Expiry: 7/7

Development Control – Delegated Officer Report

Application Number:	**Recommendation:**
A) AWDM/0666/23	**A) Grant**
B) AWDM/0667/23	**B) Approve**

Site: **5 Bath Place, Worthing**

Proposal: **A) Change of Use to convert the first, second and third floors to residential to create a four bedroom flat with associated works and retention of retail (Class E) at ground floor and basement.**

B) Listed Building Consent for proposed conversion of first, second and third floors to residential use as a four bedroom flat with internal alterations including a new entrance lobby, shop and flat entrance, replacement windows and doors and creation of a new wall to the ground floor. Ground floor and basement to remain in retail use (Class E).

Date of site visit: 22/5 – JB/RS

Neighbours checked: y

Additional neighbour notifications: n

Site and Surroundings

The application site is a Grade II listed building on the east side of Bath Place. It is vacant but has a commercial Class E use on all floors including basement and 3rd floor, attic. It is in a designated secondary frontage of Worthing Town Centre.

It has original bow windows at first and second floor on the frontage and at a ground floor a bow window has been built. A front box dormer has also been added. The property is empty and some works have commenced unlawfully including replacement rear windows.

The Heritage England listing reads:

BATH PLACE 1. 5406 (East Side) No 5 TO 1402 SE 4/13 11.10.49. II GV 2. Early C19. 3 storeys and attic. One bow window of 3 lights. Stuccoed. Cornice with modillions. One dormer. Wooden balcony on 1st floor. Glazing bars intact. Round-headed doorway up 6 steps.

Nos 4 to 8 (consec) form a group.

Listing NGR: TQ1489602424

The site is also in the South Street conservation area. It is also in Flood Zone 3 which means the land and property are at a high risk of flooding.

Proposal

Planning permission is sought to retain a Class E use at basement and ground floor level. The upper three floors are proposed to be converted into a single 4 bedroom flat. This involves creating a lobbied area behind the existing front door to create separate front doors to the commercial and residential parts. A new staircase from the internal front door to the residential part is also necessary separated from the commercial by a new spine wall. The existing ground floor shop is on two levels, existing stairs within these levels are to be re-orientated to allow for the new separating wall.

At first floor an existing opening between front and rear walls is to be closed. A previously proposed enclosed corridor to the existing back room has been removed from the drawings. The wall and door to the middle room remain where they are and the middle room will continue to lead to the rear room, dining room and study respectively. The front room becomes a kitchen/living room. A previously proposed extract fan from the kitchen out the front wall has been removed and is to be re-routed thought the roof.

At second floor level the front room is to be used as a bedroom. Revised plans show the door to this room retained in its original position and a proposed enlarged landing wall removed. An en-suite shower room is in the process of being added to this front room. The plans have been revised to show this enclosed in a lightweight glazed structure. The middle room at second floor is already partitioned. Part of the partition is to be removed to create a large bedroom. The kitchen room is reused as an en-suite shower room. At the back an existing bathroom with partition is to be opened up with the removal of the partition.

In the attic both rooms become bedrooms with the front room partitioned to create a bathroom accessible from the landing. Front and rear dormer windows are to be replaced from uPVC to aluminium.

All rear windows otherwise and rear doors and the dormer windows, front and rear, are to be replaced from uPVC to aluminium.

Repairs have been made to the rear cobbled wall using a sand and cement mix. Revised details state that the sand and cement mix will be raked out and a new lime mortar mix will be used to repair the wall.

The existing basement walls have been rendered many years ago with a sand and cement mix. It is proposed to add another level of render to the walls to prevent any damp entering the building.

The basement wall adjacent to the stairs is a bungaroosh party wall. This wall has, many years ago, been covered with a bitumen type product and painted over. It is very damp. It is proposed to cover the wall with 2 coats of Synthaprufe and paint.

A number of years ago the original butterfly roof was infilled, along with the rest of the terrace. Repairs have been undertaken to this flat roof.

All the original joinery features were removed from the property prior to the applicant's purchase. New skirting boards, architrave and cottage style internal fire doors are proposed. 1200mm high timber panelling is proposed to all habitable rooms.

Relevant Planning History:

91/0339 – Installation of Bow windows shopfront and replacement entrance door, and new first floor balcony balustrade on front elevation; fire escape staircase and new window on side elevation at rear. Granted 2.7.91

91/0311 - Application for Listed Building Consent for installation of Bow windows shopfront and replacement entrance door, and new first floor balcony balustrade on front elevation; fire escape staircase and new window on side elevation at rear. Approved 2.7.91

Consultations:

The Worthing Society:

Thank you for the opportunity of commenting on this application which relates to a Grade II Listed Building located within the South Street Conservation Area.
Our Heritage Team has noted that the works are internal and will not affect the setting of the conservation area. We welcome the fact that the existing feature bow window and the other period windows will be retained and suitably refurbished. This is important as the building is part of an early listed terrace which forms an important element of this town centre conservation area.
I am therefore pleased to advise you that we have no objection to the conversion.

Conservation Architect: *No objection to the revised plans.*

Environment Agency:

Thank you for consulting the Environment Agency on the above application following the submission of a revised Flood Risk Assessment.

We have reviewed the information as submitted and set out our position and comments below.

Environment Agency position

We are satisfied that our previous objection (as per our letter dated 19 July 2023) can be removed provided that the following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

Condition – Flood risk
The development shall be carried out in accordance with the submitted flood risk assessment (dated August 2023) and the following mitigation measures it details:
• All sleeping accommodation shall be at or above First Floor level.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons:

To reduce the risk of flooding to the proposed development and future occupants.

The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

Please notify us immediately if you are unable to apply our suggested condition to allow further consideration and advice.

Advice to the Local Planning Authority

Flood warning and emergency response

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance (PPG) to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 163 of the NPPF and the guiding principles of the PPG.

Health: *'The sound insulation of the floor/ceiling between the ground and first floor shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Before the residential unit is occupied a test shall be undertaken to demonstrate compliance with this level.*

Hours of construction condition recommended.'

Public Sector Housing: No objection.

Highways: No objection. Cycle parking within the site should be provided, where possible.

Southern Water: Usual informatives: permission for new connection to public sewer required; possible public sewer through site, surface water drainage in accordance with H3 of Building Regs.

Representations:

None received.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM1, DM5, DM13, DM15, DM20, DM22, DM23, DM24
National Planning Policy Framework (HCLG 2021)
National Planning Practice Guidance
South Street Conservation Area Appraisal

Planning Assessment

Principle

Works to listed buildings must not harm the integrity of the fabric of the building, its plan form or its setting. Development in conservation areas should preserve or enhance their special character. Loss of retail floorspace in the town centre will only be acceptable in exceptional circumstances. New residential development must provide a good standard of accommodation including meeting minimum floorspace standards and good lighting. It should not be put at risk of flooding.

Shopping

The ground floor and basement area are to be retained for commercial purposes and formally separated from the upper floors. Last in use as a hairdressers with supporting floorspace on the upper floors and at basement level this segregation will retain an active frontage on Bath Place which is both acceptable and appropriate in this secondary frontage location. Limiting the use to Class E will ensure any future use is compatible with the residential use on the upper floor. It will also prevent conversion to residential without planning permission which is appropriate in this secondary frontage and within flood zone 3.

Heritage

The revised floorplans, including lightweight shower enclosure for a 2nd floor en-suite, are acceptable and will not cause any significant harm to the integrity or plan form of this listed building. Externally the changes visible in the street will only be the proposed

replacement aluminium windows. These are acceptable and will preserve the appearance of the conservation area.

Residential Amenity

No neighbours will be affected by this development. Upper floors in Bath Place are generally in residential use.

The 4 bed unit over 3 floors has a floor area of approximately 130sqm though there is restricted head height in the attic rooms. The rear second floor bedroom has a floor area of less than 11.5 sqm which means it is only suitable for single occupancy use. The Technical Housing Standard floorspace for a 4 bed, 7p, flat over 3 floors is 121sqms. The proposal meets this requirement and all rooms have good natural light.

Flood Risk

The Environment Agency is satisfied with the revised FRA. All rooms are above ground floor level.

Highways

The property is in a very sustainable town centre location. A very small yard exists but this is not suitable for cycle storage use as it is a fire escape route and will also need to be used for refuse storage purposes. The absence of cycle parking in this location is not a reason to withhold planning permission.

CIL

The Community Infrastructure Levy does not apply to converted floorspace.

Recommendation

A) GRANT subject to Conditions:-

1. Drawing Numbers
2. Standard Time limit
3. In accordance with revised FRA
4. Details of sound insulation
5. Ground floor and basement use Class E
6. Hours of construction condition recommended.

B) APPROVE subject to conditions:-

1. Drawing Numbers
2. Standard Time Limit
3. Protect LB
4. Damage made good within 3 months

Informatives

A)

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2, SW connection
3. SW sewer maybe on site

B)

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Case Officer: MOK Date: 16/8/23

Authorised by: Gary Peck Date: 16 August 2023