Expires 4/12

Development Control – Delegated Officer Report

Application Number: ADC/0462/08 **Recommendation - Application Permitted**

Site: **Private Car Park Opposite Marlipins Hall Middle Street Shoreham-by-Sea West Sussex**

Proposal: **2 two-bedroom flats (with rear balconies) over existing parking area (amended scheme)**

The Application

The site (maximum 8m wide and 14m long) is located within the Conservation Area and comprises a small private car park accessed from Middle Street, located behind the shops at No's 32-34 High Street.

The site is enclosed to the north by a single-storey pitch-roofed office building (No.1/2 Middle St); to the south is the flat-roofed rear store and yard area of the shops at Nos 32 and 34 High Street (a two-storey pitch-roofed building with an office/store at first floor level). To the rear (east) of the site is an existing lean-to single-storey store which is currently used by estate agents (the applicant and owner of the site). Beyond this store to the east, is an elevated walkway which provides rear access to residential accommodation (Bank House) above Barclays Bank to the south east of the site; this walkway leads to a small patio area.

Planning permission was resolved to be granted at the Development Control Committee on 30 June 2008 for the erection of 2 one-bedroom flats (ADC/0252/08) but no decision was issued as the required Section 106 Obligation towards sustainable transport improvements was never completed.

The current application seeks permission to amend the previous scheme to enable the construction of 2 two-bedroom flats. The ground floor layout and front elevation of the proposed building remain unchanged from the previous scheme. At the rear, the eaves height has been raised by approximately 1m to enable a second bedroom to be provided within the roofspace at second floor level. The rear windows previously proposed remain at the same level.

As before, the existing parking area would be retained for parking and enclosed by an up-and-over door. However, this parking area is not intended for the flats (other than for refuse and cycle storage); it is intended to continue to be used by the estate agent owners. The existing lean-to store on the rear of the site would be demolished. The flats are shown arranged over two levels above the parking area with a living room/dining room and kitchen on the first floor and two bedrooms and a bathroom on the second floor. Each flat will have private access via internal stairs from a front door on Middle Street.

Each flat will have a balcony to the rear (east) of the building at first floor level, with access from the kitchen. An obscure glazed screen is to be erected on the south side of the nearest balcony to Bank House in order to protect their privacy.

The proposed building is of a traditional 'Georgian' style with slate roof, lead clad dormers, sash timber windows, timber up and over garage door and timber entrance doors. The building will have a dual pitched roof with a maximum height of 8.5 metres. The total depth of the building is 12.5 metres (including the balconies) and the maximum width 7.5 metres.

Consultations and Representations

Consultations/Comments

West Sussex County Council – The County Transport Planning Officer has no objection subject to a section 106 Obligation requiring a sustainable transport TAD contribution of £1,440.

There are no objections in architectural terms.

In terms of archaeology, no comments were received on this occasion. However, on the previous application the County Archaeologist stated that the building will have a minimal below ground impact as the new structure will be supported on a steel frame, but recommended that a standard archaeological condition be imposed.

ADCAG – No objection

Third Parties

1 letter received from the occupier of The Bank House which reiterates his previous concern regarding possible loss of privacy from the proposed balconies. It is his understanding that privacy screens would be erected on the south elevation and also the east, abutting the walkway which would alleviate this concern.

Relevant Planning Policies and Guidance

West Sussex Structure Plan 2001-16 (2005) (saved policies): LOC1, CH4, CH7, NE1, ERA1, DEV1, DEV3-5.
Adur District Local Plan 1993-2006 (1996) (saved policies): AG1, AB1, AB3-4, AH2, AH5 and Appendix 11 'Supplementary Planning Guidance' comprising

The proposed traditional design and materials would enhance the appearance of the site and in turn preserve and enhance the character of the Conservation Area. The scale and form of development is considered appropriate in this case. There are various styles, heights and design of buildings along this part of Middle Street; the proposed building would positively address and improve the street frontage.

It is not considered that the proposal would fail to preserve the setting of the medieval Marlipins museum, as the nearest listed building. Being on the opposite side of the road, the site does not have such a close relationship to the listed museum and the County conservation architect previously suggested that this type of design was an acceptable solution for the site in its overall context. The current proposal does not result in any change to the front elevation and the overall impact on the Conservation Area is therefore the same as previously accepted.

The north side elevation was originally shown to contain a large expanse of render with little other than a small window to add interest to the elevation. With the raising of the eaves at the rear, the extent of rendered wall is increased further. The applicants have therefore agreed to include false pitched roof lines within the render to give the impression of there being a dual pitched roof when viewed from the north. This is considered to add visual interest to this side of the building.

Residential Amenity

The site is mainly surrounded by non-residential office or commercial buildings. The main residential property potentially affected by this development is No.1 Bank House which is located directly above Barclays Bank at first floor level; above this, over a further two storeys, are No's 2 and 3 Bank House. Owing to the height of the flats on the second and third storeys and the distance from the development, it is not considered that there will be a significant impact on the residential amenities of these properties.

To the east of the site is a raised concrete walkway which leads from another car park to the north of the site across the rear of the site to the rear entrance of No.1 Bank House. This walkway is raised above the site and is a private access for sole use of the owner/occupier of this property. The proposed building will back onto this access with the rear kitchen windows overlooking and balconies abutting the side wall of the walkway. Due to the relationship between the siting of No.1 Bank House and the site, there will not be direct overlooking but the use of the balcony area would result in loss of privacy to the private amenity space currently enjoyed by the occupier at No.1 Bank House. In order to address this issue, a 2.2m high obscure glazed privacy screen is shown to be provided on the southern boundary of the nearest property to Bank House. The conditions imposed on the previous permission also require a screen to the east elevation facing the walkway and this can be re-imposed here.

The side screen is glazed and will allow light to pass through to the balcony and to adjacent properties but will also provide some privacy between these properties. The side landing window should also be conditioned to be fitted with obscured glazing and permanently non-opening. The raising of the eaves results in a greater expanse of wall and a steeper roof pitch at the rear of the building. However, it is not considered that this will result in any significant harm to the adjoining occupiers. The overall height, depth and general form of the building remains unchanged. The level of the rear windows is also unchanged from the previous scheme. Two rooflights are proposed for the rear roofslope which are lower and larger than those shown on the previous scheme as they are to be used for escape purposes for the second bedrooms. Inevitably there will be an opportunity for views out of these windows but it is considered that as they face directly over a commercial building at the rear, and have only indirect views towards Bank House, there would be no significant loss of amenity to adjoining occupiers.

As to the amenities of the future occupiers of the proposed flats, their main outlook will be to the front of the site looking west across Middle Street. To the rear, the kitchen and balcony area would be quite enclosed with limited outlook which will be restricted further by the privacy screens referred to above. However, this is considered acceptable and not unusual within town centres where residential properties and other land uses are closely juxtaposed.

The flats are to be two-bedroom units and could be suitable for families. While balconies alone may not provide sufficient external amenity space, it is considered unreasonable to expect a greater level of amenity space provision in a tight town centre location such as this. It is not felt therefore that refusal is warranted on grounds of lack of external amenity space or outlook to the rear of the site. It would be a matter of choice for potential purchasers as to whether they have a personal need for external garden space.

Access and Parking

No off-street car parking is provided for the proposed flats, as the car parking at ground floor level is still intended to be used by the existing business users of the private car park. The site is in the town centre within a highly sustainable location in close proximity to local services and public transport and, as in other cases where only a few units have been provided, it is considered that the lack of on-site car parking provision is acceptable. Cycle storage space is proposed. Again this would be a matter of choice for a potential purchaser. A TAD contribution of £1440 is required towards sustainable transport improvements in the area and a S106 Obligation has been completed.

Recommendation

APPROVE for reason that:-

The proposed development is within the built-up area and would help meet

Development Control Standard No. 2 'Space Around New Dwellings and Flats.'
PPS1 'Delivering Sustainable Development' (ODPM 2005)
PPS3 'Housing' (DCLG 2006)
PPG13 'Transport' (DTLR 2001)
PPG15 'Planning and the Historic Environment' (DoE 1994) and Circulars 01/01 and 09/05
PPG16 'Archaeology and Planning' (DoE 1990)

Planning Assessment

Policies

The site is in the Conservation Area and opposite the modern extension to the listed grade II* Marlipins museum. The listed Sovereign PH is 30m to the north and there are listed houses to the rear (20m away obliquely to the north east fronting Church Street).

The Council has a statutory duty to pay special attention to the need to preserve or enhance the character or appearance of Conservation Areas and to preserve the setting of listed buildings. It is therefore essential that new development respects the existing historic environment. The relevant policies are CH4-5 and AB4 & AB11 and Government policy and guidance is in PPG15. AB3 states that permission will not be granted for development that would generate a level of traffic flow or other activity likely to affect adversely the character of the Conservation Area.

The general policies relating to new residential development encourage redevelopment and infilling to help meet the demand for dwellinghouses and to make best use of urban land. This is encompassed in Structure Plan policy LOC1 but it is on the proviso that "the impact on the character of the area and the environment, resources and assets of the County is acceptable" (para a).

Policy DEV1, entitled high quality development, states that development should not be permitted unless the construction, layout, scale, appearance and landscaping are of high quality taking into account the need to, amongst others, integrate with and where possible enhance adjoining land uses and minimise conflicts between land uses and activities; have regard to context including site characteristics, townscape/streetscape, views into and out of the site and building styles/materials; give high priority to pedestrians and reduce dominance of cars; create a high quality socially-inclusive adaptable environment; protect and enhance biodiversity; ensure energy efficiency; and meet the needs of service providers.

Policy DEV4 states (amongst other things) that development should not be permitted unless the travel needs it generates are met; it achieves safe and convenient access by a choice of means of travel; it encourages and enables an increase in walking and cycling; and the number and impact of motorised

journeys is minimised. DEV5 states that "Development should not be permitted unless the level of parking is compatible with the need to avoid environmental or safety problems and the need is to encourage walking, cycling and the use of passenger transport where this is or can be a realistic alternative". The explanatory text refers to a transport contributions methodology.

The relevant Local Plan policy AH2, related to housing development by way of infilling and redevelopment, expects development to be designed so that its appearance, character and scale create a pleasant place in which to live, is in keeping with and enhances the existing local environment with particular attention to the architectural form, height, materials, density and layout; it does not have an unneighbourly effect on existing dwellings by loss of privacy, light or outlook; it incorporates adequate standards of open amenity space, daylighting, outlook and privacy; plus adequate access and parking arrangements and accords with adopted standards (in this case the Council's DC Standard No. 2 'Space Around New Dwellings and Flats' 1996 and the Revised West Sussex Parking Standards and Transport Contributions Methodology 2003).

Government policy guidance in PPS3 encourages best use of urban land for housing development, particularly affordable housing and a mixture of types to create a balanced community, at higher densities (avoiding developments at less than 30 dwellings per hectare) and without rigid application of parking and amenity space standards. However, it also seeks to improve the quality and attractiveness of residential areas and urges imaginative designs and layouts which make more efficient and sustainable use of land without compromising the quality of the environment.

PPS1 states:-
"Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted."
PPS3 also states that Councils should "facilitate good design by identifying the distinctive features that define the character of a particular local area..... ...Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric... .....successful intensification need not mean high rise development or low quality accommodation with inappropriate space.....The density of existing development should not dictate that of new housing by stifling change or requiring a replication of existing style of form.....If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment."

Density and Character and Impact on Conservation Area

The proposed building would conceal a currently unattractive parking area and black-painted rear wall of the High Street shops whilst also making better use of land within a sustainable town centre location.

the need for additional housing whilst also preserving the setting of the nearby listed building and enhancing the character and appearance of the Conservation Area. It 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 policies of the Adur District Local Plan (AG1, AB3-4, AB11, AH2, AH5) and the West Sussex Structure Plan (LOC1, NE1, CH4-5, ERA1, DEV1, DEV4-5).

Subject to:-

1. C1Ci (Standard time limit)
2. C7Ci (amended) No development shall take place until details of the privacy screens to the southern and eastern sides of the balconies and between the balconies, including their level of obscurity, have been submitted to and approved in writing by the local planning authority. The building shall not be occupied until the screens have been erected in accordance with the approved details.
Reason – policy AH7
3. C8Gii (amended) Delete "vehicles and"
4. C9N (Temporary provision for contractors' materials etc. on the site)
5. C12Ai (amended) No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls, roof, windows (including rooflights) and doors of the ....
6. C14A (amended) "the amended north side elevation plan received on 12 November 2008..." AH7, DEV1
7. C14Dii (Archaeological investigation)
8. C18Cii south side elevation of the building shall at all times be of obscure glass and fixed to be permanently non-openable) (amended)
9. C18K (Provision for waste storage for flats)

Case Officer. P Barnett Date... 3/12/08