

Title 267 & 269 Brighton Road, Worthing

Report by the Director for the Economy

1.0 Summary

- 1.1. This report relates to a request to remove a requirement of a Section 106 agreement signed in 2006 which required the reconversion of a combined dwellinghouse, 267/269 Brighton Road, to two separate dwellinghouses by way of the submission of a planning application.

2.0 Background

- 2.1 In 2006, planning permission was granted for the conversion of Nos. 267 and 269 Brighton Road to one single dwelling house with alterations to implement use (WB/06/1311/FULL). The application sought to link the then 2 separate dwellinghouses into a single dwelling with seven bedrooms. Internal alterations were proposed to allow passage between the previous houses at ground and first floor levels. The building was also to accommodate a home working office for the applicant's business.
- 2.2 In general, proposals that result in the effective loss of a housing unit are resisted and indeed a previous application submitted earlier in 2006 had been refused for that reason. In response, and as part of the latter application, the applicants contended that they had already gained permission to convert their existing office space at 167 Brighton Road into 2 self contained units, thereby creating additional residential units with the office space being part of the larger single dwelling. Previously, in 2004, the applicants had also converted 169 Brighton Road from office space into 3 flats. The applicants therefore contended that they were creating a net increase in residential units to offset the loss of the unit at 267/269 Brighton Road.
- 2.3 The officer recommendation in respect of the latter application to convert the 267 & 269 to a single dwelling was again to refuse permission. However, members of the Committee resolved to grant permission subject to a legal agreement which required that i) prior to the conversion of 267 & 269 Brighton Road to a single dwelling that 167 Brighton Road was converted into 2 flats (therefore to ensure that there was not a net loss in the number of dwellings provided) and ii) that should the applicants no longer occupy 267/269 as a single dwelling, that they apply for

planning permission to reconvert the property back to separate dwellinghouses and that such conversion take place before the property is subsequently sold.

- 2.4 Part i) of the legal agreement was complied with and accordingly 2 additional residential units were created with the loss of the office facility originally on the site.
- 2.5 The applicant has now retired and has requested that the second part of the legal agreement is removed so that there is no longer a requirement to reconvert the property back to 2 separate dwellings. As planning permission is needed for the creation of an additional unit, a planning application would otherwise need to be submitted if the agreement is not varied.

3.0 Assessment

- 3.1 There is a recognised need to provide new dwellings and, in turn, the loss of dwellings is usually resisted where possible.
- 3.2 However, there was, by way of the legal agreement, a link to the conversion of the office building at 167 Brighton Road to 2 units as it had to be carried out before the conversion of 267/269 took place. As such, therefore, there was actually an increase in the provision of an extra residential unit and the office space was relocated to the newly converted dwelling although is no longer required now that the applicant has required.
- 3.3 Given that the link between the separate developments had ensured that there was no net loss of residential units, it seems unclear why an extra requirement was inserted to ensure that the single dwelling was reconverted back to 2 dwellings especially as it would require a planning application that may, or not, have been granted permission.
- 3.4 While the presumption against the loss of dwellings remains (but in this case assessed against the net gain elsewhere) it should also be borne in mind that the Council now also seeks to retain a stock of dwellings suitable for family use as well. While such is the size of the single dwelling that it could be argued that if reconverted back there would be 2 family sized dwellings available, nonetheless the principle of retaining a dwelling of this type in terms of the provision of a varied stock of housing supply in the town is not considered unacceptable.

4.0 Conclusion and Recommendation

- 4.1 **Having regard to the fact that a net increase occurred in the provision of residential units by way of the converted office building and there is no objection in principle to the retention of a dwelling of the size created, it is considered that the legal agreement can be varied so that the second requirement is removed.**

Schedule of other matters

1.0 Council Priority

- 1.1 Protecting front line services
- 1.2 Ensuring value for money and low Council Tax.

2.0 Specific Action Plans

- 2.1 (A) Provide and develop customer driven cost effective services.
- (B) Generate financial capital, increase income and seek external funding sources.

3.0 Sustainability Issues

- 3.1 Matter considered and no issues identified.

4.0 Equality Issues

- 4.1 Matter considered and no issues identified.

5.0 Community Safety issues (Section 17)

- 5.1 Matter considered and no issues identified.

6.0 Human Rights Issues

- 6.1 No direct HR implications arising from this report.

7.0 Reputation

- 7.1 None

8.0 Consultations

- 8.1 None

9.0 Risk assessment

- 9.1 None

10.0 Health & Safety Issues

- 10.1 Matter considered and no issues identified

11.0 Procurement Strategy

- 11.1 Matter considered and no issues identified

12.0 **Partnership working**

12.1 Matter considered and no issues identified