Expiry Date - 20/08/2024

Development Control – Delegated Officer Report

Application Number: AWDM/0606/24 Recommendation – APPROVE

Site: 100 - 108 Montague Street Worthing West Sussex BN11 3HG

Proposal: Non-material amendment to approved application AWDM/1752/20 for a description to change to: Change of use of part of the first and second floors from retail to residential use, demolition of part of the northern elevation and extension to this elevation, extension at first floor level to the warehouse, installation of a new floor in the warehouse to match the level of the retail showroom first floor, alterations to the Crescent Road frontage to the warehouse, creation of a new access to the proposed flats from Graham Road, creation of flats including a roof top flat and conversion and extension of part of the sales area, provision of cycle and bin storage and ancillary works

Date of site visit: various site visits

Neighbours checked:

Additional neighbour notifications:

Site and Surroundings

Montague Street at this point is part of the secondary shopping frontage of the town centre as defined in the Worthing Local Plan 2023 and is pedestrianised. This prominent corner with an imposing three storey Victorian building is within the Montague Street conservation area.

The cream coloured building comprises a traditional glazed shop front to Montague Street and part of the Crescent Road and Graham Road frontages. At ground floor facing Crescent Road is the blocked frontage of a former chapel building and now warehouse/store for the shop. Facing Graham Road is the rear entrance and service yard.

The overall building is three storeys although attached there is two building types with the corner building portraying large deep windows and detailing to the masonry and a flat roof. The attached building to the east has smaller window openings and a part pitched roof . To the rear there are a range of attached additions, part single, part two storey and part three storey (stairwell)

The former Trinity Church hall building was incorporated into the site in 1971 and has been refurbished and used for showroom and store.

To the north of the site is a Victorian terrace along Crescent Road. This comprises 3 storeys above a semi basement and most have added a full mansard to the roof, though No 6 which adjoins the site does not. The bulk are in residential use converted to flats. The facing southern flank of the terrace is windowless.

To the north east the buildings are two storey Victorian terraced houses in Graham Road which feature uniform outriggers, excepting No 3 which is shorter by approx. two metres. 3 and 5 Graham Road gardens directly abut the site. The gardens are bounded by tall (2 metre plus metre) walls. Only the ground floor flat in No 5 incorporates window in its west facing outrigger at this level. In common with the rest of the terrace, Nos 3, 5, 7and 9 include west facing first floor windows in their outriggers.

To the east and south are a range of two storey buildings with retail primarily on the ground floor and store/residential at first floor. The property immediately to the east has a number of windows at first floor facing the site. This area appears to being used as storage for the café below. There is a shopfront with return at ground floor level. The properties on the south side of the pedestrianised street are two storey and much smaller in scale than 100-108 Montague Street.

On the opposite site of Crescent Road there is a continuation of two and three storey buildings with commercial at ground floor and mixed uses above.

Approved scheme

Change of use of part of the first and second floors from retail to residential use, demolition of part of the northern elevation and extension to this elevation, extension at first floor level to the warehouse, installation of a new floor in the warehouse to match the level of the retail showroom first floor, alterations to the Crescent Road frontage to the warehouse, creation of a new access to the proposed flats from Graham Road, creation of 8 flats including a roof top flat and conversion and extension of part of the sales area, provision of cycle and bin storage and ancillary works.

Proposed amendments

The amendment is to the description to change the wording from the ‘creation of 8 flats’ to the ‘creation of flats’

Representations:

Relevant Planning Policies

National Planning Policy Framework (2023)
National Planning Practice Guidance (MHCLG)
Supplementary Planning Document ‘Space Standards’ (WBC 2012)

Montague Street Conservation Area Appraisal (WBC 2001)

Worthing Local Plan 2020-2036 (WBC 2023:
SP1 (Presumption in Favour of Sustainable Development)
SP2- Climate Change
SP3 Healthy Communities
SS1 (Spatial Strategy)
DM1 (Housing Mix)
DM2 (Housing Density)
DM5 (Quality of the Built Environment)
DM13 (Retail and Town Centre Uses)
DM16 (Sustainable Design)
DM17 (Energy)
DM22 (Pollution)
DM24 (The Historic Environment)

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.

In assessing applications for a non-material amendment the Government's National Planning Practice Guidance states that the local planning authority must have regard to the effect of the change, together with any previous changes made under s.96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification.

As this is not an application for planning permission s.38 (6) of the Planning Act 2004 does not apply. However, the extent to which the proposed amendments comply with the relevant Development Plan policies is a material consideration.

The principal issue is whether the proposal is non- material in nature that the changes are not of consequence, significance or substance.

The change to the description would not have an impact on the residential amenity of neighbouring properties or the visual amenity of the scheme. Any change in numbers of units and external changes would still require the relevant permissions but would allow amendments through the variation of condition where appropriate.

A condition to specify that the development is for eight units is considered appropriate to ensure that the development on the site is no more than eight units.

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Recommendation

APPROVE the non-material amendments in accordance with the application, no change to the approved plans.

Condition:

Condition 11 The development hereby approved shall not exceed 8 residential units and shall be laid out in accordance with the plans approved as part of AWDM/1752/20

{\b Reason}: {\i In the interests of clarity, to ensure that the amount of development is in accordance with planning permission AWDM/1752/20

Informative
The application satisfies Section 96A of the Town and Country Planning Act (1990) as amended. The proposed amendments constitute non-material changes to that planning permission, and will result in a development that is substantially the same as was originally granted planning permission.

This decision notice only relates to the non-material amendment sought. It is not a reissue of the original planning permission, which still stands. This decision notice must be read in conjunction with the planning permission AWDM/1752/20 referred to in the description above. All conditions dated 6th April 2021 remain fully applicable to the development to which this non-material amendment relates

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

Case Officer: Jackie Fox Date: 20.08.24

Authorised by: Louise Prew Date: 20/08/24