

11.07.2025

Dear Planning

Re: Application for prior approval
Class MA - Proposed change of use from class E to C3
Address: First Floor, 131 Montague Street, Worthing

The proposal has been assessed against the relevant legislation as follows:

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 has been in class E use for the required period. The existing lawful use is Class E.

(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;

The site is not within any of the above.

(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;

The site is not within any of the 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

The site is not occupied under any 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

(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.

NA

Conditions

MA.2.—

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

This is a town centre location and there are no access implications.

(b) contamination risks in relation to the building;

No contamination present. The proposal is also First Floor.

(c) flooding risks in relation to the building;

No flood risk. Change of use is also proposed for the FF only.

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

The area is town centre with residential on upper floors. There are no known places that would cause noise problems for future residents.

(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;

All rooms have access to natural light. Each bedroom has a window(window(s)). All units meet NDSS standards.

(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;

NA

(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.

NA

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

NA

NDSS

All units are NDSS compliant (both studios above the required 37 sqm) and have been designed as such.

External changes

There are no external changes proposed.

Conclusion

The proposed change of use is permitted development under Schedule 2, Part3, Class MA of the GPDO.

Kind regards,

Colm McKee MRTPI
Director, CMK Planning