

## **Development Management – Delegated Officer Report**

**Application Number:** NOTICE/0001/26      **Recommendation:** APPROVE

**Site:**                    4 Warwick Place Worthing West Sussex BN11 3EU

**Proposal:**            Application for prior approval for proposed change of use of the ground floor from a former foot clinic (Class E) to residential to provide additional space for the first and second floor dwelling.

**Date of Site Visit:** 10/03/2026

**Neighbours Checked:** Y

**Additional Neighbours Notified:** N

### **Site and Surroundings**

The application site is located on the eastern side of Warwick Place. The first and second floors are currently residential (C3 use). The ground floor was last in use as a Foot Clinic. To the rear of the site there is a two storey rear extension with a flat roof. The commercial unit stretches along the whole of the ground floor with access to the first and second floor residential from within the hallway on the ground floor.

### **Proposal**

The proposal relates to the change of use of the ground floor to residential (C3) from Use Class E.

The plans show external works. Prior approval applications assess change of use only. Any external alterations will require planning permission separately.

### **Relevant Planning History:**

91/05894/FULL - CHANGE OF USE FROM TEA ROOMS TO A CHIROPRACTIC CLINIC; EXISTING RESIDENTIAL TO REMAIN

**STATUS:** Conditional Consent 25th April 1991.

### **Consultations**

**The Worthing Society** – No response

### **WSCC Highways -**

This proposal seeks prior approval for the change of use of the ground floor from a former foot clinic (Class E) to residential to provide additional space for the first and second floor dwelling. The site is located on Warwick Place, an unclassified 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 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, commercial uses tend to generate greater material movements than residential. Therefore, the LHA does not anticipate that material movements associated with the site will exceed that of the existing.

No vehicular parking is proposed for this development. The WSCC Car Parking Demand Calculator indicates that a dwelling of this size in this location would require at least three 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 the proposed nil car parking provision 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 site is situated in a sustainable town centre location within walking/cycle distance of local services, amenities, and public transport links. The applicant has not demonstrated cycle parking provision. Cycling is a viable option in the area, and the LHA would like to see secure and covered cycle parking provision being implemented if there is space within the site to accommodate this.

In summary, the movements associated with the existing commercial 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.

### **Environmental Protection, Environmental Health & Licensing –**

With regards to the above application. We would suggest the following conditions should an application proceed:

- 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
- Precautionary contaminated land condition.

I also note that in the application form, the applicant mentions potential noise impacts being mitigated through building fabric upgrades such as enhanced glazing and sound insulation in accordance with Building Regulations. Can this also be a condition?

### **WSP In The UK –**

The applicant is applying for the prior approval for proposed change of use of the ground floor from a former foot clinic (Class E) to residential to provide additional space for the first and second floor dwelling. NOTE FOR CONSULTATION: External works

shown on the proposed plans are not assessed as part of this application. The application is to Worthing Borough Council.

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.

### **Southern Water -**

If the applicant is proposing to utilise the existing connection, Southern Water will have no objections to the proposed Works.

### **Neighbour Representations**

None

### **Relevant 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) .....

(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) .....

(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 1981;
- (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.

The planning history refers to a change of use of offices to chiropodist clinic in April 1991 (91/05894/FULL) was approved. There is no evidence to show that the building has not been used under a different use class since this time. It is considered the limitations set out in MA.1(1) (b) are met.

The building is not covered by or within an SSSI, a Listed building, a Scheduled Monument, within a safety hazard area, a military explosives area, an AONB, a National Park, the Broads, a World Heritage Site or area specified under Section 4(3) of the Wildlife and Countryside Act.

The limitations set out in MA.1 (1)(d)(e)(f) and (g) do not apply.

## **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 and safe site access**

The Highway Authority has confirmed that it is not concerned at the highway aspects of this development due to its sustainable location and taking into account the existing use as a clinic.

No cycle storage provision is shown. There appears to be space for such provision within the rear garden.

No provision has been specifically identified for bin storage, although similarly there appears to be space within the rear garden and front to the sides of the bay windows as illustrated with the neighbouring properties. These matters can both be secured by planning condition.

### **b. Contamination risks**

The site is not on known contaminated land. The proposals involve a change of use on the ground floor of the building. As it is changing to residential it is noted that the residents may change the rear patio to garden land and so the standard precautionary contaminated land condition will be added to the proposal to ensure the safety.

### **c. Flooding risks**

WSP and Southern Water have advised that they have no objections to the proposal. There is no concern with regards to flood risk.

**d. Impact of noise from commercial premises in the intended occupiers**

The site is largely adjoined by residential properties although there are commercial premises, offices, retail nearby. These are not noisy industrial-type uses and are unlikely to cause unacceptable disturbance. There are no Environmental Health Officer concerns subject to the conditions recommended.

**e. Impact on conservation area of changes to ground floor**

The site is within Steyne Gardens Conservation Area and involves changes at ground floor. The use as residential at ground floor would not be out of character with this part of the conservation area as it is located on a predominantly residential street and so would preserve the appearance of the conservation area.

**f. The provision of adequate natural light to all habitable rooms**

Natural light has been assessed using the existing floor plans only as the external works such as window changes and rooflights do not form part of this application. The ground floor habitable rooms to the front are considered to receive adequate light through large bay windows. To the rear the proposed dining area would have light through two small windows and the door.

**g. 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;**

The development is not in an area of general or heavy industry or other such uses

**h. Loss of a registered nursery or health centre**

The proposal does not involve the loss of a registered nursery or a health centre.

**i. Fire safety impacts**

The building does not meet the fire risk condition (as it is not more than 18 metres tall) and is not multiple units.

**Other matters**

The unit would be 176 square metres well above the 130 minimum standard in the Technical Housing Standards.

## **Recommendation**

Prior Approval Required and Granted subject to Conditions:-

1. Approved Plans
2. Cycle parking to be provided
3. Bin storage to be provided.
4. Hours of works
5. Precautionary contaminated land
6. Building fabric upgrades

## **Informative:**

1. Approved without alteration

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

Case Officer: Finlay Gardner      Date: 05/05/2026

Authorised by: Louise Prew      Date: 06/05/2026