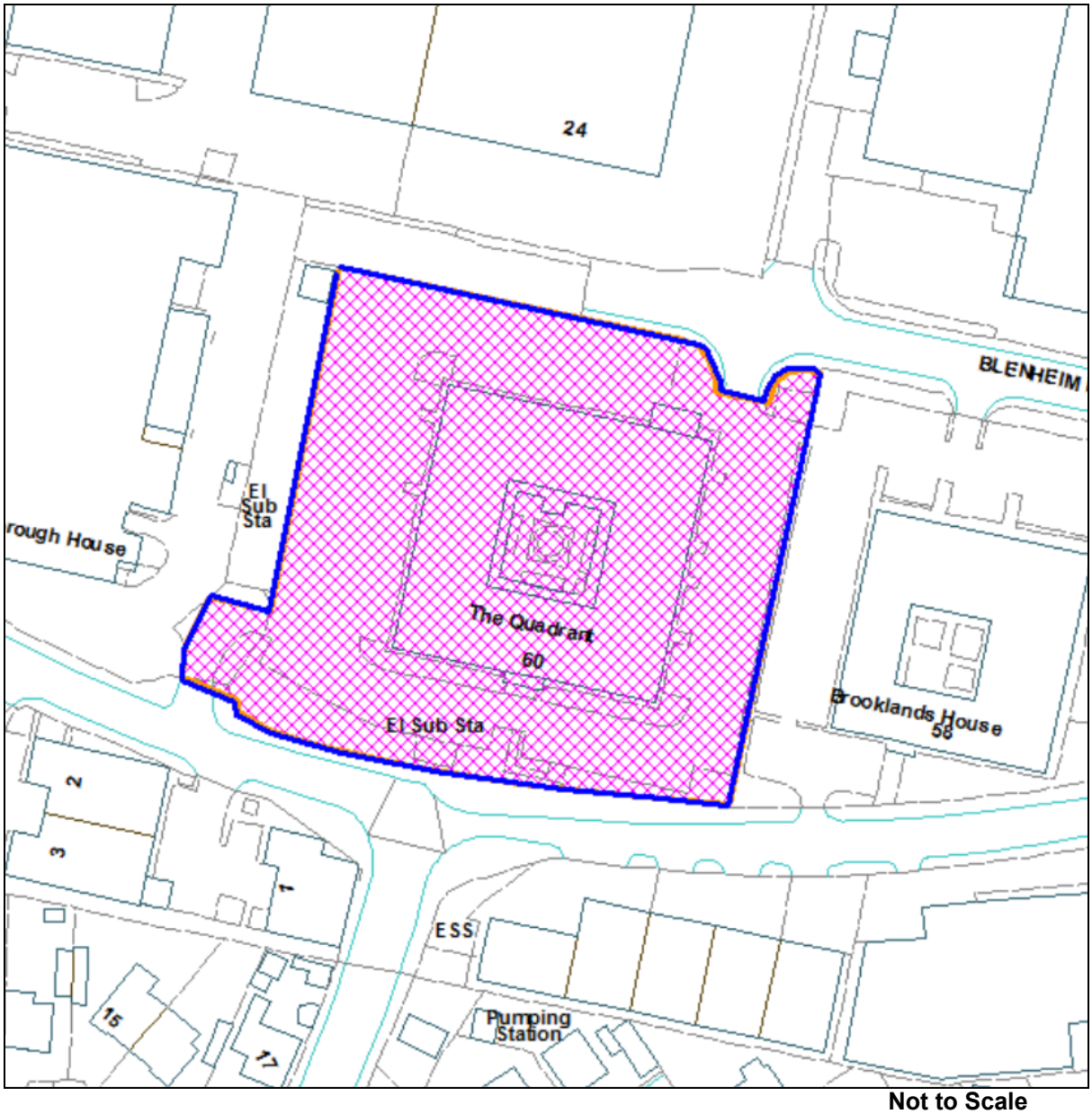
Application Number: NOTICE/0011/20 **Recommendation – Prior approval required and refused**

Site: **The Quadrant, 60 Marlborough Road, Lancing Business Park, Lancing, West Sussex, BN15 8UW**

Proposal: **Application for permitted development for prior approval for change of use from offices (Use Class B1a) to 53 no. residential units (C3)**

Applicant:	The Baron Homes Corporation Ltd	Ward:	Churchill
Case Officer:	Jay Singh		



Not to Scale

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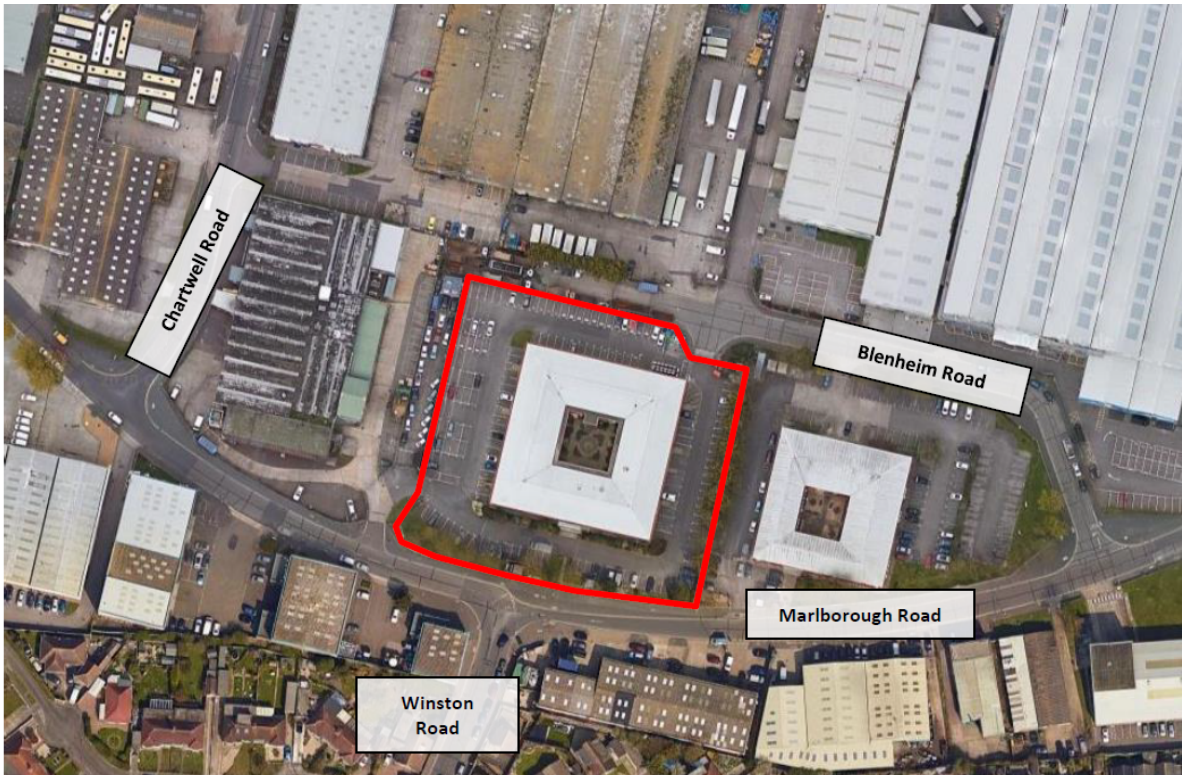
The application has been called into Committee by Councillor Brian Boggis on the grounds set out under the Representation Section of the report.

Site and Surroundings

The application relates to a 0.8 ha site consisting of a 2-storey office building 'The Quadrant' located within the Lancing Business Park. The building is set back from Marlborough Road to its south by approx. 20m and Blenheim Road to the north by approx. 15m. The building is square shaped constructed in facing brick with a metal roof and has significant glazing to side walls, full height glazed sections to the corners and a large number of existing air conditioned units attached to its elevations. The building also has an internal courtyard. The building has been sub-divided to provide approx. 12 smaller office suites and currently has a high level of occupancy.

The site contains approx. 120 car parking spaces around the perimeter of the site with the office building at its centre. The site has 2 accesses, one from Marlborough Road and a second from Blenheim Road.



The boundaries of the site are enclosed by largely palisade and chain links fences, with the boundary Marlborough Road being landscaped with intermittent trees and planting. Beyond the boundaries of the site, neighbouring premises, yards and parking areas are clearly visible. The nearby commercial uses include window and kitchen manufacturing, waste management, logistics, warehousing, accident car repair, and precision tools engineering amongst others.

It is recognised that the Lancing Business Park is the second largest industrial area in West Sussex with more than 250 businesses providing a range of uses, some of which that operate 24/7. The business park is recognised as a key employment site under Policy 25 of the Adur Local Plan which seeks to protect and enhance such employment sites.

The site is located within Flood Zone 1 (lowest risk of flooding) and within an area of potential historic contamination.

Proposal

The application is made under the Permitted Development provisions of Class O, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended), also referred to as the 'GPDO']. It seeks to determine whether the Prior Approval of the local planning authority is required for the change of use of the offices Class B1 (a) to a use falling within Class C3 (dwellinghouses).

The effect of GPDO is to grant planning permission for the proposed change of use but only if the LPA agrees that either: Prior Approval is not required for any of these matters, or that Prior Approval is required for one or more of these matters but the Authority determines to grant such an approval. If the Authority does not grant such approval, the development is not permitted and cannot take place.

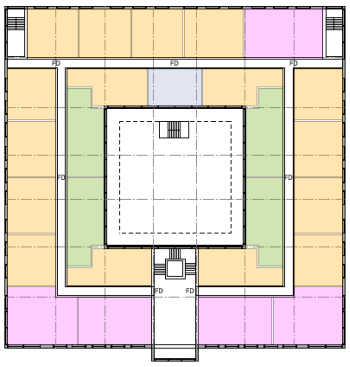
From the 1 September 2020, The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 ("the Use Classes Regulations"). The Use Classes Regulations amend the Town and Country Planning (Use Classes) Order 1987 by creating a new Schedule 2 containing new use classes for England. The new regulations, which take effect from 1st September 2020 revoke use classes A, B1 and D and introduce three new overarching use classes:

- Class E (Commercial, Business and Services)
- Class F (Learning and Non-Residential Institutions)
- Class F2 (Local Community)

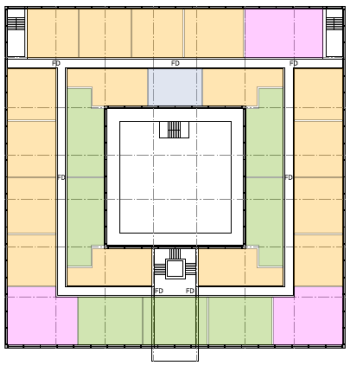
This application site comprising offices whilst classed as B1 (a) offices on the submission of the application on 10 August 2020, from 1 September 2020, it would fall within the new class E (Commercial, Business and Services). However, The Use Classes Regulations include transitional provisions, retaining the effect of the permitted development right (including prior approval applications) based on the classes that were in place prior to 1 September 2020. A building or use will, therefore, continue to be subject to any permitted development rights that it was entitled to on or before 31 August 2020. These transitional provisions will remain in place until 31 July 2021 when the Government has indicated new revised permitted development rights, including changes to the current office to residential permitted development right change of use provisions, will be introduced.

Proposed layout

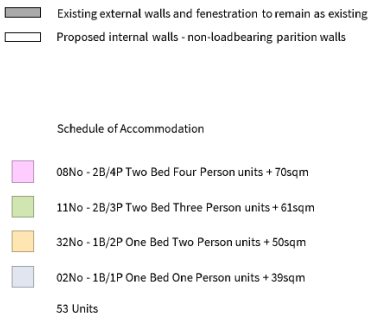
The submitted drawings, as illustrated below, show the provision of 53 flats comprising a mix of 1 and 2-bedroom units ranging in size from 39 sq.m (one bed one person units) to 70 sq.m (Two bed four person units)



The Quadrant Ground Floor Overlay



First Floor Overlay



The existing access arrangements from Marlborough and Blenheim Road would be used to serve the proposal. The site currently has around 120 off-road car parking spaces. This number would be reduced slightly to provide secure bin and cycle storage facilities for future occupiers.

Noise Survey

As discussed further below, the application is accompanied by a noise survey and basic floor plans. The Noise Survey provides an assessment of the site with regards to commercial noise from surrounding premises and road traffic noise from Marlborough Road, and sets out mitigation measures which include improved sound insulation. The scheme includes improvements to the façade with the introduction of secondary glazing and mechanical ventilation. The Noise Survey advises further investigation and assessment of overheating risk and control strategy may be required at detailed design stage to achieve good quality living conditions in terms of acoustics, ventilation and overheating. The survey indicates openable windows are not considered to be a suitable method of ventilation to control overheating. Windows would be openable for purge ventilation only.

Relevant Planning History:

ADC/0005/06 - Subdivision of office building into 12 self-contained offices (including elevational alterations (amendment of l/169/05)
Approved - 17.05.2006

L/169/05/TP/22162 - Subdivision of Office Building into 12 Self-Contained Offices (Including Elevational Alterations)
Approved - 10.11.2005

L/179/94/TP/15763 - Redevelopment of Site with Warehouse/Industrial Building For Use Classes B1, B2 or B8 Together With Revised Car Parking
Approved - 06.03.1995

L/69/87/TP/1213 - Two-Storey High Technology Building for Light-Industrial &/or Office Use Together With 134 Car Parking Spaces with Additional Access to Blenheim Road.
Approved - 01.05.1987

Consultation Responses

The following responses include summaries by officers with full responses being available for viewing on the Councils website:

Lancing Parish Council: Objection. Recommend the application be refused on the grounds that the proposal is an inappropriate and unsuitable use of the building (i.e. to have a residential properly on a lively business park).

West Sussex County Council:

Highways – No objection in principle but request further information:

Parking - The applicant indicates 120 car parking spaces are available on site. The proposal would generate a requirement for 79 spaces. A parking layout is requested to demonstrate how this parking would be laid out.
Access - The proposal would use the existing access arrangements into the site. There have been no recorded injury accidents at the accesses. There is no evidence to suggest that the accesses are operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.
Traffic Generation - In terms of traffic generation, the proposed use would generate less vehicle movements that the current 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.
Accessibility – site is within walking and cycling distance of Lancing Train Station and local amenities. Planning conditions can be imposed to secure cycle storage and Travel Plan to encourage sustainable modes of transport.

Lead Drainage Officer – As the proposal does not increase the impermeable area, no objection to this application in respect of surface water flood risk.

Environmental Health (Noise) – Objection. The applicant has failed to demonstrate good acoustic design to protect the future residents from existing commercial noise, and as the agent of change, it has not addressed the implications of an inappropriately designed residential scheme on existing business in the vicinity.

The latest National Planning Policy Framework makes clear that the onus for successful noise control/protection is the responsibility of the ‘agent of change’ (the developer).

Noise and Overheating are intrinsically linked. From an energy standpoint, it is best practice to open windows for the control of overheating in a property, however in a noisy environment such as this, opening doors or windows would result in the occupiers of the property being affected by noise. There should not be a trade-off between thermal comfort and good internal acoustic in a well-designed property. It is likely that windows would be opened and then residents, as is their right, would complain about the neighbouring noise.

The presence of the metal roof, walls of glass on the Southern facades, and the existing doors along the Eastern and Western facades would increase the overheating risk for future occupiers. I would recommend you also note the number of existing A/C units erected on the building, as a possible sign that overheating is

already an issue. I am concerned that the only realistic way of controlling outside noise while maintaining thermal comfort is with the use of unsustainable A/C units.

The applicant has refused to address this matter, quoting the PD legislation in response.

The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process. (National Planning Policy Framework 2019, paragraph 124).

"Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of ... noise pollution" (National Planning Policy Framework 2019, paragraph 170e).

The scale of this development should also be recognised that there are 53 dwellings proposed here and we are potentially putting over a hundred occupants at risk if this development is poorly designed.

Environmental Health (Private Sector Housing) – Comments

The Applicant has not provided layouts in sufficient detail for comments to be made by this team. The PSH team would expect that, should permission be granted, the developer would contact the Private Sector Housing team to confirm that the layout of the property is acceptable prior to commencing the development in order to avoid the need for any formal intervention or the requirement of retrospective works.

District Fire Safety Officer – Comments. The proposal would need to take into account a range of fire safety measures.

Drainage Engineer – No objection. The proposals will not increase impermeable area.

Environment Agency – No comments received.

Representations (including representations from Lancing Business Park Business Improvement District (LBP BID), Adur and Worthing Business Partnership, Worthing and Adur Chamber of Commerce and Coastal West Sussex Economic Partnership) – 25 letters of objection received from the occupiers of neighbouring business premises and local residents raising the following concerns:

- The introduction of residential housing into a commercial business park would become a constraint on the 24/7 operation of businesses within the park which include manufacturing (who operate industrial tools and forklifts with audible warning systems), logistics (who have to comply with their operator's license which require impact on residential occupiers to be taken into account – without such a license they cannot legally operate), waste management and

catering companies which operate refrigerated lorries, amongst others – the impact of which could not be reasonably mitigated.

- Loss of commercial floor space and associated loss of local jobs - Lancing Business Park is the second largest industrial area in West Sussex with more than 250 businesses based on the business park, employing more than 3000 staff. The business park is extremely vibrant with 99% occupancy and operates 24/7 with large numbers of HGV movements, including left-hand drive artics. The business park currently suffers from highways issue such insufficient parking, congestion at peak times, limited visibility at junctions for pedestrians, HGVs parking on pavements forcing pedestrians to walk in the road, vehicles constantly driving the wrong way round the one-way system, resulting in serious near-misses and a number of previous crashes, complaints from the residents surrounding the business park regarding the impact of the parking issues, out-of-hours vehicle movements and near-misses e.g. last May a 7yr old very narrowly missed being hit by a commercial vehicle on the Chartwell bend.
- Lancing Business Park operates 24/7 and as a result LBP has received resident's complaints regarding night-time noise, from as far as north of the railway line. Introducing residential units within the business park itself would cause further conflict between uses. With many businesses operating overnight and at weekends, if residential were introduced onto the business park, the residents would suffer from constant noise. This application could therefore result in operating restriction being imposed on the businesses based on the park, which could in turn impact the viability of the business park, leading to a drop in occupancy and loss of local jobs.
- Lancing Business Park should be protected for business use to avoid further conflict between uses and enable the local economy to recover and grow.
- Adverse impact on the local highways infrastructure through increased on-street parking demand, cumulative traffic generation taking into account HGV movements and unsafe access arrangements.
- A transport statement is required to fully demonstrate the proposal would not have an adverse impact on highway safety and the local highways infrastructure.
- Poor quality living environment for future residential occupiers (including noise, light pollution, dust, industrial fumes, air quality environment, fire risks from adjacent recycling business which has had fires previously, 44 tonne HGV movements and poor access to external amenity space/play areas for children) taking into account the 24/7 operation of the park – this includes an unsafe environment for children.
- The location of the site means it is adjacent to an area on Marlborough Road where all of the commercial traffic including HGV movements would be experienced by future occupiers in terms of noise.
- Do not believe that the proposed change of use from commercial (Class B1a) to residential (Class C3) within a long-established industrial setting constitutes 'permitted development' under the T&CP(GPD) Order 2015, Schedule 2, Part 3, Class O nor should it be dealt with by a Prior Approval Application in any way shape or form and if the LPA are to consider this proposal it should be dealt with by a full planning application accompanied by the relevant impact assessments that relate to this type of major development and contentious change of use.
- The Quadrant is currently served by an onsite parking area, which under this application will need to be reduced in size to accommodate outside

recreational area to support the residents, thus reducing the number of onsite parking spaces to serve the 53 flats. As LBP already suffers from a lack of available parking, this development would result in insufficient onsite parking which would impact the new residents, businesses on the park and surrounding residents.

- The Quadrant is currently occupied by a number of businesses and if this application is approved, these businesses would likely have to leave the business park due to lack of alternative accommodation on the business park.
- Businesses on the park contribute hugely to the local economy and businesses are already trying to deal with the impact of the pandemic, whilst trying to successfully implement their recovery plans.
- The loss of commercial space from this development would be hugely detrimental to the Worthing and Adur area. There are businesses in this area and also businesses looking to relocate into this area that are not able to find suitable vacant commercial space. We are already at risk of these successful businesses having no option but to look elsewhere. Adur & Worthing Council must look to protect this valuable commercial space.
- Seagulls use the roof of the building which create significant health and safety issues for future occupiers in terms of noise and waste/dirt.
- Proposal would set a precedent for further residential proposals within the business park.
- Proposal is contrary to Adur Local Plan Policy 25 which states that changes of use to other than employment in this location will be resisted.
- Proposal would be contrary to the economic objectives of the NPPF.
- Shortage of such employment sites with Adur as such it they should be protected.
- The supporting noise survey is not a true account of the noise environment within the Lancing Business Estate as, whilst the park has high occupancy levels, due to the coronavirus lockdown the majority of the businesses are not operating at a much reduced level.

Cllr Brian Boggis*:* Objection. Acknowledge significant need to maximise the housing provision in the District, however the proposal is situated in the middle of our busiest Business Park, this would be an entirely unsuitable change for many legitimate planning reasons. However, my prime concern in this instance is the threat to our prime employment area by the loss of this significant asset to our local business community. In the District Plan, the Business Park is designated as a prime employment area and little other space is available in the District to compensate for any loss of this employment space. Our global aspiration is to provide local jobs and to lose this space would seriously deplete our opportunities to achieve this aim. Occupation on the Park is continuously at a high level and it is well served by public transport, reducing the need for commuting and in keeping with our longer term aims to reduce our Carbon usage. It would be a negative step to agree to this change of use and for this reason request the application is reported to Planning Committee for determination.

Tim Loughton MP (East Worthing and Shoreham)*:* Main concern is that we are losing valuable business space in Adur and specifically on the second largest business park in West Sussex which is routinely near fully occupied. We have already lost a potential expansion space for businesses on New Monks Farm and this would set a dangerous precedent on LBP.

It is difficult to see how such an intensity of residential dwellings can sit alongside business premises where there is no restriction on hours of operation. Previously received complaints Winston Road residents whose living conditions have badly effected by noisy speeding delivery lorries operating in the middle of the night. They have had to insulate their properties and set up cameras to try to identify the firms involved but even when they have identified the lorries, they are being operated normally. Such a density of flats would be very vulnerable to 24 hour noise including heavy duty HGV's such as those operating for Rabbit.

Relevant Planning Policies and Guidance

Adur Local Plan (2017):

15 - Quality of the Built Environment and Public Realm Development,
20 – Housing Mix and Quality New residential development,
25 - Protecting and Enhancing Existing Employment Sites and Premises,
28 - Transport and Connectivity,
34 - Pollution and Contamination Development,
35 - Water Quality and Protection Development, and
36 - Flood Risk and Sustainable Drainage)

Other Supplementary Planning Documents, Guidance and Evidence Documents

Development Control Standards: Space around New Dwellings & Flats (ADC)
Guidance on New Parking at New Development (WSCC 2019)
National Planning Policy Framework or NPPF (CLG 2019)
Noise Planning Practice Guidance
Planning Practice Guidance (CLG 2014-present)
Technical Housing Standards – Nationally Described Space Standard (CLG 2015)

Approach to decision making

The Town and Country Planning General Permitted Development Order 2015 (as amended) allows, subject to specific land designations and prior notification to the local planning authority, the change of use of a building and any land within its curtilage to a use falling within Class C3 (dwelling houses) from a Class B1a (office) use.

Prior notification process

As considered in more detail further below under 'planning assessment', the change of use from B1a (office) to C3 (residential) is subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- Transport and highways impacts of the development
- Contamination risks on the site
- Flooding risks on the site

- Impacts of noise from commercial premises on the intended occupiers of the development
- The provision of adequate natural light in all habitable rooms of the dwelling/houses

It is important to recognise matters such as loss of commercial/employment land, levels of vacancy/occupancy for commercial uses, economic considerations and external amenity space for future occupiers are not criteria against which proposals can be assessed under the prior notification process.

To determine any prior approval application, the developer/applicant is required to submit details of the proposal, site and any other information deemed necessary for the local planning authority to assess the potential transport and highway impacts of the development, the flooding and contamination risks; and the impacts of noise from commercial premises on future occupiers.

On receipt of all necessary information, the local planning authority will notify adjoining occupiers/owners or display a site notice; and consult the relevant highway authority (to assess transport and highway impacts); the Council's Environmental Health Officer (to consider contaminations risks and noise) and the Environment Agency (for any sites within Flood Zones 2 and 3, and critical drainage areas within Flood Zone 1); When accessing an application, the local planning authority must take account of any representation made and have regard to the National Planning Policy Framework and associated guidance.

The applicants are advised the development shall not be begun before they have received:

- Written notice from the local planning authority that prior approval is not required,
- Written notice from the local planning authority giving their prior approval, or
- The expiry of 56 days following the date on which the application was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused. In this case an extension of time to determine the application has been agreed with the applicant until 10 November 2020.

A development must be carried out in accordance with the submitted details The Local Planning Authority may refuse an application where, in the opinion of the authority, the proposed development does not comply with or insufficient information has been submitted to enable the authority to establish whether the scheme complies with Class O conditions and limitations.

Publicity

The application has been publicised in accordance with the legal requirements of the Town and Country Planning (Development Management Procedure) Order 2015, and the Council's Statement of Community Involvement. This has involved the display of site notices and notification letters sent to neighbours.

Planning Assessment

For the avoidance of doubt, this proposal is not submitted as part of a full application for planning permission where a full range of material considerations can be assessed. It has come forward under the prior notification process under the Town and Country Planning General Permitted Development Order 2015 where only a limited range of considerations can be taken into account as set out above. These are assessed in turn below.

Part O of Schedule 2 of the General Permitted Development Order 2015 (as amended) states:

Class O – Offices to Dwellinghouses

The Use of the Building and Land

The starting point for consideration of the proposal is whether it can lawfully take advantage of the procedures under Class O. i.e whether the building and site is currently in B1 (a) use.

Taking into account the site's planning history, including its use as 12 self-contained offices since 2006, it is accepted that the building and land can lawfully take advantage of the provisions for change of use to dwellinghouses set out under Class O, Part 3, Schedule 2 of the GPDO 2015.

The site is not affected by the exclusions which apply to the Permitted Development rights, i.e it is in not on article 2(5) land such as a conservation area or National Park; does not form part of: a safety hazard area; a military explosives storage area; is not a listed building or within the curtilage of a listed building; nor does it contain, a scheduled monument. Therefore the proposal may be rightly considered under the GPDO Prior Approval procedure

Transport and Highways Impacts of the Development;

In terms of transport and highways impacts of the development, the proposal has been carefully considered by WSCC Highways and no objection is raised, in principle, subject to the following matters:

In respect of access, the proposal would use the existing access arrangements into the site. WSCC Highways confirm there have been no recorded injury accidents at the accesses. As such, there is no evidence to suggest that the accesses are operating unsafely, or that the proposed change of use would exacerbate an existing safety concern.

As regards to traffic generation, the proposed use is estimated to generate less vehicle movements than the current 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 albeit it would represent a slight reduction in commercial traffic and a likely increase in residential traffic.

In terms of parking provision, the applicant indicates 120 car parking spaces are available on site but this would be reduced slightly to provide cycle and refuse storage facilities. In accordance with the latest county parking standards, the proposal would generate a minimum requirement for 79 off road car parking spaces. Subject to the provision of a parking layout to confirm this would be provided and

provision of appropriate secure cycle storage, the site appears capable of accommodating the car and cycle parking demand generated by the development. This should address the outstanding information requested by WSCC Highways.
In respect of accessibility, notwithstanding the site is located within an industrial estate, the site is within walking and cycling distance of Lancing Train Station (16 mins on foot) and other local amenities. Bus stops also available nearby on Western Road (to the west) and A259 to the south. Planning conditions can be imposed to require cycle storage and a Travel Plan to encourage sustainable modes of transport.

For the above reasons, taking into account any cumulative impacts, and subject to the imposition of relevant planning conditions relating to car parking provision (including 28% Electric Vehicle charging points), cycle parking and travel plan initiatives, the application site appears capable of accommodating the proposed development whilst ensuring no material impact on the local highways infrastructure in accordance with policies 15 and 28 of the Adur Local Plan, guidance contained within the WSCC Parking Standards 2019 and provisions of the NPPF.

Contamination Risks on the Site

The site and the remainder of the estate are identified on Council records as being potentially contaminated. However, no ground disturbance is proposed here. The Council's Environmental Health Officer raises no objection subject to there being no intrusive ground works and the imposition of planning conditions to address any unforeseen contamination (and remediation where appropriate), as such, the risk to human health can be adequately mitigated in accordance with policy 34 of the Adur Local Plan and provisions of the NPPF.

Flood risk

The site is located in Flood Risk Zone 1 where there is a low risk of flooding which is considered to be sequentially preferable in terms of locating new housing. The LLFA and Technical Services have considered the proposal and advised that as the proposal does not increase the impermeable area, the proposal is considered acceptable in terms of surface water flood risk.

For these reasons, the proposal would have not have an adverse impact on flooding with the site or locality in accordance with policy 36 of the Adur Local Plan and provisions of the NPPF.

Impacts of Noise from Commercial Premises on the Intended Occupiers of the Development

The NPPF sets out clear guidance at paragraph 170 which seeks to prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution, amongst other matters.

The Noise PPG further indicates noise needs to be considered when development would be sensitive to the prevailing acoustic environment. Good acoustic design needs to be considered early in the planning process to ensure that the most appropriate solutions are identified from the outset. Decision making needs to take account whether or not a significant adverse effect is occurring or likely to occur, and

the significant observed adverse effect level – this is the level of noise exposure above which significant adverse effects on health and quality of life occur.

The application site is located at the centre of the Lancing Business Park where there are variety of commercial uses and a number of established businesses which undertake outdoor work, have significant HGV traffic movements at various times of day or night, open roller shutter doors in summertime and are in close proximity to the site without any screening to reduce external noise.

The application is accompanied by a noise survey which provides an assessment of the site with regards to commercial noise from surrounding premises and their associated road traffic noise, and sets out mitigation measures which include improved sound insulation. The scheme includes improvements to the façade with the introduction of secondary glazing and mechanical ventilation. The Noise Survey recommends that further investigation and assessment of overheating risk and control strategy may be required at detailed design stage to achieve good quality living conditions in terms of acoustics, ventilation and overheating. The survey indicates openable windows are not considered to be a suitable method of ventilation to control overheating. Windows would be openable for purge ventilation only.

No overheating analysis is provided but the Environmental Health Officer indicates this would be an issue. It is likely that an air conditioning system would be needed together with keeping windows closed in order to provide ventilation and avoid external noise.

The adjoining commercial sites are in separate ownerships and carry out a range of noise-generating activities, including waste management, manufacturing, engineering, logistics and maintenance. They offer significant potential to create noise and other disturbance to residents at varied times of day and night and the uses do not appear to be subject to any noise controls that would protect the residential amenity of future occupiers of the site. The NPPF specifically advises at paragraph 182 that existing businesses should not have unreasonable restrictions placed upon them as a result of development permitted after they were established. It goes on to say, that that the onus for successful noise control/protection is the responsibility of the ‘agent of change’ (the developer).

Should residential use be permitted within the site and future occupiers were to suffer significant noise nuisance, further enforcement measures such as Noise Abatement Notices or Community Protection Notices could be served on adjoining businesses. In the event that the Council was forced to take action against noise nuisances, this would clearly prejudice the operation or future legitimate expansion or other business practice of the industrial occupiers.

In addition to its location, the physical characteristics of the building are also relevant. It has extensive large windows, several external doors and a metal roof. The EHO explains that these physical characteristics increase the risk of overheating, which would affect future residents and the need for ventilation.

The solution offered in the applicant’s Environmental Noise Assessment is to install windows that would not be opened for ventilation other than for ‘purging’. However, in a noisy environment such as this, opening doors or windows would result in the occupiers of the property being affected by noise.

The Environmental Health officer advises that the inability of residents to open windows without suffering noise disturbance would create an unacceptably oppressive residential environment and would not allow residents the normal benefit and enjoyment of fresh air and natural ventilation within their own homes. This would fail to create an acceptable residential noise environment. Furthermore, any sound insulation of the building would offer no sound protection to residents when outside other than possibly the small central courtyard area.

It is also noted that reliance on mechanical ventilation is in terms of energy and sustainability is a far less satisfactory solution that the ability to use natural ventilation and could also add a further potential source of mechanical noise and vibration.

In this case, noise and overheating appear to be closely linked. The Council's Environmental Health Officer (EHO) has carefully considered the proposal and raises an objection on the basis the applicant has failed to demonstrate good acoustic design to protect the future residents from existing commercial noise whilst providing suitable ventilation and heat control. He also comments that there should not be a trade-off between thermal comfort and good internal acoustic in a well-designed property. As the agent of change in an area where there are numerous existing commercial noise sources, the applicant has not addressed the implications an inappropriately designed residential scheme could have on existing business in the vicinity.

Attention is also drawn to an appeal decision references APP/Q3820/W/3203568 and APP/Q3820/W/18/32035 dated May 2019 for the conversion of office buildings for up 75 apartments under the prior notification process under Part O of the GDPO within an industrial area within Crawley which is comparable to the proposal under consideration by this application. The Inspector considered amenity issues in balancing the need to address potential noise nuisance with future living conditions for occupiers. The Inspector in dismissing the appeal he concluded,

'to require the occupants of 75 flats to live in accommodation where they could not open a window to allow air to circulate and to rely on mechanical ventilation, would not be a waste of natural resources but would also result in an oppressive environment for residents'.

This decision (attached to this report) highlights the importance of the interconnected issues of noise, ventilation and heat control and concludes that extensive reliance on mechanical ventilation both inappropriate and unsustainable. For these reasons, there would be a significant adverse impact upon future occupiers of the development resulting from noise created by these nearby commercial premises create an unacceptable residential environment. The proposal would therefore be contrary to policy 34 of the Adur Local Plan and provisions of the NPPF and supporting guidance.

It could also potentially raise problems with the ongoing operation of existing businesses within the Lancing Business Park, however, it does not appear as if this could be used as a refusal reason under permitted development rights.

<u>Natural Light in all Habitable Rooms</u>

Whilst the supporting plans show some single aspect north facing apartments and apartments facing into a small internal courtyard, taking into account the amount of existing glazing on the elevations of the building that would be retained and incorporated into the apartments, on balance, reasonable levels of natural light would be achieved for habitable rooms having regard to the provisions of policies 15 and 20 of the Adur Local Plan and the NPPF.

Other matters

It is recognised that the proposal would result in the loss of employment floor space within a key employment area, which is noted to be a matter of significant local concern. However, it must be recognised that the Local Planning Authority cannot refuse a Prior Approval scheme on the grounds of loss of employment space as this matter falls outside of the criteria set out in the legislation for these assessing these types of prior notification applications. It is also relevant that the change to the use classes order now allows the conversion of existing office floorspace to other commercial uses including retail and leisure related uses.

Conclusion

The proposal is considered unacceptable on noise grounds due to the likely impact from adjoining commercial premises and the resulting harmful impact upon the residential environment that would be created for future occupiers of the Quadrant.

Recommendation

On the basis of the available information the proposed change of use from offices to residential use would result in the creation of dwellings in close proximity to a wide range of commercial uses including waste management, engineering, logistics, maintenance uses, window and kitchen manufacturing premises, warehousing and accident car repair. The Local Planning Authority considers that there would be a significant adverse impact upon future occupiers of the development resulting from noise created by these nearby commercial premises and an attempt to address these issues would result in the creation of unsatisfactory living conditions to the detriment of residential amenity. As a result the proposed development would be contrary to the provisions of policy 34 of the Adur Local Plan (2017) and provisions of the National Planning Policy Framework (2019).

The Local Planning Authority therefore considers that Prior Approval is required in accordance with the requirements of Condition O.2 of Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development)(England) Order 2015 and that such Prior Approval should **BE REFUSED.**