

## **Development Management – Delegated Officer Report**

**Application Number: NOTICE/0010/25**

**Recommendation – PRIOR  
APPROVAL REQUIRED AND  
GRANTED**

**Site: 291 Tarring Road Worthing West Sussex BN11 5JG**

**Proposal: Application for Prior Approval of Proposed Change of use  
from Commercial, Business and Service (Use Class E) to  
form 2 no. 3 bed 4 person residential units (Use Class C3).  
Conversion of existing commercial to residential**

**Site Visit:** 16.06.2025

**Neighbours Checked:** Y

**Additional Neighbour Notifications N**

### **Site and Surroundings:**

The application relates to a vacant 2-storey, brick-built, commercial building located on the south side of Tarring Road. The building is set well back from the edge of the highway to the rear (south) of Worthing Brethren Meeting House and behind an enclosed frontage area used for parking. Vehicle access to the property comprises a U-shaped in/out arrangement with the 'in' route via a shared private access road off Tarring Road located between Cedar Court and the Brethren Meeting House, with the exit onto Tarring Road from the gated/walled parking area between the Brethren Meeting House and Montague House.

The building appears to date from the late C19/early C20 and is traditional in character consisting of brick elevations under a slate, hipped roof with a mixture of (mostly) traditional timber casement windows and some vertical sliding sashes. The building has previously been altered by a modest addition to the front (north) elevation and some minor elevation alterations.

The immediate surrounding area is mixed in character including residential, commercial/business and community uses in close proximity to each other.

The property is not listed or locally listed, or within a conservation area. There are no TPO trees on the site.

### **Description of Development**

The application is for prior approval for change of use of the building from commercial/business/service use (Class E) to provide 2no 3-bedroom 4-person dwellings.

The proposed change of use would be carried out in conjunction with the planning permission granted under AWDM/0071/25 (see below) and will involve raising internal floor levels within the shell of the existing building.

### **Relevant Planning History**

AWDM/0071/25 Replacement of all existing windows and door, adjustment to window and door openings and provision of front access ramp. Permitted 20.03.2025.

AWDM/0683/24 Replacement of all existing windows, forming new window and door openings. Permitted 25.07.2024.

NOTICE/0015/24 Application for Prior Approval of Proposed Change of use from Commercial, Business and Service (Use Class E) to form 4no. 1-bedroom residential units (Use Class C3). Withdrawn.

AWDM/0066/16 Change of use from Use Class B1 (business) to Use Class C3 (dwellings) with associated extension, alterations and landscaping to provide 3no. studio flats and 2no. two-bedroom maisonettes. Refused 09.05.2016 for the reasons:

- 1. It has not been satisfactorily demonstrated that the site is genuinely redundant and unlikely to be re-used for an industrial or commercial use within the Plan Period. Consequently the proposal entails the unjustified loss of a viable employment site to the detriment of the local economy and spatial strategy, contrary to the Council's Sustainable Economy SPD, Core Strategy Policy 4 and National Planning Policy Framework.*
- 2. The proposed development represents an unacceptably poor quality of architectural composition and design having an unsatisfactory appearance that would detract from the visual amenity of the area and local distinctiveness contrary to policy 16 of the Worthing Core Strategy and the NPPF.*

WB/11/0105/CLE Application for Lawful Development Certificate for existing use of the building as offices and light industrial workshop within Class B1 (a) and (c) with ancillary parking and access/egress onto Tarring Road. Issued 07.04.2011.

### **Consultations:**

**WSSC Highways:** The LHA has raised no objection, commenting: -

This application seeks prior approval for the change of use of building from Commercial, Business and Service (Class E) to form 2 no. 3-bed residential units (Class C3).

*“The site is located on Tarring Road, a C-classified road subject to a speed restriction of 30 mph.*

*As part of the prior approval process, there are a number of matters to be considered. This includes matters relating to highways and transport. However, the GPDO is quite clear as to what highway matters can be considered, namely 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.*

*The plans indicate that two accesses currently serve the site, operating on an in-out basis. No alterations to the existing access arrangements are proposed.*

*Vehicular visibility appears to be sufficient at each access. The proposed change of use to residential is not anticipated to give rise to a material intensification of movements to or from the site over the potential of the existing commercial use.*

*Four parking spaces are proposed in total – it is not clear whether these will be allocated or unallocated. If these spaces are to be unallocated, the proposed provision is considered sufficient. If parking spaces are to be allocated to each dwelling, the West Sussex Parking Demand Calculator expects that a fifth space would be required to accommodate visitor parking. However, visitor parking could likely be accommodated within the site boundary, or on-street within Tarring Road. Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the proposed car parking provision would result in a detrimental highway safety impact, nor lead to a parking capacity issue. However, the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view.*

*Weight is given to the fact the site is situated in a sustainable location, within walking/cycle distance of local services, amenities and public transport links. The LPA may wish to secure cycle parking if there is space within the site to do so.*

*In summary, the prior approval is considered acceptable in highway terms.”*

**Southern Water** has commented that insufficient information has been provided, recommending the following condition: Construction of the development shall not commence until details of the proposed means of foul/surface water drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

## **Adur and Worthing Councils**

### ***EHO (Public Health)***

An acoustic report titled "Change of Use Planning Application (Prior Approval)" (Ref:J3850, dated:04/06/2025) has been submitted in support of this application. Any works shall be undertaken in accordance with the

mitigation measures outlined in Section 6 of the above report. Through-wall vents should be used over passive through frame ventilation in order to protect the residential amenity of the future occupants.

Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority: (1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

(2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

**WSP: The Council's Drainage Consultant** initially commented:

*“Following a review of the submitted information, we note that insufficient information has been provided to demonstrate the application is in accordance with the National Planning Policy Framework (NPPF) and its accompanying Planning Practice Guidance (PPG). It is noted that the site is adjacent to a high surface water flood risk and that living accommodation is proposed on the ground floor, therefore increasing the vulnerability of the site. The applicant should provide a Flood Risk Assessment (FRA) that contains the following:*

- *Addresses all sources of flooding for the lifetime of the development (with an allowance for climate change).*
- *Demonstrates safe access and egress routes.*
- *Details proposed flood mitigation measures.*

*We would recommend the application is not approved until updated information is received that addresses the above points.”*

An FRA was subsequently provided ref: 94743-StricklandWright-TarringRd-v2 (July 2025).

Following a review of the updated information, WSP have no objection on surface water grounds.

**Representations:** None received.

### **Relevant Planning Policies**

National Planning Policy Framework (MHCLG 2024)  
National Planning Practice Guidance (MHCLG)

Worthing Local Plan

DM1- HOUSING MIX  
DM2 - DENSITY  
DM5 - QUALITY OF THE BUILT ENVIRONMENT  
DM15 – SUSTAINABLE TRAVEL AND ACTIVE TRANSPORT  
DM20 – FLOOD RISK AND SUSTAINABLE DRAINAGE  
DM22 - POLLUTION

### **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 —

(a) – deleted.

(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) – deleted.

(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;
  - (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 2.

## **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,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) 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) and (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 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 G, 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 G, 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 G.1(d)(iv), paragraph M.2(1)(f), paragraph MA.2(2)(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.

(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.

### **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 use of the building fell within one 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 and as such complies with MA.1 (1) (b).

The building is not within an SSSI, is not a Listed building, is not a Scheduled Monument, is not within a safety hazard area; not within a military explosives area, not within an AONB, not within a National Park, not within the Broads, not within 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)(e)(f) and (g) do not apply.

Class MA permits development consisting of the change of use of a building and land within its curtilage from a use falling within Class E to a use falling within Class C3 but makes no provision for the carrying out of operational development required to facilitate the change of use. However, the need for operational development is not listed as a disqualifying factor under paragraph MA.1.

PPG advises that where associated physical development is required to implement the change of use, developers will need to consider whether it constitutes development and ensure they have planning permission if necessary. It is not stated at what stage in the process that permission, if necessary, should be sought. In this case the operational development required to implement the change of use has been granted under AWDM/0071/25 (but not yet commenced).

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

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

The site is accessed from Tarring Road. A car park with 4 car parking spaces in front (north) of the building is served by 'in' and 'out' accesses from Tarring Road. [The 'in' access drive is shared with Cedar Court.]

Pedestrian access to the building would be via the access ramp permitted under AWDM/0071/25.

The Local Highway Authority (LHA) does not consider the proposed change of use to residential would give rise to a material intensification of movements to or from the site over the potential of the existing commercial use.

The LHA does not anticipate that the proposed car parking provision would result in a detrimental highway safety impact, nor lead to a parking capacity issue.

Weight is given to the fact the site is situated in a sustainable location, within walking/cycle distance of local services, amenities and public transport links.

There is scope to provide cycle parking on the site in accordance with WSCC cycle parking standards and this can be secured by condition.

*(b) contamination risks on the site,*

The site has been identified as potentially contaminated. The Environmental Health Officer has recommended the full contamination condition. This is considered proportionate to the risk having regard to the raising of internal floor levels and operational development permitted under AWDM/0071/25 which would be required to implement the development and involves 'breaking ground'.

*(c) flooding risks on the site,*

The EA Flood Map identifies the development site as within EA Flood Zone 1. [There are no 'Critical Drainage Areas' as defined by the EA in the Borough.]

The site has been identified as being at a potentially high risk of surface water flooding for the present day and between 2040-2060. Analysis of the surface water flood risk identifies that the maximum flood depth on site is 0.3m for the 1:1000 year with climate change event.

The proposed change of use to residential would introduce a 'more vulnerable' use.

Paragraph 173 of the NPPF states "When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and

- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan”.

Footnote 59 states “A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use”.

Paragraph 30 of the Planning Practice Guide on Flood Risk and Climate Change states “A site-specific flood risk assessment is carried out by (or on behalf of) a developer to assess the flood risk to and from a development site. Where necessary, the assessment should accompany a planning application submitted to the local planning authority. The assessment should demonstrate to the decision-maker how flood risk will be managed now and over the development’s lifetime, taking climate change into account, and with regard to the vulnerability of its users. The objectives of a site-specific flood risk assessment are to establish:

- whether a proposed development is likely to be affected by current or future flooding from any source;
- whether it will increase flood risk elsewhere;
- whether the measures proposed to deal with these effects and risks are appropriate;
- evidence for the local planning authority to apply (necessary) the Sequential Test, and
- whether the development will be safe and pass the Exception Test, if applicable”.

Paragraph 31 of the Planning Practice Guidance quotes “The information provided in the flood risk assessment should be credible and fit for purpose. Site-specific flood risk assessments should always be proportionate to the degree of flood risk and make optimum use of information already available, including information in a Strategic Flood Risk Assessment for the area, and the interactive flood risk maps available on the Environment Agency’s web site.

DM20 of the Worthing Local Plan states:

- b) A site-specific Flood Risk Assessment must be submitted with planning applications for:
- i) sites of 1 hectare or greater in Flood Zone 1;
  - ii) all new development (including minor development and change of use) in Flood Zones 2 and 3;
  - iii) development that would introduce a more vulnerable class on land at increased flood risk in future or subject to other sources of flooding identified by the Strategic Flood Risk Assessment.

Following the initial comments of the Council's Drainage Consultant an FRA ref: 94743-StricklandWright-TarringRd-v2 (July 2025) has been provided in support of the development.

In conjunction with the implementation of AWDM/0071/25 it is proposed that finished floor levels will be raised to 8.54mAOD which is 0.93m above existing floor levels (7.63mAOD) and a floodable walkway installed to provide safe escape. Within the building internal access will be provided to the first floor to provide safe refuge. There is no increase in surface water run-off or loss of fluvial floodplain storage. Flood proofing of the proposed development is to be incorporated.

Following a review of the updated information, WSP have no objection on surface water grounds.

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

An unacceptable level of amenity would be contrary to the National Planning Policy Framework (and Planning Practice Guidance) which states at para 135 that planning decisions should ensure (amongst other things) that developments:

- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

This is underlined SPD Guide for Residential Development and the Policy DM22 of the Worthing Local Plan.

The Noise PPG further indicates noise needs to be considered when development would be sensitive to the prevailing acoustic environment. Good acoustic design needs to be considered early in the planning process to ensure that the most appropriate solutions are identified from the outset. Decision making needs to take account of whether a significant adverse effect is occurring or likely to occur, and the significant observed adverse effect level – this is the level of noise exposure above which significant adverse effects on health and quality of life occur.

The Worthing Local Plan policy DM22 states amongst other things:

- (a) Development should not result in pollution or hazards which prejudice the health and safety of the local community and the environment, including nature conservation interests and the water environment.

- (d) Where appropriate, air quality and/or noise assessments will be required to support planning applications. These should be undertaken in accordance

with the most up to date guidance and have regard to any relevant action plans.

The National Planning Policy Framework makes it clear that the onus for successful noise control/protection is the responsibility of the 'agent of change' (the developer).

The NPPF specifically advises at paragraph 198 that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

A Noise Assessment ref: J3850 Issue 2 dated 04.06.2025 by Acoustic Southeast has been submitted in support of the application. It identifies the surrounding soundscape as including road traffic noise, passing trains from the mainline railway north of the site and commercial noise from nearby Cedar Garage to the west of the site. An unattended sound survey at the site was carried out between 31<sup>st</sup> May and 6<sup>th</sup> June 2024. The measured soundscape indicates that noise is not a major concern at the site with only Cedar Garage is intermittently audible.

All windows in the building (except 1no ground-floor fixed window on the east side) will face North. The assessment notes that windows and doors are to be upgraded to include double glazing under the permission granted by AWDM/0071/25. The specific window product will consist of a 28mm glazing system (4mm glass, 20mm gap, 4mm glass) to achieve R(traffic)value of 28dB(A).

Regarding ventilation, the noise assessment identifies that for the bedrooms an open window will likely exceed the noise requirements of ProPG2017 and recommends that passive through-frame or through-wall vents are used to provide an alternative ventilation solution.

It is concluded that there are no grounds to withhold approval on noise grounds.

The EHO supports this conclusion providing through-wall passive vents are provided (instead of through frame).

*(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;*

The building is not within a conservation area.

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

The application proposes the conversion of the building into 2no 3-bedroom dwellings. The submitted floor plans show the repositioned and altered windows openings as approved under AWDM/0071/25 (but not yet implemented) would provide all the habitable rooms with adequate daylight.

An appropriate condition to ensure they are provided prior to occupation would be appropriate.

*(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*

Not applicable in this case.

*(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.

Article 3(9A) of the GPDO does not grant permission for or authorise any development of any new dwelling house –

- (a) where the gross internal 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 27<sup>th</sup> March 20215.

The proposed dwellings have a gross internal floor area of 96sqm and 102sqm respectively and therefore exceed the minimum internal space standard of 84sqm for a 3-bedroom, 4-person dwelling (and the minimum standard of 93sqm for a 3-bedroom, 5-person dwelling). The floor-to-ceiling height will be 2.4 metres on each floor.

### **Recommendation**

Prior Approval is required and APPROVED subject to the following conditions:

1. Approved plans
2. Cycle parking
3. Full contamination investigation
4. Implement recommendations of J3850 Issue 2 with through-wall vents.
5. Windows and doors provided in accordance with AWDM/0071/25

6. Flood risk management measures implemented in accordance with 94743-SticklandWright-TarringRd\_v2
7. Construction of the development shall not commence until details of the proposed means of foul/surface water drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water

**Is recommendation contrary to letter(s) of representation? N**

Case Officer: Jo Morin

Date: 13.08.2025

Authorised by: Louise Prew

Date: 15/08/2025