

Development Control – Delegated Officer Report

Application Number: NOTICE/0021/24

**Recommendation – PRIOR
APPROVAL REQUIRED AND
GRANTED**

Site: 46A Goring Road Worthing West Sussex BN12 4AD

**Proposal: Change of use of from Class E
(commercial/business/service) to Class C3 (dwelling houses)
to create 2no. 1-bed apartments**

Date of site visit: 04.12.2024

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to the first and second-floor of this mid-terrace, 3-storey building on the north side of Goring Road, within the designated Goring Road District Shopping Centre.

The property was last used as offices by a firm of financial advisors (Routledge Financial) within Class E and has self-contained access from Goring Road. There is secondary access to the first-floor at the rear via an external staircase.

A retail shop (Class E) is located directly below – ‘The Blind Lady’ (No.46).

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 first and second-floor from commercial, business and service use (Class E) to provide 2no 1-bedroom apartments.

An area within the yard to the rear of the building is identified for bin and bike storage serving the proposed apartments.

The application is supported by a Covering Letter & Planning Statement (by Albion Planning).

Planning History

WB/165/71 Change of use of first and second floors from hairdressers to offices. Permitted 30.03.1971.

Consultations

WSCC: No objection, commenting:-

This proposal seeks prior approval for the change of use from Class E to Class C3 to create 2no. 1-bed apartments. The site is located on Goring Road, an A-classified road subject to a speed restriction of 30 mph in this location.

Under the current General Permitted Development Order (GPDO), it is permitted development to change use from Class E to residential (Class C3) subject first to prior approval being granted. As part of the prior approval process, there are a number of matters to be considered. This includes matters relating to highways and transport. However, the GDPO is quite clear as to what highways matter can be considered, namely whether the proposal is likely to result in a material increase or material change in the character of traffic in the vicinity of the site.

No traffic flow information has been provided with the current application; however, Class E uses tend to generate greater material movements than Class C3 residential. Therefore, the LHA does not anticipate that material movements associated with the site will exceed that of the existing.

No vehicular parking is to be provided for this development. WSCC Parking Standards would expect a development of this size and location to provide at least two car parking spaces. Consequently, parking would have to be accommodated on-street or within nearby paid-for provision.

Comprehensive parking restrictions are in place on nearby roads, prohibiting parking in places that would be detriment to highway safety. The LHA does not anticipate that this would result in a highway safety concern or parking capacity issue in this location. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

The applicant has demonstrated secure cycle parking provision in accordance with WSCC Parking standards.

In summary, the proposal is not anticipated to result in a material increase or change in the character of traffic. Consequently, no highway concerns would be raised. In principle, the current GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms.

Southern Water:

From reviewing the submitted application, if the applicant is proposing to use the existing connection, Southern Water has no objections to the proposed works proceeding.

If not, Southern Water will require a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this planning application receive planning approval, the following informative is attached to the consent: "*Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water*".

Officer Comment: It appears from the wording that Southern Water is recommending a planning condition (rather than an informative). However, a condition would not be justified in this case which involves only a change of use with no additional floor space. An informative can be added, however, reminding the Applicant/Developer that an application to Southern Water will be required for additional connections to the public sewer.

WSP: No Objection.

Adur and Worthing Councils:

EHO (Public Health): The development is located immediately above and adjacent to commercial premises. Contrary to the statement provided within the Planning Statement, there is therefore the potential for commercial noise to adversely affect the residential amenity of future occupiers of these flats. this impact can however be mitigated by providing enhanced sound insulation to the properties.

We would suggest the following conditions should an application proceed:-

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

"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.

Reason: To safeguard the residential amenity of the area."

Representations: None received.

Relevant Planning Policies

Worthing Local Plan: DM1, DM2, DM5, DM15, DM20, DM22

Revised National Planning Policy Framework (DLUHC 2024)
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 2024;
 - (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 2024;
 - (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 upper floors of the building have been in uses as offices (now Class E formerly Class A2) since the 1970s.

MA.1(d) The building is not:-

- within an SSSI;
- a Listed building;
- a Scheduled Monument;
- within a safety hazard area;
- within a military explosives area.

MA.1(e) The building is not:-

- within an AONB;
- within a National Park;
- within the Broads;
- within a World Heritage Site;
- within an 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 within easy walking distance of the various shops and services available within the Goring Road District Shopping Centre, and with good public transport links by bus (on the 700 Coastliner route). West Worthing rail station is within 20 minutes walking distance.

The development would be a car-free development to which the Local Highway Authority has raised no objection. Parking restrictions are in existence along Goring Road, but on-street parking is available in the residential roads beyond the District Centre. [The Local Planning Authority cannot consider the 'amenity' impacts of on-street parking under the provision of the GPDO.]

An area reserved for bin and bike storage is identified within the private yard to the rear of the site. [The erection of a secure, covered, structure to accommodate cycle storage would require planning permission.]

Contamination risks

The site is within an area identified as potentially contaminated. However, the application relates to the upper floors of the building and there is no provision for an externally planted garden.

Flooding risks

The area is within EA Flood Zone 1 and is not identified as being within an area susceptible to surface water flooding now or in the future.

Impact of noise from commercial premises in the intended occupiers

The ground-floor unit is occupied by a retail shop, but the EHO has highlighted that a broad range of potential uses within Class E could occupy the ground-floor unit without an application for planning permission. A condition is recommended requiring that sound insulation is installed between the ground-floor commercial premises and the proposed first-floor flat to minimise potential internal noise disturbance.

The provision of adequate natural light to all habitable rooms

All proposed habitable rooms would be adequately provided with natural daylight by the existing windows to the front (south) and rear (north) of the building.

Article 3(9A)

Flat 1 would have a GIA of 43.1sqm with a single bedroom (10sqm) and storage (1sqm). It would meet the Government's minimum Technical Housing Standard of 39sqm for a 1-bedroom, 1-person unit.

Flat 2 would have a GIA of 50sqm with a double bedroom (14sqm) and storage (2sqm). It would meet the Government's minimum Technical Housing Standard of 50sqm for a 1-bedroom, 2-person unit.

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. Sound insulation of the floor/ceiling between the ground commercial unit and the first floor apartment shall be undertaken to achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Before any residential unit is first occupied a test shall be undertaken

and the results submitted to the local planning authority to demonstrate compliance with this level.

Reason: To protect future occupiers from noise disturbance in accordance with the National Planning Policy Framework and Worthing Local Plan Policies DM5 and DM22 and Planning Noise Advice Document Sussex.

Informative

- Hours of construction - advice
- Southern Water connections
- Reminder to applicant that any external changes (including cycle storage structure/shed) will require planning permission.

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

Case Officer: Jo Morin Date: 16.12.2024

Authorised by: Peter Barnett Date: 16 December 2024