expires 12/8

Development Control – Delegated Officer Report

Application Number: ADC/0234/09 **Recommendation – Permit Application**

Site: **5 East Street Shoreham-by-Sea West Sussex BN43 5ZE**

Proposal: **Reduction of shop area to 91sqm and creation of a one-bedroom apartment to the rear accessed via the existing undercroft, minor external changes and provision of communal bin, recycling and cycle storage, and external rear roof terrace for firstfloor flat**

The Application

The application relates to a two storey building on the west side of East Street which comprises a ground floor retail unit (currently vacant) and a 3-bed flat above. There is a ground floor flat roofed extension at the rear. The site lies within the Conservation Area and main shopping area of Shoreham.

The existing shop unit has a floor area of 142sqm which the applicants claim is too large to be viable. It is proposed to reduce the shop area to 91sqm by installing a partition wall and forming a one bedroom flat at the rear. Access to the flat would be via an existing passageway at the north side of the building. External alterations will enable access to new decking at the rear. The front of the ground floor will remain in retail use.

At first floor, a roof terrace is proposed to be formed over part of the flat roofed rear extension to serve the first floor flat. A raised roof lantern is also to be installed in the roof to light the back of the new shop. A communal bin and recycling store plus bicycle store are also to be provided at the side of the building.

Consultations and Representations

Consultations/Comments

West Sussex County Council – The Transport Planning Officer has no objections

Adur District Council – The Environmental Health Officer has no objections

Third Parties

ADCAG – Hope that the windows would be in timber to match the existing windows and proposed screen and therefore be in character with the building

1 letter received from a firm of solicitors at 4-6 East Street asking for clarification of the criteria applied to applications for the change of use of retail shops

Relevant Planning Policies and Guidance

South East Plan 2006-2026 (GOSE) TC2
Adopted Adur District Local Plan 1993 – 2006 (ADC 1996): AG1, AB4, AH7, AS1 and Appendix 11 'Supplementary Planning Guidance' comprising: -
Development Control Standard No.3 'Extensions and Alterations to Dwellings'
PPS1 'Delivering Sustainable Development (ODPM 2005)
PPS6 'Planning for Town Centres' (ODPM 2005)

Planning Assessment

Policies

The main concerns are the effects of the proposal on the vitality and viability of the shopping centre, on the residential amenities of living accommodation in the locality and on the character of the Conservation Area.

The site lies within the shopping area as defined on the Proposals Map. Policy AS1 of the Local Plan states that permission will be granted for changes of use of premises within this area for shopping and food and drink purposes falling within Use Classes A1 and A3 subject to, among others, there is no loss of residential amenity and the proposal does not detract from the character and vitality of the area.

Development which involves the loss of existing shopping provision (Use Classes A1 and A3) will not be permitted if the proposal is likely to detract from the character and vitality of the area.

TC2 of the South East Plan states that local authorities should have regard, among other criteria, to the potential impact on the vitality and viability of town centres. This advice is repeated in PPS6 which states that "a diversity of uses in centres makes an important contribution to their vitality and viability. Different but complementary uses, during the day and evening, can reinforce each other, making town centres more attractive to local residents, shoppers and visitors" (para 2.22). Subject to other planning considerations, residential development is encouraged as an appropriate use above ground floor retail.

Impact on vitality and viability of town centre

The proposal does not result in the loss of a retail unit, rather a reduction in the amount of retail floorspace. The shopping frontage will remain as existing and the proposal will not therefore adversely affect the shopping character or vitality of the area. Moreover, the reduction in floor area makes the unit more viable and brings it back into use after being vacant for a year, thereby enhancing the shopping vitality of the street.

The provision of a flat at ground floor is considered to be acceptable in principle as it is at the rear of the building and has no impact on the shopping frontage. The use will further help to add vitality to the area.

Residential amenity

The proposal is not considered to have a significant impact upon the residential amenities of neighbouring occupiers. The proposed ground floor flat and new decking will not result in any loss of privacy as there is a tall flint wall at the rear of the site.

The proposed first floor roof terrace has the potential to cause overlooking. However, it will be recessed behind a first floor projection which will restrict views to the north while to the south a new 1.8m high screen is to be erected. Views directly westwards are possible but these are towards first floor windows at the rear of properties in Church Road some 22-25m away and this is considered to be an acceptable distance which will not result in any undue loss of privacy.

Impact on Conservation Area

No external changes are proposed to the shopfront other than replacing the windows on a like for like basis so the appearance of the Conservation Area will be preserved. No details of any signage have been submitted but separate advertisement consent would only be required if it were to be illuminated.

uPVC has been used for the first floor doors onto the terrace and is proposed to be used for the ground floor flat's windows and doors. While not normally an appropriate material in the Conservation Area, none of the openings will be visible from the street and the its use is therefore considered to be acceptable on this occasion.

Recommendation

APPROVE for reason that :-

The proposed development would preserve the character and appearance of the Conservation Area and can take place without resulting in unacceptable detriment to the amenities of neighbouring properties, the vitality or viability of

the shopping centre and highway safety. It would consequently not conflict with the relevant policies of the Adur District Local Plan (AG1, AB4, AS1)

Subject to:

1. C1Ci
2. C14L (amended) The shop premises shall not be open for trade or business other than between the hours of 8am–6pm Mon-Sat and 10am-4pm on Sundays and Bank Holidays.
   Reason – To protect the residential amenities of the occupiers of the flats and to comply with policy AG1 of the Adur District Local Plan
3. The roof terrace hereby approved shall not be brought into use until a privacy screen has been erected in accordance with details to be submitted to and approved in writing by the local planning authority. The approved screen shall be permanently retained thereafter.
   Reason – In the interests of amenity and to comply with policy AH7 of the Adur District Local Plan
4. C14A3 31 July 2009
   Reason: For the avoidance of doubt

Case Officer [redacted] Date 31/7/09

[redacted]