Expiry Date - 10/08/2023

Development Control – Delegated Officer Report

Application Number: NOTICE/0010/23 **Recommendation – PRIOR APPROVAL REQUIRED AND GRANTED**

Site: **106 - 108 George V Avenue Worthing West Sussex BN11 5RS**

Proposal: **Application for Prior Approval for Change of Use of first and second floors from Commercial Class E to 2no. two bedroom flats (Class C3)**

Date of site visit: 19.07.2023

Neighbours checked: Y

Additional neighbour notifications: Y – corrected red line 21days

Site and Surroundings

The application relates to a 3-storey, mid-terrace building with brick elevations and a pitched, pantile roof with flat-roofed rear off-shoots, located on the east side of George V Avenue, close to the roundabout junction with Goring Road. The building is currently vacant but was last used as a bank (Class E(c)) on the ground-floor with ancillary offices on the upper floors above. The property is located with Goring Road District Shopping Centre.

The terrace of which this building forms part is identified as a 'Local Interest Building'. The Local Interest Study (2003) notes the protruding concrete balconies and horizontal emphasis of the terrace together and its curved form fronting onto the roundabout, which is mirrored by the similar terrace on the west side of George V Avenue.

There is a service area to the rear of the terrace accessed from Goring Road. There is no on-site parking provision.

Proposal

An application for Prior Approval is sought under the provisions of the Town and Country Planning GPDO 2015 Schedule 2 Part 3 Class G for a change of use from commercial, business and service use (Class E) to 2no 2-bedroom duplex flats (Class C3).

Planning History

AWDM/0787/23 New external doors and windows throughout the commercial property. Small infill extension to the rear of the property. Permitted 28.07.2023.

Expiry Date - 10/08/2023

Consultations

WSCC: No objection, commenting:-

"Whilst WSCC raise no objection to this application there is an error which needs to be corrected. The number of flats proposed is 2 x 2 bed flats, not 6 as described above.

The flats do not provide any car parking making this a car free development. WSCC parking standards have been consulted and this development would be within PBZ 5 and attract a parking demand of 1.1 spaces per flat.

Given its prime location with shops, bus services and amenities within walking distance, it is unlikely the residents of the flats will require parking and any visitor parking associated with the flats can be accommodated within the surrounding streets. There are a mix of on-street pay and display machines and areas providing free parking.

Will the flats provide cycle storage? This should be incorporated into an area which is easy to use, covered and safe in line with NPPF guidance to promote sustainable transport use."

The following conditions are recommended:-

Construction plant and materials
No development shall be commenced until such time as plans and details have been submitted to and approved in writing by the Local Planning Authority showing the site set up during construction. This shall include details for all temporary contractors buildings, plant and stacks of materials, provision for the temporary parking of contractors vehicles and the loading and unloading of vehicles associated with the implementation of this development. Such provision once approved and implemented shall be retained throughout the period of construction.

Reason: To avoid undue congestion of the site and consequent obstruction to access.

Cycle parking
No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

Southern Water:

Further to your recent prior approval request for the above site, Southern Water have the following observations to make in respect of the proposed development:-

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations:-

- Reuse
- Infiltration
- Watercourse
- Storm Sewer
- Combined Sewer.

Southern Water requires a formal application for a connection to the public water main to be made by the applicant or developer.

Adur and Worthing Councils:

EHO (Public Health): I am concerned regarding the fact that if this were to be granted, and the unit were to open as a food outlet, there would be no suitable ventilation. Should food business operators wish to occupy the unit would they have to submit an application to do so which would address these concerns? Or would this have to be stipulated in these initial comments?

1. Works of construction or demolition, including the use of plant and machinery, necessary for implementation of this consent shall be limited to the following times.

   Monday - Friday 08:00 - 18:00 Hours
   Saturday 09:00 - 13:00 Hours
   Sundays and Bank Holidays no work permitted

   Any temporary exception to these working hours shall be agreed in writing by the Local Planning Authority at least five days in advance of works commencing. The contractor shall notify the local residents in writing at least three days before any such works.

2. The sound insulation of the floor/ceiling between the ground and first floor shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Before the residential unit is occupied a test shall be undertaken to demonstrate compliance with this level.

   Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from traffic noise 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 recommended indoor and outdoor ambient noise levels for dwellings specified in BS8233:2014. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

Reason: The proposed development is within an area which has been identified by DEFRA as an area of increased road noise at night.

Private Sector Housing:

No objections on PSH grounds.

Relevant Planning Policies

Submission Draft Worthing Local Plan: SP1, DM1, DM2, DM5, DM20, DM22
Revised National Planning Policy Framework (HCLG 2021)
National Planning Practice Guidance (CLG)

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

Class G(a) allows for development consisting of a change of use from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a mixed use for any purpose within that Class and as up to 2 flats.

These provisions are subject to the conditions set out in G.1.

G.1 Development permitted by Class G is subject to the following conditions-

(a) Some or all of the parts of the building used for a use within (as the case may be) Class E of Schedule 2 to the UCO is situated on a floor below the lowest part of the building used as a flat;
(b) Where the development consists of a change of use of any building with a display window at ground-floor the ground-floor much not be used in whole or part as a flat;
(c) A flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)-
    (i) By a single person or by people living together as a family, or

(ii) By not more than 6 residents living together as a single household (including a household where care is provided for residents);

(d) Before beginning development 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-

(i) Contamination risks in relation to the building;
(ii) Flooding risks in relation to the building;
(iii) Impacts of noise from commercial premises on the intended occupiers of the dwellinghouses;
(iv) Arrangements required for the storage and management of domestic waste.

Planning Assessment

Contamination risks in relation to the building

The proposals involve a change of use on the first and second-floor of the building with no breaking of ground. There is no external amenity space provision. No contamination risks are envisaged.

Flooding risks in relation to the building

The area is not within an EA Flood Zone.

Impacts of noise from commercial premises on the intended occupiers of the development

The adjoining properties are in use as a 'retro' toy shop (No.64/66 Goring Road) on the ground-floor, with residential flats above (No.104 George V Avenue), and a solicitor's office (No.110). The ground-floor unit is vacant but could be occupied by any use within Class E. The EHO has raised concerns about the potential impacts of a restaurant use taking up occupation which could generate cooking smells and noise continuing into the evening. The disposal of cooking odours would necessitate the installation of a ventilation/extraction/odour control system that would require planning permission in its own right. The EHO has recommended sound insulation is installed between the ceiling/ floor of the ground floor commercial premises and the proposed flats to minimise potential internal noise disturbance.

Another condition is recommended to protect the noise sensitive development from traffic noise, but this [traffic noise] falls outside the scope of matters for Prior Approval which can be considered under Glass G. However, it is worth pointing out that new double-glazed windows have been permitted under AWDM/0787/23.

The provision of adequate natural light to all habitable rooms of the dwellinghouses

All habitable rooms would be provided with adequate natural light

Arrangements required for the storage and management of domestic waste

Two bins storage areas are shown on the revised plans within part of the site curtilage at the rear, one under the void of the external stairs and another adjacent to a recess in the centre of the ground-floor rear elevation. It was noted on site that neighbouring flats and commercial premises similarly store bins at the rear, serviced from the rear service road.

Article 3(9A)

Flat 1 (2-bedroom) would have a GIA of 93.4sqm which meets the Government's Technical Minimum Floor space standard of 79 sqm for a 4-person 2-bedroom dwelling unit over 2 floors. Flat 2 (2-bedroom) would have a GIA of 95 sqm which meets the Government's Technical Minimum Floor space standard of 79 sqm for a 4-person 2-bedroom dwelling unit over 2 floors. Both therefore meet the requirements of Article 3 of the GPDO.

Other

The comments of the LHA are noted but the transport and highways impacts of the development fall outside the scope of considerations for Prior Approval under Class G.

Recommendation

Prior Approval Required and Granted subject to Conditions:-

1. Approved plans
2. The sound insulation of the floor/ceiling between the ground and first floor shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Before any residential unit is occupied a test shall be undertaken to demonstrate compliance with this level.

Informative

- Hours of construction
- Southern Water – advice
- New Address

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

Case Officer: Jo Morin Date: 18.09.2023

Authorised by: Gary Peck Date: 18 September 2023