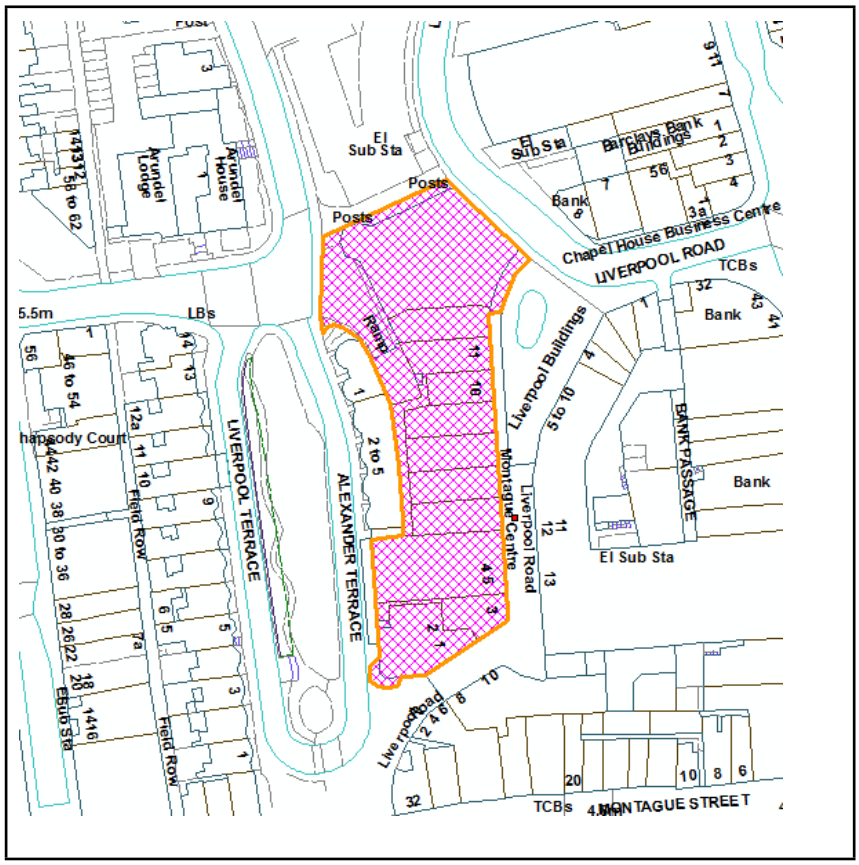
Application Number:	**AWDM/1194/24**	**Recommendation - APPROVE**
Site:	**The Montague Centre Liverpool Road Worthing West Sussex**	
Proposal:	**Application to Vary Condition 1 (approved plans), condition 23 (Obscure glazing & Balcony screen) and condition 28 (number of units) of application AWDM/1624/22 (and amended by NMA application AWDM/1718/23): Amendment allows for an additional three flats within the 2nd floor and an increase in total units to 45, alteration to ground floor access** **ORIGINAL DESCRIPTION: Full planning permission for a maximum of three additional floors above the Montague quarter shopping centre to provide self contained residential units on the upper floors.**	
Applicant:	Cayuga Homes	Ward: Central
Agent:	Rob Winnifrith, Accel Consulting	
Case Officer:	Louise Prew	



Not to Scale

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Site and Surroundings

This town centre site comprises the part-two, part- three storey Georgian-style building which forms the western side of the retail pedestrian area and arcade at Liverpool Buildings. Its northern wall, which is part of the T K Maxx store, also forms the edge of the wide pedestrian pathway alongside the southern of the Liverpool Gardens Public Car Park, connecting to Shelley Road.

Its western edge is immediately to the rear of the Georgian style apartment building, Alexander Terrace, and comprises the vehicular access and delivery ramp that runs behind the terrace upwards to retail service entrances at roof level of the Montague Centre. The remaining western (rear) wall of the building fronts onto Liverpool Gardens, this includes the distinctive colonnade and sculpture above it; 'the Dessert Quartet' also known as the 'Frink Heads'. The heads and colonnade (or logia) are a listed structure with heritage and cultural importance. Liverpool Gardens is part of the South Street Conservation Area and adjoins that of Chapel Road.

The southern side of the building faces Montague Street and houses a Nando's restaurant.

The building was constructed around 30 years ago, along with Alexander Terrace, in replacement for the demolished Odeon Cinema. Its architecture closely reflects the listed early C19th neo-classical/ Georgian style of Liverpool Terrace on the opposite side of the intervening gardens. A pair of matched rotunda towers are located at the northern and southern corners of the building.

Proposal

The proposal is to change the second floor retail storage area to residential. Three two-bedroom units would be provided. Changes are proposed to the obscure glazing of these windows which on the north-western side were previously all to be obscure glazed. The revised proposal has been modified during the application to some half obscure glaze windows.

Changes are also proposed at ground floor to the entrance lobby to the flats. The TK Maxx fire escape is now proposed to allow external egress at ground floor rather than through the entrance lobby as previously proposed.

Relevant Planning History

AWDM/1624/22 - Full planning permission for a maximum of three additional floors above the Montague Quarter Shopping centre to provide 42 No. residential units. Approved 6th October 2023.

AWDM/1718/23 - Application for a non-material amendment to previously approved AWDM/1624/22. Change of development description to: Full planning permission for a maximum of three additional floors above the montague quarter shopping centre to provide self contained residential units on the upper floors. Approved 19th February 2024.

AWDM/0707/25 - Enclosure for new UKPN substation and blue badge accessible parking bays (associated with application AWDM/1624/22). Pending consideration

Consultations

West Sussex Fire and Rescue Service:

Having viewed the details for planning application No. AWDM/1194/24 for full planning permission for a maximum of three additional floors above the Montague quarter shopping centre to provide self contained residential units on the upper floors. Application to Vary Condition 1 (approved plans) and condition 28 (number of units) of application AWDM/1624/22 (and amended by NMA application AWDM/1718/23): Amendment allows for an additional three flats within the 2nd floor and an increase in total units to 45; Evidence is required to show the inlet point for the dry riser is within 18m of the location of the fire appliance and in line of site from the rear of the fire appliance to the inlet, in accordance with Approved document b (AD-B) Volume 1 B5 Section 13 para 13.6, which requires access for a pumping appliance should comply with both of the following. a. Within 18m, and within sight of an entrance giving access to the fire main b. Within sight of the inlet to replenish the suction tank for the fire main in an emergency.

Without suitable access for a fire appliance to within 18m of the dry riser inlet and in line of site, the dry riser will not be fit for purpose and will not comply with AD-B Volume 1: B5 requirements.

Officer's response: The three new units will adopt the same fire strategy as the rest of the development. The location of dry risers will be dealt with through building regulations.

UK Power Networks

Please note there are HV/LV underground cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA. All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 (Avoiding Danger from Underground services). This document is available from local HSE office. Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house, Darkes Lane, Potters Bar, Herts, EN6 1AG. You can also find support and application forms on our website Moving electricity supplies or equipment | UK Power Networks

Worthing Society:

This amendment proposes three additional flats by repurposing the previously allocated storage units in Section 13 of the scheme. This change would replace what was to be a row of obscured glass windows to retail storage space with clear glass full height windows to the bedrooms and living spaces of the extra residential units.

There are serious concerns raised by existing near residents in Alexander Terrace that these windows will overlook living space from a few metres away. Although the

developer proposes to use some opaque glass, this will not mitigate the problem entirely. There will still be a sense of enclosure and overlooking which will have a detrimental and unwelcome effect on the amenity of near residents. Hobden's Property Management Ltd., who represent the leaseholders in Alexander Terrace, have submitted a strong objection. In addition, there are no parking facilities for the new flats and this town centre area is already under significant strain.

PLANNING POLICY

Therefore we consider that this application is not consistent with Development Management Policy DM5 of the Local Plan: Quality of the Built Environment. Of particular relevance here is paragraph (viii) of the policy which states: “new development should not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise or vehicular movements or loss of important open space”.

We believe it is fundamental that new development plans should consider the potential impacts on the amenity of nearby residents to ensure there is no adverse effect. In our view, we submit, this has not been achieved and the amendment represents over-development of the site.

In summary and for the reasons stated the Worthing Society objects to this application

Southern Water: Following the review of the submitted documents. Southern Water has no objections to discharge condition 1 (Approved Plans). Please find attached Southern Waters GIS document which indicates our existing sewer and water pipe in the vicinity of the development. Please be aware of this for any future works.

West Sussex County Council (LLFA): This is an application to vary condition 1 (approved plans) and 28 (number of units) of application AWDM/1624/22 for an amendment to allow for an additional three flats within the 2nd floor and an increase in total units to 45. We have no objection to this application as there are no changes to the impermeable area, therefore no changes to the drainage strategy are required. When any drainage conditions are discharged, they will need to be based on the approved plans under this application to ensure up to date plans are being used.

West Sussex County Council (LHA)

WSCC as the County Highway Authority (CHA) has considered the above proposal and no objection is raised for an additional 3 flats from a highway’s perspective. We would like to comment that the proposed car club will include these additional flats, as stated in the S106 agreement this will be offered to each new household. This will encourage a car free development and encourage the use of public transport and walking and cycling as the first choice of travel. Cycle storage of each new flat will be required, and as such and additional 2 spaces should be provided within the proposed cycle storage for the site. This can be submitted to the LPA for approval. The increase in active travel trips as a result of this increase has been considered in the original transport assessment as this used data from 49 dwellings and as such WSCC are satisfied this increase has been considered within all other aspect of the development. Therefore, no objection is raised

WSP (drainage consultant): No comment as it is a major and LLFA has commented

Representations:

4 objections received including from the managing agents of Alexander Terrace, on the grounds of:

- Direct overlooking
- People will be able to see over 1.6m glazing
- Loss of light to rooms and communal hallway
- No parking provision, will put pressure on existing on road parking
- Lack of parking in the area including loss of Grafton
- Overdevelopment
- Affect value of the neighbouring property

Officer's response: Discussed below as appropriate. Property values are not material planning considerations

Relevant Planning Policies and Guidance

National Planning Policy Framework (2024)
Planning Practice Guidance
Worthing Local Plan 2020-2036 (2023): SP1, SS1, DM1, DM2, DM5, DM15, DM16, DM17, DM20, DM22, DM24

Relevant Legislation

The Committee should consider the planning application in accordance with:

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle of Development

Policy SS1 of the Local Plan 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).

The most recent 5 Year Housing Land Supply (5YRHLS) position for Worthing (as at 01/04/2023) demonstrates a 6.3 years supply applying a 20% buffer as at that time Worthing had failed the then current Housing Delivery Test (2022 published December 2023).

However, the most recent Housing Delivery Test 2023 (published December 2024) shows that Worthing scored 107% and therefore faces no consequences from the housing delivery test.

Having a 5YRHLS position and having passed the housing delivery test with no consequences means that Paragraph 11 c) of the NPPF applies which states: '*For decision-taking this means: c) approving development proposals that accord with an up-to-date development plan without delay* '.

Residential development has been found acceptable in principle in accordance with the previous permissions.

The proposal results in less storage space for Unit 13. Policy DM13 says that the use of upper floors will be encouraged where it would not undermine the viability of the ground floor unit and that consideration is given to the nature of the use. A letter from the commercial managers of the centre has been submitted which sets out that the proposed loss of the storage area will not adversely undermine the viability of the unit and note support from tenants, TK Maxx. Unit 13 remains of sufficient size covering both round and first floors with back of house areas. The loss of the storage space is therefore considered acceptable.

Affordable housing

The proposal is for three additional residential units. Contributions were sought in relation to the 42 units of the previous application. The applicant submitted a viability assessment indicating that the revised development is not capable of increasing the contribution to affordable housing on site. The FVA was reviewed on behalf of the Council by Dixon Searle Partnership.

The report concluded as follows:

4. Findings Summary

4.1.1 The submitted overall approach to assessing the viability of the proposed development is considered to be appropriate in terms of general principles and approach to development appraisal.

4.1.2 As noted above, we have focused our review on the assumptions which are likely to have altered in the interim period. We have found that a difference of opinion exists in relation to the assumed values of the proposed additional flats and we have tested a higher GDV overall of £16,910,000 – an increase of £590,000 from the submitted

£16,320,000.

4.1.3 We have once again applied MWA's lower estimate of build cost in our trial appraisal for the consented scheme. We have applied the construction costs as submitted for the proposed additional units.

4.1.4 The amended scheme as presented with no affordable housing included indicates a negative residual value of -£1,648,737.

4.1.5 Our trial appraisal produces a smaller deficit of -£158,294, which indicates a profit equivalent to 16.38% on GDV. The resultant profit falls below the target profit of 17.5% on GDV.

4.1.6 As noted in our May 2023 review report, the lower second opinion estimate excludes the costs of the shopping centre works, which Oakley explained are considered essential to enable sale of the proposed apartments. We have also applied the lower second opinion estimate at the same level as May 2023, whereas it is likely that these costs would have increased since that time. On this basis, together with the nil BLV, we once again acknowledge that our trial appraisal likely represents a positive scenario in terms of costs.

4.1.7 Overall, therefore, our view is that the improvement scope with the latest scheme amendments is unlikely to be sufficient to support a greater contribution towards affordable housing than already agreed.

It is therefore considered that no further contribution can be sought for the scheme and the scheme is compliant with policy DM3 of the Worthing Local Plan (2023).

Visual Amenity

The change to residential at second floor is largely internal. There are changes to the glazing with windows which were previously obscure glazed to be replaced with part obscure part clear glazing. This is not considered to have an impact on the overall appearance of the building.

Small changes are proposed at ground floor at the entrance. An internal fire escape from TK Maxx will allow egress to the outside of the property rather than into the internal lobby. The change allows for a larger lobby access for the residential units. The shopfront design of unit 11 is maintained ensuring the development complements the overall development.

Residential Amenity

The main concerns are whether the change of use would result in overlooking of neighbouring residents on Alexander Terrace. A number of objections have been raised in this regard.

Objections have been received from residents of Alexander Terrace regarding overlooking. Each floor at the northern end of Alexander Terrace has a unit with a living room /kitchen with between 6 and 7 windows. The proposal therefore has the ability to affect four units, one on each floor. The proposal originally reduced the obscure glazing from the originally granted scheme where all of the windows at second floor facing west were to be fully obscure glazed. In order to reduce overlooking the

applicant has agreed to increase the amount of obscure glazing used with all bedrooms for units 2 and 3 to have half obscure glazed below 1.6m above finished floor level. There would be some ability to look over the glazing for some people when standing adjacent to the window but when sitting down or moving about the room generally it is unlikely to result in adverse overlooking.

The impact on residents is considered acceptable and in accordance with policy DM5 of the Local Plan 2023.

Standard of accommodation

Units shall at a minimum meet the Nationally Described Space Standard (2015). The three units would all be 2-bedroom, four-person units which require a minimum floor area of 70 square metres. The three units would range from 86 to 112 sqm which meet this standard. The bedrooms also meet the required space standard and storage is provided.

The units should provide private amenity space in line with the Council's space standards SPD. While no private amenity space is provided it is considered that the additional internal floorspace above the minimum standard compensates for this and provides sufficient amenity for occupiers.

The habitable rooms will have windows providing light and outlook. Alterations have been made to the scheme to increase obscure glazing to reduce overlooking impacts. Flats 1 and 2 would have clear glazed living / kitchen rooms which are considered to provide a good quality outlook. Bedrooms with half obscure glazing are acceptable given the clear glazing to the main living area.

There are concerns with the quality of accommodation for Unit 3. As this is the closest unit to Alexander Terrace it is necessary to provide high levels of obscure glazing. While there are concerns, given it is only a single unit, it is not considered to warrant refusal on this basis.

Access and Highways

The additional three flats have already been considered in the applicant's transport assessment as it originally proposed 49 dwellings, 4 more than the total now proposed. The increase in active travel trips as a result of this increase has already been considered in the transport assessment.

The proposed car club will include these additional flats, as stated in the S106 agreement this will be offered to each new household. This will encourage a car free development and encourage the use of public transport and walking and cycling as the first choice of travel.

The bike store was to provide at least 25 spaces when the scheme was for 49 units. It is therefore considered that the bike store will be able to accommodate the additional spaces required for these units.

Fire safety

An addendum to the previous fire strategy has been submitted indicating that the new units will be fitted with alarms and a sprinkler system as per the other units. It is noted

that the upper floor is below 18m above ground level and therefore the scheme does not need to go through Planning Gateway One. The full fire strategy will be considered when an application is made under the building regulations.

Sustainability

An Energy & Sustainability Strategy Report has been submitted to support the application. The energy statement concludes that “that the overall strategy remains compliant with local policy with the addition of these flats. The carbon reduction and energy efficiency targets remain largely unchanged from version 2 of the energy and sustainability statement.”

The sustainability assessment acknowledges that overheating is a concern in new developments. It is noted that these three units are predominantly west facing with windows that will have restrictions on openings due to overlooking impacts. The report indicates that mechanical ventilation will be provided through an MHVR strategy. Active cooling is not proposed. The sustainability conditions will also apply to these three additional units.

Other considerations

The original air quality assessment was based on 50 units being built at the Montague Quarter development. The additional 3 flats bring the total to 45 residential units therefore the report’s conclusion remains the same and no further reporting/addendum is required.

The second floor already has units approved above the retail unit below and it is considered that condition 19 will cover the need for insulation to these units as well.

There is no change to the foul and surface water management and it is noted that consultees have not objected in this regard.

CIL

CIL liability will change as residential development is chargeable.

Recommendation: Approve

Subject to Conditions:-

1 The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
LOCATION & SITE PLAN	AF100	17.09.2024
Level 00 Proposed Plan	AF210	04.08.2025
Level 01 Proposed Plan	AF211	17.09.2024
Level 02 Proposed Plan	AF212	17.09.2024
Main entrance – Approved and Proposed	U11.01 A	04.08.2025

Obscure Glazing Details and Elevations	AF403 B	04.08.2025
North & West Elevations	AF400	17.09.2024
Sections	AF300	17.09.2024
Viability report		11.04.2025
Addendum to Acoustic Report	1173.001Add.2.0.JP	04.10.2024
Energy & Sustainability Strategy Report	V4.1	04.10.2024
Covering letter	MQ 3FAPP	17.09.2024
Commercial statement		17.09.2024
Planning statement	1983	17.09.2024
Fire Statement	Rev 00	17.09.2024

Others as previously approved:

LIVERPOOL GARDENS SECTION 21251-131 02.06.2023
PROPOSED ELEVATIONS (1) 21251-120 02.06.2023
PROPOSED ELEVATIONS (2) 21251-121 02.06.2023
BUILDING SECTIONS 21251-124 02.06.2023
MANSARD DETAIL 21251-130 02.06.2023

Level 03 Floor Plan 21251-053 14.09.2023
Level 04 Floor Plan 21251-054 14.09.2023
Level 05 Roof Plan 21251-055 14.09.2023

Reason: For the avoidance of doubt and in the interests of proper planning. 02. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

02. Time frame s73

The development hereby permitted shall be begun before the expiration of 3 years from 06/10/2023.

Reason: To comply with Section 73 of the Town and Country Planning Act 1990.

03. High Standard of Works with Ongoing Liaison

The development shall only be carried out in accordance with the details approved within application AWDM/0084/24 unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, to ensure a high quality appearance and character of development in accordance with policies DM5 & DM24 of the Worthing Local Plan 2020 - 2036 and paras 126 - 135 of the NPPF, 2021.

04. Design Details
05. External Materials
06. Vehicular Access, Parking and Delivery Areas

07. Delivery and Servicing Management Plan
08. Cycle Stores and Bin Stores
09. Travel Plan

10. Sustainable Surface Water Drainage

No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and in accordance with the details approved within AWDM/0104/24. The details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure adequate surface water drainage, including sustainable drainage and to ensure that drainage is adequate for the design lifetime and does not increase flood risk elsewhere in accordance with policy DM20 of the Worthing Local Plan 2020 - 2036 and the NPPF 2023

11. Drainage Maintenance

Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the maintenance and management site-specific manual as approved under planning application AWDM/0104/24.

Reason: To ensure adequate surface water drainage, including sustainable drainage and its maintenance, is adequate for the design lifetime and does not increase flood risk elsewhere, in accordance with policy DM20 of the Worthing Local Plan 2020 - 2036 and the NPPF 2023.

12. Drainage Verification

13. Foul Water Drainage

No dwelling within the development hereby approved shall be occupied until the drainage works approved under planning application AWDM/0104/24.

Reason: To ensure appropriate foul drainage, in accordance with policy DM9 of the Worthing Local Plan 2020 - 2036.

14. Sustainable Construction and Energy

15. District Heating

The development shall be carried out in accordance with the details approved under application AWDM/1663/23

Reason: To provide for connection to a potential future district heating network in the interests of CO2 reduction through energy efficiency in accordance with policies DM16 & DM17 of the Worthing Local Plan 2020 - 2036.

16. Amenity and Biodiversity
17. External Lighting
18. Aerials

19. Sound Insulation
20. Noise Mitigation and Ventilation & Odour Control - Verification
21. External Plant
22. Changes of Use

23. Obscure Glazing & Balcony Screen

i) Flats 1 & 13 shall not be occupied until details of a balcony screen for the southern side of flat 1 and partial obscure glazing to southern windows in flats 1 & 13, (these windows shall also be shall be un-openable up to 1.6m above internal floor level), have been installed in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority so as to minimise risk of overlooking of neighbours to the south.

ii) Flats 7, 8, 22, 23 & 36 shall not be occupied until obscure glazing has been installed in the west elevation in accordance with drawing no. 21251-132, which was received on 20th June 2023 and shall be un-openable up to 1.6m above internal floor level so as to minimise risk of overlooking of neighbours to the west.

iii) Obscure Glazing in the first floor commercial space on the west elevation shall also be permanently installed and retained in accordance with drawing no. 21251-132, which was received on 20th June 2023 and shall be unopenable up to 1.6m above internal floor level so as to minimise risk of overlooking of neighbours to the west.

iv) Flats N2 and N3 shall not be occupied until obscure glazing has been installed in the west elevation in accordance with drawing no. AF402, which was received on 4 August 2025 and shall be un-openable up to 1.6m above internal floor level so as to minimise risk of overlooking of neighbours to the west.

All obscure glazing in i) - iv) above shall provide a degree of obscuration equivalent to Pilkington 4 or similar index, (including the balcony screen at i) if glass is used). The screen and obscure glazing and balcony shall be permanently retained and maintained in accordance with the details thereby approved.

Reason: To safeguard neighbouring amenities and privacy in accordance with policy DM5 of the Worthing Local Plan 2020 - 2036.

24. Precautionary Approach

25. Construction Management Plan

All development, including any works of dismantling, shall be undertaken in accordance with the Construction Management Plan approved under application AWDM/1663/23 and shall be adhered to throughout the entire construction period unless an alternative plan is submitted for approval in writing.

Reason: In the interests of highway safety and the amenities of the area.

26. Hours of Work

27. Safeguarding of Groundwater/ Approval of Piling

28. Quantum

The number of residential units shall not exceed 45 (forty-five) in number and these shall be laid out in accordance with the plans approved for this permission AWDM/1194/24.

Reason: In the interests of clarity, to ensure that the amount of development is in accordance with this planning permission.

Informatives

1-8 As per the original consent

9. Street naming and numbering

10.CIL Informative