Expiry Date - 20/12/2023

Development Control – Delegated Officer Report

Application Number: AWDM/1483/23 Recommendation – APPROVE

Site: 148 - 152 Montague Street Worthing West Sussex BN11 3HH

Proposal: Change of use to ground floor area to provide access to residential units. New staircase access to upper floors. 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.

Date of site visit: 01.11.2023

Neighbours checked: Y

Additional neighbour notifications: N

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 ground-floor 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.

Proposal

Permission is sought for:-

- Change of use of part of the existing ground-floor shop unit (27.5sqm) together with a ground-floor extension infilling the existing internal

courtyard to provide self-contained access to the proposed flats on the upper floors including a new core stairwell, and bike store.

- Part first and second-floor extension to the rear (west) and above the existing flat-roofed building component fronting Gratwicke Road, plus removal of part of the first-floor element of the existing rear offshoot of No.152. The proposed extension would primarily be flat-roofed, but following discussions, the roadside elevation has been amended to create a 'mansard-type' pitched slope with 4no dormer windows fronting Gratwicke Road. Following discussions the additional first-floor studio unit initially proposed by this application has been omitted with an amended floor plan instead proposing an additional (2nd) bedroom to the first-floor 1-bedroom flat unit approved under NOTICE/0011/23 (thereby creating a 2-bedroom 4 person flat unit) together with a terraced amenity areas, plus an additional 1-bedroom 2-person flat and 2-bedroom 3-person flat on the second floor (a net increase of 2no dwelling units compared to NOTICE/0011/23).

Relevant Planning History:

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). Prior Approval Required and Granted 21.09.2023

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

Consultations:

WSCC (Highways): The Local Highway Authority (LHA) has raised no objection in principle commenting:-

Summary
The site is located on Montague Street, an unclassified road subject to a speed restriction of 30 mph.

Access and Parking
No vehicular access is associated with this site.

The WSCC Car Parking Demand Calculator indicates that a development of this size in this location would require 4 car parking spaces. The applicant proposes a nil car parking provision - consequently, parking would have to be accommodated on-street. Comprehensive parking restrictions are in place on nearby roads, prohibiting parking in places that would be a detriment to highway safety. The LHA does not anticipate that the existing nil car parking provision would result in a highway safety concern or parking capacity issue in this instance.

Sustainability
The site is situated in a sustainable town centre location within walking/cycle distance of local services, amenities, and public transport links. Due to the location of the development within a sustainable location, it is not considered that occupants would be reliant on the use of a car. The applicant has demonstrated a cycle store within the building for residents to

use, which appears of suitable size to accommodate cycle parking provision in accordance with WSCC Parking Standards.

In summary, the proposal is not anticipated to result in a material increase or change in the character of traffic.

Conclusion
The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 111), and there are no known transport grounds to resist the proposal."

WSCC Fire & Rescue Service (Water & Access Manager):

Having viewed the plans for the planning application no. AWDM/1483/23 for the change of use to ground floor area to provide access to residential units. New staircase access to upper floors. Extension to provide 1 no. Studio to first floor and terrace areas. Extension to second floor to provide 1no. 1 bed flat and 1 no. 2 bed flat; evidence is required to show that all parts inside all flats 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 hose lay route, not in a direct line or arc measurement. Any areas not within the 45-metre distance will need to be mitigated by the installation of sprinkler or water mist system complying with BS9251 or BS8458 standards.

Southern Water

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

In situation where surface water is being considered for discharge to the Southern Water network Southern Water requires the hierarchy set out in Pat H3 of the Building Regulations to be reflected. Whilst reuse does not strictly form part of this hierarchy Southern Water would encourage consideration of reuse for new developments.

It is possible a sewer now deemed to be public may be crossing the site.

Environment Agency:

We have no objection to the proposal 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 (undated) and the following mitigation measures it details:

- All sleeping accommodation must be located on the first floor or above.

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.

Planning Authority Advice to the Local

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 167 of the NPPF and the guiding principles of the PPG.

WSP: The Council's drainage consultant has commented:-

The applicant is applying for the change of use to ground floor area to provide access to residential units in the form of a new staircase to access upper floors. The extension to provide 1 no. studio to first floor and terrace areas

and the extension to second floor to provide 1no. 1 bed flat and 1 no. 2 bed flat.

Following a review of the submitted information, we have no objection on surface water drainage grounds. However, we would recommend informing the applicant of the following points:

Informative 1: Flood resistance and resilience measures should be considered in the development's designs and plans.

Informative 2: Safe access and egress should be considered in the development's designs and plans due to the site being located in flood zone 3.

Informative 3: The submitted Flood Risk Assessment states the site is at a very low risk from surface water flooding, however the Environment Agency's long term flood map states it is at a high risk.

This should be considered through the development's design and plans.

The Worthing Society:

Thank you for the opportunity of commenting on the aforementioned application which is within the Montague Place Conservation Area (CA). The building concerned is included on the Council's Local Interest List and occupies a landmark corner site within the CA.

I have now had the opportunity to discuss the plans with our Heritage Team. We consider the extensions are in keeping with the style and proportions of the original historic building and there are no changes to the Montague Street façade. It is noted that the windows for the new extensions will match those in the earlier approved application AWDM/0483/23 to maintain the character of the historic building and the CA. In addition the render will be finished and painted to match the existing building. The Conservation Appraisal Document refers to the importance of maintaining 'red brick or stucco finish to elevations'.

In summary, we have no objection, in principle, to the plans for the extensions. However, we have noted the comments from the Environmental Health Public Sector Housing Consultees which refer to noise sensitive rooms resulting in 'neighbour noise issues' which will, no doubt, need to be considered.

Adur and Worthing Councils:

Environmental Health – Public Health: No adverse comments.

Environmental Health – Private Sector Housing team: No objection in principle but the stacking is unsympathetic with noise sensitive rooms

(bedrooms) next to or above existing/proposed living areas, which could lead to neighbourhood noise issues that than cannot be resolved.

Representations: None received.

Relevant Planning Policies

Worthing Local Plan 2020-2036 (WBC 2023): Policies:
SP1 (Presumption in Favour of Sustainable Development)
SS1 (Spatial Strategy)
SS3 (Town Centre)
DM1 (Housing Mix)
DM2 (Housing Density)
DM3 (Affordable Housing)
DM5 (Quality of the Built Environment)
DM13 (Town Centre and Retail)
DM15 (Sustainable Transport and Active Travel)
DM16 (Sustainable Design)
DM17 (Energy)
DM20 (Flood Risk and Sustainable Drainage)
DM21 (Water Efficiency)
DM22 (Pollution)

National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance
SPD 'Space Standards' (WBC 2012)
SDP 'A Guide to Residential Development' (WBC 2013)
SDP 'Developer Contributions' (2015)
Montague Street Conservation Area Appraisal
CIL Charging Schedule (Aug 2021)

Planning Assessment

Principle of Development

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.

The site is located within the secondary frontage of the Town Centre shopping area. Policy DM13 seeks to protect and enhance the successful functioning, vitality and viability of the town centre by maintaining a strong retail role and continuity of active frontages. Within this context a wider range of uses are typically supported in the secondary frontage (compared to the primary frontage) providing these are active uses with active shopfronts. The main shopping street comprises Montague Street, although the designated frontage wraps around into Gratwicke Road to incorporate Poland's furniture store and Nos 2-10 on the east side of Gratwicke Road. The remainder of Gratwicke Road is residential in character, including No.1 Gratwicke Road, which adjoins the application site to the north. The proposal would result in the loss of 2.8m width of active frontage at the northernmost end of the existing shop unit and 27.5sqm in area in order to facilitate improved self-contained access to the upper floors and enhanced bike storage facilities. [The change of use of the rear part of the ground-floor and upper floors to residential use has been accepted in principle as 'permitted development' by the Prior Approval granted under NOTICE/0011/23.] It is not considered that the loss of a small proportion of the remaining ground-floor retail area (10.3%) to residential use on the edge of the secondary frontage would undermine or detract from the commercial viability of the shop unit or harmfully detract from the vitality or retail function of this part of the town centre.

There is no objection in principle to the development of the proposed additional and enlarged dwelling units in this sustainable town centre location. The key considerations are the effects on the character and appearance of the Conservation Area and visual amenity, the effects on the amenities of existing and future residents, affordable housing, highway safety and flood risk issues.

Effects on Visual Amenity and Heritage

The Council has a statutory duty to have regard to the desirability of enhancing or preserving the character or appearance of its conservation areas.

Paragraphs 205-207 of the NPPF state that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Policy DM24 of the adopted Local Plan states that development should not adversely affect heritage assets or their setting. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, the Council will refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss. 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 optimum viable use. All development in conservation areas is required to be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of that area, and preserve important features. Conservation Area Character Appraisals will be used to assess applications within designated Conservation Areas and opportunities will be taken to preserve and enhance these areas, and to implement the recommendations of Conservation Area Management Plans

The Montague Street Conservation Area Appraisal identifies this part of Montague Street on the edge of the town centre has having experienced relatively little redevelopment noting that most of the 19th Century buildings remain. Almost all the buildings in this area have historic or architectural interest to some degree. Many original features remain. It goes on to identify important architectural, historic and townscape elements that should be preserved including features such as cant bays, timber sliding sash windows, slate roofs, string courses, cornices, plaster mouldings, bracketed eaves and original timber shopfronts.

The existing flat-roofed component of the building comprises a later addition and whilst of no particular architectural merit in itself, is subsidiary in scale and massing to the more historically significant terraced buildings fronting Montague Street. As initially submitted officers considered the scale, massing and detailed design of the proposed second-floor component fronting Gratwicke Road would be poorly related in visual terms to the host building and would harmfully detract from the appearance of the terraced building(s) and the character of the Conservation Area. Following discussions, the form

of the proposed extension has been amended to create a natural slate, mansard-type roof behind a raised parapet fronting Gratwicke Road, together with 4no evenly-spaced, flat-roofed dormers (each 1.4m wide). The top of the proposed dormers would sit below the eaves height of the adjacent frontage building and below the 'flat top' of the proposed extension. The northern edge of the pitched 'mansard' slope would be formed as a traditional 'firewall' feature. As amended, the scale, massing and detailed design of the roadside component of the second-floor extension would retain a subsidiary visual relationship to the host building(s) fronting Montague Street, creating a balanced composition that will assimilate coherently with the traditional character of the terraced building(s) and their predominantly vertical proportions.

The flat-roofed rear (west) components of the proposed extension will be utilitarian in appearance, of which glimpsed views would be possible from Eriswell Road (running parallel to Gratwicke Road to the west), but would be seen in the context of the wide variety of built forms which currently make up the rear of this terraced block, and largely screened from view by the deeper rear offshoot at 154 Montague Street. Consequently it is considered this element would not be an overtly dominant feature in the street scene and would not harmfully detract from either visual amenity of the historic character of the Conservation Area.

Residential Amenity – Future Occupiers

The first-floor component of the proposed extension would facilitate enlargement of one of the flat units approved under NOTICE/0011/23 to create a 2-bedroom, 4-person unit with a GIA of 71sqm. This will meet the relevant minimum internal floorspace standard set out in the Government's so-called nationally described space standard. The additional bedroom would have a window facing onto the first-floor terrace created by infilling the existing courtyard, providing this unit with a small outdoor amenity space (18sqm).

An area of outdoor terrace would also be provided to the first-floor rear studio flat approved under NOTICE/0011/23 and would substantially enhance the living conditions of this unit (which has a sole south-facing aspect) by providing the occupier with options to prevent overheating.

The proposed one and 2-bedroom flat units on the second-floor would have a GIA of 51sqm and 61sqm respectively, which will meet the relevant minimum space standards.

The reconfiguration of the floor plan omitting the initially proposed first-floor studio unit has address some of the 'stacking' issues raised by the Private Sector Housing team. However, the kitchen/dining area of the proposed second-floor, 2-bedroom flat would be located above a bedroom on the first-floor (as approved under NOTICE/0011/23). There doesn't appear to be an obvious solution that would overcome this issue that would not involve reducing the amount of proposed residential floor area. Having regard to

policy DM2 which requires development proposals to make the most efficient use of land and encourages higher density development in the town centre it is not considered refusal would be warranted on this issue alone.

The acoustic report submitted to support NOTICE/0011/23 has been re-submitted with this application (but has not been updated). The EHO has raised no objections. However, it is recommended that a similarly-worded condition is imposed requiring precise details of the proposed sound reduction and ventilation measures to be agreed to ensure that the proposed additional accommodation is protected from external noise.

Residential Amenity – Neighbours

The most affected properties are 1 Gratwicke Road, 154 Montague Street and 2-10 Gratwicke Road.

1 Gratwicke Road
This property comprises a 2-storey, end-of-terrace Victorian dwelling having a traditional layout with a gabled roof and 2-storey rear offshoot, rendered elevations and canted, 2-storey front bay window. Although of a characterful appearance with attractive architectural detailing, it lies outside of the Conservation Area. It is separated from the application property by a narrow footpath providing rear access to the terraced buildings fronting Montague Street (including the application site). There are no windows in the south flank wall of the main building or the rear offshoot. The main windows are in the front (east) and rear (west) elevations, and north side elevation of the rear offshoot. There are no recent planning records for this property which appears to be in use as a small HMO.

The span of the proposed second-floor extension would be deeper than the span of the main frontage component of No.1, but would not extend deeper than the rear offshoot. Although the flat roof of the proposed extension would be taller than the ridge of this dwelling, the enlarged ‘bulk’ and massing would not adversely impact on the receipt of light to the main windows of No.1, or result in any significant loss of outlook.

154 Montague Street
This mid-terrace property is in retail use on the ground-floor with residential flats above. The 2-storey, mono-pitched rear offshoot extends substantially deeper (northward) in its plot than the equivalent paired feature at No.152. It adjoins the flank of the dual-pitched, 2-storey building which occupies the rear part of the curtilage of No.152. West-facing windows in the proposed second-floor extension would be sited at 90º to second-floor windows in the north-facing rear elevation of the main frontage component of No.154 at a minimum separation distance of 4.5m from the common site boundary and it is considered would not give rise to an unneighbourly degree of overlooking.

Residents of the second-floor accommodation at No154 may be aware of activity arising from the use of the proposed first-floor terraces, but this would

be consistent with normal domestic use and would not give rise to unacceptable levels of disturbance.

2-10 Gratwicke Road
These terraced buildings front directly onto the east side of Gratwicke Road and are in retail use on the ground-floor with residential accommodation above. Nos 2-8 are primarily 2-storey with second-floor roof accommodation contained within a mansard-type roof with front narrow front dormers. No.10 is fully 3-storey in height.

The additional 'bulk' of the proposed second-floor extension would have some additional impact on the receipt of light to and outlook from the front windows of Nos 4-10 Gratwicke Road, but this has been minimised by the proposed mansard-type form of the proposed extension fronting Gratwicke Road, and would not be unduly oppressive in its effect. The 4no dormer windows would directly face the front windows of Nos 4-10 across the width of the street (approximately 13 metres) resulting in some additional intensity of overlooking. However, this would not be inconsistent with the typically high density of development and tighter urban grain of buildings in the town centre and would not significantly detract from the residential amenity of these occupiers.

Affordable Housing

In addition to the 9no dwelling units created as 'permitted development' by the Prior Approval granted under NOTICE/0011/23, the proposed 2no additional units would exceed the threshold for securing affordable housing. Policy DM3 states that new residential development including conversions and changes of use with capacity to provide 10 or more self-contained units will be expected to provide an appropriate mix of affordable housing. On previously developed land involving the development of flats there will be a requirement for 20% affordable housing.

Legal advice has been taken on how policy DM3 should be applied here, and it is accepted in accordance with Government guidance in the NPPG: "*By its nature permitted development should already be generally acceptable in planning terms and therefore planning obligations would ordinarily not be necessary. Any planning obligations entered into should be limited only to matters requiring prior approval and should not, for instance, seek contributions for affordable housing*" that DM3 cannot be applied to those units approved under NOTICE/0011/23, but can reasonably be applied to the additional units proposed as part of the current application to be implemented in conjunction with NOTICE/0011/23.

Based on the figures set out in the Council's Developer Contributions SPD (2015) this would amount to an affordable housing contribution of £32,082 (index-linked) based on 1no 2-bedroom unit and 1no 1-bedroom unit, to be secured by a section 106 legal undertaking.

Access and Highways

There is no existing or proposed on-site parking provision. The proposed flat units would generate some additional parking demand which would need to be accommodated on-street. The surrounding roads are located within the CPZ where parking restrictions are enforced.

The LHA has raised no highway safety concerns.

Communal secured, enclosed cycle storage is shown on the ground-floor to serve the proposed flats, and those approved under NOTICE/0011/23.

The site is within a highly sustainable location, within walking distance of a broad range of local services and facilities, and accessible to nearby bus routes along Marine Parade and Rowlands Road serving the wider area.

Flood Risk

The site is located within EA Flood Zones 2/3 and the application is supported by a FRA which confirms that residents will be afforded an area of safe refuge during a flood event (i.e. within their flats which are above ground-floor) and will be recommended to subscribe to the EA's flood warning system and encouraged to provide their own Flood Plan.

No objection has been raised by the EA subject to a condition that all sleeping accommodation must be located on the first-floor or above.

Sustainable Development

Policy DM17 requires all new housing development to incorporate renewable and low carbon energy production equipment to meet at least 10% of predicted total energy requirements (after CO2 reduction from energy efficient measures). To this end, an area allocated for installing PVs on the flat roof of the proposed extension is shown on the submitted plan and can be secured by condition.

A condition can also be imposed to ensure the proposed flats achieve as a minimum the optional requirement set through building regulations for water efficiency requiring estimated water use of no more than 110 litres per person per day in accordance with policy DM21.

The site is entirely built over with no reasonable opportunity for introducing urban greening (such a 'green roofs') without impacting the area of roof required for the installation of solar PVs, or diluting the benefit that would arise for 2no of the first-floor flat units from creating an outdoor amenity terrace.

CIL

CIL will apply to the proposed new residential floor areas.

Recommendation

Expiry Date - 20/12/2023

APPROVE subject to the prior completion of a S106 Agreement to secure an affordable housing contribution of £32,082 and subject to the following conditions:-

1. Drawing Numbers
2. Standard time limit
3. Agree materials samples including natural slate
4. Agree architectural details (including dormers, windows, raised parapet, firewall)
5. Agree and implement cycle storage
6. Agree and implement bin storage
7. No sleeping accommodation other than first-floor and above
8. Agree sound reduction and ventilation measures
9. Agree sustainability measures (solar PVs, water efficiency)
10. Hours of construction
11. Agree construction management plan

Informative

Pro-Active Amendment
New Address
Southern Water
CIL
WSP informatives

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

Case Officer: Jo Morin **Date:** 28.02.2024

Authorised by: Gary Peck **Date:** 28 February 2024