



LEWIS & CO

PLANNING STATEMENT

30 LYNDHURST ROAD AND 40 SELDEN ROAD,
WORTHING, BN11 2DF

ON BEHALF OF SUSSEX URBAN QUARTERS



Client: SUSSEX URBAN QUARTERS

Site Location: 30 LYNDHURST ROAD AND 40 SELDEN ROAD, WORTHING, BN11 2DF

Job History:

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1.0 INTRODUCTION AND SUMMARY

- 1.1 This Statement has been prepared on behalf of Sussex Urban Quarters (the applicant) and relates to an application for prior approval under Class MA at 30 Lyndhurst Road and 40 Selden Road, Worthing. The application follows an initial grant of prior approval under application reference **NOTICE/0025/25**.
- 1.2 The revised proposal is broadly the same as that previously consented but results in minor changes to the internal layout of the building at ground floor level to retain existing wall structures and optimise the residential layout. The changes result in a minor difference in the amount of floorspace changing use under Class MA with the retained commercial unit increasing from 30.9m² to 31.2m².
- 1.3 The proposed development seeks the change of use of rear parts of the existing ground floor commercial units (Use Class E) to create a 2-bedroom flat (Use Class C3).
- 1.4 A full width Use Class E commercial unit will be retained within the Lyndhurst Road shopping parade and will continue to provide an active commercial frontage to the building. No external works are proposed.
- 1.5 The application is made under Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order (GPDO). There is no Article 4 direction currently in force in this location that would restrict the use of this permitted development right.
- 1.6 This statement should be read in conjunction with the accompanying application drawings produced by BPM Architectural Services.
 - Application forms
 - CIL Form 1: Additional Information
 - Existing Floor Plans, Elevations, Section A-A and Site Location Plan (Drawing Number 3097.01)
 - Proposed Floor Plans, Elevations, Section A-A and Block Plan (Drawing Number 3097.02)



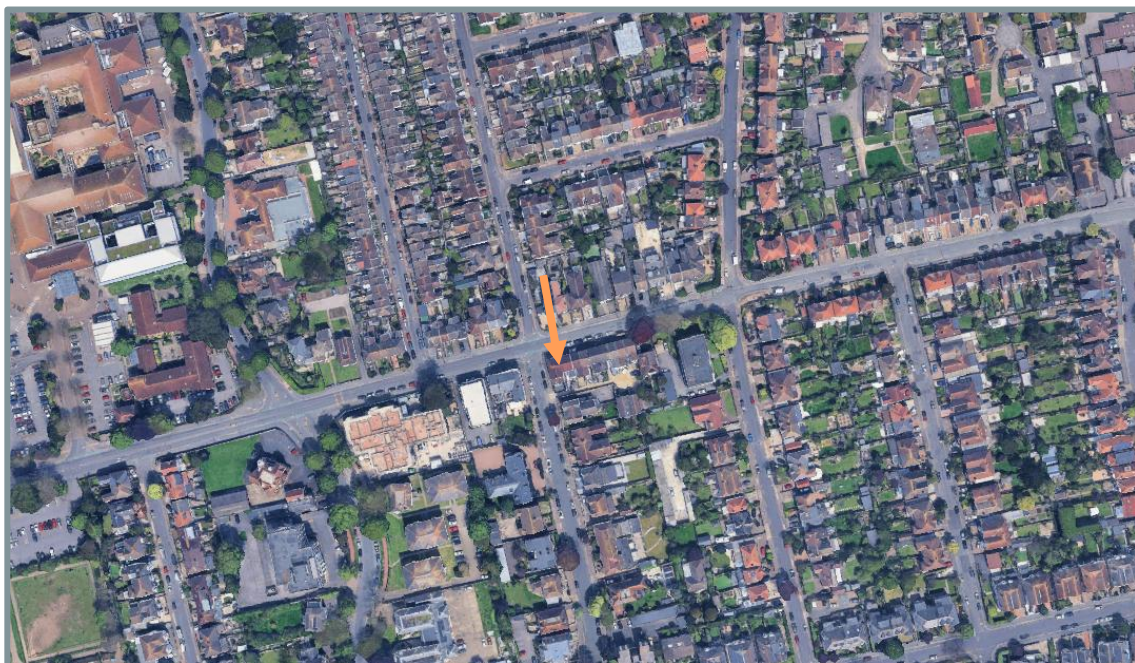
1.7 This statement will demonstrate that prior approval should be granted for the proposed use. It provides an analysis of:

- The site and area
- The proposed use
- Compliance with the GPDO
- Considerations of Class MA: transport impacts; contamination risks; flooding risks; noise impacts from nearby commercial premises; impact on the conservation area; and provision of natural light.



2.0 APPLICATION SITE & SURROUNDING AREA

- 2.1. The application site is the ground floor accommodation at 30 Lyndhurst Road and 40 Selden Road, comprising two existing Use Class E commercial units within the same building.
- 2.2. The building also contains a self-contained residential unit at first floor, which is separately accessed from the rear of the building.
- 2.3. The ground floor commercial unit fronting onto Lyndhurst Road is currently vacant having previously been in use as an upholstery store (Use Class E). The commercial unit fronting onto Selden Road is in an active hairdressing salon use (Use Class E).



Site and surrounding context

- 2.4. The site lies to the east of Worthing town centre, close to Worthing Hospital, Splashpoint Leisure Centre and the seafront. As a result, the site is well located for day to day shops and services.
- 2.5. The site is not located within any Conservation Area and is not a listed building.



Flood Map for Planning extract

2.6. The site is located within Flood Zone 1 (lowest risk of fluvial flooding).



3.0 PROPOSED DEVELOPMENT

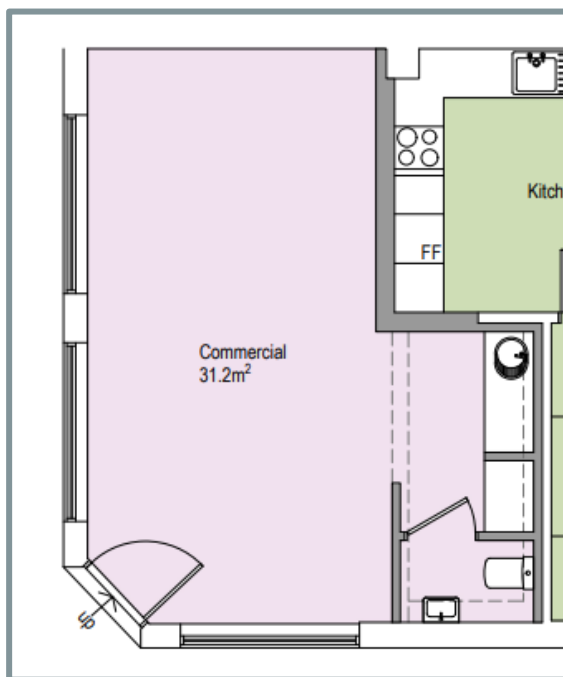
- 3.1 The proposed development is a change of use of the ground floor commercial unit (Use Class E) at 30 Lyndhurst Road and 40 Selden Road to Use Class C3 (residential) under Class MA permitted development rights.
- 3.2 Schedule 2, Part 3, Class MA of the General Permitted Development Order (GPDO) (as amended) permits the change of use of a building and any land within its curtilage from a use falling within Use Class E to a use falling within Use Class C3, provided that relevant conditions are met.
- 3.3 Section 2 of the GPDO confirms that 'building' should be interpreted as including "any part of a building".
- 3.4 The proposals would result in the change of use of the rear section of the ground floor commercial unit to residential.
- 3.5 As shown on the submitted plans the works would result in the creation of a two-bedroom residential. The flat will benefit from an open plan living and dining room, kitchen, bathroom and two bedrooms totalling 73.6m² in gross internal area, excluding the proposed bin store.



Proposed Ground Floor Flat



- 3.6 A ground floor commercial unit within the Lyndhurst Road shopping frontage would be retained with an internal floor area of 31.2m² as well as ancillary WC and kitchenette facilities. The unit would continue to benefit from the existing street entrance.



Retained Commercial Unit as Proposed

- 3.7 A self-contained bin and recycling store will also be created, accessed from the rear of the building. This facility will be shared by all units.
- 3.8 No external changes are proposed, the 'development' falling under Section 55 of the Town and Country Planning Act 1990 (as amended) is the material change of use of Use Class E floorspace to Use Class C3 residential.



4.0 COMPLIANCE WITH THE GPDO

- 4.1 To demonstrate the proposed change of use is permitted development for which prior approval should be granted the conditions of Schedule 2, Part 3, Class MA of the GPDO (as amended) will now be addressed.
- 4.2 This Statement demonstrates compliance with the requirements of Class MA and these matters are dealt with in turn.
- 4.3 The relevant extract detailing the Class MA permitted development right from the GPDO is included in italics below with comments following in blue. The further conditions relating to the prior approval process of Class MA will be analysed in Section 5 of this Statement.

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.

“MA.1.—(1) 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;”

This requirement was removed/omitted by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 and the property no longer needs to be vacant to benefit from the permitted development right.

However, the existing in-use unit (30.4m²) and retained Use Class E commercial space (31.2m²) are a comparable size and there may be the opportunity for the existing use to remain on this basis.



(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;"

The property has been in use for one or more of the use classes within sub-paragraph 2 which refers to:

- (a) “(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.”*

One existing unit is vacant but was previously in a retail use. There is an ongoing hairdresser use (Use Class E – formerly Use Class A1) under the trading name Blush.

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

This requirement was removed/omitted by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 and there is no longer an upper limit on the total area of floorspace changing use under Class MA.

- (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 is not part of a site of special scientific interest (i), the nearest SSSI is at the Cissbury Ring SSSI (4.2km away).

The property is not a listed building (ii) or land within the curtilage of a listed building. As noted in Section Two, the nearest listed buildings are at 1-3 Selden Lane, approximately 280m south of the application site. No harm would be caused to these listed buildings as the proposals are for a change of use only.

The property is not part of a scheduled monument or land within its curtilage (iii) and there are no scheduled monuments close to the site, with the nearest located 5km to the north (Cissbury Ring Hillfort).

The site is not part of a safety hazard area (iv) and no current or historic hazard storage uses have been identified.

The site is not part of a military explosives storage area (v) and no current or recent military or dangerous/explosive sites are known to be located close to the site.

(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(1);*
- (iii) the Broads;*
- (iv) a National Park; or*
- (v) a World Heritage Site;*

The site is not within an AONB/National Landscape, National Park or the Broads (i, iii, and iv). The nearest such designation is the South Downs National Park Authority (a local planning authority in its own right).

There are no World Heritage Sites within the local planning authority area (v), the nearest such sites are located in London and Canterbury.



(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.*

The prior approval application is submitted after this transitional period has expired and therefore the provisions within this section do not apply. There is no adopted Article 4 currently in place that restricts the change of use proposed under Class MA in this location.

4.4 Paragraph MA.2 of the GPDO (as amended) requires an application for prior approval before carrying out change of use permitted under Class MA, with regard 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(2), the impact on the local provision of the type of services lost.

4.5 These matters will be addressed in section 5 of this Statement.

Procedural Requirements

4.6 Paragraph W (Procedure for applications for prior approval under Part 3) of the GPDO sets out the procedural requirements for this application.

4.7 The application is accompanied by:

- A written description of the proposed development (see application forms and this Statement): change of use of rear parts of the existing ground floor commercial units (Use Class E) to create a 2-bedroom flat (Use Class C3)
- A plan indicating the site and showing the proposed development: the application is accompanied by a site location plan and existing and proposed plans
- The developer's contact address and email address: see the submitted application forms
- The application fee

4.8 The submitted plans include floor plans indicating the layout and proposed use of each room, and the position of windows, doors and walls on scaled drawings.

4.9 The site is in Flood Zone 1 and is not within an area where a site-specific flood risk assessment is required nor are the Environment Agency are required to be consulted under Paragraph W (6).



5.0 CONDITIONS OF CLASS MA

- 5.1 The additional considerations of Class MA will now be addressed to show the proposed use is acceptable on these grounds. We trust that prior approval will not be required for the following reasons:

Transport and Safe Site Access

- 5.2 The site is located close to Worthing town centre and benefits from easy access to all relevant town centre services as well as recreational spaces (including the seafront). A number of day-to-day shops and services are also available within the Lyndhurst Road local centre.

Paragraph W

(5) Where the application relates to prior approval as to transport and highways impacts of the development, on receipt of the application, where in the opinion of the local planning authority 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, the local planning authority must consult—

(a) where the increase or change relates to traffic entering or leaving a trunk road, the highway authority for the trunk road;

(b) the local highway authority, where the increase or change relates to traffic entering or leaving a classified road or proposed highway, except where the local planning authority is the local highway authority; and

(c) the operator of the network which includes or consists of the railway in question, and the Secretary of State for Transport, where the increase or change relates to traffic using a level crossing over a railway.

- 5.3 Both the proposed residential unit and retained Use Class E commercial unit will be accessed from existing, established entrances to the building.



- 5.4 The proposals also incorporate a dedicated bin store accessed from the rear of the property and shared by all units. The provision of this facility will ensure that bins are not required to be stored on the highway and will provide a benefit.
- 5.5 There is no vehicular parking within the site, which will remain the case, the proposals therefore have a neutral impact on safe site access.
- 5.6 Due to its location, the resulting residential unit would benefit from easy walking routes to all major services and employment opportunities. Residents would not be dependent on private vehicle use for any day-to-day trips.
- 5.7 The site's sustainable location will also encourage the use of sustainable transport modes.
- 5.8 For the reasons set out above, the proposed use is unlikely to have an adverse impact on local transport or highways network. The existing access arrangements would be maintained and there would be no material changes to site access or safety.

Contamination Risk

- 5.9 The longstanding Use Class E commercial uses (all formerly Use Class A1) are very unlikely to have caused land contamination at the site. There are no known or no obvious sources of contamination.
- 5.10 Additionally, no ground would be broken through the development, which consists only of internal alterations at ground floor level. No fundamental changes to drainage or water supply are required. It is therefore not considered there would be any issues with contaminated land that warrant refusal of this application.



Flood Risk

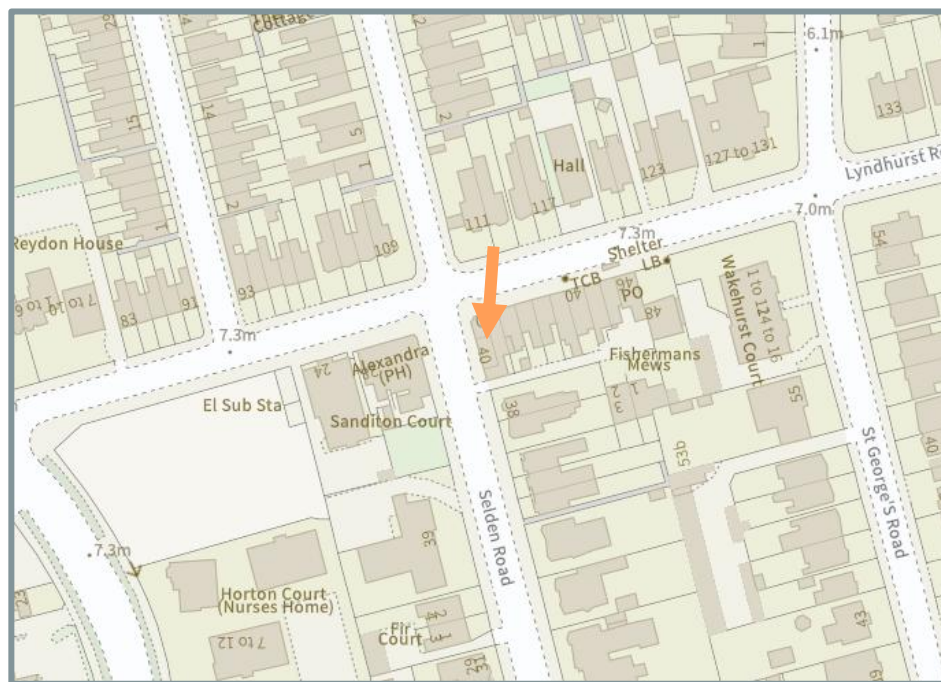
Paragraph W

(6) Where the application relates to prior approval as to the flooding risks on the site, on receipt of the application, the local planning authority must consult the Environment Agency where the development is—

(a) in an area within Flood Zone 2 or Flood Zone 3; or

(b) in an area within Flood Zone 1 which has critical drainage problems and which has been notified to the local planning authority by the Environment Agency for the purpose of paragraph (zc)(ii) in the Table in Schedule 4 to the Procedure Order.

- 5.11 The site is in flood zone 1, as confirmed by the Environment Agency flood map for planning extract below.



Flood Map for Planning – Fluvial Flood Risk extract

- 5.12 No changes to the exterior of the building are proposed and surface water will continue to drain in the same way as the existing situation. The proposals will therefore have no impact on surface water drainage and will not increase the risk of flooding within or around the site.



- 5.13 The Government's long term flood risk service shows that the property is at low risk of surface water flooding even in a 1-in-1000 year event. Both groundwater flooding and reservoir flooding are unlikely in this area.



Flood Map for Planning – 1-in-1000 year surface water extract

- 5.14 On this basis the site is not in an area of major flood risk and the development proposed will not increase flood risk either on site or elsewhere.

Noise Impacts

- 5.15 The proposed use would align closely with surrounding uses, including residential use of the first floor of the building, and would have a negligible impact on neighbouring uses. Although not a specific consideration under Class MA, the residential use of part of the ground floor would also not be likely to have a material impact on neighbours.
- 5.16 The relevant parts of the building are not located close to any major or materially significant sources of noise and the internal accommodation does not suffer from significant noise impacts.
- 5.17 In accordance with Approved Document E of Building Regulations, the separating wall between the new dwelling and retained Use Class E unit will be required to achieve necessary resistance to airbourne sound/sound insulation to avoid any material harm to future occupiers.



- 5.18 Under the existing approval (NOTICE/0025/25), a condition was applied to ensure that noise attenuation measures are implemented that would achieve a minimum airborne sound insulation value of 48dB (DnTw+Ctr dB) as part of these works. Similar controls could be used on this application to ensure the implementation of adequate acoustic mitigation between the proposed residential and commercial uses.
- 5.19 As such, no adverse impacts relating to noise from nearby uses would arise to future residential occupiers of the development.

Impact on Conservation Area

- 5.20 The site is not located within a Conservation Area. The closest conservation area (Farncombe Road) lies to the west – however, condition MA.2.(2)(e) only falls to be considered where the site itself is located within a conservation area.

Provision of Natural Light

- 5.21 All habitable rooms within the proposed residential unit have adequate provision of natural light and would provide a good standard of accommodation.
- 5.22 The habitable rooms proposed within the property all benefit from either large existing windows, or in the case of Bedroom 1 a series of smaller windows providing sufficient natural daylight.
- 5.23 The proposals will therefore provide natural daylighting to all habitable rooms in accordance with Class MA requirements.
- 5.24 Non-habitable spaces (kitchen, bathroom and corridors), as defined within RICS ‘Land measurement for planning and development purposes’ (May 2021), are all located within the centre of the building where natural light is less achievable.
- 5.25 The kitchen adjoins, but separate to, the living/dining room area - meaning that dining facilities are not located within the kitchen itself and this is therefore



treated as a non-habitable space under RICS guidance. However, the kitchen space will nevertheless still benefit from some natural daylighting from windows serving the living room space.

- 5.26 There are no major internal changes to the layout of the property that would reduce access to natural light.

Other considerations

- 5.27 The resultant unit would form a two-bedroom unit (single storey) for the purposes of the nationally described space standard. The space standards set a minimum requirement of 70m² gross internal floor area for units of this type. The proposed unit would be 73.6m² and clearly meets/exceeds this requirement.
- 5.28 The submitted section drawing demonstrates that – with the exception of the structural wall element within Bedroom 2 - there would be no areas of floorspace with restricted headroom below 2.3m. More than 75% of the unit therefore benefits from a headroom of 2.3m or more.
- 5.29 The first floor flat and its means of access would be unchanged as a result of the application proposals.
- 5.30 The proposals do not introduce residential development in an area of importance for general/heavy industry, waste management, storage and distribution or a mix of those uses.
- 5.31 The proposal does not result in the loss of health or nursery services.
- 5.32 Only a ground floor residential unit is proposed, and the building is not more than 18 metres or seven storeys in height, and therefore the ‘fire risk condition’ is not met.
- 5.33 The application for prior approval is made post-1st August 2022.



6.0 CONCLUSIONS

- 6.1 Prior approval is sought under Schedule 2, Part 3, Class MA of the GPDO for the proposed change of use of ground floor accommodation from Use Class E (commercial) to Use Class C3 to create a new 2-bedroom flat.
- 6.2 The application site is eligible for conversion under Class MA as demonstrated above, and the General Permitted Development Order is clear that these rights apply to a building/land or any part of that building.
- 6.3 The lawful Use Class E use of the premises has been clearly demonstrated.
- 6.4 The further requirements of the prior approval process have also been shown to be acceptable. These considerations are: transport and highways; contamination; flood risk; noise impacts; heritage considerations and access to natural light.
- 6.5 The proposal achieves appropriate and well-conceived residential layout within the property that meets national space standards, provides natural light to all habitable rooms and offers a conventional residential layout. The development will deliver a new residential dwelling in a highly sustainable city centre location.
- 6.6 The proposed development therefore satisfies all considerations of Class MA of the GPDO.
- 6.7 In light of the above Worthing Borough Council is respectfully requested to grant prior approval for the proposed use without undue delay.

Lewis and Co Planning
April 2026