Expiry Date – 14/1

Development Control – Delegated Officer Report

Application Number: AWDM/1926/20 Recommendation – Refuse

Site: **1 Windmill Parade, 163-183 Old Shoreham Road, Southwick**

Proposal: **Change of use of ground floor flank section of restaurant to Sui Generis Hot Food Takeaway with new entrance to south. Conversion of main restaurant area into 1no. one-bedroom flat and 1no. studio flat with rear store to be used for cycle storage.**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 8/11/18

Site and Surroundings

This application relates to a two storey end of terrace building on the north side of Old Shoreham Road and the corner of Overhill in Southwick. The property is part of a commercial terrace with the ground floor occupied by an Indian restaurant and the upper floor a self contained three bedroom flat. The restaurant at ground floor has been extended to the side with a curved fronted flat roofed extension which extends along the back edge of the pavement beyond the original rear wall. A single storey rear extension has also been added.

The site has a detached garage and store at the back accessed off Overhill. A small restaurant patio area sits between. The garage adjoins an access road to at least two other garages to the rear of Windmill Parade commercial properties. Next door, No. 2, is a chemist with flat over.

Land rises up from Old Shoreham Road into Overhill such that bungalows in Overhill, a wholly residential street, are on higher ground. On the opposite corner fronting Old Shoreham Road is a more modern two storey flat roofed Mitsubishi car showroom and garage with showroom parking on both road frontages and garage access off Overhill. Other properties in the terrace have extended into the roofslope with flat roofed dormers.

The site is not in a conservation area and is not listed. It is in Flood Zone One and is susceptible to surface water flooding.

Proposal

Permission is sought to convert the original shop unit and rear extension into two flats, a studio at the front and a 1 bedroom flat at the rear. The side extension onto Overhill is to be retained and converted into a take-away. Cycle storage is shown in the existing rear store.

Relevant Planning History

AWDM/0247/20 - Construction of first floor extension to west elevation with dormers to north, south and west elevations to provide 2 additional residential units including new, relocated flue for restaurant (Amendment to application AWDM/1456/18). Amendment includes enlargement of extension at ground floor level by 2.25m to the north. Granted 9.4.20

AWDM/1457/18 - Extension of garage to west elevation and conversion to residential unit with associated cycle and bin storage. Refused 30.11.18. Appeal Dismissed

AWDM/1456/18 - Construction of first floor extension to west elevation with dormers to north, south and west elevations to provide 2 additional residential units including new, relocated flue, for restaurant. Granted 13.12.18

SW/27/03/TP - Single-storey rear extension to restaurant kitchen & staff bedroom/ensuite WC in roofspace with side and rear dormers. Granted 24.9.03

SW/7/96/TP - Change of use of remainder of ground floor to take-away/restaurant; front and rear single-storey extensions; and alterations (incl. external stairs, etc). Granted 25.3.96

SW/11/95/TP - Change of use from Shop (Class A1) to hot food takeaway (Class A3) (closing earlier than 11PM). Refused 27.3.95

SW/1/95/TP - Change of use from Shop (Class A1) To Indian hot food takeaway (Class A3). Refused 6.2.95

SW/66/82 - Change of use to separate Shop for sale of pets and petfood (Retention of extension without complying with condition 3 Of permission SW/90/80/TP). Granted 22.11.82

SW/49/82/TP - Bedroom - En Suite bathroom and two dormer windows. Granted 1.9.82

SW/90/80/TP - Alterations and extension at side (to enlarge retail sales area ttc.) and lean to extension on garage at rear (for cold store & general storage). Granted 8.12.80

SW/205/77/TP - Extension and wall. Granted 2.12.77

SW/157/77/TP - Stores for shop. Granted 18.10.77

Consultations

Southern Water

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.
To make an application visit developerservices.southernwater.co.uk and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements
The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.
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

Technical Services

Flood risk- The application is within flood zone 1, the site is shown to be at low risk from surface water flooding.
Surface water drainage- the proposals will not increase impermeable area. We therefore have no conditions to request. Any proposed alterations to surface water drainage must be designed and constructed in accordance with building regulations, any opportunities to reduce runoff should be considered.

Highways

This proposal is for change of use of ground floor flank section of restaurant to Sui Generis Hot Food Takeaway with new entrance to south. Conversion of main restaurant area into 1no. One-bedroom flat and 1no. studio flat with rear store to be used for cycle storage.

The site is located on Windmill Parade which is an unclassified road subject to 30mph speed limit. No vehicular access or parking is associated with this proposal, and this seems to be the existing arrangement. However, the LHA appreciate the sustainable location of the site, within a short walking distance to, bus stops along A270 and Southwick train station (approx. 15 min walk).

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 accidents within the vicinity of the site. Therefore there is no evidence to suggest that the proposal would exacerbate an existing safety concern.

Given the reduced commercial use of the site, the proposed change of use is not anticipated to result in a material intensification of use.

The WSCC Car Parking Demand Calculator would expect 3 parking spaces to be provided for the proposed flats. The Car Parking Demand for the Hot Food Takeaways use would be 1 space per 5sqm of public area and 2 spaces per bar (or 5m length of bar for large bars) for staff parking to be clearly designated. The current permitted restaurant use, is generating greater demand for parking provision and it has been operating without onsite parking provision without any evidence of highway safety concern. The Local Planning Authority, may wish to assess any implication on on-street parking from an amenity perspective.

The proposed plan demonstrate space for cycle storage and these details are acceptable and can be secured via planning condition.

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 109), and that there are no transport grounds to resist the proposal.

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 the approved Proposed Floor Plans and Elevations.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Private Sector Housing:

Please could the following informative be placed on any planning permission that may be granted:

The Private Sector Housing team of Adur & Worthing Councils have identified that some aspects of the development may result in hazards that require action under the Housing Act 2004. Typical hazards can include 'inner' rooms (where the only means of escape in the case of fire is through another risk room i.e. bedroom, living room, kitchen, etc.) or where there are inadequate windows or outlook from habitable rooms.

In this application, the outlook from the rear flat is poor and only looks onto a very small patio area. The bedroom is an inner room that can only be accessed through the kitchen/living area and there is a commercial extract duct located next to the access door. The windows for the studio flat open directly onto a commercial parade of shops and so there are issues with security and privacy. The 'existing' first floor flat does not have a kitchen - presumably this shared the restaurant kitchen, which is unacceptable, and similar arrangements could not take place with a takeaway.
Compliance with Building Regulations will not necessarily address the hazards identified and you should contact the Private Sector Housing team to confirm that the layout of the

property is acceptable prior to commencing the development in order to avoid the need for any formal intervention or the requirement of retrospective works.'

Environmental Health:

'They will need an acoustic assessment and a scheme to protect the new residential property from traffic noise. The report should be submitted before any approval.

I see the new plans do not show the first floor extensions previously approved.

I am aware I did not ask for a noise assessment for the previous application. This was an oversight at the time on my part.'

Representations

None received.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2018
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' .

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 quality of the application, quality of the accommodation to be provided, impact on the shopping parade, neighbour amenity and highways.

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.

Whilst the introduction of a residential unit at ground floor in this parade would result in the loss of commercial floorspace it could not be argued that a predominant retail use in

the parade is undermined. Recent changes to the GPDO envisages some changes to such commercial floorspace under Class N of the revised GPDO, subject to Prior Approval.

Character

The introduction of residential units into the middle of a local shopping parade would be anomalous. But a sensitively designed front elevation need not disrupt the integrity of the appearance of this local parade.

Prior Approval considerations under Class N include:

‘(e) the design or external appearance of the building

The external alterations proposed to the frontage will not be harmful to the overall appearance of the 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. Cycle parking is 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 the applicant needs to provide reports from an acoustician to support this. These did not accompany the application.

It is considered likely that occupiers of both proposed flats will experience noise and disturbance from activity associated with the proposed take away use in terms of activity within the premises and comings and goings associated with the use. The studio flat shares a wall with the proposed entrance/waiting area. The one bedroom flat shares a wall with the kitchen. In addition the studio flat has its only aspect onto the pavement edge adjoining the entrance to the take away. Noise and disturbance will result as well as a loss of privacy from comings and goings.

The rear one bedroom flat is provided with a poor outlook also. The flue for the takeaway exits out of the roof of this flat, it appears. Without evidence to the contrary this could result in noise nuisance. The bedroom is an inner room. Private Sector Housing has raised this as a concern under the 2004 Housing Act.

Development Management Standard No. 2 ‘Space Around Dwellings’ looks to new development to ‘ensure the provision of adequate privacy and daylight to individual dwellings/flats.’

Both units meet the minimum required space standard in the DCLG's Technical Housing Standards of 2015.

Conclusion

The creation of these two units of accommodation are not critical to the Adur Housing Supply. The Council does not accept the applicant's contention that it cannot demonstrate a 5 year supply of housing. Whilst, it is accepted that there is often a delay in delivering strategic sites, this is not the case for two of Adur Council's strategic sites. Development at New Monks Farm and Free Wharf have commenced and these two sites would deliver 309 dwellings. A recent permission for 255 dwellings at Kingston Wharf by Hyde Housing is scheduled to start this year.

The Council is currently updating its Annual Monitoring Report and 5 year projections but there is no concern that the Council cannot demonstrate a robust 5 year supply.

Recommendation REFUSE for the following reason:

1. The proposed units of accommodation, next to a hot food takeaway, will be exposed to unacceptable noise and disturbance from the use itself and the comings and goings associated with it. The application also fails to demonstrate that harm to future occupiers from extract equipment and road traffic noise will not result. The proposal is therefore contrary to policies 15 and 34 of the Adur Local Plan and the National Planning Policy Framework.
2. The proposed units do not represent good quality housing and future occupiers will experience a poor outlook with occupiers of the studio flat experiencing a poor level of privacy. The proposal is therefore contrary to policies 15 and 20 of the Adur Local Plan, Development Management Standard No. 2 and the National Planning Policy Framework.

Informatives

1. 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.
2. The Private Sector Housing team of Adur & Worthing Councils have identified that some aspects of the development may result in hazards that require action under the Housing Act 2004. Typical hazards can include 'inner' rooms (where the only means of escape in the case of fire is through another risk room i.e. bedroom, living room, kitchen, etc.) or where there are inadequate windows or outlook from habitable rooms.

Is recommendation contrary to any representations? No

Case Officer signed:	MOK	Date: 8.1.21
Authorised and signed by:	Peter Barnett	Date: 8 January 2021