



Planning Committee  
1 July 2015

Agenda Item 4

Ward: ALL

Key Decision: Yes / No

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/0250/14      Recommendation – Approve**

**Site:            6 Southey Road Worthing West Sussex BN11 3HT**

**Proposal:      Part retrospective application for alterations and conversion of  
offices to form seven self-contained flats (3 x one bed flats and 4  
x studios)**

**2**

**Application Number: AWDM/0166/15      Recommendation – Approve**

**Site:            1A Dagmar Street Worthing West Sussex**

**Proposal:      First-floor extension to north elevation to provide one new two  
bedroom flat including allied internal reconfiguration**

**Application Number: AWDM/0250/14**

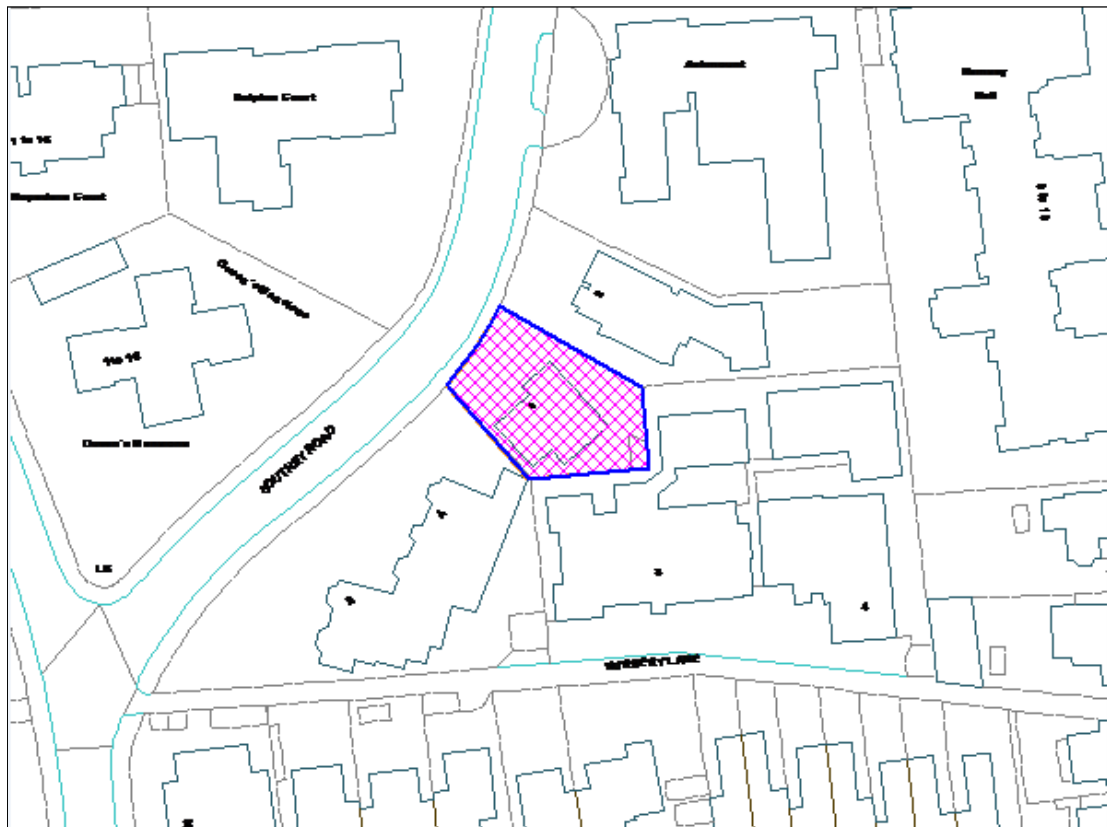
**Recommendation – Approve**

**Site: 6 Southey Road Worthing West Sussex BN11 3HT**

**Proposal: Part retrospective application for alterations and conversion of offices to form seven self-contained flats (3 x one bed flats and 4 x studios)**

Applicant: Mr H.D Buschhaus  
Case Officer: Peter Devonport

Ward: Heene



**Not to Scale**

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### **The site and surroundings and development history/rights**

This is a large and converted detached Victorian villa set in its own grounds, in a mainly residential inner suburb including many flats and care homes and some bedsits, situated just to the east of the town centre.

The property was built as a house but was converted to use by West Sussex County Council Social Services many years ago and used as a child guidance clinic up until 2003. Thereafter, it gained planning permission for use as offices (B1) by the West Sussex County Council's Community Care Team.

It was vacated by the Team in December 2011 who relocated to Centenary House and gained planning permission on 27.3 2013 to convert the empty offices to one house under AWDM/1374/12.

Work on the refurbishment of the property had certainly started by January 2013 (ahead of the planning permission) but the change of use to a single house appears to have never been fully implemented as the applicants report that, instead, conversion of the property to nine self-contained flats arranged as 8 x studios and 1 x one bed flat began by February 2013. These were completed by early September and the property has been occupied as the 9 flats since mid-September 2013.

In the absence of the implementation of the correct permission, it appears that the lawful use of property remains offices.

The property is set back with a large mainly, paved forecourt laid out for car parking (around five spaces) with smaller rear and side gardens. Bins are stored on the south west boundary of the forecourt. A decorative brick wall has been reinstated on the south west street frontage to match the remaining part of the original wall on the north east street frontage.

The garden at the rear is subdivided into a paved area on the south west side accessed by a side gate and where the separate entrance to the one bed flat is situated. A communal soft landscaped area is sited to the north east from which an original outbuilding converted to communal cycle storage is accessed with paved forecourt. This and another building in the adjacent plot marks the common boundary at this point. There are trees/shrubs on the northern flank and back and the property is bounded by a wall on both flanks, supplemented by timber fence on its southern side and planting on its northern side, including modest yew tree.

The property is a distinguished and characterful double fronted brick faced building with period features including bays, sash windows, hanging tile on the upper floor and hipped, tiled roof and flint front wall. The building has been refurbished as part of the conversion works.

The property is bounded by a similarly designed detached house to the north in use as a care home, whilst the detached property to the south is used as a HMO and flats (granted planning permission under AWDM/0821/13 for a 10 bedsit HMO and 9 flats in 2013 by the Committee). Opposite (west) are four storey post war flats. To the rear (east) is a one and half/two storey residential institution for people with physical and learning difficulties.

The site is not in a Conservation Area but is within a Controlled Parking Zone.

### **The Proposal**

The existing use as 9 flats is considered to be unlawful and the new application seeks to regularise the conversion through an amended scheme (of 7 flats).

The current application follows an enforcement investigation over the unauthorised flat conversion.

Following post-submission negotiations, the application has been amended to reconfigure the conversion to form, instead, seven self-contained flats (3 x one bed flats and 4 x studios).

This amendment has not been implemented and, to this extent, the application is part retrospective and part prospective.

The amendments are all internal and entail the joining together of studios A and B on the ground floor and studios 2 and 3 on the first floor to form 2 x one bed flats.

Access to all the units, bar unit D - the one bed flat accessed from the rear – is from the front entrance.

The application has been called in for determination by the Committee at the request of a Ward Councillor.

## **Consultations**

### **Highway Authority**

The site is recognised as having a permitted B1a office use. In considering the change of use the potential vehicle movements from the permitted use is a material consideration. In light of the scale of the permitted and proposed development, it is not considered that traffic generation would significantly vary between the two. It is not considered that this proposal could be resisted on the basis of traffic generation.

The site is located within walking and cycling distance of Worthing town centre. There are a range of services and facilities, including public transport, within short walking distance. Walking routes are continuous along Southey Road frontage.

No parking will be provided for this proposal. Whilst on-street car parking is limited in the immediate vicinity, it is not considered that highway safety would be detrimentally affected through the proposed nil car parking provision. In addition it would appear that the existing use had no off street parking in any capacity. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking.

Based on this information, the principle of the conversion from offices to residential would be unlikely to result in any highway safety or capacity issues.

I can confirm that 6 Southey Road was used up until December 2011 as offices for WSCC staff. We were relocated to Centenary House, Worthing. Therefore Southey Road was declared surplus as part of the rationalisation of offices.

### **Environmental Health Officer**

The Environmental Health Officer reports that he visited this property on 17.6.15 to consider each dwelling and the common parts against the requirements of the

Housing Health and Safety Rating System, which is the prescribed risk assessment process introduced by the Housing Act 2004.

He advises that the property is generally well converted with a good provision of fire separation and automatic fire detection appropriate for the buildings layout and use.

All rooms presented nicely, being well decorated and generally well-maintained in their current form.

The Environmental Health Officer further notes that there are couple of issues that they will need to consider, however he is confident that the items that do require attention can be dealt with through the co-operation of the owner and the property will be free from serious hazards.

## **Representations**

3 Heene Court Mansions

*I have deep concerns with this application. I object on grounds of Design, Loss of General Amenity and Overdevelopment.*

*Having lived in Heene Terrace for 17 years, being a local property developer and owning 2 buildings in Rowlands Road, I am aware of the long term explosion of converting every available space, including family houses and large flats, into low cost, mainly bedsit and studio accommodation. Over the years this has produced an area with a ridiculously high proportion of small unit accommodation, which in turn, has created an area that suffers high anti-social behaviour, drug abuse, crime and some depravity.*

*Some developers, all be it only a few of us, have taken a more balanced approach and kept existing 2 and 3 bedroom properties available to try and keep a balance and more sections of the market fulfilled. This allows a more general cross section of housing which in turn helps to keep a more social balanced society, to this area.*

*This application is prejudicial to this cause and will persuade similar developers to myself, from attempting to fulfil this aim.*

*The proposal is completely inappropriate and can only be detrimental to an area already, saturated with low cost, bedsit accommodation. Furthermore, it goes against all the Councils previous long-term, published aims, guidelines and decisions with regard to the permitted development of more family orientated accommodation from office space.*

*Has there been any analysis of the current demographics and demand for bedsit accommodation in this geographic area?*

*It seems to me that the applicant's previous application completely contradicts this present one. I would have a concern that the planning system is being played?*

*We must try and prevent this part of Worthing, if it is not already too late, from becoming a bedsit village, and help to achieve a more balanced and eclectic*

*society, which in turn will benefit all of the population that already live in the Rowlands Road vicinity. This will, in turn, create a more varied and successful Heene Ward where existing and future businesses can also benefit and so the social and economic improvement of an area begins.*

## **Planning Appraisal**

The main issues raised by this application are;

- Principle of loss of offices and conversion to flats
- Impact on neighbour amenity
- Impact on appearance of the property and area
- Access and parking
- Other Environmental matters

The Core Strategy, including Worthing Saved Local Plan policies, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter or at variance with the National Planning Policy Framework.

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence it is clear that the Council needs to assess the housing delivery strategy set out in the current Development Plan. Work is currently being progressed to address this and the Council is in the process of agreeing a revised Local Development Scheme which commits the Council to undertake a full review of the Core Strategy and progress a new Local Plan for the Borough.

As such the proposal should be principally assessed against saved Worthing Local Plan Policies H18; TR9, and RES7, Core Strategy Policies 4, 7, 9 and 16; the National Planning Policy Framework and allied Practice Guidance; Worthing Borough Council Supplementary Planning Documents; Guide for Residential development, Residential space standards Sustainable Economy in accordance with the above.

### ***Principle of loss of offices and conversion to flats***

The current application is, effectively, for a change of use from offices to 7 flats, on the basis that the planning permission under AWDM/1374/12 in 2013 for change of use from offices to a single house appears never to have been fully implemented and the lawful use remains offices. Even had AWDM/1374/12 been lawfully implemented, subdivision to 9 flats is unauthorised development requiring express planning permission.

The principle of loss of offices was conceded under AWD/1374/12 where it was accepted that office use was not sustainable, given the age, design and condition of the building, its length of vacancy and lack of apparent demand at that time (albeit through limited marketing). But crucial to the judgement was the imminent fall-back position under the Government's plans to amend the General Permitted Development Order to allow changes of use from offices to residential. This became operational from April 2013.

The unsuitability of the building itself for office use remains much as before and the inherent cost and disruption to the current tenants of de-converting from flats to office use further militate against a resumed office use. Clearly, no marketing for office use has been undertaken and for obvious reasons would not be practical.

However, the fall-back position is relevant in that, if the property were to de-convert to offices, it would then be able to exploit the said rights for change of use from office to residential (including flat conversion) under the Government's recent General Permitted Development Order reforms. Crucially, under the allied Prior Approval process the Council could not effectively resist such a flat conversion on any grounds other than transport, but, as explained below, there is no sustainable case for such. Even with the obvious costs to the applicant, this may still be a realistic fall-back position for the developer.

Finally, the impact of reversion to offices on the current residential occupiers of the flats needs to be weighed in the balance. No doubt, these 9 or more residents occupied the flats in good faith, and, because of the type of accommodation are more likely to include those on low incomes and /or who are more vulnerable. The loss of their homes would cause disruption (and possible hardship for some, at least) and will have implications for their human rights.

The loss of the offices remains, therefore, acceptable.

The principle of conversion to residential use also continues to be acceptable. The property is in an established residential area and close to all facilities. No loss of an existing family house is involved and so Core Strategy Policy 9 is not breached and there is a recognised unmet need for the type of smaller, low cost, privately rented accommodation proposed. Whilst Core Strategy Policy 8 and allied Supplementary Planning Document Guidance for residential development encourage the provision of family sized garden flats in conversions, the practicality here, where garden space is limited, is questionable and smaller, non-family flats are often the norm in such town centre fringe locations. The fall-back position as discussed above is also very relevant. In any event, the proposal would contribute towards meeting wider housing targets and need.

As for the conversion itself, it is relatively intensive but the 7 flat amended scheme is appreciably better in terms of layout and flat size. Likewise, in respect of overall intensity of use, it is significantly less. The flats themselves, however, all remain below the local adopted standards in the Space Standards Supplementary Planning Document, albeit the newly formed ground floor one bed flat, at 50 sq ms gross internal floorspace, is only very marginally below the respective 51 sq ms standard and studio 4 at 30 sq ms gross internal floorspace just below the 32 sq ms relevant

standard. The remaining studios at, around 20 sq ms, are markedly smaller than the standards and the one bed flat D, at 34 sq ms, likewise. Whilst the Supplementary Planning Document does allow for some flexibility in the application of the standards, especially for conversions of existing properties, the shortfalls for the 5 remaining flats are significant.

However, no complaints have been received over the quality of the flats themselves from tenants and the flats appear to be popular and all tenanted. This is borne out by Officer's inspection of the flats and property which revealed a good standard of appearance and upkeep. Moreover, a very recent formal inspection by the Environmental Health Officer against the Housing Health and Safety Rating System confirmed the flats were all generally safe and to a good standard, though no Building Regulations approval has been sought.

Turning to amenity space, no flat benefits from a private garden area, apart from the ground floor flat D, whose private rear yard is adequate. The remaining 6 flats (in the proposed scheme) share a communal garden in the north east of the site of some 80 sq ms. This is below the standard of 20 sq ms per flat and the quality is disappointing, especially as it abuts a large bay in flat D, but, for a flat conversion, is not untypical.

Overall, the quality of the conversion does not fully meet all of the required standards but, given the circumstances, especially the fall-back position (which would allow the property to convert to such an arrangement under the recent Permitted Development Prior Approval procedures without any control of the conversion standards), the amendments negotiated do appear to be an acceptable compromise. The interests of the existing flat occupiers also weigh heavily in favour of retaining as many flats as is consistent with achieving a tolerable standard of provision.

Because of the unusual circumstances of this case, it is considered that this would not set a wholly undesirable precedent.

### ***Impact on neighbour amenity***

Residential use reinstates the original purpose of the building. Neighbouring properties are close and their gardens and some rooms overlooked by the windows but, as these are unchanged from the previous office use and approved single residence use, the impact is no greater. Traffic and parking levels are less than for use as a single residence but probably not that different to that of the previous office use. No objections have been received from any directly affected neighbour.

One representation has raised concerns over the cumulative impact of the proposal on the character and amenity of the area due to the emerging concentration of low cost bedsits and small flats and allied anti-social behaviour.

Although the proposal here is for 3 x one bed flats and 4 studios, similar concerns have previously been raised over concentration of bedsits in nearby Queens Road area and the West End, Local Action Team neighbourhood. The Committee will recall that consultations with The Police, Environmental Health Officer and



Community Safety Officer and extensive investigations of this issue concluded that actual concentrations of HMOs in the area were very low (2%); no hard evidence was available to link HMOs with anti-social behaviour; existing Housing licensing controls were generally adequate to address any problems and the relevant authorities did not object to the proposed additional large HMO. The wider issue is to be reviewed as part of the Core Strategy Review but may be linked to broader changes in the housing market; affordability and Housing Benefit reforms. Whilst sympathetic to fears over the changing character of the area, there is no sustainable case to resist the current proposal on the basis of the concerns raised by the objector.

### ***Impact on appearance of the property and area***

The proposal reinstates the building's domestic appearance and no harmful works to the external period features of the building have been undertaken in the refurbishment or conversion. The forecourt has been improved by narrowing the vehicular access to also help domesticize its character and part reinstate the characterful brick boundary wall and piers.

### ***Access and parking***

The site is sustainably located but the forecourt parking provides 5 parking spaces which is adequate for this scale and type of development in this location and adequate cycle storage is provided. Domestic waste/recycling storage arrangements work adequately.

### ***Other Environmental matters***

No protected trees are affected and surface drainage is unaffected.

### **Recommendation**

Grant planning permission, subject to the following conditions;

1. Implement in full within one year in accordance with approved drawings.

### **Background Papers**

Representations by Members of the Public  
Observations by Environmental Health Officer  
Observations by Highway Authority

**Application Number: AWDM/0166/15**

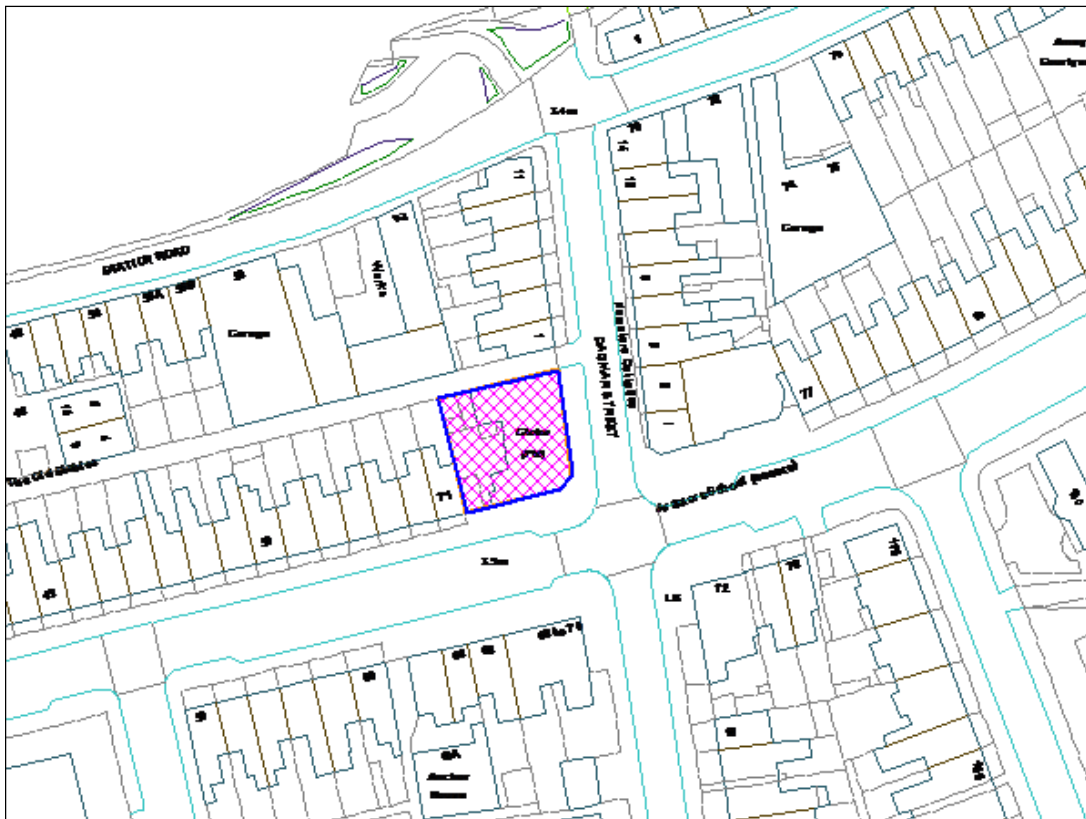
**Recommendation – Approve**

**Site: 1A Dagmar Street Worthing West Sussex**

**Proposal: First-floor extension to north elevation to provide one new two bedroom flat including allied internal reconfiguration**

Applicant: Mr B W Surtees  
Case Officer: Peter Devonport

Ward: Central



**Not to Scale**

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### **Site and Surroundings:**

The property which is the subject of this application was originally a Victorian public house on the corner of Newland and Dagmar Roads at a crossroads. It lies in the heart of a Victorian mixed use inner suburb, very close to the town centre and main railway station and Morrisons.

It is adjoined to the west by a terrace of Victorian two storey houses. The east facing flank wall of the end of terrace house - no 71 Newland Road is blank but the rear wall contains windows serving habitable rooms at first floor and a single storey rear extension has been built between the main back wall and the rear wall of the

outrigger with rooflights as well as windows. A yard sits behind this. The common boundary with the rear yard is a 1.8 ms wall and garage of the application site.

To the north lies a narrow, albeit adopted, highway which services the rear of the aforementioned terrace and the commercial properties facing Station Road. The blank flank wall of 1 Dagmar Road – an end of terrace house - faces the alley immediately to the north of the application site. There are windows in its west facing elevations and a yard at the back. Its boundary with the alley is formed by a 1.8 ms tall solid brick wall.

Opposite (east) is another Victorian terrace of cottages and to the south of the crossroads is a cluster of local shops.

Planning Permission was granted in 2013 under AWDM/0188/13 to convert, alter and extend the, then, vacant PH to form five flats. This has been implemented in amended form through a subsequent Non Material Amendment and is arranged as 2 x one bed flat; 1 x 3 bed flat and 2 x studios. The flats have been occupied for some time.

The existing building is a two storey dual fronted distinguished building on the apex of the corner. It dates back to 1901 and is symmetrical in composition, featuring a central gable and one on each wing and single story elements beyond these. It displays typical arts and crafts features with oversailing eaves, decorative bargeboards, sash windows, some Tudorbethan panelling on the central gable and is brick faced on the ground floor with render on the upper floor, as well as some prominent decorative chimneys.

The site sits in a Controlled Parking Zone. The Newlands Road frontage (and the adjacent crossroads itself) is mainly double yellow lines but there are parking bays on the west side of Dagmar Street abutting the application site. Dagmar Street is one way.

The ground floor flats are accessed from 3 separate existing external doors, the northern most of which serves also the two upper floor flats.

The original side buildings are retained as cycle and refuse store.

The rear original building is retained as a garage, accessed from the north.

There is no direct access from any of the flats to the inner yard, apart from flat 3, the ground floor 3 bed flat. However, 3 windows at first floor level serving a corridor outlook onto this area.

The forecourt to Dagmar Street has been enclosed by a 1m timber fence with planters and utility units provided and provides a private, if exposed, amenity area for the adjacent ground floor flats.

No car parking is provided other than in the garage, internal yard and drive.

## **Proposal**

The current proposal aims to respond to the recent refusal of AWDM/1455/14: (*First-floor extensions to north and west elevations to provide 2no. new two-bedroom flats and allied internal reconfiguration*) on grounds of harm to visual and neighbour amenity.

The new scheme is, accordingly, more modest and restricted to a first-floor extension to north elevation to provide one new two bedroom flat. This involves adding a new storey on the Dagmar Street (east elevation) of the building and reconfiguring the west elevation closest to 71 Newland Road. The accommodation is in the raised roof which is hipped and incorporates gablets served by windows on both these elevations as well as on its southern elevation looking across the yard to Newland Rd. There are no windows in the west elevation but additional small rooflights in the north and south elevations. Allied to the works is the demolition of a north facing gable in the main building roof. Access is via the existing communal access off Dagmar Street.

Facing materials are given as render with red plain tiles for the pitched roof and timber framed windows. The design is in period Edwardian style to match the existing building.

Reference is made to 3 parking spaces which is presumed to mean the drive, retained yard and rear garage, even though the garage appears to be reserved for use by the 3 bed ground floor flat, this flat having unique direct internal access to the garage.

The yard would continue to be used by the freeholder who lives in the 3 bed flat.

## **Consultation Responses:**

### **Environmental Health Officer**

As this site is in a residential area I would advise that all works of demolition and construction, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:-

Monday - Friday 08:00 - 18:00 Hours

Saturday 09:00 - 13:00 Hours

Sundays and Bank Holidays no work permitted.

**Highway Authority reports** that it was consulted previously on Highway Matters for this location under planning application no. AWDM/1455/14.

It indicates that the proposal does indicate a shortfall in proposed parking in relation to the scale.

Whilst there are no parking spaces proposed, the application represents a modest increase in potential movements in relation to the site. The site is also sustainably located, in close range of a number of amenities and public transport facilities, reducing reliance on the motor vehicle.

Following a site visit, it reports that about 80-90% of spaces were viewed as full in the immediate area, but this does not give rise to undue concerns.

It notes that, were the junction were to revert to 2 way operation in the future, visibility at the junction will need to be reassessed but there are no issues from a Highway Safety point of view here.

Subject to a cycle parking condition, the Highway Authority does not anticipate a Highway safety issue arising from this proposal.

## **Representations**

3 letters of objection have been received from residents in Newland Road and Dagmar Street on the following grounds:

- The proposed first floor extension would severely infringe on our right to privacy and natural light. The proposal would permanently reduce natural light in and around the majority of our property and would constitute to over-development of the site.
- The location, design and size of the additional flat would be overwhelming and relate poorly to the character and attractiveness of the surround buildings and have a detrimental effect on our living conditions and of our neighbours.
- If this two bedroom flat were to be built in addition to the five existing flats, potentially being occupied by up to four people, therefore increasing the demand for parking spaces in an already heavily, if not oversubscribed parking zone, then it would be virtually impossible to park in and around Newland Road at any time of the day, which I am sure you would agree is totally unacceptable. There are only 8 parking spaces in Dagmar Street and the potential of further redevelopment of 1A Dagmar Street would only exacerbate the parking problem.
- Dagmar Street is already short of parking space, this will only get worse.
- Fellow residents are deeply concerned over the aggravated impact on parking.
- Our issue is not with changes to a building, but to have parking spaces. Can't we have access to park at Morrisons car park overnight? They have loads of spaces vacant there if they can kindly assist our streets.
- I believe your assessment is flawed and possibly wrong in thinking the site is highly sustainable. A lot of people in the area have 2 cars per household, and even though in the original development plan I think it stated 3 cars for that property. They have Vans, Cars and Land Rover. It is not sustainable unless spaces are provided via Morrisons.

- At times people illegally park their cars outside EPS's front yard, because they have no space. Imagine a street where it is difficult to park as residents, and you invite your friends (with or no kids) to pay you a visit, and there's no space to park, or a delivery van turns up to deliver 'goods & services', or you need a skip due to house renovation.
- Judging from the plans: it states that only 3 car spaces are needed for the named building, however, that hasn't been the case though. Once the current vacant flats are also sold, that means more cars too. And now that an application for an extension has been submitted for a further extension, I can but only see more issues and inconveniences coming our way to Newlands Road, and most especially Dagmar street, whereby only a handful of cars can park on the left hand side. The right hand side is for cyclists, and with a single yellow line.
- Since the previous application submission was granted, residents with kids, others with 1 or 2 cars, and other families taking care of their elderly, have been finding it extremely difficult, and at times painful to find a parking space at mornings and more difficult at evening times. Even though Morrisons car park with abundance of spaces is only 10 seconds away, we can't access it freely, or we will just get a parking fine. My Mother In Law who uses a wheelchair can't easily access our house as there are no empty spaces to park.
- Please try and look at these issues not only from an historical data or analysis provided, when some residents had one or no cars at all, and compared to nowadays where a lot has happened in my area over the past 5 – 10 years.
- Residents are worried about appealing or opposing this change due to the fact that it is a small, and tight knit neighbourhood; and any objection letters written by them, can be seen by the individual or parties willing to make the extension, and we are not going to risk having a neighbourhood split up.
- Representation includes recent pictures taken of Dagmar street showing on street parking.

## **Planning Assessment**

The principal issues raised by this proposal are:-

- Principle and form of residential accommodation
- Impact on the amenity of future occupiers and neighbours
- Impact on the integrity of the design of the property and character of the townscape.
- Access and parking

The Core Strategy, including Worthing Saved Local Plan policies, comprises the Development Plan here but the Government has accorded the National Planning

Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter or at variance with the National Planning Policy Framework.

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence it is clear that the Council needs to assess the housing delivery strategy set out in the current Development Plan. Work is currently being progressed to address this and the Council is in the process of agreeing a revised Local Development Scheme which commits the Council to undertake a full review of the Core Strategy and progress a new Local Plan for the Borough.

As such the proposal should be principally assessed against saved Worthing Local Plan Policies H18; TR9, and RES7, Core Strategy Policies 7, 8, 15, 16, 17 and 19; the National Planning Policy Framework and allied Practice Guidance; Worthing Borough Council Supplementary Planning Documents Guide for Residential development and Residential space standards, in accordance with the above.

### **Principle and form of residential accommodation**

The principle of residential development at this site has been accepted in 2013 under AWDM/0188/13.

This is a brownfield site in a very sustainable urban location and a more intensive use of this now converted residential building in this mixed residential/commercial area is appropriate.

The two bed flat as proposed is acceptable in principle in this town centre fringe location and meets a demand for such accommodation. The building is not generally suitable for family accommodation due to the absence of adequate private amenity space (apart from flat 3).

As such it complies with the spatial strategy and Supplementary Planning Document Guide for residential development.

The flats will contribute towards Development Plan housing provision targets.

However, the acceptability in practice of a particular scheme will depend upon its specific circumstances and these are considered below.

### **Impact on the amenity of neighbours and quality of accommodation for future occupiers**

The potentially most affected neighbours are at No 71 Newlands Road to the west and 1 Dagmar Street, to the north.

No overlooking of No 71 would occur because of the fenestration arrangements. Neither would any significant loss of outlook from the rear or outrigger of No 71 result as the extension is well to the north and east of these and the window arrangements. The impact on the rear yard of No 71 would be very modest given the separation distance of 4ms to the common boundary and hipped design of the new roof and taking into account the effect of the existing gable ended roof and directly abutting garage building and 2 metre plus common boundary wall, plus the demolition of a nearby north facing gable in the main building roof. Likewise, the impact on natural light would be marginal.

As the gablet in the north elevation of the new extension directly faces the blank main south elevation of No 1 Dagmar Street and, only obliquely looks out onto one ground floor side window of the recessed outrigger and its rear yard, no significant loss of privacy for this neighbour would follow. Given the separation distance; the heights of the existing boundary wall to the back yard of No 1 and roof of the existing building to be extended; together with the demolition of the north facing gable of the main building and limited amenity value of the rear yard, no significant loss of outlook or natural light would ensue.

The south facing gablet serves a bedroom and to avoid loss of privacy it would be appropriate to require the adjacent west facing windows in the main building which serve a communal corridor to be obscure glazed.

The new flat occupiers would not enjoy any private amenity space but there is no realistic scope for provision and Homefield Park is very close. The flat meets adopted gross internal floorspace standards.

Refuse storage is provided.

### **Impact on the integrity of the design of the property and character of the townscape**

Whilst the eaves are slightly elevated, the scheme is generally respectful of the composition of the building, subordinate in scale and sympathetic to its period style. Key views from Dagmar Street and Newlands Rd are not harmed. Architectural details and facing materials may be reserved by condition.

### **Access and parking**

The new flat is not served by a dedicated off street car parking space and neighbour concerns over these aggravating parking pressures are understood.

Parking requirements for new development under planning policy take account of a variety of factors concerning demand and supply and impacts, including type and scale of development; location, accessibility and availability of alternative modes of transport; on street parking controls; previous uses; and on- street parking capacity. The bar is set high under Government policy which indicates that proposals should only be refused on transport grounds where the residual impacts are severe.



In this context, the actual increased demand for parking is likely to be marginal in what is clearly a highly sustainable location very close to local facilities and excellent public transport and taking into account the size and type of the one additional flat proposed.

Furthermore, the site sits in a Controlled Parking Zone G where parking pressures from commuter parking, at least, are managed (Resident Permit parking only 10-11am and 2-3pm) and the double yellow lines at the crossroads also deter unsafe on street parking at any time. The existing parking pressures cited by residents, whilst regrettable, are, arguably, not untypical for such a town centre fringe location.

Even with the additional flat, the development is likely to generate less traffic than the previous PH use which provided no on-site customer parking at all. Indeed, whereas the County Council's parking demand calculator, suggests a combined parking demand of 7 spaces for the new flat and existing five flats, the County Council's last standard for a public house, indicated 26 spaces would be necessary (both figures should be treated with caution as they do not fully recognise the accessibility of the location but the differential holds).

The applicants previously submitted a street parking survey showing available on street capacity in the locality (including Dagmar Street, Station Road, Newland Road, Park Road over 7 consecutive days during the period 7 to 9.30am) to meet demand and Council records show no waiting lists for residents' car parking permits. The public car park at Teville Gate is also reasonably close as well.

The potential use of Morrisons car park by local residents to address existing pressures as suggested by one objector is noted but is outside of the scope of this application and is not without its practical difficulties.

The Highway Authority is aware of residents' concerns and have visited the site but has raised no objections in view of the site circumstances.

As such the proposal is acceptable.

Pedestrian access to the flats is convenient and safe.

**Recommendation:**

To GRANT Planning Permission subject to the following conditions:

1. 3 years to implement
2. Build in accordance with approved Plans
3. Provide cycle parking
4. Approve architectural details and external materials.
5. Agree construction method statement dust suppression controls
6. Construction/demolition working hours limited to 8am to 6pm M-F. No working weekends or public holidays
7. Obscure glaze west facing first floor windows in the main building serving a communal corridor.

## **Background Papers**

Representations by Members of the Public  
Observations by Environmental Health Officer  
Observations by Highway Authority

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1<sup>st</sup> July 2015

## **Local Government Act 1972 Background Papers:**

As referred to in individual application reports

### **Contact Officers:**

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## **Schedule of other matters**

### **1.0 Council Priority**

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
  - to promote a clean, green and sustainable environment
  - to support and improve the local economy
  - to work in partnerships to promote health and wellbeing in our communities
  - to ensure value for money and low Council Tax

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

### **7.0 Reputation**

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

### **8.0 Consultations**

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

### **9.0 Risk Assessment**

- 9.1 As referred to in individual application reports.

## **10.0 Health & Safety Issues**

10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

## **14.0 Financial implications**

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.