

Recommendation Report for Prior Notification

REF NO: LU/211/25/PD

LOCATION: 80-82 High Street
Littlehampton
BN17 5DX

PROPOSAL: Prior approval under Schedule 2, Part 3, Class MA for the change of use from a business (Class E (g) (i)) to 3 No flats (C3).

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION This application is a prior notification under the Town and Country Planning Act (General Permitted Development) Order 2015 Part 3 Class MA to determine whether the Local Planning Authority have any objections with the conversion of commercial, business, or service uses to dwellinghouses.

SITE CHARACTERISTICS The site is currently first-floor offices (Use Class E(g)(i)) within the Littlehampton High Street. To ground floor is a retail use with associated frontage.

CHARACTER OF LOCALITY The area is dominated by retail/commercial uses with a significant number featuring first-floor offices and dwellings.

RELEVANT SITE HISTORY

LU/251/24/PL	External alterations comprising the installation of new / replacement windows and doors including new secondary front entrance. This application may affect the setting of listed buildings and is in CIL zone 4 (zero rated) as other development.	ApproveConditionally 04-12-24
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LU251/24/PL - This application granted planning permission for physical works to provide a second, separate entrance to first-floor at the front elevation and alterations to fenestrations at first-floor. These physical works are recognised in the current submission and appear to have been facilitatory works for the first-floor conversion now proposed.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Environmental Health - No objection provided mitigation measures are implemented.

WSCC Highways - No objection.

Environment Agency - No objection subject to condition.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Designation applicable to site:
 Built-up Area Boundary.
 Conservation Area.
 Flood Zone 2 and 3.
 Low risk of surface water flooding.
 2km Buffer for Site of Special Scientific Interest.
 Economic Growth Area.
 Town Centre Retail Boundary.
 CIL Charging Zone 4.

DEVELOPMENT PLAN POLICIES

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

This application is to be determined under the provisions of Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), in respect of a 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.

CLASS MA TESTS -

Condition MA.1 - Development is not permitted by Class MA -

(a) - Revoked.

(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;

OFFICER COMMENT:

From review of historical imaging and the submitted information, the application site has accommodated a relevant use class identified by Class MA for more than 2 years. Additionally, the application form confirms the use remained within a relevant Use Class for the last 2 years.

(c) - Revoked.

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;

OFFICER COMMENT:

The site does not fall under any of the designations set out above.

- (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

OFFICER COMMENT:

As confirmed by the application form, this is not applicable.

- (g) before 1 August 2022,
 - (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.

OFFICER COMMENT:

N/A.

CONDITIONS MA.2

- (1) Development under Class MA is permitted subject to the following conditions.
- (2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to;
 - (a) transport impacts of the development, particularly to ensure safe site access;
 - (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;
 - (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;

OFFICER COMMENT:

Criteria (a), (c), (d), (e), and (f) will be assessed below in the Conclusions section of the report. Following consultation responses and review of the site, criteria (b), (g), and (h) are not of relevance to this site or proposal.

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

OFFICER COMMENT:

This criteria is not applicable in this case as the building is not 7 storeys or more, nor 18m in height.

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

OFFICER COMMENT:

Meets criteria - application made after 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)";

OFFICER COMMENT:

The site is located within Flood Zone 2 and 3. A Site-Specific Flood Risk Assessment has been submitted and the Environment Agency have been consulted.

The building does not meet the fire safety condition and as such, no fire safety statement was required nor was the Health and Safety Executive consulted.

MA.3

(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.

OFFICER COMMENTS -

(5) and (6) are for compliance purposes only and a requirement of the development post determination.

The Town and Country Planning (General Permitted Development (England) (Amendment) Regulations 2020 provides an amendment as follows:

Regulation 3 amends article 3 of the GPDO as follows:

Amendment in relation to space standard.

3. In article 3, after paragraph (9) insert "(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouses

(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.

OFFICER COMMENT:

Compliance with space standards will be addressed in the conclusions section of the report.

PRIOR APPROVAL PROCEDURE

The GPDO states that the provisions of Paragraph W shall apply in relation to any application and part (10) of paragraph W includes the following:

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, 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, 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, and

(ii) if they determine that the site will be contaminated land, refuse to give prior approval.

The Local Planning Authority has 56 days to provide its comments to the applicant's agent or it is deemed that they have no objection and deemed consent is bestowed.

CONCLUSIONS

KEY ISSUES FOR CONSIDERATION

Condition MA.2 of Class MA states

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

(2) Before beginning development under Class MA, the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to;

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

(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;

(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;

OFFICER COMMENT:

As outlined in the Development Plan Background section, criteria (b), (g), and (h) are not of relevance to this site or proposal. The remaining sections are reviewed below.

TRANSPORT IMPACTS AND SITE ACCESS

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

OFFICER COMMENT:

The site is in a sustainable location and within walking/cycle distance of local services, amenities and public transport links. The site does not benefit from a dedicated vehicular access, nor parking provisions.

WSSC Highways have raised no objections to the proposal, and identify that the proposal would have no detrimental highway safety impact, nor lead to a parking capacity issue. They identify that the Local Planning Authority may wish to consider this in terms of amenity, but this is not a relevant consideration under Class MA. Any car parking necessary for intended occupiers would need to be accommodated on public highways in the area where restrictions are absent. Otherwise, the occupiers would need to make use of the numerous public transport alternatives within the area and the 3 No. cycle storage spaces provided as part of the development.

The development would not have an unacceptable impact on the surrounding highways in compliance with test (a) of Condition MA.2 of Class MA.

FLOODING RISKS

(c) flooding risks in relation to the building;

Prior approval applications must be assessed with due consideration of the National Planning Policy Framework (NPPF) as far as it is applicable to the subject matter of the application as outlined in Paragraph W (Procedure for applications for prior approval under Part 3). As such, relevant flood risk policies outlined within the NPPF should be given due consideration. Change of use applications are exempt from the requirements of the Sequential & Exception Tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 63.

Paragraph 170 of the NPPF states 'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

Paragraph 181 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 (and 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 such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- 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.'

OFFICER COMMENT:

The proposal was accompanied by a Flood Risk Assessment (FRA) and the Environment Agency have raised no objections subject to condition. The development is at first-floor, sufficiently above modelled flood depths and would not be impacted by surface water flood risk.

The proposal will be safe from flood risk for its lifetime and would not increase flood risk elsewhere.

IMPACTS OF NOISE

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

OFFICER COMMENT:

Environmental Health were consulted and advised that subject to the noise mitigation recommendations within the submitted Noise Impact Assessment being implemented, no objections are raised. The submitted report does not suggest any mitigation measures are required, and concludes that the existing building would provide sufficient levels of sound insulation both from internal ground floor and external noise sources. As such, the proposal is acceptable.

CONSERVATION AREA

- (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;

OFFICER COMMENT

The proposal involves the partial change of use of the ground-floor of the building by virtue of providing a communal access corridor, but externally, the building would not be altered by the proposal and the retail unit to ground-floor would persist. The visual, character, and sustainability impacts to the Conservation Area are, therefore, negligible.

NATURAL LIGHT TO HABITABLE ROOMS

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

OFFICER COMMENT

The application has been supported by a day and sunlight availability assessment. Adequate daylight will reach each room to satisfy the relevant BRE standards. The Lounge,/Kitchen/Dining room of Flat 3 would fall short in sunlight exposure, but is a north elevation and overall, would maintain sufficient daylight.

The application complies with the requirement of test (f) of Condition MA.2 of Class MA.

INTERNAL SPACE STANDARDS

Regulation 3 of the Town and Country Planning (General Permitted Development (England) (Amendment) Regulations 2020 amends article 3 of the GPDO, meaning that for any application for prior approval made after 6th April 2021 that relates to Class MA development, for new dwellinghouses, the gross internal floor area must be 37sqm or more and must comply with nationally described space standards (NDSS).

Each of the units within the proposal complies with the spatial requirements of the NDSS as per the requirement of Article 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

SUMMARY

The proposed change of use meets the criteria of Class MA and as such, it is recommended that no objection be raised subject to the following conditions and informatives.

HUMAN RIGHTS ACT

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

RECOMMENDATION

- 1 The development hereby permitted must be completed within 3 years from the date of this prior approval.

Reason: To comply with the provisions of Schedule 2, Part 3, Class MA of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the submitted flood risk assessment produced by 'STM Environmental' (Dated: 30 September 2025) and the following mitigation measures it details:
 - All sleeping accommodation shall be at first floor level or above.
 - Finished floor levels shall be set no lower than 5.97 metres above Ordnance Datum (AOD).

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants .

3 For the avoidance of doubt the approved details are the:

- Location Plan (Accepted: 10/10/25)
- Existing & Proposed Site Plans 60B
- Proposed Ground Floor Plan 65E
- Proposed First Floor Plan 66E
- Proposed Elevations 68C
- Proposed Front and Rear Elevation, Inner Elevations 1 & 2 67B.

4 This application is subject to the Community Infrastructure Levy (CIL) as levied under Arun District Councils CIL Charging Schedule as adopted on 15 January 2020. Please complete Form 5 Notice of Chargeable Development. This form should be submitted (along with 'in use' proof) when a development is granted by way of general consent. Shortly after, if applicable, you will receive a Liability Notice informing you of any amount payable and any further forms required, prior to commencement.