Development Management – Delegated Officer Report

Application Number: AWDM/0191/25 Recommendation: APPROVE

Site: 148 - 150 Montague Street Worthing West Sussex BN11 3HH

Proposal: Application for a non-material amendment to previously approved AWDM/1483/23. Amendment: Internal layout changes to bin and cycle areas and subsequent change to compliance for conditions 5 and 6; alterations to fenestration including in the courtyard and to Gratwicke Road

Proposal

The proposal involves changes to the bin and bike stores at ground floor. Alterations are also proposed to the east facing door onto Gratwicke Road and to provide French doors facing south onto the internal courtyard.

Site and Surroundings

The application relates to Poland's furniture shop occupying a corner site fronting the north side of Montague Street and the west side of Gratwicke Road. The property consists of 3no 3-storey Victorian terraced frontage properties enlarged at the rear on the east side by a 2-storey rear addition which extends northward to the rear site boundary. On its west side, the latter is attached to a 2-storey pitched-roof building adjoining, and parallel to, the rear site boundary. This older building component is link-attached at groundfloor to the original 2-storey rear off-shoot of the westernmost frontage building (No.152) forming an inner courtyard. It is understood the retail use has recently been consolidated onto the ground-floor and the upper floors are apparently vacant.

The 2-storey, flat-roofed rear addition fronting onto Gratwicke Road appears to date from the mid-20C.

A narrow private footpath separates the rear of the site from 1 Gratwicke Road, to the north, a 2-storey, end-of-terrace, Victorian dwelling. On the opposite side of Gratwicke Road is a terrace of older, 2/3-storey character buildings in commercial use on the ground-floor with residential uses above.

The property is identified as a Local Interest Building within the Montague Street Conservation Area. It is located within the secondary shopping frontage of the town centre and EA Flood Zone 2/3.

Planning History

AWDM/0245/24: Approval of Details Reserved by Conditions 2 (cycle storage), 3 (bins storage), 4 (noise insulation scheme) and 6 (site set-up) of Application NOTICE/0011/23. Permitted 17 May 2024

AWDM/1483/23: Change of use to ground floor area to provide access to residential units together with ground-floor infill extension. Extension to first-floor to provide additional bedroom and terrace areas. Extension to second floor to provide 1no. 1 bed flat and 1 no. 2 bed flat. Granted 25 Sep 2024

NOTICE/0011/23: Application for permitted development for prior approval for change of use from Class E at first and second floors to 9 No. residential units (Class C3). Approval required and granted 21 Sep 2023

AWDM/0438/23 replacement of existing windows to first and second floor. New door to ground floor. Approved 20.06.2023

Consultations:

Waste: I would suggest the space is large enough I would be looking at 4 x 600ltr bins 2 refuse 2 recycling and a small WEEE bin and a food waste longer term.

I think we could also fit 2 x 240ltr bins for added capacity for refuse and recycling also

West Sussex County Council as Local Highway Authority:

I refer to your consultation in respect of the above planning application and would provide the following comments.

The proposal seeks to make non-material amendments to the approved planning application AWDM/1483/23 which sought change of use to ground floor area of 148 - 150 Montague Street, to provide access to residential units together with ground-floor infill extension. Extension to first-floor to provide additional bedroom and terrace areas. Extension to second floor to provide 1no. 1 bed flat and 1 no. 2 bed flat.

The alterations shown indicate that the proposed cycle parking location will be enlarged and thus provide additional space to accommodate a secure and covered cycle parking provision for future residents of the units. There are also alterations to the access to the bin store within the property.

The changes outlined are not anticipated to give rise to a change in the frequency or volume of movements to or from the site nor incur a loss of cycle parking provision. The proposed space facilitates 6 Sheffield Bicycle stands which have been shown to each accommodate two bicycles. It is considered that the additional space provided will enable residents an improved facility over that already permitted, to manoeuvre the bicycles to and from the storage locations. The revised access to the bin store appears workable for refuse collection, however these matters should be discussed with the relevant waste disposal authorities.

The Local Highway Authority does not consider that the 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 116), and that there are no transport grounds to resist the proposal.

Representations

NA

Planning Assessment:

Section 96A of the Act allows a non-material amendment to be made to an existing planning permission via an application procedure. There is no statutory definition of 'non-material'. This is because it is so dependent on the context of a particular scheme – what may be non-material in one context may be material in another. In order to grant an application a local planning authority must be satisfied that the amendments sought are non-material. s96A also allows for changes to conditions:

Power to make non-material changes to planning permission

(1)A local planning authority ... may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.

(2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

(3) The power conferred by subsection (1) includes power— (a)to impose new conditions; (b)to remove or alter existing conditions.

The bike and bin stores were approved in relation to the prior approval application for the 9 units (AWDM/0245/24). This NMA seeks alterations to the bin and bike stores to accommodate provision for the additional units. The plans show adequate storage for both bins and bikes as confirmed by consultees.

The corresponding pre-occupation conditions will be changed as part of this NMA to compliance conditions.

Condition 5

Details of the proposed secure, covered cycle storage to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, such provision as agreed shall be provided prior to first occupation of any dwelling and shall thereafter be retained permanently solely for such purposes. Reason: To encourage and provide for a sustainable non-car mode of transport in compliance with the National Planning Policy Framework and policy DM15 of the Worthing Local Plan.

To become

Condition 5

The secure, covered cycle storage shown on the approved plans shall be provided prior to first occupation of any dwelling and shall thereafter be retained permanently solely for such purposes.
Reason: To encourage and provide for a sustainable non-car mode of transport in compliance with the National Planning Policy Framework and policy DM15 of the Worthing Local Plan.

And

Condition 6

Details of the proposed bin storage for refuse and recycling to serve the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, such provision as agreed shall be provided prior to first occupation of any dwelling and shall thereafter be retained permanently solely for such purposes.
Reason: In the interests of proper planning and the environment and to comply with policy DM5 of the Worthing Local Plan.

To become

The refuse and recycling storage shown on the approved plans shall be provided prior to first occupation of any dwelling and shall thereafter be retained permanently solely for such purposes.
Reason: In the interests of proper planning and the environment and to comply with policy DM5 of the Worthing Local Plan.

The other alteration relates to the ground floor door onto Gratwicke Road and the doors to the courtyard. The external door will be finished in the same colour as the shopfront and the proposed design will have a negligible impact on the overall building. Similarly the internal courtyard facing doors will have a negligible impact as they are not visible from the public realm.

Summary

Recommendation:

APPROVE the non-material amendments in accordance with the application and accompanying plans. For the avoidance of doubt these plans comprise:-

Drawings for approval:

PROPOSED ELEVATIONS	23007C-P-101 J	10.03.2025
PROPOSED PLANS	23007C-P-100 L	14.04.2025
PROPOSED BICYCLE & BIN STORE	23007C-P-106 C	14.04.2025

Email confirming door material & colour		07.05.2025

…….. existing planning permission AWDM/1483/23 still stands and that the conditions imposed upon it continue to apply to the development except that the above plans can be substituted for Drawing Nos.

PROPOSED ELEVATIONS	23007C-P-101 H	29.01.2024
PROPOSED PLANS	23007C-P-100 G	15.01.2024

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

Case Officer: Louise Prew Date: 15/05/2025

Authorised by: Peter Barnett Date: 15 May 2025