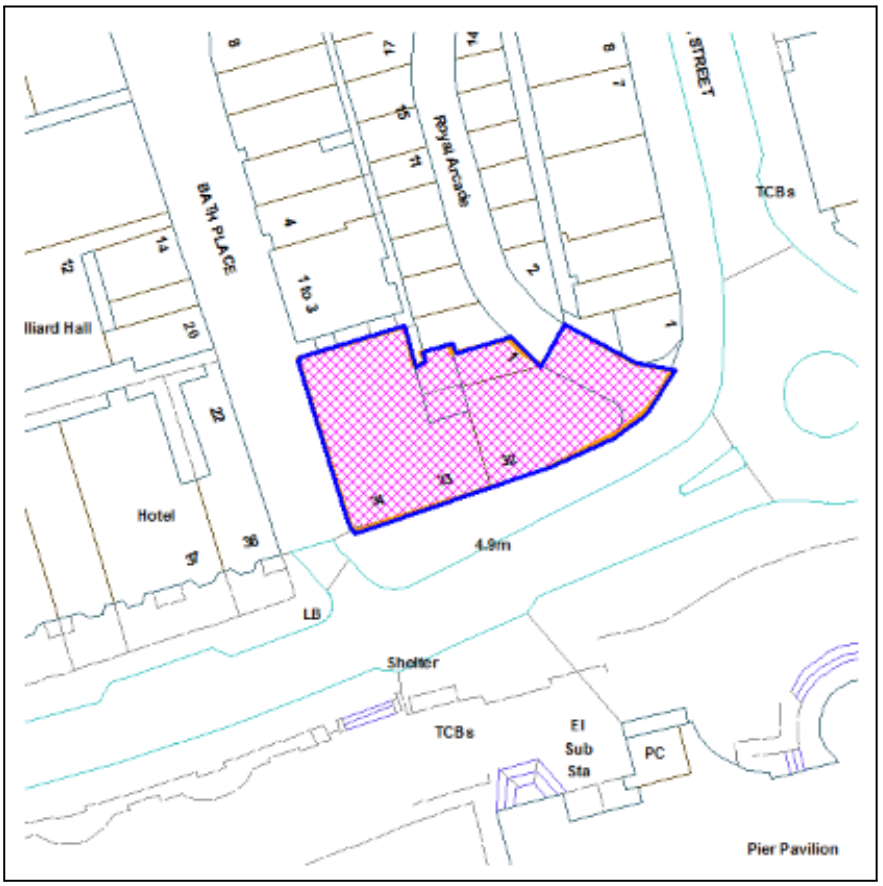
Application Number:	**AWDM/1174/23**	**Recommendation - APPROVE Subject to Prior Completion of S106 Legal Agreement**
Site:	**32-34 Marine Parade, Worthing**	
Proposal:	**Part change of use of ground floor from restaurant and amusement arcade to restaurant and Use Class E (commercial/business) space with new shopfronts to Bath Place and Marine Parade.; change of use of upper floors from vacant pool / snooker hall; associated extensions and alterations at ground, first, second and third floor rear and at fourth floor and roof level to create 21no residential dwellings.**	
Applicant:	Rivers Connaught House (Marine Parade) Ltd.	Ward: Central
Agent:	Lewis and Co Planning SE Ltd	
Case Officer:	Jo Morin	



Not to Scale

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Site and Surroundings

The application relates to Connaught House, a 3 / 4-storey mixed-use building (plus basement and rooftop apartment) located in the town centre on the seafront opposite the Pier. The site consists of several adjoined buildings internally linked at first, second, third and fourth floor. The eastern part of the building (No.32 Marine Parade and No.1 Royal Arcade) forms part of the 'art deco' Royal Arcade dating from 1925. The western part of the building (No.33-34 Marine Parade) dates from the 1930s and has a dual frontage onto Bath Place.

The ground-floor of the application site is currently in use as the Arcade Fish Restaurant (No.32) and a vacant burger restaurant unit (No.1), plus an amusement arcade / adult gaming centre (No.33-34). The basement (below No.33-34) is in use as a bar. The upper floors (including the rooftop apartment) have been vacant since mid-2021, but prior to that were in use as a snooker hall with ancillary food and drink, plus a rooftop bar. A previous nightclub ('Occasions') and function room located on part of the upper floors closed over 10 years ago.

Bath Place is pedestrianised but used for deliveries and loading/unloading vehicles (one-way southbound) outside the hours 10.00-16.00. Vehicle access is controlled by rising bollards at the eastern end of Montague Street.

The buildings are identified as Local Interest Buildings within the South Street Conservation Area.

There are several listed buildings in the vicinity including Worthing Pier (including Pierfoot and Pierhead Pavilions) listed Grade II and Nos. 4, 5, 6-8 Bath Place to the north.

Proposal

Full planning permission is sought for the change of use of the ground-floor of No.33-34 from amusement arcade / adult gaming centre (sui generis) to a flexible Class E (business & commercial uses), plus conversion of the upper floors, together with extensions, to create 21no (net 20no) residential flats (12 x 1-bed, 8 x 2-bed and 1 x 3-bed), with associated external alterations including replacement ground-floor shopfronts and replacement windows.

The existing Arcade Fish Restaurant (Class E(b)) would be retained and expanded into the adjoining vacant unit (No.1). The existing basement bar (sui generis) would be retained.

A 4-storey rear (North) infill extension is proposed to the ground, first, second and third floor (approximately 130 sqm in total). On the third floor the latter would be combined with a rooftop extension to No.32 (approximately 53 sqm) to create a penthouse flat with an external amenity terrace. At fourth floor above No.33-34, the existing vacant 2-bedroom rooftop apartment and plant/tank/lift rooms (approximately 98 sqm) would be removed and replaced with a new rooftop extension (approximately 269 sqm) also extending partially over No.32, to provide 2no penthouse flats each with external amenity terraces. The proposed roof

extensions would not exceed the overall height of the existing rooftop apartment and plant/tank/lift rooms structures above No.33-34.

The proposed residential flats would be accessed at street level from an existing entrance serving the upper floors from Bath Place, and a new entrance lobby created from Marine Parade utilising the existing stair core and lift. The rear northeast corner of the existing ground-floor unit at No.33-34 would be converted into a cycle store (accessed from a private path running parallel to the north side of No.33-34 at its eastern end then continuing north/south to the rear of commercial premises in Bath Place and the Royal Arcade).

The submitted drawings have been amended and the proposals revised following extensive discussions over a period of time involving the Council's Conservation Architect.

The application is supported by a Planning Statement, Heritage Statement, Energy & Sustainability Statement, Acoustic Report, Flood Risk Assessment and marketing details.

Relevant Planning History

<u>33-34 Marine Parade</u>
AWDM/0101/22 Alterations at roof level to existing flat to provide a three-bedroom penthouse flat (Class C3). Permitted 10.08.202.

<u>33-34 Marine Parade & 2-3 Bath Place</u>
AWDM/1626/18 Change of use of ground floor of No. 34 Marine Parade from amusement arcade to flexible use as restaurant and/or drinking establishment (Use Classes A3 and A4). Change of uses of ground floor of Nos. 2 and 3 Bath Place from shop (Use Class A1) and restaurant (Use Class A3) to amusement arcade, including new shopfront, also change of use of first and second floors of Nos. 2 and 3 Bath Place from ancillary office space to 2no. two-bedroom flats. Permitted 08.02.2019.

AWDM/1627/19 Proposed alterations to roof to include 3rd floor extension including dormers to create 1no. two bedroom flat, including minor variation to approved floor plans under AWDM/1626/18 (2 and 3 Bath Place). Permitted 31.01.2020.

AWDM/0966/21 Variation of Conditions 1 (Drawings), 3 (Materials), 4 (Noise), 5 (Bin and Cycle Store) and 6 (Flood Risk) of AWDM/1627/19: Proposed alterations to roof to include 3rd floor extension including dormers to create 1no. two bedroom flat, including minor variation to approved floor plans under AWDM/1626/18. Permitted 24.01.2022.

AWDM/0035/23 Application for Certificate of Lawfulness for Existing implementation of Planning Permissions AWDM/1626/18, AWDM/1627/19 and AWDM/0966/21 at 2/3 Bath Place. Issued 12.06.2023.

Consultations

West Sussex County Council: The County Highway Authority (CHA) initially commented:-

"WSCC as the County Highway Authority (CHA) has considered the above proposal and requires modifications to the proposal. WSCC would like the applicant to provide an extended delivery vehicle parking bay on Marine Parade, and progress the TRO associated with this extension. Please seek further information.

Location
The site is in a highly sustainable location on Worthing Seafront, near local shops and services. There are no proposed vehicular access points into the site as this will be a car free development.

Pedestrian Access
There will be 2 pedestrian accesses into the site, and both provide good circulation space outside of the doorways to easily accommodate the increase in pedestrian footfall. The access onto Bath Place is within a pedestrianised zone and the main access on Marine Parade is accessible from a wide footway of 8m in width. Cycle storage hoops are also located within this area. Both footways link into the wider town centre and a pedestrian crossing is located to the east which provides access to the seafront promenade.

Car Parking
WSCC has considered the local area and given its highly sustainable town centre location, controlled parking restrictions, and access to Bus, Rail, and cycle routes it is accepted that providing no car parking for the dwellings would be acceptable. People who choose to live here would do so on the basis it is a car free development. However, should a resident's circumstance change the site is within the town centre controlled parking zone and as such there will be a residents permit scheme, but a waiting list system is likely to be operational. Visitors can also use the town centre car parks or on street pay and display parking bays.

Deliveries
The CHA is mindful that most residents' needs can be met by the surrounding shops and services within the town; however it is likely there will still be a demand for home deliveries. There is also a need for servicing of the restaurant and potential trips to any commercial/business use. As such we have considered the existing provision for delivery vehicles. Marine Parade currently has one loading bay, located outside the existing bar/restaurant, and is designated for this activity from 7am till 7pm, Monday to Saturday. This is approximately 13m in length and could accommodate 1 HGV or 2 LGV at a time. Other than this there is nowhere else a delivery vehicle could park given the highly controlled nature of the road network.

Bath Place has loading and unloading restrictions during the hours of 10-4pm and is within a pedestrian only zone and Montague Street has rising/lockable bollards at its junction with South Street to prevent cars driving down here unless for access. Due to the high probability of an increase in deliveries and given the existing road layout and restrictions WSCC consider there is a need for the applicant to progress a TRO

for an extension of the existing loading bay on Marine Parade. This will also assist for more ad hoc delivery activities such as home removal vans etc.

Off-site highway improvements
WSCC would expect the applicant to submit plans and details of the proposed extension of the loading bay on Marine Parade. Once approved as part of this planning application for 'off site highway improvements' the applicant will need to progress a TRO and incur all costs associated with this. The cost of a TRO at the time of writing is £8,322.00 but this could be subject to change.

S106
The 'off site highway works' will be included in the S106 agreement and are:-

"To extend the existing loading bay to the west by 12m to allow for an HGV sized vehicle to load/unload."

S278
The 'off-site highway works' shall be delivered by the applicant as part of a S278 agreement. These works would be required prior to occupations.

Cycling
The development is just opposite the National Cycle Network Route 2. Cycle storage will be provided in a communal cycle store on the ground floor of the building. Access to this is via an internal corridor or it can be reached externally from the existing alleyway, which is 1.5m in width, the minimum width for a footpath. Due to the buildings either side this route offers limited natural light and surveillance, and whilst there is street lighting, it is not known how effective this is. We would recommend these points are considered to ensure the cycle storage space is user friendly. The ground floor plan suggests there will be approx. 14 storage stands. Using the WSCC guidance of 0.5 spaces per dwelling, the provision of 14 spaces would provide enough spaces for each dwelling, with additional space for visitor storage as well.

Promoting Sustainable Transport
As part of the wider vision to create sustainable communities for the future the applicant is not required but should consider promoting the car free location by providing a sustainable travel information pack with each dwelling encouraging the use of public transport locally. This could include information on bus and train times and local car sharing clubs.

WSCC would also expect to see a travel voucher offering to the initial occupants of the residential units. Vouchers could be exchanged for discounts off the following:

a. a season ticket for the local bus service,
b. a rail season ticket or network card,
c. a contribution towards the purchase of a new bicycle and/or equipment,
d. Cycle training up to 4 members of the household (further details and course costs are available at www.westsussex.gov.uk/cycletraining).
e. 12 months free membership to any local Car Club (including joining fee).

Construction Trips
The construction of these dwellings will require a construction management plan to be submitted to the LPA for approval. This can be conditioned. This should include all the details set out in the proposed condition attached to this response. Given the site's restricted location the management of the construction and delivery vehicles may also require a traffic management plan due to limited space within the surrounding roads the applicant may also require the temporary suspension of parking bays. All information must be submitted to the LPA for approval prior to any works commencing."

The following conditions are recommended in the event of approval:

Construction Management Plan
No development shall take place, including any works of demolition, 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:

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials, and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- 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),
- details of public engagement both prior to and during construction works.

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

Fire & Rescue Service (Water & Access Manager): Evidence is required to show that all parts inside all residential dwellings 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.

Lead Local Flood Authority: No objection, subject to conditions being attached to any consent if this application is approved, and the Applicant is in agreement with pre-commencement conditions. We suggest the following wording. If the following conditions are not included, the development would be contrary to NPPF and Policy DM20 in Worthing Local Plan 2020- 2036 and we would object until such time that the details below are submitted for review.

1. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow

control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings and FRA (Flood Risk & Sustainable Drainage Assessment by HOP, 03/01/2024, revision V1.2) and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.

Reason: To ensure that the development achieves a high standard of sustainability and to comply with NPPF and Policy DM20 in Worthing Local Plan 2020-2036.

2. The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
i) a timetable for its implementation,
ii) details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new dwelling and not increased in accordance with NPPF and Policy DM20 in Worthing Local Plan 2020-2036.

3. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the flood risk is adequately addressed, not increased and users remain safe for the lifetime of the development in accordance with NPPF and Policy DM20 in Worthing Local Plan 2020-2036

Environment Agency: No objection.

The Worthing Society:

Thank you for requesting our comments on the above application. The building occupies a prominent 'landmark site' opposite the Pier and within the South Street Conservation Area. This elegant building is recorded on the Council's Local Interest List as a heritage asset. There are proximate Listed Buildings including the Grade II Listed Pier and the terraced properties in adjoining Bath Place. The adjoining Royal Arcade buildings have significant 'group value'. I have now had the opportunity to discuss the proposal with our Heritage Team. The effect of the proposal on the setting of the Conservation Area and nearby heritage buildings is obviously a major consideration and our comments are set out below. For some time, the present layout of the building has, apparently, made it very difficult to secure new tenants and it has fallen into disuse. The façade is badly in need of redecoration which is having a detrimental effect on this character area of the seafront. .

We have noted the plans for introducing a mix of town centre uses together with 21 residential units to help revitalise this large seafront building and immediate surroundings. The improvements to the frontages of Marine Parade and Bath Place, stated in the 'Heritage Statement', are welcome. In addition, the replacement windows will complement the existing windows in style and shape. This is important given the building's extensive façade which forms an important element in this part of the conservation area. The rear extension will not be visible to Marine Parade or South Street and the rendering will complement the host building so will not impact on the conservation area views. However, the roof extensions will be visible from South Street, Bath Place and Marine Parade and, importantly, the raised promenade. These elements are likely to make the most permanent difference to the overall appearance of the building. Therefore, close attention will need to be paid to the colour palette and use of high quality materials. We consider the current proposed extensions, as illustrated in the 'street visualisation' of the Heritage Statement, are an improvement on the earlier approved plans: AWDM/0101/22 where the extension appeared overbearing and out of context with the heritage building. We have noted the roof extensions are now recessed and the original parapet lines are retained. We suggest, however, that care will need to be taken in the use of the grey cladding material so that it does not detract from the characterful façade and parapet of this distinctive building.

Adur & Worthing Councils:

The Environmental Health Officer initially commented:

Having looked at the plans and the acoustic report prepared as part of the submission, I make the following comments:-

Table 5.6 refers to helicopter noise overhead. This will affect the measured levels and lead to elevated levels, so confirmation is needed that this has been excluded from the measurements. [The Applicant's Acoustic Consultant confirmed that the helicopter noise was not excluded from the measurements and a review of the data indicates there is negligible difference <1dB in the results with the helicopter is excluded.]

In terms of mitigation paragraph 6.4 recommends the floor/ceiling separating the ground and first floors should be enhanced. I agree and recommend this is achieved by condition to achieve at least 50dB Dntw.

Section 7 refers to mitigation from external noise. A glazing strategy is discussed and it is recommended that detailed internal calculations should be undertaken for the worst affected facades once final façade information has been determined to ensure the glazing and ventilation selection is suitable.

I agree with the recommendation that mechanical ventilation with heat recovery (MVHR) should be considered for all habitable rooms on the north façade of the development. Trickle vents alone will not achieve the desired internal noise levels.

Noise and vibration from the adjacent lift shaft and associated plant has the potential to affect adjacent residential units. Therefore an assessment must be carried out and appropriate sound insulation is provided between the lift shaft, plant room and any adjoining habitable rooms.

The assessment suggests that the transfer of sound from the basement bar to the proposed residential dwellings is considered to ensure that any noise transfer is adequately controlled.

Of course the agent of change principle places the onus firmly on a developer to mitigate any existing noise. It may therefore be more beneficial and economic for the developer to look at the source of any existing commercial noise sources (e.g. plant noise affecting the northern facade) and reduce the noise being emitted rather than trying to include acoustic insulation into the proposed development.

I recommend the following be attached as conditions should you be minded to grant permission, in order to safeguard residential amenity. This is quite comprehensive but as the acoustic assessment suggests, there are a large number of unknowns that require clarification before construction can commence:-

1. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times. Monday - Friday 08:00 - 18:00 Hours, Saturday 09:00 - 13:00 Hours, Sundays, Bank and Public Holidays no work permitted. Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before anysuch works.

2. Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from external noise has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. The scheme should include full details of glazing and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all

duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

3. The residential units hereby approved shall not be occupied unless and until a scheme for protecting the proposed noise sensitive development from noise from the lift shaft has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of this noise sensitive unit is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

4. 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.

5. Construction work shall not commence unless and until an acoustic assessment of the impact of noise from the commercial unit in the basement upon the residential units above has been completed and submitted to the local planning authority. The impact assessment shall include details of any mitigation necessary for protecting the residential units having regard to the principles contained within the World Health Organisation community noise guidelines and ensure the standards within Table 4 of BS8233:2014 are achieved in the residential units . All works which form part of the scheme shall be completed in accordance with the approved details before any parts of the residential units are occupied.

6. No use of the premises for Class E(a), (b), (c), (e) or (g)(i) (including arrival, reception or dispatch of deliveries) shall take place except between the hours of 0700 and Midnight on any day..

7. No primary cooking of food shall take place on the premises whatsoever. Only pre- cooked food shall be warmed and/or re-heated on the premises by means of a microwave oven, pannini grill, jacket potato oven or soup kettle. No other means of warming or re-heating pre-cooked food shall take place on the premises unless details of the appliance/equipment have been submitted to and approved in writing by the Local Planning Authority in an application on that behalf.

8. Notwithstanding the provisions of the Use Classes Order 1987 (as amended) the premises shall not be used for any purpose within Class E(d) Indoor Sport and Recreation, E(f) Creche, Day Nursery or Day Centre, or E(g)(ii) Research & Development or (iii) Industrial processes, at any time.

Following clarification that the proposals will necessitate repositioning the extract flue for the [existing] Arcade Fish Restaurant, the Applicant's Kitchen Consultant has provided details of a replacement extraction and ventilation system comprising 2no

RY5000 ESP filters, double bank of carbon filters, each housing would be 1800w x 600h x 900 long, and consist of 18 site safe carbons. Data sheets for the fans, odour control and noise control have been provided together with an odour risk assessment. It is recommended the fans have side silencers with splitters.

The EHO commented further: "*The Risk Assessment shows a high level of odour abatement is required and this has been reflected in the suggested abatement equipment so I have no further comments. This does of course rely on the system being properly maintained in accordance with the manufacturer's recommendations."*

Private Sector Housing: No objections.

Planning Policy Manager

I have the following comments to make:-

"The site as the agents state lies within the Town Centre Seafront Area as set out in policy DM13 where 'proposals that help maintain and enhance an active and vibrant seafront will be supported. Eating ,drinking and shopping together with appropriate cultural and leisure uses will be retained and encouraged.' I understand from the submission that the current basement in a bar use and ground floor restaurants will be retained and the intention is to change the use of the amusement arcade to a restaurant?

The current 1st, 2nd, 3rd and 4th floors are vacant, formerly used as a snooker hall and rooftop bar. I understand the snooker hall facility has now relocated to the former Beales.

In terms of policy, Policy DM12 requires where existing visitor attraction/facilities/accommodation are proposed to be lost then it needs to be demonstrated that they are no longer required and the site is unlikely to be reused for visitor purposes. The criteria by which this will be tested are as follows: b) Existing visitor attractions, facilities and accommodation should be retained unless it is demonstrated that the use is no longer required and the site is unlikely to be reused or redeveloped for visitor purposes. To demonstrate these requirements, the Council will apply tests set out below: i) evidence of marketing actively conducted for a reasonable period of time; ii) that alternative visitor uses have been fully explored; iii) an appraisal indicating that the use is no longer viable; iv) evidence that the site has not been made deliberately unviable; v) evidence of the suitability of the site to accommodate the alternative visitor use; and vi) evidence that a reduction of floorspace or bed spaces in the case of visitor accommodation is the only way of improving the standard of the existing tourist facility.

I note that the applicants have submitted marketing evidence from Michael Jones which states the premises were on the market from June 21 to August 22 some 13/14 months. I understand this was on a leasehold basis/ready for tenants to fit out? Suggested uses were offices/medical/leisure/other uses subject to planning permission. I note that the proposed rent for each floor was as follows:
1st floor - 6,017 sqft = £105k pa
2nd floor - 5,543 sq ft = £100k pa

3rd floor - 3,724 sqft = £67k pa
I am not sure how this level of rent for a leasehold property in this location and a building of this type compares within the local market

I would suggest that evidence of having explored alternative uses that would support the visitor economy and why it was not pursued, would help strengthen the case. That said, in this case the proposals still seek to maintain an active frontage at ground floor level at least with bars/restaurants etc. which would accord with policy DM13. In terms of residential, if we are satisfied that the upper floors are no longer viable for a continued leisure/visitor attraction type use (and on a positive note we have had a replacement of the snooker/pool hall at the old Beales site), then residential on the upper floors would be considered and increasing densities in this town centre, sustainable location, accords with policy DM2 Density and policy SS3 Town Centre.

In terms of affordable housing policy DM3 would require 20% to be delivered.

Subject to clarification of some of the points raised, the retention of active uses/frontages at ground floor level, the relocation of the snooker/pool facility to another town centre location, the reinvestment in this prominent seafront building (and one that is a building of local interest) together with the introduction of residential uses within a town centre location could be supported."

Assistant Director, Place & Economy

I would support the proposal on the condition the ground / basement floors are maintained for active use. My only comment relates to whether any other S106/CIL contribution could be negotiated? I only ask as we have a number of infrastructure pressures coming through, for example coastal defences and the upkeep of the promenade (e.g. heritage column lighting) so any offsite contribution would be most useful.

Representations: One representation has been received in support of the application commenting that as soon as the building is occupied it will stop the damage currently being done, which is a major problem. [The proposals] will certainly bring more business to the town and will be welcomed by other local businesses. The building is a Worthing landmark and the sooner works are started to improve it the better.

Relevant Planning Policies and Guidance

Worthing Local Plan 2020-2036:
SP1 Presumption in Favour of Sustainable Development
SP2 Climate Change
SS1 Spatial Strategy
SS3 Town Centre
DM1 Housing Mix
DM2 Density

DM3 Affordable Housing
DM5 Quality of the Built Environment
DM6 Public Realm
DM7 Open Space, Recreation and Leisure
DM13 Retail & Town Centre Uses
DM15 Sustainable Transport & Active Travel
DM16 Sustainable Design
DM17 Energy
DM20 Flood Risk and Sustainable Drainage
DM21 Sustainable Water Use & Quality
DM22 Pollution
DM23 Strategic Approach To The Historic Environment
DM24 The Historic Environment

National Planning Policy Framework (DLUHC 2023)
Supplementary Planning Document 'Space Standards' (WBC 2012)
Supplementary Planning Document 'Developer Contributions' (July 2015)
Technical Housing Standards - Nationally Described Space Standards (DCLG 2015)
CIL Charging Schedule (August 2021)
National Planning Practice Guidance (NPPG)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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 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 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.

Planning Assessment

Principle

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 76 of the NPPF states that local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision-making purposes where:

a) The adopted plan is less than 5 years old; and
b) That adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.

Paragraph 77 goes on to state that where there has been a significant under delivery of housing over the previous three years, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the Plan period).

The most recent housing trajectory and 5 year housing land supply for Worthing can be found in the Annual Monitoring Report 2022-23. Table 9 indicates the Five Year Supply measured against the adopted WLP annual target of 230 dwellings plus a 20% buffer, and demonstrates a 7 year supply of deliverable sites.

To maintain the supply of housing paragraph 79 of the NPPF requires local planning authorities to monitor progress in building out sites with planning permission. Where the Housing Delivery test indicates delivery has fallen below 75% of the local planning authorities housing requirement over the previous three years, the presumption in favour of sustainable development applies, in addition to the requirement for an Action plan and 20% buffer.

The latest Housing Delivery Test was published in December 2023 and Worthing Borough Council scored 33%. 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.

Policy SS3 sets out the key overarching development principles for the Town Centre and seafront and is the starting point against which all town centre development will be assessed. It seeks to ensure that the types of uses and activities that best meet the Council's aspirations and vision for the town centre are realised by maximising the opportunities presented by a town centre location and building on what is already special about the town centre including (amongst other things) its seafront setting and historical and cultural assets. It looks to improve and increase the mix of uses in the town centre, particularly retail, employment, community, residential, leisure, recreation, cultural and tourist facilities by maximising development around key development sites and through the more efficient use of existing sites; and delivering development which is of high architectural and urban design, and high environmental performance and sustainability standards.

The site is located within the 'Town Centre Seafront Area' where Policy DM13(c)(iii) states that proposals which help to maintain and enhance an active and vibrant seafront will be supported. Eating, drinking and shopping, together with appropriate cultural and leisure uses will be retained and encouraged. However, uses such as takeaways and uses with inactive street frontages will be resisted, particularly where they cause or contribute to an over-concentration of such uses. DM13(f) states that the efficient and effective use of upper floors that add to the vitality and viability of

ventres will be encouraged subject to the proposed use of the upper floor not undermining the viability of the ground-floor unit and consideration being given to the nature of the use, its appropriateness to the centre, hours of operation, intensity and impact on nearby uses.

The ground-floor and basement premises of No.32-34 are currently occupied but the operator of the amusement arcade / adult gaming centre at No.33-34 has notified the owner of their intention to give up the existing lease in 2024. The current application proposes a change of use to the full range of Class E (commercial/business) uses which includes a broad range of uses including (a) retail; (b) cafes/restaurants; (c) financial and professional services or other services appropriate to provide in a commercial, business or service locality; (d) indoor sport, recreation or fitness; (e) medical or health services; (f) creche or day nursery; and (g) offices, R&D functions or any industrial process that may be carried out in a residential area without detriment to amenity. Not all of the uses within this broad range would accord with the above-mentioned policy objective of maintaining and enhancing an active and vibrant seafront, with several including those within sub-sections (c), (d), (e), (f) and (g) likely to create a 'dead' frontage with little or no visual interest or shop window display. However, the applicant has indicated a willingness to accept conditions limiting the proposed use of the ground-floor of No.33-34 to Class E(a) and (b), being uses that would provide the necessary degree of vibrancy and interest in this important seafront location, and represent an improvement over the existing 'closed-off' windows of the amusement arcade / adult gaming centre.

The upper floors of 32-34 have been underutilised for some time, most recently in use as a snooker/pool hall with ancillary food and drink including sports bar and function room (Class E(d)), but vacant since mid-2021. The snooker/pool club ('Slicks') has since moved to premises within the former 'Beales' Department store.

Although Policy DM13(c)(iii) seeks to retain "appropriate leisure and cultural" uses, it is perhaps worth pointing out that since the changes to the Town and Country Planning Use Classes Order in 2020, the vacant upper floors could take advantage of of the very broad range of uses now included within Class E without the need for planning permission.

Nevertheless, even taking into account the broad range of possible commercial and business uses allowable under Class E the submission sets out that the upper floors were marketed by Michael Jones & Co between 1 June 2021 and 12 August 2022 without success. During that time the property particulars were widely circulated and publicised on the Michael Jones website and national property listings as well as being sent to applicants on their commercial database and approximately 450 other estate agents in Sussex, Surrey and the London area. Marketed. There were a number of viewings within the marketing period but the Commercial Agent was unable to secure tenants for the vacant spaces with the general feedback being that the areas were not suitable in size, layout or configuration for interested parties. A letter from Micheal Jones & Co (dated 23 June 2023) states: "*The current commercial rental market is continuing to suffer from the effects of increasing interest rates and high inflation and my personal view is that any change of planning and alternative us that gives rise to the preservation of this unique building should be serious considered in the current economic climate.*"

The current Applicants have explored other potential alternative uses for the upper floors, including a hotel, but were unable to secure the necessary financing. It is understood the freehold of Connaught House was bought in December 2021.

It is acknowledged that marketing of the vacant upper floors has taken place for a relatively short period of time, and during the latter part of the Covid-19 pandemic. However, it is also pertinent that in practice the feasibility of specifically safeguarding indoor leisure and recreation uses has been undermined by the changes to the Use Classes order in 2020, which places 'leisure and recreation' uses (formerly Class D2) within the broader range of uses within Class E. On a positive note, the former leisure/recreation use that occupied the upper floors of the building has successfully relocated elsewhere in the town centre, and the proposed Class E(a) and/or E(b) use on the ground-floor of No.33-34 would introduce a more active frontage in this key seafront location compared to the existing amusement arcade / adult gaming centre. The town centre is continuing to adapt to the changes brought about by the growth in online shopping as well as the challenges of the Covid-19 pandemic. The proposed residential use of the upper floors would make an efficient use of the existing vacant and long-underutilised floorspace of this building, and would be consistent with the mix of uses considered appropriate to the town centre by helping to increase footfall, activity and vitality as well as enabling revitalisation.

Heritage and Visual amenity

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 DM2 of the Local Plan states that proposals must make the most efficient use of land, which will usually mean developing at densities above those of the surrounding area with the optimum density of development resulting from a design-led approach to determine the capacity of the site. It states that particular consideration should be given to the site context and character of the surrounding area, including heritage assets; accessibility by walking, cycling and public transport; the need to achieve high quality design and the need to minimise environmental impacts, including harm to the amenities of adjoining occupiers.

Policy DM5 requires all new development (amongst other things) to be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area; make a positive contribution to sense of

place, local character and distinctiveness; and respect, preserve and where appropriate enhance heritage assets and settings.

Policy DM24 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 eastern part of the application building (No.32), forms part of the Royal Arcade buildings dating from 1925, wrapping around from Montague Street, South Street and Marine Parade with a glass-roofed arcade of shops running through the centre in a curve. The elevations are rendered with stone-clad dressings vertically sub-divided by pilasters into a series of bays under a flat roof. The scale and high quality of the architectural detail of the building makes an important contribution to the townscape and the character and appearance of the Conservation Area. No 33-34, the western part of the site, dates from the 1930s, replacing an earlier building, the 'Parisien Baths' (c.1833) on the site. The Parisien Baths had an important role in the history of the town, being one of the main attractions that drew in visitors to the town during the Victorian era to convalesce by the seaside. The site of the building is therefore of local historic interest, but the existing building itself is also considered to make a positive contribution to the Conservation Area by reason of its scale and design which harmonises with the adjoining, older Royal Arcade buildings, and more particularly the form of its external finish comprising of 'faience' which distinguishes it from other buildings in the vicinity. [The latter is formed of clay fired at high temperature with an applied glaze and was often used to face buildings as a cheaper alternative to stone.]

A (non original) canopy over the ground-floor of Nos 32-34, which extended over the pavement in Marine Parade and Bath Place, was removed c.2013 when the shopfront of No.32 was also refurbished to harmonise with the shopfronts on the east side of the Royal Arcade (fronting South Street).

Unfortunately, the original windows on the upper floors of Nos 32-34 were replaced with unsympathetic white UPVC units sometime before this.

The existing buildings have a rather tired, slightly run-down appearance.

The proposed contemporary style roof extensions would increase the scale and massing of the building and would be prominently visible in extensive views along the seafront promenade, particularly from the East, as indeed are the existing

somewhat utilitarian-looking rooftop apartment and plant rooms above Nos. 32-34. However, the main 'bulk' of the extensions would be stepped in height, and set back from the parapet roadside elevations of the building, behind the proposed amenity terraces. Following discussions involving the Council's Conservation Architect the footprint of the 3rd-floor roof extension (above No.32) has been set further in and the form of the south-east corner amended to create a glazed 'curved' feature. Other amendments have resulted in the creation of a more elegant, less heavy-looking roof profile to both the 3rd and 4th-floor components. Finished in light grey vertical standing seam zinc cladding (intended to reflect the metal-clad domed roof of the Pierfoot Pavilion - opposite), and floor-to-ceiling bi-fold door glazed openings, the proposed roof extensions would undoubtedly have a distinct contemporary appearance, but would not visually overwhelm the existing buildings or dominate the surrounding townscape. Although the proposed rear infill extension would have a more simple, flat-roofed form with rendered elevations and plain, casement windows, it would not be visible in public views at street level.

In views from the west the proposed development would not look substantially different to the form and appearance of the roof extensions and alterations replacing the existing fourth-floor apartment previously approved under AWDM/0101/22, which remains extant and a material consideration of significant weight.

The upper floor windows above No.32 fronting Marine Parade are currently white UPVC casements. The Applicant has agreed to replace these in black, aluminium framing in a small-paned design. This would more closely harmonise with the original black metal windows in the remainder of the Royal Arcade buildings fronting South Street and Montague Street and would represent an enhancement to the character and appearance of this part of the application building. It is proposed to replace the existing white UPVC vertical-sliding sashes windows on the upper floors of No.33-34 with white, aluminium-framed vertical sliding sashes, but omitting the small-paned design. The Conservation Architect is satisfied that this would not result in any unacceptable loss of historic character since the existing small-paned design is inauthentic, with the 'glazing bars' placed in-between the double-glazed panes of glass. The precise details of the proposed new and replacement aluminium windows and bi-fold doors will need to be reserved by condition, as will the frameless glass balustrading enclosing the external amenity terraces.

Discussions have also resulted in amendments to the proposed new shopfront(s) to No.33-34. This would retain the proportions of the existing bays with large window/door openings above a shallow polished-stone staller-riser sub-divided by rendered pilasters with plinth; new decorative corbels centred below the faience columns above; plus new 'canted' fascia panel, similar to that of the adjoining 'Arcade Fish Restaurant'. Whilst precise details of the proposed materials, colours and frame profiles would need to be reserved by condition it is considered the alterations would result in a more cohesive appearance that would represent an enhancement to the character and appearance of this building in this key seafront location within the Conservation Area.

Residential Amenity – for proposed dwellings

All of the proposed flats will meet the Government's so-called nationally described minimum internal space standard, with the gross internal area (GIA) of the proposed rooftop penthouse units considerably in excess of the relevant minimum standard.

The large floor area and wall-to-wall span of the existing building results in some slightly awkward configurations of the floor plan of the proposed flats in the converted part of the building, mostly necessary to provide each habitable room with a window and good standard of natural daylight. Three flats on the north side of the building will have a sole north/northeast facing aspect with the outlook from Flat 7 on the first-floor also enclosed by the proximity of nearby buildings at the same height.

The existing large, arched window openings on the first and second-floor which face into the glass-roofed shopping arcade will be retained and fixed shut with secondary glazing fitted internally. This will be adequate to provide satisfactory 'borrowed' daylight to the relevant habitable rooms (bedrooms), but mechanical ventilation will be necessary to provide a comfortable living environment.

The Acoustic Report submitted with the application identifies the main source of noise affecting the South and West sides of the building as road traffic on Marine Parade, with the main source affecting the rear (North) facade from commercial fixed plant (serving the basement/ground-floor and other neighbouring commercial premises). It is anticipated that enhanced double glazing will be required depending on the ventilation strategy used. As a minimum, mechanical ventilation with heat recovery (MVHR) will be required on the North elevation, needed for all habitable rooms on the north side of the building.

The report highlights that a review of the proposed floor/ceiling construction will be necessary at the detailed design stage to ensure appropriate sound insulation is provided to protect future residents from internal noise transfer from the basement and ground-floor uses. It is also recommended that a review of the potential for the transfer of structure borne noise and vibration from the lift shaft and associate plant is undertaken to ensure that adequate sound insulation is provided between the lift shaft, plant room and any adjoining habitable room.

The Environmental Health Officer has not raised any objection in principle based on the recommendations of the submitted acoustic report, and the further clarifications/details received in relation to the relocated extraction system for the Arcade Fish Restaurant, subject to the suggested conditions.

Only the 3no. rooftop 'penthouse' flats will have access to external amenity terraces, but this would not be unusual for a town centre location.

Bin storage (refused/recycling) will be provided at the rear of the building accessed from the private footpath to the North.

The standard of accommodation will vary throughout the building, with the 3no proposed flat units (No.s 7, 14 and 18) on the north/northeast side having comparatively poorer living conditions. On the whole, however, it is considered a

good standard of amenity will be provided in the context of this town centre/seafront location.

Residential amenity – effect on existing dwellings

The nearest existing residential properties are those at 22 Bath Place, located opposite (West) of the site. Windows at ground, first and second-floor face toward the existing building across the street (approximately 9 metres wide). The proposed residential conversion of the existing building will inevitably result in some direct overlooking of the existing windows at No.22 at a relatively short distance, but this would be the case for any proposed re-use of the building. The proximity of facing windows serving principal rooms is a factor of town centre living, particularly in areas characterised by older buildings where the urban grain is 'tighter' and would not amount to a reason for refusal in this case.

A material consideration is the development permitted at 2-3 Bath Place (adjoining to the North) for the change of use of the upper floors to residential flats together with the development of an additional flat within a mansard roof extension. A Certificate of Lawfulness for an Existing development (CLEUD) confirmed the implementation of the permissions granted under AWDM/1626/18, AWDM/1627/19 and AWDM/0966/21, but works are not at an advanced stage. The upper floors of 2-3 were previously in use as office space associated with the amusement arcade / adult gaming centre on the ground-floor of No.33-34, within linking 'corridors' between the buildings at first and second-floor. These have since been blocked off although the latest scheme approved under AWDM/0966/21 indicates the eastern corridor structure (over 2 floors) would be converted as part of the proposed floor area of the flats (WC/storage). Secondary windows formed in the south side wall (facing the application site across the narrow passageway) would serve non-habitable accommodation comprising the communal stairs and the hallway within the flats (at first and second-floor level). There will be no windows in the south side of the approved mansard roof extension. The residential conversion works proposed as part of the current application would see new windows inserted on the North elevation of No.33-34 at first, second and third floor, including some serving bedrooms. It is considered that those at first and second-floor would need to be fitted with obscured glazing to avoid intervisibility between facing windows across the narrow passageway, but need not be fixed shut. The proposed rear infill extension and roof extensions would have no adverse impact on the residential amenities of the new flats at 2-3 Bath Place.

Affordable Housing

Policy DM3 requires new residential development (including conversions and changes of use) with the capacity to provide 10 or more self-contained units to provide an appropriate mix of affordable housing. DM3(i) states that on sites on previously developed land involving the development of flats there will be a requirement for 20% affordable housing. The Applicant has advised that despite trying to make contact with affordable housing providers, no interest has been received. However, the Applicant would be prepared to make a 20% financial contribution to off-site affordable housing to be secured by a S106 Obligation. The s106 agreement would still require the applicant to deliver on site and provide

appropriate justification to demonstrate why on site provision was not possible. Only once this has been provided would the legal agreement allow for the provision of a financial contribution in lieu of on site provision. In line with Local Plan policy there would be a desire for rented accommodation (at Local Housing Allowance rates) and this would also be specified in the legal agreement.

Accessibility and parking

There is no existing or proposed on-site car parking provision, and only limited scope to on-street parking owing to town centre parking and loading/unloading restrictions on nearby roads. However, the site is within a highly sustainable location with good access to key services and facilities by walking and public transport. The County Highway Authority has raised no objection in principle commenting that people who choose to live here would likely do so on the basis it is a car-free development. However, taking into account the likely increase in home deliveries an enlargement of the existing loading bay (in front of nearby 38-40 Marine Parade) is considered a necessary form of mitigation. This would necessitate a Traffic Regulation Order (TRO) to be secured by a S106 Obligation.

Adequate secure cycle storage provision would be made on the ground-floor in accordance with WSCC minimum standards. The provision of security lighting along the narrow passageway to the north side of the building would be necessary to encourage residents to use it and this could be secured as a condition of planning permission.

The County Highway Authority has suggested consideration be given to promoting the car free location by providing a sustainable travel information pack encouraging the use of public transport. It is suggested that vouchers be provided for discounted bus or train travel, a contribution to a new bike/equipment, cycle training for up to 4 members of a household and 12 months free membership (plus joining fee) to a local car club. The Applicant has indicated a willingness to promote active travel measures and participation in a car club scheme in a Travel Plan to be secured by a planning condition.

Flood risk

The site is located within EA Flood Zone 3 at risk of tidal flooding, and the application is supported by a site specific FRA.

Bearing in mind the proposed residential accommodation will all be located above ground-floor, the Environment Agency has raised no objection to the proposals on flood risk grounds. The NPPF requires a sequential test to be undertaken in order to steer new development to areas at the lowest risk of flooding on the basis that development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The submitted FRA asserts that the test is met on the basis that the Applicants can only reasonably be expected to develop land within their ownership and there are no reasonably available alternative sites [within the Applicants ownership] with a lower risk of flooding. However, land ownership is not a relevant factor in determining the sequential test. That said, the Local Plan has identified that the significant

constraints and limited options for growth in Worthing requires a response that maximises opportunities for appropriate brownfield development within the most sustainable locations, recognising that Worthing town centre and associated seafront offers one of the greatest opportunities for major redevelopment and change. This includes a number of key regeneration sites also within the EA flood zone that provide an opportunity to deliver housing and where the sequential test is deemed to have been passed (including A7 - Grafton and A11 Stagecoach). Evidence set out in the Flood Risk Sequential & Exceptions Test (January 2021) in support of the Draft Submission Local Plan specifically considered the role of 'windfall' sites such as this in meeting the housing delivery target, stating that given the limited land availability in Worthing it is considered that all potential windfall sites would need to be developed where acceptable in terms of planning policy to contribute to meeting this need as far as possible.

WSCC as the Lead Local Flood Authority (LLFA) initially objected to the development owing to inadequacies within the submitted FRA in relation to calculations of surface water greenfield run-off rates, pre and post-development rates and volumes, and discharge rates. This has been addressed in a revised FRA which identifies an increased run-off rate and volume post development due to predicted climate changes impacts on rainfall intensity. The impermeable area of the site will be unchanged and there are no external areas in which infiltration SuDS could be installed. The report identifies that in order to limit surface water run-off to the existing rate an attenuation SuDs would need to be installed. It is proposed that this would be in the form of a 'blue roof' construction allowing for rainfall to be stored in shallow tanks on the roof prior to discharge via the existing rainwater downpipes at a controlled rate. Such a system would need to be explored further at the detailed design stage by a specialist supplier to understand the structural implications and to justify the feasibility of additional loading at roof level. The LLFA has removed their objection on this basis subject to the recommended conditions.

Sustainability

The application is supported by an Energy & Sustainability Report which summarises the energy efficiency, sustainable design and construction measures incorporated into the proposed development to meet the sustainability requirements set out in policies SP2 (Climate Change), DM16 (Sustainable Design) and DM17 (Energy).

The reuse of the existing building is inherently 'sustainable' reducing the embodied carbon of the development by minimising the amount of new materials required. The new extensions will adopt a fabric first approach with insulating materials specified to maximise thermal performance and 'highly efficient' glazing.

Seven ASHPs will be provided for Flats 6, 7, 13, 18 and the 3no penthouse flats. An array of integrated solar PV panels will be located on the fourth-floor flat roof (above penthouses 2 and 3).

Water fittings will be specified to meet the target water consumption of 105l/p/d.

All lighting will be provided by LEDs using low energy light fittings.

The Report concludes that carbon savings for the site will result in an improvement of 81.02% over the baseline for the new build units, and 64.2% of the existing for those within the converted building.

The Council's development partner, Hemiko, is currently investigating the potential to connect the development to the town's District Heat Network. If found to be feasible within the timeframe for implementation of the development, a commitment to connect the development to the District Heat Network could be secured by a S106 Obligation.

Other

The current application predates the recent (February 2024) mandatory legislation on biodiversity net gain. The proposal involves converting and enlarging an existing building with no existing ecological value and provides no opportunity for on-site gain.

As provision for open space cannot be met on site in accordance with the requirements set out in policy DM7 (Open Space, Recreation and Leisure), the development will be eligible for a £59,244 contribution towards off-site provision/enhancement to mitigate the impact of the development. This can be secured by a S106 obligation.

The additional floor areas created through extensions would be eligible for CIL.

Conclusion

The proposed development would maintain and enhance the vibrancy of ground-floor uses in the building, introducing a more active frontage in this key seafront location in place of the existing 'closed-off' shopfront to the amusement arcade / adult gaming centre (No.33-34). The existing buildings, although architecturally and historically significant, have become rundown and 'tired' looking in recent years with the upper floor space vacant since mid-2021, having previously been underutilised for a number of years prior to that. The residential conversion and extension of the upper floors would facilitate the refurbishment of these highly distinctive local interest buildings occupying a prominent seafront location. Although the proposed layout of the residential flats in this town centre location results in some compromises for the living conditions of future occupiers, all the proposed dwelling units will meet or exceed minimum internal floor space standards and, subject to the recommended conditions, will achieve a good, or at a minimum adequate, standard of residential amenity. The proposed development would achieve an optimum amount of development in accordance with a design-led approach, providing a more efficient use of the existing building in this highly sustainable town centre location.

Recommendation

APPROVE, Subject to completion of a satisfactory section 106 Obligation undertaking to secure:

(i) the delivery of affordable housing

(ii) financial contribution to offsite open space,

(iii) financial contribution to secure the offsite highway improvement (to enlarge the loading bay in Marine Parade) and

(iv) where feasible within the timeframe for implementation secure connection to the Town Centre District Heat Network and subject to conditions:-

1. Approved plans
2. Standard 3 year time limit
3. (Pre-commencement) Agree and implement materials and external finishes for walls and roofs (including new and replacement windows, doors and balustrading to roof terraces).
4. (Pre-commencement) Agree and implement architectural details/detailed design (including new and replacement windows and doors, construction/profile of roof of extensions.
5. (Pre-commencement) Agree and implement construction management plan
6. Implement secure, covered cycle storage
7. Agree and implement security lighting to access route serving cycle storage provision.
8. Prior to the commencement of development, construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement shall be submitted and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings and FRA (Flood Risk & Sustainable Drainage Assessment by HOP, 03/01/2024, revision V1.2) and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.
9. The development hereby approved shall not be first occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
    i) a timetable for its implementation,
    ii) details of SuDS features and connecting drainage structures and maintenance requirement for each aspect,
    iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
10. Upon completion of the surface water drainage system, including any SuDS features, and prior to the first occupation of the development; a survey and report from an independent surveyor shall be submitted to and approved in writing by the Local Planning Authority. The survey and report shall demonstrate that the surface water drainage system has been constructed in accordance with the details approved pursuant to condition 1. Where necessary, details of corrective works to be carried out along with a timetable

for their completion, shall be included for approval in writing by the Local Planning Authority. Any corrective works required shall be carried out in accordance with the approved timetable and subsequently re-surveyed with the findings submitted to and approved in writing by the Local Planning Authority.

11. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times. Monday - Friday 08:00 - 18:00 Hours, Saturday 09:00 - 13:00 Hours, Sundays, Bank and Public Holidays no work permitted. Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before anysuch works.
12. Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from external noise has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. The scheme should include full details of glazing and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.
13. The residential units hereby approved shall not be occupied unless and until a scheme for protecting the proposed noise sensitive development from noise from the lift shaft has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of this noise sensitive unit is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.
14. 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.
15. Construction work shall not commence unless and until an acoustic assessment of the impact of noise from the basement commercial unit (No33-34) upon the residential units above has been completed and submitted to the local planning authority. The impact assessment shall include details of any mitigation necessary for protecting the residential units having regard to the principles contained within the World Health Organisation community noise guidelines and ensure the standards within Table 4 of BS8233:2014 are achieved in the residential units . All works which form part of the scheme shall

be completed in accordance with the approved details before any parts of the residential units are occupied.

16. No use of the ground-floor premises of No.33-34 (including arrival, reception or dispatch of deliveries) shall take place except between the hours of 0700 and Midnight on any day.
17. No primary cooking of food shall take place on the ground-floor premises of No.33-34. Only pre- cooked food shall be warmed and/or re-heated on the premises by means of a microwave oven, pannini grill, jacket potato oven or soup kettle. No other means of warming or re-heating pre-cooked food shall take place on the premises unless details of the appliance/equipment have been submitted to and approved in writing by the Local Planning Authority in an application on that behalf.
18. Notwithstanding the provisions of the Use Classes Order 1987 (as amended) the ground-floor premises of No.33-34 shall not be used for any purpose within Classes E(c)(d)(e)(f) or (g).
19. Replacement extraction system/equipment for the existing restaurant (on the ground-floor of No.32) shall be implemented in accordance with the agreed drawings, specification and mitigation measures prior to first occupation of any dwelling.
20. (Pre-commencement) Agree and implement sustainability measures including not less than 7no ASHPs and integrated solar PV array on roof (where not possible to connect to Town Centre District Heat Network within the timeframe for implementing the development).
21. (Pre-commencement) Agree noise mitigation measures for all external fixed plant/equipment (including ASHPs)
22. Windows in the north elevation of Flat 1 and 8 to be fitted and retained in obscure glass.
23. (Pre-occupation) Agree and implement ‘Sustainable Travel Pack’ with sustainable travel incentives and discounts.
24. (Pre-occupation) Agree and implement bin storage