Development Control – Delegated Officer Report

Application Number: AWDM/1101/23 Recommendation: Approve

Site: 38 South Street, Worthing

Proposal: Proposed new Ventilation Flue

Date of site visit: 19.09.2023

Neighbours checked: Y

Additional neighbour notifications: N Site notice posted 19.09.2023

Site and Surroundings

The site relates to a three storey frontage building which has accommodation within the roofspace located on the east side of South Street, and a recently constructed three storey rear building fronting onto the west side of Marine Place. The ground floor commercial space was previously occupied by a KFC restaurant and is currently vacant. Planning permission was granted in 2020 for alterations/extensions and conversion of the frontage building to form a 1-bedroom flat and 2-bedroom maisonette to the upper floors and with 106 sqm of commercial floorspace retained at basement and ground floor level. At the rear, demolition of the rear building and a new 3-bedroom dwelling was approved fronting Marine Place and has been constructed. AWDM/1375/19 refers.

The site is within the South Street Conservation Area and is a local interest building.

Proposal

Permission is sought for the installation of a new ventilation flue to serve the refurbished ground floor commercial premises. Details were required by condition 7 of AWDM/1375/19 to deal with matters of noise, vibration, odour and visual impact but planning permission is now sought separately for this aspect.

The flue would be at the rear of the South Street building, emerging at the north side of the ground floor premises above the existing pedestrian walkway between No. 38 and No.40-42 South Street. The flue would be sited adjacent to the rear wall of the rear projection at No.40-42 South Street which is within the same ownership. The flue would terminate above roof level of this part of the building and at eaves level for the main roof. It would be boxed in and would have a matt steel finish.

Relevant Planning History:

AWDM/1375/19 - Conversion, alterations, extensions and demolition of part of ground floor the existing building to accommodate 106sqm of existing commercial space (A3 use class) at basement level and ground floor, conversion of existing building fronting South Street to 1no 1-bedroom flat at first floor and 1no 2-bedroom

maisonette at second and third floors, with new dormer to east elevation. Demolition and erection of rear building fronting Marine Place to accommodate 1no 3-bedroom dwelling.
STATUS: APP 26th February 2020.

AWDM/0843/20 - Non Material Amendment to Planning Permission AWDM/1375/19, comprising minor extension of the ground floor part of the approved rear building works towards southern boundary, in order to enlarge approved kitchen, day-room and light-well.
STATUS: APP 7th July 2020.

AWDM/0855/21 - Installation of replacement shop front to powder coated aluminium.
STATUS: APP 13th July 2021.

AWDM/1069/21 - Application for Approval on Details Reserved by Condition (3) Materials, (6) Noise - residential, (10) Flood Resilient Design and Management and (11) Historic Ground Contamination If Ground Works approved AWDM/1375/19
STATUS: PCO .

AWDM/0557/22 - Application AWDM/1375/19 for Conversion, alterations, extensions and demolition of part of ground floor the existing building to accommodate 106sqm of existing commercial space (A3 use class) at basement level and ground floor, conversion of existing building fronting South Street to 1no 1-bedroom flat at first floor and 1no 2-bedroom maisonette at second and third floors, with new dormer to east elevation. Demolition and erection of rear building fronting Marine Place to accommodate 1no 3-bedroom dwelling. Application for a Non-Material Amendment to create a private terrace and new painted soft wood doors and removing communal raised planter area on first floor and to remove previously approved stainless steel and glass balustrade/handrails with a low (approx 1.1m) rendered wall. Including plans approved under ref: AWDM/0843/20.
STATUS: APP 13th May 2022.

Consultations:

The Council's **Environmental Health Officer** raises no objection to the application subject to the recommendations contained within the Acoustic South East report being implemented.

The Worthing Society has raised no objection and comment as follows:

Thank you for requesting our comments on the above mentioned application which is within the South Street Conservation Area. The installation will be at the rear of the building so should not harm the 'street scene'.

However, this application is somewhat outside our remit as we do not have the required technical knowledge to comment in detail on installations of this nature. Nevertheless, this is obviously a built-up area and there are some residential dwellings in the near vicinity. Therefore, we respectfully suggest that the Environmental Health Department are invited to comment on this application.

Representations:

None received.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5, DM13, DM22, DM24
National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance

Planning Assessment

The site is located in the town centre and within the Primary Shopping Area where retail uses are concentrated and separated into Primary and Secondary Shopping Frontage under Policy DM13 of the Worthing Local Plan. The site is also within the South Street/Montague Street/Grafton Site Town Centre Character Area which has the following role and function identified in the local plan:

• *South Street / Montague Street / Grafton Site: Aspirational high end retailing, food and beverage, and commercial leisure quarter anchored by a leisure / entertainment 'destination'. Strong links between 'Commercial Heart' and Seafront, and located within the Primary Shopping Area.*

The site has previously been in use as a KFC restaurant and the recent planning permission AWDM/1375/19 retains a restaurant/café use at basement and ground floor level. It is understood that the end user would be a Greek restaurant.

The proposed flue would be at the rear of the frontage buildings and sited relatively closely to windows serving habitable rooms at their rear, as well as to the internal courtyard amenity space at first floor level which will serve the new residential flats. At the height of the termination point of the proposed flue, windows at this level serve the bathroom and stairwell within the roofspace of the new maisonette.

The neighbouring building at No.40-42 remains vacant to its upper floors above the ground floor commercial unit, but a previous permission approved the conversion of the upper floors to residential flats and redevelopment of the rear portion of the site for form residential flats (AWDM/0297/20 refers). This included storage rooms and a staircase/lobby area adjacent to the proposed flue siting, and above the flue level a window serving a shower room would have been the closest affected window within the roofspace of this neighbouring building, with bedroom and living room windows positioned further to the east and south. However this permission has since lapsed.

A report has been provided which outlines an indicative assessment to set out plant noise limitations. A further acoustic report specifying the proposed equipment has been provided which makes recommendations including boxing in of the fan and flue to reduce sound transfer. An Odour Appraisal report has been provided which specifies filters to be fitted to provide mitigation against odours.

The Council's Environmental Health Officer has raised no objections and the recommendations contained within the accompanying reports can be secured by condition to provide suitable controls in the interests of protecting residential amenity.

The rear building to No.40-42 which fronted onto Marine Place has been recently demolished, making views of the rear of the site possible from within Marine Place, although it is anticipated that a future application would entail redevelopment of the rear portion of the site to replace this building but with no extant planning permission currently. Nevertheless the flue would be sited closely to an inward corner of the building and would not appear excessive in terms of its height where it would not protrude significantly, and it is acknowledged that it would be seen in the context of the rear of this commercial block. Although a colour-match for the finish of the flue to the adjacent building would be preferable, the applicant has been unwilling to amend the proposals and a matt steel finish is proposed. On balance, in the context of this site and the surrounding character, the appearance would be acceptable and would not cause any significant harm to the visual amenities of the site or surrounding conservation area.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Standard time limit
3. Flue to be installed and operated in accordance with:
    - Report by Anderson Acoustics entitled 'Plant Noise Limits' ref: 6758_001R_1-0_JE dated 5 June 2023
    - Report by Acoustic Associated Sussex Ltd entitled 'Extract Fan Noise prediction' ref:J3680 dated 29 June 2023
    - Report by Michael Bull & Associates entitled 'Odour Appraisal' Project Number 148 Version 2 dated 14 August 2023

Informative

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Case Officer: Rebekah Hincke Date: 25.10.2023

Authorised by: Jo Morin Date: 25.10.2023