Assessment

Policies

The provision of more dwelling units would help meet the housing requirements for small households as set out in Local Plan policy AH5.

Policy AH9 of the Local Plan states that the conversion of dwellinghouses into smaller self-contained units will be permitted providing that: access and car parking provision is acceptable; the proposal would not have an unacceptable adverse effect on neighbouring properties in terms of overlooking or noise transmission through party walls; and the type of property concerned and the standard of accommodation to be provided accord to the adopted standards. It also states that the conversion of small family homes will not be permitted. While the application relates to space above a shop rather than a family home, the principles established in Policy AH9 are considered to be applicable.

Policy AS1 seeks to prevent the loss of residential accommodation at upper floor level within shopping areas.

Similarly, while not covered in Development Control Standard No.4 'Flat Conversions', the principles within that document can be applied here. It states, among other criteria, that conversions should result in an acceptable amount of amenity space for each flat (minimum of 20sqm per flat).

PPS3 contains no specific guidance on flat conversions except for the general statement that "conversions of existing housing can provide an important source of new housing" (para 31). It advises LPAs to "take account of the need to deliver low cost market housing as part of the housing mix" (para 26). This is against the background of the overall objectives of delivering high quality, well-designed housing; a mix of housing, including tenure and price, to support a wide variety of households; sufficient quantity and improved choice; and locations close to jobs and facilities.

The site is in the Conservation Area where there is a statutory duty to pay special attention to the need to preserve or enhance its character or appearance as reflected in local plan policy AB4. Also policy AB16 relates to the riverside setting of Shoreham stating that opportunities will be taken, when considering development proposals to improve the river scene.

Residential Amenity

The main property to be affected in this case is the lower ground floor flat at 27 High Street to the east of the site. This unit is contained in a terraced building of similar scale with an asymmetric roof design. There is a rear garden area for sole use of the lower ground floor flat. This garden space abuts the site boundary and the proposed amenity space for the flats. There is currently an open 1 metre fence along the boundary.

The owner of the flat previously expressed concern over the use of the rear amenity space and the loss of privacy and overlooking as a result of the proposed balcony above ground floor level. The balcony area was

significantly reduced from the enclosure of the entire flat roof to an area 2 metres in depth and 3 metres in width as part of the original approval.

To the west is a public house and beer garden and it was not considered that the proposal would have any adverse impact on this building or its enjoyment.

While there are no standards for room sizes for flat conversions above shops, DC Standard No.4 does provide a useful guide. The proposed studio measures 27sqm and falls below the minimum floor standard of 30sqm (or 32sqm in the Good Practice Guide for New Homes). The first floor flat in front of the studio is also substandard. It is therefore considered that the additional flat and subsequent rearrangement of the other flats results in a substandard level of accommodation and is tantamount to an overdevelopment of the site.

Visual Amenity, Conservation Area and Riverside Setting

The proposed external changes are all previously approved.

Access and Parking

The site has no parking provision, as is currently the case. The proposed flats are within a sustainable location within the town centre. The area is well served by public transport links. The Transport Planning Officer has no objection to the provision of an additional flat in highway terms.

Flood Risk

The site is located within Flood Risk Zone 31/3b. A Flood Risk Assessment was submitted with the original planning application. The Environment Agency has no objection subject to the condition as set out in their consultation response above.

Recommendation

REFUSE for reason:

The additional flat and subsequent rearrangement of the other flats results in a substandard level of accommodation and is an overdevelopment of the site, to the detriment of the character of the area and the residential amenities of future occupiers. The proposal is therefore contrary to saved policy AH9 of the Adur District Local Plan and Supplementary Planning Guidance comprising Development Control Standard No.4, 'Flat Conversions'.

Case Officer Peter Barnett Date 26 January 2012