

Development Management – Delegated Officer Report

Application Number: NOTICE/0008/26 **Recommendation:** – APPROVE

Site: 25 - 27 Montague Street Worthing West Sussex BN11 3BE

Proposal: Application for prior approval for proposed change of use of the first to third floors from commercial use (Use Class E) to 4No. residential flats (Use Class C3)

Date of Site Visit: 16/06/2026

Neighbours Checked: Y + Site Notice

Additional Neighbours Notified: N

Site and Surroundings

The site is located on the southern side of Montague Street in Worthing. The property is four storeys in height with commercial on the ground floor. The site is located within the town centre of Worthing.

The site is within South Street Conservation Area.

Proposal

A prior approval application for the conversion of a commercial building at first, second and third floors into three one-bedroom flats and one two-bedroom flat. Access would be provided to the rear from Bath Place

Relevant Planning History:

None relevant

Consultations

The Worthing Society

An application for prior approval for residential use of the upper floors. No impact on the conservation area so no objection.

Environmental Protection, Environmental Health & Licensing

We will need a noise assessment and acoustic scheme to ensure that the new residences are protected from early morning deliveries noise to the commercial business in this town centre location. (*Officer's note: Condition has been recommended and included*)

I would also recommend a condition to ensure that the sound insulation between the commercial and residential meets a high standard.

The use hereby permitted shall include a sound insulation scheme for protecting the upper floor residential unit from noise from the commercial unit below. The Scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out has achieved the minimum

airborne sound insulation criteria. The use of the development shall not commence until test results, demonstrating the minimum sound insulation criteria has been achieved, has been submitted to and approved by the local planning authority.

Planning Applications Highways

This proposal seeks prior approval for the change of use from Use Class E to residential (C3 Use), to form four residential flats. The site is located on Montague Street, an E-class pedestrianised street in this location.

Under the current General Permitted Development Order (GPDO), it is permitted development to change use from Class E to residential (Class C3) subject first to prior approval being granted. 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 highways matter can be considered, namely whether the proposal is likely to result in a material increase or material change in the character of traffic in the vicinity of the site.

No vehicular access is associated with this site, whilst pedestrian access will remain as existing. No traffic flow information has been provided with the current application; However, Class E uses tend to generate greater material movements than C3 residential. Therefore, the LHA does not anticipate that material movements associated with the site will exceed that of the existing.

The WSCC Car Parking Demand Calculator indicates that a development of this size and location would require at least four car parking spaces. The applicant proposes a nil car parking provision - consequently, parking would have to be accommodated on-street or within nearby paid-for provision. Comprehensive parking restrictions are in place on nearby roads, prohibiting parking in places that would be detrimental to highway safety. The LHA does not anticipate that the existing nil car parking provision would result in a highway safety concern or parking capacity issue in this instance, but the LPA may wish to consider amenity implications.

The site is situated in a sustainable town centre location within walking/cycle distance of local services, amenities, and public transport links. Due to the location of the development within a sustainable location, it is not considered that occupants would be reliant on the use of a car. The LHA would request that secure and covered cycle storage for at least one bicycle per unit be provided, if there is space within the site to do so.

In summary, the proposal is not anticipated to result in a material increase or change in the character of traffic. Consequently, no highway concerns would be raised. In principle, the current GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms.

WSP In The UK

The applicant is applying for the prior approval for proposed change of use of the first to third floors from commercial use (Use Class E) to 4No. residential flats (Use Class C3). The application is to Worthing Borough Council.

Following a review of the updated information, we are happy that sufficient information has been provided to demonstrate that safe access and egress is available for the proposed development. Therefore, we would recommend the approval of the application with the following informative attached:

Informative 1: We have identified the site is adjacent to a flood risk, therefore the applicant should consider creating a Flood Risk Emergency Plan in case of the event of a flood. The Flood Risk Emergency Plan should be created in line with 'Flood risk emergency plans for new development' as produced by ADEPT and EA and demonstrate safe access and egress in accordance with NPPF.

Southern Water

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

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. If this happens, please call our Customer Service Desk on 0330 303 0119.

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

Waste Services

No response

Neighbour Representations

No. of Contributors	1
No. of Representations	1
No. In Support	0
No. of Objections	0

Mr PAUL OBRIEN 96 Brighton Road Lancing West Sussex BN15 8LW

Dear planning comitee. As a local business in the town centre I wholly welcome the development of flats above empty shop premises. However I do have grave concerns about the amount of large bins that are left on the street around the town centre which

makes the areas look grubby and unwelcoming. WE have huge issues in Bath place with bins from commercial and home premises left out in the road all day every day when they are meant to be stored inside the development area. This then causes large amounts of extra fly tipping around these bins which makes our street look much less appealing. What will the developer be doing to ensure that bins from these new flats are not left out in the street right in the town centre all day every day?

Officer's response: Addressed below

Relevant Planning Policies:

The application is made under the Prior Approval procedure, and the consideration is restricted to the limitations, restrictions and conditions 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.

Principle

The proposal will be viewed against the criteria of permitted development, as laid out within The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Consideration

Schedule 2, Part 3 – Changes of Use

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—

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

Analysis: The site is currently in use as storage for the ground floor unit. Therefore, site is considered to be Use Class E.

(c)

(d) If land covered by, or within the curtilage of the building -

- (i) is or forms part of a site of special scientific interest;
- (ii) is or forms part of a listed building or land within its curtilage;
- (iii) is or forms part of a scheduled monument or land within its curtilage;
- (iv) is or forms part of a safety hazard area; or
- (v) is or forms part of a military explosives storage area;

Analysis: Not applicable.

(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;

Analysis: None of the above apply.

(f) The if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;
or

Analysis: N/A.

(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 been cancelled in accordance with the provisions of Schedule 3.

Analysis: N/A

(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 has 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.

Analysis: The site is in use as a Class E (previously A1 (shops)) prior to 2020.

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;

Analysis: With the provision of 4 Flats in total there would be a requirement to provide 4 car parking spaces, however, due to the existing use there will be some traffic flow and the development would not result in a significant increase in vehicular trips to and from the site.

As no cycle storage provision is provided there has been a condition added to the consent that covered cycle storage for one bike per unit will be added to the site. The site is located within a highly sustainable area, with connections to bus, train and local shops and services.

Bin storage has not been included within the proposal. The servicing of residential bin stores has transport impacts and so more detail has been conditioned.

(b) contamination risks in relation to the building;

Analysis: The existing use of the building as Class E10 is not considered to be on land which has been exposed to contaminants.

(c) flooding risks in relation to the building;

Analysis: The site is within Flood Zone 3 and within an area at High risk of flooding from both surface water and tidal.

Following on from the initial consultation with WSP further information was sought. As an outcome of this a review of the submitted information there is no objection to the proposal on terms of surface water and tidal flood risk. The updated information illustrates that safe access and egress from the site is possible. An informative will be included within the permission outlining the requirement for a Flood Risk Emergency Plan.

In terms of tidal flooding there is no sleeping at ground floor level. The entrance will be constructed using flood resilient methods. Warnings of possible tidal flooding will allow people to prepare for tidal flooding.

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

Analysis: The application relates to the change of use of floors above a shop currently occupied by a retail business "Trespass". A condition is recommended to ensure a high standard of sound insulation between the commercial ground floor and residential upper floors in order to protect the intended occupiers from the noise below.

The EHO has also raised concerns relating to deliveries to the site for the commercial properties. They requested a noise assessment to ensure that the intended occupiers

are not adversely affected by this type of noise. This will be conditioned. If the noise assessment requires any external works the applicant may need to seek separate planning permission for these works.

It is appreciated that the current neighbouring uses include cafes which are open until 17:00 but this is not always controlled, and different use could go into the ground floor or surrounding units which may have different noise levels or hours. To ensure there is not an unacceptable impact the condition has been added to the permission to provide a noise assessment.

(e) where –

- (i) the building is located in a conservation area, and
- (ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

Analysis: The site is within a conservation but only includes a small change at ground floor to the rear. There would be no adverse impact on the character or sustainability of the conservation area.

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

Analysis: All but one of the habitable rooms has windows facing either to the front or rear or into a lightwell. The double bedroom of the third-floor unit has a roof light only. Submitted with the application is a daylight and sunlight report which outlines the minimum values of daylight that each of the residential rooms will receive. These are above that of the minimum set out in the BRE guidance and as such are acceptable. The windows are outlined within the elevations and the roof plan which illustrates the levels of lighting throughout the site.

(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;

Analysis: Not Applicable

(h) where the development involves the loss of services provided by—

- (i) a registered nursery, or
- (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost; and

Analysis: Not Applicable

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

Analysis: Not Applicable

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

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if—

Other matters

Section 9A of 3. Permitted development, states that 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.

The proposed one bedroom 2 person units would be 138, 95 and 91 square metres well above the 50sqm minimum standard in the Technical Housing Standards. The two-bedroom 4 person unit will have a square meterage of 105 again above that of the standard of 70sqm. Bedrooms, head height and storage are also compliant.

Recommendation

Prior Approval is Required and Granted subject to Conditions:

1. Approved plans
2. Sound insulation
3. Noise assessment
4. Cycle and Bin Storage

Informatives

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. New Address
3. Flood Risk Emergency Plan
4. CIL
5. The applicant is advised that any external works required as part of the noise assessment may require planning permission and would need to be applied for separately.
6. New connection to sewers

Case Officer: Finlay Gardner Date: 31/07/2026

Authorised by: Louise Prew Date: 05/08/2026