Expiry Date - 24/01/2024

Development Control – Delegated Officer Report

Application Number: AWDM/1647/23 Recommendation – APPROVE

Site: 45A Chapel Road Worthing West Sussex BN11 1EG

Proposal: Change of use of part of the second floor restaurant and offices to create 8no. residential units together with replacement aluminium windows to North, South and East elevations.

Date of site visit: 06.12.2023

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to the upper (2nd) floor of a 3-storey, mid-terrace building fronting the west side of Chapel Road and backing onto Liverpool Road to the rear. The upper floors are currently in use as a restaurant and kitchen on the first floor, with a further restaurant dining area, ancillary offices and an HMO on the second floor. The restaurant is accessed via a lift/stairs from Chapel Road. The restaurant kitchen and HMO are accessed (via lift/stairs) from Liverpool Road. The ground floor (Nos 45 and 43) is sub-divided into 2no retail units and does not form part of the application.

The front component of the building facing Chapel Road has a rendered elevation in an 'Art Deco' style with large window openings and decorative front parapet with flat roof behind. The front facade is set back from the road and the ground-floor shop units below with a first-floor terrace enclosed by glazed balcony screening. The larger rear building component is mostly constructed in brick other than the central core of the second-floor which has metal 'ribbon' windows to the North and South elevations and a shallow pitched roof covered in corrugated sheeting. The remaining rear part of the building has a parapet flat roof at 3-storeys. The rear elevation is dog-legged with the North side recessed, having a narrow concrete forecourt in front served by a vehicle access off Liverpool Road.

The front of the application property onto Chapel Road is adjoined on either side to the North and South by 3-storey Victorian, pitched-roof terraced buildings. The upper floors of these neighbouring buildings are also set back behind shallow 'bungalow' shop frontages at ground-floor, on the same alignment as the application property, but with characteristic projecting first-floor or double-height bay windows. These traditional terraced frontage buildings have a notably shallower span or depth than the application property, typically with a 2-storey rear offshoot or 'outrigger'. To the south, the

2-storey rear offshoot at No.41 has been enlarged by a deep 2-storey pitched-roof extension leaving a narrow gap between its northern flank wall and the south side elevation of 45/45A. The ground-floor of No.41 is in commercial use with a maisonette on the upper upper floors of the main frontage building accessed via the deep rear extension and external stairs from Liverpool Road.

To the North, Nos 47-49 Chapel Road has been substantially enlarged at the rear by ground and first-floor extensions virtually infilling the plot with a narrow gap remaining at first-floor alongside and parallel to the North elevation of the application property. The ground-floor of Nos 47-49 is a restaurant 'Mangiamo', with residential flats above (Angel Apartments). Also adjoining the site to the North (to the west of 47-49 Chapel Road) is 20 Liverpool Gardens, a detached, 2-storey, Victorian villa in use as a dental surgery. It has a deep 2-storey off-shoot on the North side of its rear elevation, and a single-storey off-shoot on its South side; the latter attached at ground-floor to the North side of No.45.

The site is located within the secondary zone of the Central Shopping Area and the Chapel Road Conservation Area. The rear part of the site is located within the Liverpool Terrace/Liverpool Gardens Office Area.

Proposal

Permission is sought for the change of use of the front (east) two-thirds of the 2nd-floor area to provide 8no 1-bedroom self-contained flats. Proposed external alterations include the replacement of the second-floor windows to the front (East) elevation, and replacement of the ribbon windows to the North and South side elevations with aluminium windows of a similar design.

Solar PVs are proposed on top of the existing flat roof component.

The application is supported by a Planning and Heritage Statement by Saville Jones Architects and a Noise Impact Assessment by Anderson Acoustic (November 2023).

Relevant Planning History

WB/03/0784/FULL Change of use of first floor and partial change of use of second floor from A1 to A3 with part of area on second floor used as ancillary staff accommodation. Permission granted 14.08.2003.

AWDM/1483/22: Change of use of the first and second floors from restaurant and HMO to 11 no. residential units and construction of a third floor with 2no. residential units (13no flats in total) with terraces at first, second and third floors. At the meeting in March 2023 the Planning Committee resolved to grant planning permission subject to the prior completion of a S106 legal agreement to secure an affordable housing contribution. A FVA has since been submitted indicating that the proposed development is not financially viable and this has been confirmed by the Council's Consultant DSP.
Consultations

West Sussex County Council: The Local Highway Authority has no objection. The proposal does not include any parking provision and no changes are proposed to the public highway. Waste bins have been provided to the rear of the building with collection as per existing arrangements. The site is located in Worthing town centre close to amenities and public transport links.

WSCC Fire and Rescue Service: Evidence is required to show that all parts inside all residential units are within 45 metres of the location of a fire appliance in accordance with Approved Document B (AD-B) Volume 1 B5 section 13. This is to be measured along the host layout route not in a direct line or arc measurement. Any areas not within 45 metres distance will need to be mitigated by the installation of sprinkler or water mist system complying with BS9251 or BS8458 standards.

Southern Water:

The existing building lies over an existing public foul sewer. If the works to be carried out will alter the existing foundation line or depth or the structural load applied on the sewer it will be necessary for the applicant to contact Southern Water.

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.

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

Adur & Worthing Councils:

The ***Environmental Health Officer (Private Section Housing***) has no objection in principle, commenting:-

“My recollection is that the windows to the north and south elevations are quite high and so the outlook will not be good from the habitable rooms with these orientations.”

The ***Environmental Health Officer (Public Health and Regulation)***:

The ASHP's are in a better position than before. The final plant and noise levels have yet to be finalised but this is covered in the acoustic report.

Maybe the condition should be that detail of any new plant and associated noise assessment shall be provided and agreed with the local planning authority prior to installation.

I would like to see MVHR ventilation in the units facing East on Chapel Road, as they will be subject to music noise and the windows will need to be kept closed late at night over weekend periods.

The sound insulation between the commercial and residential will need to be conditioned. This is covered in the acoustic report and can be conditioned based on the proposed future commercial use. Maybe set the level at 50 initially but 55 if background music is proposed.

WSP: The Council's Drainage Consultant has no objection.

The Worthing Society:

'This distinctive building is within the Chapel road conservation Area and recorded on the Council's Local interest List.

We note that an earlier application AWDM/1483/22 was recommended for approval subject to revisions.

The Society did submit an objection to the earlier application on grounds that the increased bulk and mass of the roof extension originally proposed would be over dominant particularly with the zinc cladding. In our view this would have had a detrimental effect on the conservation area further emphasising the contrast with Liverpool Terrace and Liverpool Gardens.

However, on scrutinising the current application we consider that there has been an improvement. The applicant has responded positively to the comments raised by the Officer's report in reference to AWDM/1483/22. We note that the footprint and height of the extension has been reduced. Regarding the zinc cladding we are pleased to note this has been replaced with glass rain-screen cladding which could be a 'milky white' or 'light blue' colour, The angle of the solar PVs on top of the roof has been lowered to minimise their visual impact and thus will give a much lighter appearance and will better complement the conservation area.

The formation of larger window openings and recessed balconies into the south elevation of the building will be a positive improvement to add interest and give a more finished appearance. We are pleased to note that there are no substantial changes and the characterful façade facing east into Chapel Road has been retained. This elevation contributes positively to the character and development of the conservation area.

Representations: None received.

Relevant Planning Policies and Guidance

Worthing Local Plan (2023): SP1, SP2, SP3, SS3, DM1, DM2, DM5, DM13, DM15, DM16, DM17, DM22, DM24
Supplementary Planning Document (WBC 2012): Space Standards
National Planning Policy Framework (HCLG 2023)

National Planning Practice Guidance
West Sussex County Council 'Guidance on Parking at New Developments' (WSCC 2020)

Planning Assessment

Principle

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 proposed flats would make a welcome addition to the local housing supply within a highly sustainable town centre location.

Policy SS3 sets out the strategic approach to ensure that the town centre continues to fulfil its sub-regional role as a shopping centre, recognising it is

important to provide development that meets both quantitative and qualitative needs. The approach seeks (amongst other things) to improve and increase the mix of uses in the town centre particularly retail, employment, community, residential, leisure, recreation, cultural and tourist facilities through maximising development around key development sites and through the more efficient use of existing sites.

The site is located with the Secondary Shopping Frontage where Policy DM13 states that a wider range of uses will be supported providing they are active uses with active shop fronts that will enhance the vitality and viability and complement existing uses. With particular reference to upper floors, DM13(f) states that the efficient and effective use of upper floors that add to the vitality and viability of centres will be encouraged subject to the proposed use not undermining the viability of the unit on the ground floor particularly those in retail uses.

Unlike the previous proposal (AWDM/1483/22), this latest application now proposes to retain the existing restaurant use on the first-floor. It is understood the existing dining hall on the second-floor is underused. The proposed change of use of this floor space, and the ancillary offices on the 2nd floor, will provide a more efficient use of the building. The existing retail shops on the ground-floor, which provide an active frontage onto Chapel Road, are not included as part of this application, will not be not affected.

There are no planning records relating to the existing HMO accommodation on the second-floor (west part) of the building. The floor area in question was approved as ancillary staff accommodation by the planning permission granted under WB/03/0784/FULL and it is unclear when the change to HMO accommodation took place. The PSH team has been aware of the HMO accommodation since at least 2019 when a Prohibition Order was served. The accommodation has been licensed as a 4-bed, 8-person HMO since November 2021.

There is no objection in principle to the proposed change of use. The key considerations are the effects of the proposed external changes on the character and appearance of the area, including the historic environment; the living conditions and residential amenities of future and neighbouring residential occupiers; sustainability; and transport and highway safety matters.

Visual Amenity and Effect on the Conservation Area

Policy DM2 of the new Local Plan states that proposals must make the most efficient use of land, which will usually mean developing at densities above those of the surrounding area with the optimum density of a development resulting from a design-led approach to determine the capacity of the site. It states that particular consideration should be given to the site context and character of the surrounding area, including heritage assets; accessibility by walking, cycling and public transport; the need to achieve high quality design and the need to minimise environmental impacts, including harm to the amenities of adjoining occupiers.

Policy DM5 requires all development – including changes of use – to be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area. It states that development should enhance the local environment by way of its appearance, with attention paid (amongst other things) to architectural form, materials and impact on street scene. Development should respect, preserve and where appropriate enhance heritage assets and their settings and make a positive contribution to sense of place, local character and distinctiveness.

Policy DM24 states that where development affecting any designated or undesignated heritage asset is permitted, it must be of high quality, respecting its context and demonstrating a strong sense of place. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm will be weighed against the public benefits of the proposal including where appropriate securing its optimal viable use.

Although of a different architectural period to its immediate neighbours in Chapel Road, the front facade of the application building assimilates well within its context and makes a positive contribution to the character and appearance of the Chapel Road Conservation Area. On the other hand, the large scale, footprint, ‘bulk’ and massing of the rear part of the building is anomalous in relation to the more modest scale and traditional form and layout of its Victorian neighbours and dominates views of Liverpool Road. Although the fenestration and detailing of the rear (west) elevation of the building is not in itself unattractive, the somewhat oppressively utilitarian form and ‘bulk’ of the building is particularly exposed to views from the south in Liverpool Road owing to the lack of adjoining frontage development on this side. The shallow pitched roof second-floor component of the building is also visible to the north from Liverpool Gardens, above the frontage buildings at Nos 22-24.

The current proposals involve not only a lesser amount of development compared the previous proposal, but also a less ambitious scheme overall, omitting the recessed balconies and perforated brick screens included as part of AWDM/1483/22 that were considered to ‘enliven’ and add visual interest to the visually exposed south flank elevation of the building compared to its existing rather stark and utilitarian appearance.

The current proposals will retain the existing dual-pitched central roof component of the building, retaining the existing aluminium corrugated roof sheets. Replacement aluminium windows consisting of a combination of narrow, vertically proportioned clear glazed windows and insulated panels faced with opaque glass above a row of aluminium insulated panels will replace the existing metal ‘ribbon’ fenestration to the north and south sides of this central component. Whilst the resulting appearance will not be overly dissimilar to the existing arrangement and would not harmfully detract from the existing appearance of the building, it also represents a missed opportunity for more a comprehensive design strategy toward improving the appearance of the building as a whole viewed from Liverpool Road.

Whilst it is noted that the Council's consultant concurs that the development scheme proposed by AWDM/1483/22 is not currently financially viable, that is not to say that the current stripped down and simplified proposals offer the only viable solution for development. Nevertheless, considered on its own merits it would be difficult to argue that any harm caused by this current simplified proposal would be other than 'less than substantial' and is outweighed by the public benefit resulting from a more efficient use of the existing building to provide 8no new dwelling units.

Residential amenity – for proposed dwellings

As amended, the proposed accommodation would consist of 3no 1-bedroom 2-person units, and 5 1-bedroom, 1-person units, all meeting the relevant minimum floor space standard as required by policy DM2.

No external amenity space would be provided for any of the flats, but that is not unusual for many town centre developments.

All of the proposed flats would be single aspect of which 3no would have a sole north-facing aspect. The cill height of the replacement aluminium windows on the north and south sides of the building would be positioned 1.25m above the floor of the respective rooms. Bearing in mind the siting of the proposed dwelling units on the 2nd floor would be elevated in relation to the neighbouring rear building components, it is considered adequate standards of daylight and outlook to the habitable rooms would be achieved.

Two of the flats would have a sole east-facing aspect overlooking Chapel Road and would be affected by road traffic noise and noise from nearby commercial premises (including noise from patrons and amplified music from nearby bars and pubs). These units would also be positioned above the first-floor terrace fronting Chapel Road forming part of the existing restaurant.

The application is supported by a Noise Impact Assessment based on a noise survey undertaken on the site (in July 2022) and provides guidance on mitigation measures necessary to provide an acceptable internal living environment for future occupiers. As a ventilation strategy has not been finalised the assessment considers two options comprising:-

- Whole dwelling ventilation to all habitable rooms via either background ventilators and intermittent extract fans (System 1) or System 3 MEV (Continuous mechanical extract with trickle ventilators to provide inlet air); or
- Whole dwelling ventilation to all habitable rooms via a continuous mechanical supply and extract with heat recovery system 4 MVHR.

The Assessment gives specifications for the proposed glazing to determine the minimum sound reduction performance required for the glazed elements of the façade (according to which ventilation system in used). The glazing and ventilation façade treatments will ensure that appropriate internal noise levels are achieved.

An overheating assessment has been undertaken which determines that for the front-facing dwellings (units 1 and 2) noise levels on Chapel Road may impact on reliable speech communication during the day or sleep disturbance during the night with windows open. Whilst the Assessment confirms that suitable mitigation in the form of an overheating control strategy will need to be formulated at the detailed designed stage, the EHO has indicated that MVHR should be provided for units 1 and 2 as the windows will need to be kept closed at night and over weekends to achieve a satisfy internal noise environment. It is noted, however, that the submitted Planning Statement confirms that all units will be provided with MVHR (paragraph 6.14). This can be secured by condition.

A bank of ASHPs is proposed on the flat roof above the frontage component. The Noise Assessment states that the design and selection of plant has yet to be finalised and full calculations not yet undertaken to assess the potential noise impacts on surrounding noise-sensitive receptors. The EHO has not raised any objection in principle to the siting of the ASHPs and is satisfied that details of the plant and an associated noise assessment can be dealt with by condition.

With regard to the retained commercial uses on the ground and first floors of the building the submitted Noise Assessment recommends that the separating floor between the commercial uses and the proposed residential flats achieves a minimum airborne sound insulation performance of 50nT.W + Ctr or 55nT.W + Ctr where the commercial units include background noise. As there is currently no planning restriction on playing background music within the first-floor restaurant it is considered the higher performance level would be appropriate and can be secured by condition.

The duct serving the kitchen extraction system for China Palace is located towards the rear fixed to the north elevation terminating above eaves height on the 3-storey component. This would be unchanged and it is considered fumes and cooking odours from the continued operation of the restaurant on the first-floor would have no adverse impact for future residents.

Residential amenity – effect on existing dwellings

The most affected residential properties are those on the upper floors of the neighbouring buildings to either side.

Flat 2, 35 Liverpool Road

Planning records for the maisonette above No.41 show windows serving habitable rooms within the front and rear elevations of the main frontage component. The dwelling is accessed at first-floor through the deep rear extension and external stairs onto Liverpool Road (shared with the offices). A series of rooflight windows positioned on the north slope of the rear extension are split between the office accommodation and the entrance corridor leading to the maisonette. 3no narrow windows in the north elevation of the original

rear off-shoot are shown to serve a shower room. Windows in the deep recess on the west elevation serve a kitchen/dining area on the first-floor and bedroom above. The living room at the front of the building on the first-floor adjoins the existing restaurant terrace.

Owing to the very close proximity, concerns were raised about the effects of overlooking the second-floor bedroom window of this flat from the nearest south-facing windows in Flat 8 (i.e. sited a 90 degrees to each other). Whilst there are currently window openings in south side of No.45A serving the dining hall, these are currently blocked-up internally. That said, they could be 'unblocked' and this would not constitute 'development'. Even so, the effect of overlooking from the current use of this floor area as a dining hall would be less intensive than for the proposed residential use. In response, the Applicant's Architect has marginally reduced the size of the proposed clear-glazed window opening within Flat 8 so that the nearest edge of the window would be a minimum 1.5m from the face of the rear (west-facing) wall containing the window at Flat 2. The submitted section drawings show the existing floor levels are marginally higher within the existing central (pitched-roof) component than the front and rear flat-roofed components. As noted above, the cill height of the proposed replacement windows would be approximately 1.25m above the floor of the room in which it is located and approximately 1.1m higher than the cill of the adjacent bedroom window at Flat 2. The resulting arrangement is undoubtedly a less satisfactory than the previous scheme with its perforated brick screens and recessed balconies on this side. On balance, however, taking into account that there already exists potential for overlooking from existing windows, it is considered the slight adjustment to the proximity of the nearest opening together with the difference in cill heights and direction of view (at 90 degrees rather than directly facing) will be sufficient to satisfactorily minimise the worst effects of overlooking on the privacy of this neighbouring occupier.

47-49 Chapel Road (Angel Apartments)

Planning records (AWDM/1409/17) show 3 residential flats on the first-floor at 47-49 (2 no with the main frontage building and 1 at the rear), and 2 on the second-floor of the main frontage component. There are a number of window and door openings at first-floor on the south elevation of the flat-roofed infill extension facing towards the north flank wall of No.45A at a distance of approximately only 1.5m. Records indicate that these are the sole source of daylight and outlook to 2no bedrooms. Windows in the deep recessed main rear (west) elevation of the front building serve a bathroom at first-floor, and a bedroom on the second-floor.

The position of the proposed windows serving habitable rooms in the north side of No.45A is not dissimilar to the previous scheme AWDM/1483/22 and given the very narrow angle of view downward it is considered that direct overlooking of the south-facing windows of the first-floor flat in Angel Apartments would not result in any serious loss of privacy. The nearest window opening (serving unit 3) has been narrowed to increase the distance to 1.5m between the edge of the window and the rear (west) wall of 47-49

which incorporates the west-facing bedroom window in the rear of Angel Apartments. The combination of the raised window cill height and direction of view (at 90 degrees to the affected window) is considered adequate to prevent unneighbourly overlooking.

The proposed ASHPs are shown located in a row on the existing flat roof towards the front (east) of the building. The Council's EHO does not anticipate noise emissions from the ASHPs to be a concern for neighbouring residential properties but will require details to be agreed as a condition of planning permission.

Accessibility and parking

The site is sustainably located within the town with excellent access to a broad range of services and facilities, and within easy walking distance of bus stops in Chapel Road and South Street, and Worthing rail station.

There is currently no on-site parking provision and none is proposed. The Local Highway Authority has not raised any highway safety objection on this basis.

Four cycle parking spaces are proposed adjacent to the northern site boundary fronting Liverpool Road which meets the WSCC minimum guidance.

Sustainability

The proposed involves the reuse and refurbishment of an existing building which is innately sustainable in reducing pressure for development of green field sites and loss of habitat.

The Planning Statement confirms that the dwellings will be designed to achieve high levels of energy performance with a targeted reduction of 20% in CO2 emissions through implementation of the following measures:

- Exceeding the minimum fabric requirements of Approved Document L1A of the Building Regulations;
- All dwellings provided with 100% low energy lighting
- Heating supplied to each apartment by ASHPs to low temperature radiators and underfloor heating;
- Thermal mass of existing concrete frame and masonry structure flattening peak demand for energy;
- All apartments provided with MVHR;
- All apartments benefiting from renewable energy provided by solar PVs.

The proposal would meet the policy objectives for sustainable design and renewable/low carbon energy production set out in policies DM16 and DM17 of the new Local Plan.

CIL

The proposal reuses existing floor area and is exempt from CIL.

Recommendation

APPROVE Subject to Planning Conditions:-

1. Approved Plans
2. Standard time limit
3. Agree aluminium windows/panelling
4. Agree and implement noise insulation scheme and associated ventilation and overheating strategy to include MVHR to protect future occupiers from external noise impacts
5. Agree and implement sound insulation scheme to protect future occupiers from internal noise impacts from first-floor commercial premises
6. Agree ASHPs inc siting and any noise mitigation measures
7. Implement cycle storage
8. Implement bin storage
9. Agree and implement Construction Management Plan
10. Hours of Working
11. Agree and implement siting, design, fixings for solar PV array prior to occupation

Informative

Pro-Active Amendment
SW
New Address

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

Case Officer:	Jo Morin	Date: 23.01.2024
Authorised by:	Gary Peck	Date: 25 January 2024