Development Control – Delegated Officer Report

Application Number: AWDM/0521/23 Recommendation: Approve

Site: Development Of Upper Floors At 30 To 32 Chapel Road, Worthing

Proposal: **Conversion of upper floor levels and extensions at second and third floors create 6No. 2-bed flats.**

Last visited: 12.12.2023

Neighbours checked: Y

Additional neighbour notifications: Y Revised plans notified 13.12.2023. Site notice posted 06.06.2023

Site and Surroundings

The application site relates to a relatively modern three storey building located on the east side of Chapel Road, which steps down to part two storey/part single storey at its rear. The ground floor is in use as a restaurant/hot food takeaway currently occupied by 'KFC'. The upper floors are vacant. There is a car parking area at the rear of the building that backs onto the public car park at Union Place.

The site is within the Town Centre Secondary Frontage of the Primary Shopping Area, and is part of the defined town centre character areas. The site is within the Chapel Road Conservation Area.

Proposal

The application relates to the upper floors of the building. Permission is sought for the conversion and extension of the first, second and third floors of the building to form six 2-bedroom flats. An extension would be formed at second floor level set back from the rear wall of the existing first floor by approximately 9 metres, and a further extension set back again by approximately 8.9 metres at third floor level to give a staggered form. The applicant's Planning Statement describes the proposals in the following extracts:

'3.1 The development proposes the conversion of the first floor of the existing building, the conversion and rear extension of the existing second floor and the creation of a new third floor to the building to create a total of 6no. 2-bedroom apartments. The 3no. apartments to the front of the building would be accessed from the front of the building utilising the existing stairs, the remaining 3no. apartments would be accessed from the rear of the building also using an existing stairwell.

3.2 The Site will be partitioned into six separate units with independent front door access to each apartment. The internal layouts for each unit follow a similar plan with independent front doors leading into an entrance hall, which leads to 2no. bedrooms in addition to a multiuse kitchen, living and dining space.

3.3 Apartments 3, 5 and 6 have access to roof terraces enclosed with glass balustrades and privacy screens. The terraces are recessed, creating a staggered roof line. Apartments 1, 2 and 4 do not have access to external terraces however this has been compensated by a larger total internal floorspace.

3.4 The development does not provide for any off-road dedicated vehicle parking; however, there is an existing cycle store to the rear of the building which is proposed to be used by the new residents.'

'5.6 The development proposals were the subject of extensive pre-application discussions which resulted in the reduction in the number of dwellings from 10no. to 6no. At the time of concluding pre-application discussions the Council's Conservation Officer was of the opinion that the proposals would be acceptable in relation to the impact of the development on the Conservation Area.

5.7 The development proposes the extension to the existing first and second floors, and the creation of a new third floor. The majority of external changes to the building would be located to the rear; with the exception of the installation of 2no. rooflights to the front elevation that would be visible from Chapel Road.

5.8 The Site is located in the Chapel Road Conservation Area; the part of the street in which the Site is located is of mixed design and appearance. 30 Chapel Road is a relatively modern building that in itself adds little to the historic character of the Conservation Area. However, the building is of a scale similar to that of the surrounding more historic buildings and shares similar proportions. As such, it does not necessarily form a detracting feature to the Conservation Area.

5.9 The proposed external changes to the front are the installation of 2no. rooflights. These rooflights would be small in size in relation to the overall proportions of the roof. The rooflights would only be visible from a distance due to the angle of the roof, the height of the building and the existing projecting parapet. As such, they would not appear as dominant or visually intrusive features.

5.10 The most significant external changes to the building would be to the rear. The rear elevation of the building is only visible from the NCP car park to the rear. The existing rear elevation is a jumble of various extensions which sit in a context of buildings of varying appearance and with a range of extension and alteration. The development would create a more visually cohesive rear portion to the building and would therefore improve its overall appearance. The proposed extensions and alterations would have a tiered appearance and form which would reduce its overall bulk and mass. The materials proposed would be sympathetic both to the existing building and the local context.'

The application has also been supported by a Design and Access Statement, Heritage Statement and Noise Assessment report.

Relevant Planning History:

AWDM/1125/19 - Change of use from shop (Use Class A1) to mixed use restaurant/hot food takeaway (Use Classes A3 and A5) with alterations to existing shop front, new plant and extraction system and new refuse storage area both to rear (east) elevation for KFC. Car park area to rear for use by employees and for deliveries and servicing.
STATUS: APP 21st October 2019.

AWDM/1200/20 - Change of use of currently vacant upper floor floorspace to a gym, incorporating replacement door and relocation of existing access ladder on rear elevation and 2 new condensers on flat roof at 2nd floor level
STATUS: APP 23rd November 2020.

AWDM/1216/20 - Variation of conditions 6 (Bin Storage) and 7 (Cycle Storage) of approved application AWDM/1125/19, to allow for relocation of bin and cycle storage.
STATUS: APP 23rd November 2020.

Consultations:

The **Highway Authority** has commented as follows:

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been consulted on the above Full Planning Application with regards to any highway safety or capacity concerns. The application is supported by way of a Design and Access Statement (DAS).

The application site '30-32 Chapel Road' is located along the eastern side of Chapel Road, within Worthing Town Centre. The existing building comprises ground floor plus additional two upper floors. The adjoining buildings mostly have commercial properties on the ground floor and residential uses on the upper floors. The ground floor of the application building is occupied by food restaurant KFC and upper two floors are currently vacant. The development proposals are for conversion of upper floor levels and extensions at second and third floors to create 6 nos. 2-bed flats (Use Class C3).

Vehicular access will be to the rear of the site via Union Place Car Park. Union Place is an unclassified road subject to speed limit of 20 miles an hour. Access to flats 1, 4 and 6 will be via the existing door to the front of the building adjacent to the main KFC entrance, via Chapel Road. Flats 2, 3 and 5 will be accessed via an altered rear access door providing complete separation for the flats from the KFC back of house spaces to the rear.

The development will remain car free with opportunities for parking in nearby car parks where permits are an option should future residents or visitors require them. Union Place, Montague Quarter car park, High Street Multi-storey car parks are within short walking distances. Residents and visitors could benefit from use of public transport links, with bus stops and Worthing Train Station within walking distance. Safe and secure cycle storage will be provided to the rear of the building providing one cycle space per flat. Refuse collection / servicing for the development will be carried out in line with the existing arrangements.

The Local Highway Authority (LHA) does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110 -113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal.

If the Local Planning Authority (LPA) mind to approve the application, the following condition should be applied:

CONDITION
Cycle Parking
No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the LPA.
Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

West Sussex Fire and Rescue Service has made the following comments:

Having viewed the plans for the planning application no. AWDM/0521/23 for the Conversion of upper floor levels and extensions at second and third floors create 6No. 2-bed flats, 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 can be achieved. 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 has made the following comments:

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

The Council's **Private Sector Housing** team has confirmed no objections.

The Council's **Environmental Health Officer** has commented as follows:

I am happy with the acoustic report. Please can we have the glazing recommendations in this report conditioned.

The noise levels will require windows to remain closed even with the more relaxed levels in Approved Document O.So an overheating assessment will be needed. Two ventilation options have been recommended in the acoustic report. I would prefer to see the MVHR system with summer bypass. If vents are positioned in the ceiling, at night time, warm air can be removed from the room and replaced with cooler external air creating a convection current in the room. The air movement will help aid cooling. The overheating assessment and strategy can be a condition of the permission unless Building Control will pick this up under the Building Regulations.

The Council's **Drainage Consultant** has made the following comments:

Thank you for your consultation on the above site. We have reviewed the application as the drainage consultant acting on behalf of the Council and wish to make the following comments.

The applicant is applying for the conversion of upper floor levels and extensions at second and third floors create 6No. 2-bed flats.

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

Representations:
One representation has been received from the owner of the neighbouring business to the south, neither objecting nor supporting the application but querying mitigation for noise/disturbance to customers during construction works and the timing for the proposed development.

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)
DM5 (Quality of the Built Environment)
DM13 (Retail and Town Centre Uses)
DM15 (Sustainable Transport and Active Travel)
DM16 (Sustainable Design)

DM17 (Energy)
DM20 (Flood Risk and Sustainable Drainage)
DM22 (Pollution)
DM24 (The historic environment)

National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance
SPD 'Space Standards' (WBC 2012)
SDP 'A Guide to Residential Development' (WBC 2013)
CIL Charging Schedule (Aug 2021)

Planning Assessment

Principle of Development

Paragraph 11 identifies at the heart of the NPPF a presumption in favour of sustainable development. For decision making this means approving development proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

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.

The site is within the Secondary Shopping Frontage of the Primary Shopping Area within the town centre where policy DM13 applies. The focus in the Primary Shopping Frontage will be to retain a significant quantum of units (65%) in retail uses and resist those uses that may undermine the strategy in this area. The Secondary Frontage is where a greater diversity of use is encouraged where 'other uses support the wider aspirations of the town centre.

DM13 states that:

b) Changes of use and redevelopments within town, district and local centres will be carefully controlled to ensure that they support, rather than detract from, the successful functioning of the centres and their ability to meet local needs, according to their function in the hierarchy. When considering all such proposals regard will be had as to whether they would:

i) Make a positive contribution to the vitality, viability and diversity of the centre;
ii) Not unacceptably impact on daytime footfall;
iii) Maintain a strong role for the centre in providing a varied range of convenience goods and meeting other day-to-day needs;
iv) Positively restore and/or enhance the character and appearance of the frontage;
v) Maintain the continuity of active frontages;
vi) Be of a scale and type of use appropriate to the size and function of the centre, or part of the centre concerned;
vii) Ensure that any proposal will cause no significant adverse effects for the occupiers of neighbouring properties;
viii) Ensure that that there will be no severe negative impact on existing parking arrangements;
ix) Retain or re-provides ancillary facilities within individual premises, (such as loading, storage, staff or administrative facilities), unless it is demonstrated that these are no longer necessary for appropriate future use of the premises;
x) Result in an over concentration of uses such as takeaways and other uses with closed and inactive street frontages. The Council will consider the role of the centre within which the proposal is located and other matters such as the numbers of existing similar uses within the frontage and any existing or potential issues. Permission will not be granted where harm to the vitality and viability of the centre, or the amenity of local residents and businesses, cannot be adequately mitigated; and
xi) Require conditions to be applied to any new development where it is relevant and appropriate to do so, in order to control the proposed uses and

allow for a managed approach to future proposals for change of use, in line with the Council's aspirations and strategies for the area.

The more detailed approach to the Secondary Shopping Frontage is as follows:

ii) Secondary Shopping Frontage (SSF) - a wider range of uses will be supported provided they are active uses with active shop fronts that will enhance the vitality and viability and complement existing uses. However, uses such as takeaways and uses with closed and inactive street frontages will be resisted.

The context for this particular site has been set by the change of use of the ground floor premises to a restaurant/takeaway, where previously there was a need for the upper floors to be retained as ancillary use to serve the ground floor shop, this need no longer exists as the restaurant use has been adequately accommodated on the ground floor. It is understood that the upper floors have not been in use by the KFC restaurant and have remained vacant since at least 2019 when the application for the ground floor use was considered. Access would remain for the ground floor commercial use at the rear of the building for deliveries and servicing and would not impact on the viability of this use.

The site is located within a highly sustainable location within the town centre with good access to facilities, shopping and public transport. The proposed development would make a contribution to meeting housing need in the Borough by provided six 2-bedroom flats.

The proposal should principally be assessed in relation to the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF and weighed against the effects of the development proposal on the character and appearance of the area, the effects on living conditions for existing and future occupiers, highway and parking considerations and sustainability.

Visual Amenity

Chapter 12 of the NPPF sets out the policies to achieve well-designed places. In paragraph 131, it advises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The NPPF emphasises securing high quality design that (amongst other things): will function well and add to the overall quality of the area for the lifetime of the development, is visually attractive as a result of good architecture, layout and appropriate and effective landscaping; is sympathetic to local character and history; maintains a strong sense of place using the arrangement of streets, building types and materials to create attractive, welcoming and distinctive places to live; and, with a high standard of amenity for existing and future users (paragraph 135), and that permission should be refused for development that is not well designed, especially where it fails to reflect local design policies or government guidance on design, taking into account

any local design guidance and supplementary planning documents such as design guides and codes (paragraph 139).

The Worthing Local Plan sets out in Policy DM5 requirements that all new development should

i) be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area. This will include consideration of proportion, form, design, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping;
ii) enhance the local environment by way of its appearance and character, with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping, tree canopy, impact on street scene and layout of the development;
iii) make a positive contribution to the sense of place, local character and distinctiveness of an area;
iv) respect, preserve and where appropriate enhance, heritage assets and settings;
v) be well built, accessible, fit for purpose, and adaptable to changing lifestyle, demography and climate;
vi) include a layout and design which: take account of potential users of the site; create safe conditions for access, egress and active travel (walking and cycling) between all locations; provide good links to integrated public transport; and have acceptable parking arrangements (in terms of amount and layout);
vii) make a positive contribution to creating a safe and secure environment by integrating measures for security and designing out opportunities for crime;
viii) not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise giving rise in significant adverse impacts, or vehicular movements resulting in severe cumulative impacts on the road network, or loss of important open space of public value (unless it satisfies any of the exceptions set out under Policy DM7 – Open Space, Recreation and Leisure);
ix) respect the existing natural features of the site, including landform, trees and biodiversity and contribute positively to biodiversity net gain. Where appropriate, this will include the protection and integration of existing trees and green infrastructure into new developments;
x) ensure that lighting incorporated into developments provides the minimum for public safety, is energy efficient and avoids light pollution.

The Councils Supplementary Planning Document ‘A Guide for Residential Development’ provides policy and design guidance for new residential development.

Paragraph 3.3 it states that: A key element to the achievement of good design is an appreciation of the context in which it is situated. During the design process of any

new development consideration will need to be given to its local setting, the surrounding densities, local building heights and other local features.

The NPPF states 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.' The NPPG advises that significance derives not only from a heritage asset's physical presence, but also from its setting.

Policy DM24 of the Worthing Local Plan requires that:

a) Where development affecting any designated or undesignated heritage asset is permitted, it must be of a high quality, respecting its context and demonstrating a strong sense of place.

b) Proposed development should take account of the information and guidance in Worthing's Conservation and Heritage Guide (which will be updated and periodically reviewed).

Designated Heritage Assets
c) Development should not adversely affect heritage assets or its setting (including important views that contribute to its 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. Where proposals may result in harm to a designated asset a Heritage Impact Assessment (HIA) must be submitted describing the significance of any heritage assets affected, including any contribution made by their setting.

d) Planning permission and/or Listed Building consent will only be granted provided that the appearance, significance, or historic character of the Listed Building is not adversely affected. The reinstatement or replication of original features such as windows or doors will be supported. Materials used must be consistent with those originally used or typical of the locality. Change of use may be supported where this secures the retention of a building of historic architectural interest where it could otherwise be lost.

e) Development in Conservation Areas will be 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 importance to the local area of Buildings of Local Interest within Conservation Areas will be a material consideration in assessing an application for

their demolition or development. Where, in compelling circumstances, the Council is minded to grant permission for demolition of a building in a Conservation Area, this shall not be granted until detailed plans for redevelopment have been approved.

The following is an extract from the Conservation Area Appraisal describing the architectural and townscape and landscape qualities of Chapel Road (South of Ambrose Place):

Although the main north-south thoroughfare to and from the town centre, Chapel Road is no longer heavily trafficked by motor vehicles since the South Street pedestrian enhancement scheme precluded its use as a through route except for buses. Indeed, south of Chatsworth Road, Chapel Road is prohibited to motor vehicles except for access and buses and taxis. It is a straight road lined with buildings generally of three storeys which create a strong sense of enclosure.

Within this uniformity of scale, there is much of interest in the street scene and the buildings exhibit a variety of age and styles; especially on the east side. As a main retail street with a particular emphasis on building societies and estate agents and, more recently, restaurants and wine bars, this part of Chapel Road is markedly different in character and appearance from the civic area to the north. Upper floors are mainly in use as small office suites rather than residential use. The character and range of activity in the area has changed since the introduction of various new wine bars, public houses and restaurants.

The proposed development has been designed as an extension to the existing building with access from both Chapel Road and from the rear access currently available via the public car park at Union Place. The existing building occupies a substantial portion of the site with the ground and first floor levels extending to its full width and to much of its depth with a lift shaft structure protruding above first floor level towards the rear and various roof plant serving the 'KFC' restaurant on the ground floor. The Chapel Road façade provides an active frontage to the ground floor on this side. There is a private parking area located at the rear of the building.

The application has followed pre-application advice which sought to reduce the bulk and massing of the proposed extensions. The current proposal involves limited alteration to the front of the building with the third floor extension set behind the existing asymmetrical roof structure that fronts Chapel Road, continuing to its rear and set in from the south boundary by approximately 3 metres. Concerns were raised initially with the current application that the resultant building would still appear relatively bulky and utilitarian from the rear. However the Council's Design and Conservation Architect has indicated that he is satisfied with the scale and overall appearance of the building in the context of its position at the rear where it would not dominate in Chapel Road, from the conservation area, and where it is partially screened by the 'Michael Jones' building when viewed from Chatsworth Road. The use of metal cladding with standing seam detail to the third floor element will help blend with the existing building and with limited views possible from the south side where it would be set in it would not appear as a prominent feature or cause any significant harm to the character or appearance of the conservation area. It is considered that the effect of the proposal on the wider setting of the conservation area would be minimised.

At the rear, the full extent of the extended building would be more visible across the rear car park, but the extensions would be staggered in design, set back from the alignment of the existing first floor and the protruding lift shaft structure would be removed at this end and with the 3rd floor extension set well back from the south side. In view of the scale and design of the existing building and in the context of neighbouring buildings particularly at the northern end of this block which is 4 storeys to much of its footprint, on balance the overall scale of the proposals would appear reasonable and the Council's Design and Conservation Architect has not raised any objection in this respect.

The redevelopment of the Union Place site is subject to a recent application (AWDM/1618/23) considered by the Planning Committee on 28.02.2024 who agreed to delegate to the Head of Planning and Development to conditionally approve subject to revised plans, consultee comments and completion of a planning obligation. This scheme is for a mixed use development between 4 and 11 storeys including public and residents parking, communal residential gardens and access from Chatsworth Road. The existing pedestrian access from the north of No. 56 Chapel Road would be retained with access to the public car park. Car parking is proposed at the rear (east) and north of No.30-32. There would be a four storey block to the north-east and a 7 storey block further to the east. In this context the proposals would not appear unduly dominant and the stepping down of scale at the rear of No.30-32 would appear reasonable in relation to the neighbouring buildings to the south given the scale of the existing building and neighbouring buildings.

The use of differing materials would help to help break up the massing of the proposed extensions further including to the existing building where a mix of standing seam metal cladding to match elements of the existing building, fibre cement cladding and render is proposed, precise details of which can be agreed by condition. Further revisions have been negotiated to fenestration and materials to help provide some further visual relief to massing. Window positioning and detailing has been altered and with use of vertical cladding elements added which has helped to give a more coherent appearance particularly for the rear elevation.

Further improvements have also been incorporated to the rear access with an opportunity taken to enhance the rear area and to provide a more attractive residential access from the east with the inclusion of a new porch canopy entrance, residents amenity space, bin and bike storage as well as introducing some soft landscaping to this area which is otherwise stark at present and would make a positive contribution to the appearance of this rear area subject to suitable stores and hard and soft landscaping details which can be agreed by condition.

Residential Amenity – Future Occupiers

The NPPF emphasises the importance of creating places that have a high standard of amenity for existing and future users (paragraph 135). The quality of living environment derives not only from the amount of internal space, but also relates to issues of overlooking and privacy, natural daylight and outlook as well as the importance of private amenity space and the quality of the living environment in terms of the effect of noise and disturbance.

The proposed development has been designed as six 2-bedroom flats and would each have an internal floorspace of between 64.4 and 97.9 square metres which would meet the Governments Nationally Described Space Standards for a 2-bedroom 4-person dwelling overall (70 square metres) or for a 2-bedroom 3 person dwelling (61 square metres) in the case of the smallest unit.

Outlook from the proposed flats relies in part from windows positioned directly on the side boundaries of the site at first and second floor level. Although this in not ideal, this is a difficulty of the conversion of the existing floor space across such a deep footprint with limited external space. This has been addressed for those windows towards the western end of the north elevation by the introduction of a cut-out design and allowing the main windows to be angled towards the rear and limiting the extension of the second floor. To the south elevation, the applicant has revised the drawings to introduce a recess, setting those windows back behind a balcony where they serve the main living area for flats 1, 2, 4 and 5 on this side and other windows on the south elevation would serve the communal hallway or stairwell.

The Council's local standards will continue to apply under Policy DM2 of the Worthing Local Plan for the provision of external space. As revised some semi-private amenity space has been included for each flat. The windows to flats 1, 2, 4 and 5 at first and second floor level have been revised to be set in from the boundary to address amenity concerns but would benefit future occupiers with the provision of a small balcony area. Flats 3, 5 and 6 would also have a roof terrace. Revised plans have also included improvements to the rear access and inclusion of some communal amenity space. Although this would equate to less than 20m2 per flat, the difficulties in providing private amenity space in a restricted town centre site is evident and the Space Standard SPD acknowledges this. The site is relatively close to public open space such as the beach and Steyne Gardens and so the shortfall is considered acceptable in the specific circumstances.

The proposed flats would be exposed to noise and disturbance in this town centre location and in view of the ground floor use of the building as a restaurant/takeaway, but occupiers would be aware of this risk at the outset and a detailed noise assessment has been submitted with the application which the Environmental Health Officer is satisfied with, subject to glazing specifications outlined in the report being secured by condition and an overheating assessment to be agreed. The report indicates that openable windows cannot be relied upon for the necessary ventilation without exceeding the internal noise level criteria. A ventilation scheme would therefore be required and existing glazing is unlikely to achieve the required sound reduction and would need to be upgraded or replaced to achieve the noise specifications. This can be secured by condition and should be designed to avoid vents being positioned on the Chapel Road frontage in the interests of visual amenity.

The sound insulation performance of the existing separating floor between the ground floor commercial and proposed residential flats has been assessed as part of the acoustic report and states that it would achieve the Council's sound insulation requirements. It also indicates that the proposed relocated plant would have an acceptable impact.

Residential Amenity - Neighbours

The main impact would be to occupiers of neighbouring flats to the north in Hanover House, to the south with immediate neighbouring flats 1 and 2 at 3 Chatsworth Road, and other neighbouring properties to the south in Chatsworth Road where some flats exist above the ground floor commercial uses.

The north and south side walls of the existing building form a relatively high boundary wall and enclosure to each side at present. Hanover House is within a 4 storey building to the north and comprises of three shop units to the ground floor with single storey elements at the rear within a rear compound area and with flats within the upper floors accessed from Chapel Road. To the south No. 28 is a café to the Chapel Road ground floor frontage and flats 1 and 2 are at first floor level and accessed from and external staircase at the rear and via Chatsworth Road. There is a 3 storey office building to the south of that. To the south east, properties in Chatsworth Road are occupied by a variety of commercial uses at ground floor level and with some flats in the first floor accommodation above.

The existing building at 30-32 Chapel Road is three storeys where it adjoins neighbouring buildings to the north and south, continuing at two storeys for a depth of approximately 24 metres and then single storey at the rearmost part. The proposals would involve conversion of the existing upper floors and with a second and third floor extension. The second floor addition would measure approximately 15 metres in depth and the third floor addition would measure approximately 6.2 metres from the main rear wall and would be set in from the south boundary by approximately 3 metres. On the south side the existing 2 storey wall currently measures approximately 7.6 metres in height along its length and the proposed second floor extension would add a further 3 metres in height at a depth of 15 metres adding some further enclosure to those immediate neighbours to both the south and north sides. However, there are no windows to habitable rooms to the immediate neighbouring flats to the south at 3 Chatsworth Road (at the rear of 28 Chapel Road) and on the north side, the layout of Hanover House is such that there are no habitable rooms immediately adjacent to the site, with the closest window serving the communal stairwell on each of the upper floors, and the nearest bedroom at first and second floor, and living space at third floor being served by two windows each set further to the north of this (as approved under Notice/0003/14 and Notice0019/14 when first and second floors were converted to flats and subsequently AWDM/0711/15 for the third floor extension and conversion to flats). Although the proposal involves some considerable extensions to the building, in view of the scale and impact of the existing building and the relationship with neighbouring properties, it is considered that this would not give rise to any significant impact to residential amenity in terms of loss of outlook or light.

Concerns were raised with the applicant initially over inter-visibility between windows proposed in the south elevation and those flats to the south whose main access is immediately adjacent to the south elevation and also in terms of the reliance on the neighbouring land for outlook from the proposed living areas for the flats. Revisions have been made to limit the overlooking from side windows during the course of pre-application advice and further amendments have been sought to improve the relationship on the south side to limit overlooking. The applicant now proposes setting the windows back from the south side wall with the addition of a balcony to the main living space to flats on this side. Although this has resulted in the inclusion of balconies

on the south side in close proximity to the entrance of the neighbouring flats at 3 Chatsworth Road, the arrangement at the rear of flats 1 and 2 is such that there are no windows to habitable rooms within this area and contains their front doors served by an external staircase, and the limited outdoor space appears to be used primarily for bin storage and is shared between the flats and the commercial use at ground floor level. There would be a degree of inter-visibility possible between users of a balcony and the those accessing the neighbouring flats, but given the recessed design and the limited size of the balcony area which would restrict its practical use, and reduced perception of overlooking from the recessed window positions, on balance this relationship is considered acceptable in this close-knit environment and would also help in securing an improved standard of accommodation for future occupiers of the proposed flats. Proposed windows towards the rear of the south elevation at first floor level would serve the communal staircase and corridor to the rear communal stairwell and would not serve any habitable rooms and can be obscure glazed to avoid any overlooking towards the rear of properties in Chatsworth Road.

Windows are proposed in the north elevation adjacent to the boundary with Hanover House to the north. Where they would be sited most closely to the rear of Hanover House, bedroom windows have been designed in a recess and angled with outlook towards the north east and bathroom windows that face north west that can be obscure glazed in the interests of protecting privacy. Towards the rear windows are limited to the existing first floor area only and the acute angle of view and separation distance would limit overlooking.

Roof terraces are proposed to the rear of three of the flats and would be positioned towards the northern side of the building. Roof plant would be relocated on the first floor to the south side of the building and would be enclosed with a 2 metre high acoustic barrier to each side and to the south side of second floor roof terrace which will also prevent any overlooking at this side and will channel views towards to the rear. To their north side where a glazed balustrade is proposed, a privacy screen can be included in the interests of protecting privacy which can be secured by condition.

Access and Highways

The area at the rear of the premises is used for delivery and servicing for the ground floor use currently with bin and bike storage provided and this function would remain. The designated area for the residential use at the rear would not affect the turning space indicated for delivery vehicles as approved in the ground floor change of use application AWDM/1125/19, and application AWDM/1216/20 approved a variation to the position of bike storage further to the north which would not be affected by the current proposals.

The application proposes no car parking for the proposed flats. No objection has been raised by the Highway Authority to a nil parking provision and no highway safety concerns have been raised. The site is considered sustainable, being within the town centre with good access to local services and amenities, including public transport connections to the wider area, where future occupiers need not be reliant on the use of a private car. The revised plans have indicated a dedicated area at the rear of the building for the proposed flats for access, bin and cycle storage and to provide a suitable pedestrian route and residential environment. Provision of such facilities can

be secured by condition if approved. As such parking and access is considered acceptable.

Sustainable Development

The applicant has indicated a Fabric First approach in their sustainability strategy and states the following:

- *A Fabric First approach.*
  High levels of insulation creating a fully insulated building envelope (U-Values of between 0.10 – 0.15 W/m²K).
  Very good Air Tightness to the whole building envelope (approximately 1m³/hr/m²@50Pa).
  Minimising thermal bridging.
  Use of passive solar gain coordinated with informed orientation of the dwelling and the use of openings and shading.
  Use of thermal mass.

- *Whole house mechanical ventilation with heat recovery.*
- *Use of low or zero carbon technologies chosen specifically with the dwelling's constraints in mind.*
- *Energy efficient lighting.*
- *Efficient internal and external water use with possible use of grey water systems and/or water retention systems.*
- *Responsible sourcing of materials*

With regards to this project the list of the above sustainability principles will be followed with special emphasis on the fabric of the building to make it as efficient as possible within the budget.

Consideration will be given to the use of the most appropriate low or zero carbon technologies to help reduce running costs. It is likely that these will include PV panels and Solar Thermal Panels on the roof but could also include air source heat pumps if deemed viable or suitable.

The use of Green Roofs has been considered on the project, however, given the significant loadings required for this, it's felt that the upgrade to the existing structure, while causing major disruption to the ground floor commercial space, will not be a viable option.

The specific measures would need to be secured by condition to meet the requirements of local plan policy DM16 and DM17.

The NPPF requires planning decisions to contribute to and enhance the natural and local environments by minimising impact on and providing net gains for biodiversity. Local Plan policy DM18 requires the protection, conservation and enhancement of biodiversity. Given the nature of the existing site however, there are limited opportunities for net gains for biodiversity in this instance. Revised plans have nevertheless been provided that propose new soft landscaping at the rear of the building, details of which can be agreed by condition.

In relation to drainage, policy DM20 prioritises Sustainable Drainage Systems unless there is clear evidence that this would be inappropriate. In this case there would be no increase in impermeable area and the Council's drainage consultant has raised no objection therefore it is not considered necessary to seek further drainage details.

CIL

The application if permitted would be subject to a contribution towards the CIL.

Other issues

The comments from West Sussex Fire and Rescue Service concerning the parts of the building outside the 45m distance required for a fire appliance and necessary mitigation have been brought to the applicant's attention. The agent has confirmed that any areas that do not meet the 45m criteria would be provided with appropriate sprinkler or water mist systems and can be included. This would be dealt with under the Building Regulations. An informative is also recommended.

Conclusion

The proposal would make a contribution to the supply of housing in a sustainable location whilst retaining a viable use at ground floor level. The proposals have been designed to minimise their impact on the visual amenities of the site, character of the surrounding conservation area, and to the living conditions of neighbouring occupiers and subject to the recommended conditions the proposals would provide a satisfactory living environment for future occupiers.

Recommendation

APPROVE subject to Conditions:-

1. Drawing numbers
2. Standard time limit
3. Hours of construction limited
4. Construction Management Plan to be agreed
5. Materials and finishes to be agreed
6. Noise assessment report recommendations to be implemented including glazing specifications
7. Overheating assessment/ventilation scheme to be agreed/implemented prior to occupation
8. Soft and hard landscaping to be agreed and completed prior to occupation
9. Walls/fences to be agreed and installed prior to occupation
10. Sustainability measures to be agreed and implemented
11. Cycle parking to be agreed and provided before occupation
12. Bin storage details to be agreed and provided before occupation
13. Precise details of entrance canopy to be agreed and provided before occupation
14. Privacy screens to be installed to roof terraces

15. Obscure glazing etc

Informatives

- The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- SW – formal application for connection to public foul sewer required
- SW – sewer investigation
- New/amended property address
- CIL
- WSFR - requirements for access for fire appliance and mitigation

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

Case Officer: Rebekah Hincke Date: 15.04.2024

Authorised by: Louise Prew Date: 18.04.2024