

Development Control – Delegated Officer Report

Application Number: NOTICE/0016/24

Recommendation – Prior Approval Required and Granted

Site: **Unit 4 Durrington Bridge House Barrington Road Worthing**

Proposal: **Application for Prior Approval of Proposed Change of use from commercial (Use Class E) to residential (Use Class C3) to create 101 self-contained flats**

Date of site visit: 25/09/24

Neighbours checked: Y

Additional neighbour notifications: Additional neighbour consultations carried out and additional site notices posted for the purpose of wider publicity.

Site and Surroundings

The site comprises an area of approximately 0.97 hectares, located to the north of Barrington Road and to the west of Shaftesbury Avenue within West Worthing. Access to the site is via Barrington Road. There is a large car park to the south of the building. Goring United Reform Church and Goring Little Fishes Nursery occupy the plot to the south of the building and to the east of the car park. The railway line and Durrington-on-Sea train station bound the site to the north. Beyond the railway line, to the north is The Atrium which has recently been granted prior approval for change of use from offices to 48 no. residential units. Opposite the site to the east is Worthing Leisure Centre and to the west, the development site, currently under construction for 287 dwellings, previously HM Revenues and Customs.

The site is occupied by Durrington Bridge House, a four storey building, formed around a central atrium, with additional plant floor within the eaves. The building consists of a 1990s office block faced in red brick, with courses of buff brick delineating internal storey heights with a sheet metal pitched roof and regularly spaced aluminium windows. The east and west elevations have a series of extruded arcs and plant ducts which protrude from the building. The building is currently occupied as offices for West Sussex County Council.

The site is not within a conservation area and does not contain any listed buildings. There are no protected trees on site.

Proposal

An application for Prior Approval is sought under the provisions of the Town and Country Planning GPDO 2015 Schedule 2 Part 3 Class MA for a change of use of the building from commercial, business and service use (Class E) to residential, providing 101 self-contained flats (65 x 1-bed units, 36 x 2-bed units).

The ground floor contains 10 x 1-bed flats and 6 x 2-bed flats, access to the building, a bin store and landscaped communal courtyard. The first floor contains 15 x 1-bed flats and 9 x 2-bed flats. The second floor contains 15 x 1-bed flats and 9 x 2-bed flats. The third floor contains 15 x 1-bed flats and 9 x 2-bed flats. The fourth floor contains 10 x 1-bed flats and 3 x 2-bed flats.

A total of 111 car parking spaces are allocated to the new flats. Each flat will have access to car parking spaces in line with Worthing's Parking Standards of 0.9 spaces for a 1 bed flat and 1.3 spaces for a 2 bed flat.

Secure cycle storage will be provided along the west side of the site comprising 44 x two-tiered cycle spaces and 14 x two-tiered Sheffield Stands providing a total of 116 cycle spaces. These cycle stores are to be delivered under a separate planning application AWDM/1104/24 which has been approved.

A new refuse and recycling store will be provided in the southwest corner of the site and a further bin store is proposed internally on the southwest corner of the building at ground floor. As above, these bin stores are to be delivered under a separate planning application AWDM/1104/24 which has been approved.

External changes to the building including additional windows and removal of the roof over the atrium required to facilitate the proposed change of use, have been approved separately under application AWDM/0991/24.

The application has been amended to change the layout at ground floor and to make alterations to room divisions in order to comply with daylight requirements. The total number of units has been reduced from 107 to 101.

The application is supported by a Transport Statement (dated 29th August 2024), an updated Noise Impact Assessment (Report VA5446.240807.NIA - dated 4th October 2024), an updated Internal Daylight & Sunlight Report (24-13490 Rev 5 - dated 11th November 2024), Design & Access Statement (dated August 2024) and updated Supporting Cover Letter (dated 11th November 2024).

Relevant Planning History

AWDM/0991/24 - External alterations to the existing building including removal of sheet metal roof section, installation of a new entrance door along with the addition of new windows and fan lights – Application permitted

AWDM/1104/24 - Removal of existing cycle store and provision of replacement cycle stores and new refuse stores – Application permitted

Consultations

West Sussex County Council - Highways: The Local Highway Authority (LHA) acknowledges the permitted change of use from offices to residential subject first to prior approval being granted. The highway aspects of this latest application are supported by way a Transport Statement (TS).

Access

Access to the development site is proposed via the existing western access to the south of the site with egress from the site to the south-east via the existing egress only junction. The existing access has been in use for some time with no known problems. In addition, the LHA has reviewed the latest accident data and there have not been any recorded road traffic collisions within the vicinity of the existing access point. Within the appendices a swept path diagram has been provided which demonstrates parking and turning manoeuvres for vehicles and a fire and refuse tender.

Capacity

Traffic flow information has been provided with the current application. This information considers the permitted and proposed uses. The traffic flow generation is based upon the use of TRICS. TRICS is a database containing surveys of other completed and occupied developments. The database can be refined to use comparably located site uses to forecast potential traffic generation. TRICS is an accepted means of determining traffic generation. Using this data, it is evident that the proposed residential units would generate significantly fewer vehicle trips compared with the permitted Class E office usage. As such, there is no expectation for this proposal to give rise to any increase or material change in the character of traffic in the vicinity of the site.

Parking and Layout

The existing parking area for the offices is included within the red edging. 111 spaces for vehicles will be provided, which we would accept. Car parking is accommodated within a communal car parking area located around the site. The TS confirms that 20% of all car parking spaces will be provided with a fast-charge electric vehicle charging point in accordance with the current minimum requirements. Swept path analysis of a car accessing a number of the car parking spaces is illustrated in the drawing within Appendix B.

The development has included 116 cycle parking spaces which exceeds the LHA's parameters. This will be provided in the form of 44x two-tiered cycle spaces and 14x Sheffield Stands.

Accessibility

The site is well located to encourage travel by sustainable modes including the use of walking, cycling and public transport. Rail and bus services are within accessible walking distance from the site via foot or cycle. These will provide opportunities for residents and visitors to travel to the site.

A Travel Plan will be required which can be secured via a condition. This will be required to accord with the requirements of WSCC.

Conclusion

Having assessed the TS the LHA does not consider there would be any highway grounds to resist the prior approval, the proposals are not considered to have a "severe" impact on the network in accordance with paragraph 115 of the National Planning Policy Framework (NPPF). Any approval of planning consent would be subject to the following condition:

Travel Plan (to be approved)

No part of the development shall be first occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

West Sussex County Council - Local Lead Flood Authority: While the application is not in flood zone 2 or 3, the building has surface water flood risk surrounding it and in the Adur and Worthing SFRA will be at risk in the future when considering the surface water mapping with climate change allowances. As a result, we recommend the following condition:

No part of the development shall be first occupied until details of the existing surface water drainage scheme and any proposed/required changes has been submitted to and approved in writing by the Local Planning Authority. Details of the maintenance and management of the surface water drainage scheme must be submitted and approved in writing and maintained in accordance with approved details for the lifetime of the development.

Reason: To ensure the surface water flood risk is adequately addressed and not increased in accordance with the NPPF and Policy DM20 in Worthing Local Plan (new one).

West Sussex Fire & Rescue Service - Having viewed the plans for the planning application no. NOTICE/0016/24 for the application for Prior Approval of Proposed Change of use from commercial (Use Class E) to residential (Use Class C3) to create 101 self-contained flats; evidence is required to show that all points inside all Flats are within 45 metres of a fire appliance location in accordance with Approved Document B Volume 1 2019 Edition B5 section 13. This is to be measured along the hose lay route, not in a direct line or arc measurement, as this type of measurement is very rarely achievable due to obstructions. Any areas not within the 45-metre distance will need to be mitigated by the installation of domestic sprinkler or water mist system complying with BS9251 or BS8458 standard.

UK Power Networks: No objection. There are LV underground cables on the site running within close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department.

All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 (Avoiding Danger from Underground services). This document is available from local HSE office.

Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department.

Adur & Worthing Councils:

The **Environmental Health** officer (**Public Health**) initially commented:

06/09/24

The acoustic report does not consider the impact of railway noise on the development. The Planning Inspectorate's appeal decision APP/N1730/W/16/3142880 considers this matter and clearly concludes railways and railway stations are commercial premises under the definition of Part O and therefore a legitimate consideration for a Prior Approval application and a matter that may be covered by a condition. I note railway noise was considered for Notice/0020/19 HM Revenues and Customs, Barrington Road, Worthing and for Notice 0007/20, NHS West Sussex the Causeway.

The 100Hz hum detected by the acoustician and mentioned in his report is most likely from the electrical substation, it was picked up by the acoustician for the NHS application. This hum is from a commercial source so needs to be considered by the developer as an Agent of Change. BS4142 is not appropriate for assessment of low frequency noise as A weighting the decibel measurements strips out the impact of low frequency noise. I would recommend the acoustician look at NANR45 and NR curves, to ensure the new residential accommodation is adequately protected from the low frequency hum.

The acoustician should also have regard to the Planning and Noise Document Sussex.

Following the submission of an updated NIA to consider railway noise, noise from the electrical substation and to include a sound break within the calculations, the following updated response from the EHO was provided:

19/11/24

The calculations are ok, however, I note that these have been done with the windows closed so if windows are open in the summer months then the internal noise levels from the passing trains will exceed the ProPG standards for night time L_{max} noise levels. The applicant is saying that Class MA permitted development rights do not require consideration of ventilation in buildings. That may be so but commercial noise needs to be controlled, and if that control means keeping windows closed then ventilation is relevant if the noise mitigation scheme is to work. Otherwise when it is warm the windows will be opened and the noise control is lost. Therefore I would recommend that the final noise mitigation scheme for this development includes mechanical ventilation, preferably MVHR so that during the summer months warm internal air can be replaced with the cooler night air in the bedrooms without the need to open windows. I am happy for this to be a condition:

No dwelling shall be occupied until an acoustic scheme for the development has been submitted to and agreed by the Local Planning Authority. The acoustic scheme shall include mechanical MVHR ventilation in the homes overlooking the railway in order to negate the need to open windows for thermal comfort at night. The approved mitigation scheme shall be implemented prior to first occupation of any dwelling and retained thereafter.

The **Environmental Health Officer (Private Sector Housing)** initially commented:

16/10/24

I have reviewed the plans submitted and considered whether or not the proposed use/layouts would create hazards as defined by the Housing Health and Safety Rating System (HHSRS) that may result in enforcement notices being served under the Housing Act 2004, and would comment as follows:

Layout

Flats 18, 40, 64 and 88 are all shown to have walls bisecting/abutting a window. If this is in an error at drawing stage then I would seek confirmation that the rooms sizes shown are correct. If the intention is to have the internal wall meet an existing window then this may well create issues for sound and fire separation (HHSRS - Hazards 14 - Noise and 24 - Fire respectively). I would expect the window aperture to be infilled to enable a suitable wall junction to be constructed to enable the required separation and mitigate any risk. Otherwise, layouts appear sensible and well-considered.

Light levels

The internal daylight and sunlight report provided indicates a number of habitable rooms fail to achieve the minimum level of 50%, six of them significantly. The level of natural light (and outlook) is considered under Hazard 13 - Lighting, which considers the increased risk of depression and psychological effects caused by a lack of natural light or the lack of a window with a view. A lack of lighting can also contribute to increased risk of falls and trips occurring, which is considered under Hazard 20 - Falling on level surfaces. Where levels are significantly below the minimum then this may trigger enforcement action which would be difficult to resolve retrospectively. It would be preferable for this to be considered and resolved at design stage.

Ventilation

It is noted that intention is to remove the roof above the atrium. This should be sufficient to allow ventilation to rooms/flats with windows opening into the atrium area, and is mentioned here to ensure that this is the case.

Following the submission of an updated Internal Daylight & Sunlight Assessment to show all flats now achieve a PASS, changes to the ground floor layout including a reduction in the number of units from 107 to 101, and amended plans to address the issue of walls bisecting/abutting a window, the following updated response from the EHO was provided:

15/11/24

The revised plans and updated sunlight/daylight report are acknowledged, and the findings of the latter are accepted.

The removal of the ground floor flats creates large spaces on each side of the building that have been labelled as 'communal amenity'. I appreciate that this will not be a planning matter, but please advise the applicant that as the adjacent flats all rely on these spaces for access/egress, management of these spaces will be required to ensure that a hazard does not occur, as defined by the Housing Act 2004 and the Housing Health and Safety Rating System and to avoid enforcement. These areas will need to remain clear and free of fire safety risks that may impede escape or provide a source of combustion/ignition. It would also not be ideal for people to congregate in this area due to potential noise disturbance and fear of crime.

Based on issues observed in other multi-occupation buildings, I can imagine these spaces being used to store pushchairs, mobility scooters and bikes, and tenants adding their own furniture to the spaces.

Waste Services: *I have checked this with our operations team and they can't see any issues with the locations or access of waste and recycling facilities so we're happy from a waste perspective.*

Southern Water: *A response was received stating that a reply would be provided by 31/10/24 however no further comments were received.*

Representations

2 objections received from neighbours concerning:

- Highway Access and Parking - Analysis of the traffic impact is significantly flawed, based on non-school day, non-comparable areas used in Transport statement, the junction suffers frequent rat-running and congestion at peak periods, further consideration of issues at junction required and remedial action taken. Small road unable to cope with additional cars.
- No additional resources allocated to the area (access to doctors).
- Drainage

2 objections from local Councillors in relation to traffic/highways:

Highway Access and Parking

- *WSSC Highways view, based on theoretical studies at non-peak travel times, that 'there are no known problems' with traffic in this area is out of touch with the experiences of residents.*

Residents on Rosebery Avenue and Shaftesbury Ave and the junction of Barrington Road with Shaftesbury Avenue are already impacted by 'rat-running' and congestion at peak periods.

Residents here have also been impacted by construction traffic during the Bellway development of the HMRC site.

I ask that traffic issues relating to this junction and surrounding streets are carefully considered and made subject to planning conditions with remedial actions proposed and implemented.

- *This area on the southern side of Durrington railway station is currently undergoing significant change with a number of new residential developments taking place concurrently. Each of these contribute to an increase in traffic and intensity of use of the busy junction between Barrington Road and Shaftesbury Avenue. This junction is opposite the entrance to the Leisure centre which adds to the number of vehicle movements here.*

In addition to the residential, rail stations, leisure and employment trips in this area there is also the presence of two busy local schools in West Park and Goring Primary which generate a significant number of trips at school time.

As a consequence of these combined factors residents in the area complain of increasing congestion and rat running through the residential streets such as Rosebery Avenue. This presents a severe risk to vulnerable road users, particularly to parents and young children who are walking and cycling to school using the new Barrington Road shared use path.

The transport assessments do not take adequate of the cumulative impact of the developments in this area or the reality of peak time traffic.

The Worthing Local Plan seeks to promote and prioritise active travel. The traffic associated with this development risks undermining that aim unless mitigating work is carried out to the Shaftesbury Ave/Barrington Road junction and the consideration of entry restrictions at the northern end of Rosebery Ave.

I request that the LPA require such measures to be implemented as a condition of granting this application.

1 representation of support but raising suggestions to alleviate traffic issues:

- Highway access and parking – incidents at the junction of Barrington Road and Shaftesbury Avenue, queues of traffic waiting to turn, would help to change to left turn only on to Shaftesbury Avenue and apply single yellow lines to south side of Barrington Road. All construction traffic should use Barrington Road only and park within the site and when exiting should use left turn only on to main road.

Relevant Planning Policies and Guidance

Worthing Local Plan 2020-2036:

DM1 Housing Mix;

DM2 Density;

DM5 Quality of the Built Environment;

DM15 Sustainable Transport & Active Travel;

DM20 Flood Risk and Sustainable Drainage;

DM22 Pollution

Revised National Planning Policy Framework (MHCLG 2023)

National Planning Practice Guidance

Technical Housing Standards – Nationally described space standard (DCLG - March 2015)

Relevant Legislation

The application is made under the Prior Approval procedure and the consideration is restricted to the limitations, restrictions and conditions set out in respect of Class MA,

Part 3, Schedule 2 of the GPDO 2015 as amended and the provisions of Paragraph W.

Class MA allows for development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Following amendments to the GPDO, from 5 March 2024, Prior Approval applications under Class MA no longer need to (a) demonstrate vacancy of the existing floors, nor are subject to (c) the 1,500 sq m floorspace limit.

These provisions are subject to the limitations sets out in MA.1 and conditions set out in MA.2

Development not permitted

MA.1

(1) Development is not permitted by Class MA-

- (a) omitted 05/03/2024 (Statutory instrument 2024 No.141);
- (b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;
- (c) omitted (Statutory instrument 2024 No.141);
- (d) if land covered by, or within the curtilage of, the building—
 - (i) is or forms part of a site of special scientific interest;
 - (ii) is or forms part of a listed building or land within its curtilage;
 - (iii) is or forms part of a scheduled monument or land within its curtilage;
 - (iv) is or forms part of a safety hazard area; or
 - (v) is or forms part of a military explosives storage area;
- (e) if the building is within—
 - (i) an area of outstanding natural beauty;
 - (ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 198155;
 - (iii) the Broads;
 - (iv) a National Park; or
 - (v) a World Heritage Site;

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

(g) before 1 August 2022, if—

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

(i) Class A1 (shops);

(ii) Class A2 (financial and professional services);

(iii) Class A3 (food and drink);

(iv) Class B1 (business);

(v) Class D1(a) (non-residential institutions – medical or health services);

(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);

(vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule

Conditions

MA.2

(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport impacts of the development, particularly to ensure safe site access;

(b) contamination risks in relation to the building;

- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where—

- (i) the building is located in a conservation area, and
- (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and

- (h) where the development involves the loss of services provided by—

- (i) a registered nursery, or
- (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006,

the impact on the local provision of the type of services lost; and

- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if—

- (a) for paragraph (e) of sub-paragraph (2) there were substituted—

“(e) where—

- (i) sub-paragraph (6) requires the Environment Agency to be consulted, site-specific flood risk assessment;
- (ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development, ”;

- b) in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”;

(c) after sub-paragraph (6) there were inserted—

“(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;

(d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5)(6)(6A)”;

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

Interpretation of Class MA

MA.3.Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

- (a) contain two or more dwellinghouses; and
- (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 201559 .

Planning Assessment

When determining prior approval applications, an LPA can only consider the matters set out in the General Permitted Development Order 2015 for that type of development. It cannot consider the principle of the development or any other matters (for example, whether the development complies with policies in its local plan, other than in the case of assessing impact under the specified conditions at MA.2).

The starting point for consideration of the proposal is whether it can lawfully take advantage of the procedures under Class MA.

Limitations MA.1

MA.1 (b) The building has been in use as an office (Use Class E) for a period exceeding 2 years prior to the application for prior approval and is currently occupied as offices for West Sussex County Council.

MA.1 (d) The building is not covered by, or within an SSSI, a Listed building, a Scheduled Monument, within a safety hazard area, or a military explosives area.

MA.1 (e) The building is not within an AONB, a National Park, the Broads, or a World Heritage Site or area specified under Section 4(3) of the Wildlife and Countryside Act.

MA.1 (f) The building is not occupied under an agricultural tenancy.

MA.1 (g) The application post-dates 1 August 2022 and is not located within an Article 4 Direction.

Conditions MA.2

Transport and safe site access

The site is in a highly sustainable location within easy walking distance of the various shops and services available within The Strand local shopping centre, and with good public transport links within accessible walking distance, by bus (nearest bus stop is 200 metres away with routes along The Boulevard/Shaftesbury Avenue) and train (Durrington rail station is 450 metres away). The site is well located to encourage travel by sustainable modes including the use of walking, cycling and public transport.

The site is currently accessed at two points from Barrington Road to the south of the site and these access/egress points would be retained by the proposed development without alteration. The existing access has been in use for some time with no known problems and there have not been any recorded road traffic collisions within the vicinity of the existing access point.

WSCC Highways have confirmed that, using TRICS as a means of determining traffic data, it is evident that the proposed residential units would generate significantly fewer vehicle trips compared with the permitted Class E office use. As such, there is no expectation for this proposal to give rise to any increase or material change in the character of traffic in the vicinity of the site.

The development would provide a total of 111 parking spaces accommodated within a communal car parking area on site. Car parking provision would comply with WSCC's 'Guidance on Parking at New Development', September 2020 requiring 0.9 spaces for a 1 bed unit and 1.3 spaces for a 2 bed unit. The Transport Statement confirms that 20% of all car parking spaces will be provided with a fast-charge electric vehicle charging point in accordance with the current minimum requirements.

The development includes 116 cycle parking spaces in the form of 44 x two-tiered cycle spaces and 14 x two-tiered Sheffield Stands, which have been approved under a separate planning application AWDM/1104/24. This provision exceeds the requirements for cycle parking on site promoting sustainable methods of transport.

Refuse and recycling provision would be located to the southwest corner of the site and Waste Services have confirmed that this would not raise any issues in terms of location or access for collection. A swept path analysis for a refuse vehicles and fire appliance accessing the site has been conducted and is included in the Transport Assessment (TA). This analysis demonstrates that the arrangements are safe and acceptable.

A Travel Plan is required by condition to accord with the requirements of WSCC.

No objections have been raised by WSCC Highways in relation to the proposed development and therefore the proposals are considered acceptable in relation to transport impacts and safe access.

Contamination risks

No contamination risks have been identified and there are no recent or known historic land uses that pose a risk. The proposal is above ground and relates to conversion of an existing building and it is not proposed to break ground to facilitate the change of use application and therefore it is considered that there is low contamination risk.

The proposals are considered acceptable in relation to contamination risks.

Flooding risks

The application site covers an area of 0.97 hectares and is situated within Flood Zone 1, indicating a low probability of flooding. The site would however be at risk of surface water flooding in the future when considering the surface water mapping with climate change allowances, as identified in the Adur and Worthing SFRA. A condition is therefore required to provide details of the existing surface water drainage scheme and any proposed/required changes, and details of the future maintenance and management of the surface water drainage scheme, to ensure the surface water flood risk is adequately addressed and not increased.

The proposals are considered acceptable in relation to flood risk.

Impact of noise from commercial premises on the intended occupiers

The previous NIA considered noise from surrounding businesses, identifying commercial noise sources; to the east, Worthing Leisure Centre, on the opposite side of Shaftesbury Avenue, and two churches to the southeast and stated that, '*Commercial noise from these sources was not evident during the site visits or from the survey data*'.

To the north, on the opposite side of the railway, is an NHS office with a power substation facing towards the site. The report states, '*to mitigate the tonal sound, the sound insulation performance of the building glazing will be specified to control the Rating level (including BS4142 penalties) to below the recommended values in BS8233*'.

With the above glazing implemented, the noise levels due to the substation are expected to be around 9dB, with the 100Hz tone attenuated to around 22dB, well below the corresponding limit in the NANR45 curve. While Class MA excludes assessment of ventilation, if trickles vents were to be included in the windowset, the above levels would increase by approximately 5dB, but would remain well below the assessment criteria'.

Following advice from the council's EHO, noise from the adjacent railway line was also required to be considered as commercial noise and assessed accordingly.

The updated NIA establishes the prevailing noise climate in the locality of Durrington Bridge House and identifies that the noise sources impacting the site are primarily from traffic, rail and infrastructure noise. The site is amongst other residential elements, both new and well-established.

The NIA concludes that:

Noise levels in the area are controlled by the railway line to the north and Shaftesbury Road to the east. There is no commercial noise noted at the site. However, the tonal sound identified to the north is assessed and it is found that with standard building elements internal noise levels would meet the recommendations of BS8233 and be below the low frequency NANR45 curve, indicating a low impact.

The sound from train pass-bys on the railway has also been assessed against the recommendations in BS8233 and WHO as requested by Adur & Worthing Councils and found to comfortably meet the stipulated internal levels with standard building elements installed.

The proposed scheme is not expected to experience a significant adverse noise impact and the site is considered acceptable for the proposed residential use.

It is noted that the introduction of a new residential use provides an opportunity to provide appropriate mitigation against the identified noise sources. This would allow appropriate internal noise levels to be achieved such that the commercial noise source is not considered to be disruptive.

The EHO recommended that the final noise mitigation scheme for this development should include mechanical ventilation, preferably MVHR so that during the summer months warm internal air can be replaced with the cooler night air in the bedrooms without the need to open windows and specified a condition requiring the submission and approval of an acoustic scheme to include mechanical MVHR ventilation in the homes overlooking the railway in order to negate the need to open windows for thermal comfort at night.

The proposals are therefore considered acceptable in relation to noise impact.

The provision of adequate natural light to all habitable rooms

Following initial concerns raised in relation to the provision of adequate daylight, an amended layout was submitted including a reduction in the total number of units from 107 to 101 to address these issues. The revised Internal Daylight and Sunlight Assessment confirms that all flats now achieve a PASS and would therefore provide adequate daylight.

Article 3(9A)

All 1-bedroom 1-person units would have a minimum GIA of 39sqm (37sqm where only a shower room is provided). All 1-bedroom 2-person units would have a minimum GIA of 50sqm. All 2-bedroom 3-person units would have a minimum GIA of 61sqm. All 2-bedroom 4-person units would have a minimum GIA of 70sqm. This meets the Government's Technical Housing Standards.

Other

The building is not within a Conservation Area.

The building does not meet the fire risk condition (as it is not more than 18 metres tall).

The proposal does not involve the loss of a registered nursery or a health centre.

BNG

The application is permitted development and is therefore exempt from the requirement for BNG.

Recommendation

Prior Approval is Required and Granted subject to Conditions:-

1. Approved plans
 2. Surface Water Drainage scheme
 3. Travel plan to be approved
 4. Acoustic scheme to include MVHR

Informative

1. Proactive - Approved following revisions
 2. LV cables – UK Power networks
 3. Communal Space
 4. Fire Safety
 5. Hours of Construction
 6. Southern Water Sewage Connection
 7. Change of Address

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

Case Officer: Amanda Haslett Date: 05/12/24

Authorised by: Jo Morin Date: 05.12.2024