Development Control – Delegated Officer Report

Application Number: NOTICE/0016/25 **Recommendation: Prior Approval Refused**

Site: **3-4 Liverpool Buildings Liverpool Road, Worthing**

Proposal: **Application for Prior Approval for Change of Use of first floor space above the existing retained Cafe for use as a 2no. Bedroom 4no. Person flat. with associated cycle and refuse storage at ground floor.**

Date of site visit: 21.10.2025

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application site relates to No's 3-4 Liverpool Buildings located on the south east side of Liverpool Road. This is part of a 2-storey flat roofed 1950's brick built terrace at the eastern side of the entrance of the pedestrianised Montague Centre shopping arcade within the town centre. There is a café at ground floor level spanning across unit 3 and 4, and it is understood that the first floor to No.3 has previously included additional seating at first floor level but has more recently been marketed separately as offices but appears to be vacant at present. Stairs that once linked the ground and first floor internally also appear to have been removed at some stage since 2021, with the first floor accommodation accessed via an external staircase at the rear of the building. Access to the rear is via Bank Passage on the east side of the building where there is a service yard.

The site is within the Town Centre Primary Shopping Frontage and is within the South Street Conservation Area.

Proposal

An application for Prior Approval is sought under the provisions of Schedule 2 Part 3 Class G of the GPDO as amended.

The application proposes 1 new dwelling comprising of a 2-bedroom 4 person flat primarily at first floor level and with a new entrance and staircase to link the ground floor accommodation to the first floor. At the rear of the ground floor, space for cycle and refuse storage would also be provided.

No external alterations are proposed. A separate planning application has been submitted in relation to removal of the external steps and alterations to the rear fenestration (application reference AWDM/1207/25) which would also enable the ground floor rear entrance to the building if approved.

Relevant Planning History:

AWDM//1207/25 - Removal of rear external steps and alterations to rear fenestration STATUS: Pending Consideration

1-4 Liverpool Buildings:
AWDM//0156/21 - Change of use of first-floor of 3-4 Liverpool Buildings from ancillary Class E to create 2no. residential units and associated external alterations. Application Permitted 30.04.2021

AWDM/0579/20 - External alterations at ground and first floor, together with a part one-storey and part two-storey roof extension to provide 5 no. residential units in total (1 x 1 bed, 3 x 2 bed, 1 x studio) with private terraces and communal decks at second and third floor; retention of 2no. existing parking spaces for commercial use; refuse store at ground floor. Refused 02.06.2020 Appeal Dismissed 12.12.2020

AWDM/1408/19 - External alterations at ground and first floor, part change of use of first floor to Class C3 (residential); together with 2 storey roof extension to provide 7 no. residential units in total (3 x 1 bed, 3 x 2 bed, 1 x studio) with private terraces and communal decks at second and third floor; retention of 2no. existing parking spaces for commercial use, cycle store at first floor for 12 cycles; refuse store at ground floor. Refused 05.12.2019

19-23 South Street:
AWDM/0906/20 - Application to Vary Condition 1 of previously approved AWDM/1529/18. Amendments: Removal of the previously approved fourth floor and the redistribution of the three residential units at fourth floor across the first second and third floors of Block 9. Approved 13.10.2020

AWDM/1529/18 - The creation of 45 new residential apartments through the extension and change of use of the existing buildings including 3 additional storeys to Liverpool Buildings, elevation balconies at second and third floor levels and roof terrace at fourth floor. New shopfronts and external alterations to the elevation of Liverpool Buildings. New shopfronts and additional floor to South Street elevation with new windows at third and fourth floor. The creation of up to seven new retail units from existing retail floorspace with flexible A1/A2 use and the change of use of an existing A1 unit to flexible A1/A2/A3 use, car parking and associated works. STATUS: APP 17th January 2019.

AWDM/0525/20 - Approval of Details Reserved by Conditions 3 (Materials and finishes), 4 (joinery/frames, rainwater goods, fascias & roof intersections and window recesses), 8 (flood resistance measures), 10 (contamination of groundworks), 11 (Block 6 noise mitigation) and 14 (details of a recessed shopfront entrance, materials and finishes) of previously approved AWDM/1529/18.
STATUS: PCO

Consultations:

Southern Water has commented as follows:

Thank you for your correspondence, please see our comments below regarding the above application.

Insufficient Information provided

Construction of the development shall not commence until details of the proposed means of foul/surface water drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119)
Website: southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk

The **Highway Authority** has raised no objection and has provided the following comments:

This proposal seeks prior approval for the change of use from existing space above cafe (Use Class E) at first-floor level to residential (Use Class C3) to form a two-bedroom flat. The site is located on Liverpool Road, an unclassified road subject to a speed restriction of 20 mph in this location.

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.

No off-street vehicular parking provision is proposed – therefore, vehicular parking would have to be accommodated on-street or within nearby paid-for provision, as per the existing arrangement. 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 the existing nil car parking provision would result in a highway safety concern. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

Weight is given to the fact that the site is situated in a sustainable town centre location within walking/cycle distance of local services, amenities, and public transport links. Provision for the secure storage of bicycles looks to have been demonstrated on the ground floor.

In summary, the movements associated with Class E use have done so safely with no known safety highways 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.

The Council's **Drainage Consultant** has commented as follows:

Thank you for your consultation on the above site. We have reviewed the application as the drainage consultant acting on behalf of the Council and wish to make the following comments.

The applicant is applying for prior approval for change of use of first floor space above the existing retained cafe for use as a 2no. bedroom 4no. person flat. with associated cycle and refuse storage at ground floor. The application is to Worthing Borough Council.

Following a review of the submitted information, we note that no information on flood risk has been provided, and safe access and egress has not been demonstrated. Therefore, insufficient information has been provided to demonstrate the application is in accordance with the National Planning Policy Framework (NPPF) and it's accompanying Planning Policy Guidance (PPG). The applicant should provide an appropriate assessment of surface water flood risk and demonstrate the proposed dwelling will have safe access and egress for the lifetime of the development.

We would recommend the application is not approved until updated information is received that addresses the above points.

Reason
To prevent flooding in accordance with National Planning Policy Framework paragraphs 165-175 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

The Council's **Environmental Health Officer** has recommended the following:

Construction work shall not commence unless and until an acoustic assessment of the impact of noise from the commercial unit on the residential units above has been completed and submitted to the local planning authority. The impact assessment shall include details of a soundproofing scheme for protecting the residential unit above the commercial unit. The scheme shall be designed to achieve an airborne sound insulation value of at least 50dB (DnTw + Ctr dB) for floors, have regard to the principles contained within the World Health Organisation community noise guidelines and ensure the standards within Table 4 of BS8233:2014 are achieved in the residential unit above. All works which form part of the scheme shall be completed in accordance with the approved details before any parts of the residential units are occupied.

Representations:
None received.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023):
SP1 (Presumption in Favour of Sustainable Development)
SS1 (Spatial Strategy)
DM1 (Housing Mix)
DM2 (Housing Density)
DM5 (Quality of the Built Environment)
DM15 (Sustainable Transport and Active Travel)
DM13 (Retail and Town Centre Uses)
DM16 (Sustainable Design)
DM17 (Energy)
DM20 (Flood Risk and Sustainable Drainage)
DM22 (Pollution)
DM24 (The Historic Environment)

National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance

Planning Assessment

The application is made under the Prior Approval procedure and consideration is restricted to the limitations, restrictions and conditions as set out in respect of Class G, Part 3, Schedule 2 of the GPDO 2015 as amended and the provisions of Paragraph W.

Class G allows for development consisting of a change of use of a building from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, or from a use within article 3(6)(n) (betting offing) or 3(6)(o) (pay day load shop) of the Use Classes Order, to a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 of the Order and as up to 2 flats.

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

Conditions

G.1 Development permitted by Class G is subject to the following conditions—

(a) some or all of the parts of the building used ~~as a betting office or pay day loan shop or for any purposes within Class A1 or Class A2, as the case may be, of the Schedule to~~ for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;

(b) where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;

(c) a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—

(i) by a single person or by people living together as a family, or
(ii) by not more than 6 residents living together as a single household (including a household where care is provided for residents);
(d) before beginning 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—

(i) contamination risks in relation to the building
(ii) flooding risks in relation to the building
(iii) impacts of noise from commercial premises on the intended occupiers of the development
(iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses
(v) arrangements required for the storage and management of domestic waste.

Interpretation of Class G

G.2 For the purposes of Class G, “care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder.

Procedure for applications for prior approval under Part 3

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

(2) The application must be accompanied by—

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

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

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

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

(i) the number of dwellinghouses proposed; and
(iii) whether previous development has taken place under Class Q within the

established agricultural unit and, if so, the number of dwellinghouses developed under Class Q;

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

(c) the developer's contact address;

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

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

(2ZA) For the purposes of sub-paragraph (2)(bb)(ii), previous development within the established agricultural unit includes any development under Class Q that—
(a) ceased to be part of the established agricultural unit after it was developed, or
(b) was developed after the site ceased to be part of the established agricultural unit where any other site on the established agricultural unit had already been developed under Class Q;

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

(3) The local planning authority may refuse an application where, in the opinion of the authority—

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

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions except for conditions in paragraph ~~M.2(1)(f),~~ G.1(d)(iv), paragraph M.2(1)(f), paragraph MA.2(2)(f), paragraph N.2(1)(e), paragraph O.2(1)(e), paragraph PA.2(1)(v), or paragraph Q.2(1)(g),, limitations or restrictions specified in this Part as being applicable to the development in question.

(4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority the development is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site, the local planning authority must consult—

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

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

(c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is—

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

(b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

(7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

(8) The local planning authority must give notice of the proposed development—

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

(i) describes the proposed development;
(ii) provides the address of the proposed development;
(iii) specifies the date by which representations are to be received by the local planning authority; or

(b) by serving a notice in that form –

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

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

(a)assessments of impacts or risks;

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

(c)details of proposed building or other operations.

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

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

(b) have regard to the National Planning Policy Framework issued by the Ministry of Housing, Communities and Local Government in ~~February 2019~~ July 2021, so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and

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

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

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

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

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

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

(12) The development must be carried out—

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

(b)where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1), unless the local planning authority and the developer agree otherwise in writing.

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

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

Assessment against the legislation

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

The site has a longstanding history of commercial use. Whilst the ground and first floors appear to have been separated at some stage since the last planning application was determined with separate entrances, this appears to be since 2021 and so would not be considered lawful. Article 2 (5) of the GPDO states that:

(5) The permission granted by Schedule 2 does not apply if—

(a)in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;

(b)in the case of permission granted in connection with an existing use, that use is unlawful.

If the existing first floor use is no longer ancillary floorspace to the ground floor class E use, by reason of removal of the functional and physical connection between the two floors and by the physical works, it would be unlawful and therefore the permitted development right under class G would not apply.

Part of the ground floor would be used by the proposed flat for its entrance hall, staircase and a bin and cycle storage room within the building itself and the application form states that the remaining area would continue to be in commercial use. Taking account of the section of ground floor proposed for use by the flat, in relation to G.1 (a) some or all parts of the building to remain in use as class E would not be situated on a floor below the lowest part of the building used as a flat.

The development consists of a change of use of a building with a display window at ground floor level, and part of the ground floor would be in use in part as a flat where the entrance hall, staircase and storage room would be formed. Therefore, the proposed development would not meet condition G.1 (b)

The application form states that the following the change of use the flat would only be used as a dwelling by a single person or people living together as a family; or by not more than 6 residents living together as a single household (including a. household where care is provided for residents), which would meet condition G.1 (c)

For the reasons outlined above the proposed development does not meet the permitted development criteria under Class G.

Consideration of the planning merits of the proposal is restricted to those matters set out in G.1.

(i) Contamination risks in relation to the building:

The site is not identified as potentially contaminated land and no issues of contamination have been raised by the Environmental Health Officer.

(ii) Flooding risks in relation to the building:

The latest dataset for the SFRA identifies parts of the site including areas of access/egress to be at risk of surface water flooding. No flood risk assessment has been provided, and safe access and egress has not been demonstrated. Therefore, 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). Had the application been acceptable in all other respects further information would have been sought.

(iii) Impacts of noise from commercial premises on the intended occupiers of the development:

The Environmental Health Officer has recommended an acoustic assessment to include a soundproofing scheme which could be agreed by condition if approved to ensure that the intended occupiers would be sufficiently protected from noise from commercial premises on implementation of the agreed scheme. However, any external works required as part of the scheme may require a subsequent planning application which, if required, would need to be approved and implemented prior to occupation of the dwelling if approved.

(iv) The provision of adequate natural light in all habitable rooms of the dwellinghouses:

Each of the habitable rooms as indicated would receive natural light from the existing windows.

(v) arrangements required for the storage and management of domestic waste:

A bin storage room has been indicated on the floor plans to be located internally towards the rear of the ground floor to No.4 which could accommodate waste and recycling facilities. This could be secured by condition if approved to ensure that adequate facilities for waste and recycling are provided.

In addition, Article 2(9a) and (9b) of the GPDO states the following:

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.

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

Floor plans have been provided that indicate that the proposed dwelling would meet the overall requirements of the Nationally Described Space Standards for a 2 bedroom 4 person 2 storey dwelling (79sqm) and with adequate bedroom sizes. Built-in storage has also been indicated.

Recommendation

Prior Approval is required due to the relevant issues raised above and is recommended for REFUSAL for the reasons:

1. On the basis of the submitted plans and particulars, the Local Planning Authority is not satisfied that the proposed development can lawfully take advantage of the procedures under Schedule 2 Part 3 Class G of The Town and Country Planning (General Permitted Development) (England) Order 2015.

2. On the basis of the limited information available, the Local Planning Authority is not satisfied that surface water and flooding risks in relation to the building have been satisfactorily managed or to ensure that occupiers would remain safe from surface water flood risk for the lifetime of the development and is therefore contrary to policy DM20 of the Worthing Local Plan and the relevant paragraphs of the NPPF.

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

Case Officer: Rebekah Hincke Date: 23.10.2025

Authorised by: Louise Prew Date: 27/10/2025