Expiry Date - 26/06/2026
Extension of Time – 09/11/2026

Development Management – Delegated Officer Report

Application Number: AWDM/0389/26 **Recommendation: – APPROVE**

Site: **The Montague Centre Liverpool Road Worthing West Sussex**

Proposal: **Change of use of first floor from retail (Use Class E) to nine residential units (Use Class C3) with associated alterations at ground floor to allow access and the addition of first floor windows.**

Date of Site Visit: 14/05/2026

Neighbours Checked: **Y**

Additional Neighbours Notified: **N**

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.

Matching rotunda towers are located at the northern and southern corners of the building.

Proposal

The proposal is to change the first floor from retail to residential to provide nine residential units, 5x 1-bed units and 4 x 2bedroom units.

TK Maxx, which currently occupies the ground and first floors, has advised they will be leaving the site and have secured premises on Montague St. Retail use will be retained on the ground floor.

Windows are proposed at first floor on the north, east and west elevations. Two existing windows at first floor are to be relocated to create symmetry with the windows proposed in this application and alignment with the windows above (approved within AWDM/1194/24).

This application is separate but connected to other applications (outlined below) which propose the redevelopment of the site with three additional floors to provide 45 residential units.

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.
STATUS: Application Permitted 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
STATUS: Application Permitted 19th February 2024.

AWDM/1194/24 - 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.
STATUS: Application Permitted 19th March 2026.

AWDM/0707/25 - Enclosure for new UKPN substation (associated with application AWDM/1624/22)
STATUS: Application Permitted 5th October 2026.

AWDM/0392/26 - Non-material amendment to approved AWDM/1194/24 to increase the overall height of the building by up to 50cm, add lift overruns and relocate car club space and accessible spaces to the first floor
STATUS: Application Permitted 13th August 2026.

Consultations

<u>The Worthing Society</u>:

Thank you for requesting our comments in respect of the above application. This building is located within a prominent part of the South Street Conservation Area and there have been several variations to the original approved development.

I have now had the opportunity to discuss the proposal with our Heritage Team. The existing plan seems ill-suited to conversion to residential given the large unoccupied area labelled as storage in the centre of plan. The units are single-aspect and 'deep plan'. We suggest a daylight factor calculation would be required to ensure adequate natural light in the habitable rooms. In our view there are possibly too many new windows which would affect the original design concept. There is also the possible question of the loss of retail space.

In addition, the proposed flats will be susceptible to overheating as they are single aspect. Overheating is now covered by building regulations. It may be hard to demonstrate compliance here. This could impact the scheme at a later stage if overheating has not already been considered.

On balance the Society considers that, if approved, the proposal would represent an overdevelopment of the site.

Environmental Health

There are no EH objections in principle.

The acoustic report sets out the glazing that is required for the new homes but offers a choice for ventilation as windows need to remain closed. I would prefer MVHR for the whole development. The acoustician also sets out the noise criteria for the sound insulation between the residential and commercial property.

I note that the 2022 permission, AWDM/1624/22, for the rest of the development has a condition that these matters should be agreed with the planning authority once decided. I would carry this condition over to this application.

Does the Air Quality Reports and contribution calculations need to be recalculated for the whole development. As these are additional residential units being added. I have copied Nadeem into this e-mail in case he has any comments here.

I note the previous Air Quality Impact Assessment included an Emissions Mitigation Assessment which concluded a damage cost of £5,649 to be spent on air quality mitigation. This was for 50 units. The addition of 9 units is unlikely to significantly alter this figure, so in my opinion no additional emissions mitigation assessment will be required.

West Sussex County Council (Highways):
Access
As the site is in a highly sustainable town centre location there will only be pedestrian access to the flats which will be taken from Montague Place. No parking is provided and as such the development is car free. Details in the TN suggest the additional 9 flats will be incorporated into the development's car club scheme, and the existing cycle storage provided will be able to accommodate the additional 9 flats. The LPA

may wish to include this in the application to ensure the s106 agreement is updated to include these 9 additional flats.

Parking

Whilst the site offers no car parking for these 9 flats, the site is located next to a pay and display car park and other parking locations in the town centre for visitor parking, and connection to public transport are excellent for residents to travel in a sustainable way.

Trips

Reeves Transport Planning has provided information on the expected number of trips generated by this development, however given there are no car parking spaces the trips are more likely to be pedestrian trips to and from the site. However, if the development was to generate some trips there are plenty of local car parks or on street in the vicinity to accommodate these.

Construction

As part of this planning application the construction of the flats will require planning and managing as it is in a restricted location. Therefore, an updated construction management plan should be secured via a condition to ensure that any construction related trips or activities are managed safely in the highway.

WSP (drainage consultant): Following a review of the submitted information, we have no objection on surface water grounds. Due to the size, site, location and type of development, we would recommend the approval of the application.

Southern Water: Any new connections to the public sewerage system will require a Section 106 connection application to be submitted and approved by Southern Water Services. To make an application visit Southern Water's Get Connected service: https://developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: https://www.southernwater.co.uk/developing-building/connection-charging-arrangements Please note that, where there are separate systems available, Southern Water will not allow surface water to connect into the public foul sewer. If this is not possible, please provide evidence that all other options have been explored.

Waste Services: No response

Conservation architect:

Proposal discussed with conservation consultant who has advised on placement of windows within first floor.

Neighbour Representations

Three objections were received on the grounds of:

- The main windows of the extra west facing flats will look directly into living spaces from as little as 8m away.
- Worst effects should be mitigated or refuse the application.
- At the least, these windows should have obscured glass
- The previous consent had a condition stating that no part of the ground or first floors should be used for residential, and a condition for 45 units maximum

- They are now proposing 54 units, 4 more than originally proposed ignoring previous conditions
- Will the council object to this over development and safe guard retail premises and the neighbouring residential homes and keep this development restricted to the original permissions granted.

Officer's response: This development is in addition to applications previously granted on site for 45 units. However, as those applications did not include the change of use of the first floor from retail it was not possible to assess the changes as a variation to the previous application. Where appropriate the scheme is assessed with consideration of these applications in mind. However, as they are separate, conditions applied to that application will not bind this development unless reattached as conditions to this decision.

Relevant Planning Policies:

Worthing Local Plan policies (WBC 2023): SP1, SP2, SP3, SS1, SS2, SS3, DM1, DM2, DM3, DM5, DM6, DM7, DM9, DM13, DM15, DM16, DM17, DM18, DM19, DM20, DM21, DM22, DM24
National Planning Policy Framework (MHCLG 2026)
National Planning Practice Guidance

Planning Assessment:

Principle of development

The site is within the primary shopping area of Worthing town centre where policy DM13 applies. Part states that the efficient and effective use of the upper floors that add to the vitality and viability of centres will be encouraged subject to: i) the proposed use of the upper floor will not undermine the viability of the unit on the ground floor particularly those retail uses; ii) consideration will be given to the nature of the use, its appropriateness to the centre in which it is proposed, hours of operation, intensity of use and impact on nearby uses.

The existing tenant, TK Maxx, is leaving the site for a unit on Montague St. The application has been supported by a letter from an estate agent in support of the loss of the first-floor space. The letter sets out the following:

"The current layout, dating back to the 1990s, is outdated: poorly configured, difficult to access, and burdensome in terms of maintenance and repair. The proposed redesign, with its streamlined delivery and servicing strategy, will significantly improve operational efficiency and trading potential. In our experience, this type of single-storey configuration is particularly attractive to commercial operators as multi levels cause issues in terms of both DDA & logistics and is therefore essential to ensuring competitiveness in today's market."

Therefore the loss of the first floor retail space is considered acceptable and won't undermine the ability of the ground floor to operate as a retail unit.

The use as residential is appropriate for the town centre and has been considered acceptable in principle on this site. The provision of nine units will make a contribution towards the Borough's housing supply.

Although the scheme is for nine units it forms part of the wider redevelopment. The applicant submitted a viability assessment (FVA) indicating that the additional units are not capable of increasing the contribution to affordable housing on site. The FVA was reviewed on behalf of the Council by Dixon Searle Partnership who concluded that a contribution was not viable.

In terms of the housing mix, the scheme proposes five one-bedroom units and four two-bedroom units. This is considered an acceptable mix for this town centre location given the housing need figures outlined in policy DM1 of the Local Plan.

Visual Amenity and conservation impacts

The application proposes new windows at first floor; six on the western elevation, one on the north-western elevation and two on the north-eastern elevation. Following comments from the conservation architect these have been better aligned with each other and the windows proposed in the additional floors above. One existing window on the north-western elevation and two on the north-eastern elevation will also be moved from their current position to ensure better alignment with existing windows with the building and consented windows.

The windows will be designed to match those approved through other applications. The same conditions will be applied to this application. Subject to the conditions, it's considered the visual amenity of the existing building will be maintained and the conservation area preserved.

Residential Amenity

The site is surrounded by predominantly commercial buildings. However, as with previous applications the main impacts will be felt by residents to the south-west of the site at Alexander Terrace. Each floor at the northern end of Alexander Terrace has a unit with a living room /kitchen with between 6 and 7 windows which unusually for a town centre location results in a triple aspect. As with the previous scheme, the proposal has the ability to affect four units, one on each floor.

The scheme proposes additional windows overlooking these residents. In line with the variation scheme obscure glazing will be required to all windows on this elevation up to 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.

The building is not increasing in scale so there will be no additional impacts in terms of loss of light or increased sense of enclosure.

Standard of accommodation

All nine units meet the minimum standards in the Technical Housing Standards. The one person units would range from 69 to 85 sqm (minimum required 50sqm) and the two person units from 88 to 103sqm (70 sqm required). 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 site is within reasonable proximity of public gardens within the town centre.

Units 3 to 9 would have predominantly clear glazed windows providing light and outlook. As with the previous application for the second-floor flats (AWDM/1194/24) obscure glazing will be required to reduce overlooking of neighbouring residents. Flats 1 and 2 would have obscure glazed windows given these are the ones closest to Alexander Tce. This will have an impact on the outlook for these two units but is acceptable on balance given the size of the units provided overall.

Each habitable room has at least one window. A daylight and sunlight assessment provides the following analysis:

For daylight, 18 out of the 22 proposed habitable rooms would exceed guidelines, providing excellent levels of light. This figure considers the higher recommendation of 200lux for combined Living/ Kitchen/Dining spaces (LKDs).

Of the rooms falling short of recommendation, one is a bedroom seeing only a marginal shortfall of 4lux from guidelines, and so this is also considered well daylit. The remaining three rooms are LKDs. These rooms are generously sized, a feature which serves to lower the MDI [Median Daylight Illuminance] *figure across these rooms overall, however occupants will benefit from a larger space. The internal layouts of these rooms have been optimised to locate the living space closer to the windows, where they would see higher levels of light.*

For sunlight, six of the nine proposed dwellings would have a south-facing window and would meet the recommendation of at least one and half hours of sunlight on 21st March.

The Worthing Society has noted objections on deep units and single aspect. The units are similar to other units found acceptable within the same building. As noted by the daylight and sunlight assessment the occupants benefit from a larger space and so this is considered acceptable.

The first-floor units would be located above a ground floor commercial unit. A condition will be required for sound insulation and post installation testing to protect future residents from noise.

To prevent overheating the environmental health officer has indicated a preference for all of site MVHR and recommended the condition from the previous scheme be attached to this application.

Transport

As the site is in a highly sustainable town centre location there will only be pedestrian access to the flats. Whilst the site offers no car parking for these 9 flats, the site is located next to a pay and display car park and other parking locations in the town centre for visitor parking, and connection to public transport are excellent for residents to travel in a sustainable way.

The transport note suggests the additional flats will be incorporated into the development's car club scheme. This will be secured by condition.

Cycle parking required for the nine units would be 4.5 spaces. With the wider development, based on habitable room numbers, the requirement would be 27 spaces. The consented bike store shows space for 29 spaces. A condition will be included to ensure bike spaces are installed for these 9 units pre-occupation

An updated construction management plan will be required for the additional development.

Sustainable design

An Energy Statement has been submitted to support the application. Energy efficiency measures can secure savings of 11.09% over the baseline. The report states that air source heat pumps (water only) are to be installed with achieve a carbon saving of 25.74%.

An overheating analysis has been carried out assuming opening windows. As set out by the EHO this should be undertaken to cover closed windows in the event that noise requires windows to remain closed. This is secured by condition.

A condition requiring evidence that the above measures have been achieved including that an EPC "C" rating has been achieved will be attached. This will include details of measures to achieve no more than 110L per person per day as per policy DM21 rather than the stated no more than 125L per person per day.

Other considerations

The environmental health officer has indicated that there is no requirement to update the mitigations to the air quality measures due to the introduction of additional units.

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

Community Infrastructure Levy

The development is CIL liable but it is noted that the first floor has been in use within the last three years.

Recommendation:

APPROVE subject to condition(s):-

1. Drawing Numbers
2. Standard time limit
3. Design Details

The following external details shall not be implemented until large scale drawings (typically 1:20 scale or larger) and cross sections where necessary of the following have been submitted to and approved in writing by the Local Planning Authority:

a) windows including surrounds
b) relocated windows on the north east and north elevations

All windows including the three relocated windows shall be installed prior to occupation in accordance with the details approved within this condition and retained thereafter.

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 the NPPF, 2026.

4. External Materials

External materials shall only be used on external faces of the development hereby approved (including any to be used on the external faces of the existing building), subject to their approval in writing first by the Local Planning Authority following the submission of details and samples where required by the Authority. The materials as approved shall be retained for the lifetime of the development.

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 the NPPF, 2026.

5. Bike and bin stores

No dwelling shall be occupied until secure cycle parking stores and bin stores have been provided in accordance with the approved plans. These shall be then kept permanently available and maintained for these purposes.

Reason: In the interests of sustainable transport and amenity in accordance with DM9 of the Worthing Local Plan 2020 - 2036

6. Aerials

Any external aerial/antenna and / or satellite dish (if any) for that building, shall first be submitted to and approved by the Local Planning Authority. Thereafter no other external aerial/antenna or satellite dish shall be installed on any building in areas which are visible from outside the site.

Reason: To avoid multiple aerial / antenna and / or satellite dishes, in order to safeguard the appearance of the development and conservation area as per policies DM5 and DM24 of the Worthing Local Plan 2020 - 2036.

7. External Lighting - Provision and Limitation

No external lighting which is visible from outside the site, shall be installed unless details, including design, position and luminance, have first been submitted to and approved in wiring by the Local Planning Authority.

Reason: In order to provide lighting as part of safe, safe accessible development and to balance lighting needs with the interests of the wider townscape, conservation area, neighbouring and amenities in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020 - 2036 and the NPPF, 2026.

8. Sound Insulation Between Floors and Spaces and Acoustic Glazing

Prior to commencement of any works, details of:

i) construction and insulation to minimise risk of noise and vibration between floors, walls and adjoining spaces within the development;

ii) and any acoustic glazing and ventilation (based upon an overheating assessment) and any necessary control of odour risk,

shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented and permanently retained

Reason: To safeguard residential amenity in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020-2036.

9. Noise Mitigation and Ventilation & Odour Control – Verification

No development shall be occupied until all means of noise and vibration mitigation, acoustic glazing and ventilation, (including any odour risk control measures) approved under condition 8 above have been completed and details of the post implementation independent verification have been submitted to an approved in writing by the Local Planning Authority to demonstrate that the mitigation and ventilation measures undertaken are effective and protect noise sensitive development from noise & vibration. Any remedial actions arising from this verification testing which are then required by the Local Planning Authority shall also be implemented and permanently retained and maintained thereafter.

Reason: To safeguard residential amenity in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020-2036.

10. External Plant

No external fixed plant, or mechanical vent or duct shall be installed until details including acoustic performance have been first been submitted to and approved in writing by the Local Planning Authority. All plant shall be maintained in accordance with manufacturer's guidance and shall always accord with the approved details including acoustic performance.

Reason: To safeguard neighbouring amenities in accordance with policies DM5 and DM22 of the Worthing Local Plan 2020-2036.

11. Obscure glazing

All windows within Flats N1 and N2 shall have obscure glazing of at least Level 4 up to 1.6m above internal floor level at all times and shall also be un-openable up to 1.6m above internal floor level at all times.

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

12. Hours of work

No construction work relating to the development, or operational or construction vehicles, shall be undertaken or operated on the site except between the hours of: 08.00 and 18.00 on Mondays to Friday and between the hours of 08.30 and 13.00 on Saturday and not at any time on Sundays or Public Holidays.

Reason: In the interests of highway safety and the amenities of the area and a balance between the protection of local and residential amenities and times of development work in accordance with policies DM13 and DM22 Worthing Local Plan 2020 - 2036.

13. Quantum

The number of residential units shall not exceed 9 (nine) in number and these, shown as N1 to N9, shall be laid out in accordance with the plans approved for this permission.

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

14. Travel plan statement

No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason To encourage travel by sustainable means in accordance with policy DM15 of the Worthing Local Plan.}

15. Energy statement

A) The development hereby approved shall (unless alternatives are agreed in writing by the Local Planning Authority), incorporate the following sustainable energy and heat management measures, in accordance with the details in the Energy Statement (Planning) by PJR, dated July 2025 submitted with the current application:

i) Energy efficient building fabric and mechanical ventilation;
ii) Air-source heat pump);
iii) Low energy lighting
iv) Efficient water goods and fixtures to achieve <110L/Person usage/day;
v) Operational waste management.

B) Written confirmation, including independent professional verification, shall be submitted to and approved in writing by the Local Planning Authority, within 3 months of the first occupation of the development, (or such other time as shall first be agreed in writing by the Local Planning Authority), to confirm that the above measures have been achieved and that a minimum EPC rating “C” has been achieved. The verification document shall include any proposed and timetabled remedial measures if these targets have not been met, in which event the remedial measures thereby approved shall then be implemented in accordance with that timetable.

Reason: To ensure CO2 reduction through sustainable construction, renewable energy and to ensure water efficiency provision in accordance with policies DM16, DM17 and DM21 of the Worthing Local Plan and the NPPF, 2026.

16. Construction Management Plan

No development shall take place, including any works of dismantling, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

i) the anticipated number, frequency and types of vehicles used during construction;
ii) ii) the method of access and routing of vehicles during construction;
iii) the parking of vehicles by site operatives and visitors;
iv) the loading and unloading of plant, materials and waste;
v) the storage of plant and materials used in construction of the development;
vi) the erection and maintenance of security hoarding;
vii) the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
viii) details of public and neighbour engagement both prior to and during construction works.

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

Informative

1. Approved following revisions
2. CIL
3. Street naming and numbering

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

Case Officer: Louise Prew Date: 02/11/2026

Authorised by: Stephen Cantwell Date: 09/11/2026