Expiry Date – 21/6

Development Control – Delegated Officer Report

Application Number: AWDM/0744/21 Recommendation – Refuse

Site: 6 Town Quay, Shoreham

Proposal: **Change of use from small lock up office and two garages to 1 bedroom ground floor apartment**

Neighbours checked: Y

Additional neighbour notifications: N

Date of Site Visit: 11/6

Site and Surroundings

This site relates to the south east corner of this building and two garages immediately to its north in the heart of Shoreham Town Centre. The southern most part is lawfully B1 office floorspace converted in the late 90's from a store. The integral garages are part of the build of Town Quay apartments, above, in the 1980's. Immediately to the north is the listed former Shoreham Town Hall. To the east and narrowly separated from the site is Tosca's restaurant extension. Tosca's has also recently installed external seating along the river walkway.

The site 'fronts' the riverside walkway where tidal wall works have been undertaken to improve flood risk. However, it lies within Flood Zone 3, which is land defined by the Planning Practice Guidance for Flood Risk and Coastal Change as having a high probability of flooding.

The site is also within the Shoreham Heat Network Area and Shoreham High Street is identified as an Air Quality Management Area.

The garages are accessible through an archway on the west side of Town Quay apartments into a private communal parking/turning area.

The site is in a conservation area and behind the listed Town Hall.

Proposal

Planning permission is sought to convert this space into a 1 bedroom flat. The kitchen/diner and living room would face south and the bedroom and bathroom would face north. Externally the changes amount to the replacement of two rear garage doors with windows.

Relevant Planning History

NOTICE/0022/20 – Application for Prior Approval of Proposed Change of Use of an office (Use Class B1a) and two garages to form 1no. residential unit (Use Class C3) at ground floor level. Refused

SU/175/97 - Conversion Of South-East Part Of Ground floor To Office. Granted 8.12.97

SU/34/84 – Outline application for 4 one bed flats on two floors with 6 garages under and a two bed penthouse flat over including details of siting and means of access. Granted.

Consultations

Environment Agency:

*We **object** to this application because the proposed development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located, and presents an unacceptable risk to any occupants. We recommend that the application should be refused planning permission on this basis.*

Reasons

Table 2 (Flood Risk Vulnerability Classification) and Table 3 (Flood risk vulnerability and flood zone classification) of the Planning Practice Guidance for Flood Risk ad Coastal Change classifies development types according to their vulnerability to flood risk and gives guidance on which developments are appropriate in each Flood Zone. In this case the development is classified as 'more vulnerable'.

The proposed development is located within flood zone 3, defined by the EA Flood Map as having a high probability of flooding. The Local Planning Authority's Strategic Flood Risk Assessment (SFRA) defines the area as flood zone 3a.

Table 3 of the Planning Practice Guidance for Flood Risk ad Coastal Change makes it clear that this type of development is not compatible with the Flood Zone and should therefore not be permitted (unless the Exception Test can be passed).

The site is in an area that benefits from the Adur Tidal Walls scheme. The scheme was designed to account for the 1 in 300 year event, with allowance for 50 years of sea level rise. Without adequate maintenance, the likelihood of overtopping and failure of the defence when accounting for sea level rise over the 100 year lifetime of the proposed development will be unacceptably high. As such we must assess flood risk in an undefended scenario for the purposes of planning. Without defence there is the potential for flood depths of over 1 metres at this site. Therefore, we could consider that sleeping accommodation on the ground floor with no access to the first floor for safe refuge in the event of flooding may pose an unacceptable risk to any occupants.

We have reservations as to whether any flood alleviation measures could address the issues raised above satisfactorily. Flood boards are unlikely to be an appropriate

mitigation for the flood depths at this site as they introduce a risk of structural damage to the property. There is also no safe egress route for occupants in a flooding event.

Advice to the Local Planning Authority

If you are minded to approve the application contrary to our objection, we would be grateful if you would re-notify us to explain why material consideration outweigh our objection, and to give us the opportunity to make further representations. Should our objection detailed above be removed, it is likely we will recommend planning conditions to be included in any subsequent approval.'

Technical Services:

'Flood risk- The application is within flood zone 3, the site is shown to not be at risk from surface water flooding. The application is for a change of use to the ground floor, with sleeping accommodation proposed on the ground floor. The flood risk assessment states that in the defended scenario flood depth will be 0.15m in the current day, and up to 0.99m in the 2115. The flood depth date used is from 2014, update data should be obtained. Updates to climate change allowances have been made since this time, as have improvements to the defences in the area. We recommend that an updated flood risk assessment is provided prior to determination, and that this includes details of access and egress in a flood event.

Surface water drainage - the application includes no changes to impermeable area. Due to the scale and location of development we have no conditions to request. Any alterations to surface water drainage must be designed and constructed in accordance with building regulations.'

Southern Water:

Please find the attached extract from Southern Water records which shows the approximate position of a public foul sewer within the site. The exact position of the public foul sewer must be determined on site by the applicant before the layout of the development is finalised.

Please note

- *The 150mm public foul sewer requires a clearance of 3 metres on either side to protect it from construction works and to allow for future maintenance access.*
- *No development or tree planting should be carried out within 3 metres of the externa edge of the public foul sewer without consent from Southern Water.*
- *No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public foul sewer.*
- *All existing infrastructure should be protected during the course of construction works.*
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- *formal application for any new connection to the public foul and surface water sewer to be made by the applicant or developer.*

Please refer to: southernwater.co.uk/media/3011/stand-off-distances pdf

Furthermore, it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

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

To make an application visit: southernwater.co.uk/developing and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/connection-charging-arrangements

The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposal to discharge surface water to the local watercourse.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk'

Highways:

'Summary
This proposal is for the change of use from lock-up office and two garages to one-bedroom apartment. The site is located on Town Quay, an unclassified no-through road subject to a speed restriction of 30 mph. WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

Access and Visibility
The applicant proposes no alterations to the existing access arrangements. Considering the existing office use, the LHA does not anticipate that the proposed change of use would give rise to a material intensification of movements to or from the site.
An inspection of collision data provided to WSCC by Sussex Police from a period of the last five years reveals no recorded injury accidents attributed to road layout within the vicinity of the site. Therefore, there is no evidence to suggest the existing access is operating unsafely or that the proposal would exacerbate an existing safety concern.

Parking and Turning
The applicant proposes two car parking spaces for this development. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least one parking spaces. Therefore, the LHA considers the proposed parking provision to be sufficient.
On-site turning does appear achievable, although this may require a multi-point manoeuvre, given the size of the existing parking area. The applicant has not demonstrated secure and covered cycle parking provision. Cycling is a viable

option in the area and the LHA would like to see cycle parking implemented for this development, in accordance with WSCC parking standards. The inclusion of cycle parking helps promote the use of sustainable transport methods.

The LHA does note that two existing garages will be lost as part of this development. From inspection of the plans, the existing garages have approximate internal dimensions of 2.7m x 5m, which does not meet the minimum internal dimensions for single car garages of 3m x 6m as set out in Manual for Streets (MfS). Therefore, the LHA does not consider the existing garages as parking provision, as it is likely only large enough for a small car to be parked inside. It is not unreasonable for the LHA to believe it may be being used for other purposes (e.g. storage). Nevertheless, any overspill parking that may result from the loss of two garages would have to be accommodated on-street. There are comprehensive parking restrictions in place on nearby roads that prohibit parking in places that would be a detriment to highway safety.

The LHA does not anticipate that the loss of two garages would result in a detrimental highway safety concern. The LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

Sustainability
The site is situated in a sustainable location within walking/cycle distance of local services, such as shops and a school. The site is also well connected by public transport, being located within walking distance of Shoreham-By-Sea train station and regular bus services on Brighton Road.

Conclusion
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 109), 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.'

Environmental Health:

Private Sector Housing: *No objection but the bedroom is an inner room and so the window will need to comply with Building Regulation.*

ADCAG: *No objection.*

Representations

None received.

Relevant Planning Policies and Guidance

The National Planning Policy Framework 2019
Planning Practice Guidance for Flood Risk ad Coastal Change
Adur Local Plan 2017 Policies 1, 2, 3, 4, 11, 15 , 16, 17, 18, 19, 20, 25, 34, 35 and 36
WSCC Guidance on Parking at New Developments (Sept 2020).
Supplementary Planning Document Sustainable Energy
Supplementary Planning Document Sustainable Economy

Planning Assessment

Principle

The principle of development can be supported as it relates to the conversion of existing floorspace to create a dwelling within the heart of the town centre. For consideration is the flood risk implications, future occupiers living conditions, loss of employment floorspace, impact of the proposals on the character and appearance of the area, neighbour amenity and parking/highways.

Housing Supply

In February 2021 the Government published the Housing Delivery Test 2020 measurement results. Adur delivered 48% of its requirement, and therefore the presumption in favour of sustainable development applies.

However, the Local Plan trajectory demonstrates that, when measured against the Local Plan delivery target, this shortfall can be addressed later in the plan period. Commitments are predicted to increase significantly in 2023/24.

Flood Risk

This site is in flood zone 3 and therefore at significant risk of flooding notwithstanding the recent tidal wall improvements. The Environment Agency has formally objected and as this is a conversion of ground floor space only there does not appear to be a solution. The development presents an unacceptable risk to any future occupants.

Living conditions

Other than flood risk the site is considered to be inappropriate for residential use due to its location. To the south is a public walkway immediately outside the living room/kitchen windows/front door with no immediate defensible space separating it. To the north the bedroom faces a communal parking/turning area for other flats above and outdoor dining at first floor level for the Chambers restaurant. Adjoining the party wall is another property's garage and to the east is Tosca's Italian restaurant which has outdoor seating along the riverside and will soon have first floor dining fronting the river.

Shared access to the upper floors of High Street properties adjoin the east wall of the site. Further east is a large pub garden for the Crown and Anchor pub. (The contextual photo submitted as part of the D&A is out of date).

No acoustic report has been submitted with the application to assess noise exposure from commercial activity or suitable achievable remedies to secure suitable internal living conditions.

This is a poor living environment for future occupiers due to the potential for noise and disturbance.

Loss of employment floorspace

This existing start up office is in the heart of Shoreham Town Centre. The applicant claims the office space is unlettable. No evidence of marketing has been provided to support this claim. The proposal is therefore contrary to policies 4 and 25 of the Local Plan and to adopted Supplementary Planning Document Sustainable Economy which seeks to protect and retain all viable office accommodation.

Highways/Parking

Two garages will be lost. In the original application to develop Town Quay a condition was attached that said the garages should only be used for parking/garaging purposes. It is not clear how they have come to be separate from the Town Quay flats.

However, the highway authority does not object to the proposal as the garage proportions are small and would only allow for small car use. Also this site is in a highly sustainable location so the loss of garaging to existing flats and the failure to provide parking for the new flats is less significant.

Character

This is a mixed residential/commercial area. Residential accommodation would not in itself be out of keeping though there are no ground floor units nearby. The physical alterations are minor and would not be generally visible.

Neighbour amenity

There would be no harm to neighbour amenity from the change of use.

Conclusion

Notwithstanding the Council's current inability to meet the Government's housing target it is not considered that this outweighs the Environment Agency's objection on flood risk grounds nor the other two reasons for refusal identified. The applicant was invited to withdraw the application but has not responded on this point.

Recommendation REFUSE for the following reasons:

1. The proposed development falls into a flood risk vulnerability category that is inappropriate to the flood zone in which the application site is located, and presents an unacceptable risk to any occupants. The proposal is therefore contrary to policy 36 of the adopted Local Plan, the National Planning Policy Framework and Planning Practice Guidance for Flood Risk ad Coastal Change.

2. The flat would provide a poor living environment for occupiers due to exposure to excessive noise from adjoining uses for which no amelioration has been demonstrated. The proposal is therefore contrary to policies 15, 20 and 34 of the adopted Local Plan.

3. The proposal would result in the loss of town centre office floorspace contrary to policies 4 and 25 of the Local Plan and adopted Supplementary Planning Document Sustainable Economy.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

Is recommendation contrary to any representations? No.

Case Officer signed: MOK Date: 15/6/21

Authorised and signed by: Peter Barnett Date: 15 June 2021