Development Management - Delegated Officer Report

Application Number: AWDM/1090/17 Recommendation – Refuse

Site: **80 Old Shoreham Road, Shoreham-By-Sea**

Proposal: **Retention of commercial use as workshop, storage and sales on ground floor with part conversion of first floor of existing building and first-floor extension over existing ground floor at rear to provide 3no. 1-bedroom flats with balconies at front and rear and associated alterations. Erection of commercial storage unit on northern boundary of site.**

Date of site visit: 4 August 2017

Neighbours checked: Y

Additional neighbour notifications: N

Proposal, Site and Surroundings

The application relates to a two-storey commercial building with a single storey rear extension on the east side of A283 Old Shoreham Road. It was erected in 1988 (SU/153/86) as a workshop and offices and was last used by 'Dent Magician' as a car repair workshop with ancillary storage at first floor. There is an open yard at the rear accessed through the building. The application originally proposed the change of use and conversion of part of the first floor to form 1 one-bedroom flat with front balcony. At the rear, 2 further flats (1 x 1 bed and 1 x 2 bed) were to be provided within a new first floor flat-roofed extension, both with balconies. The flats will be accessed from a new entrance at the side of the building. Refuse and recycling storage is shown at the front of the building.

Also proposed is a single storey garage/store building at the northern end of the rear yard. A new gated vehicular access was proposed to enable access to the yard from Orchard Close, a cul-de-sac at the rear.

Commercial use of the ground floor will continue with ancillary office space provided in part of the first floor.

Off-street parking is to be provided in front of the building to be shared between the commercial use and the new flats.

Following local concerns, the rear access has been removed from the scheme. The plans have been further amended by lowering the height of the rear extension and reducing its depth. Three no. 1 bed flats are now proposed.

Relevant Site History

SU/153/86 – Outline application for workshop and offices to replace existing – approved

SU/182/86 – Reserved Matters for workshop and offices to replace existing – approved

AWDM/0094/12 - Change of use and conversion of first-floor store/office space into 2 one-bedroom flats with front balconies – approved

Consultations

West Sussex County Council: Comments on Original Plans: The ***Highway*** Officer has no objection in principle. 8 car parking spaces are provided to the front of the property which faces out onto Old Shoreham Road with a 30mph speed limit. WSCC has consulted its car parking calculator and the expected parking demand for 3 flats like this would be 5 spaces, as per current parking standards.

The forecourt already exists with a dropped kerb in place, and no alterations or changes would be needed. Access to the commercial unit, which would be on the ground floor, would also be from this forecourt, via an enlarged roller shutter door. This also provides access to a rear courtyard.

There are proposals to create a rear access from this courtyard which backs onto Orchard Close. Local representations have been made objecting to the rear access proposal, as Orchard Close is a residential area and already has a high demand for parking spaces.

The proposed gate into the yard would require an access gate and some changes may be required in the form of a crossover, but this could be dealt with via a minor works licence. At most 1 or 2 parking spaces would be displaced.

Some form of access protection lining to keep the access clear for use would be required. This may be difficult to control and given the high demand for parking at certain times of day within the close however; the proposal does not seem to cause any significant highway safety or capacity issues.

WSCC would want to see plans demonstrating the size of vehicles using the courtyard (i.e. vans) could turn and exit in forward gear, and make the turn in an out of the yard without overrunning the existing kerb. The other amenity issues relating to the creation of this access are for the LPA to consider however; I would add that the current access arrangements from Old Shoreham Road would be sufficient for the site to operate safely and within current guidance.

To summarise, more information needs to show a plan with the access improvements required, type of fence/gates used, swept path of a van using this access showing it can turn and exit in forward gear. The plan should show

how wide the gate will be and how many car parking spaces will be lost to enable a van to enter without over running the kerb.

[NB The proposal for a rear access from Orchard Close has been removed from the application and the flats have been reduced in size to 3no. 1 bed flats].

Adur and Worthing Councils: Original Plans: The ***Environmental Health*** Officer (Private Sector Housing) advises that the layout of each of the flats means that the only means of escape in the case of fire for the bedrooms is through an area open to a high fire risk room and so they are inner rooms.

The layouts of the flats will need to be reconfigured to ensure that the inner rooms are removed.

The ***Environmental Health*** Officer requires an acoustic assessment to ensure the flat facing the Old Shoreham Road is adequately protected from traffic noise. The acoustic report should also ensure that all flats are protected from any commercial noise from the use below.

The full contaminated land condition should also be imposed.

The Drainage Engineer requests a condition requiring submission of surface water details.

Southern Water: Request informatives

Environment Agency: Object as the FRA submitted does not comply with the requirements set out in the PPG (ref. 7-065-20140306). In particular, the submitted FRA fails to establish how the development is likely to be affected in the design flood event over its lifetime, i.e. how the 1 in 200 year tidal event for 2115 compares with the finished floor levels to the proposed flats at first floor.

The FRA is incorrect where it states that no further assessment is needed because the Sequential and Exceptions Tests do not apply. There is a requirement under planning policy for the development to demonstrate that it is safe, regardless of whether the Tests apply.

This is supported by paragraph 100 of the NPPF, and Policy 37 'Flood Risk and Sustainable Drainage' of the emerging Adur Local Plan 2016, which although not adopted should be given considerable weight at this stage of its preparation.

The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

Whilst we acknowledge that the levels at first floor are likely to be above the design flood level, including an allowance for climate change and sea level

rise, this is not an assumption for us to make, but a conclusion for the FRA to make based on the evidence. Tidal flood depths in this area for the year 2115 can be significantly high.

Representations

Original Plans: 13 letters of objection received from the occupiers of 4, 5, 6, 8, 9, 11, 12, 13, 15, 19 Orchard Close and 105 Old Shoreham Road:

- Inappropriate to use residential Orchard Close for vehicular access to commercial property
- Road is already congested by parked cars
- Lack of space to safely manoeuvre
- Adequate space at front of building for parking
- Previous proposal rejected
- Increased traffic and congestion
- Increased noise and pollution
- Loss of light and privacy
- Local infrastructure cannot cope with more houses/flats
- Old Shoreham Road is very busy - increased risk to highway safety from vehicles reversing on to road from site
- Design is poor and not in keeping

Relevant Planning Policies and Guidance

Adur District Local Plan (saved policies): AG1, AH2, AH5
Submission Adur Local Plan (2016) Policies 15, 21, 37
National Planning Policy Framework (NPPF) (March 2012)

Planning Assessment

Principle

The site is not identified for any particular use or development in the Local Plan and there are no policies protecting the existing business floorspace. Being within the built-up area and surrounded by residential development, the proposed residential use is acceptable in principle. The relevant issues are the effects on the amenities of neighbouring residential occupiers and the effect on the character and appearance of the building and its surroundings.

Visual amenity

The application property is a modern building built of brick and rendered walls with a tiled roof. It has an appearance appropriate to a residential area and its type of construction is suitable for residential conversion. The proposal will result in minor alterations to the front elevation of the building with the main change being the removal of the shutter door at first floor and its replacement with French doors and a small balcony.

At the rear, a first floor extension is proposed over the existing flat-roofed ground floor extension. It will be flat-roofed with a slight hip to the north west side containing three windows set within the roof slope. These are to be obscure glazed below 1.7m above the floor level. Clear glazed windows are proposed in the north east and south east sides with bi-folding doors proposed at the rear (NE elevation) leading to two small balconies. New rooflights are proposed within the existing building as well as a reconfiguration of existing first floor windows at the rear.

The design, form, scale and appearance of the proposed rear extension are not considered to be acceptable. The proposal would result in an extension with a rather 'squat' form which does not relate sympathetically to the main building. Paragraph 64 of the NPPF advises that "*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.*" The current proposal would detract from the appearance of the building and the surrounding area. It is considered that a conversion of the existing first floor would be acceptable, as previously approved, but an extension in the manner proposed is not acceptable and a smaller, more sympathetic design solution should be sought.

Residential amenity – existing residents

The use of the building is restricted to light industrial purposes (now Use Class B1) by condition 5 of SU/153/86 in order that it does not to result in detriment to residential amenity by reason of noise, odour, dust, etc. Other conditions prevent paint-spraying and require doors to be kept closed and adequate sound insulation was required in its construction but there is no condition restricting hours of working. The Council's EHO has advised that the siting of the flats, as proposed, above the existing workshop is acceptable in principle but requires by condition the submission of an acoustic assessment to ensure that the flat facing the Old Shoreham Road is adequately protected from traffic noise. The acoustic report should also ensure that all flats are protected from any commercial noise from the use below. This can be required

The proposed extension would increase the height of the existing rear extension by 1.3m for a length of 11m. Three windows are shown in the side roofslope serving a bedroom and living areas.

The adjoining house to the NW (No. 82) is an end of terrace property which is separated from the site by a narrow footpath which runs from Old Shoreham Road to the rear of the houses in Old Shoreham Road and Connaught Avenue. The rear extension projects beyond the rear of No.82 for a considerable distance and is already rather overbearing. It is considered that the additional height (increasing to 5.3m overall) will exacerbate that overbearing impact to the detriment of the amenities of the occupiers of No.82. It will breach a 45 degree line measured from the midpoint of the

nearest ground floor window at No.82 which is an accepted 'rule of thumb' means of assessing impact on light.

The proposed windows on the NW side would be obscure glazed below 1.7m and the rear balconies would have 1.8m high privacy screens. No loss of privacy is anticipated towards No.82 as a result. Clear glazing is proposed to the rear and SE sides but these face towards the road (Orchard Close) and across the front of houses in Orchard Close and will not cause any adverse overlooking.

The front balconies which will face over the forecourt and Old Shoreham Road towards the dwellings on the opposite side of the road, some 22m away. This is not considered to result in any adverse overlooking or loss of privacy.

The proposed store building would be sited in the NW corner of the rear yard and will no longer be accessed from Orchard Close. A cycle store would be attached to the rear of the store. While the store building would be close to the boundary with 19 Orchard Close, there is considered to be adequate separation from the side of that dwelling to avoid any adverse impact on their residential amenities.

Residential amenity – proposed occupiers

The proposed flats have floor areas of 45sqm, 52sqm and 56sqm which is considered to be acceptable. All will have small outdoor amenity areas in the form of balconies. There is a slight concern at the lack of complete clear glazing to the bedroom window of the rear flat on the NE side of the building but it will have an outlook via the clear glazed opening fan light and, on balance, it is considered that the standard of accommodation is acceptable. A condition requiring an acoustic assessment should be imposed if approved to ensure the flats are adequately protected from noise from traffic and the retained commercial use.

The comments of the Private Sector Housing Manager are noted but the layout can be reconfigured at the time of any subsequent Building Regulations application. As the application is considered to be unacceptable in planning terms for other reasons, this issue has not been fully addressed at this time.

Accessibility and parking

The principal objection to this application when it was originally submitted was the proposal to access the rear yard from Orchard Close. The permission for the existing building is subject to a condition prohibiting the formation of any access to Orchard Close (condition 8 of SU/153/86) in order to safeguard the amenities of residents of the Close.

Following objections from local residents the plans have been revised to remove the rear access. Parking for the flats and commercial use is provided on the existing forecourt at the front of the site. West Sussex Highways have

no objection to this arrangement as the site is located in a sustainable location close to local amenities, the town centre and other travel options such as bus and rail routes which reduce the need for car usage. There may be some additional demand on on-street parking provision along A283 Old Shoreham Road but not to a significant degree. There is no on-site turning facility but this access arrangement already exists at present with the former Dent Magician workshop and there is no reason to consider that this proposal will result in any severe risk to highway safety.

For the above reasons, it is not considered that an objection on parking or highway safety grounds is justified.

Flood Risk

The site lies within Flood Zone 3a. A Flood Risk Assessment was submitted with the application which stated that all of the proposed residential units would be on the upper floor with a minimum floor height of 3.34m. Current work on the Adur Tidal Walls flood defence scheme should offer further protection to the development and the applicant has advised that the proposed flats would not be occupied before the flood defences have been completed. However,

The Environment Agency has objected to the proposal. They do not consider that the FRA complies with the requirements set out in the relevant guidance and it fails to establish how the development is likely to be affected in the design flood event over its lifetime. The submitted FRA does not, therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

On the basis of this objection from a statutory consultee, it is considered that a reason for refusal on this ground is justified.

Recommendation

REFUSE for the following reasons:

1. The proposed rear extension, by reason of its design, form, scale and appearance, would result in an unsympathetic addition to the building which would detract from the visual amenities of the locality. It would be contrary to the aims of Paragraphs 56-66 of the National Planning Policy Framework, saved policy AG1 of the Adur District Local Plan and policy 15 of the Submission Adur Local Plan.

2. The proposed rear extension, by reason of its height and projection beyond the rear of No.82 Old Shoreham Road, would result in an unneighbourly and overbearing development which would harm the residential amenities of the adjoining occupiers. It would therefore be contrary to saved policy AH2 of the Adur District Local Plan and policy 15 of the Submission Adur Local Plan.

3. The submitted Flood Risk Assessment fails to provide a suitable basis for an assessment to be made of the flood risks arising from the proposed development. The application is therefore in conflict with the requirements set out in the relevant Planning Practice Guidance relating to flood risk and policy 37 of the Submission Adur Local Plan.

Is recommendation contrary to letter(s) of representation? N

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.

Case Officer: Peter Barnett Date: 12 September 2017

Authorised by: Date: 12th Sept 2017