Expiry Date – 3/1 EOT to 11/1

Development Control – Delegated Officer Report

Application Number: AWDM/1927/21 Recommendation – Refuse

Site: 6 Windmill Parade, 163-183 Old Shoreham Road, Southwick

Proposal: Change of use and conversion of estate agents ground floor office (Use Class E) to 2no. one-bed flats with 2no. parking spaces at rear (Use Class C3)

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 19/11

Site and Surroundings

This application relates to a two storey mid terraced building in a terrace of 4 on the north side of Old Shoreham Road between Overhill and Hillside in Southwick. The property is part of a commercial terrace with the ground floor occupied by an estate Agents, Harrison Brant, and the upper floors as two flats. The building has been extended to the rear and also into the roof.

There is rear access off of Hillside to parking and the rear yard area.

To the west is an Indian takeaway and immediately east are two entrance doors to upper floor flats beyond which is an electrical contractors and a Chinese takeaway at the eastern end.

This stretch of 8 commercial properties is designated as a local shopping parade in the Local Plan. It is not in a conservation area and is not listed. It is in Flood Zone One and is not shown to be at risk from surface water flooding.

Proposal

Permission is sought to convert the entire ground floor into 2no. one bedroom flats accessed from the front. The shopfront is to be removed and a door and window put in its place. Parking for two cars is shown in the rear yard.

Relevant Planning History

AWDM/0891/11 - Loft conversion to form second floor flat with 2 front dormers and rear dormer. Granted.

SW/34/94 - Conversion Of First Floor To Two-Bedroom Flat (With Estate Agency On Ground Floor). Granted.

Consultations

Highways:

Site Context & History
The access onto the application site is located on Hillside, a public maintained highway. The LHA would view said road to be set within an urban setting and low trafficked. The road is subject to a 30-mph speed limit. No current speed survey data is located within a reasonable distance of the access that would state otherwise.

As a result, the Local Highways Authority (LHA) will refer to Manual for Streets (MfS) as guidance.

Access
The applicant proposes to use and existing access point. The LHA believes it reasonable to believe that the existing and proposed uses would not have such dissimilar trips associated with and as such believes the proposal will not see an intensification of use.

An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury collisions within the vicinity of the site. Therefore, there is no evidence to suggest that the existing access is currently operating unsafely.

With all the above considered, the LHA would not anticipate that the proposal would generate a highways safety concern at the existing access.

Vehicle Parking & Cycle Parking
The applicant has provided a plan demonstrating 2 parking spaces. The LHA appreciates that High Street 'scenes' such as this one historically do not receive the benefit from vehicle parking and have operated in such a way with little to no hindrance of the operations of the Public Highway, utilising both public transport and public carparks.

The application site is no different having limited parking. With public transport within close proximity and a range of shops and public amenities, the LHA believes that current or future occupiers of the development would not be reliant on the use of the private motorised vehicles.

With the above considered and the applicant not clearly stating their intentions regarding sustainable travel to include cycle parking, the LHA would advise that if the LPA deem necessary, cycle parking should be provided in conjunction with MfS and WSCC sustainable travel guidance. Details of which can be secured with a suitably worded condition found below.

To summarise the LHA raises no concerns over the Vehicle Parking.

Electric Vehicle (EV) Parking
WSCC notes that though the application site does not meet the parameters to request EV parking within WSCC parking guidance, the LPA may wish to consider securing such details if they deem appropriate.

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.

The LHA advises the LPA that if they are mindful to permit the above application than to attach the following condition:

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.

Environmental Health:

This property is positioned close to Old Shoreham Road which has been identified on Defra Noise Maps as having elevated noise levels of up to 74.9dB during the day and 64.9dB during the night. In addition there is a restaurant and take away positioned adjacent to the proposed development which is likely to have regular delivery drivers pulling up throughout the evening and noise from smokers outside the restaurant. There is also likely to be noise from plant to the rear serving the adjacent ground floor unit. I would advise the following condition:

Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from external noise has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the ProPG: Planning & Noise – New Residential Development 2017, BS 4142:2014+A1:2019 and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. The scheme should be of good acoustic design, include full details of glazing, and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

The proposed ground floor flats are positioned adjacent to an existing restaurant which could result in elevated levels of internal noise transmission and noise disturbance, particularly within the bedroom of Flat A. I would advise the following condition:

Construction work shall not commence until a scheme for protecting the residential unit adjacent to the commercial unit, which is the subject of this application, has been submitted to and approved by the local planning authority. All works which form part of the scheme shall be completed before the development opens for business. The scheme shall be designed to achieve a minimum airborne sound insulation value of and 48dB (DnTw+Ctr dB) for walls. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and achieve the specified criteria.

Public Sector Housing

The outlook from the windows of the bedrooms of both flats will be poor.

There are problems with privacy for the front flat where there is no defensible space and there is a takeaway restaurant next door and the patio garden of the rear flat also looks directly into the bedroom of the front flat.

Although not shown on the plan, the presence of railings to the flat roof indicates that the first floor flat has access over this area - use of this area would impact upon occupants of the rear flat both in terms of noise transfer and privacy.

Technical Services:

Flood risk- The application is within flood zone 1, and is not shown to be at risk from surface water flooding. We have no objections on flood risk grounds.

Surface water drainage- the application includes no/ minor increase in impermeable area. Due to the scale and location of development we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.

Southern Water:

Southern Water requires a formal application for any new connection to the public foul 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

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.
For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Representations

No. 7 has no objection but would like to ensure car parking is within the site only and not on the shared drive.

Relevant Planning Policies and Guidance

Adur Local Plan 2017 Policies 1, 2, 3, 12, 15, 18, 20, 27, 28, 34 and 36 including adopted Development Management Standard No. 1 'Space Around New Dwellings and Flats'.
ProPG2017: Planning and Noise - New Residential Development
WSCC Guidance on Parking at New Developments (Sept 2020)
Technical Housing Standard 2015)DCLG)
Revised National Planning Policy Framework (HCLG 2021)
National Planning Practice Guidance (CLG)

Planning Assessment

Principle

The principle of development can be supported as it provides additional units of residential accommodation on a brown field site within the built up area boundary. For consideration is the impact on the shopping parade, quality of the accommodation to be provided, design, neighbour amenity and highways.

Housing Supply

In February 2021 the Government published the Housing Delivery Test 2020 measurement results. Adur delivered 48% of its requirement, and therefore the presumption in favour of sustainable development applies.

However, the Local Plan trajectory demonstrates that, when measured against the Local Plan delivery target, this shortfall can be addressed later in the plan period. Commitments are predicted to increase significantly in 2023/24.

Shopping

This is a local shopping parade. Policy 27 seeks the following:

'In the areas designated as local shopping parades, shopping and other town centre uses will be supported at ground floor level but a predominant shopping use (as defined in the Town and Country Planning (Use Classes) Order 1987 as amended) on ground floor premises will be retained. Where proposals would result in there no longer being a predominant shopping use, this will only be acceptable where it can be demonstrated that retail is no longer a viable use in that unit, particularly where it has remained vacant for a long period (normally a minimum of one year) and that reasonable attempts have been made to market it for retail purposes.'

The loss of this town centre supporting use is in direct conflict with policy 27. The overall parade does not have a predominant retail use and the loss of this commercial use would further undermine the parade's viability. The Estate Agency is still operating. No evidence has been supplied to support the argument that this business use is unviable.

Character

The introduction of residential units into this local shopping parade would be anomalous. The changes to the shopfront would highlight the non shopping use in this shopping parade. These changes would not make a positive contribution to the sense of place or local character and would further erode the commercial nature of this designated parade.

Neighbour amenity

The additional units of accommodation will not be harmful to neighbour amenity.

Highways

This site is sustainably located within easy reach of bus stops to Brighton and Shoreham. It is also within walking distance of Southwick railway station. Two car parking spaces are shown within the development.

Future Occupiers Living Conditions

In order to be satisfied that road traffic noise and noise from extract equipment will not harmfully impact on future occupiers living conditions an acoustic report would be necessary. This has not been submitted.

The two units meet the minimum required space standard in the DCLG's Technical Housing Standards of 2015. However, the bedroom window of the front unit is on to the patio area of the rear unit which is less than ideal. It would also appear that at least one of the upper flats has access to a large roof terrace directly above the rear flat proposed. This is likely to lead to noise nuisance.

Conclusion

The loss of this commercial use and its replacement with residential accommodation is in direct conflict with policy 27 of Adur Local Plan as it will undermine the viability of this local parade. In addition decent levels of privacy and the avoidance of noise nuisance from adjoining occupiers, adjoining commercial premises and road noise has not been demonstrated.

Recommendation REFUSE for the following reasons:

1. The proposed loss of supporting town centre commercial floorspace would threaten the viability of this local shopping parade to the detriment of local amenity. It is

therefore contrary to policy 27 of the Adur Local Plan and the National Planning Policy Framework.

2. It has not been demonstrated that noise nuisance to occupiers would not occur from use of the upper floor terrace, adjoining commercial uses and road noise. The proposal is therefore contrary to policies 15 and 34 of the Adur Local Plan and the National Planning Policy Framework.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

Is recommendation contrary to any representations? No

Case Officer signed:	MOK	Date: 7.1.22
Authorised and signed by:	Peter Barnett	Date: 7 January 2022