

Development Control – Delegated Officer Report

Application Number: NOTICE/0012/25 Recommendation – APPROVE

Site: Shop 131 Newland Road Worthing West Sussex BN11 1LB

Proposal: **Application for Prior Approval for Proposed Change of use of the ground floor from Class E (commercial/business/service) to provide additional floorspace for first floor flat (Use Class C3)**

Neighbours Checked: Y

Additional Neighbour Notifications N

Site and Surroundings:

The application property is a two-storey building with residential at first floor and a former shop at ground floor. The site is not within a conservation area and does not contain a listed building. The area is predominantly residential.

Proposal

The application is for prior approval for change of use of the ground floor to provide additional living space for the first floor flat. The property will have two bedrooms and a study at first floor with living, dining and kitchen at ground floor.

Relevant Planning History

Consultations:

WSCC Highways:

This proposal seeks prior approval for the change of use of the ground floor from Use Class E to residential (Use Class C3) to provide additional floorspace for first floor flat. The site is located on Newland Road, a C-classified road subject to a speed restriction of 30 mph.

Under the current General Permitted Development Order (GPDO), it is permitted development to change use from Class E to 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 C3

residential. Therefore, the LHA does not anticipate that material movements associated with the site will exceed that of the existing.

Parking arrangements will remain as existing, needing to be accommodated on-street. The change of use from Class E to Class C3 would likely see a reduction in parking demand for this site, especially considering the additional floorspace will serve an existing residential property.

Nevertheless, comprehensive parking restrictions are in place on nearby roads, prohibiting parking in places that would be detrimental to highway safety. The LHA does not anticipate that the existing nil car parking provision would result in a highway safety concern or parking capacity issue in this location. Weight is given to the fact that the site is situated in a sustainable location within walking/cycle distance of local services, amenities, and public transport links in Worthing.

In summary, the movements associated with Class E use have done so safely with no known safety highway concerns, and C3 residential uses are considered less intensive. West Sussex County Council in its role as LHA has therefore considered the proposal on that basis.

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

Connection Following the review of the submitted documents, if the developer is planning to utilise the existing connection, Southern Water will have no objections to the proposed works.

Adur and Worthing Councils

Environmental health: There are no adverse EH comments for this application.

Drainage Engineer (WSP):

Following a review of the updated information, we note that insufficient information has been provided to demonstrate the application is in accordance with the National Planning Policy Framework (NPPF) and its accompanying Planning Policy Guidance (PPG).

The applicant has not demonstrated that safe access and egress can be achieved for the proposed development. As stated in paragraph 44 of the PPG “if the probability of inundation is high, safe access and escape should be maintained for the lifetime of the development”. Furthermore, paragraph 47 of the PPG states that “wherever possible, safe access routes should be provided that are located above design flood levels and which avoid flow paths. Where this is not possible, limited depths of flooding may be acceptable, provided that the proposed access is designed with appropriate signage etc. to make it safe. The acceptable flood depth for safe access will vary depending on flood velocities and

the risk of debris within the flood water. Even low levels of flooding can pose a risk to people in situ (because of, for example, the presence of unseen hazards and contaminants in floodwater, or the risk that people remaining may require medical attention)". In addition, safe refuge, as recommended by the applicant, is not acceptable.

Surface water flooding typically occurs with little advance notice and develops rapidly; therefore, we would recommend the application is not approved until an emergency plan is received demonstrating safe access and egress routes for the proposed development.

Officer's response: A flood evacuation plan was provided and the following comments were provided:

Following a review of the updated information, we note that the applicant has provided a Flood Evacuation Plan (ref: AEG8963_BN11_WestSussex_01, rev: 1). Therefore, sufficient information has been provided to demonstrate the application is in accordance with the NPPF and its accompanying PPG and we would recommend the approval of the application.

Representations:

None

Relevant Planning Policies

National Planning Policy Framework (2024)
Planning Practice Guidance

Worthing Local Plan 2023

DM2 - Density
DM5 – Quality of the built environment
DM13 – Retail and town centre uses
DM15 – Sustainable transport & active travel
DM16 – Sustainable design
DM20 – Flood risk and sustainable drainage
DM22 – Pollution

Legislation

Permitted development

MA 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.

Development not permitted

MA.1.—(1) Development is not permitted by Class MA—

(b) 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;

Analysis: The previous use is as a shop which would have fallen within Use Class E

(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;

Analysis: None of these apply

(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 1981(a);
- (iii) the Broads;
- (iv) a National Park; or
- (v) a World Heritage Site;

Analysis: None of these apply

(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

Analysis: Doesn't apply

(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.

Analysis: No article 4 direction was in place

(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

Analysis: The site is occupied as Class E formerly Class A1.

Conditions

MA.2. (1) Development under Class MA is permitted subject to the conditions

(2) Before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport impacts of the development, particularly to ensure safe site access

Analysis: No traffic flow information has been provided with the current application; however, Class E uses tend to generate greater material movements than C3 residential. Therefore, the LHA does not anticipate that material movements associated with the site will exceed that of the existing. Parking arrangements will remain as existing, needing to be accommodated on-street.

The change of use from Class E to Class C3 would likely see a reduction in parking demand for this site, especially considering the additional floorspace will serve an existing residential property. Nevertheless, comprehensive parking restrictions are in place on nearby roads, prohibiting parking in places that would be detrimental to highway safety. It is not considered that the existing nil car parking provision would result in a highway safety concern or parking capacity issue in this location.

Weight is given to the fact that the site is situated in a sustainable location within walking/cycle distance of local services, amenities, and public transport links in Worthing.

(b) contamination risks in relation to the building,

Analysis: No contamination risks have been identified.

(c) flooding risks in relation to the building,

Analysis: The site is located in Flood Zone 1 but in an area at risk from surface water flooding in the future. The application has been reviewed by the Council's drainage officer who requested a flood evacuation plan. A plan was provided and the consultant confirmed they had no objection on flooding grounds.

(d) impacts of noise from commercial premises on the intended occupiers of the development;

Analysis: The area is residential in character and won't be affected by noise from commercial premises.

(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;

Analysis: Not applicable

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

Analysis: Both rooms at ground floor retain windows which provide adequate levels of natural light to the living and dining rooms.

(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

Analysis: Not applicable

(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(a), the impact on the local provision of the type of services lost.

Analysis: Not applicable

(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 in the introductory words in subparagraph (5), for "and highways impacts of the development" there were substituted "impacts of the development, particularly to ensure safe site access".

(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

Analysis: Not applicable

Part 3 (9A) of the GPDO reads

(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

Analysis: The proposed unit would have a floor area of 91 sqm which is more than the 70 sqm required. The room sizes meet the standards and there is space for storage

Recommendation

Prior Approval is Required and Granted subject to Conditions:

1. Approved plans

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. New Address
3. CIL

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

Case Officer: Louise Prew Date: 10/10/2025

Authorised by: Jo Morin Date: 10.10.2025