DELEGATED APPLICATIONS

ASSESSMENT SHEET

APPLICATION NO./ADDRESS

WB/08/0388/FULL

92 Newland Road
Worthing
West Sussex
BN11 1LB

DESCRIPTION OF DEVELOPMENT

Retention of front ground floor premises in commercial use limited to offices (A2 and B1) use and consulting rooms (D1(a)) use or similar and conversion of rear premises to live/work together with associated alterations including new shop front and single storey rear extension.

The scheme has been revised following officer concerns, to retain the front part of the premises in a commercial use. Permission for a range of commercial uses is now sought for flexibility. The front commercial area comprises three existing rooms some 27 sq metres in size, together with a small single storey rear extension to provide WC and shower. Access is through the existing front entrance via the shopfront. The shopfront will itself be remodelled to incorporate a raised stall riser, deeper fascia and arched windows, interior floor levels will be raised to obtain disabled access and be flood resilient. An allied, small enclosed private area adjacent to the rear extension is proposed within the reconfigured internal courtyard.

The internal access and courtyard is currently enclosed and the canopy would be removed to open this area up. The existing single storey rear building would be converted to form a single integrated live/work unit (52 sq metres internal floorspace) . The principal living accommodation would be located on the eastern side and compromises double bed, living room, kitchen and WC/shower with the work area to the west. It is shown as served by two existing windows in the east elevation which currently abut and look out onto the rear garden of the dwelling No 98, as well as windows opening onto the courtyard. The work area includes provision for 4 work stations and is intended to be used as an integral studio – for creative/ media/ etc employment uses. There are separate entrances for the residential and work elements, though they are internally kinked. The live/work unit would be served by an open courtyard and the former vehicular access.

DATE OF SITE VISIT: 8.9.08

NEIGHBOURS CHECKED : Y / ~~N~~

ADDITIONAL NEIGHBOUR NOTIFICATIONS (LIST ADDRESSES):

SITE AND SURROUNDINGS:

The property which is the subject of this application is the ground floor and linked out buildings of a former blinds business - the ground floor of the front building originally used as an office and show room with storage and workshop upstairs and in the linked out building. Prior to that it was a builders, store , office and workshop and long before that, reportedly, a laundry. The premises were vacated some time ago (relocated to Northbrook estate) and the upper floor converted to a self contained flat in 2006 (92A), though works are not complete. This is accessed from the internal courtyard at the side and unoccupied. The ground floor front and single storey outbuilding are vacant.

The property is part of a two storey Victorian terrace, close to the town centre and , station in a mixed residential and commercial area. It is adjoined to the west by a large tiles business with show room , storage and workshops. To the east and north (opposite) is housing. To the rear (south) is Homefield Park. The property benefits from a shallow open forecourt used for parking by the business and a side (west), gated vehicular to the internal courtyard. Access to the front part of the premises is via the existing shopfront. The site is L shaped and dog legs to the south and east , truncating part of the rear gardens of the adjacent Nos 94 and 96 and, variously, directly abutting Homefield Park, the adjacent tiles premises and the rear gardens of Nos 94,96 and 98. The outbuildings are shallow pitched or flat , except the east most unit which has a pitched roof sloping west/east. The internal courtyard is covered with solid and polycarbonate glazing. The east elevation of the east rear building incorporates two windows directly overlooking the rear garden of No 98.

RELEVANT PLANNING HISTORY:

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Application Number	Development Description	Decision	Decision Date	Appeal Decision	Appeal Decision Date
06/1174/FULL	Change of use from A1 (Shop) to C3 (1 x one bedroom self contained flat) on ground floor including external alterations for the installation of windows and replacement door in white PVCu.	WITHDRAWN	06-12-2006		
08/0388/FULL	Retention of front ground floor premises in commercial use limited to offices (A2	PENDING			

	and B1) use and consulting rooms (D1(a)) use or similar and conversion of rear premises to live/work together with associated alterations including new shop front and single storey rear extension.		
1069/68	CHANGE OF USE OF PREMISES FROM LICENSED VICTUALLER'S OFFICE, WORKSHOP, STORE AND GARAGE, TO BUILDER'S SHOWROOMS, OFFICES STORES AND CARPENTER'S WORKSHOP (RENEWAL OF WB/726/55 DATED 06/09/55). NO. 92.(AND REAR OF 94 & 96 NEWLAND ROAD).	APPROVED WITH CONDITIONS	04-02-1969
355/56	ALTERATIONS TO BUILDERS SHOWROOM, INSTALLATION OF SHOPFRONT ETC (92 & REAR OF NOS 94 & 96). 92 NEWLAND ROAD	APPROVED WITH CONDITIONS	15-05-1956
726/55	CHANGE OF USE FROM LICENSED VICTUALLER'S OFFICE, WORKSHOP, STORE AND GARAGE TO BUILDERS SHOWROOMS, OFFICES, STORES AND CARPENTERS WORKSHOP (92 & R/O NOS 94 & 96). 92 NEWLAND ROAD	APPROVED WITH CONDITIONS	06

92A

Application Number	Development Description	Decision	Decision Date	Appeal Decision	Appeal Decision Date
06/0705/FULL	Change of use of first floor storage area to form a two bedroom self contained flat including the installation of replacement white PVCu windows.	GRANT CONDITIONAL CONSENT	14-08-2006		
1069/68	CHANGE OF USE OF PREMISES FROM LICENSED VICTUALLER'S OFFICE, WORKSHOP, STORE AND GARAGE, TO BUILDER'S SHOWROOMS, OFFICES STORES AND CARPENTER'S WORKSHOP (RENEWAL OF WB/726/55 DATED 06/09/55). NO. 92.(AND REAR OF 94 & 96 NEWLAND ROAD).	APPROVED WITH CONDITIONS	04-02-1969		
355/56	ALTERATIONS TO BUILDERS SHOWROOM, INSTALLATION OF SHOPFRONT ETC (92 & REAR OF NOS 94 & 96). 92 NEWLAND ROAD	APPROVED WITH CONDITIONS	15-05-1956		
726/55	CHANGE OF USE FROM LICENSED VICTUALLER'S OFFICE, WORKSHOP, STORE AND	APPROVED WITH CONDITIONS	06-09-1955		

	GARAGE TO BUILDERS SHOWROOMS, OFFICES, STORES AND CARPENTERS WORKSHOP (92 & R/O NOS 94 & 96). 92 NEWLAND ROAD		
98/0239	CHANGE OF USE OF FIRST FLOOR FROM CLASS B1 TO CLASS C3 (RESIDENTIAL UNIT) INCLUDING ALTERATIONS TO IMPLEMENT THE USE : 92 NEWLAND ROAD	APPROVED WITH CONDITIONS	05-05-1998

RELEVANT PLANNING POLICIES:
(Refer to national, structure and local plan policies where relevant)

Saved Worthing Local Plan Polices BE1, H18, TR9, H13
Saved West Sussex Structure Plan policies CH1,DEV4, DEV5, NE1, ERA1, LOC1,ERA4, NE5 and DEV1
PPS1
PPG13
PPG4
PPS25

REPRESENTATIONS AND RELEVANT CONSULTATION RESPONSES :

Economic Development : No objections- scheme has been amended to retain business element at front and incorporates live/work at rear. The business use would be largely retained and the commercial frontage protected. The live work unit may be attractive to studio based businesses.

Environment Agency: Summary- Falls in Flood Risk Zone 2 or 3 but no exposure to material risk. However, recommend incorporate flood proofing measures.

Highway Authority : No objections , sustainable location, cycle parking provided, parking apace retained and in Controlled Parking Zone

HUMAN RIGHTS:

Article 8 (Right to Respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application. It is accepted that the proposal, if approved, would have some impact on the neighbouring properties. However, it is considered that the level of development proposed would not cause undue harm in terms of additional noise, disturbance and loss of privacy and that, on balance, existing residential quality of life would not be adversely affected as a result of the proposal. Accordingly it is considered that it is acceptable with regard to Article 8 and Article 1.

PLANNING ASSESSMENT: (Include any impact on Crime & Disorder and Issues identified above)

The principal issues raised by this proposal are:-

- Principle of change of use
- Impact on the amenity of neighbours and future occupiers.
- Impact on the integrity of the design of the property and character of the townscape.
- Access and parking
- Flooding

Principle of change of use

The premises have a long history of commercial use and sit in an established business area. However, the business element has been slowly eroding due mainly to residential conversions and development, prompted by the area's attractive and highly accessible location and the predominance of residential uses in the wider area and pull of industrial estates to business uses. This has fragmented and undermined the surviving commercial cluster. The conversion of the upper floor flat is indicative of this trend.

A previous application for residential conversion was withdrawn and the current application amended to address concerns over loss of business use and wider harm to the commercial viability of the area.

The retention of the front part for office or consulting rooms type use safeguards the commercial street frontage and provides employment, whilst being compatible with rtes adjacent uses. Uses may be restricted by a suitable condition.

The live work unit at the rear also retains business use, with a large area designated for employment. Discussions with Worthing Arts have indicated an unmet demand for such studio "sunrise" uses which the town is keen to attract and the site is ideally located ,close to the town centre and park. Suitable conditions are required to prevent the use evolving into exclusively residential. Again this live/work use is compatible with adjacent residential.

The mix is consistent with Saved West Sussex Structure Plan Policy NE5 which resists the loss of viable business premises.

Impact on the amenity of and future occupiers and neighbours

The live/work and front business use are considered to be compatible with each other and the adjacent commercial and residential uses and are likely to lessen the tensions inherent in the previous land use mix.

The front commercial use is suitably segregated from the sensitive parts of the live/work area and the living accommodation element of the live/work area placed adjacent the rear gardens of the adjacent properties to maximise compatibility. To this end, the applicant has agreed to measures which would achieve an acceptable relationship with the neighbour houses whilst offering future occupiers of the unit agreeable living conditions. Measures entail :

- Insertion of rooflight to bedroom on east roofslope to provide ventilation and sky views.
- Window to living area on south gable using laminated glass for security purposes .
- The windows on the east elevation are to be wholly obscure glazed and fixed shut. These abut the rear garden of No 98 but are partly screened by a shed and the neatest part of the rear elevation of No 98 contains no windows serving habitable rooms.

No overlooking would result.

The former access provides adequate space for facilities such as cycle storage and refuse and the internal courtyard provides good light and ventilation and attractive amenity area.

As such the proposal is unlikely to give rise to unacceptable amenity impacts.

Impact on the integrity of the design of the property and character of the townscape

The bulk of works are internal or behind the gate and are sympathetic to the Victorian character of the buildings. The alterations to the shopfront and gate are generally acceptable but the composition and detailed design require further consideration. Similarly, the treatment of the forecourt, disabled access and flood resilient measures require detailed consideration and are also to be reserved by condition. As such the proposal is unlikely to give rise to unacceptable visual impacts.

Access and parking

The premises are sustainably located and the retained parking space in the forecourt, plus the cycle storage proposed are adequate to meet the travel demands. No objections have been received for the Highway Authority.

Flooding

The site is within Zone 2/3 but the Environment Agency does not consider the proposal would exacerbate flood risks and no Flood Risk Assessment is required. They recommend consideration is given to flood proof measures including raising floor levels. This may be secured by condition.

Conclusion

The revised proposal secures the retention of a substantial business use element and the commercial character of the area, whilst safeguarding and improving the amenity of the adjacent dwellings. Residual design and other issues may be addressed by condition.

RECOMMENDATION:

Grant Permission subject to conditions on time, restrict front shop uses; no independent residential use of live/work unit; use external materials to match existing external finishes; flood proofing; fenestration to accommodation in rear unit; design of shopfront and forecourt; provide amenity space.

REASONS FOR RECOMMENDATION:

The proposal accords with the relevant policies of the Development Plan.

Saved Worthing Local Plan Polices

BE1, H18, TR9, RES7

Saved West Sussex Structure Plan Polices

Policies CH1,DEV4, DEV5, NE1, ERA1, LOC1,ERA4, NE5 and DEV1

National Policy

Planning Policy Statement 1: Delivering Sustainable Development
PPG13: Transport
PPG4: Industrial and commercial development
PPS25: Development and Flood Risk

IS RECOMMENDATION CONTRARY TO LETTER(S) OF REPRESENTATION?
Y / ~~N~~

DELEGATE[redacted]

Case Officer [redacted]
sign..... Date..21.9.08

Authorising Officer sign..... [redacted] .....Date..... 22.9.08

No part of the live/work unit hereby approve shall be used as living accommodation other than the live area (bedroom/living–dining/kitchen/shower) as designated on the approved drawings and no part of this accommodation shall be used independently of the work area (live/work studios/sanitary area) as designated on the approved drawings. The live/work area shall not be occupied unless and until the connecting doorway between the accommodation area and the studio as designated in the approved drawings has been provided and this shall be retained thereafter and shall not be blocked up.

Reason: To retain the business element of the live work unit in the interest of the local economy and character of the area and to ensure a compatible mix of land uses.

No part of the live work unit hereby approved shall be occupied unless and until details of the following have been submitted to and approved by the Local Planning Authority and implemented in accordance with any such approval:

a) Obscure glazing of the two windows in the east elevation of the bedroom and living/dining area as designated on the approved drawings. These windows shall be fixed shut.
b) Rooflight to serve the bedroom and window and ventilation slot on the south facing gable to serve the living/dining area as designated on the approved drawings.

All approved measures shall be retained thereafter.

Reason: To safeguard the amenities of the adjacent residential occupiers and to ensure acceptable living conditions for future occupiers of the live/work unit.

Notwithstanding the General Permitted Development Order 1995 as Amended and Uses Classes Order 1987 as Amended (Town and Country Planning Act 1990 As Amended), the front business premises shall not be used for any use other than offices in connection with Use Class B1 or A2, or, Class D1 (a) consulting rooms. For avoidance of doubt, the premises shall not be used as a betting office or shop.

Reason: To retain a suitable employment use in the interest of the local economy and character of the area and to ensure a compatible mix of land uses.

The development shall not commence unless and until details of the new shopfront and treatment of the forecourt have been submitted to and approved by the Local Planning Authority and the development shall not be built other than in accordance with any such approval.

In the interest of visual amenity.