Development Management – Delegated Officer Report

Application Number: AWDM/0482/24 Recommendation: APPROVE

Site: Development Site At Former Debenhams Store 14 To 20 South Street And Iceland Car Park Marine Place Worthing West Sussex

Proposal: Non-material amendments to planning application AWDM/1906/22 including division of commercial space at ground floor to two units; new shopfronts to South St including loss of lobby, new access door and stairs to first floor; commercial refuse store reduced in size; retail bike storage reduced; ground floor Marine Place fenestration alterations; ground floor storage lockers changed to commercial space; loss of one residential unit at first floor; changes to commercial floor space at first and second floors; service risers, refuse chute, cardboard store and lobby removed and flats enlarged; western elevation wall increased at first floor reducing amenity space for units 16-20; terrace removed and wall increased on south elevation at first floor; changes to building line at second floor to east and south; south facing terraces at third floor altered and building line rationalised; fenestration alterations at third floor on east and south elevations and at fourth floor on south elevation including an additional window; reduction in some setbacks at fourth and fifth floors; increase in height of fourth floor to south-east; communal lounge and terrace decreased in size; subdivision of flat into two with private terraces; rooflight added; overall building height of fifth floor reduced; ASHP roof plant reduced; solar PV panels increased; alterations to fenestration of east elevation stair core; and roof steps removed.

Proposal

This Non-Material Amendment application relates to the development at Debenhams, and above the Iceland car park at 14-20 South St. Planning permission has been granted for change of use from retail to residential with additional rooftop development to both Debenhams and Iceland's carpark. This application proposes a number of changes to the plans and elevations. The list below is as set out in the supporting statement.

"Non Material Amendments

The following amendments are proposed to the scheme, and are considered Non-Material in nature. The design is considered acceptable compared to the approved scheme in which the changes are summarised below:

Ground Floor

- Commercial space divided into 2x retail spaces & gym ground floor space
- Independent access created from South Street to first floor reception
- Additional stairs added from first floor reception down to ground floor commercial gym space
- Commercial refuse store resized
- Storage locker space removed (relocated to second floor)
- High level slot windows to cycle store & commercial space changed to glass blocks

First Floor

- Flat numbering revised to include previously omitted Flat 13
- Service riser removed & space given to commercial area
- Flat 1 relocated to accommodate stairs from ground floor commercial access, and space given to the commercial area.
- Refuse chute, cardboard store and associated lobby removed, space given back to Flats 09 & 10
- Flat 16-20 bedrooms walls pulled out 600mm to West to increase bedroom size
- General minor revisions to improve flat layouts

Second Floor

- Service riser removed & space given to Flat 21
- Commercial space changed to residential locker storage
- Refuse chute, cardboard store and associated lobby removed, space given back to Flats 30 & 31
- General minor revisions to improve flat layouts
- Window type revised to Flat 31 as per WBC comments to match surrounding windows on elevation.
- Terrace space encompassed into Flat 31 floor area

Third Floor

- Service riser removed & space given to Flat 42
- Refuse chute, cardboard store and associated lobby removed, space given back to Flats 50 & 51
- Sheltered terrace added to Flat 62
- General minor revisions to improve flat layouts
- Flat 51 door & window arrangement changed to match surrounding windows on elevation
- Window to Flat 62 bedroom increased in width

Fourth Floor

- Refuse chute, cardboard store and associated lobby removed, space given back to Flats 72 & 53
- ASHP amount and compound reduced over Iceland
- Solar PV amount over Iceland increased
- Additional window added to Flat 72 kitchen
- Flat 72 living room wall moved South to increase flat size.
- Flat 73 bedroom wall moved West to increase flat size.

Fifth Floor

- Flat 75 gate to sky terrace removed
- Flat 76 wall pulled out 400mm North to increase bedroom size
- Sky lounge decreased in size

- Previous 2 bedroom Flat 79 Walls pulled out 1m South & East to increase footprint, flat divided into 2x 1 bedroom flats, numbers 77 & 78
- Rooflight added to Flat 77 bedroom
- Communal sky terrace decreased in size, 2x private terraces given to Flats 77 & 78
- 500mm change in level removed from 5th floor, floor level rationalised

Elevations / Heights

- Overall building height will be reduced from Max Height 28.528 AOD as approved to 27,800 AOD
- Roof steps no longer required and have been removed
- All levels updated to match 3D Scan Survey
- Windows to Stair Core 2 (accommodation entrance 3) changed to glass blocks"

It is noted that more changes are proposed than mentioned above under elevations. Attempts were made to ensure these changes were all bubbled on the plans but some of the changes were not identified adequately. Having said that the two sets of plans were compared and these changes are discussed by elevation in the assessment of this report.

Site and Surroundings

The application site comprises the former Debenhams building: an art-deco style former department store; and the airspace above a building housing an existing car park associated with the Iceland supermarket, located along Marine Place. It falls within the Town Centre boundary of Worthing, within the Worthing Central Shopping Area and the South Street Conservation Area. The surrounding area comprises a mix of largely commercial frontages at ground floor level with residential units above.

South Street is located immediately north of the seafront looking and leads down towards Worthing Pier, and forms one of the primary shopping streets of Worthing. The area to the rear of the site comprises Marine Place, a one way service road housing a range of commercial uses and housing. Further to the east there is a row of Grade II listed buildings at 8-14 Bedford Row, a terrace of grand 4 storey buildings of particularly high architectural quality with distinctive curved bay windows that help to define its special character and appearance.

The character of the South Street Conservation Area is derived from the rapid expansion of the centre of Worthing in the late 18th century and the first decade of the 19th century when Worthing gained a reputation as a fashionable genteel seaside resort. South Street in particular is characterised by interesting and attractive buildings individually and in townscape terms with a variety of original architectural detailing, of which the former Debenhams building is a positive example.

Planning History

AWDM/1906/22: Redevelopment of the former Debenhams Building (including site over existing Iceland Car Park) to comprise a mixed use development including commercial floor space (Use Class E) at ground, part first and part second floor level, and 80 residential 1-2 bedroom flats from first floor to upper levels including the addition of two floors above Debenhams and Iceland sites with amenity spaces including sky lounge, home-working suite, storage lockers and bike store for residents. Permitted 12 December 2023 subject to conditions and legal agreement

Consultations:

Conservation architect: The proposals were discussed with the conservation architect and no objection was raised on design grounds subject to the retention of the lobby on Marine Place.

Representations

Although this application wasn't consulted on it is available for comment as it is on the public register. One objection was received from neighbouring residents.

Seaspray residents

Further to our representation (objection) to the "non material" amendment, or rather the long list of various amendments to the permitted scheme, we, the residents of Seaspray have the following comments, objections and queries (in red):

Supporting Letter

The supporting letter makes the following statements:

Commercial refuse store resized - by 'resized' we think that they mean 'reduced'. Can it be confirmed whether the commercial refuse provision is sufficient and will not lead to rubbish bags being piled on South Street or Marine Place?

Flat 16-20 bedrooms walls pulled out 600mm to West to increase bedroom size - does this mean that the bedroom windows will now be even closer to Worthing House, further compromising privacy, both for the new dwellings and for the existing residents?

The previous application contradicted itself on the subject of whether or not the new residents would have access to the terraces to the west elevation. One part of the application stated that the fenestration to the terraces would be sealed shut to prevent resident access.

Other parts of the application stated that the terraces would be amenity space for residents. Has this now been clarified?

Access to these terraces would bring new residents almost within touching distance of Worthing House and may result in cigarette buts being dropped to the Iceland carpark below. It should be noted that last year a fire broke out to the bins in that area after a cigarette was dropped near them.

Sheltered terrace added to Flat 62 - presumably this is to bring some sort of natural light into a flat that will otherwise be incredibly gloomy, having only two windows, in the whole apartment - neither of which have any sort of view at all.

We also note that flat 62 has no dining space and still has a 'study' with no windows or other natural light.

Do these flats all meet with daylight/sunlight criteria?

Will the resident have access to this terrace?

If not, how will it be cleaned and maintained?

What is the fire escape route for flat 62? Is it through the kitchen, as it appears to be on plan?

Flat 51 door & window arrangement changed to match surrounding windows on elevation
Will there be access to the terraces on this elevation?

Additional window added to Flat 72 kitchen

Is that so that this flat will have a nice view of the roof plant over the Iceland/Seaspray car park?

Sky lounge decreased in size

At 47m2 the 'sky lounge' will be smaller than the average one bedroom flat, and yet is is meant to serve 90 homes which may have over 200 people living in them.

Generally we consider that this application for (many) 'non material' amendments does nothing to improve the impact on existing residents, or indeed the people who may have to live in these cramped and dingy flats.

The scheme remains poorly designed and will have a detrimental effect on all surrounding neighbours, road congestion and safety, privacy, and importantly, fire safety.

Numerous units still have escape routes through open-plan kitchens and the fire exit remains via Seaspray's steps and over a commercial car park open to the public, which in itself is a fire hazard.

The scheme is not Policy Compliant in several areas, not least the lack of Affordable Housing on site.

Far too many flats have been shoe-homed into inappropriate commercial premises, to be let at private rent levels, leading to bad design both inside and out.

In addition to this there has been no consultation with neighbours regarding the design and how the construction phase would work in practice.

Officer's response: Where comments relate to the non-material changes these will be addressed below. Many of the comments above relate to the principle of the development which is not being assessed here and so will not be addressed further. Comments on construction are to be addressed under the approval of details application.

Planning Assessment:

Section 96A of the Act allows a non-material amendment to be made to an existing planning permission via an application procedure. There is no statutory definition of

‘non-material’. This is because it is so dependent on the context of a particular scheme – what may be non-material in one context may be material in another. In order to grant an application a local planning authority must be satisfied that the amendments sought are non-material. s96A also allows for changes to conditions:

Power to make non-material changes to planning permission

(1)A local planning authority ... may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.

(2) In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.

(3) The power conferred by subsection (1) includes power— (a)to impose new conditions; (b)to remove or alter existing conditions.

The elevational changes comprise:

Building design rationalised and overall height reduced: Alterations have been made to the facades to rationalise the building’s design. The fifth floor is a single height with the sky lounge area reduced in height to the rest of the fifth floor. Alterations have been made to the north and east elevations to increase the height at fourth floor level to square off the facades instead of the stepping previously proposed. The overall change is considered to be non-material in the context of the design of the building overall.

West elevation changes (South St): The height of the existing Debenhams building has increased within this elevation, which appears to be as a result of a site survey. This has some effect as it reduces the amount of the floor above that will be visible behind the main building but this is considered a negligible design impact. The change to the commercial units has resulted in a change to the shopfront but the same design is proposed but with two distinct shopfronts. The loss of a window at fifth floor is considered to result in some imbalance to the elevation however given the height and setback it is considered acceptable.

Northern elevation changes: Staircase window moved from fourth floor to fifth floor. The Juliet balconies on this elevation have also been removed which are considered to be an acceptable design alteration and the changes are not considered to materially affect the overall design

South elevation changes including alterations to windows: Windows appear smaller on this elevation which reflects the balcony design for inset balconies with larger windows behind. Windows lost at second and third floors are acceptable as bedrooms behind have other windows providing light. Windows lost at first floor acceptable due to removal of residential unit behind. An additional window is provided to a kitchen at third floor level in the development above the car park. This is not considered to result in any additional overlooking given the other windows on either side and the height of the window above floor level. The additional window at third floor in the Debenhams part of the development will be sufficiently set back and behind the

plant screen to ensure no additional overlooking. Windows lost at fifth floor level and window design altered to reflect the rest of the building are acceptable. Alterations to rationalise façade on Debenhams elevation are acceptable and have no negligible design impact. Overall, no discernible impact on design from south street design alterations.

East elevation alterations including, removal of inset balcony at second floor, building line brought out to enclose flat, window alterations and enlargement of building at fourth floor: This results in the rationalisation of the façade with the removal of the inset balcony. While this is an existing cut out of the Debenhams building the impact is to the rear and will not have a material impact to the overall development. The flat will gain additional floorspace but lose its terrace. While this loss is considered unfortunate it is compensated for by the additional internal space above space standard levels. It is not considered to result in a material impact given the number of other units without access to external amenity space. Glass blocks to be used for eastern stairwell and stores at ground floor are considered to be an acceptable design choice given they are a material which is used for buildings of this age. The proposal will have a negligible impact on the overall design. There is an increase in the building line at fourth floor reducing the size of the terrace and enlarging the flat. This terrace retains a sufficient amount of space and the enlargement of this wall, whilst reducing the setback here is not considered to have a material impact on the overall design of the development. Windows altered to match the design of the rest of the development ensuring a more consistent design**.**

Floor Plan changes comprise:

<u>Ground floor:</u>

Subdivision of unit into two units on ground floor with separate access to third unit at first floor and rear ground floor, storage moved to second floor: The proposal to alter the scheme to provide three commercial units instead of one is acceptable in land use terms. The commercial space at second floor was considered a constrained space and the lockers being moved here is acceptable. The same conditions will apply to the commercial units in terms of restricting use. While it is regrettable that the space considered for a gym has been moved under first floor residential units facing Marine Place the consented development didn't restrict the commercial space at ground floor where it was under residential units. While more units will now be affected noise transmission can be controlled by the existing conditions. The old Debenhams shopfront with external lobby is unfortunately removed with two shopfronts now provided. A new column to divide the two units will be required and details of the shopfront will be added to condition 5 to ensure that the existing shopfront design is retained with replacement stone which adequately matches the existing.

Commercial bin and bike store resized: The bin store is still capable of holding the three bins originally approved. Eight cycle spaces utilising two tiers will be provided.

First floor to fourth floors

First floor west elevation of flats extended by 600mm. External wall to remain as is resulting in a reduction in terrace sizes: The proposal would increase the size of the flats but due to inset balconies would decrease the size of the terrace rather than resulting in any additional impact on neighbouring properties. Terraces remain at least 11 sqm which is sufficient for one and two-bedroom units.

Cardboard stores, refuse chute and service risers removed and flats enlarged: Flats remain predominantly the same distance from refuse stores. Adjacent flats enlarged.

Loss of unit at first floor and space given to commercial unit: The loss of a one-bedroom unit here is compensated with an additional unit at fifth floor. The stairs from ground floor to the gym result in a reduction in the size of Flat 01 but this retains a minimum floor area above the NDSS requirement. The terrace here is lost and the lightwell lost resulting in a rationalisation of the southern wall both having a negligible design impact.

Alterations to lightwell and balconies at first to third floor: Flats remain acceptable sizes.

Balcony lost to unit on second floor: Unfortunate to loss the private amenity space for flat 21 but the change results in a more useable internal space above space standards.

Third floor alterations to building line to south: Results in flat 62 (formerly 74) gaining a balcony and 63 having an enlarged balcony. Both remain above minimum required space standards.

Fourth floor setbacks reduced at south and west: Minor alterations to the building line result in more space for units 73 and 72

Fifth floor plan

Subdivision of unit into two with private amenity, reduction in setbacks to north, east and south elevations, reduction in communal spaces: The changes at fifth floor result in an additional unit to make up for the one lost at second floor, the overall unit mix is largely the same with one two-bedroom lost in favour of a one-bedroom unit. The building is subsequently enlarged at fifth floor to allow for the two units to meet space standards with private gardens. The layout of the units is considered acceptable. The loss of some of the roof garden while regrettable is considered to be acceptable. The increase in the building to the north reduces the terrace but it remains an acceptable size.

Roof plans

Plant enclosure and PV panels: The plant area is smaller above Iceland car park development and rationalisation of fifth floor has resulted in more space for PV panels which is acceptable and will result in a more sustainable development.

Summary
The application proposes changes to the development which while numerous are all considered to be non-material in nature which will have a non-material impact on the overall design of the development. It is not considered that the proposals raise any additional concerns that would have warranted additional neigbour consultation.

Recommendation:

APPROVE the non-material amendments in accordance with the application and accompanying plans. For the avoidance of doubt these plans comprise:-

Drawings for approval:

GROUND FLOOR OVERALL PLAN	GF-DR-A-2050 P18 11.10.2024
FIRST FLOOR OVERALL PLAN	01-DR-A-2051 P09 11.10.2024
SECOND FLOOR OVERALL PLAN OPTION C	02-DR-A-2052 P23 11.10.2024
THIRD FLOOR OVERALL PLAN	03-DR-A-2053 P23 11.10.2024
FOURTH FLOOR OVERALL PLAN	04-DR-A-2054 P20 11.10.2024
FIFTH FLOOR OVERALL PLAN	05-DR-A-2055 P19 11.10.2024
ROOF PLAN OVERALL PLAN	06-DR-A-2056 P09 22.10.2024
PROPOSED EAST ELEVATION	XX-DR-A-3050 P13 11.10.2024
PROPOSED SOUTH ELEVATION	XX-DR-A-3051 P12 11.10.2024
PROPOSED WEST ELEVATION	XX-DR-A-3052 P13 11.10.2024
PROPOSED NORTH ELEVATION	XX-DR-A-3053 P08 11.10.2024
PROPOSED SECTION LOOKING NORTH	XX-DR-A-4050 P03 11.10.2024
PROPOSED SECTION LOOKING WEST	XX-DR-A-4051 P03 11.10.2024

…….. existing planning permission AWDM/1906/22 still stands and that the conditions imposed upon it continue to apply to the development except that the above plans can be substituted for Drawing Nos.

GROUND FLOOR OVERALL PLAN	GF-DR-A-2050 P09 16.08.2023
FIRST FLOOR OVERALL PLAN	01-DR-A-2051 P13 16.08.2023
SECOND FLOOR OVERALL PLAN	02-DR-A-2052 P14 16.08.2023
THIRD FLOOR OVERALL PLAN	03-DR-A-2053 P13 16.08.2023
FOURTH FLOOR OVERALL PLAN	04-DR-A-2054 P11 16.08.2023
FIFTH FLOOR OVERALL PLAN	05-DR-A-2055 P11 16.08.2023
SIXTH FLOOR OVERALL PLAN	06-DR-A-2056 P05 16.08.2023
PROPOSED EAST ELEVATION	XX-DR-A-3050 P04 16.08.2023
PROPOSED SOUTH ELEVATION	XX-DR-A-3051 P04 16.08.2023
PROPOSED WEST ELEVATION	XX-DR-A-3052 P05 16.08.2023
PROPOSED NORTH ELEVATION	XX-DR-A-3053 P02 16.08.2023

PROPOSED SECTION THROUGH ICELAND LOOKING NORTH XX-DR-A-4050 P01 16.08.2023

PROPOSED SECTION THROUGH ICELAND LOOKING WEST XX-DR-A-4051 P01 16.08.2023

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

Case Officer:	Louise Prew	Date: 08/11/2024
Authorised by:	Gary Peck	Date: 11 November 2024