DELEGATED APPLICATIONS ASSESSMENT SHEET

APPLICATION NO./ADDRESS: 19-23 Broadwater Street West
WB/11/0216/FULL

DATE OF SITE VISIT: 24.5.2011

NEIGHBOURS CHECKED: Y

ADDITIONAL NEIGHBOUR NOTIFICATIONS: Y – expires 5.10.11

PROPOSAL, SITE AND SURROUNDINGS:

The application property comprises a two-storey, mid-terrace building dating from the 1950s located on the west side of Broadwater Street West within the core area of Broadwater District Shopping Centre. The building was formerly a Woolworths shop comprising a sales area on the ground-floor with ancillary staff facilities and stores on the first-floor. The first-floor is accessed via two internal staircases, one positioned towards the front of the shop and the other at the rear. There is a rear yard accessed from the adjoining public car park (from Rectory Gardens). Following a period of vacancy, the ground-floor has recently been occupied by a hardware store, Hanwells. The majority of the floor area comprises the sales area, with only a small storage area at the rear. The rear yard is used for deliveries. The internal staircase at the front of the building has been blocked off from the ground-floor shop.

Permission is sought to for the conversion of the first-floor from ancillary retail space to 3 self-contained flats and dental surgery (130 sqm) with an extension at second floor level to provide 2 self contained flats together with alterations to the shop front on Broadwater Street West to provide new entrance doors to the surgery and the flat.

The proposed extension would be the same height as the existing rear stair tower, set back 2m from the rear elevation and 18m from the front (street elevation). It would have a rendered finish with a felted flat roof. New side windows at first-floor have been designed as inverted bays with obscure-glazing in those panels facing neighbouring properties in order to avoid overlooking.

Access to the flats and dentist would be from two separate communal entrances at the front and rear, separate from the ground-floor shop.

The proposed scheme provides for 7 cycle parking spaces for residents and users of the dentist surgery, and separate bin stores for residents and the dentist surgery. A shared amenity space for residents is provided at the rear. No car parking is provided.

Summary of the Applicant's Design and Access Statement

Pre-application advice in 2010 raised concerns about:-

a) the loss of employment floorspace;

b) *the impact of the new top floors;*
c) *the impact a new street level entrance on the symmetry of the shop front.*

In response to these comments, the applicants have amended the scheme summarised as:-

a) *Loss of employment floorspace is not a material consideration for the current application, as the existing first floor can be used for residential purposes without needing planning permission. This has been confirmed in a Certificate of lawful granted under WB/10/0745/CLP.*
b) *Notwithstanding the above, employment floorspace is now also proposed – to include a dentist's surgery. PPS:4 confirms that medical uses should be included in definitions of economic development.*
c) *The second floor extension has been significantly reduced (and the third floor element completely deleted) so that it covers less than half of the top floor.*
d) *The shop front design has been amended so that it retains its symmetry."*

RELEVANT PLANNING HISTORY

A Certificate of Lawfulness (WB/10/0745/CLP) was issued in November 2010 for the proposed use of the first-floor as a single flat.

RELEVANT PLANNING POLICIES

Saved Worthing Local Plan: RES7, H18, TR9

Worthing Core Strategy: 3, 4, 6, 7, 8

South East Plan: CC1, CC6, H1, H2, H5, H6, T4, BE1

PPS1, PPS4, PPG13

Draft National Planning Policy Framework [limited weight]

RELEVANT CONSULTATION RESPONSES:

The **Highway Authority** initially commented that the applicant should demonstrate that the total number of parking spaces available at the development either through provision of off-street parking, on-street spaces or a combination of both is sufficient to accommodate the expected number of vehicles at the development. Specifically, that if some or all vehicles are expected to park on the public highway, then the applicant will need to demonstrate using a car parking capacity survey that there is sufficient space available to accommodate the expected number of vehicles.

A car parking demand and capacity study was undertaken by The Civil Engineering Practice on behalf of the applicant in accordance with the WSCC guidance. This identified a parking demand of three spaces for the five proposed flats expected to be primarily an overnight requirement. The parking demand for the dental surgery is estimated to be 11 spaces during the day time (being 2 per consulting room for visitors plus 1 per consulting room for practitioners plus 2 for administrative support staff). A parking beat survey was undertaken on 23 June 2011 and identified 330 spaces before 08.30 hrs and 280 spaces after due to single yellow line restrictions. The night time survey showed parking levels at 70% within the surveyed areas with approximately 30% availability equating to 100 spaces of spare parking capacity. The daytime survey showed availability decreasing to 25% equating to 70 spaces partly due to the change in parking restrictions. The report concludes that based on the anticipated parking demand and the surveyed available capacity at the two distinct times of day it appears there is sufficient capacity on nearby public streets to accommodate the development.

This conclusion has been accepted by the Highway Authority as follows: *"Taking into account the proposal and the data that has been submitted, it would appear there is sufficient space for this development to take place within the area."*

Economic Development comments as follows:-

"This commercial property is located within a vibrant neighbourhood centre and has access to considerable public parking. The first floor consists of a substantial open floor plan with ancillary facilities, which could be suitable for a variety of employment generating uses. Economic Development is unaware of any active marketing for the first floor of this commercial property and has received interest from a Performing Arts School, who would welcome the opportunity to view this premises.

This application provides for a D1 use to the 1st floor frontage and residential to the rear of the 1st floor. Economic Development welcomes the dentist provision, but is disappointed with the loss of employment floorspace to residential, without any exploration of potential additional employment use to the rear."

Planning Policy Manager raises no policy objection. Policy 6 gives a reasoned stance towards development in the District Centre i.e. development will be allowed to meet the needs of the area and will not affect the vitality and viability of nearby centres. District Centres should meet the day to day needs of residents and contribute to social inclusion. Providing new residential units and a dentist surgery would comply with that need. It could easily be argued that a new dental surgery provides a new community use.

The Executive Head of Health, Housing and Community Safety recommends a condition requiring a scheme for controlling noise emissions from any external plant [associated with the dental surgery].

REPRESENTATIONS

1 letter of objection has been received from the resident of 32 Rectory Gardens commenting that their boundary is within 10 metres of the application site boundary and will be overlooked from the rear windows. The second floor extension will create an oppressive 'walled in' effect from their rear windows especially the rear bedroom which has a PC positioned for the view in this direction. In addition, it is queried whether the dentist surgery will be sustainable as this will be the third dentist practice within 100m, if not what other use will be sought for this space.

PLANNING ASSESSMENT:

Principle of Development

The property is centrally located within a District Shopping Centre designated in Policy 6 of the Core Strategy. This policy seeks (amongst other things) to safeguard the retail character and function of designated shopping centres by resisting development that will detract from their character and viability, and seeks to encourage convenient and accessible district shopping facilities that meet the day to day needs of residents and contribute to social inclusion. In this case, the ground-floor of the building vacated by Woolworths [not included as part of this application] is now occupied by Hanwells (approximately 300 sqm) a retail shop which maintains the retail character and function of the District Centre. The proposed mix of 5 no. residential flats and a dental surgery on the first-floor (Class D1) would help to meet housing targets and contribute to the vitality and sustainability of the District Centre as well as broadening the range of facilities accessible to the local residents. No objection to the proposed development has been raised by the Planning Policy Manager

Concern has been expressed by Economic Development over the employment floor space without any evidence of marketing having been submitted. However, the first-floor was formerly used as storage ancillary to the ground-floor retail unit and so its lawful use falls within Class A1. The supporting text to Policy 4 makes it clear that for the purposes of the Core Strategy employment uses include B1, B2 and B8 uses and not Class A1 as in this case.

Impact on the living conditions of adjoining and future occupiers

The attached property to the north comprises a 3-storey terrace building consisting of a retail shops on the ground-floor with maisonettes above. The maisonettes are accessed from an open walkway on the first-floor rear elevation. Attached to the south, is a 2-storey pitched-roof terrace building comprising shops on the ground-floor with residential flats above. The 2-storey 'bulk' of the application building extends substantially beyond the rear of these neighbouring buildings. A stair tower providing access onto the flat roof creates additional 'bulk' on the north-west corner of the building. The site adjoins a public car park to the west and a modest-sized open-fronted garage building to the south. The latter is accessed via a service road which leads

from the car park to the rear of Broadwater Court, and provides pedestrian access to Broadwater Boulevard beyond to the south.

The proposed flats and the dental surgery would be accessed from a new entrance onto Broadwater Street West and via the existing rear stair tower. The 3 first-floor flats would be accommodated within the existing building envelope. It is proposed to insert 3 additional first-floor windows on the south side and one additional window at the rear, in addition to those existing. It is also proposed to alter the fenestration in the north side of the stair tower. The proposed second-floor flats would be accommodated within a flat-roofed extension occupying the rear part of the building (10.3m wide and 14.m deep), set back 2.2m from the existing rear wall. It would project 2.6m above the parapet of the existing building. Following discussions, it is proposed to insert additional windows consisting of obscured glass blocks within the north and south sides of the second-floor extension to provide additional natural lighting within the flats and to visually enliven the otherwise blank elevations.

Two of the proposed 1-bedroom flats are each 3 sqm below the minimum internal floor area for 1-bedroom flats set out in the draft Space Standard SPD (of 51 sqm) (August 2011), although two others exceed the minimum standard by 3 sqm and 12 sqm respectively. All are provided with a small area of dedicated storage. All habitable rooms are provided with satisfactory natural daylight and outlook. There is a small fenced area of communal external amenity space to serve the flats which is enclosed by trees, and the second floor flats would be provided with their own private terrace. It is considered a satisfactory standard of accommodation would be provided for future residents.

The additional bulk of the proposed second-floor extension would be sited 8.8 metres from the adjoining maisonette to the north, 25A Broadwater Street West. The private amenity space serving the proposed easternmost flat on the second-floor would be enclosed by a wall plus obscured glazed screening to an overall height of 1.8m. The nearest part of the enclosure would be 6.5m from the boundary with the maisonette at 25A Broadwater Street West. The bulk of the proposed roof extension would have some enclosing effect on the outlook from the upper floor of 25A and would result in increased overshadowing (primarily of the single-storey rear part of the ground-floor commercial premises at 25), but having regard to the separation distance involved the impact would not be so severe on the amenities of 25/25A to a significant extent as to warrant refusal on this ground.

There is a west-facing window at first-floor in the rear projecting outrigger of the adjoining property to the south, No.17, serving the residential flat. [A sitting-out terrace adjoining the outrigger is enclosed by timber fencing]. First-floor windows in the south side of the application building are sited perpendicular to this window, the closest only approximately 2m distance. Although the relationship between these windows is an existing situation, the former ancillary storage use of the first-floor retail unit would not have resulted in any significant degree of overlooking. In any event, ~~to~~ the proposed layout shows the closest window in question serves a communal access corridor and could reasonably be required to be obscured glazed.

Two of the proposed new windows in this elevation have been designed as inverted bays, with the angled panel facing the rear of the flats in Broadwater Street West and Broadwater Court obscured in order to safeguard amenity. The other new window is shown as serving a bathroom and would be obscured. It is considered the existing south-facing window serving the westernmost flat should also be required to be obscured to safeguard the amenities of the occupiers of the upper floor flats in Broadwater Boulevard some 13.5 metres to the south. The main 'bulk' of the proposed extension is sited to the north and east of Broadwater Boulevard and would not have a substantial impact on the rear (north-facing) outlook from the upper floor flats.

The resident of 32 Rectory Gardens backing onto the car park has raised concerns over about overlooking from windows in the proposed extension and loss of outlook owing to its height and scale. However, the proposed second-floor extension would be in excess of 25m from the rear boundary of this property and in excess of 45m from rear elevation of the dwelling. Although the proposed extension and rear terrace would be clearly visible from the rear of this dwelling house, it would not be obtrusive or overbearing in view of the separation distance involved, and refusal on grounds of loss of privacy through overlooking could not be substantiated at such distances.

Subject to conditions limiting the hours of opening of the proposed dental surgery and a condition stipulating that no external plant or equipment shall be installed without permission, it is considered the proposed dental surgery would not give rise to any adverse amenity impacts.

Impact on the character and appearance of the building and the streetscene

The existing building is utilitarian in appearance and owing to its scale, height and massing is prominent feature from within the public car park compared to the rear of neighbouring properties fronting Broadwater Street West. The rear of the building, notably the stair tower, is prominently visible in views from Rectory Gardens through the entrance into the car park. The south side of the building is also visible, albeit less prominently, from Broadwater Street to the south. The proposed roof extension would not be visible from the Conservation Area (Broadwater Street East) or from the grounds of Broadwater Church (Listed).

The proposed second floor extension will add to the existing 'bulk', but this scale and form of development would not be wholly unacceptably in the wider context of the surrounding townscape, which includes a number of 3-storey flat-roof buildings including those fronting Broadwater Street West, Broadwater Boulevard and also Muir Court in Rectory Gardens. The extension would be finished in white render. Negotiations have taken place over a period of months with the applicant's architect to improve the appearance of the proposed extension and amendments have included:-

- Feature band formed in metal to create a 'shadow line' between the existing brickwork building and the proposed roof extension;

- Vertical rendered panel on north side of stair tower with replacement windows to enhance an existing imposing and utilitarian feature within the townscape, and add more light into the stairwell;
- Irregular-shaped windows in glass blocks to enliven blank side walls and introduce more light into proposed dwellings;
- Aluminium trim detail to edge of roof to improve appearance of proposed flat roof and brise soleil projecting over roof terraces to add more interesting roof shape in distant views.

The existing ground-floor shopfront in white-painted aluminium consists of 3 pairs of doors with fanlights, centrally positioned and recessed below a large feature first-floor window. It is proposed to insert a pair of doors (with fanlights) into the bays on either side. 1 pair of doors would provide access to the proposed first-floor dental surgery and flats, and the other pair would serve the existing ground-floor shop. The pair of doors have been deliberately designed to maintain the symmetry of the existing shopfront and are considered acceptable providing they can be carried out in matching materials.

Access and Parking

The key objective of PPG13 (revised 2011) is the adoption of an integrated approach to transport and planning, shaping the pattern, location and density of development in order to reduce the need to travel, especially by private car, at the same time making it easier for people make more sustainable transport choices. In order to deliver these objectives LPAs should (amongst other things):-

- Locate day-to-day facilities which need to be near their clients in local centres so that they are accessible by walking and cycling; and
- Accommodate housing primarily in existing urban areas, planning for increased intensity of development of both hosuing and other uses at locations which are highly accessible by public transport, walking and cycling.

The Highway Authority's approach to car parking standards for new residential development was revised by new guidance published in 2010, based on the principles that, in accordance with PPS3, residential car parking provision should take account of expected levels of car ownership; ensure high quality design and the efficient use of land. The amount and method of parking provision should not adversely affect road safety, or result in unacceptable levels of parking demand in existing or new streets which cannot be reasonably mitigated. If parking is reasonably to be expected to take place in existing streets, it is necessary to demonstrate through a parking capacity survey that there is a sufficient amount of available space to accommodate the expected parking demand. There is no on-site parking provision to serve the proposed development (although there is a rear service yard accessed from the adjoining car park which serve the ground-floor retail shop).

The car parking capacity survey commissioned by the applicant in accordance with the above guidance concludes that there is sufficient car parking capacity on nearby streets to accommodate the development. This conclusion has

been acceptable by the Highway Authority and no objection has been raised on highway grounds. The submitted drawings show provision of a cycle store within the external curtilage to serve the dental surgery and the proposed flats. This could be secured by a condition of planning permission.

IS RECOMMENDATION CONTRARY TO LETTER (S) OF REPRESENTATION? Yes

REASON FOR APPROVAL

The proposed mix-use development will support the vitality and character of the Broadwater District Centre by enhancing the range of services and facilities available, and will help meet the need for additional housing in a highly sustainable location which is accessible by public transport, walking and cycling. Subject to the negotiated enhancements, the proposed development would not detract from the existing local urban environment and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties and without detraction from highway safety. It would consequently not conflict with the relevant saved policies of the Worthing Local Plan (RES7, H18, TR9), policies 3, 4, 6, 7, 8 of the Worthing Core Strategy and South East Plan policies (CC1, CC6, H1, H2, H5, H6, T4, BE1).

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 on balance, existing residential quality of life would not be significantly adversely affected as a result of the proposal. Accordingly it is considered that it is acceptable with regard to Article 8 and Article 1.

RECOMMENDATON **APPROVE subject to:-**

1. Standard time limit
2. Approved plans
3. Materials to be agreed
4. Materials and external finishes of alterations to shopfront to match existing and carried out in their entirety
5. Agree brise soleil
6. Details of windows to be agreed (inverted bays, glass blocks and new windows in stair tower and in rear (west elevation)
7. Following windows to be obscurely-glazed:-
   - Easternmost window and 2 no. western-most windows on south side of first-floor
   - Narrow panel within 'inverted' bay windows on south side of first floor
   - Window on north side of first floor.
8. Provide cycle storage
9. Provide bin storage
10. Hours of opening for dental surgery

11. Restrict use to dental surgery only within Class D1
12. Agree boundary details
13. Provide privacy screen for Flat 5
14. Hours of works during construction
15. No external plant

DELEGATED

Case Officer [redacted]
Sign.....Date 6·10·11

Authorising O[redacted]
Sign.....Date 6/10/11