

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

27<sup>th</sup> May 2026

Dear Sir/Madam,

### 25-27 MONTAGUE STREET, WORTHING, BN11 3BE

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 4No. residential flats in C3 Use.

#### 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:

- 3003.01 Existing basement and ground floor plan
- 3003.02 Existing first and second floor plan
- 3003.03 Existing third floor plan
- 3003.04 Existing elevations
- 3003.05 Proposed basement and ground floor plan
- 3003.06 Proposed first and second floor plan

- 3003.07 Proposed third floor plan
- 3003.08 Proposed elevations
- Flood Risk Assessment – 1306 – April 2026 – Rev. A
- Internal Daylight Report – 25-27 Montague Street – Version 04 – May 2026

### Application Site and Planning History

25-27 Montague Street is a three-and-a-half-storey mid-terrace building. The site currently hosts Trespass, an outdoor clothing/equipment retailer. The shop is only at ground level, with ancillary storage at first floor level and above. There is also storage within the basement of the shop.



*Above: Proposed Site Plan*

The shop fronts the pedestrianised area of Montague Street, where the retail area takes access from. There is a rear access from Bath Place, which the proposed development will utilise as access to the residential units. This will be shared with the recent development to the east.



*Above: Aerial Plan (source: Google Maps)*

### Proposed Development

The application seeks permission to convert the building into four self-contained units. One unit will be a two-bed, four-person dwelling, and the remaining three units will be one-bed, two-person dwellings.



*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 over 15 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 roughly 45.5m<sup>2</sup>. The ground floor of the site will be retained as a retail shop, with the basement area retained for ancillary storage. First floor and above has been used as storage space for the past 10 years, however, these areas are very large, and largely underutilised.

As can be seen from the submitted plans, the total population for the proposed development would be 10 people. This is not a significant amount when considering the size of the unit, and the location of the site in the town centre. Further, officers will note that the site benefits from a highly sustainable location, being less than 15 minutes' walk to Worthing Railway station and within easy walking distance of main bus routes, local shops and services.

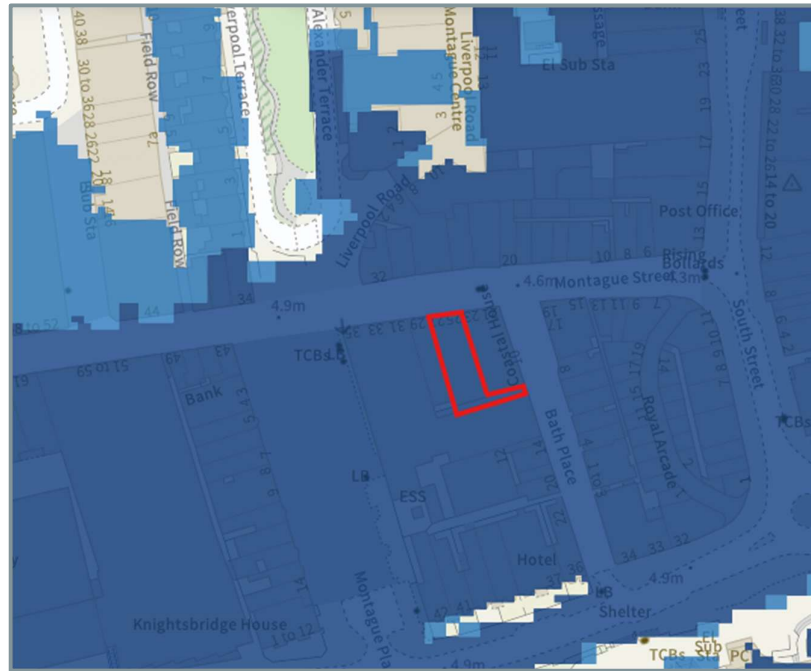
Access to the site will be safe and the site's sustainable location means that residents will be able to take advantage of sustainable transport modes (pedestrian traffic, bus and rail).

#### 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:



The application is supported by a Flood risk Assessment by Flo-Consult. 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.

All living and habitable areas will be on the first floor and above, and therefore will not flood in any flooding scenario. In all flood events, fluvial flood water will be prevented from entering the Site and therefore ensure that no flooding occurs within ground floor access areas to the residential units. The safe access and egress details will be provided to the occupants of the new residential units on completion of the purchase and/or rental agreement.

### 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 shop, and a café. The cafe unit is only open until 5pm, and will not lead to any undue disturbance.

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, and therein consideration must be had for impact on the character and sustainability of the Conservation Area. The development only changes the use of a very minor area of the ground floor, being around 5sq.m. As such, there will be no impact on the character or sustainability of the Conservation Area.

The building takes direct access from the existing rear access path, which was enhanced as part of the adjacent development. The Conservation Area hosts a variety of commercial, residential and leisure uses. As such, the proposed development will not result in any impact upon the character of the Conservation Area through undue intensification, or physical alterations.

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

This application is supported through the provision of an Internal Daylight Report by XDA. This report has assessed the internal daylight levels achieved in the proposed flat conversion at first floor level and above.

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 the habitable rooms achieve good internal daylight levels, meeting the requirements 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.

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 first, second and third floor of existing Use Class E unit, to 4No. self-contained flats”.

*(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);*

An accommodation schedule is provided within this letter.

*(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 includes 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.*

As confirmed within the submitted Internal Daylight Report, 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 first, second and third floor of existing Use Class E unit, to 4No. self-contained flats”*.

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