Development Control – Delegated Officer Report

Application Number: AWDM/1309/15 Recommendation – APPROVE

Site: 61 South Street Lancing West Sussex

Proposal: Conversion of first and second floors to 3-bedroom maisonette and rear part of first floor to office (ancillary to 2-12 Penhill Road)

Date of site visit: September 2014 (AWDM/0704/14)

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application property consists of a 2-storey property which has been enlarged on the ground-floor by a substantial single-storey flat-roofed rear addition which occupies virtually the entire rear curtilage and by a large box dormer on the front roof slope. The ground-floor is used as retail shop. The upper 2 floors formerly consisted of a 4-bedroom maisonette with self-contained access from South Street. The upper floors were converted into 3 x 1-bedroom flats in 2012 without planning permission. As built, the internal layout of the flats does not fully comply with Building Regulations, and not all of the flats comply with the Council's adopted minimum floor space standards.

The surrounding area is varied in character, consisting of a mix of commercial and residential uses in close juxtaposition. The attached property to the north (No.57-59 and 2-12 Penhill Road) is in the ownership of the applicant, used as a garden centre and hardware shop on 2 floors. It has been enlarged by a substantial 2-storey addition at the rear. To the south, No.63 consists of a 2-storey, rendered, Victorian end-of-terrace dwelling in use as a dental practice.

Planning permission was granted under AWDM/0704/14 to provide 1 x 1-bedroom flat and 2 studio flats which addressed the above concerns. Condition 1 of that permission required the works to have been untaken within 6 months of the date of the permission (i.e. by 18.03.2015). A subsequent application was made to vary condition 1 of AWDM/0704/14 to extend the period of time by which the works were required to have been completed (AWDM/0522/15 refers). The latter was permitted exceptionally having regard to the applicant having a very serious health condition, with the proviso that the works be undertaken by 18.09.2015 (i.e. within 1 year of the date of the permission granted under AWDM/0704/14). The works have not been carried out and the permission granted under AWDM/0522/15 (or AWDM/0704/14) has not been implemented. An Enforcement Notice was served dated 29.10.2015 relating to the unauthorised change of use from a maisonette above the shop to 3 no. 1-bedroom self-contained flats.

The current application has not been invited by the Local Planning Authority but is required to be determined in accordance with the development plan unless material considerations indicate otherwise.

It is proposed that the existing larger (unauthorised) flat unit on the first floor and the (unauthorised) flat unit on the second-floor be converted into a 3-bedroom maisonette (94.4sqm). The latter would utilise the existing self-contained access arrangement and entrance from South Street. It is proposed to convert the existing smaller (unauthorised) flat unit at the rear of the first-floor to offices (30.1sqm) ancillary to the adjoining hardware shop which is also in the ownership of the applicant (and with the blue lined area). Access to the proposed offices from No.61 would be blocked-off and a new internal opening formed in the party wall with 2-12 Penhill Road.

Relevant Planning History

Enforcement Notice served dated 29.10.2015 in respect of 3 no. unauthorised flats on first and second floors.

AWDM/0522/15 – Variation of Condition 1 of AWDM/0704/14 for change of use of 4-bedroom maisonette on first and second floors to 1-bedroom flat and 2 no. studio flats (part retrospective) above shop to allow the works to be completed within 1 year of the original approved (by 18th September 2015).
AWDM/0704/14 – Change of use of 4-bedroom maisonette on first and second-floors to 1-bedroom flat and 2 no. studio flats (part retrospective). Permitted 18.08.2014
AWDM/1118/12 – Retrospective application for conversion of existing three-bedroom maisonette above shop into three x 1-bedroom flats including rear dormer - Withdrawn
AWEN/0109/12 – complaint received concerning use as 3 flats 25.04.2012.
ADC/0047/10 Conversion of existing 3-bedroom maisonette above shop to 3 x 1-bedroom flats and addition of rear dormer – Withdrawn

Consultations:

WSCC: The Highway Authority has raised no objection, commenting:

"The site is located within the centre of South Lancing. There are a range of services and facilities, including public transport, within short walking distance. Walking routes are continuous along the South Street frontage.

The site is recognised as having a permitted residential use at present. In considering the change of use the potential vehicle movements from the permitted use is a material consideration. In light of the scale of the permitted and proposed development, it is not considered that traffic generation would significantly vary between the two. It is not considered that this proposal could be resisted on the basis of traffic generation.

Conclusion
The LHA does not consider that the proposal would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal."

Representations: None received.

Relevant Planning Policies

Adopted Adur District Local Plan 1993-2006 (ADC 1996) (saved policies): AG1, AS1, AE5, AE6, AH9 and Appendix 11 'Supplementary Planning Guidance' comprising: Development Control Standard No.4 'Flat Conversions'
National Planning Policy Framework (CLG 2012)
NPPG (CLG)

Planning Assessment

Principle

The lawful use of the first and second-floor of this property is a self-contained maisonette. The ground-floor is used by the applicant Gardner Scardifield as a hardware shop (Class A1) in conjunction with the adjoining premises within this block, 57-59 South Street and 2-12 Penhill Road, but with its own shopfront and entrance. [It is understood that part of the first-floor of No.59 South Street, 'Commerce Chambers', is let out separately as offices (Class B1) having a self-contained entrance from South Street.]

The site is subject to saved policy AS1 of the Adur Local Plan (1996) which allows changes of use to Class A1 (retail) subject to there being no loss of residential accommodation at upper floor level where such accommodation is self-contained or capable of being self-contained and affords an acceptable standard of residential amenity; no loss of amenity to nearby residents and satisfactory access and on-site parking arrangements.

Although it could be argued that the proposal does not adhere to a rigid interpretation of saved policy AS1; in a practical sense it is considered no significant harm would occur since there would be no net loss of overall dwelling units compared to the lawful use, and the remaining residential floorspace (94.4sqm) would substantially exceed the Council's minimum size requirement of 70sqm for a 3-bedroom flat.

The submitted drawing shows the proposed office element would be laid out as 2 rooms plus a WC with hand sink. Whilst there is no reason to believe that the current application is a contrivance, it is considered pertinent given the Enforcement Notice dated 29.10.2015 that a condition of planning permission requires the existing kitchen currently in situ be dismantled and removed prior to first occupation of the proposed ancillary offices.

Visual Amenity

The proposed alterations to the internal layout would have no impact on visual amenity.

Residential Amenity

The proposed ancillary office use would become physically separated from the remaining residential floorspace at No.61, being solely accessible from the first-floor of 2-12 Penhill Road via a new opening in the party wall and a lobby off the shop floor. The proposed ancillary office use could reasonably be expected to be low-key and unlikely to have any adverse impact on the amenities of the remaining residential accommodation of No. 61. However, in the absence of controls it could become subsumed into the retail floor space of the wider planning unit at some point in the future which would have the potential to generate more noise and activity affecting the residential occupiers of No.61. It is therefore considered appropriate to restrict the proposed ancillary office use as a condition of planning permission.

Highway Safety

There is no on-site parking for the residential accommodation (existing or proposed). The forecourt in front of the shop at No.61 is used as customer parking for Gardner Scardifield. The Highway Authority is satisfied that the proposed change in use will not lead to any significant increase in traffic generation. The site in any event is sustainably located and accessible to bus routes along Brighton Road (700) and Grinstead Lane (7/7A) and within walking distance of Lancing rail station. Provision of secure cycle parking would be desirable and space could be accommodated at the rear of the site.

Recommendation

APPROVE

Subject to Conditions:-

1. Time limit
2. Approved plans
3. Dismantle and remove existing kitchen (within unauthorised first-floor rear flat) prior to first use as ancillary offices
4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (or any Order amending or revoking and re-enacting that Order with or without modification), the ancillary office accommodation hereby permitted shall only be used as offices ancillary to the primary retail use of 2-12 Penhill Road and no other purpose (including any other purpose within Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that class in any Statutory Instrument revoking and re-enacting that Order with or without modification).

<u>Informative</u>

1. Proactive Statement – No Amendments

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

Case Officer: Jo Morin Date: 22.12.2015

Authorised by: Date: 23 December 2015