Development Management - Delegated Officer Report

Application Number: AWDM/1738/19 Recommendation – Approve

Site: 80 Old Shoreham Road, Shoreham-By-Sea

Proposal: Change of use from 2no. flats to a 5 bed House in Multiple Occupation at first floor plus associated external alterations (amendment to planning permission AWDM/1508/17) (retrospective).

Date of site visit: 15 November 2019

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a two-storey building with a single-storey rear extension on the east side of A283 Old Shoreham Road. It was erected in 1988 (SU/153/86) as a workshop and offices and was previously used by 'Dent Magician' as a car repair workshop with ancillary storage at first floor. There is an open yard at the rear accessed through the building.

Permission was granted in 2017 for a change of use and conversion of part of the first floor to form 1no. one-bedroom flat with front balcony. At the rear, a pitched roof first floor extension was proposed to accommodate 1no. 2 bed flat with rear terrace. The flats were to be accessed from a new entrance at the side of the building. Refuse and recycling storage was shown at the front of the building. Commercial use was to be retained on the ground floor with ancillary offices on the south east side of the building at first floor.

Also proposed was a single storey garage/store building at the northern end of the rear yard, accessed from the yard, with a cycle store behind, accessed from the footpath which runs along the northwest side of the building.

Off-street parking was to be provided in front of the building to be shared between the commercial use and the new flats.

Work has commenced on site and it was discovered that the layout of the first floor had been changed from 2 flats to a 5 bed HMO. There are 4 bedrooms at the rear, two of which have private balconies, with a communal balcony between them at the rear. The fifth bedroom is at the front of the building, with access to a balcony, with a shared living room/kitchen adjacent at the front, also with access to a balcony. There are minor associated external alterations to windows and doors as a result of this change of use, but no increase in the size of the building.

Six parking spaces previously approved on the building forecourt will remain, to be shared between the commercial use (Showtec) and the HMO (3 spaces each). A cycle store is shown at the rear of the site behind the garage/store.

Relevant Planning History

SU/153/86 – Outline application for workshop and offices to replace existing – approved

SU/182/86 – Reserved Matters for workshop and offices to replace existing – approved

AWDM/0094/12 - Change of use and conversion of first-floor store/office space into 2 one-bedroom flats with front balconies – approved

AWDM/1090/17 – Retention of commercial use as workshop, storage and sales on ground floor with part conversion of first floor of existing building and first-floor extension over existing ground floor at rear to provide 3no. 1-bedroom flats with balconies at front and rear and associated alterations. Erection of commercial storage unit on northern boundary of site – refused

AWDM/1508/17 - Retention of commercial use as workshop, storage and sales on ground floor with associated office on part of first floor; part conversion of remainder of first floor of existing building and first floor extension over existing ground floor at rear to provide 1no. 2-bedroom flat and 1no. 1-bedroom flat with balconies at front and rear and associated alterations. Erection of garage/storage space/cycle store on northern (rear) boundary of site. (Amended re-submission of AWDM/1090/17) – approved

AWDM/1092/18 - Application to vary condition 1 of previously approved AWDM/1508/17. Amendment: Increase in depth and width of garage/store, incorporating cycle store, use of painted blockwork finish rather than render, increase in height of boundary wall and new gate to North West boundary - approved

Consultations

West Sussex County Council: The **Highways Authority** has no objection. Comments:

Car Parking
Parking for the use is located to the front of the property on a designated forecourt which provides car parking for approximately 8 cars. Some of these spaces will be allocated to the HMO. WSCC has consulted its car parking standards which suggest a maximum standard of half a space per room. This would equate to 2.5 spaces. As such the current parking provision of 2 spaces for this 5 bed HMO is considered acceptable. It is also the same as the existing flats as HMO's command a lower parking standard as often this accommodation provides shelter for persons who do not have access to a car.

Highway Safety
The forecourt provides a dropped kerb to allow cars to enter and exit the highway. Visibility is unrestricted and no alterations or changes would be needed to the parking area. Given the forecourt is within the applicants land, and does not form part of the public highway, WSCC would advise that signage or the marking out of parking spaces is undertaken, to identify the

parking for the HMO and shop on the ground floor. It should also be marked private to avoid unwanted parking.

Existing Parking Issues
Whilst it is acknowledged there are existing parking pressures within this location WSCC can only consider the merits of this application. The applicant has shown the proposed changes will not add any additional pressure to the car parking issues this road may currently experience. The applicant has shown the parking generated by this application can be kept within the confines of the development. It is also unlikely that parking from this change will have any impact on Old Shoreham Road as HMO's are known to have a very low demand for parking.

Sustainable Travel
Cycle storage is located in the courtyard to hold 3 bicycles; and is accessible from the side alleyway. Footways are provided on both sides of the road and connect into Shoreham, giving access to local shops and services. Bus stops are located close by and Shoreham-by-sea train station is within walking distance. The site is located sustainably.

In summary WSCC raise no objection to the above proposal as there would not be an unacceptable impact on highway safety, nor would the residual cumulative impacts on the road network would be severe.

Adur and Worthing Councils: The **Private Sector Housing** team have no adverse comments on the application, providing that a protected route is created from the room labelled Bedroom 1 on document Drg No:2018/0002-03 Rev E. I would note that this has been discussed already with the developer along with reordering the room numbers to comply with the standard. I have seen a later plan that indicates the corridor will be extended across the living area to meet the room, but this is not recorded on the Planning Portal. This proposed change satisfactorily mitigates the risk.

The property will be a House in Multiple Occupation (HMO) and will be subject to mandatory licensing under the Housing Act 2004 as well as the Management of Houses in Multiple Occupation (England) Regulations 2006.

The **Public Health** Officer has no objection.

Southern Water: Request usual informatives

Representations

5 letters of objection received from the occupiers of 101, 103, 113 Old Shoreham Road, 19 Orchard Close and an unspecified address:

- Yet another retrospective application
- Had the original application been for an HMO we would have raised concerns at the beginning
- Old Shoreham Road is a safety concern
- Increased parking and congestion will add to problems
- Very difficult and dangerous to cross the road

- Parking should be provided for every resident in the HMO
- Insufficient parking for both commercial and HMO uses
- Road is already congested, as builders at Ropetackle site and Basepoint employees park on the road
- New bus stop has also removed space for cars
- HMO residents can lead unsociable hours
- Potential noise and disturbance
- Use of front balcony during unsociable hours is a concern

1 letter received from the occupier of 15 Orchard Close:

- No objection to HMO provided all necessary regulations and licences are observed
- No objection to external alterations
- Looking forward to completion of works

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 20, 36
National Planning Policy Framework (February 2019)

Planning Assessment

Principle

The site is not identified for any particular use or development in the Local Plan and there are no policies protecting the existing business floorspace. Being within the built-up area and surrounded by residential development, the proposed residential use is acceptable in principle and has previously been granted, albeit at a lower density. The relevant issues are the effects of the changes on the amenities of neighbouring residential occupiers, the effect on the character and appearance of the building and its surroundings and parking and highway safety considerations.
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Visual amenity

The proposed HMO use does not result in material changes to the appearance of the building from those previously approved.

Residential amenity – existing residents

The use will result in higher density use of the building and there is concern from some residents that this may lead to increased noise and disturbance. However, it is not considered that the level of noise and activity from the 5 bed HMO would be substantially worse than that from 2 flats and there are no concerns that the proposal will cause a harmful loss of amenity.

The proposed windows on the NW side would be obscure glazed below 1.7m and the rear balconies would have 1.8m high privacy screens as previously approved.

The front balconies will face over the forecourt and Old Shoreham Road towards the dwellings on the opposite side of the road, some 22m away. This is not considered to result in any adverse overlooking or loss of privacy. The front balcony will be off the shared living room rather than the living room of the 1 bed flat as previously approved. There is the potential for greater use of the balcony but it remains relatively small in area and will be divided and shared with Bed 5. As such, it is not considered that there will be a noticeable increase in disturbance.

Residential amenity – proposed occupiers

The proposed HMO has been assessed by the Council's Private Sector Housing team and the layout has been altered to meet their requirements (insertion of walls to provide fire protected corridor, provision of en suite to Bed 5). There are no strong concerns with the standard of accommodation to be provided. Room 2 will be served by an obscure glazed window but it will have an outlook via the clear glazed opening fan light and, on balance, it is considered that the standard of accommodation is acceptable. Previously approved noise protection measures are to be implemented and this can be secured by condition.

Parking and access

There is no change to the parking provision at the site, with six spaces on the forecourt shared equally between the HMO and the commercial unit. Residents have expressed concern that this in insufficient and will lead to parking overspill on Old Shoreham Road. They are concerned that the road is busy and already congested and this proposal will worsen the situation.

However, WSCC Highways have no objections as they consider that three spaces will be adequate for the HMO, the standard for which is 0.5 spaces per room. They do not consider that the proposed changes will add any additional pressure to the car parking issues that the road may currently experience and note the site's sustainable location and the cycle storage proposed. Consequently, while residents' objections are noted, they are not considered to be sustainable on this occasion.

Flood risk

The site lies within Flood Zone 3a. A Flood Risk Assessment was submitted with an earlier application which stated that all residential floorspace would be on the upper floor with a minimum floor height of 3.34m.

The Environment Agency did not object to the previous proposal for flats and, as there will not be any change to finished floor levels, there will no increased flood risk arising from this proposal.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plan
2. Materials
3. Cycle Parking
4. Refuse provision
5. CMP
6. Surface water drainage
7. Balcony screen to be provided before use
8. To be constructed in accordance with FRA
9. Acoustic protection
10. Noise insulation between floors
11. Full contaminated land
12. Obscure glazing
13. Car parking

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

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Case Officer: Peter Barnett Date: 9 December 2019

Authorised by: Gary Peck Date: 9 December 2019