

Expiry: 5/1

Development Control – Delegated Officer Report

Application Number: NOTICE/0022/25

**Recommendation – Prior
Approval is Required and
Granted**

Site: 130 South Street, Lancing

**Proposal: Application for Prior Approval of Proposed Change of use
from Commercial, Business and Service (Use Class E) to
form 2no residential units (Use Class C3).**

Neighbours Checked: Y

Additional Neighbour Notifications N

Site and Surroundings:

This application relates to a two storey, flat roofed, mid terrace vacant building on the west side of South Street close to the junction with Roberts Road. It is in a secondary retail frontage within block 5 of Lancing town centre.

The building has been extended at two storey level to the rear. The site includes two garages in a row of detached garages at the rear accessed via a lane north of No. 128. It also includes a deep forecourt. The building is vacant and was last used as a printer repair/supplies retail unit with ancillary storage above.

To the south is a hot food takeaway with flat over. To the north is a yoga studio with flat over.

The site is not in a conservation area and is not a listed building. There are no TPO's on the site. There is no known flood risk associated with the site.

Proposal

Prior Approval is sought to convert the rear ground floor and full upper floor into two residential units. Accessed from the rear a one bedroom unit is proposed over two floors with a second one bed unit proposed in the remainder of the first floor. This is a revision to the initial application which proposed a two bed flat on the remainder of the first floor. The correct garages are shown within the red edge and allocated one to each flat on the application form.

Relevant Planning History

L/141/96 - Variation Of Condition 2 Of L/105/96 to enable opening of proposed Restaurant/Takeaway until 11PM. Refused.

L/105/96 - Change of use from shop with office above to Restaurant (including evening take-away service) with staff flat above. Granted

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L/348/79 - Application to retain use of garages for storage in connection with radio and electrical business. Refused.

Consultations

WSP Drainage Consultant: No objection.

Highways: No objection as one garage per flat shown. Renovation of the shops into flats may require additional trips to and from the site from builder's vans etc. and as such they may need to use the rear forecourt as parking as on street is restricted.

Southern Water:

Southern Water has determined that the flow rate for the above site will remain consistent, so capacity is not an issue, and no Southern Water assets will be affected. Therefore, Southern Water has no objections to this proposal. Please note surface water should not be disposed of into a public foul sewer and must comply with the Hierarchy of H3 of the Building Regulations. For more details, refer to the Drainage and Waste Disposal: Approved Document H on the GOV.UK website. Any new connections to the public sewerage system will require a New Sewer Connection application (also known as a Section 106) to be submitted and approved by Southern Water. Due to legislative changes effective from 1st October 2011 regarding the ownership of sewers, it is possible that some previously private sewers, now deemed public, could be crossing the above property and may not be shown on Southern Water records. Therefore, if any additional sewers are discovered during construction, an investigation will be required to determine their condition, the number of properties served, and potential access methods before any further work can proceed on site.

Environmental Health – Private Sector Housing:

'I would like to express concern about the living / dining / kitchen room of the proposed 2 bedroom flat which appears to have no windows. While artificial light can be provided by the 2 proposed roof lights there is concern about how adequate ventilation including purge ventilation can be provided. In addition, the Housing Health and Safety Rating System (used to determine acceptable conditions and the potential need for Housing Act 2004 enforcement) makes it clear that lack of a window with a view in a habitable room is a deficiency which can lead to negative psychological effect. The kitchen / dining function is not quite as important as the lounge function of the room. This element is associated with relaxation and socialising which could be impaired by the current design.

Should the proposal be approved, the premises built as shown and the property come to our attention in future, the deficiency of having no view from the lounge and potentially inadequate ventilation may be considered for Housing Act enforcement.'

Environmental Health: Public Health:

'I am aware that we can only require noise mitigation for commercial noise under permitted development, however looking at the DEFRA noise maps, I can see the

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development on South Street is affected by traffic noise and falls within an important area for noise as described in the Environmental Noise (England) Regulations 2006. For this reason, I would recommend that the developer, as part of the refurbishment, install acoustic wall vents into the two bedrooms overlooking the road, so that the bedrooms can be ventilated without the need to open windows.

My other observation is that the kitchens and bathrooms are internal spaces and mechanical extract ventilation for these spaces will have to move air some distance to an external wall, therefore consideration will have to be given to any fan noise affecting the property. For example, the upstairs flat bathroom and kitchen are internal spaces and the nearest external wall is to the rear of the property. This will mean the ventilation ducting will pass over the bedroom of the neighbouring flat to reach the external wall, unless they propose to vent via the roof.

Hopefully this will all be picked up by Building Regulations.'

Lancing Parish Council: supports the application.

Representations

Objections from 128 and 128A

1. Our garage is included within the red edge, 2nd in from the alley. This should be amended.
2. Inadequate parking. Garages too small for parking purposes. There could be 4 cars with 2 flats.
3. Conversion of vacant shops to residential use is contrary to Lancing Vision.
4. Business use should be supported and encouraged.
5. 2 more flats will not enhance Lancing High Street.

Relevant Planning Policies

Adur Local Plan 2017 Policies 1, 2, 11,15, 16, 17, 20, 22, 25, 28, 34, 35, 36

National Planning Policy Framework (December 2024)

WSCC Guidance on Parking at New Developments (Sept 2020).

Lancing Vision

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Legislation

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—

(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: Now vacant the last use was a class E photocopier and printer business which ran for more than 2 years.

(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: None of these apply

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

Analysis: None of these apply

(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

Analysis: Doesn't apply

(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

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under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

Analysis: No article 4 direction was in place.

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

(a) the following classes of the Schedule as it had effect before 1st September 2020—

- (i) Class A1 (shops);
- (ii) Class A2 (financial and professional services);
- (iii) Class A3 (food and drink);
- (iv) Class B1 (business);
- (v) Class D1(a) (non-residential institutions – medical or health services);
- (vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- (vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule

Analysis: The site has a Class E use, formerly Class A1/A2.

Conditions

MA.2. (1) Development under Class MA is permitted subject to the conditions

(2) 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

Analysis: The site is sustainably located within Lancing town centre with its various shops and services and with good public transport links by train and bus close by.

Two garages within the site are shown and indicated to be allocated one to each new flat. The Local Highway Authority has raised no objection. [The Local Planning Authority cannot consider the ‘amenity’ impacts of on-street parking under the provision of the GPDO.] Bike storage could be provided in the garages.

(b) contamination risks in relation to the building,

Analysis: No contamination risks have been identified.

(c) flooding risks in relation to the building,

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Analysis: The area is within EA Flood Zone 1 and is not identified as being within an area susceptible to surface water flooding now or in the future.

It is the reuse of a building with no ground works. Relevant Southern Water informatives are recommended.

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

Analysis: This is a town centre site not an area of heavy or general industry, waste management, storage and distribution, or a mix of such uses. To the south is a hot food takeaway with a flat over and there is another flat to the north. No serious exposure from commercial noise would occur.

Environmental Health has raised concerns regarding road traffic noise for the first floor flat bedroom. They are also concerned about the layout of the flats with kitchen and bathroom of one being next to the bedroom of another. There is concern about venting and pipework from one flat running through the neighbouring flat and leading to disturbance. These matters may be picked up by Building Regulations or Private Sector Housing. They are not matters for consideration under this Prior Approval..

(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: This is not a conservation area.

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

Analysis: All habitable rooms have windows. The solely first floor flat has a kitchen/living room to be lit by rooflights only. This may be actionable under the Housing Act 2004 but not a matter for consideration via this Prior Approval route.

(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

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(a), the impact on the local provision of the type of services lost.

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Analysis: Not applicable

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

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if in the introductory words in subparagraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”.

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.”.

Interpretation of Class MA

MA.3.Development meets the fire risk condition referred to in paragraph MA.2(2)(i) if the development relates to a building which will—

- (a) contain two or more dwellinghouses; and
- (b) satisfy the height condition in paragraph (3), read with paragraph (7), of article 9A (fire statements) of the Town and Country Planning (Development Management Procedure) (England) Order 201559

Analysis: Not applicable

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: Article 3(9A)

Flat 1 (ground and first floor) is a one double bedroom, 2 person flat. It would have a GIA of 60sqm. Flat 2 (first floor) has been revised to be a 1 double bedroom, 2 person flat. It has a floor area of 57sqm. Both flats meet the required minimum floor areas as set out in the DCLG’s Technical Housing Standards 2015

Recommendation

Prior Approval is Required and Granted subject to Conditions:-

1. Approved plans

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2. No dwelling shall be first occupied unless and until all the windows/doors required to implement this use are approved under the terms of a separate planning application and have been implemented in full thereafter and retained.
3. Garages retained for ancillary use of flats only.

Informatives

- The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
- New Address
- Reminder to applicant that any external changes (rooflights, front doors) will require planning permission.
- The deficiency of having no view from the first floor flat living room and potentially inadequate ventilation may be considered for enforcement action under the Housing Act 2004.
- SW connection
- SW sewer

Is recommendation contrary to letter(s) of representation? Y

Case Officer: MOK

Date: 9/12/25

Authorised by: Peter Barnett

Date: 9 December 2025