Development Management – Delegated Officer Report

Application Number: AWDM/0856/23 Recommendation: APPROVE

Site: Development Site At 31 To 35 Montague Street, Worthing

Proposal: Construction of two additional floors to provide 5no. residential dwellings above eastern section of roof at 31-35 Montague Street.

Date of Site Visit: 29 June

Neighbours Checked: Y

Additional neighbour notification: N

Proposal, Site and Surroundings:

31-35 Montague Street is an L shaped building on the southern side of Montague Street with the part being the subject of this proposal comprising the eastern element which also fronts onto Bath Place to the east. The application site is within the Conservation Area and there are a number of listed buildings in Bath Place opposite to the site. The western part of the building is already being developed via the permission granted under reference AWDM/1018/20 albeit that is a proposal that can be viewed independently from the current scheme.

The southern end of the site faces a row of mixed use properties with commercial uses at ground floor level and residential flats above, which front onto Marine Parade. The ground floor of the site, which does not relate to the residential development, is largely occupied by H&M.

The proposed development scheme relates to the vacant roof space above the eastern side of the building fronting directly onto Bath Place. This section of the building comprises two storeys with a retail shop frontage at ground floor level and ancillary retail space above. The proposal has been amended during its determination, reducing the number of units by 1, and amending the design from pitched roofs to flats roofs to reduce the prominence of the development.

Planning History:

None directly relevant to the application site itself but a development immediately adjacent to the west is currently being implemented (AWDM/1018/20) as is a development to the north comprising *Redevelopment including conversion, alterations, and first, second and third floor extensions to the existing building to accommodate two retail units on the ground floor (as previously approved under AWDM/0675/22), 6no. 2-bedroom flats across first and second floors, 2no. 1-bedroom and 1no. 2-bedroom flat on third floor. Installation of 20 solar PV's on rooftop* (AWDM/1023/20)

Consultations:

Southern Water: No objection

West Sussex County Council Highways:

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been consulted on the above Full Planning Application with regards to any highway safety or capacity concerns.

The application is supported by way of a Transport Statement (PC/P23082 TS), prepared by Crosby Transport Planning. The application site '31 – 35 Montague Street' situated within Worthing Town Centre comprises A1 retail use at ground and first floor levels. A planning consent was granted (AWDM/1018/20) to convert the redundant A1 retail / storage space at second and third floor levels along with extensions to provide 14 nos. flatted dwellings in September 2021.

The current proposal seeks planning consent for construction of two additional floors to provide 6 nos. residential dwellings above eastern section of roof. The proposed residential units will be accessed from Bath Place. Montague Street located within Worthing's Central Shopping Area is within short walking distances to several retail units, jobs, local amenities, and public transport links. The development will remain car free with opportunities for parking in nearby car parks where permits are an option should future residents require them.

Safe and secure cycle storage for 10 nos. bicycles is provided within the development to encourage sustainable travel.

Refuse collection / servicing for the development will be carried out from the footway along Bath Place.

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

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

Private Sector Housing

No objection

Conservation Architect

Considers that the flat roof approach sits more comfortably alongside the first phase of the works.

Worthing Society

The development site is within the South Street Conservation Area and the eastern roof section faces the listed buildings in Bath Place. In addition, there are proximate listed buildings in Montague Street and Montague Place. The setting of these heritage assets and the CA will be a relevant consideration.

I have now had the opportunity to discuss the application with our Heritage Team. We note that the application relates more directly to the properties and street scene along Bath Place. The additional storeys will be set back so will not be overbearing. This is an important consideration as Bath Place is a narrow historic street. The bow-fronted, listed buildings, which are an attractive feature in the CA, need to be shown to advantage.

One further observation is that the roofs of the terrace now appear to be flat rather than pitched as shown in the earlier application. We consider this to be an improvement as this design change will help to ensure the development does not become over-dominant.

In conclusion, we have no objection to the application but stress the importance of selecting high quality materials to enhance the development and complement this town centre conservation area.

Environmental Health Public Health

I am happy with either shop ventilation proposal but will need to see the acoustic details of option 2 where the air vents underneath the balconies if this option is chosen. Overheating assessment is ok and identifies reducing future overheating will be a consideration when finalising the residential ventilation details. I would recommend a CMP condition but this may tie into the previous approved development at this site if being constructed at the same time.

Representations:

1 objection received stating:

Having considered the Daylight, Sunlight and Overshadowing Report dated the 7th June 2023 and prepared by SRE it would appear that whilst our site at 21-23 Montague Street and Bath Place has been considered no account of the consented,and almost complete, scheme Ref: AWDM/1500/22 has been made.

The 3D Figures Nos 2-5 on pages 5&6 of the report are not representative of the current site or proposed layout. In order to protect the amenity of future occupiers of both the consented scheme (AWDM/1500/22) and the proposed new scheme (AWDM/0856/23) the report should be updated and the design revised as necessary.

I would be grateful to be consulted once the updated report is available. If it would assist we can release the .dwg files for the scheme to assist with the report.

Applicant response:

I have reviewed the comment received and I have discussed this with both the applicant and my colleagues. We have the following comments to make.

- This objection was received outside of the statutory consultation period and should hold little weight if any. In fact, given the timing of its submission, I am unsure why this has been given any attention.
- Following extensive correspondence and consultation with yourself, the proposal has been significantly reduced in size and scale to limit its perceived impact on the Bath place street scene and the Grade II listed buildings on the other (eastern) side of Bath Place . The original scheme was set back by 3.35m from the sites eastern boundary fronting on to Bath Place. The amended scheme has been pushed back by 7.65m from the buildings eastern boundary fronting on to Bath Place. It is considered that the increased set back position of the proposed additional floors will ensure that the proposed additional floors will have minimal impact on the south facing windows of the approved scheme at 21-23 Montague Street Worthing. Access to daylight and sunlight will not be impacted by the proposed development at no.31-35 Montague Street and a good level of outlook retained.
- Following my review of the approved scheme at no.21-23 Montague Steet, I note that the primary area of concern relates to the Southern Elevation of the building facing the application site. Its is noted from the approved floor plans and Southern Elevation that there are no windows at second floor level of the proposed development scheme facing our site. At third floor level, there are two small dormer windows facing the application site. S

- The two dormer windows are positioned at second floor level and will therefore have unobstructed access to both daylight, sunlight and a good degree of outlook given their position at the top of the building.
  The inner most dormer window, closer to no.25 Montague Street, is set in by 7.4m at its furthest point from the sites eastern boundary fronting on to Bath Place. As detailed above, the revised proposal has been set in by 7.65m from the sites eastern boundary and will not present any obstruction or concern of overshadowing or overlooking from the proposed additional floors at the application site.

- The other two windows shown in the recessed section of the rear southern elevation at 21-23 Montague Street belong to communal lobby areas leading to the internal stairwells and are also recessed from the rear boundary of that building by 8m, and from the application site boundary by approximately 9.5m. These windows should not therefore present any concern of overlooking or be subject to any loss of daylight, sunlight from the proposed development scheme at 31-35 Montague Street.

- On a separate note, we note that the approved development scheme at 21-23 Montague Street does not yet have an established and defensible right to light as prescribed by the Right to Light Act 1959. The applicants/building owner of that scheme cannot therefore prevent ALRMS Properties (the applicant of this scheme) from building on their roof.

Relevant Planning Policies:

Worthing Local Plan (2023): SP1, DM1 Housing Mix, DM2 Density DM5 Quality of the built environment, DM9 Delivering infrastructure, DM15 Sustainable transport & active travel, DM16 Sustainable design, DM18 Biodiversity, DM19 Green infrastructure, DM20 Flood risk and sustainable drainage, DM24 The historic environment National Planning Policy Framework

Planning Practice Guidance

Planning Assessment

The main issues in the determination of the application are whether the principle of development is acceptable and the effect of the proposal upon the character and appearance of the area and the amenities of neighbouring properties.

It is not considered there is any objection in principle to the proposal to provide additional residential accommodation in this sustainable town centre location. The Local Plan sets out an aspiration to increase the amount of residential development within the town centre which will help increase vitality, activity and footfall and enable regeneration. Increasing densities in sustainable locations, as part of well designed schemes, will help ensure that the most efficient use of land is made. As with the scheme currently being implemented on the western portion of the site, the scheme has the particular benefit in that the commercial uses are retained and therefore has the potential to be a mixed use scheme in the heart of the town centre.

Whereas the scheme on the western portion of the site benefited from being some distance from surrounding uses, the eastern part of the site, being closer to the narrower Bath Place with its range of listed buildings, as well as the site being within the Conservation Area itself, means that some care must be taken in ensuring that the development is not overbearing to its surrounds despite the principled benefits outlined above. The scheme as originally submitted proposed 6 units with pitched roofs. Both the vertical height of these proposed units, as well their relative proximity to the roof edges of the building were felt to result in an overdevelopment of the site and accordingly the application has been amended, reducing the number of units and with a flat roofed design set further into the site. The collective improvements achieved by these amendments is felt to result in a scheme that now sits more comfortably in its environs.

The building is now set about 4 metres further back from Bath Place than originally proposed and its impact upon the Conservation Area substantially reduced. It is now arguable whether there is any harm to the Conservation Area, but even if there harm were by the addition of new development on the roof of the existing building, it is certainly considered less than substantial and is outweighed by the provision of new

residential units which appear to be the optimum use of the site. Given the development already approved to the west, it is not considered that the proposal will have a material impact upon the Conservation Area when viewed from the west.

The objection in respect of the development to the north is noted, but given there are only small 2nd floor windows in the southern elevation of that development, added to the removal of the pitched roofs and set back of the proposed development, it is not considered that permission could be refused on the grounds of an adverse impact upon that development.

The proposed works sit almost in line with the southern elevation of the previous approved scheme with similar terrace.balcony facilities. The relationship with the nearest neighbouring properties to the south was considered acceptable previously and is again considered so here, given the central town centre location of the site. The northern extent of the buildings to the south appear to be very marginally under the 21 metre standard overlooking distance but intervening roofing would filter some of these views in any case. A daylight, sunlight and overshadowing assessment has been submitted and is considered to demonstrate successfully that any adverse impacts would be marginal.

An energy and sustainability statement has been submitted proposing the use of mechanical ventilation and internal air source heat pumps. The use of SUDS planters to provide rainwater harvesting and surface water attenuation measures is stated to reduce biodiversity (also citing the existing nature of the site) but as this is not quantified, it is considered that a condition should be imposed to ensure that the maximum biodiversity gains can be achieved from the development.

Recommendation

01 Approved Plans
02 Full Permission
03 No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the LPA. Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
04 Prior to the commencement of the development hereby approved, details of the proposed ventilation and acoustic protection measures shall be submitted to and approved by the Local Planning Authority and the approved details maintained thereafter.
05 No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide the following details as a minimum: the anticipated number, frequency and types of vehicles used during construction; the

method of access and routing of vehicles during construction; the parking of vehicles by site operatives and visitors; the loading and unloading of plant, materials and waste; the storage of plant and materials used in construction of the development; the erection and maintenance of security hoarding; the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders); details of public engagement both prior to and during construction works. Reason: In the interests of highway safety and the amenities of the area.

06 Prior to the commencement of development, a management plan indicating the amount of biodiversity net gain shall be submitted to and approved by the Local Planning Authority and the approved details maintained thereafter.

07 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity. Reason: To ensure the provision of a satisfactory drainage scheme.

08 Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times:- Monday - Friday 08:00 - 18:00 Hours Saturday 09:00 - 13:00 Hours Sundays and Bank Holidays no work permitted Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works. Reason: In the interest of neighbouring residential amenity

09 The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) (dated June 2023) and the development shall incorporate the flood resilient design measures as set out inthe FRA. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development. Reason: To adequately prevent the development from flood risk.

10 No development shall be occupied until details of secure covered cycle parking have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided in accordance with the approved details and made available for use prior to the first occupation of the development hereby permitted and shall be retained for such use at all times thereafter. Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than the private car.

11 Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water. Reason: To ensure the satisfactory means of foul and surface water sewerage disposal.

12 No development shall be carried out unless and until a schedule of materials and finishes to be used for the external walls (including windows and doors) and roof of the proposed building has been submitted to and approved in writing by the Local Planning Authority. These details should include consideration of sustainability measures to be undertaken and the development shall be completed in accordance with the approved schedule.

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

Case Officer:	Gary Peck	Date: 20 November 2023
Authorised by:	James Appleton	Date: 20 November 2023