Expiry Date - 10/09/2025

Development Management – Delegated Officer Report

Application Number: NOTICE/0015/25 **Recommendation – APPROVE**

Site: **97 - 99 Montague Street Worthing West Sussex BN11 3BN**

Proposal: **Application for Prior Approval for Proposed change of use from retail (Use Class E) to four residential units (Use Class C3)**

Site and Surroundings

The site is located on the southern side of Montague Street in Worthing. The property is two storeys in height with commercial on the ground floor with associated offices above. The original use of the site was a commercial unit until it fell vacant.

The site is located within the boundary of Worthing town centre. The site is within the Montague Centre character area and forms part of the primary shopping frontage.

Proposal

A prior approval application for the conversion of the commercial building at first floor into 4 flats and retaining the ground floor as commercial. The four flats are all proposed to be 1b2p units all with a floor space of 75sqm or more.

Planning history

AWDM/0882/25: Installation of new shopfront including removal of lobby. Application Pending.

AWDM/0884/25: Alterations to rear fenestration including new doors to rear of building. Application Pending.

AWDM/0905/11: Installation of one internally illuminated fascia sign and one internally illuminated double-sided projecting box sign on front elevation, and installation of one internally illuminated single-sided sign and three non-illuminated signs on rear elevation. Application Permitted.

05/0931/ADV: Installation of 2 x internally illuminated fascia signs to Montague Street and Augusta Place elevations and installation of internally illuminated projecting box sign to Montague Street elevation. Application permitted.

01/00823/ADV: Installation of internally illuminated fascia, box and projecting sign. Application Permitted.

Consultations:

Environmental Health:
The use hereby permitted shall not commence unless and until an insulation scheme for protecting the upper floor residential units from noise has been submitted to and approved by the local planning authority. The scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors, have regard to the principles contained within the World Health Organisation community noise guidelines and ensure the standards within Table 4 of BS8233:2014 are achieved in the residential units above. Following approval and implementation of the scheme, a test for compliance shall be undertaken. All works, which form part of the approved scheme, shall be completed before the use commences.

WSP:
The applicant is applying for prior approval for proposed change of use from retail (Use Class E) to four residential units (Use Class C3). The application is to Worthing Borough Council.

Following a review of the submitted information, we have no objection on surface water grounds. Due to the site, size, location, and type of development we would recommend the approval of the application.

WSCC Highways:
This proposal is for prior approval for change of use from retail unit (Class E) to four residential units (use class C3) to form 1 no. dwellinghouse. The site is located on Montague Street, an E classified pedestrian precinct in central Worthing. The site is serviced by Augusta Place to the rear.

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 GDPO is quite clear as to what highways matters 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. 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 movements associated with the site will exceed that of the existing use.

WSCC Parking Demand Calculator outlines that three one bed properties in this location would generate the requirement for 3 parking spaces. The applicant proposes a nil car parking provision consequently, parking would have to be accommodated on-street or travel considered via sustainable alternatives.

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. Due to the location of the development within a sustainable location in Worthing, 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 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.

Southern Water:
Insufficient information provided.

Construction of the development shall not commence until details of the proposed means of Foul/Surface Water drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Representations: N/A

Planning Assessment

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 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 has been in use as a retail unit (Class E) before this date.

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 there would be a requirement to provide parking spaces, however due to the town centre location it is feasible that a car free scheme may be acceptable. As expressed by the consultation with WSCC Highways the site is located in a highly sustainable location. With the current arrangement on the roads in the surrounding area restricting the parking it is not considered that the impact would be detrimental to the local highway network.

Cycle parking for the units could be accommodated within the rear of the site or within the storage cages that are proposed. Overall, there would not be any highways concerns raised.

(b) contamination risks in relation to the building;

Analysis: With the previous uses of the building as Class E it is not considered to be on land which has been exposed to contaminants. The units are at first floor and do not have gardens so there will not be any digging into the ground.

(c) flooding risks in relation to the building;
Analysis: Following a review of the submitted information there is no objection to the proposal on terms of surface water flooding. The site is not in an area at risk from tidal or fluvial flooding. The Council's drainage consultant has confirmed they have no objection to the proposals.

Due to the lack of an application being submitted to Southern Water for the connection to the sewer system they have requested that a condition be added to provide further information ensuring the current network can cope with the additional demand.

(d) impacts of noise from commercial premises on the intended occupiers of the development;
Analysis: Due to the nature of the proposal and the location within the high street it is anticipated that there would be some impact on the proposed site from the commercial use both on site and in neighbouring buildings. As such to ensure that there is not an unacceptable level of noise impact on the future occupiers of the site a condition has been added to the consent to ensure that

there is a minimum airborne insulation standard of 50dB in line with the building standards.

(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: Not applicable, the Montague St Conservation Area is immediately to the west but the site does not fall within it.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
Analysis: Each of the habitable rooms will have at least one window providing natural light. It is noted that the front two facing units have high level windows only. Within the submitted daylight report there is a clear breakdown which illustrates that all the habitable rooms meet the national minimum standards of illumination as set out in the BRE Guidance document “Site Layout Planning for Daylight and Sunlight, a Guide to Good Practice, 2022 and BS EN 17037 National Annex”.

(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.
Analysis: Not Applicable

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

Part 3 (9A) of the GPDO reads (9A) 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

Analysis: The nationally described space standards have a requirement for a minimum of 50sqm for a 1b2p property on one floor. The flats surpass this requirement with the smallest flat being 75sqm. Each of the flats has storage provided which exceeds that of the requirement.

Recommendation

Prior Approval is Required and Granted subject to Conditions:

1. Approved plans
2. Foul / Surface Water
3. Airbourne Sound Insulation
4. Hours of Working

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. CIL

Case Officer: Finlay Gardner Date: 08/09/2025

Authorised by: Louise Prew Date: 09/09/2025