

Development Control Team
Adur and Worthing Councils
Worthing Town Hall
Chapel Road
Worthing
West Sussex
BN11 1HA

02 July 2026

Dear Sir/Madam,

32 MONTAGUE STREET, WORTHING, BN11 3HA

This letter is prepared in relation to an application for the change of use of the first floor and above, of the existing Use Class E unit, to form one Class C3 flat on the upper floors. No external alterations are required.

Introduction

Prior approval is sought under Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class MA.

This application is acceptable with regard to the conditions set out in the General Permitted Development Order. Further detail is provided below, together with relevant information demonstrating acceptability regarding prior approval requirements.

This application is supported by the submission of the following:

- Drawing 3231-01: Existing Plans Elevations and Location Plan
- Drawing 3231-02: Proposed Plans Elevations and Block Plan
- Flood Risk Assessment - 1307 - April 2026 - Rev. A

Application Site and Planning History

32 Montague Street is a two storey plus roof space end of terrace retail unit. The site has a return frontage onto Liverpool Road.



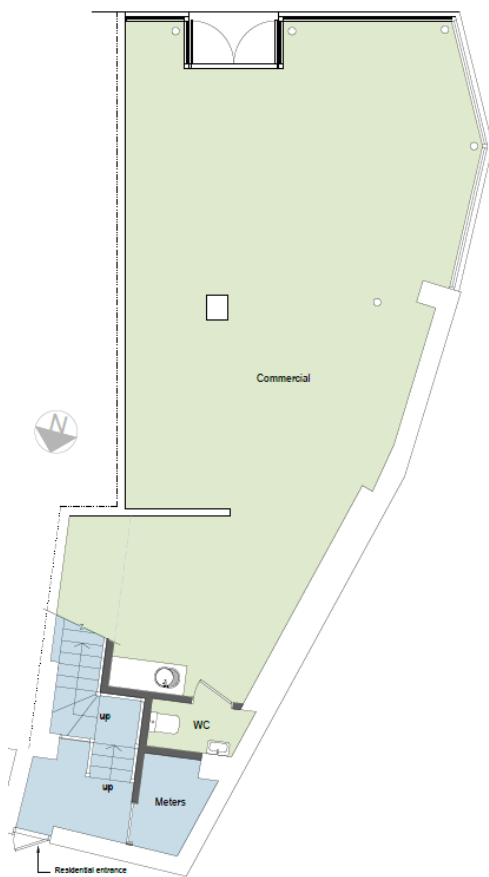
Above: The Site

The shop fronts the pedestrianised area of Montague Street, where the retail area takes its access from. There is a rear access (accessed via an existing door in a boundary wall on Liverpool Road) which the proposed development will utilise as access to the residential unit. The boundary wall door is shown with a red arrow in the image below



Proposed Development

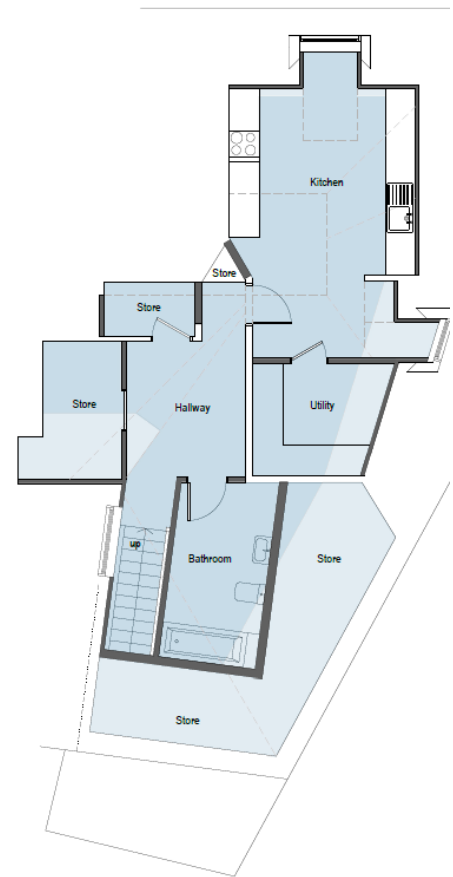
The application seeks permission to convert the building's upper floors into one single 2-bedroom maisonette. The unit will have two bedrooms (one ensuite) and living/dining area on the first floor, and main bathroom and kitchen on the upper floor. A meter cupboard on the ground floor will also be able to store a bicycle if needed.



Proposed Ground Floor Plan 1:50



Proposed First Floor Plan 1:50



Proposed Second Floor Plan 1:50

Above: Proposed Floor Plans

Prior Approval – statutory requirements

For the application to be approved, it must satisfy the statutory requirements set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class MA.

Relevant wording from the Order is set out below (in black italic font) with commentary confirming the scheme's acceptability provided in black non-italicised font.

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)”

This part (which previously related to vacancy) was removed by virtue of Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 (S.I. 2024/141), arts. 1(1), 3(2)(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;”

The building has been in use as commercial use for over 10 years. The premises have therefore been in Class E commercial use for at least two years prior to this application being made.

(c) “.....;”

This part (which previously related to floor space limits) was omitted (5th March 2024) by virtue of The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2024 (S.I. 2024/141), arts. 1(1), 3(2)(b)

(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;”

None of these restrictions apply.

(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;”

None of these restrictions apply.

(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”

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 since been cancelled in accordance with the provisions of Schedule 3.”

N/A, the application is submitted after 01 August 2022.

“(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.”

As noted above, the premises have been in retail commercial use since their construction many years ago.

“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; and*
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building”*

Please note that these matters are all considered later within this letter.

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

N/A.

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

Please see later parts of this letter which consider compliance with paragraph W.

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

Noted.

“(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.”

Noted.

“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.”*

Not applicable – existing building is less than 6 storeys.

Prior Approval – main considerations

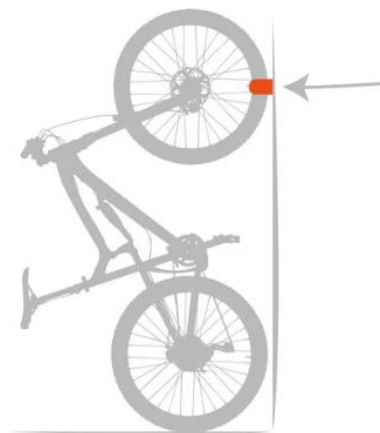
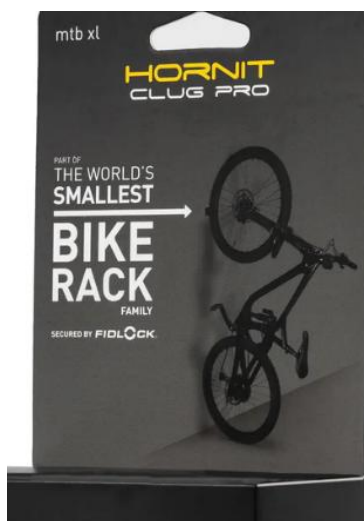
The main considerations for prior approval are as set out in Condition MA.2(2) of the General Permitted Development Order. These requirements are described in greater detail below:

Transport impacts of the development, particularly to ensure safe site access

The existing floor space (subject to the change of use) measures 132.2m². The ground floor of the site will be retained as a 75m² retail shop. First floor and above are ancillary to the shop but are very large and underutilised.

As can be seen from the submitted plans, the total population for the proposed development would be up to 4 people. This is a modest amount considering the unit's size and its location in the town centre. Further, the site benefits from a highly sustainable location, within 15 minutes' walk to Worthing Railway station and within easy walking distance of main bus routes, national cycle route 2, local shops and services.

The site's sustainable location means that residents will be able to take advantage of sustainable transport modes (pedestrian, bicycle, bus and rail). Note that the ground floor meter cupboard will be able to store a bicycle (using a "wheels to the wall" storage system):



Contamination risks in relation to the building

The scheme relates to conversion only, and no ground will be broken.

Flooding risks in relation to the building

As confirmed on the Government's Flood Map for Planning service, the site is within Flood Zone 3 and there is modest risk of surface water flooding in a 1 in 100 year event (the site is free from surface water flooding in the 1 in 30 year event).

The application is supported by a Flood risk Assessment by Flo-Consulting. This document provides a detail assessment of the proposal, and the key flooding risks. The FRA also identifies any mitigation, protection or compensation measures required.

The report confirms that the proposed change of use is therefore acceptable with regard to sources of flooding.

Impacts of noise from commercial premises on the intended occupiers of the development

There are adjoining commercial properties, on either side of the site, however, these are a retail shops and not late night uses.,

Most units along Montague Street are commercial at ground floor, with residential at first floor level. All uses happily co-exist, and do not present any potential for significant intensification which could cause potential harm to the amenities of the occupiers.

Conservation Area issues

The site is located within South Street Conservation Area:



The scheme will have a neutral/minor beneficial impact on the character and sustainability of the conservation area.

There will be no visual impact on the conservation area, as the residential access will be via an existing rear doorway. The area's sustainability will be improved by bringing underused floorspace back into more active use.

The provision of adequate natural light in all habitable rooms of the dwellinghouses

The site occupies a corner position, and benefits from windows in its south and west facing elevations. This means that all habitable rooms will have very good sources of natural daylight.

Habitable rooms are defined in Paragraph X of Schedule 2, Part 3 of the General Permitted Development Order (as amended by statutory instrument S.I. 202/632). The definition states:

“habitable rooms” means any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms;

All such rooms in the proposed flat have natural daylight.

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

Not applicable.

Impact on loss of nursery or NHS services of services

Not applicable.

Where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

Not applicable.

Summary

Consequently, as set out in the information provided above, it can be seen that all conditions set out in Class MA are met (where applicable).

Part W – Information/Procedure

Part W of the DGPO sets out the procedure for applications for Prior Approval. The relevant text is set out in black italic font below, with commentary in black font. Note that where Part W refers to submission of information relating to such matters as highways etc, this information has been provided on earlier within this letter.

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;*

The application description is “Change of use of upper floors to create one self contained flat”.

- (b) a plan indicating the site and showing the proposed development;*

Existing and Proposed plans and elevations are provided, together with a site plan and block plan.

- (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);

One net additional dwelling (2 bedroom unit)

(bb) in relation to development proposed under Class Q of this Part, a statement specifying ... —

Not applicable – development is proposed under Class MA.

(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;

Scaled drawings are provided with the application which include all relevant floor areas. Dimensions can be scaled from the plans.

(c) the developer's contact address;

The developer's contact address is on the application forms.

(d) the developer's email address if the developer is content to receive communications electronically; and

The developer's contact email address is on the application forms.

(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,

A comprehensive Flood Risk Assessment has been submitted and should be read in conjunction with this statement.

(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.

All habitable rooms have adequate natural light.

(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(1)(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.*

As confirmed in this letter – all conditions and requirements have been met.

(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.

Noted.

(5) Where the application relates to prior approval as to transport impacts of the development, particularly to ensure safe site access, 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.

Noted – this is an administrative matter for the Council.

(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.

Noted – this is an administrative matter for the Council.

(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

The building is under 6 storeys in height and so does not need a fire risk assessment.

(7) *The local planning authority must notify the consultees referred to in sub-paragraphs (5), (6) and (6a) specifying the date by which they must respond (being not less than 21 days from the date the notice is given).*

Noted – this is an administrative matter for the Council.

(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*

Noted – this is an administrative matter for the Council.

(9) *The local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—*

(a) *assessments of impacts or risks;*

(b) *statements setting out how impacts or risks are to be mitigated;*
or

(c) *details of proposed building or other operations.*

Noted – all relevant information has been submitted.

(10) 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 Ministry of Housing, Communities and Local Government in July 2021, 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.

Noted – this is an administrative matter for the Council.

(11) The development must not begin before the occurrence of one of the following—

(a) the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;

(b) the receipt by the applicant from the local planning authority of a written notice giving their prior approval; or

(c) the expiry of 56 days following the date on which the application under sub-paragraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

Noted.

- (12) *The development must be carried out—*
- (a) *where prior approval is required, in accordance with the details approved by the local planning authority;*
- (b) *where prior approval is not required, or where sub-paragraph (11)(c) applies, in accordance with the details provided in the application referred to in sub-paragraph (1),*

unless the local planning authority and the developer agree otherwise in writing.

Noted.

- (13) *The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.*

Noted.

- (14) *When computing the number of days in sub-paragraph (8)(a), any day which is a public holiday must be disregarded.*

Noted.

Conclusions

The proposed development is a “Change of use of upper floors to create one self contained flat”.

The proposed development is acceptable in principle under Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015.

The scheme complies with all the statutory requirements set out in Class MA, and the scheme is acceptable with regard to all the main considerations set

out in Class MA. All information that is required under Paragraph W of Part 3 is included with the application.

On the basis of the submitted information, we respectfully ask that the Council confirms that either Prior Approval is not required, or that Prior Approval is required and is granted.

Yours faithfully,

LCP

Lewis & Co Planning