Expiry Date - 23/09/2024

Development Control – Delegated Officer Report

Application Number: NOTICE/0012/24 **Recommendation – APPROVAL REQUIRED AND GRANTED**

Site: **The Atrium 3 The Causeway Worthing West Sussex**

Proposal: **Application for prior approval for change of use from offices (Use Class E(g)(i)) to 48 no. residential units (C3) comprising 15 no. 1 bed 1 person, 28 no. 1 bed 2 person and 5 no. two bedroom 3 person flats**

Date of site visit: 08.08.2024

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The site consists of a vacant, brick-faced, office building, primarily 2-storeys in height plus basement located on the east side of The Causeway. Originally built as offices for Lloyds Bank Registrars, it was occupied by West Sussex Health Authority (most recently West Sussex NHS Clinical Commissioning Group) from the mid-1990s until 2022. Works commenced in 2022 to implement the external alterations to the building granted under AWDM/0918/22, but ceased shortly thereafter without completion. The original 2nd floor roof-top building components have largely been demolished and the building is currently boarded up.

Adjoining the site to the north are residential flats (Skyline Apartments) within the former Lloyds tower (1b The Causeway). To the east is a decked car park (now serving residential flats and the Strand Medical Centre at Causeway Place). The car park wraps around the SE corner of the office building at surface level with an access/egress onto The Causeway (just to the east of Durrington rail station). Adjoining the site to the south is a large electrical sub-station with transformers.

The site is sustainably located within 100m of the Strand Local Shopping Centre.

The railway line and Durrington-on-Sea rail station lie approximately 40m to the south of the office building.

Proposal

An application for Prior Approval is sought under the provisions of the Town and Country Planning GPDO 2015 Schedule 2 Part 3 Class MA for a change of use of the ground and first-floor from commercial, business and service use

(Class E) to provide 48 flats (15no 1-bed 1-person units, 28no 1-bed 2-person units and 5no 2-bed 3-person units). The basement would be used for cycle storage, private storage cupboards for the individual flat units, plant rooms and a proposed gym. An area for bin storage is shown in the narrow strip of external area between the rear (east) of the building and the adjoining decked car park.

The application is supported by a Planning Statement (dated July 2024 by Batchellor Monkhouse), a Flood Risk Assessment (dated June 2024 by Innervision Design Ltd), a Noise Assessment (A1403 R01a dated 9th March 2020 by ION Acoustics) and response to EHO Comments (dated 21st May 2020) to include Railway Noise Assessment, a Transport Statement (dated April 2020 by Vectos) plus Transport Statement letter (dated 18th July 2024 by SLR), a Phase 1 Environmental Assessment (1620017154 Issue 01 dated 23rd July 2024 by Ramboll), and a Daylight and Sunlight Report (dated 28 June 2024 by Right of Light Consulting).

Planning History

NOTICE/0007/20 Application for permitted development for prior approval for change of use from offices (Use Class B1a) to 48no. residential units (C3) comprising 11no. studios, 33no. 1 bedroom and 4no. two bedroom flats. Prior Approval Required and Granted 03.06.2020. Lapsed without implementation.

AWDM/0918/22 Elevational changes to the Atrium in association with previously consented prior approval for the change of use of the building from offices to residential apartment. (NOTICE/0007/20) Granted 17.10.2022. Commenced but not completed.

AWDM/0544/22 Non-Material Amendment to NOTICE/0007/20 for the reconfiguration of the internal layout of the former NHS Building to provide 48no. residential units (C3) comprising 7no. studios, 36no. 1-bedroom and 5no. 2-bedroom flats. Approved 06.05.2022.

AWDM/0219/22 Approval of Details Reserved by Condition 2: Noise Protection Scheme, of approved application NOTICE/0007/20. Pending/undecided.

AWDM/0188/22 Approval of Details Reserved by Condition 3: Details of Site Set-Up, of approved application NOTICE/0007/20. Pending/undecided.

Consultations

WSCC: No objection, initially commenting:-

"Summary
West Sussex County Council, in its capacity as Local Highway Authority (LHA), have been consulted on prior approval application (NOTICE/0012/24). The application is supported by way of a Transport Statement prepared by Vectos. The Prior Notification application is for change of use from offices

(Use Class E(g)(i)) to 48no residential flats (C3) comprising 15no 1-bed 1-person, 28no 1-bed 2-person and 5no 2-bed 3-person flats. The site was subject to a similar prior notification application (NOTICE/0007/20) in 2020 for which no highway objection was raised.

Permitted Development
Under the General Permitted Development Order change of use from offices to residential is permitted subject to prior approval from the Local Planning Authority (LPA). The prior approval process requires demonstration from the applicant that the development will not cause adverse impact in contamination, flooding risk and transport and highways terms. The LHA will therefore provide comments in respect to the highways and transport impacts of the development.

Local Road Network
The site is accessed from The Causeway, unclassified public road subject to 30mph speed restriction. The carriageway ranges from 9-11m in width and features on-street parking on both sides. A short distance to the south of the site is Durrington-on-Sea Train Station, which can be reached by street lit footway present either side of the carriageway. To the north of the site The Causeway joins with the 'C' classified The Strand, in proximity to Strand Parade Roundabout. The nearby road network features a range of residential, offices and commercial properties including Field Place Parade and Strand Parade to the north which provide shopping and amenities/ services.

There appears to be a limited vehicular access along southern boundary of building via crossover to Chesterfield Road (at its junction with The Causeway). This appears to lead to bin storage area and it is presumed that these arrangements will be retained as part of the proposals in order to wheel bins to the roadside, where servicing will take place as per existing arrangements.

The LHA has reviewed data supplied to WSCC by Sussex Police over a period of the last five years. There has been 2 x recorded injury accidents approximately 50 metres to the north of the site, on The Causeway. However, from an inspection of accident data it is clear that this was not due to any defect with nearby road layout.

Car Parking
A nil car parking provision is proposed for the new development. Under the WSCC Car Parking Standards, 45 x car parking spaces may be provided for the proposal. Given the accessibility of the site by transport modes other than the private car, a car-free development is considered acceptable.

Nevertheless, a parking stress survey was carried out on the surrounding road network (within 200m) to determine whether the development would affect capacity of nearby on-street parking. Table 4.1 summarises the parking survey results and indicates that within the survey area approximately 38% of parking spaces were available overnight (with the survey being carried out on two early morning weekdays to take in to account highest level of residential

parking demand). This equated to a count of 69/70 spaces available out of the 180 space capacity nearby on-street. It is therefore considered that sufficient capacity nearby on-street is available for residents of the proposed scheme. Furthermore, there are parking restrictions within the vicinity, including junction protection markings at nearby junctions, prohibiting vehicles from parking in places that would be detriment to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The LPA may wish to consider the potential impacts of this development on on-street car parking from an amenity point of view.

Trip Generation
Besides the fact that the site will not provide any dedicated off-street parking, a trip generation assessment has nonetheless been carried out as some residents may choose to park nearby on-street and thus some vehicular trips could be generated by the development.

TRICs (Trip Rate Information Computer Systems) database has been interrogated to determine the existing number of person trips that could have been generated by the permitted office use. Using suitable parameters in TRICs it was found that 178 person trips in the AM and 154 in the PM peak could have been generated for 4,680sqm office floor space. Section 5.4 of the TS goes on to determine how many trips could have been made by different transport modes by applying 'Method of Travel to Work' data for the area from 2011 census data. Table 5.2 indicates that 27% of residents within the area travelled to work by sustainable transport modes (bus, train, by foot or bicycle) and 59% travelled by private car. On this basis, the existing office use could have resulted in 105 vehicle movements in the AM and 90 movements in the PM peak, although it is noted that there does not appear to be any dedicated off-street parking currently for the office use.

An assessment of the anticipated trip rates as a result of the change of use was also carried out using suitable residential site parameters from TRICs. It was found that a development of 48 x units could see 28 person trips in the AM and 31 in the PM peak. Using the previously mentioned census data, the majority of trips are anticipated to be by sustainable transport modes. Table 5.4 accounts for the car free nature of the development stating that zero trips to/ from the site will be by car. However, there is a possibility that residents may park nearby on street and thus the stated decrease of trips may not be wholly accurate. Nevertheless, the LHA have carried out an in house assessment using TRICs and anticipated vehicle trips only. The results are broadly comparable and the LHA does not consider that the development would result in a significant increase in vehicular trips to/ from and in vicinity of the site. Consequently no detrimental impact to the capacity of the nearby road network is anticipated as a result of the change of use.

Accessibility
The TS sets out accessibility of the site in terms of proximity to local facilities, amenities and public transport options. It is also considered that a Travel Plan Statement could be secured to encourage residents of the scheme to uptake

sustainable transport modes. Whilst it is acknowledged that no off-street parking is to be provided, this is considered an existing situation and to reduce additional on-street parking in the vicinity information and incentives in the form of a Residents Welcome Pack could be provided, details of which to be secured via condition.

Street lit footway flanks both sides of The Causeway and provides a route for pedestrians to nearby amenities to the north of the site include grocery retail, pharmacy and foot outlets. There are pedestrian refuge islands and tactile paving to the north to assist those crossing The Strand to access further amenities such as the Junior School to the North West.

The mean average distance for a walking journey for commuters is approximately 1km with a maximum walking distance of 2km as set out within section 3.30 of The Chartered Institute of Highways and Transport - Providing for Pedestrian Journeys on Foot (1999). Durrington-on-Sea Train Station is a short distance (approximately 70m) to the south of the site and provides frequent services to various destinations such as Littlehampton, Worthing, Shoreham, Haywards Heath, Southampton, Brighton and London Victoria with a frequency of 30-60 minutes. The nearest bus stops are approximately 140-170m to the north of the site from either side of The Strand. These provide further opportunity for public transport usage with services to destinations such as Shoreham, Worthing and Littlehampton.

The surrounding roads are considered suitable for experienced cyclists and the ground floor plan indicates that bicycle parking will be provided for residents within the building. This should meet WSCC guidance whereby 1 and 2-bedroom flats should be provided with 0.5 space per unit in a communal facilities. Details of bicycle storage facilities can be secured via condition.

In summary the proposal is served via sustainable transport within the average walking distances set out in Providing for Pedestrian Journeys on Foot. A wide range of public transport, supermarket, leisure, education and medical facilities are within 2km walking distance and further amenities are within 5km cycling distance.

Construction
Whilst the prior approval will not involve significant external changes, some level of construction including alterations to internal walls, is expected. Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is possible only from The Causeway/Chesterfield Road. A comprehensive construction management plan should be submitted. This should set out the controls to be implemented throughout the construction project to ensure that safety of users of the public highway, as well as its operation, is not detrimentally affected. The construction management plan should amongst other things set out how deliveries are to be managed along the nearby road network in light of the presence of other vulnerable road users and on-street parking zones.

Conclusion
The Local Highway Authority (LHA) do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 110-113 as revised 20th July 2021). Therefore, there are no transport grounds to resist the proposal."

The following conditions are recommended in the event the Local Planning Authority is minded to grant planning consent:-

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.*

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.*

Officer Comment: Officers queried the age of the data contained within the submitted Transport Statement, and why a condition to secure the Travel Plan Statement referred to was not suggested.

LHA Response: This application is a bit of grey area. We know from many earlier applications offices generate far more trips than residential. Also, the site is in a sustainable location with good links to train station and bus services.

In this case, after you confirmed that the large buildings [1A Causeway Place and Westmoreland House] were operational from 2018 and 2019, surveys were carried out at the end of 2019, we are convinced that the trips from these residential schemes are already included within the survey. The future trips may not be an extent that are detrimental to the operation of the local highway network.

The following updated formal response has been provided:

“West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been consulted on the above prior notification application (NOTICE/0012/24), The application is supported by way of a Transport Statement from 2020 and an updated Transport Statement letter. The prior notification application is for change of use from offices (Use Class E(g)(i)) to 48 no. residential units (C3) comprising 15 no. 1 bed 1 person, 28 no. 1 bed 2 person and 5 no. two bedroom 3 person flats. The site was subject to a similar prior notification application (NOTICE/0007/20) in 2020 for which no highway objection was raised.

Permitted Development
Permitted Development Under the General Permited Development Order, change of use from offices to residential is permitted subject to prior approval from the Local Planning Authority (LPA). The prior approval process requires demonstration from the applicant that the development will not cause adverse impact in contamination, flooding risk and transport and highways terms. The LHA will therefore provide comments in respect to the highways and transport impacts of the development.

The application is supported by technical plans, Planning Statement and Transport Statement (TS). The LHA would not raise a highway safety or capacity reason to resist the application, subject to following comments and advised conditions.

Local Road Network
The site is accessed from The Causeway, an unclassified public road subject to 30mph speed restriction. The carriageway ranges from 9-11m in width and features on-street parking on both sides. A short distance to the south of the site is Durrington-on-Sea Train Station, which can be reached by street lit footway present either side of the carriageway. To the north of the site The Causeway joins with the 'C' classified The Strand, in proximity to Strand Parade Roundabout. The nearby road network features a range of residential, offices and commercial properties including Field Place Parade and Strand Parade to the north which provide shopping and amenities/ services. There appears to be a limited vehicular access along southern boundary of building via crossover to Chesterfield Road (at its junction with The Causeway). This appears to lead to bin storage area and it is presumed that these arrangements will be retained as part of the proposals to wheel bins to the roadside, where servicing will take place as per existing arrangements.

The LHA have reviewed the data supplied to WSCC by Sussex Police over a period of the last five years. There has been 2 x recorded injury accidents approximately 50 metres to the north of the site, on The Causeway. However, from an inspection of accident data, it is evident that this was not due to any defect with nearby road layout.

Car Parking
A nil car parking provision is proposed for the new development. Under the WSCC Car Parking Standards, 45 x car parking spaces may be provided for

the proposal. Given the accessibility of the site by transport modes other than the private car, a car-free development is considered acceptable. Nevertheless, a parking stress survey was carried out on the surrounding road network (within 200m) to determine whether the development would affect capacity of nearby on-street parking. Table 4.1 summarises the parking survey results and indicates that within the survey area approximately 38% of parking spaces were available overnight (with the survey being carried out on two early morning weekdays to take in to account highest level of residential parking demand). This equated to a count of 69/70 spaces available out of the 180-space capacity nearby on-street. It is therefore considered that sufficient capacity nearby on-street is available for residents of the proposed scheme.

Furthermore, there are parking restrictions within the vicinity, including junction protection markings at nearby junctions, prohibiting vehicles from parking in places that would be detriment to highway safety. We would not consider that highway safety would be detrimentally affected through the proposed nil car parking provision. The LPA may wish to consider the potential impacts of this development on on-street car parking from an amenity point of view.

Trip Generation
Besides the fact that the site will not provide any dedicated off-street parking, a trip generation assessment has nonetheless been carried out as some residents may choose to park nearby on-street and thus some vehicular trips could be generated by the development. TRICS (Trip Rate Information Computer Systems) database has been interrogated to determine the existing number of person trips that could have been generated by the permitted office use. Using suitable parameters in TRICS it was found that 178 person trips in the AM and 154 in the PM peak could have been generated for 4,680sqm office floor space. Section 5.4 of the TS goes on to determine how many trips could have been made by different transport modes by applying 'Method of Travel to Work' data for the area from 2011 census data. Table 5.2 indicates that 27% of residents within the area travelled to work by sustainable transport modes (bus, train, by foot or bicycle) and 59% travelled by private car. On this basis, the existing office use could have resulted in 105 vehicle movements in the AM and 90 movements in the PM peak, although it is noted that there does not appear to be any dedicated off-street parking currently for the office use.

An assessment of the anticipated trip rates because of the change of use was also carried out using suitable residential site parameters from TRICS. It was found that a development of 48 x units could see 28 person trips in the AM and 31 in the PM peak. Using the previously mentioned census data, many trips are anticipated to be by sustainable transport modes. Table 5.4 accounts for the car free nature of the development stating that zero trips to/ from the site will be by car. However, there is a possibility that residents may park nearby on street and thus the stated decrease of trips may not be wholly accurate. Nevertheless, the LHA have carried out an in-house assessment using TRICS and anticipated vehicle trips only. The results are broadly comparable, and the LHA does not consider that the development would

result in a significant increase in vehicular trips to/ from and in vicinity of the site. Consequently, no detrimental impact to the capacity of the nearby road network is anticipated because of the change of use.

Accessibility
The TS sets out accessibility of the site in terms of proximity to local facilities, amenities, and public transport options. It is also considered that a Travel Plan Statement could be secured to encourage residents of the scheme to uptake sustainable transport modes. Whilst it is acknowledged that no offstreet parking is to be provided, this is considered an existing situation and to reduce additional onstreet parking in the vicinity information and incentives in the form of a Residents Welcome Pack could be provided, details of which to be secured via condition.

Street lit footway flanks both sides of The Causeway and provides a route for pedestrians to nearby amenities to the north of the site include grocery retail, pharmacy, and foot outlets. There are pedestrian refuge islands and tactile paving to the north to assist those crossing The Strand to access further amenities such as the Junior School to the northwest.

The mean average distance for a walking journey for commuters is approximately 1km with a maximum walking distance of 2km as set out within section 3.30 of The Chartered Institute of Highways and Transport - Providing for Pedestrian Journeys on Foot (1999). Durrington-on-Sea Train Station is a short distance (approximately 70m) to the south of the site and provides frequent services to various destinations such as Littlehampton, Worthing, Shoreham, Haywards Heath, Southampton, Brighton, and London Victoria with a frequency of 30-60 minutes. The nearest bus stops are approximately 140-170m to the north of the site from either side of The Strand. These provide further opportunity for public transport usage with services to destinations such as Shoreham, Worthing, and Littlehampton.

The surrounding roads are considered suitable for experienced cyclists and the ground floor plan indicates that bicycle parking will be provided for residents within the building. This should meet WSCC guidance whereby 1 and 2-bedroom flats should be provided with 0.5 space per unit in a communal facility. Details of bicycle storage facilities can be secured via condition.

In summary, the proposal is served via sustainable transport within the average walking distances set out in Providing for Pedestrian Journeys on Foot. A wide range of public transport, supermarket, leisure, education, and medical facilities are within 2km walking distance and further amenities are within 5km cycling distance.

Construction
Whilst the prior approval will not involve significant external changes, some level of construction including alterations to internal walls, is expected. Matters relating to access during the construction of the proposed would need to be agreed prior to any works commencing. Vehicular access to the site is

possible only from The Causeway/Chesterfield Road. A comprehensive construction management plan should be submitted. This should set out the controls to be implemented throughout the construction project to ensure that safety of users of the public highway, as well as its operation, is not detrimentally affected. The construction management plan should amongst other things set out how deliveries are to be managed along the nearby road network considering the presence of other vulnerable road users and on-street parking zones.

Conclusion
The application is in a very sustainable location with good public transport links. Although the parking beat surveys were carried out towards the end of 2019, they seem to have incorporated the parking demand from the committed development which were operations from 2018 and 2019. WSCC, from experience analysing several previous applications, are convinced that offices generate far more vehicular trips than residential. Therefore, there are no transport grounds to resist the proposal.

The Local Highway Authority (LHA) do not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network; therefore, is not contrary to the National Planning Policy Framework (NPPF), paragraphs 110-113, as revised 20th July 2021. Therefore, there are no transport grounds to resist this proposal."

If the Local Planning Authority (LPA) is minded to approve the application, the following conditions should be applied:

CONDITIONS

Cycle Parking
No part of the new 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.

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 contractor's 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.

Travel Plan Statement (to be approved)
No part of the development shall be first occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

INFORMATIVE
The applicant is advised that the erection of temporary directional signage should be agreed with the Local Traffic Engineer prior to any signage being installed. The applicant should be aware that a charge will be applied for this service. The applicant is advised of the requirement to enter early discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway.

WSP: No Objection.

UK Power Network: No comments received.

Adur and Worthing Councils:

EHO (Public Health):

Initially commented:-

Further to my comments on the previous Notice for development here, Notice/0007/20, I have since had training from UK Power Networks in 2022 on Low Frequency Noise from electrical substations and I would like to look at the noise for this application afresh. The acoustic report submitted in the latest application stems back to 2019. It contains no 1/3 octave noise data in the report. Please can I ask that the applicant supply this data for consideration; 1/3 octave hums from the substation is referred to in the 2019 report but no actual measured data in the 1/3 octaves is provided in the report. You will see from the UK Power Networks slides attached that glazing is ineffective at controlling low frequency noise and I am worried if this hum is not adequately mitigated, future residents will complain about nuisance from the transformers. As this is an agent of change matter, this Notice should be brought to UK Power Networks attention for comment also. Once I have the acousticians measured low frequency 1/3 octave data I will look at the application again and send you my comments.

Following the receipt of a Technical Note (dated 29th Aug 2024) by ION Acoustics in response to the above request the EHO has raised no objection as follows:-

"*There are no EH objections to the proposed noise mitigation scheme for this development.*"

Private Sector Housing:

Initially commented:-

"The building conversion appears to include accommodation on the second floor (third storey), but there are no plans provided for this level. It is not possible to consider them and advise on any potential risk.

The courtyard layout will likely result in some flats being deprived of natural light and limited outlook, with their only windows into this enclosed space. This will be especially true of the ground floor flats on the south side of the atrium (facing north) which may be in constant shadow. The effects of this can cause feelings of isolation and impact negatively on mental health and may be an actionable hazard under the Housing Act 2004.

The layout of those flats shown in the provided plans is broadly acceptable, although it would be preferable for kitchens, particularly ovens and hobs, to be sited away from the final exit door in all instances to reduce the risk of the means of escape being obstructed in the event of a fire in this area."

Following the receipt of revised ground and first-floor plans and an updated Daylight and Sunlight Report (dated 13th September 2024), the PSH team has raised no objection commenting:-

"…..*yes, the report suggests there will be adequate daylight so no further comment on this. The second floor plans indicate that there will be no change to the layout, so I will make a brief comment on this but there would be no objection on PSH grounds*."

Representations: None received.

Relevant Planning Policies

Worthing Local Plan: DM1, DM2, DM5, DM15, DM20, DM22
Revised National Planning Policy Framework (MHCLG 2023)
National Planning Practice Guidance

Legislation

The application is made under the Prior Approval procedure and the consideration is restricted to the limitations, restrictions and conditions set out

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

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

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

Development not permitted

MA.1
(1) Development is not permitted by Class MA-
(a) deleted;
(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;
(c) deleted;
(d) if land covered by, or within the curtilage of, the building—
(i) is or forms part of a site of special scientific interest;
(ii) is or forms part of a listed building or land within its curtilage;
(iii) is or forms part of a scheduled monument or land within its curtilage;
(iv) is or forms part of a safety hazard area; or
(v) is or forms part of a military explosives storage area;

(e) if the building is within—
(i) an area of outstanding natural beauty;
(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 198155;
(iii) the Broads;
(iv) a National Park; or
(v) a World Heritage Site;

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

(g) before 1 August 2022, if—
(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

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

(a) the following classes of the Schedule as it had effect before 1st September 2020—
(i) Class A1 (shops);
(ii) Class A2 (financial and professional services);
(iii) Class A3 (food and drink);
(iv) Class B1 (business);
(v) Class D1(a) (non-residential institutions – medical or health services);
(vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
(vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

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

Conditions

MA.2

(1)Development under Class MA is permitted subject to the following conditions.
(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
(a) transport impacts of the development, particularly to ensure safe site access;
(b) contamination risks in relation to the building;
(c) flooding risks in relation to the building;
(d) impacts of noise from commercial premises on the intended occupiers of the development;
(e) where—
(i) the building is located in a conservation area, and
(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;
(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
(h) where the development involves the loss of services provided by—
(i) a registered nursery, or
(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006,
the impact on the local provision of the type of services lost; and
(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.
(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if—
(a) for paragraph (e) of sub-paragraph (2) there were substituted—
"(e) where—
(i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;
(ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,";
b) in the introductory words in sub-paragraph (5), for "and highways impacts of the development" there were substituted "impacts of the development, particularly to ensure safe site access";
(c) after sub-paragraph (6) there were inserted—
"(6A)Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.";
(d) in sub-paragraph (7) for "(5) and (6)" there were substituted "(5)(6)(6A)";

(5) Development must be completed within a period of 3 years starting with the prior approval date.
(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

Interpretation of Class MA

MA.3. Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—
(a) contain two or more dwellinghouses; and
(b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 201559 .

Planning Assessment

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

Limitations MA.1

MA.1(b)

Planning records indicate that the site was built as offices in the mid-1960s as part of a complex of buildings built for Lloyds Registrars which included the former Lloyds tower (now Skyline Apartments) and former Lloyds Banking Hall (now redeveloped as Causeway Place) to the north. There are no

restrictive planning conditions attached to the original consent in 1965 (and subsequently 1966) limiting or restricting the use of the office building.

The submitted Planning Statement confirms the last use of the building as offices providing administrative support to the NHS. Evidence has been provided indicating that Business Rates were paid on the property until January 2022.

Works to implement the external alterations approved under AWDM/0918/22 commenced in 2022, but following the subsequent removal of the 2nd floor components of the building it is unclear whether AWDM/0918/22 remains extant. The current Prior Approval application relates to the basement, ground and first-floor of the building.

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

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

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

MA.1(g) The application post-dates 1 Aug 2022.

Conditions MA.2

Transport and safe site access

The site is very sustainably located in easy walking distance of the various shops and services available within the Strand local shopping centre, and with good public transport links by bus (routes along The Boulevard/Shaftesbury Avenue) and train (Durrington rail station 5 minutes walking distance).

The development would be a car-free development. In commenting on the age of the evidence within the Transport Statement (particularly the 'parking beat survey' carried out in 2019), the LHA is of the opinion that this would have taken account of any residual parking demand generated by the nearby residential developments at 1A Causeway Place and Westmoreland House which were occupied from 2018 and 2019 respectively. [Both 1A Causeway place and Westmoreland House have onsite parking provision.] From experience, the LHA is satisfied that offices generate far more vehicular trips than residential and taking into consideration that restrictions are in place locally to control on-street parking on nearby residential roads, is satisfied that there are no transport grounds to resist the proposal. Nevertheless a Travel Plan Statement is recommended to promote sustainable travel options and encourage their use by future residents.

Cycle storage provision is indicated in the basement, but details should be secured by condition.

Surface level bin storage is indicated to the rear (east) of the building. However, details should be secured by condition since although there is footpath access to the south side of the building it is unclear whether there is vehicular right of access over the adjoining car park for collection purposes.

Contamination risks

Unlike the earlier lapsed Prior Approval (NOTICE/0007/20) the latest proposal indicates that an area of communal gardens would be created at the rear (east) of the building. The Phase 1 Environmental Study has identified 2no fuel oil tanks in the basement that supplied 2no oil fired boilers. It is understood the tanks were refuelled via an off-set fuel point located externally along the southern elevation of the building. No other potential for contamination was identified and the overall potential for on-site contamination is considered to be low. Nevertheless, the report concludes that the potential for residual contamination from unknown historical site uses, or to have migrated onto the site via groundwater from off-site contamination sources cannot be ruled out given the underlying aquifers. It identifies an intrusive phase II investigation or watching brief during redevelopment works may be necessary for reassurance. In the circumstances a precautionary condition to address potential contamination is considered appropriate.

Flooding risks

The area is within EA Flood Zone 1. The application is accompanied by a FRA which identifies the eastern flank of the building to be within an area at risk from surface water flooding to a 300mm depth. The minimum required 300mm freeboard is already provided to FFL. No specific flood risk measures are considered necessary and the Council's drainage consultant has raised no objection.

Impact of noise from commercial premises in the intended occupiers

The submitted noise reports identify the adjoining electrical transformer station, which appears to run continuously, as the main source of noise and clearly audible primarily due to its 'tonal' nature. However noise levels are not considered particularly high in absolute terms and the report proposes that it would be possible to provide enhanced sound insulation in the form of "very high performance double glazed units" achieving $R_{w,125Hz}$ 29dB to the south façade of the building in order to achieve a satisfactory internal noise environment. This would also require mechanical ventilation so that windows can be kept shut with background ventilation provided.

The Council's EHO sought further clarification on the 1/3 octave band data for the transformer station following training from UK Power Networks in 2022 on Low Frequency Noise from electrical substations

A supplementary Technical Note has been provided which confirms that the tested performance of the selected glazing is 30 dB at 100Hz and therefore

better than the example highlighted in the UK Power Network fact sheet, noting that it will be possible to meet the NR15 design target indicated in the Acoustic Report. Whilst it is possible that a hum may still be audible it will be at low level and mechanical ventilation should mask any hum.

This conclusion has been accepted by the Council's EHO.

The provision of adequate natural light to all habitable rooms

Following the initial concerns raised, the internal layout of some flat units has been adjusted/reconfigured to improve the receipt of daylight in relation to the test set out in BRE 'Site Layout Planning for Daylight and Sunlight: A Good Practice Guide' (2022), supported by an updated Sunlight and Daylight report. It is now considered all habitable rooms would be provided with adequate daylight.

Article 3(9A)

All 1-bedroom 1-person units would have a minimum GIA of 39sqm. All 1-bedroom 2-persion units would have a minimum GIA of 50sqm. All 2-bedroom 3-person units would have a minimum GIA of 61sqm. This meets the Government's Technical Housing Standards.

Other

The building is not within a Conservation Area.

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

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

Recommendation

Prior Approval is Required and Granted subject to Conditions:-

1. Approved plans
2. Cycle parking to be agreed/provided prior to first occupation
3. Bin storage to be agreed/provided prior to first occupation
4. A noise protection scheme to mitigate the noise impacts of the adjoining electrical substation transformers and noise from train movements shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include details of double or secondary glazed windows achieving a minimum $R_{w,125Hz}$ 29dB and a strategy to prevent overheating. The chosen mechanical ventilation system shall be installed to minimise noise, ensuring all ventilation ducts are correctly sized and securely fixed. No dwelling shall be occupied unless and until the approved scheme has been implemented. Within 1 month of implementation a test shall be carried

out and the results submitted to the LPA to demonstrate that the attenuation measures carried out as part of the approved scheme are effective and achieve the specified design target.

5. Precautionary contamination
6. Agree site set-up
7. Agree Travel Plan Statement

Informative

- Hours of construction - advice
- WSCC Highways
- Reminder to applicant that any external changes will require planning permission.

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

Case Officer: Jo Morin Date: 30.09.2024

Authorised by: Louise Prew Date: 30/09/2024