Expiry Date - 16/01/2024

Development Control – Delegated Officer Report

Application Number: AWDM/1474/23 **Recommendation – APPROVE**

Site: **7 Liverpool Terrace Worthing West Sussex**

Proposal: **Proposed change of use from offices (Class E) to residential use as a single dwelling house (Class C3) with ancillary annexe accommodation**

Application Number: AWDM/1475/23 **Recommendation – GRANT CONSENT**

Site: **7 Liverpool Terrace Worthing West Sussex**

Proposal: **Listed Building Consent for Proposed change of use from offices (Class E) to residential use as a single dwelling house (Class C3) with ancillary annexe accommodation**

Date of site visit: 12.12.2023 (with RS)

Neighbours checked: Y

Additional neighbour notifications: N

Introduction

This report covers the above applications for both planning permission and listed building consent.

Site and Surroundings

7 Liverpool Terrace consists of a Grade II Listed Georgian 4-storey building with a basement and 2-storey rear component, within a terrace of 12 similar properties located on the west side of Liverpool Gardens fronting onto the public open space. The main pedestrianised shopping street of the town centre lies to the South and the partially covered Montague Shopping Centre to the South and East. To the rear is Field Row, a narrow pedestrian route running parallel with Liverpool Terrace, directly abutting development on both sides.

The site is located within the South Street Conservation Area.

The basement, within the main building, is served by a lightwell enclosed by railings, with independent stepped access from Liverpool Terrace. The main floors of this component are accessed from Liverpool Terrace via a railed path bridging over the basement lightwell. A curved bay runs up all the floors of the

building including the basement. The first-floor has a shallow metal balcony. The external walls are finished in light painted stucco. The 'butterfly' roof form is set back behind a parapet walls to the front and rear. The 2-storey rear building fronting Field Row links through to the larger building fronting Liverpool Terrace at basement and ground-floor level. The rear building in Field Row is brick-faced with a simple pitched roof, and forms part of a 2-storey terrace with its immediate neighbours to the North and South. There is a small courtyard that separates the two building components, accessed via a 'covered way' from Field Row. Timber framed windows and doors for the most part appear to be original.

The property was Listed in 1949 as part of a group with the remainder of the terrace Nos 1-12 as follows:-

LIVERPOOL TERRACE 1. 5406 Nos 1 to 12 (consec.) TQ 1402 NE 3/20 TQ 1402 SE 4/20 11.10.49. II GV 2. 1830- 1835. Possibly designed by Amon Henry Wilds of Brighton, but Edward Snewin's "Glimpses of Old Worthing" gives the Architect as Henry Cotton. 4 storeys and basement with area (an extra storey added to Nos 8 and 10), 4 windows each. Stuccoed, the ground floor rusticated. Curved bay of 3 windows each on all floors including the basement. Cornice and parapet. Stringcourse above 1st floor. Iron balconies on 1st floor (replaced at Nos 8, 11 and 12). Instead of an iron balcony No 10 has a narthex or colonnade of 5 large Doric columns over the pavement with a wide stuccoed balcony above having a balustrade supporting urns. Nearly all glazing bars intact. Rectangular fanlights to doorways and 8 panelled moulded doors. Railings to basement areas and front steps, with finials in form of spears impaling crescents. Nos 1 to 12 (consec.) form a group. Listing NGR: TQ1477102551

The site is within a designated 'Key Office Location' within the Local Plan and within EA Flood Zone 2.

Background

The lawful use of the building is offices, but other than the basement (which until recently was used by a solicitor's business), the building has been vacant and unused since before the Covid pandemic. Unauthorised works were carried out in 2019 to form 5no flats consisting of 2no units on the ground-floor (first-floor of Field Row), and 3no units on the first, second and third floors above. The dwelling units were not occupied.

A Listed Building Enforcement Notice was served on 6 September 2023 requiring the following remedial works to be undertaken within 2 months of serving the Notice:-

- Completely remove the lobby stud partitions and ceiling structure stud partitions from the ground floor front room and remove all resulting materials permanently from the property.
- Completely remove the shower room stud partitions, ceiling structure stud partitions and all bathroom applicants/furniture from the ground

floor rear room. Make good any associated pipework holes. Remove all resulting materials permanently from the property.

- Completely remove the lobby stud partitions and ceiling structure stud partitions from the first floor front room and remove all resulting materials permanently from the property.
- Completely remove the shower room stud partitions, ceiling structure stud partitions and all bathroom applicants/furniture from first floor rear room. Make good any associated pipework holes. Remove all resulting materials permanently from the property.

Proposal

Full planning permission and Listed Building Consent is sought by the new owner for a change of use from offices (Class E) to a single dwelling house (including the basement) with ancillary annexe accommodation (fronting Field Row).

The application is accompanied by a Flood Risk Assessment.

Relevant Planning History:

1959 – CoU of ground-floor flat from residential to offices - permitted.
1968 – CoU of first-floor flat to offices – permitted.
WB/0488/86 and WB/494/86 – Change of Use of second and third floors from residential to offices and associated internal alterations – Permitted (apparently not implemented).
WB/0478/94 CoU of (second-floor) flat to offices – permitted.
WB/02/00608/FULL Change of use of third floor flat to office accommodation.
WB/02/00609/LBC Application for LBC for internal alterations to third floor including removal of partitions and doors creation of new openings and doors and provision of WC and sink.
(AWDM/0884/11 – returned – not proceeded with).
(AWDM/0885/11 – returned – not proceeded with).

AWDM/0136/20 Listed Building Consent for the erection of limited stud partition walls, bathrooms and free standing kitchens in association with change of use to 5no 1-bedroom flats on ground, first, second and third floors. Refused 20.09.2021

AWDM/1395/19 Conversion of ground and upper floors from offices to create 5no. 1-bedroom flats, with retention of basement as office space. Refused 20.09.2021.

<u>6 Liverpool Terrace</u>

AWDM/0564/23 Change of use for 6 Liverpool Terrace (Excluding Field Row Element) ground floor to third floor inclusive from office use (Class B1) to residential use as a 5 bedroom house (Class C3) while retaining the basement floor as its existing use as an office. Removal of internal basement

staircase, replacement of existing timber external staircase with a steel staircase. Under consideration pending decision.

AWDM/0565/23 Application for Listed Building Consent for change of use for 6 Liverpool Terrace (Excluding Field Row Element) ground floor to third floor inclusive from office use (Class B1) to residential use as a 5 bedroom house (Class C3) while retaining the basement floor as its existing use as an office. Removal of internal basement staircase, replacement of existing timber external staircase with a steel staircase, forming a shower in the basement where internal stair removed. Blocking up secondary doors to some rooms, enlarging an opening on the ground floor and kitchen installation to the rear room. Forming a new bathroom on the third floor and converting existing wc/kitchenettes in the rear addition into wc/shower rooms and one small kitchen. Under consideration pending decision.

8 Liverpool Terrace

AWDM/0947/21 and AWDM/948/21 Application for planning permission and LB Consent for change of use from Commercial Office (B1) to residential use as a five-bedroom dwelling over six floors, with associated alterations including removal of tile-cladding to upper floor (front elevation), alterations to windows on rear elevation, and internal alterations including removal of stud partition walls, alterations to staircases and new stud partition walls to create bedrooms and bathrooms on upper floors. Approved 30.11.2021 and implemented.

9 Liverpool Terrace

AWDM/1750/21 and AWDM/1751/21 Planning and Listed Building Consent for Change of use from commercial offices (Class E) to a 3-bedroom single dwellinghouse (Class C3)(excluding 9 Field Row) involving insertion of French doors in place of existing window on first-floor front elevation, replacement windows on 2nd and 3rd floor rear elevation, insertion of French doors in place of existing window on rear basement elevation; removal of front steps to basement and associated internal alterations including re-location of basement staircase, blocking up of redundant fire doors (2nd and 3rd floors) and new block firewall (basement) to separate from 9 Field Row. Blocking up of rear door to courtyard and construction of new internal staircase to 9 Field Row. Approved/Granted May 2022.

11 Liverpool Terrace

AWDM/0731/20 and AWDM/0732/20 Applications for planning permission and LB Consent for conversion of building from office use (Use Class B1(a)) to a self-contained office (B1(a)) on lower ground floor and 2no. residential units (Use Class C3) comprising 1 x four-bedroom apartment on ground, first, second and third floors and 1 x one-bedroom dwelling (11 Field Row). Planning permission granted and LB Consent approved 08.10.2020.

AWDM/2074/20 and AWDM/02075/20 Applications for planning permission and LB Consent for conversion of basement rooms from office (Use Class E) to residential use (C3) in association with existing dwelling. Planning permission and LB Consent approved 01.03.2021.

Expiry Date - 16/01/2024

Consultations:

WSCC: The Local Highway Authority (LHA) has raised no objection commenting:-

Summary and Context
This application is for the change of use from offices (Class E) to residential (Class C3) to form a single dwelling with ancillary annex accommodation. The site is located on Liverpool Terrace, an unclassified road subject to a speed restriction of 30 mph. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

The LHA previously provided consultation advice for this site for application AWDM/1395/19, raising no highway safety concerns. The Local Planning Authority (LPA) refused the application on grounds unrelated to highways.

Content
No vehicular access is associated with this site. The proposed change of use to residential dwelling is not anticipated to give rise to a material intensification of movements to or from the site.

No vehicular parking is proposed. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size and location would require three car parking spaces. As such, vehicular parking would have to be accommodated on-street, as per the existing arrangement.

Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the proposed nil car parking provision would result in a detrimental highway safety impact, nor lead to a parking capacity issue. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

The application form states that four cycle parking spaces are proposed, to be located within the external yard area. The proposed cycle parking provision is in accordance with WSCC Parking Standards for a dwelling of this size and location.

The site is situated in a sustainable town centre location within walking/cycle distance of local services, amenities and public transport links.

Conclusion
The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal."

The following condition is recommended:-

Cycle parking
No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Southern Water

Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

In situations where surface water is being considered for discharge to the Southern Water network Southern Water require the below hierarchy for surface water to be followed which is reflected in Part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy Southern Water would encourage the consideration of reuse for new developments.

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Environment Agency: No response received.

WSP: The Council's drainage consultant has no objection. The following Informative is recommended:-

Where possible SuDS should be considered in order to achieve runoff betterment**.**

Worthing Society:

The property is part of an historic terrace which occupies a prominent part of the CA in central Worthing.

We have no objection in principle to the change of use from office space to a residential property and retention of the basement as office use. In fact this offers a unique opportunity to restore the historic layout and preserve the original architectural features of the prominent listed building. We welcome

the Architect's intention to retain and repair these elements in the main part of the property. These include the original ceiling mouldings, window shutters and doors, their conservation is important to the integrity of the building's heritage.

In terms of materials for the restoration works we consider these should be on a traditional like-for-like basis. This is also important regarding external works for the courtyard as the property has significant 'group' value with the other proximate town houses in this prestigious listed terrace. The removal of the boarding over the windows and doors in the lower basement facing Field Row is welcome.

The Society considers the application a positive way forward for this historic building. However, we are unable to inspect the building internally so cannot provide more detailed comments regarding the internal works needed to return this historic building to residential use. We are content to leave these and other associated matters to the discretion of the Council's Conservation Architect.

Adur and Worthing Councils:

Public Health: No adverse comment.

Private Sector Housing: No objection.

Representations: None received.

Relevant Planning Policies

Worthing Local Plan 2020-2036 (WBC 2023): Policies:
SP1 (Presumption in Favour of Sustainable Development)
SS1 (Spatial Strategy)
DM1 (Housing Mix)
DM2 (Housing Density)
DM5 (Quality of the Built Environment)
DM11 (Protecting and Enhancing Employment Sites)
DM15 (Sustainable Transport and Active Travel)
DM16 (Sustainable Design)
DM17 (Energy)
DM20 (Flood Risk and Sustainable Drainage)
DM24 (The Historic Environment)

National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance
SPD 'Sustainable Economy' (WBC 2012)
SPD 'Space Standards' (WBC 2012)
CIL Charging Schedule (Aug 2021)

Expiry Date - 16/01/2024

Planning Assessment

Principle of Development

The Worthing Local Plan was adopted on 28th March 2023. Policy SS1 sets out the Housing supply over the period 2020-2036 and gives a total figure of 3672 (an annual target of 230 dwellings per annum).

Paragraph 74 of the NPPF states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement. The supply of deliverable sites should include a buffer of 5% to ensure choice and competition in the market for land, or 20% where there has been a significant under delivery over the previous three years.

The Inspectors report at Paragraph 176 states:

"I am satisfied that this is a reasonable assessment of likely deliverable supply. This comfortably exceeds the likely five-year housing land requirement. It is possible that some sites may stall or take longer to start delivering new housing, especially taking into account uncertainties surrounding the outcome of Brexit and COVID-19. However, there is sufficient headroom to be reasonably confident that a five-year supply of deliverable housing land would exist at adoption."

The Inspector was satisfied that the housing requirement represents a reasonable and realistic assessment of the limited capacity of the Borough.

The most recent housing trajectory and 5 year housing land supply for Worthing can be found in the Annual Monitoring Report. Table 9 indicates the Five Year Supply and includes a 20% buffer, which results in a 6.5 year supply of deliverable sites.

The fourth Housing Delivery Test was published in January 2022, and covers the period from 2018/19 - 2020/21 (therefore prior to adoption of the Local Plan). Worthing Borough Council scored 35%. Therefore the presumption in favour of sustainable development applies as the delivery of housing was less than 75% of the housing requirement over the previous three years. An Action Plan will be produced to identify new measures or updates to existing measures that will assist in the improvement of housing delivery.

The proposal would deliver a family-sized dwelling in a highly sustainable town centre location.

Policy DM11 of the Local Plan seeks to resist the loss of any office floor space in Key Office Locations such as this, to protect identified important clusters of office space and employment uses. However, the allied Sustainable Economy SPD does entertain exceptional circumstances where such a loss may be acceptable, principally, where the site has been demonstrated through appropriate marketing to be functionally redundant.

The generally protective stance adopted by this approach is based on the Worthing Employment Land Review (September 2020).

A relevant finding from the Final Report states:

Paragraph 516: "*As noted above the need for office space in Worthing in the future is primarily related to better quality, modern space that caters for start-up and SME firms. The provision of higher quality office accommodation could help to develop the Borough's base of higher value occupiers and employers; this could contribute to the 'claw back' of some of the highly skilled residents that currently travel outside Worthing for their employment……...*

……..With office premises in the town centre primarily characterised as older and outdated spaces, the main challenge for the Council is to seek to manage a shift to providing new space in the town centre that meets a range of modern business needs. Providing new office space should be combined with wider regeneration activity, the investment strategy and prospectus for the town centre (Paragraph 5.20)."

Despite existing offices in the town centre being characterised as typically "older and outdated" spaces, the Report goes on to highlight the need to retain the majority of existing offices in locations including Liverpool Terrace, in order to maintain a critical mass of office accommodation within the town centre, including the suggestion of an Article 4 Direction to prevent changes allowed by the take up of 'permitted development' rights.

However, the loss of existing office floor space was not resisted in the previously refused application AWDM/1395/19 with *some* evidence of marketing submitted at that time to support the loss of office accommodation and the Policy Officer accepting the need for a flexible approach given the constraints deriving from the Listed status of the building, its residential origins, and the evolving nature of the market for office accommodation as a result of changing working practices across the sector since the Covid pandemic. Since then, planning permission subsequently been granted for the change of use from offices to residential of neighbouring 8 and 9 Liverpool Terrace.

Impact on the integrity of the design of the property in particular the special character of the Listed Building.

The Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority should have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The NPPF, further emphasises that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

The starting point when considering proposals to a listed interior is always the plan form of the original building. All alterations should respect the original plan form and to work around it so that it remains clearly ‘readable’. The typical floor plan of a Regency townhouse consists of two main rooms at each level with the main stairwell to one side. The ‘spine wall’ between the two rooms is of particular importance, both structurally and historically. The front rooms are usually the largest and most important rooms, particularly on the principal ground and first floors. From second floor level and above the front ‘room’ was usually originally divided into two unequal rooms, with the smaller room having originally been a dressing room.

The building would originally have been occupied as a single residential unit and its reversion to a single dwelling would represent the optimum use from the point of view of preserving the original plan form of each floor.

A recent inspection of the building together with the Council’s Conservation Architect confirmed that the works required to the ground and first-floor rooms by the Listed Building Enforcement Notice have been carried out. Other works to reposition some of the insensitive electrical wiring and pipework within the stairwells and landings that had previously been installed as part of the unauthorised works to form 5 flats, with associated repairs to and reinstatement of the lath and plaster walls, was ongoing at the time of the visit. The proposals also involve removal of all non-original walls on the second and third floors to reinstate almost all of the original plan form, plus the retention and repair of original ceilings, mouldings, shutters and doors.

The proposals involve the installation of an iMist ‘sprinkler’ systems within the ceilings of the main habitable rooms and common areas. This system is necessary to satisfy the Building Regulations in relation to fire safety and negates the need for intrusive compartmentalisation of the important rooms, or other potentially insensitive alterations such as AOVs.

The proposed layout would consist of:

Basement: Cinema room and study. The proposed works involve removal of some existing partition walls (not part of the original fabric) and the installation of new shower cubicle within the rear room. The Conservation Architect has raised no objection to this element of the proposals.

Ground Floor: Kitchen and Dining Room. The unauthorised partition walls that had been undertaken to form a lobby in the front room and a shower cubicle in the rear room have been removed.

Building Control has confirmed to the Applicant that mechanical ventilation will not be required for the kitchen (with a recirculating carbon extractor fan shown above the cooker instead).

The Conservation Architect is satisfied that details of the proposed kitchen wastepipe (involving a ‘notch’ in the floor joist) could be dealt with as a condition of LBC.

First Floor: Reception room and Bedroom. The unauthorised partition walls that had been undertaken to form a lobby in the front room and a shower cubicle in the rear room have been removed. The kitchen fittings/sink and shower room fittings have been removed.

Second Floor: Bedroom with separate Dressing Room, En-suite Shower Room and separate En-suite Bathroom. The (non-original) partition wall sub-dividing the front room has been removed and the kitchen fittings/sink removed from the front room. The latest drawing shows the reinstatement of part of the original 'spine' wall between the front and rear rooms, and the 'squaring off' of the rear room (proposed as a bathroom). This is an enhancement to the pre-existing layout (prior to the unauthorised works) and will better reflect the original layout of the front and rear rooms.

Third Floor: Two bedrooms, one with separate Dressing Room. Separate Shower room. No changes to existing partition walls. The kitchen fittings/sink has been removed from the front room.

Field Row Ground Floor: Removal of a non-original partition wall to form open-plan living area with kitchen, new staircase up to first-floor. Original timber windows (in situ behind existing external boarding) to be restored.

Field Row First floor: Bedroom and bathroom. Non original partition walls to be reconfigured to create changed room layout off landing. Existing kitchen fittings/sink removed.

Existing internal link between annex and main dwelling unit retained at both ground (Basement – main house) and first floor (Ground floor – main house).

It was noticed at the site visit that a (damaged) original timber sash window on the 2nd-floor landing had been replaced with a new single-glazed, timber sash window of a matching design (3 over 3). The application has been amended to include a photo and drawings of the pre-existing window and replacement now in situ. It was also noticed that a (non-original) timber door leading from the basement to the central courtyard had been replaced in timber. Drawings of the pre-existing door and replacement now in situ have been provided. These are the only external changes to the building resulting from the proposal.

The proposals are welcomed as an opportunity to enhance and preserve the historically important plan form of this Georgian townhouse, along with its many features of historic architectural significance.

Residential Amenity – Future Occupiers

The proposals will provide a good standard of family accommodation. The small courtyard could be landscaped to create a small area of external amenity space. Although the Council's minimum standard for external amenity

space will not be met, the property is within a stone's throw of public open space in Liverpool Gardens, and the nearby beach.

The 1-bedroom annex will be independently accessible from Field Row, but is also linked at ground and first-floor to the main dwelling. A condition of planning permission is considered adequate to ensure it is retained as annex accommodation ancillary to the occupation of the main dwelling.

Residential Amenity - Neighbours

There would be no adverse impact on the amenities of neighbouring occupiers resulting from this proposal.

Access and Highways

No off-street parking provision available to serve the proposed development and consequently car parking will have to be accommodated on street. However, this also would have been the case for the previous office uses. The site is within the CPZ where comprehensive parking restrictions are in place. The LHA has raised no objection.

The LHA has recommended a condition to secure cycle parking. This could be securely provided in the courtyard (where it would take up limited amenity space), or potentially one of the storage cupboards in the basement. Given the site constraints, and in the context of this highly sustainable location with excellent access to various public transport alternatives, it is considered the provision of cycle storage is best left to the discretion of the householder in this instance.

Flood Risk

The site is within EA Flood Zone 2. A FRA has been submitted with the application. This concludes that although the basement level is below the predicted flood risk levels there is no pathway for tidal flooding to the basement due to the site and surrounding topography and therefore the basement is considered safe from tidal flood risk.

No response has been received from the Environment Agency to the consultation on this application but in responding to consultations on other recent similar developments at neighbouring properties, the EA has required a condition to be imposed stipulating that all sleeping accommodation must be on the ground floor or above. No sleeping accommodation is shown at basement ground (or ground-floor of the annex) as part of the current application. However, in the interests of consistency it is considered a condition should also be applied to prevent sleeping accommodation below ground-floor level (not including Field Row).

CIL

No CIL payment is required as the proposals reuse existing floor space. Although the ground and upper floors of the building have been vacant since at least 2019, the basement was in commercial use until relatively recently following purchase of the building by the new owner.

Recommendation

It is considered the proposal represents the optimum viable use that will safeguard and enhance the special significance of this important heritage asset going forward.

AWDM/1474/23

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Standard time limit
3. No sleeping accommodation within basement
4. Annex accommodation to be ancillary to main dwelling

Informative

Pro-Active Amendment
Southern Water
WSP Advice

AWDM/1475/23

GRANT CONSENT subject to Conditions:-

1. Approved Plans
2. Standard LBC time limit
3. Ceiling holes repaired
4. Agree details of new external door to Field Row
5. Agree details of new internal doors
6. Agree details of kitchen waste pipe on ground-floor
7. Agree details of new bannister to short stairs from landing to utility room
8. Make good any damage within 2 months

Informative

Pro-Active Amendment

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

Case Officer: Jo Morin Date: 19.01.2024

Authorised by: Gary Peck Date: 22 January 2024