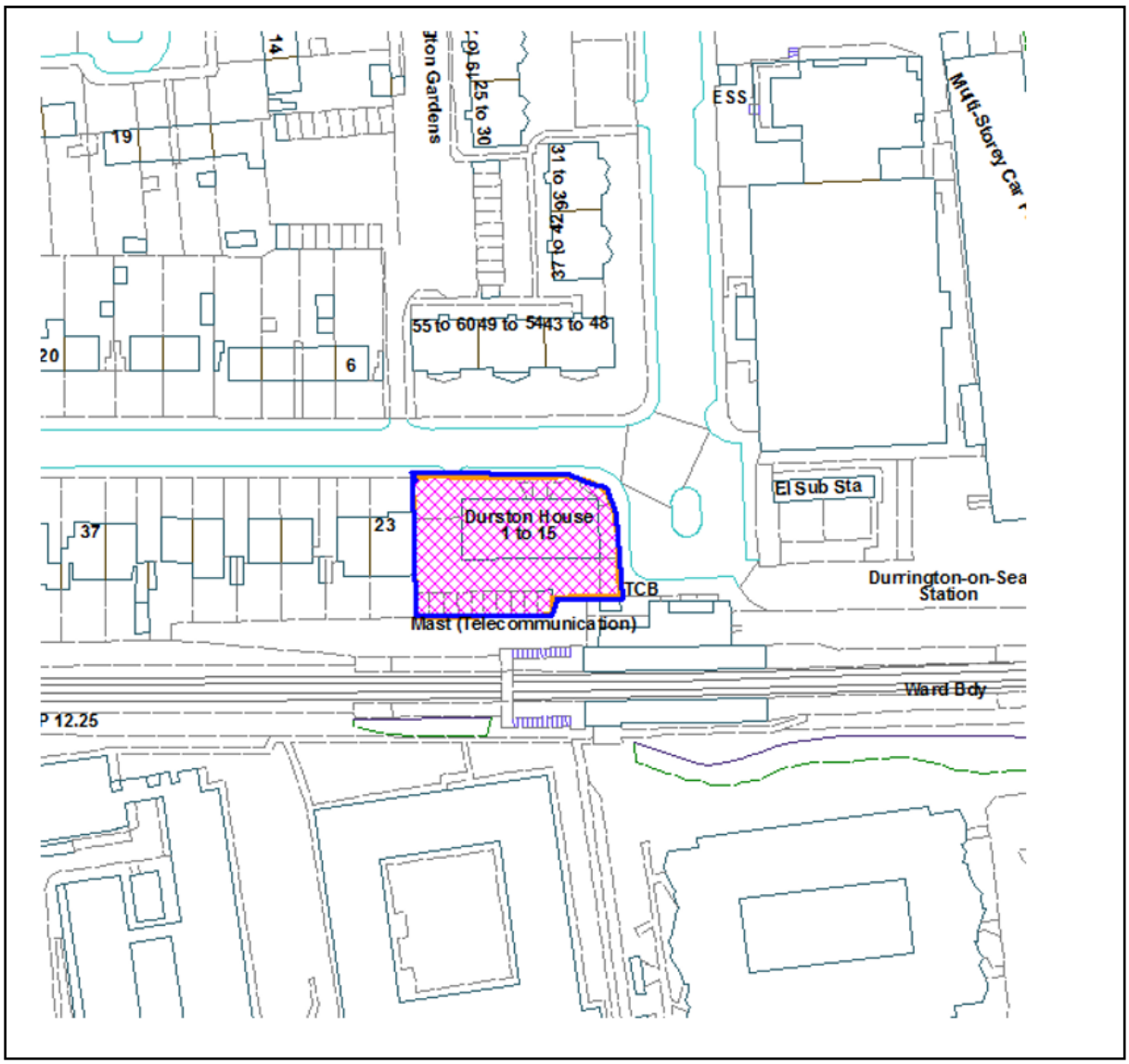
Application Number:	**AWDM/1669/23**	**Recommendation - Delegate to Head of Planning and Development to APPROVE subject to receipt of amended plans**
Site:	**Durston House, 21 Chesterfield Road, Worthing**	
Proposal:	**Construction of an additional floor on the existing building 'Durston House' comprising 4 residential apartments (2 x 1 bedroom and 2 x 2 bedroom).**	
Applicant:	Exite Development LTD	Ward: Castle
Agent:	Howard Fairbairn MHK	
Case Officer:	Marie O'Keeffe	



Not to Scale

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Proposal, Site and Surroundings

The existing building is a three storey block of 15 x 2 bed flats. Formally offices, this conversion to residential was approved under the Prior Approval route in 2016. Durrington railway Station is to the east with the line itself running to the south of the building.

A 3 storey 60s flat block of flats is opposite the site to the north (Durrington Gardens) with suburban semi-detached and terraced houses to the west in Chesterfield Road. The immediate building to the west (number 23) is a semi-detached house and characterises the southern half of the street. No. 23 was granted permission in 2017 for use as a home for up to 6 unaccompanied minors. It has a single storey side extension which abuts the western boundary of the application site with obscure glazed facing windows. The western parking area serving Durston House runs up to this boundary with the building itself about 9 metres off it. The upper floor of the house has landing and bathroom windows facing the site and the common boundary is enclosed by a 2 metre brick wall.

Former NHS offices to the north east have permission to be converted into 48 flats and the former 9 storey Lloyds tower is also now flats. This building includes a medical centre. A designated neighbourhood shopping centre at The Strand is further north and a leisure centre is also very close by in Shaftesbury Avenue. To the south, across the railway, are the tall Inland Revenue offices.

The site is not in a conservation area and is not a listed building. There are no protected trees on the site.

Planning permission is again sought to add an additional floor to this building to create four new units. The proposed extra floor would be served by the existing communal staircase. It is set back at the front (north side) by around 1 metre and by about 300mm on each flank. At the front is a balcony serving three of the flats. At the rear on each corner are two shallow inset balconies.

The roof would have a short oversail at the front to provide a canopy. This additional floor is to be clad with anthracite standing seam cladding at the rear and a lighter grey cladding to the sides and front. The balcony has glazed screening**.** The pattern of fenestration corresponds to that of the existing building at the front and rear. There are some small sections of window in each flank.

Existing parking for 21 cars is retained within a gated parking area to the west side and rear. Cycle parking for 20 and bin stores are outside the compound on the east side behind a lockable gate.

In terms of soft landscaping an additional hedge is proposed on the east side frontage adjacent to the bike and bin stores.

This application has been called into Committee by Councillor Cox.

Relevant Planning History

AWDM/0220/21 - Application for Non Material Amendment to AWDM/0297/18 to change Trespa cladding panel for Cembrit cladding panel. Granted.

AWDM/0297/18 - Construction of an additional floor on the existing building 'Durston House' comprising 4 residential apartments (2 x 1 bedroom and 2 x 2 bedroom). Granted

NOTICE/0008/16 - Application for permitted development for prior approval for change of use from offices to fifteen 2-bedroom flats. Granted

NOTICE/0013/14: Application for permitted development for prior approval for change of use from offices to seven 1-bedroom flats and eight 2-bedroom flats – prior approval not required.

AWDM/0202/15: Construction of two storey roof extension to form 8x2 bed flats and provision of cycle store and landscaping. Application refused on the grounds of design and amenity.

AWDM/1105/15: Change of use of the whole building from offices to residential use comprising 10 no. 2 bedroom flats and 3 no. 1-bedroom flats. Application withdrawn following subsequent permitted development approval

Consultations

West Sussex Highways:

Summary

The proposal is for an additional floor on an existing block of flats named Durston House. Four flats are proposed, 2 x 1 bedroom and 2 x 2 bedroom. Currently there are 21 parking spaces to serve residents, no additional parking provisions are to be created as a result of the proposal. The LHA has previously been consulted on matters at this location under application no AWDM/0297/18 which sought for a similar proposal of 4 flats 2x1bed and 2x2bed. No objections were raised from a Highways perspective and the application approved.

The LHA has observed the most recent and up to date accident data from a 5 year period. This demonstrates that there are no concerns with the existing vehicular access to Durston House and no concerns with the existing operation of the Highway at this point.

Parking and Capacity

It is unclear from documentation the distribution of the parking spaces currently and whether these are all in use. Due to the nil parking provision, it is anticipated that additional parking will need to be accommodated by on street parking. The WSCC Parking Demand Calculator (PDC) outlines that 5 parking spaces would be required to accommodate this number of units with the proposed tenure in the Castle Ward.

It is not considered that the proposal would generate a severe material increase in vehicular movements over those generated already by residents of Durston House.

Secure and covered Cycle Parking exists currently and will be available for use by

any new residents generated by the proposal.

The LHA are unaware of any existing parking pressures in this location. The Local Planning Authority may wish to consider this when assessing the suitability of the application from an amenity perspective.

Sustainability

The site is located within close proximity to sustainable alternative means of transportation including Durrington on Sea railway station a short walk east of the building and the nearby Shaftesbury Avenue is served with bus routes operating a regular service to Durrington, Lancing, Angmering and Arundel.

Construction Management

The applicant has provided a Construction Management Plan in support of this application. This stipulates that deliveries will be organised outside of peak hours and will be taken with the assistance of a banksman. Measures will be put in place to minimise disruptions to residents and signage present to protect pedestrians and members of the public during the construction phase. The construction management plan is considered acceptable.

It would be beneficial however for the applicant to provide a site set up plan to ensure that there is available space for those deliveries to be taken as well as materials stored/ site welfare, wheel washing clear of the highway.

Conclusion

The LHA does not consider that the proposal would have a 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 115), and there are no known transport grounds to resist the proposal.'

Additional Comments following revision

'The applicant has provided a site set up plan for during the construction phase. The plan suitably demonstrates where materials storage, welfare and deliveries will be accommodated. Wheel washing has been noted as required due to no ground works being undertaken.

The plan as submitted is considered suitable. For all other Highways matters, please refer to my previous comments.'

FRS Water and Access

Having viewed the plans for the planning application no. AWDM/1669/23 for the Construction of additional floor on the existing building 'Durston House' comprising 4 residential apartments (2 x 1 bedroom and 2 x 2 bedroom); evidence is required to show that all parts inside all apartments are within 45-metres of the location of a fire appliance in accordance with Approved Document B (AD-B) Volume 1 B5 section 13. [A Building Regulations document]. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45-metre distance will need to be mitigated by the installation of sprinkler or water mist system complying

with BS9251 or BS8458 standards.

WSP – Council's Drainage Consultants

No objection on surface water grounds.

Private Sector Housing

No objection.

Public Health

Acoustic report incomplete regarding overheating. At this stage conditions 5 and 8 of the previous permission AWDM/0297/18 should remain. As no demolition is involved the dust suppression condition (11) of that permission need not be attached.

Southern Water

No objection. No new development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water. Plans attached of sewer within site.

Public sewer may be crossing the site. Also an application for connection will be required. Surface water discharge to our network in accordance with part H3 of the Building Regulations.

Representations

Two objections from residents, one in the block and one neighbour, summarised as follows:

- No parking is proposed for the flats. There is insufficient parking for the existing residents to the extent that the bin storage has been moved outside the compound.

- Heavy on street parking often makes Chesterfield Road one way with poor lines of sight.

- Illegal parking often occurs opposite Durston House.

- At the local shops (only 200 yards away from the property) there is limited parking available for the increased population resulting in cars parking on local roads and on the central reservation limiting drivers line of sight of traffic entering the roundabout at the bottom of Shaftesbury Avenue increasing the potential for a road traffic accident.

- Since the last planning application in 2018, the new doctor's surgery and flats (Skyline and housing at the sixth form college) have increased those needing parking, for people visiting these places south of The Strand, near Chesterfield Road, and put additional pressure on the limited parking available.

- The train station is used a lot by school children heading to the local Durrington High School and children leaving the area to travel to other high schools in

Worthing with the increased traffic in the area this enhances the potential of a road traffic accident.

- At peak times the traffic along Shaftsbury Avenue and the Boulevard is grid locked making it difficult for residents, emergency services and local businesses to access the area. It is anticipated that with the recent Barrington Road development (on the old Tax office, which is due to be 287 dwellings) the traffic in this area will greatly increase.

· I understand the need for development; however, this area of Worthing has seen a significant number of residential properties, disproportionately to other areas of Worthing.

· The existing top floor flat will have a living room and kitchen above a bedroom and a balcony running the entire length of the property which would create a noise.

· Contrary to lease which states residents are entitled to 'quiet enjoyment' of their property. Building work and stacking arrangements will not allow for this.

· The proposed development fundamentally changes the nature of the property.

· Working from home, as now, will not be possible if this build is allowed. This could potentially impact my work as well as my health.

· The building work may prevent use of the parking area.

· There is no space to park the vehicles needed to construct the flats. They would block Chesterfield Road or The Causeway.

· Loss of privacy to Durrington Gardens residents.

. Loss of their light too which may also impact the surrounding gardens and trees.

· Children live in Durston House. How will they sleep? Risk of being hurt? Will dust affect their health? I have consulted a doctor in relation to breathing difficulties I have.

· There is a risk that the electricity supply will be disrupted during the building works which threatens a resident insulin dependent diabetic.

· On 09 February 2015 (ref. AWDM/0202/15) an application to construct additional storeys on the roof was rejected on the grounds of overdevelopment. Although the proposal is a smaller development than this proposal I believe the arguments against the development remain valid, however, I accept that similar planning applications have been accepted.

· In the last 6 years we have had 3 planning applications, when the application expires a new one is submitted. Since purchasing the property, we have not been able to sell or let out.

- I would ask the council to consider rejecting the application for the reasons stated above, if this is not possible then;

- Reducing the working hours to limit the impact on the residents and

- Request the developers to confirm when building will start and end

- Prevent the developers from submitting an application on the expiration of this one.

- This development and others around, encase and surround neighbouring properties with high-rise buildings with no consideration for the residents.

- Just another problem to add to what has become a troubled no-go area/neighbourhood. Welcome to the Durrington-On-Sea railway station ghetto.

Relevant Planning Policies and Guidance

Worthing Local Plan 2020-2036 (WBC 2023): Policies:
SP1 (Presumption in Favour of Sustainable Development)
SS1 (Spatial Strategy)
DM1 (Housing Mix)
DM2 (Housing Density)
DM5 (Quality of the Built Environment)
DM15 (Sustainable Transport and Active Travel)
DM16 (Sustainable Design)
DM17 (Energy)
DM20 (Flood Risk and Sustainable Drainage)
DM22 (Pollution)
National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance
Technical Housing Standards DCLG 2015
SPD 'Space Standards' (WBC 2012)
CIL Charging Schedule (Aug 2021)

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise

Planning Assessment

Principle of Development

The Worthing Local Plan was adopted on 28th March 2023. Policy SS1 sets out the Housing supply over the period 2020-2036 and gives a total figure of 3672 (an annual target of 230 dwellings per annum).

Paragraph 74 of the NPPF states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirement. The supply of deliverable sites should include a buffer of 5% to ensure choice and competition in the market for land, or 20% where there has been a significant under delivery over the previous three years.

The Inspectors report at Paragraph 176 states:

"I am satisfied that this is a reasonable assessment of likely deliverable supply. This comfortably exceeds the likely five-year housing land requirement. It is possible that some sites may stall or take longer to start delivering new housing, especially taking into account uncertainties surrounding the outcome of Brexit and COVID-19. However, there is sufficient headroom to be reasonably confident that a five-year supply of deliverable housing land would exist at adoption."

The Inspector was satisfied that the housing requirement represents a reasonable and realistic assessment of the limited capacity of the Borough.

The most recent housing trajectory and 5 year housing land supply for Worthing can be found in the Annual Monitoring Report. Table 9 indicates the Five Year Supply and includes a 20% buffer, which results in a 6.5 year supply of deliverable sites.

The fourth Housing Delivery Test was published in January 2022, and covers the period from 2018/19 - 2020/21 (therefore prior to adoption of the Local Plan). Worthing Borough Council scored 35%. Therefore the presumption in favour of sustainable development applies as the delivery of housing was less than 75% of the housing requirement over the previous three years. An Action Plan will be produced to identify new measures or updates to existing measures that will assist in the improvement of housing delivery.

Visual Amenity

This site is no longer designated in an area for change as it was under the former Core Strategy. This is because more intensive residential redevelopment has become the reality locally through redevelopments and new development at the former Lloyds building complex and the sixth form college as well as the approved development at the adjacent NHS building site.

The principle of a four storey building here has long been established under a series of permissions dating back to 1990 and last approved in 2018 under AWDM/0297/18. In this context, the additional storey is considered acceptable in principle.

The building would be taller than its neighbour at No 23 where suburban scale of housing predominates along the south side of Chesterfield Road and the station building, which itself is limited in size, somewhat in contrast to the taller buildings to the south. However, the application site relates more to the urban high density

development of The Causeway than Chesterfield Road, especially as number 23 is 9 metres from the building.

The design of the proposal reflects the 2018 permission with a set back at the front and smaller insets at the sides as well as two small rear balconies. However the floor plan for the additional storey shows a set back and this is not reflected in the elevations. It would also be an improvement if the balcony was also set back from the edge of the floor below. The applicant has been requested to make these alterations to the submitted plans.

The pattern of fenestration relates well to the existing building. The 2018 permission included a condition requiring the approval of materials. A 2021 Non Material Amendment application did approve Cembrit Patina Original cladding to the front and sides. This is again proposed with Anthracite Standing Seam cladding for the rear. The materials are therefore acceptable and no further submission is required. There is no need to re-attach condition 3 of the earlier permission.

Details of the shared aerial have also been submitted and are shown on the elevations. The existing aerial is to be fitted to the new roof set back 2 metres from the front. Again these details are acceptable and condition 7 of AWDM/0297/18 is no longer required.

Residential Amenity Neighbours

The principal potential neighbour impacts are mainly on the existing occupiers of Durston House, No 23 Chesterfield Road abutting the site to the west and occupiers of Durrington Gardens to the north.

Assessing the impact on the residents of Durston House, the Environmental Health Officer has recognised that the residents of the third storey would be exposed to noise from the new flats and vice versa. The room stacking above the floors below is not ideal in that ordinarily matching rooms are preferred. However, the applicants previously advised that they have allowed for a separate floor system, rather than relying strictly on the ceiling structure, so will be able to conform to the building regulations requirement for “New Buildings” rather than refurbishment. Planning law has always been quite clear that planning applications should not be resisted where matters can be adequately dealt with by other legislation.

Environmental Health advice is that Condition 8 of the previous permission relating to proposed sound insulation between the new flats, including balconies and the floor, stairs and walls below, is still required.

As for the environmental management of the construction process itself, the planning system has only limited powers and recognises that some impacts are unavoidable.

While existing residents’ concerns are understandable regarding building works, it is very rarely justified to resist applications on such grounds when controls on the times that building works can be carried out can be imposed. In this instance, it can be justified to make such hours more onerous than normal due to the sensitivity, primarily by preventing any working at weekends.

A Construction Management statement and plan has been submitted with this application. It proposes working hours of 9am to 5pm Monday to Friday only with no

weekend or Bank Holiday working. These hours are consistent with the condition restricting hours of working attached to AWDM/0297/18 for the same development and can be reapplied.

In the absence of demolition Environmental Health advises that a separate dust suppression condition is not required.

No significant impact on overlooking or to natural light would occur to any neighbour including those in the flats opposite. The new north facing windows are further from the flats in Durrington Gardens than the existing windows in the building and they and the proposed balcony are more than 21 metres away, the Council's standard separation distance. it cannot be justified that material harm will result.

The impact of the extra floor on the neighbour at No 23 would be modest as the facing single storey side extension of No 23 is blank, save two narrow windows, the facing upper floor flank windows of the house are obscure glazed, and the intervisibility is not materially different to that now.

Future Occupiers

The new flats will be exposed to noise from the road and adjoining railway line. The previous permission included a condition No. 5 as follows:

Construction work shall not commence until a scheme for protecting the proposed flats from noise from the railway and station has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, a test shall be carried out and the result submitted to the Local Planning Authority to demonstrate compliance with the scheme.

An acoustic report has been submitted with this latest application in an attempt to satisfy this condition and negate the need for it in the new permission. The report outlines the construction details for the roof, external walls and glazing to meet the required internal noise standards. The use of either passive or mechanical ventilation details are included in the report as in the author's experience different local authorities interpret Part F of the Building Regulations differently.

Environmental Health are not yet satisfied that overheating of the new flats will not occur without the need to have windows open which would lead to excessive noise to occupants. This matter is with the applicant for further consideration but in the meantime condition 5 of the previous approval is again recommended.

The new flats meet the Government's internal space standards and all have access to a reasonable balcony.

Access and Highways

The site has 21 car parking spaces for the existing 15 flats. No additional parking is proposed in this case. Access is unchanged, including to bins/recycling storage.

The two representations received have raised strong objections to the proposal on the grounds of the additional on street parking pressures that will occur as a result of this development. These concerns are understandable as on street parking in the immediate vicinity is heavy due to the proximity to the station and The Strand Shopping Parade.

However, the site is in a highly sustainable location with the train station adjacent to the site and several bus routes also serving the immediate area. A local shopping parade, The Strand, is also only a couple of minutes' walk away to the north.

The Highway Authority does not consider that the proposal would generate a severe material increase in vehicular movements over those generated already by residents of Durston House.

Secure and covered Cycle Parking exists currently and will be available for use by any new residents.

Residents are concerned about their private parking during the build. The Construction Management Plan submitted states:

'Due to the site constraints parking for personnel will be limited and we advise that vehicles are parked in local vicinity or public car parks such as Durrington Station self pay or along park and display routes on The Strand and Shaftesbury Avenue in Durrington.'

A subsequent Construction Management Plan submitted does show parking spaces 5 and 6 within the site identified for use as a materials storage area during the build. Otherwise a site welfare office and portable WC's also shown to be located to the rear of the building may restrict access/manoeuvering space for residents to other parking spaces.

This will be for the duration of the build only and will revert to residents parking on completion. Lease arrangements and access to parking spaces at all times is a private matter between owners and their freeholder.

In light of the comments of the County Council, and given the location of the site and limited site curtilage there would seem to be no justification to resist the scheme on transport grounds.

Sustainability

The applicant has been asked to provide details of any sustainability or additional energy measures proposed as part of this development in response to policies DM16 and DM17. Members will be updated at the meeting.

CIL

The community Infrastructure Levy does not apply in this case as the Castle ward is exempt from this charge.

Bio Diveristy Net Gain/Soft Landscaping

The site is largely hard landscaped and therefore there is scope for increasing biodiversity. Additional hedging is proposed on the east side of the building and there

is scope to provide additional soft landscaping on the north side of the building which would improve the outlook of the existing flats, improve permeability and provide some biodiversity net gain. The applicant has been asked to consider provision of additional soft landscaping and Members will be updated at the meeting.

Conclusion

The principle of residential development of an additional storey has previously been agreed several times. This latest application is consistent with those approvals and consistent with current government policy, making effective and efficient use of a brownfield site in a very sustainable location.

The dwelling mix and form of one and two bed flats is considered appropriate in this location.

Recommendation

APPROVE - to delegate to the Head of Planning and Development to grant planning permission be granted subject to the receipt of satisfactory amended plans relating to landscaping and biodiversity improvements and amended elevations as set out in the report and subject to the following conditions:-

1. Approved Plans
2. 3 years
3. Materials as specified
4. In accordance with Construction management Plan
5. Construction work shall not commence until a scheme for protecting the proposed flats from noise from the railway and station has been submitted to and approved by the Local Planning Authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, a test shall be carried out and the result submitted to the Local Planning Authority to demonstrate compliance with the scheme.
6. Details of Noise insulation between flats
7. Details of soft landscaping
8. Car/cycle/bin storage retained at all times

21 February 2024

Local Government Act 1972
Background Papers:

As referred to in individual application reports

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