

Development Management – Delegated Officer Report

Application Number: NOTICE/0013/25

Recommendation – APPROVE

Site: 59 Lyndhurst Road Worthing West Sussex BN11 2DB

Proposal: Application for Prior Approval for Proposed Change of use from office/commercial to two residential flats

Site and Surroundings

The site is located on the northern side of Lyndhurst Road in Worthing. The property is two storeys in height with commercial on the ground floor with associated offices above. The existing use of the site is as a funeral directors.

The site is located opposite the boundary of the town centre and neighbours the hospital to the east. The site forms part of a terrace of properties.

Proposal

A prior approval application for the conversion of a commercial building at ground and first floor into 2 flats. The ground floor flat would have an approximate floor space of 71sqm which would be a 2b4p flat. The storage provided would be 3.55sqm.

The first floor flat being 75sqm to serve a 2b4p flat. With 2.85sqm of storage.

Planning history

93/05418/FULL: Change of use from offices to a house in multiple occupation comprising 8 units. Application permitted.

97/00965/FULL: Change of use to two self contained flats. Application Permitted.

Consultations:

Environmental Health:

No Environmental Health comments or requirements for this proposed change of use to residential dwellings.

WSP:

The applicant is applying for prior approval for proposed change of use from office/commercial to two residential flats. 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 site, size, location, and type of development we would recommend the approval of the application.

WSCC Highways:

The site is located in a primarily residential area with most frontages bounding the footway and limited opportunities for on-street parking. The application site includes 2 car parking spaces.

The proposed change is unlikely to result in a negative impact on the public highway. Providing the parking provision and layout has not been altered, the Highway Authority would not raise an objection.

Southern Water:

From reviewing the submitted documents, Southern Water has concluded that the applicant is proposing to use the existing drainage scheme. Therefore, we have no objections. However, if this is not the case, please send through updated drainage plans.

Representations: N/A

Planning Assessment

Principle

The proposal will be viewed against the criteria of permitted development, as laid out within The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Consideration

Schedule 2, Part 3 – Changes of Use

Class MA – commercial, business and service uses to dwellinghouses

Permitted Development

MA. 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.

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 sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

Analysis: The site is considered to be Use Class E.

- (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;

Analysis: Not applicable.

- (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;

Analysis: None of the above apply.

- (f) The if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

Analysis: N/A.

- (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 been cancelled in accordance with the provisions of Schedule 3.

Analysis: N/A

- (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 has 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.

Analysis: The site has been in use as a funeral directors / undertakers (Class E) since at least 2009.

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;

Analysis: With the provision of 2 Flats there would be a requirement to provide 3 car parking spaces which have been provided to the front of the site and a garage to the side. With the connectivity of the site in relation to the town centre and the railway station the development would not result in a significant increase in vehicular trips to and from the site.

Cycle parking for the two units could be accommodated within the forecourt. Planning permission may be required for a cycle store.

Overall there would not be any highways concerns raised.

It is noted that the extension to the crossover will require planning permission as it is to a classified road.

(b) contamination risks in relation to the building;

Analysis: With the previous uses of the building as Class E it is not considered to be on land which has been exposed to contaminants.

(c) flooding risks in relation to the building;

Analysis: Following a review of the submitted information there is no objection to the proposal on terms of surface water flooding. The site is not in an area at risk from tidal or fluvial flooding. Southern Water and the Council's drainage consultant have confirmed they have no objection to the proposals.

(d) impacts of noise from commercial premises on the intended occupiers of the development;

Analysis: Not Applicable

(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;

Analysis: Not Applicable

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

Analysis: Each of the habitable rooms will have at least one window providing natural light

(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;

Analysis: Not Applicable

- (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

Analysis: Not Applicable

- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

Analysis: Not Applicable

- (3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

Analysis: Not Applicable

- (4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph

Part 3 (9A) of the GPDO reads (9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse— (a) where the gross internal floor area is less than 37 square metres in size; or (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015

Analysis: The nationally described space standards have a requirement for a minimum of 70sqm for a 2b4p property on one floor. Both of the flats surpass this requirement with the gf flat being 70.8sqm and the ff flat being 75.4sqm. Each of the flats has storage provided which exceeds that of the requirement.

Recommendation

Prior Approval is Required and Granted subject to Conditions:

1. Approved plans

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. New Address
3. CIL

Expiry Date - 19/08/2025

Case Officer: Finlay Gardner Date: 18/08/2025

Authorised by: Louise Prew Date: 19/08/2025