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email: sam.stackhouse@montagu-evans.co.uk
amran.nagra@montagu-evans.co.uk

11 November 2024

Planning Department
Adur & Worthing Councils
Portland House
Worthing
West Sussex
BN11 1HS

Planning Portal Ref: PP-13337645

Dear Sir / Madam

**DURRINGTON BRIDGE HOUSE, BARRINGTON ROAD, WORTHING BN12 4SE
TOWN & COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2021 (AS AMENDED)
SCHEDULE 2, PART 3, CLASS MA – PRIOR APPROVAL FOR CHANGE OF USE FROM COMMERCIAL TO
DWELLINGHOUSES**

We write on behalf of our client, DBH Worthing Ltd (“the Applicant”), to submit an application (“the Application”) for determination as to whether the Prior Approval of Adur and Worthing Council (“the Council”) is required for the proposed change of use from office (Use Class E) to residential (Use Class C3) at Durrington Bridge House, Barrington Road, Worthing BN12 4SE (“the Site / Building”).

This Application is submitted via the Planning Portal, ref. **PP-13337645**.

The description of development is as follows:

‘Change of use of the building from commercial (Use Class E) to residential (Use Class C3) to create 101 self-contained flats under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)’.

This Application seeks the Council’s confirmation that Prior Approval is not required in exercising permitted development rights, allowing the change of use of the existing office space.

Following the amendments to the GDPO which came into effect on 5 March 2024, this Application seeks to convert the entire building to residential under Class MA.

We acknowledge under Class MA; external changes cannot be included within the same application. Therefore, it should be noted that this Application has been submitted in tandem with application AWD/0991/24, which seeks full planning permission for external alterations necessary to convert the office building into residential accommodation. The determination deadline for application AWD/0991/24 is September 26, 2024.

To support this twin-tracked strategy, we reference a relevant appeal decision where this approach has been accepted. Notably, in appeal APP/E0345/W/22/3291549, allowed on November 22, 2022, the appellant secured a separate planning permission (ref: 210885, dated August 24, 2021) for operational development involving roof alterations and window installations. These physical works were essential to ensuring that the new residential units proposed under the prior notification application and subsequent appeal received adequate natural light.

The Inspector in this case imposed a condition on the grant of Prior Approval, stipulating that residential use could not commence until the operational development was completed. This ensured that the proposed dwellings met the conditions of Class O [now Class MA], regarding adequate natural light for the new residential dwellings.

The acceptability of this approach is further supported by the Planning Practice Guidance (Paragraph: 055 Reference ID: 13-055-20140306), which states that when physical development is necessary to implement a change of use, developers must consider whether it constitutes development and secure planning permission if needed. This guidance reinforces the view that a condition requiring completion of operational development under a separate planning permission can be appropriate to ensure the provision of adequate natural light, thereby allowing for Prior Approval.

On this basis, we submit this application with the expectation that the external alterations application will be approved.

Site and Planning Context

The Site is situated within the administrative area of Adur and Worthing Councils (AWC) and falls within the jurisdiction of Worthing Borough Council. The Site comprises an area of approximately 0.97 hectares. The Site is located to the west of West Worthing and to the north-east of Goring-by-Sea. A location plan showing the Site in the context of the surrounding area is included within this Application.

The Site is occupied by Durrington Bridge House, a four-storey office building (Use Class E, formerly B1a), with an additional plant floor located in the eaves of the structure. The building is of an office style symptomatic of a late 1990s and early 2000s business park, with the utilisation of red and light brown brick facades, with window surrounds across all floors. The property features a large surface car park to the south, along with surrounding hard and soft landscaping.

A Site Location Plan extract is provided below in **Figure 1**.

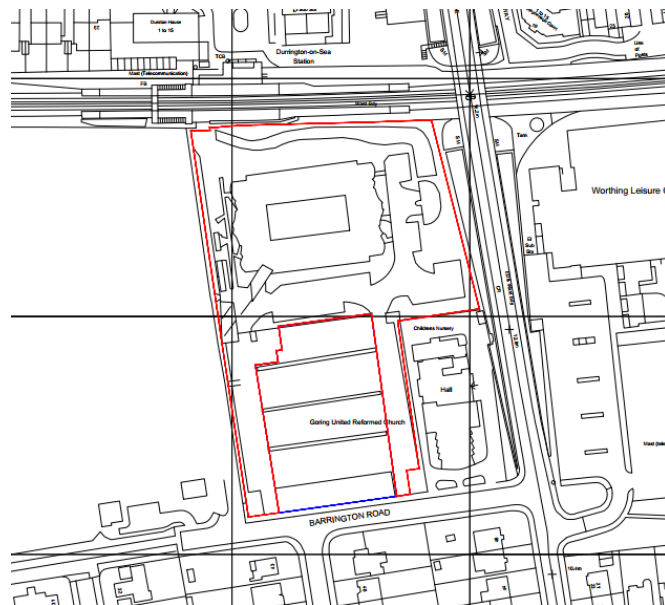


Figure 1: Site Location Extract

The Site is bound to north by the railway lines of Durrington-on-sea Railway Station with residential accommodation beyond. Shaftesbury Avenue runs parallel to the Site's eastern border, beyond which is Worthing Leisure Centre. Immediately south-east of the Site is Goring United Reformed Church which site at the corner of Barrington Road and Shaftesbury Avenue, beyond which are residential dwellings to the south. The South, beyond the ancillary car park, are residential dwellings. Immediately west of the Site are further office buildings ranging between one and 5 storeys along with associated surface level car parking, beyond which lies a vacant dormer gas holder site.

Vehicular access to the Site is taken from Barrington Road which runs west from Shaftesbury Avenue. The Site currently operates a one-way system with egress also on to Barrington Road further east towards Shaftesbury Avenue.

In terms of connectivity, the Site is located adjacent to Durrington-on-Sea railway station, accessed from the Site via a gate on the north-east corner. Durrington-on-Sea provides services by Southern Railway and Thameslink between London Victoria, Brighton, Littlehampton, Portsmouth and Southsea. The closest bus stop is located on Shaftesbury Avenue which provides services to Durrington, Arundel and Lancing which are within walking distance to bus routes which provide services to a number of locations including Brighton, Shoreham, Worthing and Littlehampton.

The Site is located within Flood Zone 1, and therefore has a low probability of flooding. The Site is not located within a Conservation Area nor does the Site contain any locally listed buildings. The Shaftesbury Avenue Conservation Area lies some 150m to the south-east of the Site and the nearest Listed Building, Field Place, is situated approximately 300m to the north-east. Additionally, the Site does not contain any trees which are subject to a Tree Preservation Order

For completeness, this Application relates to the change of use of the ground, first, second and third floors, from office to residential use.

Permitted Development Rights

The Application is made in accordance with Schedule 2, Part 3, Class MA (Offices to Dwellinghouses) of the Town and Country Planning (General Permitted Development) Order 2024 (as amended) (GPDO) which permits development consisting of a change of use of a building and any land falling within its curtilage from a use falling within Class E to a use falling within Class C3 (dwellinghouses).

Permitted Development Rights under Part 3 Class MA Part MA.1 sets out the criteria for which development is not permitted under this right these reasons are considered within the table below

Part MA.1 – Development is <u>not</u> permitted by Class MA -	Assessment
Unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;	The ground, first, second and third floors of the building have been in use as an office (Use Class E) for numerous years, with HMRC currently occupying the building.
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;	The Site is not located within any of the stipulated designations.
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 1981(1); (iii) the Broads; (iv) a National Park; or (v) a World Heritage Site;	The Site is not located within any of the stipulated designations.

If the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;	The Site is not occupied under an agricultural tenancy.
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.	N/A – this Application post-dates 1 August 2022. However, we confirm the Site is not located within any current Article 4 direction.

The Applicant confirms that the Site fulfils the relevant criteria in accordance with condition MA.2. of Class MA and the Council does not currently have any active Article 4 Directions to remove this right. On this basis, the proposed development is considered permitted development.

Following Amendments to the GPDO, from 5 March 2024, Prior Approval applications under Class MA no longer need to demonstrate vacancy of the existing floors, nor are application subject to the 1,500 sq m floorspace limit.

Under the Conditions of Class MA (2), before commencing the development, the developer must apply to the local planning authority for determination as to whether the Prior Approval of the authority will be required in relation 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 use;
- (h) where the development involves the loss of a registered nursery, or a health centre and 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.

In accordance with the requirements set out in Schedule 2, Part 3, Class MA of the GPDO, we enclose the following documents to support this application:

1. A written description of the proposed development, in the form of this cover letter and the accompanying application form;
2. Site Location Plan; prepared by Brooks Murray Architects;
3. Existing Plans, prepared by Brooks Murray Architects;
4. Proposed Plans, prepared by Brooks Murray Architects;
5. Noise Impact Assessment, prepared by Venta Acoustics;
6. Transport Statement, prepared by Motion;
7. Daylight and Sunlight review, prepared by Syntegra Consulting; and

8. Completed CIL Form;

The existing building does not meet the fire risk condition and therefore, no fire safety assessment has been provided.

The Proposed Development

This Application seeks the Council's confirmation that Prior Approval is not required in exercising Permitted Development rights, allowing the change of use of existing commercial floorspace (Use Class E) to provide 101 residential units (Use Class C3).

All dwellings meet the minimum space standards as set out in the National Described Space Standards. Full floor plans including unit and room layouts have been provided.

Application Summary

A summary of each consideration to assist the Council in determining whether Prior Approval is required is set out below:

Transport

In light of the requirements set out within the General Permitted Development Order, this section considers the transport impacts of the development.

Paragraph 115 of the NPPF, states that:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

Policy DM15 (Sustainable Transport and Active Travel) of the Local Plan states that 'Worthing Borough Council will promote and support development that prioritises active travel by walking, cycling, Non-Motorised User routes and public transport, and reduces the proportion of journeys made by car'. The policy goes on to require 'new development to provide for an appropriate level of cycle parking, car parking and electric vehicle space allocations that takes into consideration the impact of development upon on-street parking residential amenity, highway safety and has regard to West Sussex County Council standards / guidance'.

The West Sussex Transport Plan outlines the County Council's strategy and long-term vision for directing highway and transport infrastructure requirements associated with new developments. The guidance provides expected levels of car parking to be provided at residential development based on dwelling size and Parking Behaviour Zone (PBZ). The proposed development is in a PBZ 3 location.

West Sussex's Cycle Parking Standards sets out a provision requirement of 0.5 space (if communal storage otherwise same as 1 & 2 bed house).

A Transport Assessment (TA) prepared by Motion Transport has been submitted in support of the application, evaluating the transport and parking impacts of the proposed change of use.

The Site is situated in a highly sustainable location with excellent access to public transportation. The nearest bus stop, located 200 metres south on Shaftesbury Avenue, serves bus routes 9 and the Pulse service and is equipped with a flagpole and timetable. Durrington-on-Sea railway station is 450 meters north of the site, offering a 6-minute walk or 4-minute cycle. The station provides 26 CCTV-monitored cycle stands and step-free access to all platforms.

The Site is well-connected, featuring lit footways on both sides of Barrington Road that provide direct pedestrian access to the Site, continuing onto Shaftesbury Avenue and leading to local amenities, bus stops, and a train station. Dropped kerbs are present at crossing points to enhance accessibility, and footways on surrounding roads ensure comprehensive pedestrian connectivity.

While there are no dedicated on-road cycle facilities nearby, the local highway network is conducive to cycling, with low-speed limits and flat terrain. Additionally, National Cycle Route (NCR) 2 is located approximately 1.3 kilometres south of the site, offering extensive cycling routes across the South Coast.

In accordance with West Sussex County Council's car parking standards, the proposed development includes 111 car parking spaces for the residential units, including 15 blue-badge spaces, consistent with current provisions. The approach to parking provision ensures a balance for the need for adequate spaces without promoting excessive car usage, aligning with local and national policies. Additionally, at least 20% of parking spaces will feature fast-charge electric vehicle charging points in accordance with the current minimum requirements.

Communal bike stores, located west of the building, will provide 116 cycle parking spaces, exceeding the County Council's standard of 0.5 spaces per dwelling. This surplus encourages sustainable travel options for residents.

Servicing and deliveries will be managed on-site. The development will include a joint refuse storage solution, with refuses storage accommodated internally at ground floor level, as well as an external refuse store located to the southwest of the building for efficient waste collection. A swept path analysis for a refuse vehicle and fire appliance accessing the site has been conducted and is included in the Transport Assessment (TA). This analysis demonstrates that the arrangements are safe and acceptable.

The anticipated peak traffic periods for residential developments are weekday mornings (08:00-09:00) and evenings (17:00-18:00). The TA confirms the proposed development is expected to significantly reduce person and vehicle movements on the local road network during these times when compared trip generation associated with the current office use.

Overall, the Site is accessible, with the proposed change of use not impeding highway safety. The proposed development would reduce the number of trips associated with a residential use (in comparison with the existing) and provides ample car and cycle parking. As such, is not anticipated to give rise to any major transport issues.

In conclusion therefore, the proposals are acceptable with regard to the transport impacts and access.

Contamination

Policy DM22 (Pollution) states *'Development should not contribute to, be put at risk from, or be adversely affected by unacceptable levels of soil, air, water, artificial light or noise pollution or land instability.'*

Part **e)** of **Policy DM22** states *'Where there is potential risk of contaminated land, proportionate investigations and assessments will be required in relation to relevant development proposals. These should assess the nature and extent of contamination and the potential risks to human health, adjacent land uses and the local environment. Where identified risks of contamination cannot be adequately mitigated, planning permission will be refused.'*

The Site is considered to have a very low contamination risk with no recent or known historic land uses that pose a risk and does not comprise designated "contaminated land" within the meaning of Part 2A of the Environmental Protection Act 1990. Notwithstanding, this Application does not propose to break ground given the proposals relate to the conversion of an existing office building to residential use and which will not necessitate ground works.

In respect of contamination considerations, the proposals are therefore considered acceptable.

Flooding

Local Plan **Policy DM20** (Flood risk and sustainable drainage) states *'Development should be directed away from areas of highest risk of flooding from any source and opportunities should be taken to reduce flooding through sustainable drainage systems and natural flood management to deliver multi-functional benefits for people and wildlife.'*

Policy DM20 stipulates that a site-specific Flood Risk Assessment (FRA) is required for applications on sites exceeding 1 hectare located within a designated Flood Zone.

The application site covers an area of 0.97 hectares and is situated within Flood Zone 1, indicating a low probability of flooding.

Given the Site's size, the minimal flood risk, and the fact that the proposed development does not alter the Site's permeability, the proposed development will not increase flooding risk on the Site. Whilst the change of use from office to residential will result in the transition from a "less vulnerable" to "more vulnerable" use, both uses are acceptable in principle in Flood Zone 1.

Consequently, the proposed development is considered acceptable with regard to flood risk and complies with **Policy DM20**.

Noise

Local Plan **Policy DM5** states that new development including Change of use should:

- VIII. *'not have an unacceptable impact on the occupiers of adjacent properties, particularly of residential dwellings, including unacceptable loss of privacy, daylight/sunlight, outlook, an unacceptable increase in noise giving rise in significant adverse impacts, or vehicular movements resulting in severe cumulative impacts on the road network, or loss of important open space of public value (unless it satisfies any of the exceptions set out under Policy DM7 – Open Space, Recreation and Leisure).'*

Local Plan **Policy DM22** (Pollution) states:

- a) *'Development should not contribute to, be put at risk from, or be adversely affected by unacceptable levels of soil, air, water, artificial light or noise pollution or land instability. Where possible development should help to improve local environmental conditions.'*

This Application is supported by a Noise Impact Assessment (NIA) prepared by Venta Acoustics. The report evaluates potential noise levels from nearby commercial activities in accordance of the requirements of the Class set out under the GDPO (2024).

The NIA identifies that noise sources impacting the Site are primarily related to traffic, rail, and infrastructure in the surrounding area. Specifically, the railway line to the north and Shaftesbury Road to the east are the dominant noise contributors. Importantly, no commercial noise sources were detected at the Site.

Given that Class MA regulations focus exclusively on commercial noise impacts, the identified noise sources are not applicable. Additionally, a review of the noise impact assessment submitted under application NOTICE/0020/19 for residential development on the adjacent western plot reveals no existing or proposed commercial noise sources.

The NIA concludes that, for the purposes of the Class MA application, there are no commercial noise impacts on the Site, and the proposed scheme meets the acoustic requirements for the change of use.

The proposed development is therefore considered acceptable in terms of noise impact.

Conservation Area Impact

The Site is not located within a Conservation Area and as such due regard is not given to this consideration.

Adequate Natural Light

Policy DM5 – Quality of the Built Environment

The Application is accompanied by an Internal Daylight Assessment, prepared by Syntegra Consulting.

Regarding internal daylight, the assessment demonstrates that all habitable rooms either meet or exceed the requirements recommended by the Building Research Establishment (BRE).

In terms of internal sunlight, the assessment indicates that 60 out of the 68 eligible rooms tested meet the recommended number of sunlight hours as outlined in BR209 guidance. Similar to the daylight assessment, the rooms that do not meet the sunlight criteria are situated at lower levels within the courtyard. This outcome is anticipated in development proposals of this nature, where existing commercial buildings are being converted to residential accommodation.

Accordingly, the conclusion of this Assessment state that, where daylight is concerned, the proposed development achieves full compliance with the 2022 BRE guidelines and overall provides an adequate level of light to the habitable rooms. In terms of sunlight, the Assessment concludes that that the proposed development is considered to have very high compliance with BRE guidelines.

As such it is concluded that the proposed development is acceptable in daylight and sunlight terms.

Fire Safety Impacts

Whilst the building proposes more than two units, it does not meet the height condition and is less than 18 metres. This measurement is taken from the ground floor to the finished floor level of the uppermost storey.

Closing

On the above basis, it is considered that the proposed change of use complies with the criteria and conditions set out in Class MA of the GPDO, and therefore Prior Approval should not be required (or if it is required, that it should be granted) in respect of this development.

The Application is submitted along with the requisite fee of £13,445.00, as set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2023 (as amended). The fee has been submitted via the Planning Portal today.

We trust the submitted information is satisfactory and look forward to receiving confirmation that this application has been registered. Should you have any questions or queries, please do not hesitate to contact Sam Stackhouse (sam.stackhouse@montagu-evans.co.uk / 07826 947 254) or Amran Nagra (amran.nagra@montagu-evans.co.uk / 07584 154 760) at this office.

Yours faithfully ,



Montagu Evans LLP