



**WORTHING BOROUGH
C O U N C I L**

**Planning Committee
23 August 2023**

Agenda Item 7

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1664/22 Recommendation – APPROVE

Site: Chatsmore House, Goring Street, Worthing

Proposal: Installation of a hydraulic lift to both buildings as well as alterations to the site with 12 parking spaces, a new bin store and new bike stores.

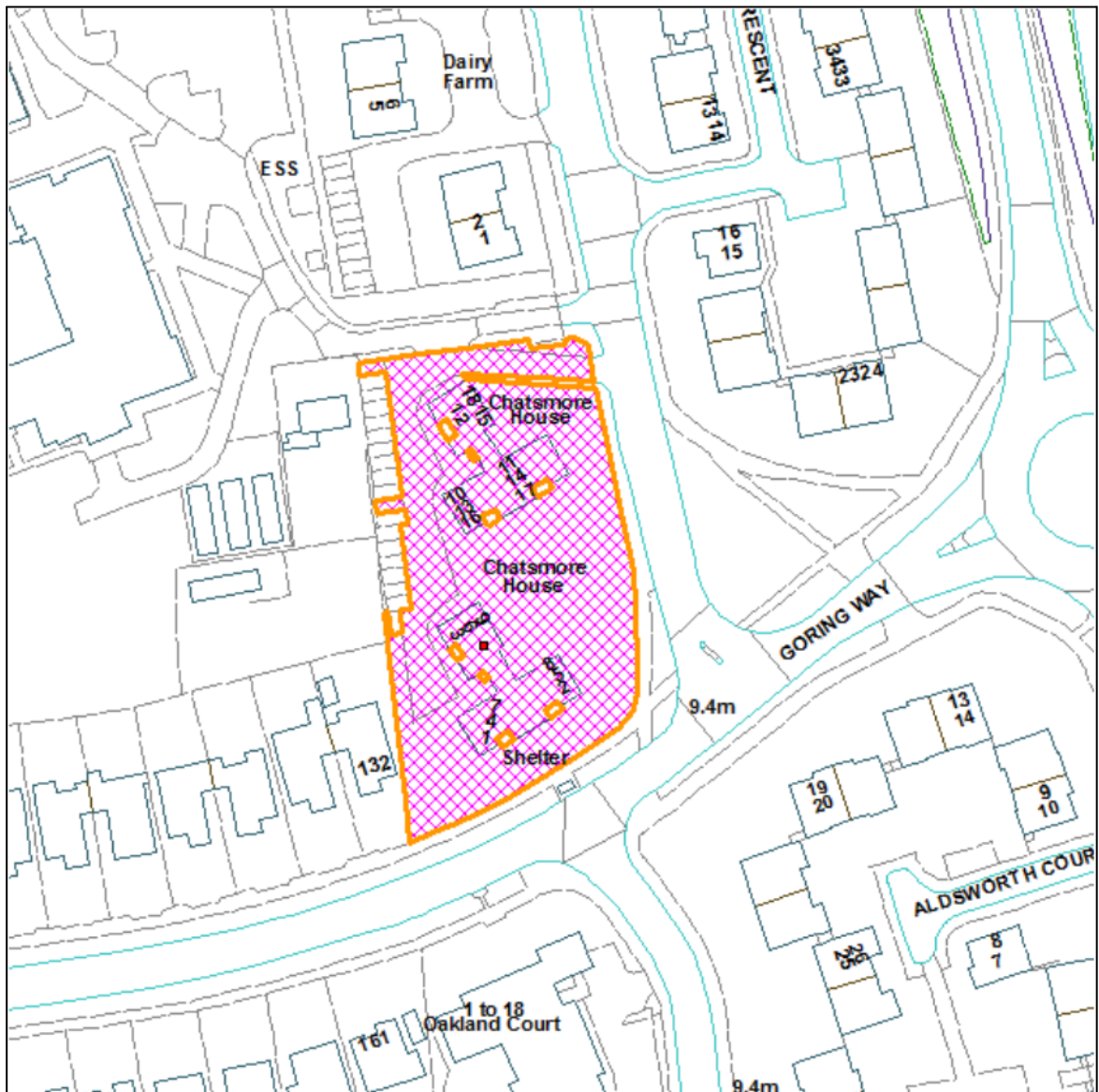
2

Application Number: AWDM/0732/23 Recommendation – APPROVE

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

Proposal: Proposed extension to accommodate new dwelling with mansard roof with flat roof dormers and glass balustrade

Application Number:	AWDM/1664/22	Recommendation - APPROVE
Site:	Chatsmore House, Goring Street, Worthing	
Proposal:	Installation of a hydraulic lift to both buildings as well as alterations to the site with 12 parking spaces, a new bin store and new bike stores.	
Applicant:	Mr Martin Nathan	Ward:Goring
Agent:	Mr Ian Knight, Knight Architectural Design	
Case Officer:	Rebekah Hincke	



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This application has been brought to the Planning Committee at the request of Councillor Kevin Jenkins.

Proposal, Site and Surroundings

The application site is located on the corner of Goring Street at its junction on the north side of Goring Way and contains two 3-storey purpose built blocks of 9 flats. The buildings are set well back from the street frontages on both sides and have a T-shaped footprint, with communal gardens of lawns, shrubs and mature trees around the edges of the site that provide an attractive landscaped setting. There is a vehicular access onto Goring Street at the northern end of the site which leads to a block of garages and a bin store adjacent to the west boundary, and with some limited informal car parking. There is a pedestrian access close to the south west corner of the site onto Goring Way. Tree Preservation Order No.4 of 1977 applies to the site.

This is a predominantly residential area comprising of a mix of dwelling types and designs. To the north in Goring Street and opposite the site there are other flats purposefully arranged in regular two storey blocks, set back from the street frontage and with hedges and trees contributing to the character of this part of the street. St Oscar Romero Catholic School is to the north west with its entrance to the immediate north of the application site and includes a caretakers flat to the immediate west of the site boundary. Goring By Sea Train Station lies further to the north in Goring Street. To the west of the site, fronting Goring Way there are detached bungalows and other two storey flats opposite.

Permission is sought for the installation of passenger lifts to each of the flat blocks as a three storey extension to the east side of both buildings which would be finished in white render. The proposals also include three new car parking areas which would formalise the parking arrangements and extend to form three new areas of hard surfacing to form a total of 12 parking spaces, 2 of which would include electric vehicle charging points and a new pedestrian walkway to link to the existing pedestrian entrance to the site. The proposals have been revised during the course of the application, essentially reducing the initial proposals from 16 spaces to 12. The parking areas would be formed with gravel grids and with the access/manoeuvring areas in tarmac to match the existing surfaces. Soft landscaping is now proposed to the edges of the parking areas.

A replacement bin store is proposed as a 3.6m by 3.6m slatted timber enclosure to accommodate a minimum of 4 x 1100L Eurobins to replace the existing bin store building adjacent to the west boundary.

Two cycle shelters would be installed adjacent to the car parking to accommodate one bicycle per flat.

The application has been supported by a Tree Survey and Arboricultural Impact Assessment Plan, Tree Protection Plan and Arboricultural Method Statement.

Consultations

West Sussex County Council: The Highway Authority has confirmed no objection and has commented as follows:

'The two new lifts will be installed to the side elevation of the two blocks. There are currently 4 nos. car parking spaces for visitors within unmarked bays. As part of the development proposal a total of 16 car parking spaces will be provided within marked bays, in addition to the 18 garages. Safe and secure cycle parking for 18 flats at a ratio of one space per flat is provided within two bike stores on the grass bank. A new bin store provision is made adjacent to the garages, to the south of the site.

The Local Highway Authority (LHA) does not consider the proposed development would give rise to any highway safety or capacity concerns; therefore, there are no transport grounds to refuse this proposal.'

Adur & Worthing Councils:

The **Environmental Health** Officer requested additional information from the applicant to determine whether the lift installation would cause any loss of residential amenity. The applicant's agent has clarified with lift specifications and construction, floor plans of the existing flats and confirmed there would be no plant room. On the basis that the lifts would not be adjacent to habitable rooms of existing flats, and would be constructed adjacent to the outer external walls and with the lift doors within the new construction to limit transfer to any receptors, the Environmental Health Officer has confirmed that the proposals will provide suitable mitigation against any impact from the lifts on the residents.

The **Private Sector Housing** team has confirmed no comments.

Waste Services - no comments received

Representations

Thirty two representations have been received in total, from residents or known owners of 14 of the flats, and two other Worthing residents that don't disclose whether they are owners, objecting to the proposals for the reasons summarised below:

- The application is not transparent in mentioning proposals for two further storeys to be added and is misleading
- Existing parking and traffic congestion in the streets will not be improved. Congestion from neighbouring school. Many existing residents park on-street as the garages are small and will not accommodate larger cars. Car parking problems will be exacerbated with future proposals. The proposed parking would be insufficient for the additional flats in future proposals.
- Future proposals would be an overdevelopment and out of character
- Visual impact of parking proposals detrimental

- Safety concerns over turning space for vehicles in new spaces at the existing entrance
- Loss of pedestrian access/safety concerns
- Noise, dust and disruption from works
- Noise, vibration and disturbance from lifts and users to existing occupiers
- Noise and pollution from vehicles manoeuvring and parking close to flats
- Loss of privacy due to position of lift close to front doors
- Loss of light from parking close to flats
- Loss of green space/introduction of hardstandings and vehicles, detrimental to residential amenity and impact on landscape character
- Impact on protected trees
- Loss of privacy from position of parking spaces and bicycle stores near to flat windows
- Negative impact on wildlife in the hedgerow
- Increase in light pollution from vehicles
- Proposals for car parking will encourage vehicle ownership/sustainability concerns

One representation has been received from Councillor Kevin Jenkins reiterating the call-in request as residents believe this is a step towards over development of the site, with additional floors to be added at a later stage and with concerns over breaches to their leases.

Relevant Planning Policies and Guidance

Worthing Local Plan 2020-2036 (WBC 2023):

DM5 (Quality of the Built Environment)

DM15 (Sustainable Transport and Active Travel)

DM16 (Sustainable Design)

DM18 (Biodiversity)

DM19 (Green Infrastructure)

DM20 (Flood Risk and Sustainable Drainage)

DM22 (Pollution)

National Planning Policy Framework (HCLG 2021)

National Planning Practice Guidance

Relevant Legislation

The Committee should consider the planning application in accordance with:

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 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.

Planning Assessment

Background and Principle

The applicant's Design and Access Statement does not put forward any future intentions for the site but during the course of the application the applicant's agent has clarified that the works proposed in the current planning application are intended as a precursor to future proposals for Prior Approval under Part 20 of the GPDO as an upward extension of the apartment buildings. However, no such application has been received at the time of writing and the current proposals should nevertheless be assessed on their own individual merits as a stand alone application as submitted.

There is no objection in principle to extensions and alterations to existing dwellings within the built up area. The key considerations are therefore:

- Impact on the visual amenities of the site and surrounding area;
- Effects on the amenities of residential occupiers;
- Parking and highway safety considerations;
- Sustainable development.

Visual amenity

The site occupies a prominent corner position where there are open views of the site in the surrounding streetscene. The existing trees and vegetation within the site contribute both to the landscape character of the site and to the surrounding streetscene.

The proposals to install lifts would involve an extension to each building to their east wall. Whilst this would infill part of the existing staggered east elevation, the proposed extensions would be relatively small in their footprint, each to measure approximately 3.9 metres by 1.7 metres aligning with the existing side wall, and would appear reasonably sympathetic, retaining a small recess to its south side, and with a flat roof proposed to match the recipient building. The agent has also confirmed that there would be no protrusion above the roof by the lift or any other equipment. Although a render finish is proposed, the existing panels within the recess have a similar finish and this would add a similarly contrasting vertical element against the existing brickwork which would have a satisfactory appearance. Therefore it is considered that the proposed lift additions would not cause any significant harm to visual amenity.

Residents have raised concerns about the lack of need for the lifts and the potential for additional maintenance costs to be incurred by leaseholders. Unfortunately these are private legal matters between freeholders and leaseholders and cannot be grounds for resisting the application. However, this case highlights the problems that occur between leaseholders and freeholders which have been exacerbated by the permitted development rights for upward extensions of flat developments.

As originally submitted the proposal included 16 car parking spaces, with four of those in the south west corner of the site positioned closely to several of the

protected trees and sited forward of the existing building. Five spaces between the two buildings were proposed to be less than 0.4 metres from the building, and in the north east corner seven spaces were originally proposed positioned approximately 2.8 metres from the site frontage and less than 0.4 metres from the building.

Negotiations with the applicant have taken place over several months in order for the applicant to respond to concerns over the impact on protected trees and on the landscape character and setting of the buildings as well as amenity concerns.

The initial submission omitted to include an arboricultural survey or report and the Council's Senior Tree and Landscaping Officer had concerns over the new access and proposed grasscrete parking in the south west corner of the site which would require excavations within the Root Protection Areas of protected trees. The applicant has since provided a Tree Survey and Arboricultural Impact Assessment Plan, Tree Protection Plan and Arboricultural Method Statement and has revised the position and extent of parking areas. The revised proposals have set back the south west corner parking further into the site away from protected trees and further amendments have been sought to reduce the number of spaces in this corner. Three spaces are now proposed to the south west corner, setting the parking further away from the boundary with the neighbouring dwelling to the west which would allow for a planted verge to soften the edges of the parking and existing boundary fences.

Initial concerns were also raised over the proximity of the parking areas to the flat buildings creating visual 'pinch points' and the overall effect resulting in the detrimental impact to the landscape setting of the buildings. The applicant has attempted to address this by further reducing the number of proposed parking spaces with three spaces now proposed between the two buildings (2 deleted) and six spaces to the north east corner of the site (1 deleted). This has the effect of providing a reasonable separation between the parking bays and the buildings and although the cycle shelters would be introduced at the edges of the parking bays this would be in conjunction with soft landscaping which would provide a reasonable screen to soften their appearance as well as to the parking bays were planting is proposed at their edges.

The arboricultural reports and plan includes a no dig methodology and tree protection measures with particular attention to the widening of the access and formation of parking spaces within the RPA of T13 and T10 during the works, to ensure that the trees are adequately protected. Furthermore, the use of gravel grids for the parking bays has been confirmed which would minimise excavations and subject to a non-contrasting gravel would have a satisfactory appearance.

The bin storage enclosure would replace the existing structure and the Arboricultural Assessment confirms that although this is entirely in the RPA of T13, any resurfacing required for the bin store can be laid within the depth of the existing surfaces without any disturbance to the underlying soils, and timber support would require very minor excavations which would be highly unlikely to have any impact on the tree.

One tree, a hawthorn, T9 has been identified as having extensive basal decay and not suitable for retention and the applicant has indicated a replacement tree to be

planted within the western landscape verge, details of which can be agreed by condition if approved.

The Council's Tree and Landscaping Officer has confirmed that the revised plans and supporting information have addressed initial concerns over the proximity to trees for hardstandings in the south west corner of the site and has no further concerns regarding trees. A condition is recommended for the works to be carried out in accordance with the arboricultural reports and recommendations if approved.

The revised proposals would provide reasonable separation to the buildings and site frontages and with the addition of planting to their edges it is considered that there would be no significant harm to the landscape character or visual amenities of the site and surrounding area.

Residential amenity

The main impact arising from the development would be to the occupiers of the existing flats in Chatsmore House, and to the occupiers of neighbouring properties to the west at No.132 and 134 Goring Way and the Caretakers Flat within the adjacent school site. Other dwellings to the north and on the opposite side of Goring Street and opposite in Goring Way would be sufficiently separated from the proposals to avoid any significant impact.

The proposed additions to provide lifts would enclose one window to each floor that serves the stairwells but a larger window on the west elevation would be unaffected and would provide adequate natural lighting to this communal area. The extension would be brought closer to the windows of the adjacent flats to the south on each floor but the closest affected windows serve a bathroom and wc to each flat and given the limited depth of the proposed extension the proposals would not cause any significant loss of amenity. In terms of noise and disturbance arising from the use of the lifts, the Environmental Health Officer is satisfied that on the basis of the construction of the lift shaft proposed to be adjacent to non-habitable rooms and against the outer external wall with lift doors within the new structure, this would be sufficient to mitigate against noise and disturbance. The occupier of a neighbouring flat has raised concerns over loss of privacy where the new access to the lift would be close to the front door of this and other flats which contain glazed elements. Whilst those concerns are acknowledged, given that this is already a communal space it is considered that the proposed introduction of a lift entrance would not give rise to any significant loss of amenity.

The points raised in representations are noted and the addition of further parking areas would introduce some additional vehicular movements to/from and within the site, and with parking and manoeuvring areas and cycle stores and associated movements proposed in relatively close proximity to the windows of the existing flats at Chatsmore House where some residents currently enjoy a direct outlook over communal garden space. The applicant has sought to address concerns over the close proximity of parking to the buildings by reducing the number of spaces as described in the section above, which would allow a greater degree of separation than originally submitted for the central and north-east parking areas, and with the introduction of planting to the edges to soften their appearance and provide some

screening. Any additional vehicular movements would be largely focussed within the existing access areas which already serve the parking and garages and the effects of the use of the new parking bays have been limited by the increased separation now proposed. To the south west corner parking, the proposals have been set further back into the site to address visual amenity concerns which has brought the proposed eastern parking bay and pedestrian access close to the corner of flat 1 in this block. However the existing parking area and entrance already generates movements in this vicinity and the proposed parking and pedestrian walkway has been designed to be angled away from the building which would limit the impact from passing pedestrians in terms of privacy, and given the open communal nature of this space at present it is considered that it would not pose any significant harm to residential amenity in this context.

Cycle parking has been deleted from the western boundary adjacent to the protected trees and neighbouring dwelling at No.132, and instead initial revised proposals were to install cycle shelters at the entrances of the buildings. However this would have been directly in front of windows of flat 1 and 10 at this point. The applicant proposes a further revised positioning adjacent to the existing parking areas but these would be in front of windows to two of the ground floor flats. For the northern block, the cycle shelter would be at a distance of approximately 0.9 metres at its closest point but angled away in relation to the affected ground floor window which serves the kitchen. Whilst this arrangement is not ideal, this is not a habitable room and benefits from the outlook from a second window in the north elevation for this room, and has been set back in this position to allow the pedestrian route from Goring Street to be retained. Planting has been indicated to its perimeter which can provide a reasonable screen and soften its appearance. The cycle shelter between the two buildings would be sited relatively closely to flat 3 but at its corner where the view would be less direct and with the addition of planting to its perimeter which would also provide some screening here. Having regard to the relationship with neighbouring flats and weighed against the benefit of providing cycle parking, on balance this arrangement is considered acceptable.

The initial proposals included a new pedestrian path in the south west corner of the site that would be brought closer to the boundary with the neighbouring property at No. 132 raising concerns over the impact on privacy to this occupier. This has now been amended and a new path is proposed at the eastern edge of the parking spaces that links the flat entrance to the existing pedestrian opening onto Goring Way. The reduction in the parking area in this corner would now allow for 2.8 metre separation distance between the parking and the boundary with this neighbour which would be reasonable in the context of the existing parking areas and with further planting to be introduced at this edge.

It is acknowledged that there would be some loss of amenity particularly where residents currently enjoy outlook over the garden space although this is not a private amenity space and whilst an increase in noise and disturbance may be possible from the use of the parking and cycle areas, in the context of the existing vehicular access, garages and parking areas and in light of the amendments proposed, on balance it is considered that the proposals would not cause any significant harm to residential amenity.

Parking and Highway Safety

The site is in a sustainable location, close to Goring-By-Sea Train Station and with bus services in Goring Way providing connections to the town and wider area. However, the proposals would provide twelve new car parking spaces which would be positioned to allow for turning and manoeuvring within the site. This provision would replace the existing informal parking that currently accommodates at least three vehicles. There is garaging present on site for use by existing residents although it is acknowledged that this may be used as storage and the size of garage would also limit its use for parking of some larger vehicles. The proposals also incorporate EV charging points to two of the proposed spaces which will encourage the use of electric vehicles. The Highway Authority has raised no objection to the proposals on highway safety grounds with no highway grounds to resist the proposals.

Given that some residents have indicated that there is a current overspill of parking it could be argued that the current proposal would benefit existing residents. However, as indicated by the Agent this application is not designed to benefit the existing residents but to serve new flats potentially created under permitted development rights. Any application for prior approval would have to be considered on its merits but Members would not be able to object to the principle of an upward extension and consideration would be limited to:

AD.2.—(1) Where any development under Class AD is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to —

- (a) transport and highways impacts of the development;*
- (b) air traffic and defence asset impacts of the development;*
- (c) contamination risks in relation to the building;*
- (d) flooding risks in relation to the building;*
- (e) the external appearance of the building, including -*
 - (i) the design and architectural features of -*
 - (aa) the principal elevation; and*
 - (bb) any side elevation that fronts a highway; and*
 - (ii) including the impact of any works under paragraph AD(2)(b) or (c);*
- (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;*
- (g) impact on the amenity of the neighbouring premises including overlooking, privacy and the loss of light;*
- (h) whether, because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15th March 2012 (14) issued by the Secretary of State,*

This is a difficult case and highlights some of the difficulties of the current extended permitted development rights where often investment companies (as freeholders) try and address some of these considerations before submitting a prior approval. The objections to the development are therefore understandable.

Whilst, there is no highway objection it does not appear as if the Highway Authority has given any consideration to any oversupply of parking on this development and it could be argued that providing additional parking would discourage more sustainable modes of transport to and from the site. Given the residents comments about the unsuitability of the existing garages this would be a difficult case to argue at an appeal.

Cycle storage would be provided in covered shelters adjacent to the new car parking areas which would equate to 18 bicycle spaces which would help to encourage the use of alternative modes of transport.

Sustainability

As indicated above, the creation of additional car parking spaces in this sustainable location close to Goring station could not be seen to encourage more sustainable modes of transport. However the proposal also provides electric vehicle charging points which would help to encourage the use of electric vehicles and cycle parking would be introduced which would help reduce reliance on the private car. The proposed parking areas would use gravel grids which would be permeable and permeable paving is also proposed for the new pedestrian walkway, details of which would be agreed by condition as part of the landscaping proposals.

The loss of green space could be a concern given the adoption of the Local Plan now requiring a 10% net gain. The applicant has not demonstrated that this could be secured but there is scope for additional tree planting within the grounds and this matter could be covered by planning conditions.

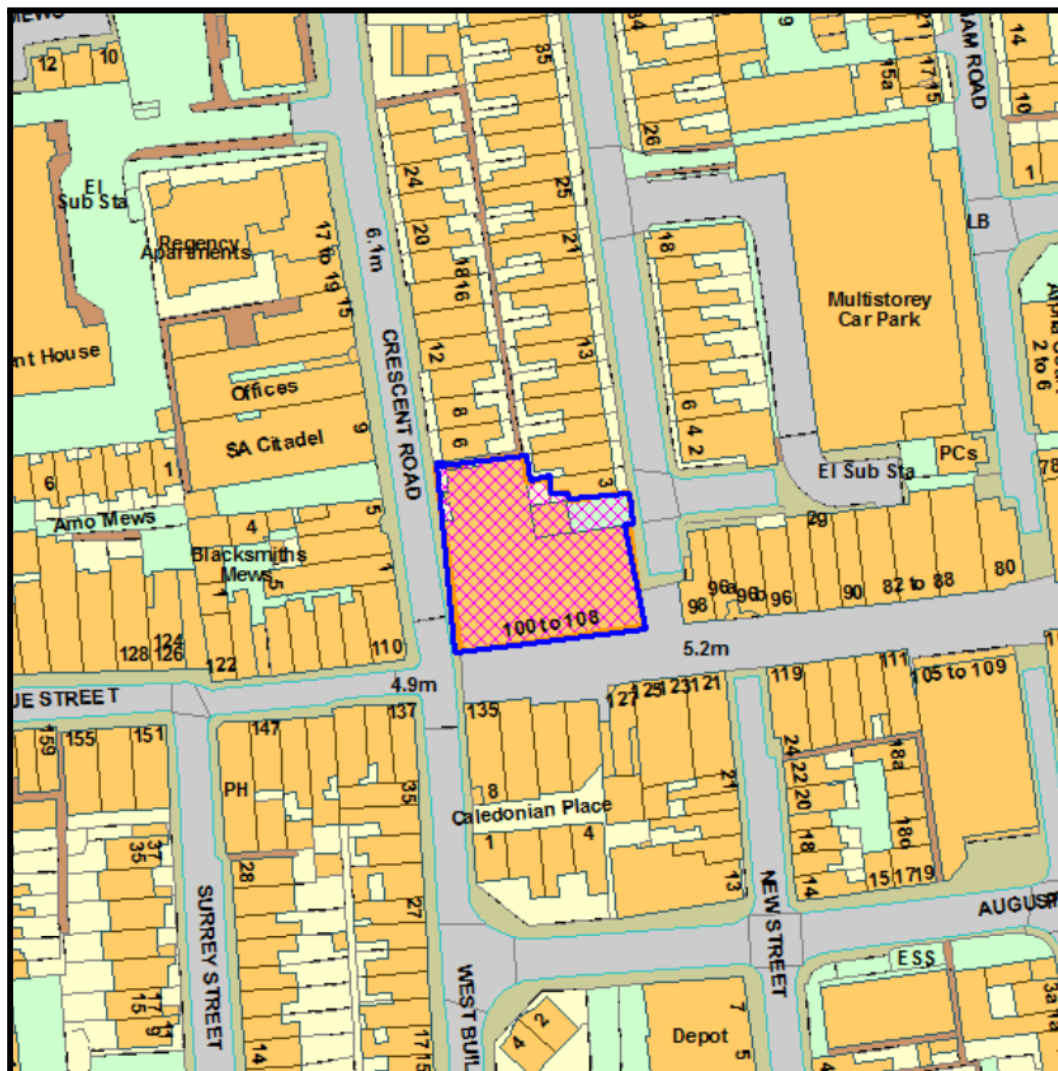
Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. Standard time limit
3. Hours of construction
4. Works to be carried out in accordance with Tree Survey and Arboricultural Impact Assessment Plan, Tree Protection Plan, and Arboricultural Method Statement.
5. External walls of the extension to be finished in white render as indicated and with roofing materials to be completed to match the existing building.
6. Hard and soft landscaping details to be submitted and agreed, to include one replacement tree planting as indicated on the approved plan.
7. Details of a non-contrasting gravel and grid to be agreed prior to installation.
8. Precise details of cycle store to be agreed and installed prior to car parking being brought into use.
9. Provision of a 10% net gain within the site with an Ecological Management Plan required prior to commencement of development demonstrating how the net gain can be secured and appropriate monitoring to ensure post development provision and ongoing management.

Application Number:	AWDM/0732/23	Recommendation - APPROVE
Site:	100 - 108 Montague Street, Worthing, West Sussex, BN11 3HG	
Proposal:	Proposed extension to accommodate new dwelling with mansard roof with flat roof dormers and glass balustrade	
Applicant:	Mr Tom Collingwood	Ward: Central
Agent:	SAACT Ltd	
Case Officer:	Jacqueline Fox	



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Introduction

A previous outline application AWDM/0964/22 (now withdrawn) for a proposed 1 bedroom flat within a new mansard roof on the current site had been requested to come before the committee by a former member of the Committee. As the current full application has followed on from the withdrawn application, it was considered that the current full application should also be reported to the committee for determination.

Site and Surroundings

Montague Street at this point is within the secondary frontage of the town centre as defined in the Worthing Local Plan and is pedestrianised to the southern side, with Crescent Road frontage to the western elevation. This prominent corner with an imposing three storey Victorian building is within the Montague Street conservation area.

The site is currently undergoing development from a previous permission particularly to the northern side and along Crescent Road. 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 the former blocked frontage of a former chapel building and warehouse/store for the shop has been opened up with long glazed windows. Facing Graham Road is the rear entrance and service yard.

The overall building is three storeys with 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 some under redevelopment

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 (2m plus) walls. Only the ground floor of No 5 incorporates windows in its west facing outrigger at this level. In common with the rest of the terrace, Nos 3, 5, 7 and 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 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.

Proposal

The application which is now substantially retrospective is for an additional dwelling above part of the Crescent Road frontage.

The application is for a one bedroom flat within a new tiled slate mansard roof above the existing and recently approved flat roof over the warehouse and store to the northern portion of the site. The mansard would add an additional maximum height of approx 3.2m to the building.

The proposed flat would have small windows to the front facing Crescent Road to light the bedroom and stairwell. At the rear (east facing) are larger french windows which light the main living space. The windows open out onto a proposed balcony with a depth of approx 1.7m. The balcony would be screened by a 1.7m high obscure glass screen. The balcony would be set back approx 2.7m from the rear of the approved flat roof extension.

The proposed dwelling would be accessed from Crescent Road via a new entrance within an approved glazing panel. The stairwell would be in the north west of the existing building.

The one bedroom flat would be 69sqm. The roof terrace would be 16.5sqm in area.

Bin stores are shown to the northside of the building with cycle parking within the stairwell.

Relevant Planning History:

AWDM/0052/15 - Infill central part of first floor to extend showroom and extend forwards and subdivide existing enclosed flat roofed area for deliveries by Graham Road-Approved

AWDM/0449/16 - Demolish existing redundant warehouse storage rooms attached to existing retail premises, replace with a pair of three storey two bedroom semi-detached dwellings with gardens and access from Crescent Road. APPROVED- Not implemented

PREAPP/0153/20 - Create 8 flats in part of the upper floors to this property including alterations to the north eastern side, create one flat on the roof, alter the frontage and change the use of a building currently used as the warehouse to the north west side of the building and to extend the first floor of the warehouse to the east.(see PREAPP/0581/19)

AWDM/1752/20 - 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. APPROVED

AWDM/0908/22 - Approval of Details Reserved by Conditions: Condition 3 (Materials); Condition 4 (Railing, Hard & Soft Landscape); Condition 5 (Ventilation); Condition 6 (Contamination Risk Assessment Details); Condition 7 (Construction Management Plan) and Condition 10 (Working Hour Details) of approved application AWDM/1752/20 Subject to discussion with Environmental Health officers.

AWDM/0964/22 - Outline application for proposed 1no. x 1 bed flat within new mansard roof at second floor, associated bin and cycle storage- WITHDRAWN

AWDM/1377/22 - The Non- Material amendment to approved application AWDM/1752/20 for new windows, gate, bin and cycle store. APPROVED

Consultations:

WSCC Highways

This proposal is for an extension to provide 1x1 bedroom dwelling. The site is located on the corner plot between Montague Street (E class road) and Prospect Place which is an unclassified road subject to 30mph speed limit.

There are no access or parking arrangements associated with the site. An inspection of data supplied to WSCC by Sussex Police over a period of the past five years reveals that there have been no recorded injury accidents within the vicinity of the site. Therefore, there is no evidence to suggest that the proposal would exacerbate an existing safety concern.

This proposal is not anticipated to result in material intensification of use onto Prospect Place or the wider road network.

Nil car parking provision is proposed for the new dwelling. Whilst on-street car parking is limited in the immediate vicinity there are comprehensive parking restrictions prohibiting vehicles from parking in places that would be detrimental to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil parking provision. The Planning Authority may wish to consider the potential impacts of this development on on-street car parking.

The site is located within a sustainable area, close to local shops and amenities. Worthing trains station is within 13min walking distance from the site. In order to promote the use of sustainable transport methods, the LHA would advise that covered and secure cycle storage is provided for the proposed flats. The proposed plans demonstrate details of this.

Conclusion

The 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 (paragraph 111), and that there are no transport grounds to resist the proposal.

If the LPA are minded to approve this application, condition securing cycle parking should be included.

Southern Water

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

Environmental Health (PSH)

No objections on PSH grounds

Environmental Health

Awaiting comments which if received will be reported verbally at the meeting.

Representations:

Flat 2, 3 Graham Road

I am writing to object to the proposed development on account of the further noise, disturbance and pollution it will generate. I live in a flat directly adjacent to the proposed development. I already experience plenty of disturbance on account of the work being carried out in the very small space at the back of the shop. Moreover, there is a great deal of traffic in what is a no-through road, and this will no doubt further increase if more property is added to this short and narrow road - creating also more pollution detrimental to the health of residents. More development within such a small area is totally inappropriate. I hope the council will ensure that the well-being of existing residents of the street will take precedence over unnecessary further development

Flat 2, 5 Graham Road

I am opposed to the above planning proposal (AWDM/0732/23) for the following reasons:

Noise disturbance and pollution: I live in the flat next to this proposed development. The works conducted under the previous work permit (AWDM/0964/22) generated a significant amount of noise. Also noise disturbance will be increased through the building of the roof terrace. Although the proposal indicates that the terrace will be made of 'glass balustrade' however, the current structure is a wooden screen with gaps in it. The last building works created a significant amount of the dust which can be detrimental to the health of neighbours. The roof terrace is likely going to be used at night, thus creating more noise.

High Access and Parking: Moreover, parking is already limited on Graham Road and it is already in the centre of the town we experience a high volume of traffic despite it being a no through road. Although, they have proposed that a cycling storage will be included. It can be argued that it's impossible that the tenants/ occupiers will not own

cars. Approving this proposal will lead to an increase in traffic from trucks which will lead to pollution in such a small area.

The impact of the loss of light as a result of having another storey has been considered. This will overshadow some of the properties on Graham Road and in addition invading privacy of some houses. The building of the terrace overlook the rear window of 7 and 9 Graham Road.

Also 5 Graham will be affected as it now have a view of a blank wall

7 Graham Road

This development will cause a number of issues. The work permitted by a previous application (AWDM/1752/20) has allowed a second storey to be built right up to the boundary wall with properties on Graham Road. The result of this is that several of the properties now have a blank wall less than 2 metres from their rear windows, blocking out a significant amount of light and sky.

This, in my view, is an appalling failure on the part of the Planning department. If the original application had been properly considered and understood, it's very likely that it would have been referred to the Planning Committee and subsequently pushed back from the boundary wall. This additional storey only compounds the problem.

Light

The additional storey further blocks light to the rear of properties on Graham Road. This isn't a matter of conjecture - it can be observed because it has already been built, without planning permission, and this application is retrospective.

Overdevelopment

As above, the second storey already represents greedy development: taking up as much space as possible with no regard for the surrounding properties. This third storey exacerbates that issue. The original plans were incomplete/misleading, omitting the properties most affected, particularly 5 Graham Road which now has a view of a blank wall outside its rear windows.

Noise

A roof terrace in an enclosed space like this will create a lot of noise for neighbours.

As demonstrated by the noise we have experienced during the building work, sound bounces around a great deal in this space. Even the builders' radio, at a relatively low volume, has caused a lot of disturbance. It's reasonable to assume that the terrace is likely to be used in the evening, therefore increasing the likelihood of late-night noise nuisance.

Furthermore, with two sets of double doors opening onto the terrace, it's highly likely that noise will leak out from inside, even if the terrace is not being used.

Privacy

The terrace overlooks the rear bedroom windows of 7 and 9 Graham Road, along with others. Though the plans refer to a "glass balustrade", what has actually been built is a wooden screen with gaps in it. This will do nothing to prevent overlooking and little to contain noise. The proposed "obscured glass screen" should help with regard to privacy but not with noise as a hard surface will encourage sound to bounce around.

Highway access and parking

Parking availability is already strained in Graham Road, and in the town centre generally. Outside of enforcement hours (9am - 6pm, Mon - Fri) vehicles are often double parked or parked dangerously, i.e. blocking pavements. Though the development incorporates cycle storage, it's unrealistic to think that none of the residents will own cars

17 Graham Road

This is a retrospective application for a 3rd storey which has already been built-including a large roof terrace.

I wish to object to this for the following reasons:

1. The terrace blocks the view from my garden. It covers up a large area of sky, where before I could see sky I now see an ugly large wooden fence. It blocks my light and peace.
2. The terrace can clearly overlook my garden, this invades my privacy. The terrace is large and multiple people can be on it at any one time
3. The apartment has french doors opening onto the terrace- this will , when habituated, cause an increase in noise and disturbance from the apartment and people who are using the large terrace. Currently there are no terraces backing onto the row of houses I live on, there is no noise or disruption from the apartments behind my house because of this.
4. This is a retrospective application;I am furious that developers think they can do what they like and ask permission afterwards. I strongly urge WBC to demand the terrace be removed.

Relevant Planning Policies

National Planning Policy Framework (2021)

National Planning Practice Guidance (CLG)

Supplementary Planning Document 'Space Standards' (WBC 2012)

Montague Street Conservation Area Appraisal (WBC 2001)

Worthing Local Plan 2023

SP1 - Presumption in Favour of Sustainable Development

SP2 - Climate Change

SP3 - Healthy Communities

DM1 - Housing Mix
DM2 - Density
DM5 - Quality of the Built Environment
DM13 - Retail and Town Centre Uses
DM16 – Sustainable Design
DM17 – Energy
DM22 - Pollution
DM 24 – The Historic Environment

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

For LB/CA

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.

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.

Planning Assessment

The principle of the part conversion and extension of the building has been established under AWDM/1752/20. The creation of flats is acceptable in principle in this sustainable location, the key issue is the impact of the existing additional mansard roof extension to form a dwelling on the northern portion of the building on the conservation area, the existing building, residential amenity for future residents, and the impact on neighbouring properties as assessed against the Development Plan and relevant policies within the NPPF.

The development is now substantially complete in form, the applicant's agent was advised to stop work in March 2023 when it was established that work being carried on site exceeded that in the approved scheme and was in connection with the additional flat; the subject of the current application. They were advised that all work was at their own risk and that we did not condone that work was being carried out without the relevant planning permission. The council's planning enforcement team has also been involved and sent correspondence. Initially the agent advised that work would stop and scaffolding removed however work recommenced and the shell of the building including the roof terrace has now been substantially built.

Members are advised that notwithstanding the work that has taken place the application should be assessed in full on its planning merits.

Heritage and Visual Amenity

The starting point is whether the development would preserve or enhance the established character and appearance of the Conservation Area.

The application site comprises a prominent corner three storey Victorian building within the Montague Street conservation area. The former Trinity Church hall building was incorporated into the site in 1971 and has partly been used as showroom and store and continues to be such under approved application AWDM/1752/20.

The Montague Street Conservation Area document identifies this section of Montague Street as an important part of the town centre shopping area. Wholly pedestrianised, it is a corridor type urban space enclosed by two to four storey buildings on both sides of the street. It indicates that the north side of the street especially has good townscape quality.

It indicates that architectural historic and townscape elements which should be preserved include:

- A common building line at the back of the pavement.
- Cohesive paving materials.
- A vertical emphasis to front elevations.
- Original architectural detailing on 19th century properties including string courses, parapets, slate roofs, quoins and timber sliding sash windows.
- Elevations in stucco or red brick.

The current application proposes extensions above the roof of the building on the northern side and amendments to the windows approved on the elevation facing Crescent Road.



Approved Elevation to Crescent Road (under AWDM/1377/22)



Proposed Elevation to Crescent Road

The roof extension would introduce a mansard roof to a partly existing and partly approved flat roof two storey building. The roof extension lies between the ornate three storey building of Collingwood Batchelor and the converted chapel (also part of the shop/conversion) and a four storey block on the north side of terraced houses and flats. There is no consistent roofline or elevational treatment along this stretch of Montague Street. The new mansard roof would be lower in height than the development to the northern side and the main Collingwood Batchelor distinctive corner building. It would be similar in height to the three storey development on the opposite side of the road. There are examples of mansard roofs in Crescent Road and in the newer development to the north. The proposed extension would introduce

interest to this current flat roof and its set back position would ensure that it would not be unduly prominent in the street scene.

The six windows and extension proposed below the roof extension are in accordance with the approved scheme and the Non material amendment application under AWDM/1377/22. The windows would continue to replicate long chapel windows which were previously negotiated and would match the grey framing currently in the old chapel building on the Crescent Road frontage.

The proposed extensions are considered to be in character with the building and would retain and enhance the character of the Conservation Area and the area in general.

The development therefore complies with Policy DM5 and DM24 of the adopted Worthing Local Plan which requires development in conservation areas to be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of the area.

Residential Amenity

Future Occupants

The Guide for Residential Development SPD - Living above shops and other commercial premises - indicates that the following points must be considered when assessing an application for living above shops or commercial properties:

- The amenity of residents and occupiers, or of the surrounding area.
- Sound proofing measures for the residential units.
- Design/space standards.
- Independent and safe access shall be provided to the residential unit which is separate from that of ground floor use.

In terms of size and layout the one bedroom unit is shown as 69 sqm which would comply with the National Space Standards for a one bedroom flat. The internal layout shows a one bedroom flat with a bedroom to the west side facing Crescent Road. There is an internal bathroom hall and storage area with a lounge/diner and kitchen to the eastern side with windows onto a terrace of 16.5sqm.

The 'Space Standards' SPD sets out requirements for external open space. Balconies need to be of sufficient size to accommodate a small table and sufficient chairs for each occupant. The scheme provides for communal open space on the roof enclosed by obscure glazing of approx. 16.9sqm. This would provide adequate space for outside amenity for this one bedroom flat. The site is also in the town centre, where the general principle of residential conversion is supportable given the proposal involves intensification of a brownfield site in a very sustainable town centre location.

The unit has its own separate staircase and a refuse store at ground floor is shown to be provided.

Comments are currently awaited from Environmental Health Officers on noise transmission between floors and the adequacy of windows to deal with noise and ventilation. Environmental Health Officers have been extensively involved in negotiations on this site to discharge conditions for noise and ventilation on the main building and it is expected that these would be similar to the scheme being negotiated. Further comments will be reported verbally to members as appropriate.

Neighbour amenity

The application site is within a range of commercial units with residential to Graham Road and Crescent Road.

The application proposes a roof extension which would face Crescent Road and back onto the rear of properties facing Graham Road.

The application has received objections from residents in Graham Road particularly in relation to noise and disturbance, overlooking, loss of light and visual impact.

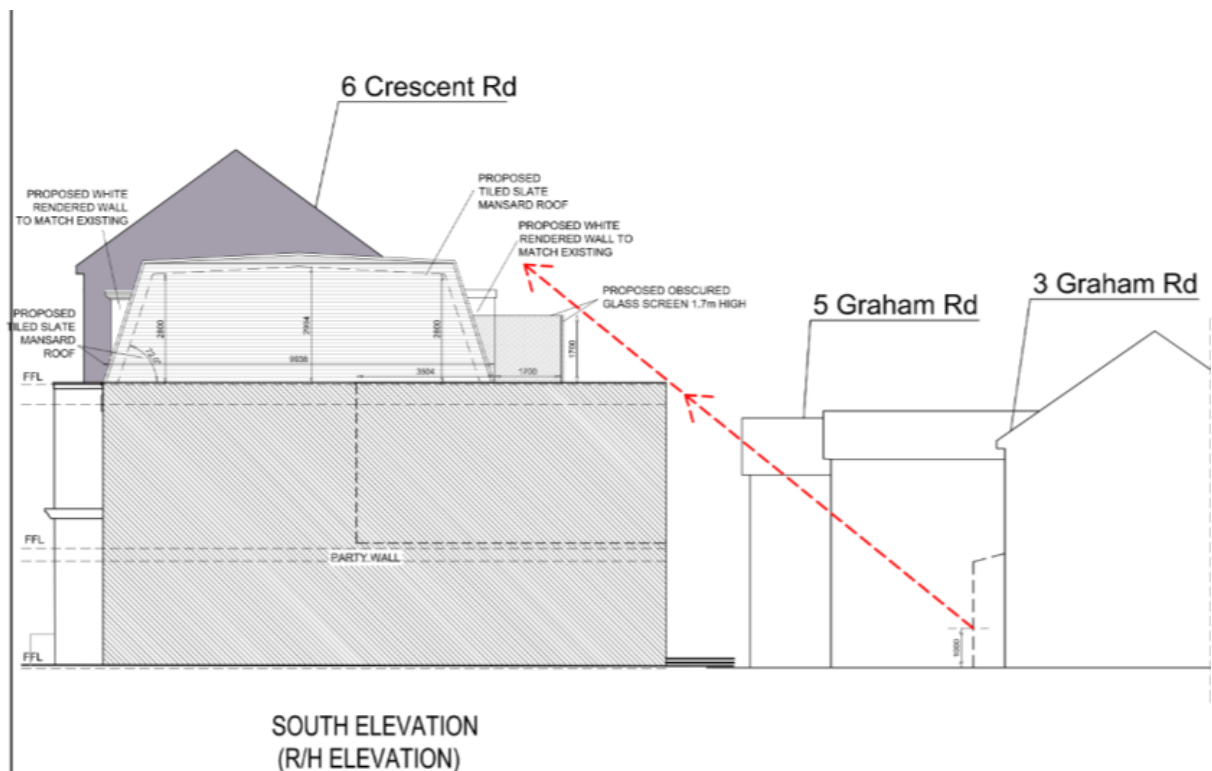
In context, planning permission has been granted for the conversion and extension of the building to provide nine flats. Part of the approved scheme included a flat roof extension above the single storey warehouse in the service yard backing onto properties in Crescent Road. The former warehouse extension (now showroom) involved extending the building at first floor and inserting high level windows to its eastern elevation.

The current proposal involves development above the existing and approved flat roof. As indicated previously the proposal is a mansard roof with windows to the east and west elevation as well as a balcony leading off the french windows in the east elevation.

This is a town centre location and the properties tend to be in close proximity with each other. The existing Collingwood Baxter building and associated warehouse and yard are within close proximity and wrap around various height residential developments.

The most affected properties are 3, 5 and 7 Graham Road and 6 Crescent Road from the current proposal.

The plan below shows the relationship to properties in Graham Road taken into account the approved extension. The plans show the set back of the mansard roof extension from the approved rear elevation.



In terms of the impact on No 3 Graham Road, this property immediately abuts the warehouse service area to its west and south. The property is in two flats. The property has no windows in the rear outrigger. The windows are to the south of the outrigger and rear of the main house. The windows in the south elevation would not be impacted by the current proposed extension. The mansard extension is above the flat roof extension and set back from the rear elevation of this wall by approx 4.2m, the roof terrace would be set back approx 2.7m. Although the roof extension as shown on the plan above is much taller than these two storey dwellings in view of the existing development, and set back of the mansard it is not considered that the development would cause any additional overshadowing, visual impact or overlooking. The occupants have raised concerns about additional noise and pollution citing the current construction works and traffic. The construction works will be temporary and the proposal is for a single one bedroom dwelling in a town centre location where there would be an expected level of noise, the balcony is not large and the property is a one bedroom flat it is not therefore considered that the application could be refused on the additional noise that could be generated from the balcony area.

In terms of the impact on No 5 Graham Road, this property has a number of windows in the rear elevation including windows in the west elevation of the outrigger. 4 windows in the rear elevation were tested for sunlight daylight under AWD/1752/20. The daylight/sunlight indicator showed that although there would be reductions in daylight and sunlight the property would still receive reasonable levels of daylight and annual sunlight for a town centre setting. The mansard extension would be above and set away from the rear two storey wall. It is not considered that it would cause additional loss of light or visual impact to this property. The occupants have raised noise, pollution, access and parking as well as loss of light and privacy. As previously indicated above the construction noise and potential pollution will be

temporary. The noise from any new occupants in this town centre location is not considered to be a reason to refuse the application. Although car parking is not provided, the property is in a highly sustainable location where other forms of transport are available. The occupant has raised that the fencing to the balcony is open and allows overlooking. This is also temporary and the application proposes obscure glazed screening to a height of 1.7m to maintain privacy between properties.

No 7 is further to the north and as a consequence is less impacted directly by the proposal. It has one window which has potential for adverse impact, as above the property is already impacted by existing development and the daylight/sunlight indicator in association with AWD/1752/20 shows that although there would be reductions in daylight and sunlight that the property would receive reasonable levels of daylight and annual sunlight for a town centre setting. The roof extension would be above and sit away from the eastern boundary. Due to the angle and relationship the extension would be visible from this property particularly from a first floor west facing window. The windows in the east facing elevation and the balcony of the proposed development would, however, be largely screened by a proposed 1.7m obscure glazed balustrade. A condition securing the erection of the obscure glazed balustrade would be appropriate to ensure that this was provided. No 7 is already overlooked from the four storey development of Crescent Road directly to the rear and as such it is not considered that it would be appropriate to refuse the application on the basis of detrimental overlooking.

Concerns raised in relation to noise pollution and traffic have been addressed above.

No 17 Graham Road is situated further to the north and although it is appreciated that the development would be visible from this property as highlighted above, with properties much closer to the scheme, it is not considered that the proposal would have a detrimental impact so as to justify refusing the application.

No 6 Crescent Road is situated to the north of the site and comprises a three storey building with outrigger, The main windows at the rear face east, There is a passageway between the properties and a high wall to the boundary. The roof extension would increase the height on the boundary by approx 3.2m for a distance of approx 9.9m in depth along the boundary with this property. However part of this would be at the side of the property where there are no windows. There are no windows proposed on the north side of the mansard. Although the mansard would be to the south side of this property in view of existing development and the height it is not considered it would cause any further detrimental loss of light or visual impact.

The site is within a tight urban context with significant buildings and structures which currently restrict light and prospect. There have been previous permissions for dwellings and extension to the warehouse as indicated in the history above which would also have had an impact if developed. The warehouse extension (already approved) and the mansard roof extension will have some impact on the surrounding properties in terms of visual impact but taking into account the the set back and location of the mansard roof and existing orientation and structures on balance the

proposal is considered to be acceptable and would not have a detrimental impact on neighbouring properties to warrant refusal on this aspect.

Parking and Accessibility

The site is situated in a sustainable location in easy walking distance of modes of transport other than the private car and local shops and facilities. No resident parking is provided and the rear yard area will be retained to service the retail unit as a showroom only.

The Local Highway Authority does not consider that the 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 (paragraph 109), and that there are no transport grounds to resist the proposal.

The Highway Authority recommends a condition to provide cycle storage and this is proposed.

Sustainable Construction

The applicant agents have indicated that they have installed Solar Panels with battery storage. The EPC (Energy Performance Certificate) as built has SAP's calculations A rated.

CIL

The proposal is liable to a CIL payment for the new residential floorspace.

Recommendation

APPROVE subject to comments from Environmental Health and the following Conditions:-

1. Approved Plans.
2. The obscure glazed balustrade to be provided prior to occupation.
3. Ventilation details.
4. Noise Assessment.
5. Bins provided.
6. Cycle storage.
7. Hours of work.

Informatives:

1. 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.

2. New Address
3. Formal application to Southern Water for connection to sewerage system
4. CIL

23 August 2023

Local Government Act 1972

Background Papers:

As referred to in individual application reports

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Schedule of other matters

1.0 Council Priority

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
 - to promote a clean, green and sustainable environment
 - to support and improve the local economy
 - to work in partnerships to promote health and wellbeing in our communities
 - to ensure value for money and low Council Tax

2.0 Specific Action Plans

- 2.1 As referred to in individual application reports.

3.0 Sustainability Issues

- 3.1 As referred to in individual application reports.

4.0 Equality Issues

- 4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

- 5.1 As referred to in individual application reports.

6.0 Human Rights Issues

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.