

Development Management – Delegated Officer Report

Application Number: AWDM/0338/26

Recommendation: REFUSE

Site: Units 1 To 2 3 Meadow Road Industrial Estate Dale Road Worthing

Proposal: Change of use of first floor from industrial (Use Class B2) to a small house in multiple occupation (Use Class C4) for on-site staff; new external fire escape; and roller shutter door to workshop.

Date of Site Visit:

Neighbours Checked:

Additional Neighbours Notified:

Site and Surroundings

The site is located within Meadow Road Industrial Estate. The site has a tyre business with ancillary staff space above. The wider industrial area is a protected key employment area.

The immediate surroundings are industrial in use with a Biffa waste management site to the rear. A number of other industrial uses are located to the east, west and south.

The nearest residential properties are located about 25 m to the west on Mansfield Close.

Proposal

The proposal is for the change of use of the first floor from industrial to residential to provide a small HMO for staff who work at the tyre business. The first floor had previously been converted into an HMO. It is understood that the Council's Private Sector Housing team in their capacity as HMO licensing had advised that a change of use would require planning permission and that the applicant should also apply for planning permission. The first floor has since reverted to ancillary welfare facilities pending this application.

In order to provide adequate fire escape for the residents an external fire escape would be provided with access to the first floor.

The application also proposes a roller shutter door to the workshop.

Relevant Planning History:

90/05402/FULL - LAND ADJ. TO F G GAMBLE & SONS PLANT YARD - RETROSPECTIVE APPLICATION TO EXTEND PLANT YARD AREA INCLUDING NEW RETAINING WALL AND CHAIN LINK FENCE

STATUS: Conditional Consent 4th July 1990.

94/05193/FULL - CHANGE OF USE OF EMBANKMENT LAND TO PLANT YARD WITH NEW RETAINING WALL

STATUS: 12th June 1994.

95/05194/FULL - LAND NORTH OF MEADOW ROAD INDUSTRIAL ESTATE - CHANGE OF USE OF EMBANKMENT LAND TO PLANT YARD INVOLVING INCREASE IN HEIGHT OF EXISTING LEVEL, RETAINING WALL AND NEW CHAIN LINK FENCE TO PERIMETER

STATUS: Application Refused 24th May 1995.

95/05195/FULL - LAND NORTH OF MEADOW ROAD INDUSTRIAL ESTATE - CHANGE OF USE FROM EMBANKMENT LAND TO PLANT YARD INCLUDING NEW RETAINING WALL AND NEW FENCE

STATUS: Conditional Consent 20th December 1995.

00/00424/FULL - Change of use to a Waste Transfer Station

STATUS: Objection to County Consultation 13th June 2000.

94/05195/FULL - APPLICATION TO VARY CONDITION 6 OF WB/1036/69 TO ALLOW LIMITED OUTSIDE STORAGE OF TYRES

STATUS: Application Refused 15th June 1994.

04/01026/FULL - Consultation under 'County Matters' application for tyre shredding operations within existing tyre recycling facility

STATUS: Objection to County Consultation 12th October 2004.

Consultations

Environmental Health: The impact from the numerous commercial premises that surround the proposed development would result in a detrimental impact to the residential amenity of the residential property. There are multiple premises which operate 24/7 along Dale Road and the surrounding roads which involve a large number of vehicles and equipment (forklifts, ventilation units, shutters ect.) operating through the night. This also results in numerous light sources which would impact the residential units. These noise sources are also operating throughout the day as well, equally reducing the residential amenity of the proposed units. This area is not suitable for residential units due to these reasons.

Private Sector Housing: No response

WSCC as LHA:

This application is for the change of use of first floor from industrial (Use Class B2) to a small house in multiple occupation (Use Class C4) for on-site staff. The site is located on Dale Road, an unclassified road subject to a speed restriction of 30 mph. Following an inspection of the application documents, WSCC in its role as Local Highway Authority (LHA) raises no highway safety concerns for this application.

From inspection of WSCC mapping, there are no apparent visibility concerns with the existing access point onto Dale Road. In addition, the proposed works are not anticipated to give rise to a significant material intensification of movements to or from the site.

Under WSCC Parking Standards, the LHA would expect the proposed HMO use to generate a parking demand of two car parking spaces. No vehicular parking is proposed; therefore, parking would have to be accommodated on street. There are parking restrictions in place on nearby roads prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the nil car parking provision would lead to a highway safety concern or parking capacity issue, but the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.

The LHA does 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 116), and that there are no transport grounds to resist the proposal.

Waste Services: No response

WSP (as drainage consultant):

Following a review of the submitted information, we have no objection on surface water grounds. Due to the size, site, location and type of development, we would recommend the approval of the application with the following informative attached:

Informative 1: We have identified the site is adjacent to a surface water flood risk, therefore the applicant should consider creating a Flood Risk Emergency Plan in case of the event of a flood. The Flood Risk Emergency Plan should be created in line with 'Flood risk emergency plans for new development' as produced by ADEPT and the EA and demonstrate safe access and egress in accordance with the NPPF.

Southern Water

Southern Water has determined that the flow rate for the above site will remain consistent, so capacity is not an issue, and no Southern Water assets will be affected. Therefore, Southern Water has no objections to this proposal. Please note surface water should not be disposed of into a public foul sewer and must comply with the Hierarchy of H3 of the Building Regulations. For more details, refer to the Drainage and Waste Disposal: Approved Document H on the GOV.UK website. Any new connections to the public sewerage system will require a New Sewer Connection application (also known as a Section 106) to be submitted and approved by Southern Water. Due to legislative changes effective from 1st October 2011 regarding the ownership of sewers, it is possible that some previously private sewers, now deemed public, could be crossing the above property and may not be shown on Southern Water records. Therefore, if any additional sewers are discovered during construction, an investigation will be required to determine their condition, the number of properties served, and potential access methods before any further work can proceed on site.

Neighbour Representations

None

Relevant Planning Policies:

Worthing Local Plan policies (WBC 2023): SP1, SP2, SP3, DM1, DM2, DM5, DM7, DM11, DM15, DM16, DM17, DM20, DM21, DM22

National Planning Policy Framework (2024)

National Planning Practice Guidance

Planning Assessment:

Principle of development

The site is located within Meadow Road Industrial Estate, Worthing. This is identified as a key employment area within Policy DM11 (Protecting and enhancing employment sites) of the Worthing Local Plan.

The current Employment Land Review (2016) describes this employment area in paragraph 5.29 as a 'medium-sized industrial area positioned on the northern side of Meadow Road in the far south-east of Worthing.' The study describes the industrial estate as: 'The premises at the site comprise a mix of small and large industrial units, with the largest units supporting the operations of Bowers & Wilkins, Mercedes-Benz, and Rossetts Commercials on the eastern side of Dale Road. These premises are generally in excellent condition, while the smaller units located on the western side of the estate are in fair condition. Good infrastructure and landscaping improve the market attractiveness and profile of the site, particularly along Dale Road. Overall, the industrial estate provides a good quality site that supports a range of premises with limited vacancy, despite its lower strategic location.'

Policy DM11 c) recognises that these key employment areas are essential in maintaining a strong and diverse supply of employment sites and premises to meet the needs of the local economy.

The proposed development is for the change of use of first floor from industrial (Use Class B2) to a small house in multiple occupation (Use Class C4).

Part a) of Policy DM11 protects against the loss of existing premises, sites or floorspace which are used for, or last used for, employment uses, located within the Key Employment Areas, against loss to other uses. As stated on the submitted application form this development would result in a loss of 141 sqm of industrial (Use Class B2) floorspace. Part a) of Policy DM11 does not set out any criteria or circumstances whereby a loss of employment floorspace would be supported in key employment areas.

The proposed development would result in a change of use to a small house in multiple occupation (Use Class C4). The information submitted highlights that this would be ancillary to the primary B2 general industrial use and is directly linked to, and supports, the ongoing viability of the tyre recycling business. However, the information submitted also explains that the industrial activities operate during standard daytime working hours only, and there is no significant activity during evenings or weekends. It is therefore unclear why it is necessary to have staff on-site out of normal working hours

The introduction of a residential use within this key employment area is therefore an important consideration both in terms of the impact on the functioning and operation of the key employment area including other occupiers on the estate. Part c) of Policy DM11 states that only in exceptional circumstances, where there is clear and robust evidence that the introduction of alternative uses is required to retain a diverse and resilient local economy, will such a change be considered. It sets criteria by which any assessment should have regard to. As follows:

- i) robust evidence setting out the importance of the use to the future of the local economy;
- ii) a demonstration that the introduction of the proposed use would not negatively impact on the functioning of the key employment area or the local economy as a whole;
- iii) evidence that the loss of the existing use would not negatively impact the local economy and;
- iv) evidence of alternative sites outside of the key employment areas have been considered and that no suitable sites are available.

No information or assessment has been submitted as required by Policy DM11 to determine whether the criteria set out in part c) has been met. In the absence of evidence to support part c) the introduction of alternative uses within this key employment area is not justified and therefore part a) of the policy that protects against the loss of employment floorspace applies.

The proposed development is therefore contrary to Policy DM11 of the Worthing Local Plan due to the loss of employment floorspace and the introduction of alternative uses.

Visual Amenity

The proposal includes an external fire escape and roller shutter to ground floor unit. These are visually acceptable within the industrial estate and wouldn't affect visual amenity of the building or wider streetscene.

Residential Amenity

Neighbouring residents are located about 25 metres to the west and are separated by another industrial unit. They would be unaffected.

Standard of accommodation

The proposed is for a small HMO providing space for up to 6 occupants. The unit would be of an adequate size providing bedrooms above 7.5sqm and communal kitchen, lounge and bathroom facilities in accordance with criteria set out in policy DM2. The development does not provide any open space on site.

However, the residential accommodation is provided within an industrial estate which raises more significant issues related to the quality of accommodation these residents are likely to face.

Paragraph 135 of the NPPF sets out policy for achieving well designed places. These include that places “(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

Policy SP3 of the Local Plan sets out on of the strategic policies for Worthing highlighting the particular need to provide for healthy communities stating “New development must be designed to achieve healthy, inclusive and safe places, which enable and support healthy lifestyles and address health and well-being needs in Worthing!

The NPPF and policy SP3 are supported by policy DM5 (Quality of the built environment) of the Local Plan which sets out a list of criteria that all new development including changes of use should achieve to provide a high-quality built environment.

Industrial estates are areas where the quality of the environment is naturally at a lower end due to the nature of activities that take place there. As mentioned previously, to the north of the site is a waste transfer site which includes shredding and baling activities for waste. The surrounding uses are heavy industrial uses in nature which are likely to contribute to lower levels of air quality and noise pollution than would likely be found in more residential areas. As noted at the site visit, the site includes parking for many lorries which are likely to emit pollutants. Residents are therefore likely to experience issues related to air and noise pollution as well as issues to do with vehicle activity which would result in harm to their amenity. The Local Plan points out that air pollution is the top environmental risk to human health in the UK.

The layout of the site is such that the building is located within the industrial estate with the residential entrance located to the north-west corner. As the site is within the estate there is no clear entrance on to a pavement. The area around the site is occupied by large lorries. There is no separation between the industrial activities and the residential use with residents required to walk through the industrial use and lorry parking to access the building. This is not considered to provide a safe environment for residents and any visitors they may have. It creates opportunities for conflict between pedestrians and vehicles which does not provide safe egress or access.

Due to its location within the industrial estate, it does not promote active travel such as walking and cycling as it is not located in proximity to shops or other amenities.

The proposal does not take into account the principles of designing out crime which emphasises the need for clear sightlines to ensure that spaces feel safe and reduce opportunities for crime or fear of crime. This is difficult to achieve with the main entrance set back away from the street with multiple lorries reducing sightlines to the building and entrance.

Transport

The site is not located in a particularly sustainable location as it is within an industrial estate. The LHA has not raised any issues related to the nil parking provision noting that restrictions would stop any inappropriate parking which would cause highway safety issues.

Cycle parking should be provided for residents, and this would have been required by condition had the development been otherwise considered acceptable.

Sustainability

The development is required to take into account sustainable design measures and incorporate renewable and low carbon energy production equipment. Had this development been otherwise acceptable further information would have been sought and conditions applied.

Flooding

The site is located in flood zone 1 and is not considered at high risk from surface water flooding. The map shows some small areas of puddling near the building. The application has been reviewed by Southern Water and WSP as the LPA's drainage consultant. Neither raised an objection. Informatives would be included as suggested.

CIL

No additional floorspace is created so the development would not be CIL liable

Recommendation:

REFUSE for the reasons:

1. In the absence of clear and robust evidence to the contrary there is no justification for the loss of the industrial floorspace in this Protected Key Employment Area from its existing employment use. If granted, the change of use would cause unacceptable harm to the functioning of this Key Employment Area and therefore the proposal is contrary to Local Plan policy DM11 and the NPPF.
2. The proposed change of use, by reason of location, layout and nature of use would provide a substandard quality of accommodation for residents due to unsafe access and egress, fear of crime and noise and air pollution contrary to policies SP3 and DM5 of the Worthing Local Plan (2023) and paragraph 135 of the NPPF.

Informative

1. Refused following discussion

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

Case Officer: Louise Prew

Date: 12/05/2026

Authorised by: Jo Morin

Date: 12.05.2026