Development Management – Delegated Officer Report

Application Number: AWDM/0788/22 Recommendation: REFUSE

Site: Development Site Of 11 West Street And Rear Hall
West Street, Shoreham-by-sea

Proposal: Demolition of derelict nightclub and redevelopment to provide a single dwelling unit. Single storey rear extension to existing dwelling (11 West Street)

Date of Site Visit: 21st June 2022

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

The application site comprises a terraced two storey property in Shoreham town centre, no. 11 West Street. It is located within the Conservation Area. To the rear of the site is 11a a derelict nightclub building which is currently abandoned and has not been used for many years. Access to the building is via a door from West Street adjacent to the entrance to No. 11 which leads to a passageway leading to the rear of the site. There is, as existing a shared unmaintained space to the rear of no. 11 to the rear of the site is a private carpark. To the north and south are neighbouring residential properties.

There is various planning history at the site: -

SU/144/82/TP/4423 - Refusal for the change of use from single dwellinghouse to two self contained flats at no. 11.

SU/129/84/TP/3222 - Permission for first floor extension to the rear of no. 11.

SU/164/84/TP/15193 - Permission for the demolition of the club within a Conservation Area.

SU/163/84/TP/3301 - Refusal for three town houses, SU/216/84/TP/3409 - Refusal for two houses.

SU/36/85/TP/2399 - Refusal to determine whether consent required for change of use to youth recreational centre.

SU/79/85/TP/2483 - Temporary approval given for change of use from nightclub to a youth recreational centre including snooker, pool, table tennis, darts, snack and socialising.

SU/207/88/TP - Change of use refused for boys club to independent school.

SU/116/TP/6436 - Refusal for 2 semi detached three bedroom houses.

Consent is sought to remove the redundant building and to construct a new building comprising residential accommodation. The original application sought consent for 2 no. two bedroom apartments at 11a and a single storey rear extension at no. 11. The applicant's agent was advised that the two storey development with two units proposed could not be supported in this case. It was argued that the removal of the current building would bring positive enhancement to the Conservation Area and general amenity of the locality however on balance this should be that of a more subservient, single storey building to replace existing and facilitate its replacement. Amended plans were received which showed a single dwelling unit proposed within a new building with changes to the layout of the new development. The alterations to no. 11 remained which were for a single storey rear extension, 3.5 metres in depth and 3.5 metres wide. A flat roof rear dormer, roof lights and replacement windows are proposed. The front door is to be replaced and the door to the passageway replaced with an iron gate.

The replacement building is a two storey building shown slightly lower than the original proposal (and the existing building) the first floor is also reduced in bulk similar to the existing building. The first floor windows are high level/rooflights. The access to the proposed three bedroom unit is as originally proposed via the passageway from West Street, cycle and bin storage is proposed to the front of the entrance to the new building. A hall, study, kitchen and living space with W.C are proposed at ground floor and three bedrooms and two bathrooms at first floor. The external space is to be subdivided to provide private amenity space for the new dwelling and no. 11 the existing dwelling. Red brick and grey cement tiles are proposed for the building.

Consultations:

Adur and Worthing Council:

Technical Services: -

Flood risk- The application is within flood zone 1, and is not at risk from surface water flooding.

Surface water drainage- the application form indicates that it is proposed to discharge surface water to soakaway. There does not appear to be a public surface water sewer within close proximity. Soakaways must not be located within 5m of a building, or highway and 2.5m from property boundaries. There does not appear to be space to locate a soakaway within the layout as proposed. A soakaway may serve the existing dwelling to be retained and extended. It is possible that development will result in an increase in discharge to the foul sewer by not only the foul water generated, but by the surface water generated from a total of three dwellings. The development may not be able to be delivered and comply with policy 1 of West Sussex County Council Policy for the Management of Surface Water (paragraph 5.2.6).

We wish to raise an OBJECTION, AND REQUEST FURTHER INFORMATION is supplied prior to determination. Insufficient evidence has been submitted to demonstrate that a policy compliant design can be achieved. Further information is required prior to determination as it is not clear that drainage can be secured via conditions. In order to overcome our objection please can the applicant submit a revised surface water drainage strategy which addresses the following:
1. Results of on site winter groundwater monitoring and winter infiltration testing.
2. High level calculations using obtained on site winter infiltration results to evidence the size of required soakaways.
3. A layout plan showing where these soakaways can be located and that these soakaways will be located sufficiently above peak groundwater level.

Please re-consult Technical Services for further comments once further information has been supplied or should you decide to determine the application prior to the submission of further information.

Environmental Health - Private Sector Housing: - No objection

Public Health: -

Air Quality
As this site is close to the Shoreham Air Quality Management Area we would expect the applicant to carry out an emission mitigation assessment. I would suggest the following condition:

The use hereby permitted shall not be carried on unless and until an emissions mitigation assessment has been submitted to and approved in writing by the Local Planning Authority. The purpose of the emission mitigation assessment is to assess the local emissions from a development and determine the appropriate level of mitigation required to help reduce/offset the potential effect on health and the local environment. The emissions mitigation assessment must use the most up to date emission factors (available at http://laqm.defra.gov.uk/review-and-

assessment/tools/emissions.html). The applicant has regard to the Air Quality & Emissions Mitigation Guidance for Sussex (2020) - http://www.sussex-air.net/ImprovingAQ/GuidancePlanning.aspx.

Contaminated Land
As this development involves the change of use from commercial to residential, resulting in the introduction of a more sensitive land use I would recommend the following conditions:

Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

(1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
(2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

If during development, any visible contaminated or odorous material, (for example, asbestos containing material, stained soil, petrol/diesel/solvent odour, underground tanks or associated pipework) not previously identified, is found to be present at the site, no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until it has been investigated by the developer. The Local Planning Authority must be informed immediately of the nature and degree of the contamination present and a method statement detailing how the unsuspected contamination shall be dealt with must be prepared and submitted to the Local Planning Authority for approval in writing before being implemented. If no such contaminated material is identified during the development, a statement to this effect must be submitted in writing to the Local Planning Authority.

Hours of Demolition/Construction
Due to the proximity of existing dwellings I would recommend the following condition:

Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted

Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

Construction Management Plan
Due to the proximity of existing dwellings and the limited site access I would recommend the following condition:

No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:-

*the anticipated number, frequency and types of vehicles used during construction - HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's.
*the method of access and routing of vehicles during construction,
*the parking of vehicles by site operatives and visitors,
*the loading and unloading of plant, materials and waste,

*the storage of plant and materials used in construction of the development,
*the erection and maintenance of security hoarding,
*a commitment to no burning on site,
*the provision of wheel washing facilities and other works required to mitigate
*the impact of construction upon the public highway (including the provision of
*temporary Traffic Regulation Orders),
*details of public engagement both prior to and during construction works,
*methods to control dust from the site

Please can you add an informative to any permission reminding the applicant that they will need to apply for a Demolition Notice under the Building Act 1984 before demolition commences. An asbestos survey will need to be submitted before a demolition notice is issued.

West Sussex County Council: The Highways Authority: - 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 111), and that there are no transport grounds to resist the proposal.
If the LPA are minded to approve the application, the following condition should be applied:
Cycle parking
No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Adur Conservation Area Advisory Group: - According to the elevation plans, the design is of a more modern nature compared with the original 2 dwellings. Members wish to reiterate their comment that the wall finishes should match those in the area as clearly the new design fails in terms of character in the area. There is no mention as to how this back land development will be handled in regard to the demolition & removal/delivery of materials etc., where currently only a side door is available. There is a strong possibility that the old night club building will contain asbestos, clarification/assurances must be given for its safe removal should there be such asbestos. Parking – Whilst the development of this brown field site is welcomed, as there appears to be no off street parking which gives cause for concern with the resultant parking pressure on West Street, & the area generally which currently is in an over capacity state. Members feel that if the foregoing points are addressed & for assurances/clarifications given to the satisfaction of Adur's Planning Committee, this application should be APPROVED

Southern Water: - Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

Representations

7 representations have been made from the following addresses: - No.s 6, 12, 13, 15 16 and 21 B West Street, including an anonymous resident of West Street the following objections have been made: -

- Massing of structure.
- Loss of daylight, overbearing
- Overlooking rear of no. 13.
- Extension at no. 11 overbearing
- Urbanisation of heavily populated and trafficked road.
- Existence of building should not lead to assumption of new development.
- Inappropriate in small back gardens.
- Impact on neighbours, loss of light, loss of privacy, balconies overlooking gardens.
- Limited space to front of house.
- Noise and disturbance
- Overdevelopment of no. 11.
- Access to site limited.
- Impact of development on the street.
- Parking
- Rubbish
- Densely occupied.
- Impact upon historic Conservation Area.
- Pollution
- Excessive traffic.
- Retrospective changes to development possible.
- Asbestos
- Unnecessary development
- Impact upon character of area
- Impact of south facing brick wall
- No existing first floor windows in the building.
- Concern of damage to flint wall.
- Impact on drainage
- Building should be single storey.
- How many occupants can live in single dwelling.
- Skip in the street.

Relevant Planning Policies

Adur Local Plan 2017 Policy 15, 16, 17, 18, 20, 22, 28, 34, 26

‘Supplementary Planning Guidance’ comprising: Development Management Standard No.1 Space Around New Dwellings and Flats.
Sustainable Energy SPD (August 2019)
Adur Planning and Climate Change Checklist (June 2021)
Shoreham by Sea Conservation Area Character Appraisal & Management Strategy (ADC 2008)
WSCC Guidance on Parking at New Developments (Sept 2020).
National Planning Policy Framework (July 2021)
Technical Housing Standards – nationally described space standard (DCLG 2015)

Planning Assessment

Principle

The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the locality and Conservation Area; highway matters are also for consideration here.

Visual amenity and Impact Upon Character and Appearance of the Conservation Area

The changes to the existing dwelling no. 11 West Street can be supported. The replacement windows will match existing, the roof lights and rear dormer are sympathetically designed and will be completed in materials to match existing. The single storey rear extension is modest in scale being subordinate to the existing dwelling. The change to the door and replacement with iron gates to the passageway will enhance the appearance of the existing building and street scene.

The proposed building to the rear at no. 11A, despite the amendments and reduction to a single dwelling, will still represent a large-scale development to the rear of residential properties. It will be backland development which would be out of keeping in character, form, scale and appearance with the existing street. This form of development would be harmful to the character and appearance of the Conservation Area. Although to the rear of the properties and not visible from West Street the proposed building will be harmful to the character of the existing built environment, intensifying development in close proximity to adjacent dwellings which would be inconsistent with existing.

Residential Amenity - Proposed Occupiers

The proposed dwelling provides internal space in excess of the national space standards and light and outlook is considered to be adequate. The external amenity space is lower than that set out in Development Management Standard No. 1 Space Around New Dwellings and Flats, the depth of the garden is also limited. This is considered to be further evidence of the proposed overdevelopment of the site.

Residential Amenity - Existing Occupiers

The adjacent occupiers of the site as existing overlook the unsightly building. Its removal would bring much improvement to the outlook of these properties. However the replacement building, although reduced in scale from the existing building would still remain two storey and would have an oppressive presence adjacent to the rear of properties and abutting adjacent rear gardens. The three bedroom dwelling would give rise to an intensification of activity to the rear of the neighbouring properties which would be harmful to the amenities of these residents. The unusual entrance via the side passageway would also be potentially harmful to the occupiers of no. 11 with the new front entrance of the dwelling in close proximity to the rear of no. 11. The building would be oppressive also at two storey directly to the rear. (Although the building is set away from the rear of no. 11 more than existing) there will still remain a harmful relationship here. A single, smaller dwelling with a lower occupation could give rise to an acceptable development here subject to submission and consideration of a formal planning application which would be judged on its own merits.

Highway Matters

The proposed development will not provide any parking spaces for the future occupiers and it is noted that the street is highly congested and there is limited on street parking available. However there is space on site for cycle storage and being in the town centre it is a highly sustainable site. Therefore the lack of parking provision in this case would not warrant a refusal here.

Drainage

The consultation response above from Technical Services highlights the concerns with regards to surface water drainage. Sufficient drainage may not be able to be provided and therefore the development may not be able to be delivered. Without further information it is not clear that the development complies with policy 1 of West Sussex County Council Policy for the Management of Surface Water (paragraph 5.2.6). At this stage in the absence of any further details this also forms a reason for refusal.

revised surface water drainage strategy which addresses the following:

Other Matters

It must be acknowledged that the existing redundant building is visibly detrimental to the character of the Conservation Area currently and its need for removal is paramount. Therefore it is accepted that a balance is required here to allow for

development which can successfully facilitate the removal of the building whilst protecting the character of the locality and the amenities of the surrounding properties and those future occupiers. This highly unusual relationship between the existing building and its neighbours should not be replicated. Yet a building of much smaller scale could successfully enable such remediation work to be carried out. Any future application would be judged on its own merits. The existing building and the planning gain of its removal would not justify granting of consent in this case.

The use of the existing building would have in the past resulted in a high level of activity as a nightclub and more recently as a youth recreation centre. Yet as the last temporary use was permitted in 1985 the use is considered to be abandoned and therefore residential development here would result in intensification of the use of the site beyond the existing abandoned use.

Recommendation

REFUSE

1. The proposed building at 11A West Street, due to its proposed scale, bulk and design, will be detrimental to the character and appearance of the Conservation Area and represents overdevelopment which is out of keeping with the existing character of the locality. The proposal is therefore contrary to Policies 15, 16 and 17 of the Adur Local Plan and the National Planning Policy Framework
2. The proposed building, due to its proposed scale, bulk and design, would be oppressive and overbearing to the occupiers of residential properties adjacent to the site and the intensification of activity, together with the insufficient amenity space provided for the proposed dwelling, would be detrimental to the amenities of existing and future occupiers. The proposal is therefore contrary to Policy 15 of the Adur Local Plan, Development Management Standard No. 1 Space Around New Dwellings and Flats and the National Planning Policy Framework.
3. The application does not contain sufficient information in respect of surface water drainage and it is therefore unclear whether a policy compliant drainage design can be achieved. The proposal is therefore contrary to policy 36 of the Adur Local Plan and does not comply with policy 1 of West Sussex LLFA Policy for the Management of Surface Water (paragraph 5.2.6).

Is recommendation contrary to letter(s) of representation N

Informatives

1. List of refused plans
2. Refused with discussion

Case Officer: Hannah Barker Date: 10th October 2022

Authorised by: Peter Barnett Date: 10 October 2022