

Development Management – Delegated Officer Report

Application Number: NOTICE/0003/26 **Recommendation:** **Prior Approval**
Required and Granted

Site: **105 - 109 Montague Street Worthing West Sussex**

Proposal: **Application for prior approval for proposed change of use of the first and second floors of existing building from commercial (Use Class E) to provide 13 self-contained residential flats.**

Date of Site Visit: 10/03/2026

Neighbours Checked: Y

Additional Neighbours Notified: N

Site and Surroundings

The site, some 0.07 ha, is located on the southern side of Montague St, north of Augusta Place, and west of Prospect Place. It contains a large two storey building with a smaller second floor plant room located towards the front of the building.

The existing building is a flat roofed, brick built structure understood to have been constructed in the 1960s.

The ground floor is currently occupied by CHEC Worthing, a healthcare centre. The first floor has previously been occupied as offices in association with the entire building's former use as a Job Centre, but has been vacant since early 2024.

The building is slightly set back from the main Montague Street frontage, with a large projecting canopy over the ground floor. At the rear is a small forecourt/servicing/parking area.

To the immediate west of the building is a narrow service passage, with cottages beyond. To the east are residential properties on the other side of Prospect Place

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

The site is within Montague St and Marine Parade and Hinterland conservation areas.

Proposal

An application for Prior Approval is sought under the provisions of Class MA of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

The application proposes the conversion of the first and second floors to 13 dwellings. Of the 13 dwellings 3 would be studios, 5 would be for one person, and 5 would have one-bedroom for two people.

A ground floor commercial unit would be retained. Cycling storage is shown on the ground floor to the rear. No external alterations are proposed.

Relevant Planning History:

AWDM/0235/26 Insertion of new and enlarged window openings at first and second floors and railing at roof level. Permitted 10 June 2026

Consultations

Worthing Society: No objection to this proposal. It is a conversion to residential accommodation on the upper floors and the building is c1970 and is, therefore, not recorded on the Statutory List or the Local Interest List.

Southern Water:

Please see the attached extract from Southern Water records showing the approximate position of our existing sewer and water main assets crossing/in the vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Southern Water has undertaken a desktop study of the area, and our investigations indicate that Southern Water can facilitate foul sewerage /surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

Condition recommended re foul sewerage and surface water disposal.

WSP (as drainage consultant)

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

Environmental Protection:

The development is located immediately above and adjacent to commercial premises. Therefore there is the potential for commercial noise to adversely affect the residential amenity of future occupiers of the flats. We would suggest the following conditions should an application proceed: 1. Sound insulation, 2. Hours of works

Officer's response: Sound insulation will be added as a condition. Hours of work will be included as an informative as it does not fall within any of the categories of the prior approval

Private Sector Housing: No response

Representations

None

Relevant Planning Policies:

Worthing Local Plan policies (WBC 2023):

SP1 (Presumption in Favour of Sustainable Development)

SS1 (Spatial Strategy)

DM1 (Housing Mix)

DM2 (Housing Density)

DM5 (Quality of the Built Environment)

DM13 (Retail and Town Centre Uses)

DM15 (Sustainable Transport and Active Travel)

DM16 (Sustainable Design)

DM17 (Energy)

DM20 (Flood Risk and Sustainable Drainage)

DM22 (Pollution)

National Planning Policy Framework (MHCLG 2024)

National Planning Practice Guidance

Planning Assessment:

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

Development not permitted

MA.1.

(1) Development is not permitted by Class MA—

~~(a) removed—~~

(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: From the supporting statement.

“Prior to the occupation of the ground floor of the building by the CHEC in November 2024 the entire building was temporarily occupied as a job centre (Class E). Attached

at Appendix 2 are the sale particulars for the building from November 2021 confirming its use at that time. Prior to its use as a Job Centre, the building had been occupied by Poundland and operated as a retail unit (Class A1) for a number of years. The building has been used for both Class A1 and Class E purposes for a continuous period well in excess of 2 years prior to the submission of this application”

The LPA is satisfied that the use has been as Class E in excess of 2 years.

~~(c) removed-~~

(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: None of the above 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(a);
- (iii) the Broads;
- (iv) a National Park; or
- (v) a World Heritage Site;

Analysis: NA

(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

Analysis: NA

(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.

Analysis: Not applicable

(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.

Conditions

MA.2.

(1) Development under Class MA is permitted subject to the conditions

(2) Before beginning the development, 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: The Highway Authority has raised no objection to the proposals on parking or Highway safety grounds. The site is in a sustainable location, within walking/cycling distance of local services and facilities and public transport connections to the wider area. No car parking is available within the site. The site is within the controlled parking zone where restrictions are in place. However future occupants need not be reliant on the use of the private car. Cycle parking was requested and this has been shown within the rear part of the ground floor.

- (b) contamination risks in relation to the building,

Analysis: The site is not identified as potentially contaminated land and no groundworks are proposed.

- (c) flooding risks in relation to the building,

Analysis: The site is within flood zone 1 and is not identified as being susceptible to surface water flooding. No objection or concerns have been raised by the Council's Drainage Consultant. Southern Water has requested details of foul sewerage disposal which is necessary in order to prevent future flooding on site.

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

Analysis: The site is within the town centre with a retained commercial unit at ground floor. The retained class E unit could cause some noise and disturbance to future occupiers. The EHO has recommended a condition for noise insulation to protect the residential unit from noise from the retained commercial unit.

(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 two conservation areas. The only change at ground floor is to the rear to provide cycle parking, The proposal will not affect the character or sustainability of the conservation area.

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

Analysis: The building does not currently contain windows to all proposed habitable rooms. However, application AWDM/0235/26 granted on 10 June 2026 proposes windows for all habitable rooms. The daylight and sunlight assessment submitted with the application has been updated in response to changes to the windows granted under the full application. It shows that all habitable room windows would achieve at least the recommended levels. Adequate natural light is therefore provided. A condition ensuring the windows are installed prior to occupation will be included.

(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; and-

Analysis: Not applicable, site is within the town centre.

(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(a), the impact on the local provision of the type of services lost.

Analysis: The previous use was part of the job centre so this does not apply

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

Analysis: Not applicable. The building does not meet the fire risk condition

In addition, Article 2(9a) and (9b) of the GPDO states the following:

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.

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

Analysis: The plans show 13 units. All are above the standard required in the NDSS of either 37sqm or 50sqm. Updated plans showing storage has now been provided.

Recommendation:

APPROVE subject to condition(s):-

Prior Approval is required because of the relevant issues raised above and is recommended for APPROVAL subject to the following conditions:-

1. Approved Plans
2. Foul sewerage and surface water disposal
3. Windows to be installed under AWDM/0235/26 prior to occupation
4. Sound insulation
5. Cycle parking to be installed

Informative

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 prior approval in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. New address
3. CIL
4. Hours of works

Is recommendation contrary to letter(s) of representation? N

Case Officer: Louise Prew

Date: 10.06.2026

Authorised by: Jo Morin

Date: 11.06.2026