Expiry Date - 13/09/2023

Development Control – Delegated Officer Report

Application Number: NOTICE/0012/23 Recommendation – APPROVE

Site: Aztex House Ivy Arch Road Worthing West Sussex

Proposal: Application for permitted development for prior approval for change of use from a warehouse building to a college for SEND young adults aged 16 to 25

Neighbours Checked: Y

Additional Neighbour Notifications N

Site and Surroundings:

The application site comprises an older style industrial unit in Ivy Arch Road a road of commercial units and offices of varying ages and heights.

The unit is detached on the northern side of the street over two floors. The property has a service door and further door to the southern side and some further windows primarily to the first floor. There is informal parking to the front and eastern side.

To the east, south and west are commercial buildings. To the north is a residential property off King Edward Avenue.

The site is within the Ivy Arch Road key industrial estate and Business Park.

Description of Development

The application is for prior approval for change of use of the commercial unit from a warehouse building to a college for SEND young adults aged 16 to 25.

The applicant has provided the following statement:

We plan to use the building as a college for SEND young adults aged 16 to 25 who have an EHCP with conditions such as autism, anxiety and similar and who either struggle in mainstream college or cannot access mainstream college. The students will be placed with us and funded by West Sussex County Council and possibly East Sussex County Council.

We aim to provide the students with education to achieve GCSEs in English and maths, life skills such as finance / managing a budget /supporting themselves and work related skills and assistance in employment with a support program.

The building is currently a warehouse with a number of office and storage areas, the office areas will be used as classrooms and the storage areas as workshops.

The intention is to start with 10-12 students and build up to 30 over 2 years, many of these students will be on work placements and not at the College site.

The site has car parking. It is expected most of the students will come from Worthing and the site is close to Worthing railway station. As the majority if not all of the students are unlikely to have cars it is expected that they will use public transport. No changes to the local transport infrastructure will be required.

The applicant clarified that there are believed to be 4 parking spaces at the front of the building, 3 to the side and 3 at the rear.

There will be no change to the number of parking spaces, there will be no overall increase in staff levels in the building.

Pupils- Between 20 and 30, Tuesday to Thursday inclusive

The college will work only during normal working hours 9am to 6pm

The students will be able to travel independently, there will be no students needing escorting. They will be expected to travel by public transport. We do not expect any taxis or minibuses. The students will not be permitted to bring private cars.

It is expected all students will travel by public transport, walk or cycle. There is a path direct from railway station to Ivy Arch road opposite the building

There are no proposed changes to the building layout, there is currently no footway nor pavement in front of the building as can be seen from the ariel photograph in the attached plan. The front of the building is a dropped kerb type layout direct from the road to the building. Foot traffic is negligible in the area

The application is supported by a location plan, block plan and floor plan. The proposed floor plan shows a proposed accessible toilet on the ground floor, a partition to a room upstairs and to create 2 rooms in the open upstairs.

Following the requirement for further clarification of the use of the building the applicant has provided a signed letter from the director of Duncan Stewart Textiles Ltd who purchased and used the property since 1998, a floor plan of the uses, photographs, types of machinery, staff, lease documents and social media posts.

Previously supporting documents had included sales particulars, photographs and floor plans

Relevant Planning History

98/00892/FULL- Retrospective application for retention of new infill wall to eastern elevation of former covered yard area and for the retention of storage container on site-REFUSED – Duncan Stewart Textiles

99/00134/FULL- Retrospective application for the retention of infill wall to eastern elevation of former covered yard- APPROVED- Duncan Stewart Textiles

99/00451/FULL- Installation of Velux style window on East Elevation- Permitted- Duncan Stewart Textiles

99/00948/FULL- Erection of new two metre high steel Palisade security fencing and double gates (Eastern boundary)- APPROVED- Duncan Stewart Textiles- Duncan Stewart Textiles

01/00662/FULL- Single storey rear extension and provision of one additional parking space-APPROVED

Consultations:

Legal

1. The legislation has been updated and so to fall within PD under Class T they will now need to establish change of use from Class E which is Commercial, Business and Service and I'd say it comes within Class E(g).

2. The application before you is one to determine if prior approval is needed but you are absolutely right that in order to determine this, you need to be clear on the current and previous uses of Aztex House and when the uses started and ended. It's for the applicant to establish that the previous use fits within Class E on the balance of probabilities.

3. Looking at the evidence submitted, the strongest evidence is what is referred to as the affidavit of Fraser Stewart. This is not an affidavit as it has not been sworn before a solicitor. It's just a letter and in fairness, it is referred to as such within it. In an application for a certificate of lawful development you would generally expect a statutory declaration to be submitted which you could attach greater weight to than a letter. However, the letter provided does go into a good level of detail about what Aztex House has been used for from 1998-2022 and the photographs and plans assist in supporting the use within Class E(g).

4. The rest of the evidence submitted is not particularly helpful/doesn't add anything above what is in Fraser Stewart's letter. Most of the evidence only seems to cover the position in the last 3-4 years.

5. On balance, my feeling is that they have done just about enough to establish the use of the premises under Class E(g) over the last 10 years via Mr Stewart's letter. Companies House corroborates what is in the letter.

WSCC Highways

Based on the additional information below, in response to our questions the LHA would not expect there to be any significant highway impacts that could support an objection to this this application

Adur and Worthing Councils

EHO (Public Health)

We have no objections in principle. Please can you add the following conditions to any permission that is granted:-

Construction Noise Hours
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.

Hours of Use - As per the application - 09:00-18:00

and the Full contaminated land condition.

If we are allowed to comment on railway noise, please can the following condition also be added:-

Railway Noise

Construction work shall not commence until a scheme for protecting the proposed noise sensitive development from noise and vibration from the railway 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 and 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 competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential unit from noise.

EHO (Private Sector Housing): No comments

Representations:

Chamber of Commerce

"Worthing and Adur Chamber wish to lodge an objection against this planning application. Whilst we understand the need for additional SEND provision we have many concerns that this location is wholly unsuitable for such a provision.

The premises is situated on the corner of a busy industrial park with heavy HGV vehicle movements with a sharp bend at the point where the application premises is located. There is no safe crossing point for students that the facility is proposing to support. This raises highways and safety issues.

The building does not facilitate the parking for the number of students arriving at one time.

The building is old and there is unlikely to be sufficient soundproofing to protect students from the surrounding environment. With a mix of railway, HGV and engineering as close neighbours this is not conducive to the type of environment a SEND education facility for students with Autism and anxiety will need or should be providing for its students.

The estate currently has mixed use but most of this is evening or weekend use.

There have been several reported instances of drug dealing at the entrance to Ivy Arch Tunnel which is the immediate area outside where vulnerable adults will be attending the SEND provision which raises wellbeing and safety concerns.

We strongly object permission being granted for the above reasons and believe there will be far more suitable locations in Worthing for this to be located."

Relevant Planning Policies

Worthing Local Plan: DM1, DM2, DM16, DM22,
Revised National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance (CLG)

Expiry Date - 13/09/2023

Worthing Local plan

DM5 - QUALITY OF THE BUILT ENVIRONMENT
DM8 PLANNING FOR SUSTAINABLE COMMUNITIES / COMMUNITY FACILITIES
DM9 - DELIVERING INFRASTRUCTURE
DM11- PROTECTING AND ENHANCING EMPLOYMENT SITES
DM16 - SUSTAINABLE DESIGN
DM22 - POLLUTION

Legislation

Permitted development

Permitted development rights are provided by Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (GPDO), the Order essentially grants planning permission for certain types of development and sets out conditions on which this consent is given.

1) Subject to the provisions of this Order and regulations 75 to 78 of the Conservation of Habitats and Species Regulations 2017 (general development orders), planning permission is hereby granted for the classes of development described as permitted development in Schedule 2.

(2) Any permission granted by paragraph (1) is subject to any relevant exception, limitation or condition specified in Schedule 2.

(3) References in this Order to permission granted by Schedule 2 or by any Part, Class or paragraph of that Schedule are references to the permission granted by this article in relation to development described in that Schedule or that provision of that Schedule.

(4) Nothing in this Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Act otherwise than by this Order.

(5) The permission granted by Schedule 2 does not apply if—
(a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;
(b) in the case of permission granted in connection with an existing use, that use is unlawful.

(6) The permission granted by Schedule 2 does not, except in relation to development permitted by Classes A, B, D and E of Part 9 and Class A of Part 18 of that Schedule, authorise any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a trunk road or classified road, or creates an

obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.

(7) Any development falling within Class A of Part 18 of Schedule 2 authorised by an Act or order subject to the grant of any consent or approval is not to be treated for the purposes of this Order as authorised unless and until that consent or approval is obtained, except where the Act was passed or the order made after 1st July 1948 and it contains provision to the contrary.

(8) Schedule 2 does not grant permission for the laying or construction of a notifiable pipe-line, except in the case of the laying or construction of a notifiable pipe-line by a gas transporter in accordance with Class A of Part 15 of that Schedule.

(9) Except as provided in Classes B and C of Part 11, Schedule 2 does not permit any development which requires or involves the demolition of a building, but in this paragraph “building” does not include part of a building.

(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—
(a) where the gross internal floor area is less than 37 square metres in size; or
(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015(a).

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

(10) Subject to paragraph (12), Schedule 1 development or Schedule 2 development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“the EIA Regulations”) is not permitted by this Order unless—
(a) the local planning authority has adopted a screening opinion under regulation 6 of those Regulations that the development is not EIA development within the meaning of those Regulations;
(b) the Secretary of State has made a screening direction under regulation 5(3) of those Regulations that the development is not EIA development within the meaning of those Regulations; or
(c) the Secretary of State has given a direction under regulation 63(1) of those Regulations that the development is exempted from the application of those Regulations.

(11) Where—
(a) the local planning authority has adopted a screening opinion under regulation 6 of the EIA Regulations that development is EIA development within the meaning of those Regulations and the Secretary of State has in relation to that development neither made a screening direction to the contrary under regulation 5(3) of those Regulations nor directed under

regulation 63(1) of those Regulations that the development is exempted from the application of those Regulations; or
(b) the Secretary of State has directed that development is EIA development within the
meaning of those Regulations,
that development is treated, for the purposes of paragraph (10), as development which is not permitted by this Order.

(12) Paragraph (10) does not apply to—
(a) development which consists of the carrying out by a drainage body, within the meaning of the Land Drainage Act 1991, of improvement works within the meaning of the Environmental Impact Assessment (Land Drainage Improvement Works) Regulations 1999;
(b) development for which permission is granted by Class E of Part 6, Class K of Part 7, Class B of Part 12, Class A(a) of Part 15, Class D, E or I of Part 17 or Class A of Part 18 of Schedule 2;
(c) development for which permission is granted by Class F, H or K of Part 17 of Schedule 2 where the land in, on or under which the development is to be carried out is—
(i) in the case of Class F of Part 17, on the same authorised site,
(ii) in the case of Class H of Part 17, on the same premises or, as the case may be, the same ancillary mining land,
(iii) in the case of Class K of Part 17, on the same land or, as the case may be, on land adjoining that land,
as that in, on or under which development of any description permitted by the same Class has been carried out before 14th March 1999;
(d) the completion of any development begun before 14th March 1999;
(e) development for which permission is granted by Class B of Part 9 of Schedule 2.

(13) Where a person uses electronic communications for making any application required to be made under any of Part of Schedule 2, that person is taken to have agreed—
(a) to the use of electronic communications for all purposes relating to that person’s application which are capable of being effected using such communications;
(b) that the address for the purpose of such communications is the address incorporated into, or otherwise logically associated with, that person’s application, and
(c) that the deemed agreement under this paragraph subsists until that person gives notice in writing revoking the agreement (and such revocation is final and takes effect on a date specified by the person but not less than 7 days after the date on which the notice is given).

Schedule 2

Part 3, Class T – Permitted Development

Development consisting of the change of use of a building and any land within its curtilage from a use falling within one of the following provisions of the Use Classes Order:

(a) Class C1 (hotels) of Schedule 1,
(b) Class C2 (residential institutions) of Schedule 1,
(c) Class C2A (secure residential institutions) of Schedule 1 or
(d) Class E (commercial business or service) of Schedule 2, to

use as a state-funded school falling within Class F,1(a) of Schedule 2 to that Order.

Development not permitted
T.1 Development is not permitted by Class T if—

(b)the site is, or forms part of, a military explosives storage area;
(c)the site is, or forms part of, a safety hazard area; or
(d)the building is a listed building or a scheduled monument.

Conditions
T.2—(1) Development is permitted by Class T subject to the following conditions—

(a) the site is to be used as a state-funded school falling within Class F.1(a) of Schedule 2 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use of the site as such a state-funded school
(b)before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required as to—
(i)transport and highways impacts of the development;
(ii)noise impacts of the development; and
(iii)contamination risks on the site,
and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Subject to sub-paragraph (3), development under Class T must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class T, planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then development under Class T must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), “associated operational development” means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class T.

Procedure for applications for prior approval under Part 3

W.— (1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.
(2) The application must be accompanied by—

(a) a written description of the proposed development, which, in relation to development proposed under Class M, N or Q of this Part, must in the same application include any building or other operations;

(b) a plan indicating the site and showing the proposed development;

(b in relation to development proposed under Classes G,M,MA, N, O, P, PA and Q of this Part a statement,
a) specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);

(bb) in relation to development proposed under Class Q of this Part, a statement specifying—

(i) the number of smaller dwellinghouses proposed;

(ii) the number of larger dwellinghouses proposed;

(iii) whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of smaller and larger dwellinghouses developed under Class Q;

(bc) in relation to development proposed under Class G,M, MA, N, O, PA or Q of this Part, a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;

(c) the developer’s contact address;

(d) the developer’s email address if the developer is content to receive communications electronically; and

(e) where sub-paragraph (6) requires the Environment Agency to be consulted, a site specific flood risk assessment, together with any fee required to be paid.

(2A)Where the application relates to prior approval as to adequate natural light, the local planning authority must refuse prior approval if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.
(3) The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions except for conditions in paragraph G.1(d)(iv), paragraph M.2(1)(f), paragraph N.2(1)(e), paragraph O.2(1)(e), paragraph PA.2(1)(v), or paragraph Q.2(1)(g), limitations or restrictions specified in this Part as being applicable to the development in question.
(4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes

of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.
(5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

(a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;

(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and

(c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.
(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency58 where the development is—

(a) in an area within Flood Zone 2 or Flood Zone 3; or

(b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.
(7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).
(8) The local planning authority must give notice of the proposed development—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—

(i) describes the proposed development;

(ii) provides the address of the proposed development;

(iii) specifies the date by which representations are to be received by the local
planning authority; or

(b) by serving a notice in that form .

(i) on any adjoining owner or occupier; and

(ii) where the proposed development relates to part of a building, on any owner or occupier of the other part or parts of the building".

(9) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—

(a)assessments of impacts or risks;

(b)statements setting out how impacts or risks are to be mitigated; or

(c)details of proposed building or other operations.

(10) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);

(b)have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and

(c)in relation to the contamination risks on the site—

(i)determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990, and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012 , and

(ii)if they determine that the site will be contaminated land, refuse to give prior approval.

(11) The development must not begin before the occurrence of one of the following—

(a)the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(b)the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or

(c)the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(12) The development must be carried out—

(a)where prior approval is required, in accordance with the details approved by the local planning authority;

(b)where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1),

unless the local planning authority and the developer agree otherwise in writing.

(13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

(14) When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded.

Assessment against the legislation

The starting point for consideration of the proposal is whether the proposal can lawfully take advantage of permitted development and the procedures under Class T

The application has been submitted under Class T Change of Use from Commercial/Business/Service (Use Class E), Hotels (Use Class C1), Residential Institutions (Use Class C2/C2A), or until the end of July 2022, uses previously classified as Assembly and Leisure (Use Class D2) to State-Funded School (Use Class F1(a)), or until the end of July 2022, a Nursery (previously Use Class D1(b))

As set out above Permitted development rights are provided by Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (GPDO), the Order essentially grants planning permission for certain types of development and sets out conditions on which this consent is given.

The scheme provides for a State Funded School with minor alterations to the internal layout of the existing building. The NPPF at Para 95 indicates that it is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and

b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.

There is no recent history for the site and application as originally submitted was limited.

The earliest planning record is from 1973 which indicates the building was a warehouse. A textile business took up occupancy in the late 1999s and remained there until relatively recently. There are various planning

applications which collaborate the owners at the time as Duncan Stewart Ltd. The recent sales particulars for the building refer to it as a 'warehouse' although the accompanying floor plans show an embroidery room, laser room, photography room, as well as warehouse, offices, meeting rooms etc which could suggest that some form of manufacturing had taken place in the building over a sustained period.

As there appeared to be no planning history to suggest that a change of use took place from warehouse to a light industrial use (now E(g)) the applicant was requested to submit further information to prove that the building had been used as a use within class ‘E’.

The additional information included a signed letter of how the building was used from the former owners/directors of Duncan Stewart Textiles (who have now moved to another building), photographs, records of machinery, employment records and insurance details.

The supporting letter in particular provides a clear indication of the use of the building which would fall within E(g) and this has been viewed by the Councils legal officer who considers that on balance, that the applicants have done just about enough to establish the use of the premises under Class E(g) over the last 10 years via Mr Stewart’s letter.

The

The limitations set out in part W are therefore complied with

Consideration of the planning merits of the proposal is restricted to those matters set out in T.

(i) transport and highways impacts of the development;

The site is sustainably located within easy walking distance of the various shops and services available within the town centre, and with good public transport links to other parts of the town and destinations further afield.

The LHA, following the submission of further information, has not raised any objects to the proposal.

The site provides parking on site for support staff. Students will not drive to the site and will use public transport and taxis.

A condition for submission of cycle storage is considered appropriate

(ii) noise impacts of the development; and

An unacceptable level of amenity would be contrary to the National Planning Policy Framework and Planning Practice Guidance which states at para 130 that planning decisions should ensure (amongst other things) that developments:

- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

This is underlined by Policy DM22 of the Worthing Local Plan.

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 Worthing Local Plan policy DM22 states amongst other things:

(a) Development should not result in pollution or hazards which prejudice the health and safety of the local community and the environment, including nature conservation interests and the water environment.

(d) Where appropriate, air quality and/or noise assessments will be required to support planning applications. These should be undertaken in accordance with the most up to date guidance and have regard to any relevant action plans.

The NPPF specifically advises at paragraph 185 That Planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The site is located in a commercial street with activity throughout the day and into the evening. There are neighbouring commercial units to the East, West and opposite the site. There are residential dwellings to the rear (North).

The “noise impacts of the development” encompasses both the noise that the College will generate and the noise impacts of the surrounding environment on the College.

The site is within an industrial site with potential noisy activities. The number of students proposed, the limited openings of the building and external area and the daytime use will ensure that the proposed use would not itself cause unacceptable noise impacts. The Council’s Environmental Health Officers have not raised concerns to any noise concerns emanating from the building

However, the Council's Environmental Health Officers consider that noise and vibration from the nearby railway line has the potential to impact on the proposed use and have suggested a condition for the submission of details of noise mitigation measures prior to occupation. The building is, however, on the opposite side of the road from buildings that back onto the railway line. It is commercial/industrial in appearance with limited openings within the building fabric. In the circumstances, it is not considered this condition would be justified especially as the Applicant has stated that many of the students will be on work placements and not attending full time at the college.

(iii) Contamination risks on the site

There are no reported contamination risks on the site, however, a precautionary condition is advised.

Recommendation

Prior Approval is required because of the relevant issues raised above and is recommended for Approval with the following conditions:

1. Details of refuse facilities to be submitted
2. Details of covered cycle parking
3. Hours of use

Informatives

1. Hours of construction
2. No consent conferred on any external works associated with CoU
3. Precautionary contamination

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

Case Officer: Jackie Fox Date: 18.10.23

Authorised by: Jo Morin Date: 18.10.2023