

Development Management – Delegated Officer Report

Application Number: NOTICE/0005/26 **Recommendation:** – Refuse

Site: **Parkview Park Road Worthing West Sussex**

Proposal: **Application for prior approval for proposed change of use from commercial (Use Class E) to six self-contained residential units (Use Class C3)**

Date of Site Visit: 24.03.2026

Neighbours Checked: Y

Additional Neighbours Notified: N

Site and Surroundings

The application site relates to a detached two storey commercial building located at the rear of No.135 Park Road, a residential building, on the south side of Park Road. There is a vehicular access running along the west side of No.135.

The site is not within a conservation area and no TPO's apply to the site. The site is within an Archaeological Notification Area. Part of the site is identified as potentially contaminated land.

Proposal

An application for Prior Approval is sought under the provisions of Class MA of the GPDO as amended.

The application proposes six new dwellings comprising of three studio flats at ground floor level and three studio flats at first floor level.

There is an access driveway providing access to the site and to a parking area at the rear of the flats at No.135 Park Road and this would remain. No car parking spaces have been indicated to serve the proposed development.

No external alterations are proposed.

Relevant Planning History:

135A Park Road:

WB. Nos.	DESCRIPTION	PLOT OR HOUSE Nos.	DATE	RESULT	ZONE
404 / 52	Change of use from School of Dancing to Chapels of Rest, and stores in connection therewith, 135a, Park Road.	No.135A. L	7.8.52	Refused.	Res
26 / 53	Change of use from school of dancing to light industrial purposes, 135a, Park Road.	No.135A. L WITHDRAWN		WITHDRAWN	
33 / 53	Alterations and change of use of dance studio to community centre and residential flat, 135a, Park Road.	No.135A. L	20.1.53	Consent.	Res.
71 / 53	Change of use from school of dancing to nurses' training school and recreation room, 135a, Park Road.	No.135A. L	20.1.53	Consent.	Res.

Consultations

The **Highway Authority** has commented as follows:

The Local Highway Authority acknowledge the permitted change of use from offices to residential subject first to prior approval being granted. As part of the prior approval, the LHA can consider only whether the proposal is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

No traffic flow information has been provided with the current application. However, from experience of other similar proposals, the LHA recognise that offices generate more vehicle movements compared with residential developments. As such, there is no expectation for this proposal to give rise to any increase or material change in the character of traffic in the vicinity of the site.

There would be no highway grounds to resist the prior approval.

Southern Water has made the following comments:

Proposed Works

If the applicant is proposing to utilise the existing connection, Southern Water will have no objections to the proposed works.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119)

Website: southernwater.co.uk or by email at:

SouthernWaterPlanning@southernwater.co.uk

The Council's **Environmental Health** Officer has requested a noise assessment to ensure that the low frequency hum from the electrical substation does not impact on the first floor bedroom that overlooks it.

The **Council's Drainage Consultant** has commented as follows:

Thank you for your consultation on the above site. We have reviewed the application as the drainage consultant acting on behalf of the Council and wish to make the following comments.

The applicant is applying for prior approval for proposed change of use from commercial (Use Class E) to six self-contained residential units (Use Class C3). 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 size, site, location and type of development, we would recommend the approval of the application.

UK Power Networks has commented as follows:

The proposed development is in close proximity to our substations and have the following observations to make:

If the proposed works are located within 6m of the substation, then they are notifiable under the Party Wall etc. Act 1996. The Applicant should provide details of the proposed works and liaise with the Company to ensure that appropriate protective measures and mitigation solutions are agreed in accordance with the Act.

The Applicant would need to be responsible for any costs associated with any appropriate measures required.

Any Party Wall Notice should be served on UK Power Networks at its registered office: UK Power Networks, Newington House, 237 Southwark Bridge Road, London SE1 6NP.

Our engineering guidelines state that the distance between a dwelling of two or more stories with living or bedroom windows overlooking a distribution substation should be a minimum of ten metres if the transformer is outdoor, seven metres if the transformer has a GRP surround or one metre if the transformer is enclosed in a brick building.

It is a recognised fact that transformers emit a low level hum which can cause annoyance to nearby properties.

This noise is mainly airborne in origin and is more noticeable during the summer months when people tend to spend more time in their gardens and sleep with open windows.

A problem can also occur when footings of buildings are too close to substation structures.

Vibration from the transformer can be transmitted through the ground and into the walls of adjacent buildings. This, you can imagine, is very annoying, In practice there is little that can be done to alleviate these problems after the event.

We therefore offer advice as follows:

1. The distance between buildings and substations should be greater than seven metres or as far as is practically possible.

2. Care should be taken to ensure that footings of new buildings are kept separated from substation structures.

3. Buildings should be designed so that rooms of high occupancy, i.e. bedrooms and living rooms, do not overlook or have windows opening out over the substation. Minimum distance for this should be at least 10m.

4. If noise attenuation methods are found to be necessary, we would expect to recover our costs from the developer.

Other points to note:

5. UK Power Networks require 24 hour vehicular access to their substations. Consideration for this should be taken during the design stage of the development.

6. The development may have a detrimental impact on our rights of access to and from the substation. If in doubt please seek advice from our Property and Consents team at Barton Road, Bury St Edmunds, Suffolk, IP32 7BG.

7. No building materials should be left in a position where they might compromise the security of the substation or could be used as climbing aids to get over the substation surround.

8. There are underground cables on the site associated with the substation and these run in close proximity to the proposed development. Prior to commencement of work accurate records should be obtained from our Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich, IP3 8AA.

9. All works should be undertaken with due regard to Health & Safety Guidance notes HS(G)47 Avoiding Danger from Underground services. This document is available from local HSE offices.

Should any diversion works be necessary as a result of the development then enquiries should be made to our Customer Connections department. The address is UK Power Networks, Metropolitan house,. Darkes Lane, Potters Bar, Herts, EN6 1AG

Neighbour Representations

Two representations have been received from the occupier of a flat at No.135 Park Road objecting to the application on the following grounds:

- Transport and Highways impact – the developer does not have access rights to the driveway. Future occupiers would rely on on-street parking in an area that is already highly constrained. Exacerbating congestion and highway safety issues, including risks to emergency vehicle access
- Overdevelopment – inadequate space, amenity and infrastructure for future residents
- Impact on the amenities of neighbouring residents – scale and intensity, and restricted access, would result in increased noise and disturbance during

construction and in ongoing residential use. No demonstration of how this would be mitigated. Loss of privacy and overlooking

- Insufficient information on servicing and refuse arrangements
- Harmful precedent for similar high density poorly serviced developments

One representation has been received from the owner of a flat in No.135 (resident elsewhere in Worthing), objecting to the proposed development on the grounds of there being no vehicle access to the building as per the title deeds and that this will be enforced.

One representation has been received from a resident in Queen Street objecting to the proposed development on the following grounds:

- No right of vehicular access to Parkview.
- 6 flats will introduce at least 6 extra cars, adding to limited road parking
- Overdevelopment – putting 6 flats in someone's back garden
- Existing commercial building shut at 5pm and opened the following morning, without interference to privacy of the occupants of 135 Park Road. Flats, occupied 24/7, would destroy privacy, security and peace.

Relevant Planning Policies:

Worthing Local Plan policies (WBC 2023):

SP1 (Presumption in Favour of Sustainable Development)

SS1 (Spatial Strategy)

DM1 (Housing Mix)

DM2 (Housing Density)

DM5 (Quality of the Built Environment)

DM15 (Sustainable Transport and Active Travel)

DM16 (Sustainable Design)

DM17 (Energy)

DM20 (Flood Risk and Sustainable Drainage)

DM22 (Pollution)

National Planning Policy Framework (MHCLG 2024)

National Planning Practice Guidance

Planning Assessment:

The application is made under the Prior Approval procedure and consideration is restricted to the limitations, restrictions and conditions as set out in respect of Class MA, Part 3, Schedule 2 of the GPDO 2015 as amended and the provisions of Paragraph W.

Class MA allows for 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.

These provisions are subject to the limitations sets out in MA.1 and conditions set out in MA.2

Development not permitted

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;~~

(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;

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

(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;

(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

(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.

(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

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
- (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(a), the impact on the local provision of the type of services lost.
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

(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—

(a) for paragraph (e) of sub-paragraph (2) there were substituted—

“(e) where—

- (i) sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;
- (ii) sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,”;

b) in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”;

(c) after sub-paragraph (6) there were inserted—

“(6A)Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;

(d) in sub-paragraph (7) for “(5) and (6)” there were substituted “(5)(6)(6A)”;

(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 2015

Procedure for applications for prior approval under Part 3

W.— (1) The following provisions apply where under this Part a developer is required to make an application to a local planning authority for a determination as to whether the prior approval of the authority will be required.

(2) The application must be accompanied by—

(a) a written description of the proposed development, which, in relation to development proposed under Class C, M, N or Q of this Part, must in the same application include any building or other operations;

(b) a plan indicating the site and showing the proposed development;

(ba) in relation to development proposed under Classes M, MA, N, O, P, PA and Q of this Part, a statement specifying the net increase in dwellinghouses proposed by the development (for the purposes of this sub-paragraph, “net increase in dwellinghouses” is the number of dwellinghouses proposed by the development that is additional to the number of dwellinghouses on the site immediately prior to the development);

(bb) in relation to development proposed under Class Q of this Part, a statement specifying—

(i) the number of smaller dwellinghouses proposed;

(ii) the number of larger dwellinghouses proposed;

(iii) whether previous development has taken place under Class Q within the established agricultural unit and, if so, the number of smaller and larger dwellinghouses developed under Class Q;

(bc) in relation to development proposed under Class M, MA, N, O, PA or Q of this Part, a floor plan indicating the total floor space in square metres of each dwellinghouse, the dimensions and proposed use of each room, the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouses;

(c) the developer's contact address;

(d) the developer's email address if the developer is content to receive communications electronically; and

(e) where sub-paragraph (6) requires the Environment Agency to be consulted, a site specific flood risk assessment, together with any fee required to be paid.

(2A) 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.

(3) The local planning authority may refuse an application where, in the opinion of the authority—

(a) the proposed development does not comply with, or

(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions except for conditions in paragraph M.2(1)(f), paragraph N.2(1)(e), paragraph O.2(1)(e), paragraph PA.2(1)(v), or paragraph Q.2(1)(g), limitations or restrictions specified in this Part as being applicable to the development in question.

(4) Sub-paragraphs (5) to (8) and (10) do not apply where a local planning authority refuses an application under sub-paragraph (3) and for the purposes of section 78 (appeals) of the Act such a refusal is to be treated as a refusal of an application for approval.

(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.

(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.

(7) The local planning authority must notify the consultees referred to in sub-paragraphs (5) and (6) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).

(8) The local planning authority must give notice of the proposed development—
 (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days of a notice which—
 (i) describes the proposed development;
 (ii) provides the address of the proposed development;
 (iii) specifies the date by which representations are to be received by the local planning authority; or
 (b) by serving a notice in that form on any.
 (i) on any adjoining owner or occupier; and
 (ii) where the proposed development relates to part of a building, on any owner or occupier of the other part or parts of the building”.

(9) The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—

(a) assessments of impacts or risks;
(b) statements setting out how impacts or risks are to be mitigated; or
(c) details of proposed building or other operations.

(10) The local planning authority must, when determining an application—

(a) take into account any representations made to them as a result of any consultation under sub-paragraphs (5) or (6) and any notice given under sub-paragraph (8);
(b) have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012(3), so far as relevant to the subject matter of the prior approval, as if the application were a planning application; and
(c) in relation to the contamination risks on the site—
 (i) determine whether, as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land as described in Part 2A of the Environmental Protection Act 1990(4), and in doing so have regard to the Contaminated Land Statutory Guidance issued by the Secretary of State for the Environment, Food and Rural Affairs in April 2012(5), and
 (ii) if they determine that the site will be contaminated land, refuse to give prior approval.

(11) The development must not begin before the occurrence of one of the following—
(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;
(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or
(c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

(12) The development must be carried out—

(a) where prior approval is required, in accordance with the details approved by the local planning authority;
(b) where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1),

unless the local planning authority and the developer agree otherwise in writing.

(13) The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

Assessment against the legislation

The starting point for consideration of the proposal is whether it can lawfully take advantage of the procedures under Class MA.

The site appears to have a longstanding history of commercial use but there is no recent planning history relating to the use of the building.

Planning permission WB/0071/53 permitted the change of use from a dance school to a nurse training school and recreation room. This would appear to have fallen under use class D1 prior to the 2020 changes and would not have been class E when the D1 use class was revoked. However, it is not clear from the planning history or application details whether the 1953 permission was implemented or at what stage the later use as offices commenced, i.e. whether it has existed for at least 10 years, to ascertain whether this would constitute its lawful use.

Article 2 (5) of the GPDO states that:

(5) The permission granted by Schedule 2 does not apply if—

(a) in the case of permission granted in connection with an existing building, the building operations involved in the construction of that building are unlawful;

(b) in the case of permission granted in connection with an existing use, that use is unlawful.

The application forms state that the use of the building has been in continuous use as an eligible use for at least 2 years prior to the date of the application. The applicant's supporting statement also states that *The building has been in class E use for the required period. The existing lawful use is Class E and at the time of submission, the building is being used as class E.*

Business rates records show the property was deleted from the register in 1990 and does not provide any further evidence.

At the time of visiting, the building appears to have been in use as office accommodation and displays NHS signage. In a planning permission for the new dwellinghouse at the neighbouring site at No.133A to the east, the officer's report refers to the site being used as NHS offices at that time (January 2017) and appears the building has been listed as a research study location for Worthing Hospital Research and Innovation Department for one particular study between August 2018 to May 2025. This would suggest that the building has been in use as offices since at least 2017 and as a class E use since the changes to the use classes order in September 2020.

The applicant's agent has since provided further information from the Associate Director of Property for University Hospitals Sussex NHS Trust who has confirmed that the Trust bought the property in 2004 and has always used it as office space.

On the basis of the information above it is considered that on the balance of probabilities its use has fallen within class E for at least 2 years prior to the date of the application and as such complies with MA.1 (1) (b).

The application forms state that the building is not covered by or within an SSSI, a Listed building, a Scheduled Monument, within a safety hazard area, a military explosives area, an AONB, a National Park, the Broads, a World Heritage Site or area specified under Section 4(3) of the Wildlife and Countryside Act.

The limitations set out in MA.1(1)(d)(e)(f) and (g) do not apply.

Consideration of the planning merits of the proposal is restricted to those matters set out in MA.2.

The comments made in the representations have been taken into consideration in relation to any relevant considerations under MA.2.

(a) transport impacts of the development, particularly to ensure safe site access

The site is in a sustainable location within walking distance of the town centre facilities and services and with public transport providing connections to the wider area. Future occupants need not be reliant on the use of the private car. No car parking has been indicated, and it is noted that the representations suggest that there is no right of access for vehicles. The Highway Authority considers that there is no expectation for this proposal to give rise to any increase or material change in the character of traffic in the vicinity of the site and has raised no objection to the proposals on parking or highway safety grounds. Cycle parking could be secured by condition if approved to encourage alternative modes of transport.

(b) contamination risks in relation to the building,

The site is identified as potentially contaminated land. However, no groundworks are proposed and the Council's Environmental Health Officer has not raised any concerns in this respect.

(c) flooding risks in relation to the building,

Part of the site is shown to be at increased risk of tidal flooding in the future, using the Flood Map for Planning climate change allowances. No flood risk assessment has been provided with the application. No objection or concerns have been raised by the Council's Drainage Consultant on surface water grounds.

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

Although the site is within a predominantly residential area, there are commercial uses to the west of the site in a single storey warehouse building and yard, to the south there is an electrical substation positioned in the corner of the residential development

site of Parkside to the south, and an electrical distribution site is located to the south east.

The neighbouring warehouse building to the west appears to be in use by 'Morgan Car' primarily as office with ancillary storage and was subject to a change of use to Class E in 2024 (AWDM/0186/24 refers) with a condition which limits the use to offices, financial and professional services, research and development of products or processes, and industrial process under class E (g) which is, as defined in the order 'being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.'

The Council's Environmental Health Officer has raised concerns in relation to low frequency noise from the substation and the impact of this noise on future occupiers. There are first floor bedroom and living room windows which would overlook it. No noise assessment was submitted with the application and this was requested during the course of the application in order to understand the impact from noise and vibration from the substation and any mitigation that may be required, but this has not been provided as the applicant does not consider that this is 'commercial premises' or within the scope of the matters set out in MA 2. Whilst there is no specific definition provided under class MA, Class O states that 'commercial premises' 'means any premises normally used for the purpose of any commercial or industrial undertaking which existed on the date of the application...' The Council's Environmental Health Officer has also clarified that the substation site to the south of the site is part of UK Power Network's infrastructure and commercial undertaking. Given the proximity of the building to the electrical substation and in the absence of a noise assessment it is unknown whether adequate mitigation can be achieved against the noise and vibration impact which has the potential to cause nuisance to future occupiers.

The comments from UK Power Networks reinforce this in advising that the distance between a dwelling of two or more storeys with living or bedroom windows overlooking a distribution substation should be a minimum of ten metres if the transformer is outdoor. They also refer to the low level hum which can cause annoyance to nearby properties. This noise is mainly airborne in origin and is more noticeable during the summer months when people tend to spend more time in their gardens and sleep with open windows. A problem can also occur with vibration when footings of buildings are too close to substation structures, as could be the case here.

In the absence of any noise assessment or suitable mitigation it is considered that the proposal has not demonstrated a suitable living environment for future occupiers.

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;

Not applicable in this case

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

Each of the habitable rooms as indicated would receive adequate natural light from the existing windows.

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

Not applicable in this case

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

Article 9A:

- (3) The height condition is that—
 - (a) the building is 18 metres or more in height; or
 - (b) the building contains 7 or more storeys.

The building is below these thresholds and therefore the fire risk condition does not apply.

In addition, Article 2(9a) and (9b) of the GPDO states the following:

- 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.
- (9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

The floor plans indicate that the proposed dwellings would all have an overall GIA of 37 square metres or more and would meet the overall requirements of the Nationally Described Space Standards and with adequate bedroom sizes and built in storage areas indicated.

Recommendation:

Prior Approval is **required** because of the relevant issues raised above and is **refused** for the reasons:-

1. On the basis of the limited information available, the Local Planning Authority is not satisfied that the impact of noise and vibration disturbance has been adequately assessed or mitigated to provide a satisfactory living environment for future occupiers and is therefore contrary to policy DM5 and DM22 of the Worthing Local Plan and the relevant paragraphs of the NPPF.

2. In the absence of a site specific flood risk assessment to demonstrate that the proposed development and any mitigation measures would ensure that occupiers and users would remain safe from current and future flood risk for the lifetime of the development, it is not considered to adequately address issues related to flooding and is therefore contrary to policy DM20 of the Worthing Local Plan and the relevant paragraphs of the NPPF.

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

Case Officer: Rebekah Hincke Date: 19.05.2026

Authorised by: Peter Barnett Date: 19 May 2026