15/4/09.

Development Control – Delegated Officer Report

Application Number: ADC/0142/09 **Recommendation – Permit Application**

Site: **29 High Street Shoreham-by-Sea West Sussex**

Proposal: **Conversion of groundfloor (rear), firstfloor and secondfloor to 4 two-bedroom flats (including rear roof terraces) (No.s 29 and 31)**

The Application

The application site comprises of nos. 29 and 31 High Street which form part of a terrace within the main shopping street in the built up area of Shoreham town centre. The site also lies within the Conservation Area. The buildings front the High Street to the north with a solitors and mobile phone shop at street level with a treatment/therapy rooms and offices above at first and second floor level. The second floor is formed within the roof space where there are front and rear dormers. There have been other various alterations and additions to the buildings including rear flat roof additions.

To the south/rear of the site is a rear amenity/garden area which backs onto the river. Due to the drop in levels to the rear towards the river the lower ground floor of the building (which is below pavement level on the High Street frontage) is at ground floor at the same level as the garden area and the river bank. This floor is currently used as ancillary storage for the ground floor commercial units.

Permission is sought to convert the existing buildings into 4 two bedroom flats. Flat 1 is provided to the rear of the ground floor, with a balcony area above the lower ground floor flat roof enclosed by railings facing south towards the river. Flats 2 and 3 are at first floor level and flat 4 is at second floor within the roof space. This flat also has a rear balcony area to the south. Cycle and refuse storage for all flats is to be provided within the storage room to the rear of the rear of the mobile phone shop and the rear amenity space is to be communal space for the use of the occupiers of the flats.

The only external changes to the buildings are to the rear, facing onto the river with the enclosing of balcony areas to the ground floor and second floor level with railings 1 metre in height and a riverside retaining wall.

Consultations and Representations

West Sussex County Council: **-** The Transport Planning Officer has advised that the lack of parking provision will encourage residents to use public transport and the development is well served by bus and rail services, and therefore this application is in compliance with PPG13 in encouraging the use

of sustainable transport. Cycle parking should be included, details of which should be submitted to and approved by the Local Planning Authority.

Environment Agency: - The proposed development will only be acceptable if the following measures as detailed in the Flood Risk Assessment (FRA) submitted with this application are implemented and secured by way of a planning condition on any planning permission. "The development permitted by this planning permission shall only be carried out in accordance with the approved FRA (dated 8 May 2009) and the following mitigation measures detailed within the FRA: Finished floor levels are set no lower than 5.5 m above Ordnance Datum (AOD.)

Third Parties: - 1 letter has been received from the owner of the garden flat adjacent at 27 High Street the following comments are made: -

- The large terrace on the 1st floor will overlook the garden, suggest privacy screening.
- The amenity area is adjoining the rear of no. 27 and is vague in its use, for all occupiers of the flats?
- Noise and disturbance.
- Loss of privacy.

Relevant Planning Polices and Guidance

Adopted Adur District Local Plan 1993 – 2006 (ADC 1996) (saved policies): AG1, AB4, AB16, AH2, AH5, AH9, AS1 and Appendix 11 'Supplementary Planning Guidance' comprising Development Control Standard No.2, 'Space Around New Dwellings and Flats' and No.4, 'Flat Conversions'.
PPS 1 'Delivering Sustainable Development' (ODPM 2005).
PPS3 'Housing' (DCLG 2006)
PPG24 'Planning and Noise' (DoE 1994)
PPS6 'Planning for Town Centres' (ODPM 2005)
PPG15 'Planning and the Historic Environment' (DoE 1994)

Planning Assessment

Policies

The provision of more dwelling units would help meet the housing requirements for small households as set out in Local Plan policy AH5.

Policy AH9 of the Local Plan states that the conversion of dwellinghouses into smaller self-contained units will be permitted providing that: access and car parking provision is acceptable; the proposal would not have an unacceptable adverse effect on neighbouring properties in terms of overlooking or noise transmission through party walls; and the type of property concerned and the standard of accommodation to be provided accord to the adopted standards. It also states that the conversion of small family homes will not be permitted. While the application relates to space above a shop rather than a family

home, the principles established in Policy AH9 are considered to be applicable.

Policy AS1 seeks to prevent the loss of residential accommodation at upper floor level within shopping areas.

Similarly, while not covered in Development Control Standard No.4 'Flat Conversions', the principles within that document can be applied here. It states, among other criteria, that conversions should result in an acceptable amount of amenity space for each flat (minimum of 20sqm per flat).

PPS3 contains no specific guidance on flat conversions except for the general statement that "conversions of existing housing can provide an important source of new housing" (para 31). It advises LPAs to "take account of the need to deliver low cost market housing as part of the housing mix" (para 26). This is against the background of the overall objectives of delivering high quality, well-designed housing; a mix of housing, including tenure and price, to support a wide variety of households; sufficient quantity and improved choice; and locations close to jobs and facilities.

The site is in the Conservation Area where there is a statutory duty to pay special attention to the need to preserve or enhance its character or appearance as reflected in local plan policy AB4. Also policy AB16 relates to the riverside setting of Shoreham stating that opportunities will be taken, when considering development proposals to improve the river scene.

Residential Amenity

The main property to be affected in this case is the lower ground floor flat at 27 High Street to the east of the site. This unit is contained in a terraced building of similar scale with an asymmetric roof design. There is a rear garden area for sole use of the lower ground floor flat. This garden space abuts the site boundary and the proposed amenity space for the flats. There is currently an open 1 metre fence along the boundary.

The owner of the flat has expressed concern over the use of the rear amenity space and the loss of privacy and overlooking as a result of the proposed balcony above ground floor level. Amended plans have been received which show the scale of the balcony area significantly reduced from the enclosure of the entire flat roof to an area 2 metres in depth and 3 metres in width. The need for privacy screening along the eastern side of the balcony has been considered. Although on balance due to the reduced area of the balcony, distance of 6 metres from the boundary with no .27 and the visual impact of any proposed screen as opposed to the open railings it was felt that this relationship was acceptable. It is common for this form of overlooking to occur within dense town centre locations.

To the west is a public house and beer garden, it is not considered that the proposal will have any adverse impact on this building or its enjoyment. The

proposal makes good use of the upper floors of a commercial property and will assist the vitality of the town centre.

While there are no standards for room sizes for flat conversion of ~~offices~~/shops, DC Standard No.4 does provide a useful guide. The proposed flats meet the required standards for 2 bedroom flats (57 sqm) and the individual room sizes also comply. The layout of the flats is acceptable with appropriate stacking. Nevertheless Annex 7 of PPG24 states that the Government considers that the Building Regulations are the most appropriate means of control for sound insulation in conversions and that planning conditions should not be used to control sound insulation in such cases. It refers to Approved Document E - Resistance to the passage of sound which was updated in June 2004 and a sound test is now required to be carried out to justify the adequacy of sound insulation between new dwellings (including conversions). It is considered that the requirements of the Building Regulations are sufficient to insulate against noise disturbance in this case.

Private amenity space is provided for flats 1 and 4 with shared amenity space for all flats to the rear facing on the river. This considered more than acceptable as within a town centre location provision of such space is not expected.

Visual Amenity, Conservation Area and Riverside Setting

The proposed external changes as stated above only entail the enclosures of the balcony area to the rear of the building. It is considered that the proposed rear balconies enclosed with railings will be appropriate in this case. The amended plans received which show the reduction in the size of the balcony at first floor level are considered acceptable and an improvement of the original drawings which showed the entire flat roof enclosed within a balcony area. As well as being an issue with regards to residential amenity, as started above, this would have also been a very prominent feature in the Conservation Area and the riverside setting.

Access and Parking

The site has no parking provision, as is currently the case. The proposed flats are within a sustainable location within the town centre. The area is well served by public transport links. West Sussex County Council Highways Authority has no objection in this case provided that secure cycle storage is provided.

Flood Risk

The site is located within Flood Risk Zone 31/3b. A Flood Risk Assessment has been submitted with the planning application. The Environment Agency has no objection subject to the condition as set out in their consultations response above.

Recommendation

APPROVE for reason that :- 2PPi

1. C1Ci
2. No development shall take place until details of the railings to be erected on the proposed roof terrace have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed details.
   Reason – In the interests of visual amenity and to comply with policy AH2 of the Adur District Local Plan.
3. C14Aii – 30 June 2009
4. C8Gi – amended The use hereby permitted shall not be carried on until provision for cycle and refuse storage has been made in accordance with details to be submitted to and approved on writing by the LPA and such provision shall thereafter be used only for the storage of refuse and cycles incidental to the use of the premises concerned. Reason: - In the interests of residential amenity and to accord with policy AH2 of the Adur district local plan.
5. The development hereby permitted shall only be carried out in accordance with the approved FRA (dated 8 May 2009) and the following mitigation measure detailed within the FRA – Finished floor levels are set no lower than 5.5 m above Ordnance Datum (AOD.) Reason: To safeguard against flooding and to comply with PPS25

Case Officer... [redacted] .....Date.....2/7/09.

Planning Services Manager. [redacted] Date.....6/7/09.....

Chair of Planning Committee [redacted] Date..09/07/09.