

Worthing Borough Council
Adur & Worthing Councils,
Portland House,
44 Richmond Road,
Worthing,
BN11 1HS

Date: 29th October 2024

VIA EMAIL ONLY

Dear Sirs,

**Class MA Prior Approval Application - Change of use from Class E (commercial/business/service) to Class C3 (dwelling houses) to comprise to 2no. 1-bed apartments
46A Goring Road, Worthing, BN12 4AD**

Please find enclosed a Class MA Prior Approval application, submitted on behalf of Kim Hughes, for the change of use of from Class E (commercial/business/service) to Class C3 (dwelling houses) to comprise 2no. 1-bed apartments, at 46A Goring Road, Worthing.

Introduction

The prior approval, which has been submitted via the Planning Portal (Ref: PP-13507226), comprises the following plans and documents:

- Planning Application Form;
- WLD – 005 – 24 – 01 - Existing Location & Site Plan;
- WLD – 005 – 24 – 02 – Existing Plans & Elevations;
- WLD – 005 – 24 – 03 - Proposed Site & Location Plan;
- WLD – 005 – 24 – 04 – Proposed Floor Plans;
- WLD – 005 – 24 – 05 – Proposed Elevations & Sections;
- Planning Statement (which comprises part of this covering letter); and
- Community Infrastructure (CIL) – Form 1: CIL Additional Information.

The requisite fee of £320.00 is being paid direct by Kim Hughes. This includes service charge of £70.00.

Planning Statement

The Site

The Site comprises the first and second floors of a property, which forms part of a parade of shops in Goring Road. Access to the first and second floors is provided, via a flight of stairs, direct from Goring Road.

The site (46A Goring Road) was last occupied by a firm of independent financial advisers (Use Class E – commercial/business/service). The ground floor (46 Goring Road), which does not form part of the application site, is occupied by a retail unit (The Blind Lady).

The area is characterised by commercial uses on the ground floor, with residential uses or ancillary commercial uses on the upper floors.

The property is not a listed building and the site is not located within a conservation area. The site is located within Flood Zone 1 (low risk).

The site is located approximately 1km from West Worthing railway station. In addition, it is on the route of the 700 Coastliner, which provides a regular and frequent bus service between Brighton and Portsmouth.

Planning History

There is no recent and relevant planning history in respect of the application site.

Proposed Development

The prior approval application is for a change of use from Class E (commercial/business/service) to Class C3 (dwelling houses) to comprise 2no. 1-bed apartments, at the 1st and 2nd floors of No.46A Goring Road, Worthing. Both of the proposed units would comply with the Nationally Described Space Standards

For the avoidance of any doubt, no external works are required to implement the change of use.

Schedule 2, Part 3, Class MA of the General Permitted Development Order (GPDO) allows for the change of use of a building and any land within its curtilage from a use falling within Class E (commercial/business/service) to a use falling within Class C3 (dwellinghouses).

The following is an extract from the GPDO, which list development that is not permitted by Class MA. Annotated comments are provided in **bold**.

- 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; **See 2) below.**
 - 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;

The land is not and does not form part of any of the above areas.

- 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;

The building is not within any of the above areas.

- 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

The site is not occupied under an agricultural tenancy.

- 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.

There is no Article 4(1) direction.

- 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;

Before 1st September 2020, the lawful use of the site would have been Class A2 (financial and professional services).
 - b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.

With effect from 1st September 2020, the lawful use of the site has been Class (commercial/business/service).

Development under Class MA is permitted subject to the condition that 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;
- 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;
- h) where the development involves the loss of services provided by -
 - i. a registered nursery, or
 - ii. 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.
- i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

In addition, the provisions of prior approval apply.

In accordance with the above, a prior approval application has been submitted. It is for the LPA to determine whether the prior approval of the authority will be required in respect of the following matters.

Transport Impacts

Pedestrian access to the proposed new flats can be taken from either Goring Road or from the servicing area at the rear of the property. The latter is accessed via a couple of undercrofts, between No.36 and No.38 Goring Road and between No.50 and No.52 Goring Road.

2no. new 1-bed units will not result in a material increase or a material change in the character of traffic in the vicinity of the site. The proposed new use will result in a reduction in the number of vehicle trips relative to the existing use.

Whilst the new occupiers would not have access to any off-street parking, there is plenty of unrestricted on-street parking in the local area. Furthermore, cycle storage will be provided in the area at the rear of the site. In addition, as explained above, the site is in a sustainable location, such that there are good opportunities for new occupants to use alternatives to the private car.

As a result of the above, there would be no transport impacts arising from the proposed development.

Contamination Risks

Paragraph W of the GPDO states that 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.

Under section 78R of the Environmental Protection Act 1990, the Council is obliged to hold and maintain a public register of all regulatory action taken under Part 2A. It is a register covering sites where formal determination of land as contaminated land has occurred. The information required to be held on the register is prescribed in section 78R of the Environmental Protection Act 1990.

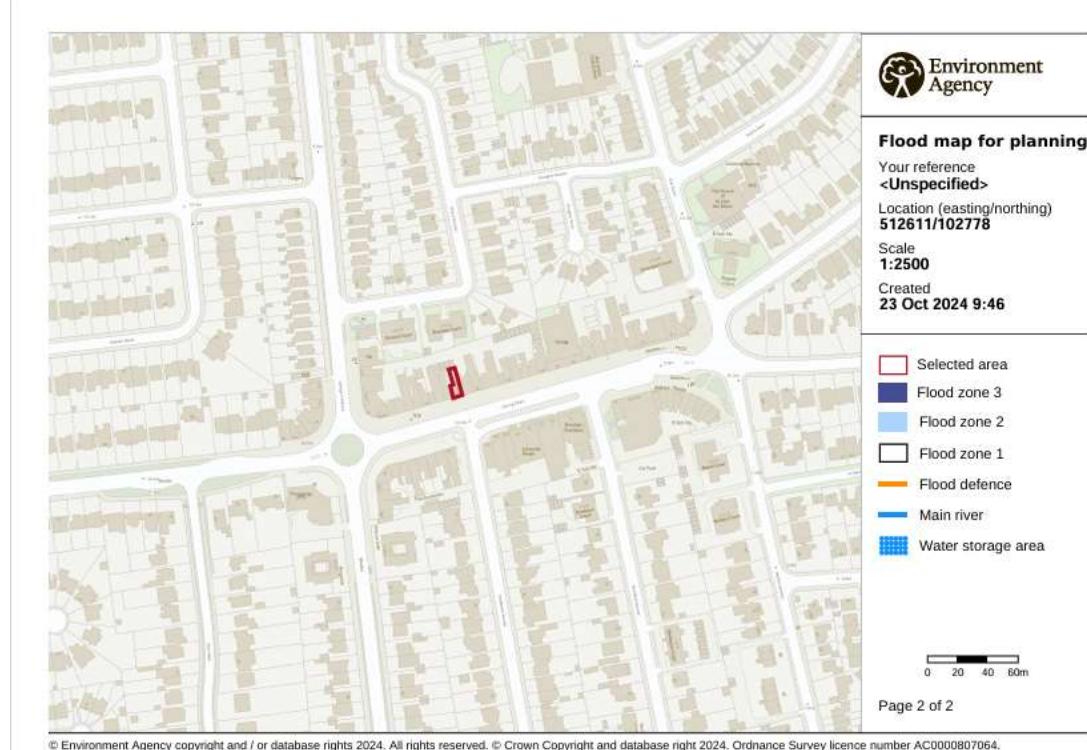
According to the Revised Contaminated Land Inspection Strategy (January 2024), there are no sites within the Borough, which have been determined as 'contaminated land' and, as such, there are currently no entries in the register.

Furthermore, the change of use of 46A Goring Road, from Class E (commercial/business/service) to Class C3 (dwelling houses), would not involve the breaking of ground, so would not result in the creation of any new pathways for any potential contamination.

As a result of the above, it has been demonstrated that there are no contamination risks at the site.

Flooding Risk

The site is located within Flood Zone 1, an area with a low probability of flooding. This is shown on the following extract from the Environment Agency's Flood Map for Planning.



In addition to the above, the site is not located within a Critical Drainage Area, which is '*an area within Flood Zone 1 which has critical drainage problems and which has been notified... [to]... the planning authority by the Environment Agency.*'

As a result of the above, it has been demonstrated that there are no flooding risks at the site.

Impacts of Noise from Commercial Premises on the Intended Occupiers

All of the adjacent commercial uses are those that can be accommodated within a residential area without causing any harm to residential amenity.

As a result of the above, it is considered that there are no commercial uses in the vicinity of the site that would give rise to any unacceptable noise impact on the intended occupiers of the building.

Conservation Area

As previously stated, the site is not located within a conservation area and, in any event, the proposal would not involve a change of use any part of the ground floor.

Natural Light

The submission has been supported by floor plans to demonstrate that all of the proposed habitable rooms would receive adequate natural light.

All of the proposed habitable rooms are served by one or more windows and none of these habitable rooms are deep. Both flats have a dining/kitchen/living room which is south facing.

As a result, there is no reason to think that they will not receive a good level of natural light.

Impact on an Area Important for General or Heavy Industry etc.

The site is not located within or adjacent to an area considered to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

Loss of Services

The proposed development will not result in the loss of services provided by either a registered nursery or a health centre maintained under section 2 or 3 of the National Health Service Act 2006.

Fire Safety

where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.



Fire Safety

The proposed development does not meet the fire risk condition. As a result, it is not necessary to consider the fire safety impacts on the intended occupants of the building.

Conclusion

This supporting statement demonstrates that the proposed development would not have any unacceptable impacts in respect of any of the matters listed in the GPDO. As a result, I would respectfully suggest that prior approval will not be required.

I trust the above is clear, but please do not hesitate to contact me if you have any queries

Yours faithfully,



Chris Geddes MRTPI
Founder and Principal