

KJC ARCHITECTS

2 Grove Cottage, Old Watercress Walk,
Carshalton, SM53BD

24th July 2024

PLANNING STATEMENT

Re: 15-17 Broadwater Street West, Worthing, BN14 9BT

Application for Prior Approval pursuant to Class MA of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to allow the change of use from retail (Class E) to residential (C3) in the form of 1 Flat.

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1 Introduction and Development Proposals

1.1 Introduction

This statement is submitted in support of an application for prior approval pursuant to Class MA of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to allow the part change of use from Class E to residential (C3) in the form of 1 Apartment at Ground floor level (the 'proposed development') at 15-17 Broadwater Street West, Worthing, BN14 9BT (the 'site').

The application is submitted on the basis that the proposed change of use is permitted by Class MA of the 2015 Order. This is discussed in more detail below.

1.2 Proposed Development

The proposed Development is described as:

Prior Approval pursuant to Class MA of Schedule 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to allow the part change of use from Class E to Class C3 residential forming 1 Apartment.

The proposed dwelling will be as follows:

1x2 Bed 3 Person @ 74.80 m2

Due to the sustainable location of the property, it is intended to be car free. In addition, cycle parking and refuse storage can be provided in spaces at the rear of the building at ground floor level, with external refuse area as well as external cycle parking. This can be secured and covered and subject to conditions if necessary.

1.3 Supporting Documents

The application is accompanied by the following documents in addition to this Statement:

- **Application Form**
- **Flood Risk Assessment**
- **2408-P-01-0010-Z00_Existing Plans**
- **2408-P-01-0011-Z01_Existing Plans**
- **2408-P-01-0020-ZXX_Existing Elevations**
- **2408-P-01-0021-ZXX_Existing Elevations**
- **2408-P-01-0200-ZXX_Location Plan**
- **2408-P-01-0201-Block Plan**
- **2408-P-01-0210-Z00_Proposed Plans**

- **2408-P-01-0211-Z01_Proposed Plans**
- **2408-P-01-0220-ZXX_Proposed Elevations**
- **2408-P-01-0221-ZXX_Proposed Elevations**

2 Site Location, Description and History

2.1 Site Location and Description

The application property is part of a two storey building which forms part of a retail terrace and parade along Broadwater Street West. This application comprises the rear part of the ground floor of 75 sqms floorspace. The property is currently vacant but was formerly occupied by Lloyds Bank. At ground floor level was the retail bank plus ancillary office space. As the site is within the retail centre, the site is surrounded by generally commercial uses with some residential units on upper floors.

The property is on the western side at the northern end of an inter war parade of shops, with flats above. Opposite the building are shops.

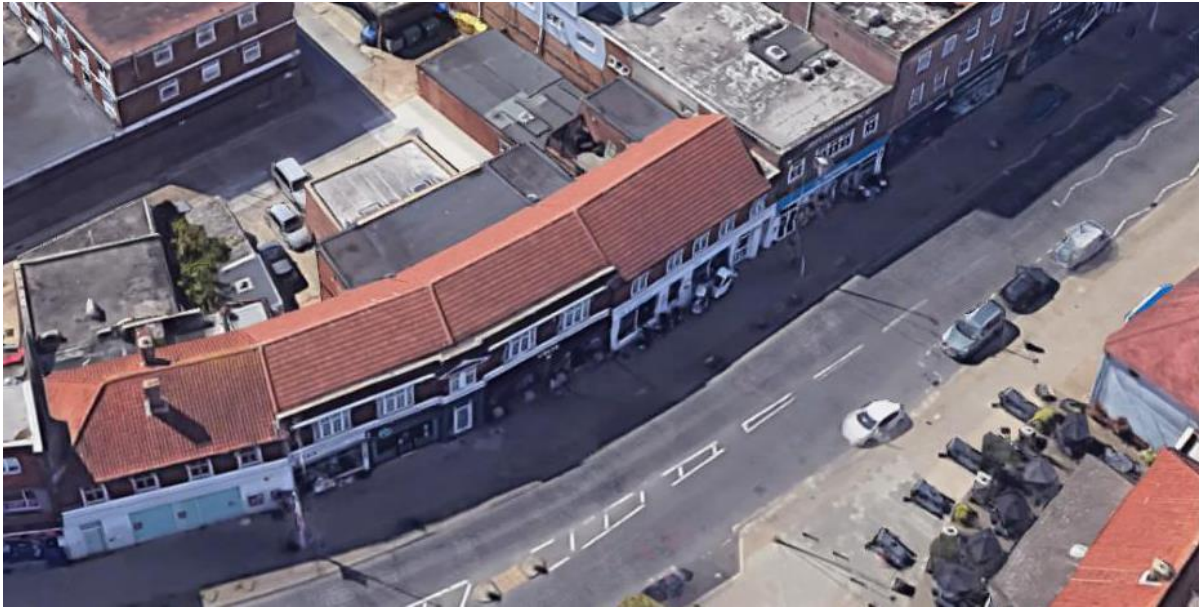
At the rear, the parade incorporates two storey outriggers, including at No 15 and 17. Beyond the outrigger of No 17, a wider, single storey level extension to the depth of the site was added in the late 1950s. A shallow single storey extension to the south of No 15's outrigger has also been subsequently added. To the west (i.e. behind) No 15 is a rear yard used for parking and servicing.

A similar parking arrangement serves No 13 to the south. These are accessed by vehicles from Rectory gardens through a public car park but a pedestrian access is available from Broadway Boulevard to the south. Another flat sits immediately above No 17 and in its rear outrigger, immediately to the north of the external access to 4 Broadwater Court. This has the benefit of a well screened terrace by 4 Broadwater Court's fire escape stairs.



The site is within designated Core Frontage. It is not in a conservation area and is not listed or on local list.

Figure 1 - Site in street scene.



Front 3D view



Rear 3D view

The site is easy accessible by sustainable forms of transport and is 1.3km from Worthing railway station and 1.7km from East Worthing railway station.

In addition, frequent bus routes pass the site towards Crawley, Durrington, Midhurst, Lancing and central Worthing.

The site is adjacent to the Broadwater Conservation Area and close to the Broadwater Green Conservation Area but has no specific heritage designation.

2.2 Planning History

Application Number: AWDM/0640/24 **Granted**

Proposal: Fenestration alterations to front, side and rear elevations; new rooflights; and sub division of existing ground floor unit into two separate units

Application Number: AWDM/1808/16 **Granted**

Proposal: Remove Existing frontage and install new shopfront with enlarged display windows and new entrance door (to facilitate A1 retail use of former Lloyds Bank).

Application Number: AWDM/1373/16 **Granted**

Proposal: Change of use from Financial 9A2) to Medical Practice (D1) with the new shop front and entrance door

Application Number: AWDM/0871/16 **Withdrawn Application**

Change of use from bank (A2) to Hot Food takeaway (A5)

Application Number: AWDM/0322/13 **Granted**

Installation of internally illuminated 'Lite Shard' (by fascia); two internally illuminated projecting signs; internally illuminated ATM surrounded (mounted back panel) signage.

Application Number: 06/1175/ADV **Granted**

Installation of internally illuminated fascia sign and internally illuminated projecting box signs positioned each end of fascia.

Application Number: 03/00220/ADV **Granted**

Installation of one internally illuminated ATN collar surround.

Application Number: 98/00756/ADV **Granted**

Installation of replacement internally illuminated fascia sign, internally illuminated projecting sign and illuminated sign to proposed A.T.M

Application Number: 94/05086/FULL **Granted**

Change of use of ground floor from retail to a self-contained flat with alterations to implement the use.

- DM1 Housing mix
- DM2 Density
- DM3 Affordable Housing
- DM5 Quality of the built environment
- DM6 Public realm
- DM7 Open space, recreation & leisure
- DM9 Delivering infrastructure
- DM13 retail and town centre uses
- DM15 Sustainable transport & active travel
- DM16 Sustainable design
- DM17 Energy
- DM20 Flood risk and sustainable drainage
- DM21 Water quality and sustainable water use
- DM22 Pollution

These are discussed in more detail below, where relevant.

3.3 Material Consideration - National Planning Policy Framework

3.3.1 The Government's National Planning Policy Framework (2021) (the 'Framework') is a material consideration in the assessment of development proposals. The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.

3.3.2 The Framework confirms that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

3.3.3 The Framework emphasises that these objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged.

3.3.4 The Framework confirms that at its heart is a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay.

3.3.5 The Framework also provides policy guidance on promoting sustainable transport and in paragraph 111 confirms that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

3.3.6 The Framework also provides policy guidance on 'Making effective use of land' (Section 11). In paragraph 120 c) the Framework advises that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land. Paragraph 120 d) advises that planning decisions should promote and support the development of under-utilised land and buildings especially if this would help meet the identified needs for housing where land supply is constrained, and available sites could be used more effectively.

3.3.7 An assessment of the Framework confirms that the proposed development is consistent with national planning policies, and this provides further support for the proposed development. This is discussed in more detail below with particular regard to design and residential development considerations.

3.4 Material Consideration –Supplementary Planning Guidance

3.4.1 The Nationally Described Space Standards deal with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height.

3.4.2 Relevant supplementary planning guidance includes the Guide to Residential Development SPD and the Space Standards SPD.

4 Planning Assessment

4.1 Introduction

4.1.1 The following assessment considers the relevant Development Plan policies identified in the preceding section and the degree to which the proposed development complies with their provisions or not as the case may be.

4.1.2 The following planning issues are considered to be material to the planning application:

- Principle of Development;
- Design considerations;
- Standard of accommodation;
- Residential amenity;
- Highways, access and parking;
- Flood Risk and drainage;
- Sustainability,
- Contamination, noise and air quality; and
- Affordable Housing and s106

4.1.3 These are discussed below in respect of the Development Plan and any material considerations.

4.2 Principle of Development

4.2.1 The National Planning Policy Framework (NPPF) seeks to increase the housing supply and introduces a presumption in favour of sustainable development. The proposed development clearly falls into the category of sustainable development providing much needed housing within the urban area on brownfield (previously developed) land with good connectivity to public transport network and within walking distance of shops and services.

4.2.2 The presumption in favour of sustainable development is also stated in Local Plan Policy SP1

4.2.3 Paragraph 69 of the NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. In this respect the site meets these aims.

4.2.4 Local Plan Policy SS1 also seeks to increase the rate of housing delivery from small sites. The Policy also states that within the built up boundary development will be permitted subject to compliance with other policies in the Local Plan. Development should make efficient use of previously developed land but the density of development should be appropriate for its proposed use and also relate well to the surrounding uses and the character of the area. Within the existing urban fabric nine key regeneration sites are allocated for development.

4.2.5 Local Plan Policy SS2 seeks a minimum of 3,672 new dwellings in Worthing and therefore the proposed development seeks to meet the aims of Policies SS1 and SS2.

4.2.6 Local Plan Policy SS3 seeks to improve and increase the mix of uses in the Town Centre particularly retail, employment, community, residential, leisure, recreation, cultural and tourist facilities through maximising development around key development sites and through the more efficient use of existing sites.

4.2.7 In this respect, the proposed development seeks a more efficient use of the site which, as discussed below, will allow the continued retail use of the premises.

4.2.8 Local Plan Policy DM13 states that changes of use and redevelopments within town, district and local centres will be carefully controlled to ensure that they support, rather than detract from, the successful functioning of the centres and their ability to meet local needs according to their function in the hierarchy. When considering all such proposals regard will be had as to whether they would:

- i. Make a positive contribution to the vitality, viability and diversity of the centre;
- ii. Not unacceptably impact on daytime footfall;
- iii. Maintain a strong role for the centre in providing a varied range of convenience goods and meeting other day-to-day needs;
- iv. Positively restore and/or enhance the character and appearance of the frontage;
- v. Maintain the continuity of active frontages;
- vi. Be of a scale and type of use appropriate to the size and function of the centre, or part of the centre concerned;
- vii. Ensure that any proposal will cause no significant adverse effects for the occupiers of neighbouring properties;
- viii. Ensure that any proposal will cause no significant adverse effects for the occupiers of neighbouring properties;
- ix. Retain or re-provide ancillary facilities within individual premises, (such as loading, storage, staff or administrative facilities), unless it is demonstrated that these are no longer necessary for appropriate future use of the premises;
- x. Result in an over concentration of uses such as takeaways and other uses with closed and inactive street frontages. The Council will consider the role of the centre within which the proposal is located and other matters such as the numbers of existing similar uses within the frontage and any existing or potential issues. Permission will not be granted where harm to the vitality and viability of the centre, or the amenity of local residents and businesses, cannot be adequately mitigated; and
- xi. Require conditions to be applied to any new development where it is relevant and appropriate to do so, in order to control the proposed uses and allow for a managed approach to future proposals for change of use in line with the Council's aspirations and strategies for the area.

4.2.9 In addition, Policy DM13 states that the policy approach seeks to encourage convenient and accessible local shopping facilities that are of a scale appropriate to the role and function of the centre to meet day to day needs of residents, and contribute to social inclusion. When considering relevant proposals within these centres regard will be had to the following:

- i. in District and Medium Scale Local Centres - seek to retain a core of retail uses of at least 50% of the units in the whole centre, to ensure the role and function of the level of centre is maintained. Allow for uses such as financial and service and restaurant and cafes of an appropriate scale for the role and function of the centre. Other uses will be supported where it can be demonstrated that the use will enhance the vitality

and viability of the centre in which it is proposed, generates footfall and retains an active shopfront with a shopfront display;

- ii. in Small Scale Local Centres seek to retain primarily retail use and resist the introduction of other uses where they will cause demonstrable harm to the centre's ability to meet day to day shopping needs of the local community; and
- iii. in all District and Local Centres drinking establishments and takeaways uses will be considered on their merit, taking into consideration any negative cumulative impact of such uses on the centre, whether such uses add to the vitality and viability of the centre and the impact on residential amenity.

4.2.10 In addition, the Policy states that the efficient and effective use of the upper floors that add to the vitality and viability of centres will be encouraged subject to:

- i. the proposed use of the upper floor will not undermine the viability of the unit on the ground floor particularly those retail uses;
- ii. consideration will be given to the nature of the use, its appropriateness to the centre in which it is proposed, hours of operation, intensity of use and impact on nearby uses.

4.2.11 In this respect, the accompanying letter an Estate Agent outlines that the property has been vacant since 2015 when HSBC bank vacated the premises.

4.2.12 The property has been marketed since this time with no demand for the property in its current form.

4.2.13 Following 8 years of marketing the ground floor of the property has now been let to an estate agent (Class E use). The proposed tenant, however, does not require the entire ground floor and in this respect, results in a large area to the rear and on the first floor which would otherwise remain vacant.

4.2.14 Therefore, the proposed development retains the active frontage and retains the Class E use and shopfront whilst making better use of the site.

4.2.15 Therefore, there are no conflicts with the aims of Policy DM13 and the proposed development will assist in maintaining the vitality and viability of the District Centre.

4.2.16 Therefore, subject to the below considerations there should be no objections to the principle of the development or land use, especially given the Council's lack of 5 Year Housing Land Supply (as discussed within the Summary section).

4.3 Design considerations

4.2.9 In respect of design considerations Paragraph 126 of the NPPF confirms that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

4.2.10 Paragraph 130 states that planning decisions should aim to ensure that developments function well and add to the overall quality of the area; establish a strong sense of place; optimise the potential of the site to accommodate development; are sympathetic to local character and history, and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

- 4.2.11 Paragraph 134 advises that significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
- 4.2.12 In this respect the NPPF offers support to the proposed development which is of a high-quality design and will not have any detrimental impact on the character of the area and will have no impact on the appearance of the building.
- 4.2.13 Local Plan Policy DM2 states that development proposals must make the most efficient use of land, which will usually mean developing at densities above those of the surrounding area.
- 4.2.14 In this respect, the proposed development seeks a more efficient use of an existing vacant retail unit by providing a smaller commercial space and one dwelling. Therefore, there is no conflict with the above aim.
- 4.2.15 In relation to design, Local Plan Policy DM5 states that all new development should be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area. This will include consideration of proportion, form, design, context, massing, siting, layout, density, height, size, scale, materials, detailed design features and landscaping.
- 4.2.16 In this respect, the ground floor frontage of the premises will remain in its current use.
- 4.2.17 Any internal alterations to the property are at the rear. All the elevations will remain as existing. Therefore, any design objections would be unsustainable.
- 4.2.18 In addition, the proposed development will have no impact on the public realm and therefore there is no conflict with Local Plan Policy DM6.

4.4 Standard of accommodation

- 4.4.1 Local Plan Policy DM1 states that in order to deliver sustainable, mixed and balanced communities, the Council will expect all applications for new housing to consider the most up to-date evidence of housing needs and demands to help determine the most appropriate housing mix based on the character and location of the individual site.
- 4.4.2 In this respect, the proposed development seeks a 1-bed and a 2-bed dwelling which is considered appropriate for a District Centre location which is less appropriate for family dwellings.
- 4.4.3 In addition, Local Plan Policy DM2(d) states that new dwellings across all tenures will be expected to meet as a minimum, the nationally described space standards (or any subsequent Government update) for internal floor areas and storage space. These standards will apply to all open market dwellings and affordable housing, including those created through subdivision and conversion. Applicants will be expected to have regard to the Council's local guidance for external space.

- 4.4.4 The proposed development meets the minimum requirements of the nationally described space standards and therefore there can be no objection in this regard.
- 4.4.5 Local Plan Policy DM7 states that schemes of 10+ dwellings will be required to provide open space on-site.
- 4.4.6 In this respect, it is not necessary to provide open space on site.
- 4.4.7 There is limited space within the site for amenity space and it is noted that other residential properties in the vicinity do not have private amenity space and this is expected in town centre locations.
- 4.4.8 However, the site lies close to public open spaces including Broadwater Green approximately 200m away.
- 4.4.9 In relation to daylight and sunlight, all of the bedrooms and open plan living areas will be served by generously sized, unobstructed windows:
- 4.4.10 Due to the number, size and orientation of the windows, it is considered that all habitable rooms would benefit from adequate natural light.
- 4.4.11 As such, the proposal is acceptable in terms of natural light and provides sufficient outlook for the intended occupiers.
- 4.4.12 In this respect, on balance, the standard of accommodation is considered to be acceptable.

4.5 Neighbouring amenity

These are discussed below in respect of the Development Plan and any material considerations. The application is submitted under the requirements of Class MA of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (the 'Order') in relation to the change of use of buildings in Class E use to a use falling within Class C3.

The provisions of Class MA.1 state that development is not permitted by Class MA:

- a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;
The building has been vacant for over three months with the April 2023 Delegated Officer's Report for application AWDM/0181/23 confirming the site was vacant and approving the application to remove the associated features relating to the former use.
- 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;

Subparagraph 2 states that 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 2.

The planning history shows the use of the premises as a bank by Lloyds bank (Class A2) Although now vacant no change of use has been implemented.

Therefore, there has been more than 2 years use as A2 use and therefore is appropriate for change of use under Class MA.

c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

The floorspace which is proposed to be changed is approximately 75 square metres.

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 site does not have any of the above designations.

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;

The site is not within an AONB or area specified in the Wildlife and Countryside Act.

3.1.3 Paragraph W of the Order requires the application to be accompanied by:

1. Written description of the proposed development
2. A plan indicating the site and proposed development
3. A floor plan indicating the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses
4. A statement specifying the net increase in dwellinghouses proposed by the development
5. Developer's contact address; and
6. Developer's e-mail address if the developer is content to receive communications electronically.

3.1.4 This Statement and the accompanying Application Form provides this information, and the requisite plans are also submitted.

3.1.5 Paragraph W (5) requires local planning authorities on receipt of applications to determine whether 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 and if so to consult the relevant

highway authority. To assist in this process this Statement includes a section on traffic impacts.

Paragraph W (6) requires local planning authorities to consult the Environment Agency where the development is located within an area within Flood Zone 2 or Flood Zone 3; or in an area within Flood Zone 1 which has critical drainage problems and which the Environment Agency has notified the authority for the purpose of paragraph (zc) (ii) in the Table in Schedule 4 to the Procedure Order. To assist in this process this Statement includes a section on flood risk which confirms that the property is located within Flood Zone 1.

3.1.7 It is acknowledged in Paragraph W (9) that further information regarding the impacts and risks referred to in J2 (namely transport and highways impacts, contamination and flood risks) can be requested in order to determine the application. The Applicant is committed to respond to any such request, although these are considered unnecessary given the information that is provided.

3.1.8 It is also recognised that in determining this application, the LPA shall have regard to the National Planning Policy Framework (NPPF) as if the application were a planning application. Accordingly, and to assist this process a statement on the effect of the Framework is included below.

3.1.9 Class MA development is permitted subject to the condition that before beginning the development, the developer shall 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 200657,
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.

3.1.10 This is discussed below in more detail.

4.6 Transport impacts of the development, particularly to ensure safe site access.

The site is located within a highly sustainable location and is 1.3km from Worthing railway station and 1.7km from East Worthing railway station.

In addition, frequent bus routes pass the site towards Crawley, Durrington, Midhurst, Lancing and central Worthing with up to 5 buses per hour in each direction. The closest bus stop is approximately 75 metres from the site.

The centre of Worthing and other adjoining towns are also easily reachable by cycling.

In respect of the highways impact, Local Plan Policy DM15 requires new development to provide for an appropriate level of cycle parking, car parking and electric vehicle space allocations that takes into consideration the impact of development upon on-street parking residential amenity, highway safety and has regard to West Sussex County Council standards / guidance.

The West Sussex parking Standards confirms that the site lies within parking Behaviour Zone 4 and in this respect the residential parking demand (as shown on table 2) would be 0.9 spaces per one-Bedroom flat – a maximum demand of 2.7 spaces which is representative of the sustainable location of the site.

However, it is proposed that the flats will be car free.

Parking restrictions on the main road will prevent any inappropriate on-street parking and visitor parking is available in nearby public car parks.

Furthermore, nearby on-street parking is capable of accommodating the additional 1 car which may be generated by the development without the detriment to the safety of the highway.

Therefore, it is proposed that the flats will be car free. Parking restrictions on the main road will prevent any inappropriate on-street parking and visitor parking is available in nearby public car parks.

Furthermore, nearby on-street parking can accommodate the additional 1 or 2 cars which may be generated by the development without detriment to the safety of the highway.

In addition, the proposed development is capable of providing cycle parking for up to 2 cycles.

Refuse arrangements will be provided to the rear of the building.

Paragraph 111 of the NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Therefore, in accordance with the NPPF, and the Development Plan the proposed development would not have an adverse impact upon the safety of the highway network in the area, and the prior approval of the Council is therefore not considered necessary.

4.7 Contamination risks in relation to the building

The property is located within a previously developed site. The site is not within an area which is identified as an archaeological priority zone and has only been used for retail space.

Therefore, although no information relating to the contamination risks associated with the site has been submitted in support of this application, the former use of the building and its location in a developed site is such that it is not anticipated that any risk of contamination would be likely to arise during the course of the works.

Due to the scale of the development proposed, the limited operational development required, and the utilisation of existing sewer and water supply facilities the requirement for prior approval for contamination risks associated with the site is considered onerous and unnecessary, given the proposed development is at ground floor level.

4.8 Flooding risks in relation to the building

The Environment Agency Flood Map (below) confirms that the site lies within Flood Zone 1 where the chance of flooding in any given year is less than 1 in 1000 (0.1%).

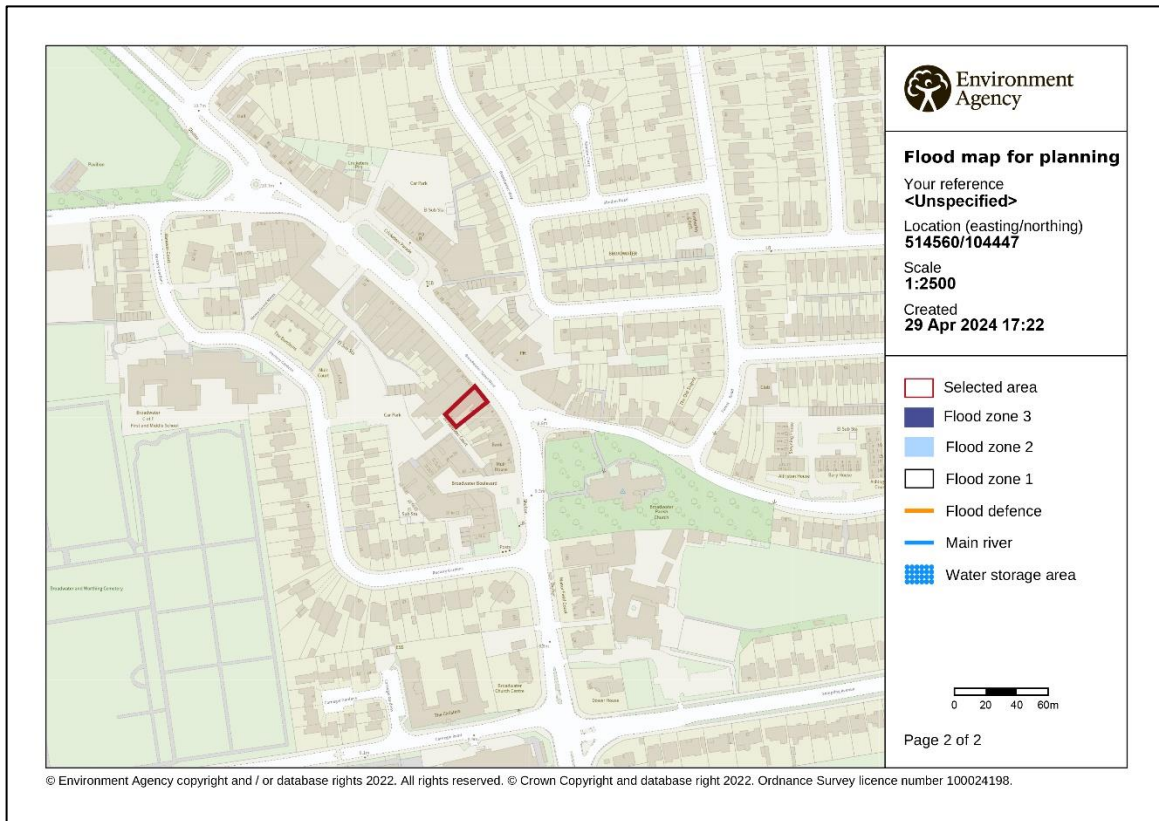


Figure 2 - Environment Agency Flood Map

Referring to the Flood Risk Assessment Report, produced by WtFR, the analysis of flooding from fluvial and tidal sources shows that the building is in Flood Zone 1 and hence is at a risk of flooding from events less than 1 in 1000 (0.1%) year events.

Table 2 of this report details that residential developments are classified as More Vulnerable; Table 3 of the report shows that More Vulnerable developments in Flood Zone 1 are acceptable.

The development site is at very low risk from surface water flooding, which means that the flood risk is less than 1 in 1000 (0.1%) in any year.

The impact on groundwater is considered to be negligible.

Surface water disposal will continue to be to the public sewerage system.

The overall impermeable area of the site will not increase, as such on-site attenuation is not necessary.

The development proposal there is limited capacity to include SuDS measures although permeable paving and the use of water butts may be considered for use, where appropriate, to minimise surface water runoff from the site. In addition, a green roof could be considered

for the bicycle store.

As such, the proposed development will not increase the risk of flooding elsewhere from surface water sources.

There is no evidence of historic flooding of the development site.
The development is not at risk from reservoir failure.

Based on the likely flooding risk, it is considered that the proposed development can be operated safely in flood risk terms, without increasing flood risk elsewhere and is therefore appropriate development in accordance with the NPPF.

4.9 Impacts of noise from commercial premises on the intended occupiers of the development

The change of use of the building from a use in Class E to a use in Class C3 would not result in any impacts of noise from commercial premises on the intended occupiers of the development as the surrounding uses are not noise generating uses.

The ground floor is currently vacant.

It is considered unlikely that the level of noise would be to unacceptable degree. It is likely that any background noise can be mitigated via appropriate sound insulation if necessary.

It is also noted that the application site is close to other residential buildings including dwellings in the adjoining buildings.

Therefore, the principle of residential uses in the immediate surroundings has been established.

Therefore, it is not considered necessary for the Council to require prior approval in relation to noise.

4.10 The impact of the change of use on the character or sustainability of the Conservation Area

Class MA states that where the building is located in a conservation area, and the development involves a change of use of the whole or part of the ground floor, an assessment is required on the impact of that change of use on the character or sustainability of the Conservation Area.

In this respect, the site is not located within any Conservation Area.

Besides, as is shown on the submitted plans and elevations, only internal alterations to the building are proposed and the proposed dwellings will be at ground floor level only.

The proposed development does not involve any change of the ground floor frontage of the premises.

4.11 The provision of adequate natural light in all habitable rooms of the dwellinghouses

The requirements applications submitted under Class O of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) are outlined in Paragraph 0.2(e) which requires determination as to whether the prior approval of the authority will be required as to the provision of adequate natural light in all habitable rooms of the dwellinghouses.

Paragraph W (2A) confirms that 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.

Paragraph X confirms that “habitable rooms” means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.

In this respect, for the proposed development it is only necessary to provide adequate natural light to the bedrooms and living room. There are no requirements in Class MA or paragraph W for the submission of a daylight / sunlight assessment to determine if adequate daylight is available to the proposed flats.

However, all of the bedrooms and open plan living areas will be served by generously sized, unobstructed windows with approximately size as follows:

FLAT	HABITABLE ROOM	WINDOW DIMENSIONS (m)	WINDOW SIZE (m ²)
1	Kitchen/Living/Dining	1.80 x 2.20	1
		1.25 x 1.10	1
		1.50 x 1.00	1
2	Bedroom 1	1.25 x 1.10	1
		1.00 x 1.00	1
3	Bedroom 2	1.25 x 1.10	1

In addition, as shown below, the side and rear windows are unobstructed by other buildings:

v 11



Figure 3 - Windows unobscured by other buildings.

Views from existing windows

Due to the number, size and orientation of the windows, it is considered that all habitable rooms would benefit from adequate natural light.

The analysis demonstrates that when applying the recommended methodologies set out in the BRE guidelines, the proposed accommodation will enjoy good levels of daylight and sunlight.

As such, the proposal is acceptable in terms of natural light.

4.12 The impact on intended occupiers of the development of the introduction of residential

The surrounding area is mixed use in character, with other residential uses adjacent to the site and also to the rear and above other commercial uses in Broadwater Street West.

The area is not considered to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses. Therefore, the proposed conversion to residential flats would be highly appropriate and not result in any detrimental impacts on any employment or retail locations.

4.13 The impact on the local provision of the type of services lost.

Class MA.2(h) states that 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 200657, an assessment of the impact on the local provision of the type of services lost is required.

The current use is not a registered nursery or health centre. Therefore MA.2(h) is not relevant in this instance.

4.14 Development Plan and NPPF

The Development Plan Proposals Map confirms that the property is not within a Conservation Area, while it is located within the District Centre and Primary Shopping area.

The National Planning Policy Framework (NPPF) explains in the Ministerial foreword that the purpose of planning is to help achieve sustainable development. Sustainable means ensuring that better lives for us don't mean worse lives for future generations and development means growth.

The foreword continues by confirming that sustainable development is about positive growth – making economic, environmental and social progress for this and future generations and that the planning system is about helping to make this happen. Development that is sustainable should go ahead, without delay. A presumption in favour of sustainable development is the basis for every decision. The development clearly falls into the category of sustainable development providing much needed housing in an area of housing need, on brownfield land and re-using part of an existing redundant building.

Paragraph 7 of the NPPF confirms that the planning system is expected to perform an economic, social and environmental role in contributing to the achievement of sustainable development. In this case the development will assist in performing a social role by providing more housing on a brownfield site and will contribute to the pursuit of sustainable development by widening the choice of high-quality homes in an area where the quality of the built, natural and historic environment will be unharmed.

Another core planning principle is to take account of the different roles and character of different areas, including promoting the vitality of the main urban areas, protecting Green Belts and recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

The proposal will assist in promoting the vitality of the area through the introduction of housing. The site is not located within an area of any designated status which would preclude consideration of a prior approval application.

A further core principle is the encouragement to make effective use of brownfield land. The site constitutes brownfield land.

A further core planning principle is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this

and future generations. The proposal does not impact any designated historic assets as the appearance of the building is unchanged.

A further core planning principle is to actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable. The proposal does not constitute a significant development and therefore transport impacts will be minimal.

Section 9 promotes sustainable transport. The application proposal is in an area which is accessible by public transport and cycling.

Paragraph 130 states that planning policies and decisions should ensure that developments: a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

No external changes are proposed or required and therefore the existing appearance will be maintained.

Paragraph 11 confirms that LPAs should apply the presumption in favour of sustainable development. The proposal represents a form of highly sustainable development and therefore is supported by this presumption.

In summary, this statement has considered the proposal in the context of the NPPF and confirms that it is entirely consistent with the Government planning policy.

In addition, there are no identified conflicts with the Croydon Local Plan.

5 Summary and Conclusion

Having considered the proposed development in relation to the criteria prescribed within the GPDO, it is concluded that:

- Prior approval in relation to transport and highways impact is not required.
- Prior approval in relation to contamination risk of the building is not required.
- Prior approval in relation to flooding risk of the development is not required.
- Prior approval in relation to noise impact is not required.
- Prior approval in relation to the impact on the Conservation Area is not required.
- The proposed habitable rooms will all receive adequate daylight and therefore prior approval is not required in this regard.
- There is no impact on any employment land and therefore prior approval is not required in this regard.
- There is no impact on any local services therefore prior approval is not required in this regard.
- Prior Approval is not required in respect of fire safety.

In addition:

- the building is not:
 - within a Conservation area;
 - in a site of special scientific interest;
 - in a safety hazard area;
 - in a military explosives storage area;
 - a listed building; or
 - a scheduled monument.

From the submitted it is concluded that there are no reasons why prior approval cannot be granted and the proposed change of use to C3 can proceed.

If you need any additional information, please feel free to contact us in relation to the above-mentioned planning application.

Kevin Clarke
Director
Architect (RIBA &ARB)