

PLANNING SUPPORT STATEMENT

In relation to:

'Notification for Prior Approval under Class MA for change of use from ground floor commercial unit (Class E) to residential to create 1 No. bedroom flat (Class C3)'

**Site at: 130-132 Middleton Road,
Middleton-on-Sea, West Sussex, PO22 6DB**

June 2026

PLANNING SUPPORT STATEMENT

1. INTRODUCTION

- 1.1 Rodway Planning Consultancy Ltd has been instructed to submit a Prior Approval application for the change of use of a ground floor commercial unit (Class E) to create 1 No. bedroom flat (Use Class C3) at 130-132 Middleton Road, Middleton-on-Sea.
- 1.2 It is noted that permitted development rights have been introduced under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development Order), 2015 (GPDO) (as amended) to allow the change of use of a building and any land within its curtilage from a variety of commercial uses (falling with Use Class E) to a use falling within Use Class C3 (dwelling house) of the Schedule to the Use Classes Order. **The premises were formally in use as a Pharmacy (A1) and then received planning permission to change use to a Café (A3). The later use ceased in 2022. Both A1 and A3 use classes now fall within the new Class E (the Use Classes Order was updated in England on 1st August 2021).**
- 1.3 Class MA also provides for deemed consent for works reasonably necessary to convert the buildings to residential use. No external works are proposed as part of this application.
- 1.4 The application is accompanied by the a full package of drawings, which have been prepared by Roberts Miller Redshaw architecture.

2.0 SITE DESCRIPTION

- 2.1 The site comprises a vacant commercial unit, with a single large residential unit behind and above at first floor level. To the rear is an overgrown garden area. The site ownership includes a single garage and storage area to the side of the premises, plus another single garage on the opposite side of Middleton Road. The site benefits from an existing vehicular crossover off the south side of Middleton Road.

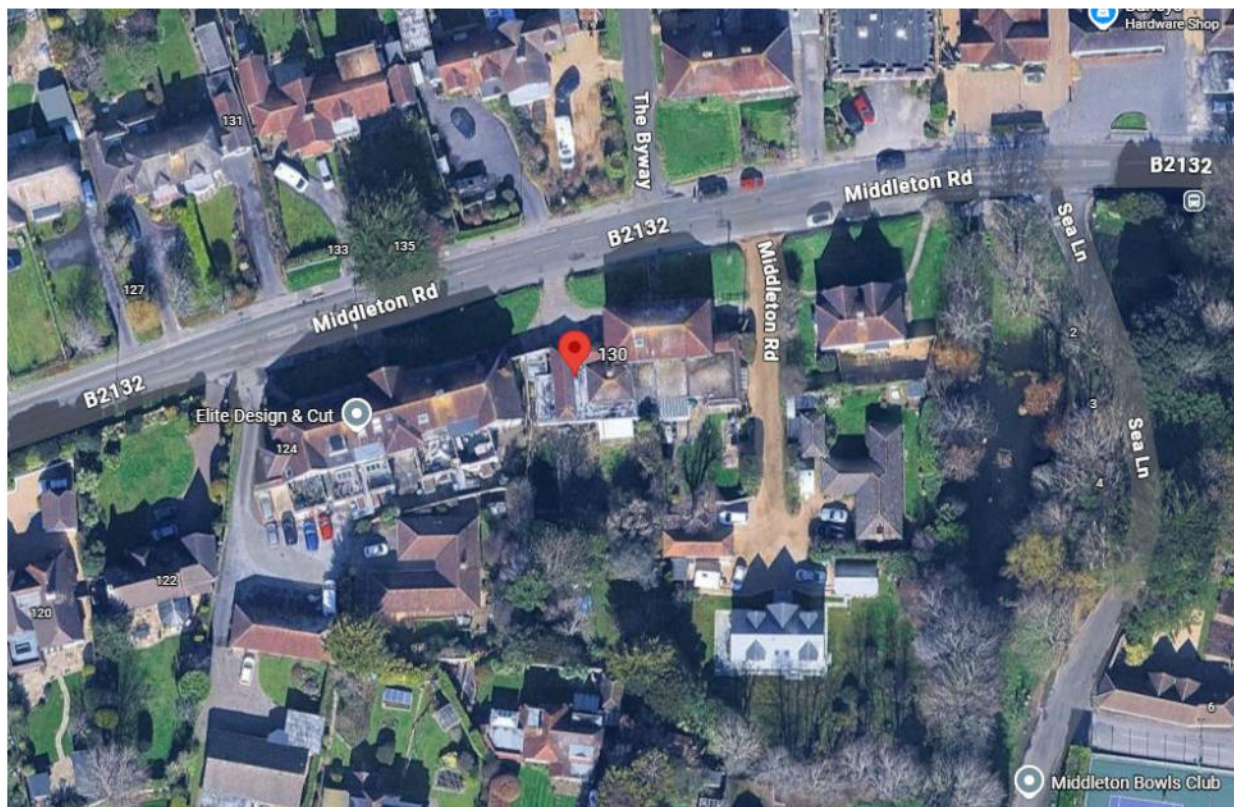


Fig 1. Aerial map showing the site and its surroundings (*courtesy of Google Maps*)

- 2.2 The existing building (No. 130-132 Middleton Road) is a two-storey terraced building, in a mock Tudor style, comprising rendered walls and a hipped, tiled roof. It is part of a small shopping parade. The commercial premises that are the subject of this Application received planning permission in 2009 for Change of use from A1 (Pharmacy) to A3 (coffee shop/cafe). The café use was implemented, but it is now

vacant. Both A1 and A3 use classes now fall within the new Class E of the updated Use Classes Order (2021).

- 2.3 The site is positioned adjacent to Middleton Road. The adjoining building to the east side, comprises a Post Office at ground floor level.



Fig 2. View of the street scene, taken from Middleton Road (*courtesy of Google Maps*)

- 2.4 The surrounding area is predominantly mixed residential in character. Properties are typically two storey semi-detached and varied in scale, form, design and use of materials.
- 2.5 There are commercial uses within the surrounding area, most notably the two-storey terrace to the west of the site has business uses at ground floor level with shop fronts facing Middleton Road. These uses include (amongst others) Henry Adams, Sussex Bathroom Company, a Dog Grooming Parlour, Solicitors, and Hair Salon.
- 2.6 The site is located within the defined built-up area boundary. The building itself is a Locally Listed Building of Character, and is within the locally designated Area of Special Character, both of which are non-designated heritage assets.

3.0 PLANNING HISTORY

3.1 According to the Council's online records, No. 130-132 Middleton Road has the following planning applications relating to it:

130/132 Middleton Road

- **Planning ref: M/93/12/:** Application for Variation of Condition No's 3 & 4 imposed under planning application M/81/09. Refused 16-01-2013

3.2 The Council's reason for refusal states *"amending the permission by, increasing the hours of operation could be undertaken without adversely affecting the residential amenities of adjoining properties by reason of the general level and nature of activity and the traffic generated outside of normal retail hours..."*

- **Planning ref: M/81/09/:** Change of use of business premises from A1(Pharmacy) to A3 (coffee shop/cafe). Approved Conditionally 20-10-2009
- **Planning ref: M/24/09/:** Front extension and change of use from shop into two flats. Refused 03-06-2009.

3.3 This application was refused planning permission for the following 2 No. reasons: -
"1. The proposal would represent an unsympathetic form of development harmful to the character and appearance of the building and would result in the loss of a traditional shop front on a building on the Local List Supplementary Planning Document "Buildings or Structures of Character" and within an Area of Special Character harmful to the street scene contrary to policies GEN7, GEN22 and Area 1 of the Arun District Local Plan.
2. The proposal would result in an unacceptable loss of a retail unit with insufficient evidence and insufficient period of marketing to demonstrate that the retail use is

no longer viable. The Local Planning Authority is not satisfied that the existing retail premises would no longer serve the retail needs of the community contrary to policy DEV30 of the Arun District Local Plan”.

3.4 Historically, the site also has the following planning history: -

Galen House, 130 Middleton Road

- **Planning ref: M/46/79/:** Erection of 5’6” high fence on top of existing 6’6 wall. Approved Conditionally.
- **Planning ref: M/62/72/:** Lounge Extension. Planning Approved.

Nearby Sites

143 Middleton Road, Middleton-on-Sea

- **Planning ref: M/31/22/HH/:** Conversion of detached garage to ancillary annexe including installation of 1 x dormer. Approved Conditionally 17-05-22.
- **Planning ref: M/42/20/HH/:** Side entrance canopy. Approved Conditionally 19-08-20.
- **Planning ref: M/49/18/PL/:** Change of use of restaurant (A3 Food & Drink) to residential dwelling (C3 dwellinghouse). Approved Conditionally 19-06-18.
- **Planning ref: M/42/90/:** Alterations to single storey garden room and garages together with minor alterations to form one self contained unit. Additional sanitary accommodation to restaurant. Refused 26-06-90.

- 3.5 On the opposite side of Middleton Road, No.143 has been converted to a dwelling. This was approved via application **M/49/18/PL**, for change of use from a restaurant to a residential dwelling. Notably, there was no objection from the Parish Council, and 11 letters of support. The Planning Officer’s report at that time (2018) concluded that *“the application site is within the built up area where development is acceptable in principle under the provisions of policy GEN2 of the Arun District Local Plan and policy SD SP2 of the emerging Arun Local Plan 2011-2031, subject to compliance with other policies in the plans. There is no policy requirement to retain*

commercial use in this location. No external alterations are proposed (or required) to facilitate the use therefore the visual amenity of this Area of Special Character will not be affected by the proposal... The property in an attractive building with a historic connection to the shopping centre at the heart of the village. However, it is isolated from the other commercial properties and now has residential properties on either side. Extensive marketing has not secured a buyer to continue the restaurant use and extensive alterations would be required to make it viable as a restaurant again. As such a conversion to residential is most likely to retain the character and appearance of the building and the area in the long term.

Other catering facilities are located within close proximity of the site, and on this basis the loss of the former restaurant to the ground floor premises at 143 Middleton Road would not result in damage to the local economy... There was no parking for the restaurant and there is on street parking immediately adjacent to the site. The Byway is a private road therefore the Local Planning Authority has no jurisdiction on the creation of new residential units... As such the proposal complies with policies AREA1 and GEN7 of the Arun District Local Plan and policies HER DM4, D SP1 and D DM1 of the emerging Arun Local Plan 2011-2031".

155 Middleton Road, Middleton-on-Sea

- **Planning ref: M/15/17/PL/:** Alterations to existing retail unit & accommodation to form 1 No. retail unit & 2 No. flats with 1 No. detached chalet bungalow to rear. Approved Conditionally 02-05-17.



RODWAY PLANNING
CONSULTANCY LIMITED

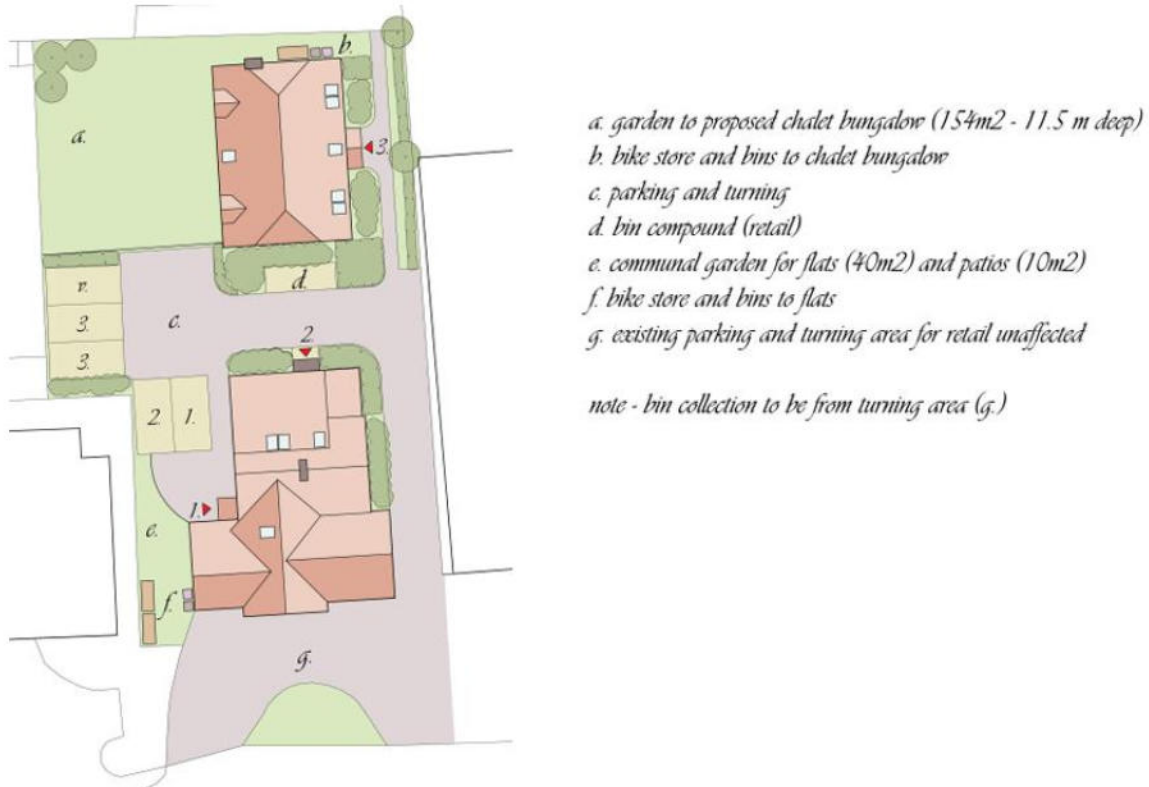


Fig 3. Approved Site Plan

- 3.6 At the time of the above application being considered the case officer concluded that *"the existing chalet building is of architectural merit and makes a positive contribution to the appearance of the street scene. The site also lies within the Middleton on Sea Estate Area of Special Character which is defined by the spaciousness of the layout and the quality of many of its buildings. The proposal is in 2 parts. The extension of the existing premises to create 2 flats is considered to be subservient and in keeping with the appearance of the existing building and the character of the area. The extension would not overwhelm the existing property and would not form a prominent or obtrusive feature in the street scene. The scale form and design would reflect that of the property"*.
- 3.7 The following alternative scheme was then also approved by the Council.

- **Planning ref: M/75/17/PL/:** 1 No. pair semi-detached chalet bungalows (alternative scheme to M/15/17/PL). Approved Conditionally 10-10-17.

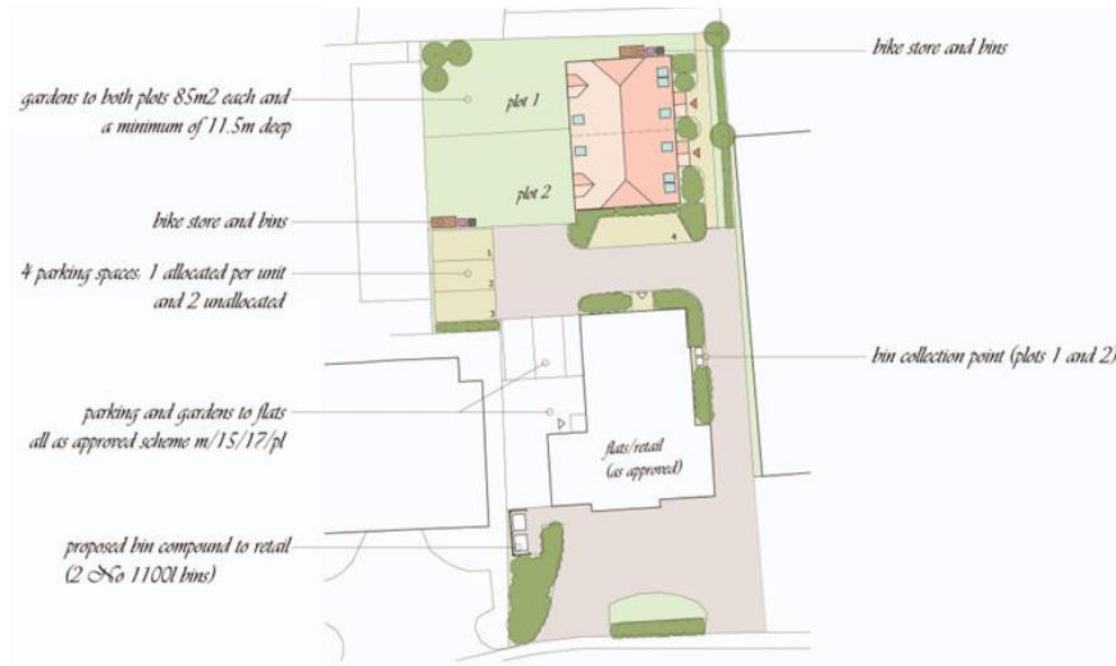


Fig 3. Approved Site Plan

4. PLANNING CONSTRAINTS & DESIGNATIONS

- 4.1 The Arun District Local Plan Policies Map (see Fig 4 below) confirms that the site lies within the built-up area boundary. The property is within a designated Area of Special Character as depicted by blue shading.

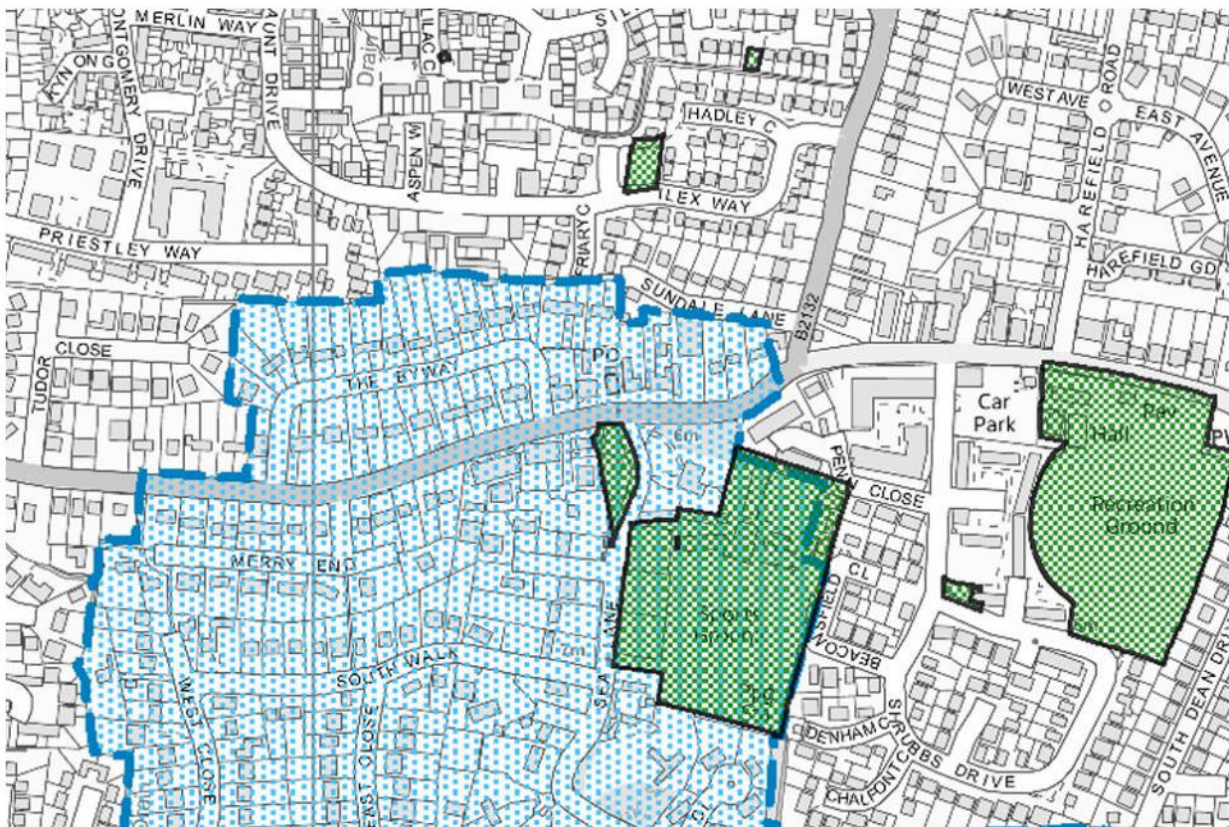


Fig 4. Extract of Arun Policies Map 4: Littlehampton & Surrounding Area

- 4.2 The Environment Agency online flood map for planning (see Fig 5 and 6 below) confirms that the site does not lie within an area identified as being at risk of flooding (i.e. flood zones 2 and 3, or an area where there is a risk of surface water flooding).

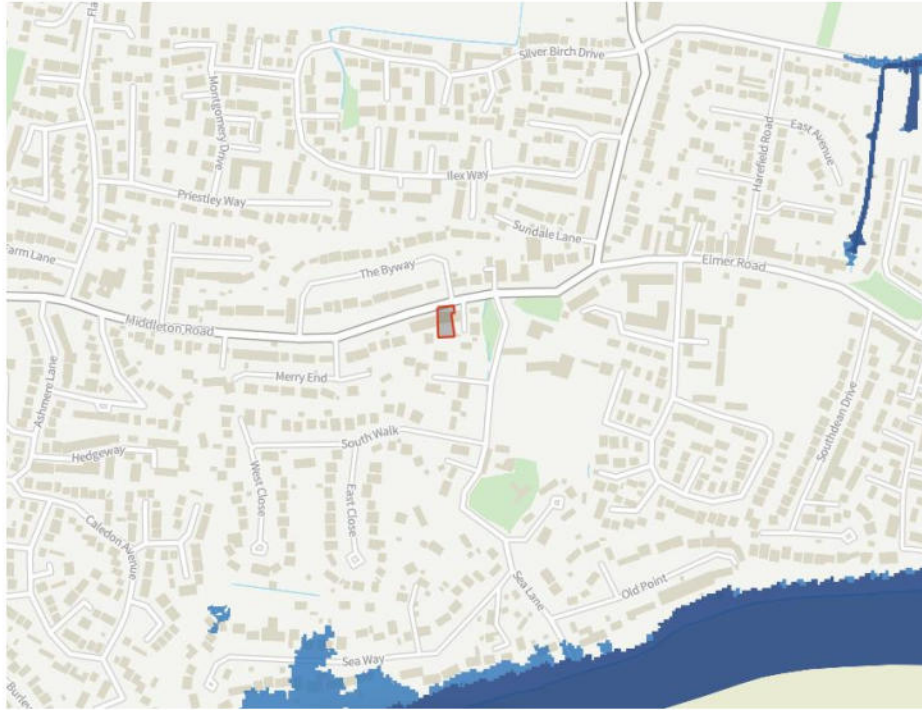


Fig 5. Gov.UK flooding map for planning – Flood Zones 2 and 3

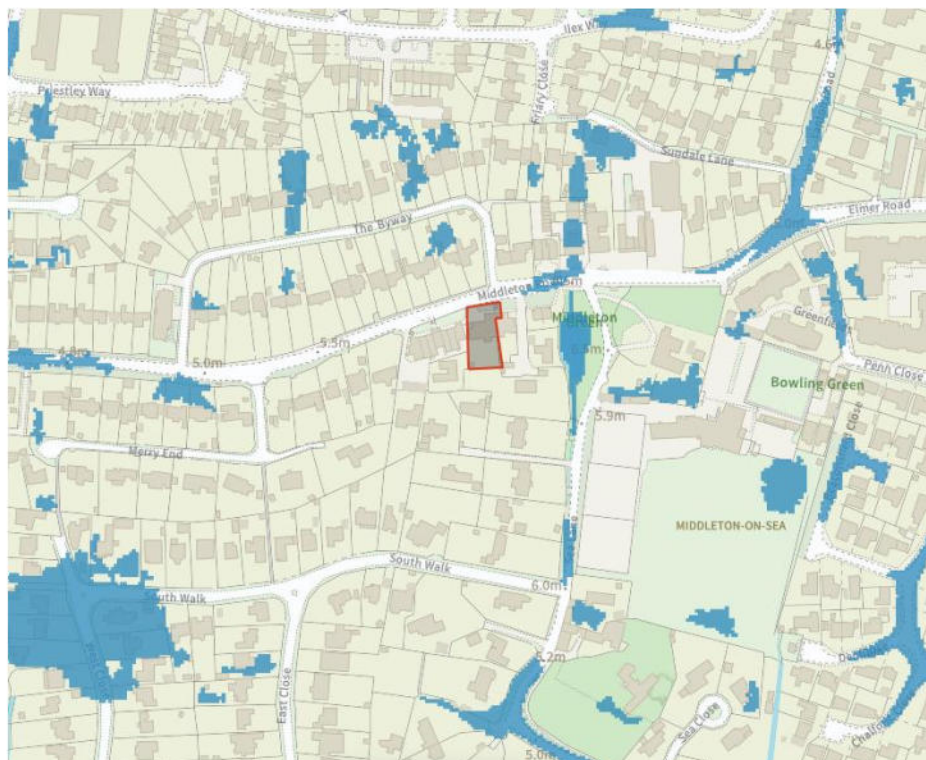


Fig 6. Gov.UK flooding map for planning – Surface water flooding 1:1000 year event

- 4.3 The Historic England map search online resource confirms that the property is not listed. The closest Listed Building is located some distance to the east of the site. This listed building is set a sufficient distance away from the application site and would not be adversely affected in any way by the development proposal.
- 4.4 We are aware that the building itself is identified as a Locally Listed Building of Character.
- 4.5 To our knowledge, the property does not have any planning conditions removing permitted development rights. We are not aware of any Article IV Direction on the property removing permitted development rights for Class MA i.e. Class E Commercial Use to C3 residential.

5. THE PROPOSAL

- 5.1 This application seeks prior approval for the change of use of the ground floor commercial unit to residential, to create 1 No. one bedroom flat at 130-132 Middleton Road.
- 5.2 The resultant residential unit would comprise 1 No. bedroom, living area, dining area, kitchen and bathroom.
- 5.3 The gross internal floor area for the property will be 77.3 sqm. The Nationally Described Space Standards set out that for a 1-bedroom/ 2-persons / 1-storey dwelling, the minimum required area is 50sqm. Therefore, the proposal would provide a flat that comfortably exceeds the standards contained within this guidance document.
- 5.4 The proposal will involve no extensions or external alterations to the building.
- 5.5 The site ownership includes a single garage and storage area to the side of the premises, plus another single garage on the opposite side of Middleton Road. The site also benefits from an existing vehicular crossover off the south side of Middleton Road.
- 5.6 With regards to parking, the development proposal will be served by a garage located opposite the site (please refer to the submitted plans). The existing property at this site (as shown in green) will continue to be served by its existing integral garage.
- 5.7 This Prior Approval submission is accompanied by a full set of drawings, which detail the development proposals in full.



Fig 7. Existing Ground Floor Plan and First Floor Plan (affected site area shaded peach)



Fig 8. Proposed Ground Floor Plan and First Floor Plan (affected site area shaded peach)

6. ASSESSMENT AGAINST PERMITTED DEVELOPMENT CRITERIA

- 6.1 This is a Prior Notification Application for the conversion of an existing building in commercial use (Class E) to create 1 no. one bedroom flat under Part 3, Class MA of The Town and Country Planning (General Permitted Development) (amendment and Consequential Provisions) (England) Order 2015.
- 6.2 For the purposes of clarification, the legislation is listed below in full, together with our notations relating to the development proposal.
- 6.3 It will be noted that changes were made to this legislation on 5th March 2024 and there is now no limit to the floor space that can be converted under Class MA and there is no requirement for the building to be vacant for 3 months – although in this case the subject premises has been vacant for a number of years.

Class MA – commercial, business and service uses to dwellinghouses

Permitted development

MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.

Development not permitted

MA.1.—(1) Development is not permitted by Class MA —

(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

The building fell within one of the classes specified in sub-paragraph (2); having previously been a Class A1 (shop) and then Class A3 (food and drink) use, which after September 2020 are now part Class E (Commercial) of the Use Classes Order.

This commercial use existed for a continuous period of at least 2 years prior to the date of the application for prior approval.

(d) if land covered by, or within the curtilage of, the building—

(i) is or forms part of a site of special scientific interest;

Criteria met. The site is not located within an SSSI.

(ii) is or forms part of a listed building or land within its curtilage;

Criteria met. The building is not listed, and nor does it lie within the curtilage of a listed building.

(iii) is or forms part of a scheduled monument or land within its curtilage;

Criteria met.

(iv) is or forms part of a safety hazard area; or

Criteria met. The site does not form part of a safety hazard area.

(v) is or forms part of a military explosives storage area;

Criteria met. The site does not form part of a military explosives storage area.

(e) if the building is within—

(i) an area of outstanding natural beauty;

Criteria met. The building is not within an area of outstanding natural beauty (AONB).

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;

Criteria met. The building is not located within an area specified by the Secretary of State for the purposes of section 41(3) of the wildlife and Countryside Act 1981 (3).

(iii) the Broads;

Criteria met. The building is not located on the Broads.

(iv) a National Park; or

Criteria met. The building is not located within the South Downs National Park.

(v) a World Heritage Site;

Criteria met. The building is not located on 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

Criteria met. The site is not occupied under an agricultural tenancy.

(g) before 1 August 2022, if—

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

Not relevant as the existing use is not offices and therefore Class O did not apply (Class O Office to residential is now defunct).

(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.

We are not aware of any Article 4 Directions removing Permitted Development issued by the Secretary of State or the Local Planning Authority in relation to this site.

(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 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;

Car Parking

- 6.4 As detailed on the submitted plans, the site ownership includes a single garage and storage area to the side of the premises, plus another single garage on the opposite side of Middleton Road. The site also benefits from an existing vehicular crossover off the south side of Middleton Road.
- 6.5 With regards to parking, the development proposal will be served by a garage located opposite the site (refer to plans). The existing house (as shown in green) will continue to be served by its existing integral garage.
- 6.6 The WSCC Parking Standards document identifies that the site lies within 'Parking Behavioural Zone 2', and in such locations residential units that have 1 bedrooms, as is the case here, have a parking demand of 1.4 spaces per unit – which is less than that which would be required to serve the existing commercial use at the site. Therefore, it is clear that the proposed residential use will not lead to a materially increased parking demand over and above that existing at this site. Indeed, it is instead likely the parking demand emanating from the use of the site will actually be reduced.
- 6.7 Further there is on-street parking available in the local area. In addition, the site is sustainably located (see below), and lies adjacent to shops and a range of other facilities, which are therefore within very easy reach for future occupiers.

Sustainable Travel & Proximity to Services

- 6.8 It is generally accepted that walking and cycling provide important alternatives to the private car, and should be encouraged to form part of longer journeys via public transport. Indeed, it is noteworthy that the Institution of Highways and Transportation (IHT) have prepared several guidance documents that provide advice with respect to the provision of sustainable travel in conjunction with new developments. Within these documents it is suggested that:
- Most people will walk to a destination that is less than one mile [1.6 km] (Planning for Walking, 2015);
 - The bicycle is a potential mode of transport for all journeys under five miles [8km] (Planning for Cycling, 2015); and
 - Walking distances to bus stops should not exceed 400 metres, whilst people are prepared to walk twice as far to rail stations (Planning for Walking, 2015).
- 6.9 The site is accessible by the more sustainable modes of travel including foot, cycle and public transport. As noted above, there is a good variety of shops and other services immediately adjacent to the site. The closest railway station is at Bognor Regis, 2.4 miles away, which provides regular rail services along the south coast, London and Gatwick airport.
- 6.10 There are a number of bus stops close to the site, as detailed below and these provide a range of regular services to local towns.

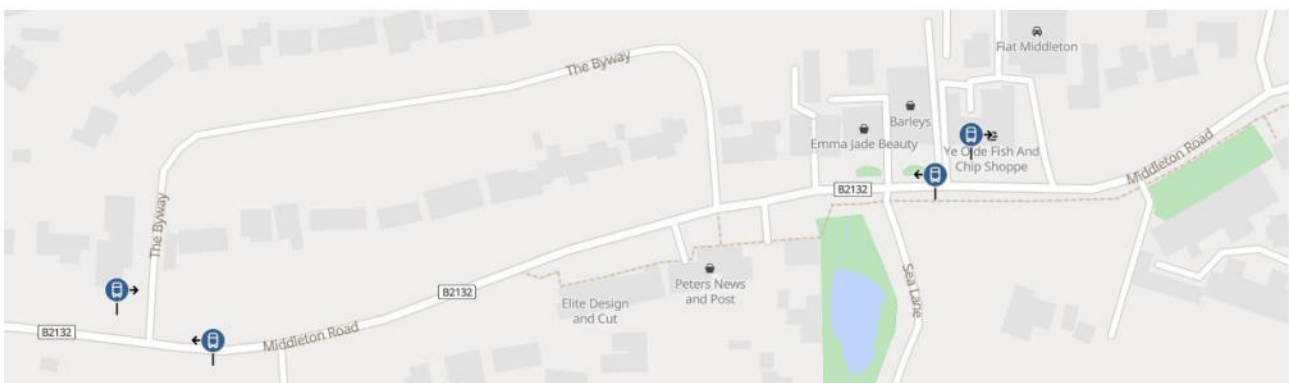


Fig 9. Map showing the location of closest bus stops (Courtesy of Traveline)

6.11 With regard to cycling, the local highway in close proximity to the site is flat in nature and as such is considered to be suitable for cyclists.

6.12 In terms of proximity to other services and facilities, the site is situated as follows:

Education

Primary Schools

Bishop Tufnell CofE Primary School, Felpham	0.5miles
Downview Primary School	1.4 miles
Yapton CE Primary School	2.1 miles

Secondary Schools

Felpham Community College	1.5 miles
St. Phillips Howard Catholic School	2.9 miles
The Regis School	3 miles

Amenities

Closest Supermarket: Tesco Express	0.7 miles
Convenience Stores:	
Peters News and Post	41 yards
Grande Wine	144 yards
Ye Olde Tudor Butchery	147 yards

Hospitals

Within 5 miles: Bognor Regis War Memorial Hospital; and Arundel and District Hospital

Within 8 miles: St. Richards Hospital, Chichester; and Nuffield Health, Chichester

Access Arrangements

- 6.13 Existing pedestrian access to the site is to be maintained as existing.

Servicing Arrangements

- 6.14 The refuse from the property is collected by Council operatives on the Middleton Road kerb side. This existing service arrangement is proposed to be retained for the residential unit that will be created by the change of use.

Traffic Generation

- 6.15 It is clear that the proposed change of use from commercial use to residential will not result in a net increase in trip generation linked to the site. On this basis it is not considered that the proposal will prejudice road safety or the free-flow of traffic or operation of the neighbouring highway.

(b) contamination risks in relation to the building;

- 6.16 The site does not comprise contaminated land as described in Part 2A of the Environmental Protection Act 1990(b).
- 6.17 The existing building is well established and has been in use for a significant period as commercial premises. The proposal is not considered to be at risk from any significant contamination, and we are confident that there would be no contamination issues arising from the proposed change of use.

(c) flooding risks in relation to the building;

- 6.18 The proposed development lies outside of any area that is subject to flood risk. The Environment Agency flood map (see Fig 5 and 6 above) confirms that the site in question lies outside of any area designated as Flood Zones 2 and 3, and is also outside of any area that is identified as being at risk of surface water flooding.

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

- 6.19 As previously outlined, an existing residential flat is located above the first-floor commercial use. To our knowledge, the premises to either side of the site are occupied by commercial units at ground floor level (Post Office and Henry Adams Estate Agents). These neighbouring uses are low impact developments, which would be expected to operate within traditional opening hours. Neither of the uses generate undue noise or disturbance.

(e) where—

(i) the building is located in a conservation area, and

- 6.20 The building is not located within a conservation area.

(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;

- 6.21 Not applicable – the site is not within a conservation area.

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

- 6.22 An assessment of the submitted drawings will confirm that all habitable rooms are to be provided with adequate natural light from existing window/openings that serve the building.

(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;

- 6.23 The property is located along Middleton Road. Within the immediate vicinity, many properties comprise retail/ commercial units at ground floor level, with primarily residential uses above. There are no general or heavy industry, waste management, storage and distribution uses within the immediate vicinity.

(h) where the development involves the loss of services provided by—
(i) a registered nursery, or

6.24 Not applicable to this case.

(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.

6.25 Not applicable to this case.

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

6.26 Criteria met.

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

6.27 Criteria met.

(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,”; *[see interpretation of Class MA below]*

(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.”; *[see interpretation of Class MA below]*

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

6.28 Noted. These points have been addressed in full above.

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

6.29 The Applicant is aware of the need to commence and complete the proposed change of use within a 3 year period from obtaining approval..

(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.

6.30 Noted and agreed.

7. SUMMARY

- 7.1 This application to change the use of an existing commercial use (Class) E to residential is in complete accordance with the requirements set out under Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (As amended), and we respectfully request that Prior Approval consent is now granted.
- 7.2 This application for prior approval is made in accordance with the provisions of paragraph W. It is demonstrated above that there are no transport and highways impacts arising from the proposed development; there are no contamination risks at or adjacent to the site; residential amenities will not be harmed, specifically via noise and the provision of light to internal habitable rooms; and we are not aware of any flood risk issues that affect this particular part of the District.
- 7.3 No external changes are proposed to the building.
- 7.4 Our position is that there are no grounds for resisting this Prior Approval application.
- 7.5 Consequently, our opinion is that prior approval for this change of use should be approved.

June 2026