

Planning Supporting Statement

**Part 3, Class MA: Change of use of a building
and any land within its curtilage from Class E
(commercial, business and service) to a
dwellinghouse (C3 Use Class)**

**IN ACCORDANCE WITH THE TOWN &
COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT) (ENGLAND) ORDER 2015 (as
amended)**

**37 High Street, Littlehampton,
BN17 5EG**

April 2026



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1. Introduction & Background

- 1.1. Henry Adams Planning have been instructed to apply under Part 3, Class MA, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the determination of prior approval for the change of use of an existing three-story building currently used within Class E to 2 no. residential dwellings (C3 Use Class).
- 1.2. This prior approval seeks approval from the Council through supporting information which is provided in this submission.
- 1.3. Confirmation is sought from the Council in respect of whether Prior Approval is required for:
 - 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—
 - iii) a registered nursery, or
 - iv) 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
- 1.4. As set out in this statement, it is our conclusion that Prior Approval is not required for any of these considerations, however, if it is considered that Prior Approval is required, sufficient information is provided within this statement and the associated supporting documents.
- 1.5. In accordance with the provisions of paragraph (W) under Part 3 of the Order relating to the procedure for applications for prior approval, we enclose the following:
 - A written description of the proposed development, which in relation to development proposed under Class C, M, N or Q of this Paragraph, must include any building or other operations;
 - A plan indicating the site and showing the proposed development;

- In relation to development proposed under Classes G, M, MA, 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);
- 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;
- The developer’s contact address;
- The developer’s email address if the developer is content to receive communications electronically.
- Where sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment, together with any fee required to be paid
- (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

1.6. Alongside the statutory submission requirements, also included in support of the application are the following documents:

- Location and Site Plan
- Existing and proposed floor plans and elevations
- Noise Assessment
- Site Specific Flood Risk Assessment
- CIL forms

2. Site and Surroundings

2.1 The site is located within Littlehampton Highstreet.

2.2 The building is comprised of three-stories, forming part of a terraced row of shops. The ground floor provides an open-plan retail area, including changing rooms, with a staircase positioned to the rear. The first floor accommodates a hallway, kitchen area, WC and storage space. The second floor comprises two storerooms and two office rooms.

2.3 Pedestrian access to the site is available from the High Street to the rear of the ground-floor retail unit, with additional pedestrian and vehicular access provided via St Martin’s Lane which can be seen in **figure 1**.



Figure 1. Proposed and existing elevations

3. **Planning History**

- 3.1. This site has some planning history which is listed below in **table 1**. From review, the planning history does not remove any permitted development rights associated with the building.

Planning reference	Proposal	Outcome
LU/249/13/A	1 no internally illuminated fascia sign to the south elevation.	Approved 11/10/2013
LU/352/10/A	1No. internally illuminated aluminium suspended sign.	Approved 10/12/2010
LU/420/04/A	One illuminated projecting sign.	Approved 19/11/2004
LU/18/03/A	One illuminated fascia sign.	Approved 28/02/2003
LU/346/89/A	Internal illuminated shop fascia sign.	Approved 14/08/1989
LU/123/89	New shopfront	Approved 17/04/1989
LU/124/89/A	One internally illuminated Fascia sign	Approved 17/04/1989

LU/556/88	Structural alterations & extension to existing shop unit	Approved 14/11/1988
LU/419/88	Construction of rear ground floor extension to property	Approved 05/09/1988

Table 1. Planning History

4. The Proposal

- 4.1. The proposal seeks to convert the existing Class E building to provide two residential dwellings (Use Class C3) at first and second floor levels, whilst retaining the Class E use on the ground-floor.
- 4.2. Primary access to the proposed dwellings will be via the existing entrance located at the rear of the building. At first-floor level, a shared hallway will provide access to the first-floor flat, together with a new staircase leading to the second-floor accommodation.
- 4.3. The first-floor unit is proposed as a studio-style flat, comprising a combined bedroom, kitchen and living area, alongside a separate shower room and dedicated storage space. The second-floor unit will follow a similar layout, with the bedroom at the rear and kitchen and living area to the front.
- 4.4. Adequate levels of natural light will be maintained through the retention of existing windows serving both the front and rear elevations.
- 4.5. National space standards are met in both dwellings. The first floor flat has a total gross internal area (GIA) of 31.7sqm including 1sqm of built-in storage. The second floor flat has a GIA of 41.62sqm which also includes 1sqm of built-in storage. As both properties have shower rooms, the minimum GIA required is 37sqm.
- 4.6. Existing rooflights within the first-floor hallway will also be retained. No additional windows are proposed, having regard to the site constraints and the surrounding built context.

5. Assessment: Part 3, Class MA – Class E Buildings to Dwellinghouses

- 5.1. The application is subject to the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended by Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2026, which came into force on 27th January 2026. The 2026 revision brought amendments section MA.2 4(a) (e) (ii) where if the prior approval application relates to fire safety impact, on receipt of the application, the local planning authority must consult the Building Safety Regulator.
- 5.2. An assessment of the scheme, in line with the current permitted development allowances is included below. Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) states that permitted development comprises the following:

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.

- 5.3. Applications for prior approval will be subject to assessment under paragraphs MA.1 (Development not permitted) and MA.2 (Conditions). The legislation is quoted below in italic text, with a response to each criteria provided.
- 5.4. In terms of the principle, this submission demonstrates that the building is capable of conversion. Some minor works will be required to create additional internal openings, allowing for a suitable living environment.
- 5.5. For any proposed development, the principal changes to the buildings are anticipated to include:
- Construction of new internal non-structural subdividing walls within the building
 - A wider replacement and new staircase
 - Formation of new door openings and walls in the internals
- 5.6. The principal structural elements will remain without alteration or replacement; the building is capable of conversion and is of permanent and substantial construction.
- 5.7. The building has remained in continuous use within Class E, with the current owner proposing to operate the ground floor as a hairdressing business following the previous retail occupier. The first and second floors have historically been used ancillary to the ground-floor use, therefore, the building as a whole is in lawful Class E use.
- 5.8. Given the building is capable of conversion, an assessment of criteria under Class MA.1 and MA.2 is included below.

Development is not permitted by Class MA —

(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

- 5.9. The building is currently in Class E use and has been occupied for such purposes for a period of at least two years prior to the date of this application.

(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;***

- 5.10. The application site is not located within, nor does it form part of, a Site of Special Scientific Interest, a listed building, a scheduled monument, a safety hazard area or a military explosives storage area.

(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;

- 5.11. The building is not located within an area of outstanding natural beauty, area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981, the Broads, a National Park or World Heritage Site.

(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,

- 5.12. The site is currently owned by the applicant and is not subject to an 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,

- 5.13. There are two office areas on the second-floor level, the building is considered to fall wholly within Class E use. The first and second floors have historically been used on an ancillary basis to the Class E retail use at ground-floor level and office space falls within a Class E use in any case. It is therefore considered that the building has previously and is currently in Class E use only.

Conditions (MA.2)

(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;

- 5.14. As part of the proposed development, no modifications to the access or parking arrangements are proposed. The main access is located to the rear of the building (north elevation) and the flats can also be accessed via the ground floor. No parking spaces are provided due to its central town location and is easily accessible via foot or public

transport. However, there is a public car park (St Martins Car Park) which is located approximately 57m to the north of the site.

- 5.15. As the proposal would result in the creation of 2. No 1bed dwellings, daily trip movements will be minimal and thus it is clear that the proposed development would not have an unacceptable impact on the operation of the local network, let alone a 'severe' impact as set out in paragraph 109 in the NPPF.

(b) contamination risks in relation to the building;

- 5.16. Paragraph W (9) (c) of Town and Country Planning (General Permitted Development) Order refers to the consideration of contamination risks. Subsection (i) states when determining whether as a result of the proposed change of use, taking into account any proposed mitigation, the site will be contaminated land if as described in Part 2A of the Environmental Protection Act 1990(a).

- 5.17. Part 2A of Environmental Protection Act (1990a) section 78A (2) defines contaminated land as:

'any land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that – (a) significant harm is being caused or there is significant possibility of such harm being caused; (b) significant pollution controlled waters is being caused; or there is a significant possibility of such pollution being caused.'

- 5.18. Section 78A(94) defines harm as:

'Harm to the health of living organisms or other interferences with the ecological systems of which they form part and, in the case of man, includes harm to his property.'

- 5.19. The building has been used for Class E purposes and there is no known contamination issues associated with the building.

- 5.20. The proposal is therefore considered to be acceptable, having regard to contamination.

- 5.21. The wider site is currently used for general Class E purposes, with a vulnerability classification of 'Less Vulnerable'. The proposal increases the vulnerability classification to this area of the site to 'More Vulnerable' and as such, there will be an increase in vulnerability to the site.

(c) flooding risks in relation to the building

- 5.22. The site lies within Flood Zone 2 and is identified as having a medium probability of flooding, with an annual probability of river flooding between 1 in 100 and 1 in 1,000, and a corresponding annual probability of tidal flooding between 1 in 200 and 1 in 1,000. In addition, parts of the site are identified as being at risk of surface water flooding.

- 5.23. A site-specific flood risk assessment has been undertaken which determines that the proposed development would be safe from flood risk. This is due to the change of use applying to the first and second floors only which sit above future flood event levels. The predicted surface water flood level of 300mm leaves a clearance of 2.7m between the predicted flood level and the first floor. As a result, in any flood event, both properties would provide safe refuge, given the tidal nature of the flood risk.
- 5.24. The development will utilise the existing foul and surface water drainage systems on site.

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

- 5.25. A noise impact assessment has been undertaken and submitted as part of this application. The assessment concludes that the development is capable of being constructed with the installation of enhanced double glazing and acoustic wall ventilation.
- 5.26. A sound test was carried out between the existing commercial ground floor and first floor, which did not meet the required levels. A construction specification has therefore been provided to meet the local requirements and therefore the development should be considered acceptable, subject to the proposed recommendations which can be secured as part of the approval.

(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

- 5.27. The site is not located in a Conservation Area, nor does the change of use occur to the whole or part of the ground floor.

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

- 5.28. Due to the site constraints and proximity of neighbouring properties, there are no additional windows proposed. There are two existing windows in each flat, one at the front elevation and one at the rear. Adequate natural light will therefore be provided 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;

- 5.29. The area is not considered to be important for general or heavy industry, waste management, storage and distribution or a mix of such uses, due to its size and central Highstreet location.

(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

- 5.30. The development is currently used as a class E unit, previously in retail and therefore there will be no loss of a registered nursery or health centre.

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

- 5.31. The ground floor staircase will be widened to meet fire and safety standards. The new staircase proposed on the first floor, will also meet the fire and safety standards.

6. Flooding

- 6.1. The Environment Agency's online mapping indicates that the site is located within Flood Zone 2. This means the site has between a 1 in 100 and 1 in 1,000 annual probability of river flooding, as well as a 1 in 200 to 1 in 1,000 annual probability of sea flooding. In addition, parts of the site are identified as being at risk from surface water flooding.
- 6.2. A site-specific Flood Risk Assessment has been undertaken, which concludes that the proposed development will be safe from flood risk. The proposal relates to a change of use affecting only the first and second floors, which are situated above predicted flood levels.
- 6.3. The estimated surface water flood level is approximately 0.3 metres, providing a clearance of 2.7 metres between the anticipated flood level and the first-floor level. This ensures that the development remains safe and operational during potential flood events.
- 6.4. The development will utilise the existing foul and surface water drainage systems on site. No alterations to the current drainage infrastructure are required, and the proposal is not expected to increase flood risk elsewhere. The use of existing systems will ensure that surface water and foul flows are managed effectively in line with current conditions.

7. Noise

- 7.1. A noise impact assessment has been undertaken and submitted as part of this application. A noise assessment was undertaken in March 2026 where it was found the average measured sound pressure levels during the day were 54dB and 49dB during the night.
- 7.2. Due to the presence of nearby commercial sounds from the Highstreet and the nearby Crown Pub, the Lamex conditions/events drive the requirements to protect future occupants against adverse overnight sound pressure levels, and the worst-case hour was used to ensure adequate protection from daytime sound pressure levels.

- 7.3. The indoor sound criteria can be achieved with enhanced double glazing and acoustic wall ventilation and therefore the assessment concludes that the development is acceptable in regard to noise.
- 7.4. A sound test was carried out between the existing commercial ground floor and first floor, which did not meet the required levels. A construction specification has therefore been provided that will meet the ADE criteria and heighten by +5dB to meet the local requirements and therefore should be considered acceptable.

8. Conclusion

- 8.1. This proposal seeks to convert the first and second floor of an existing Class E building into two dwellings. The development would not negatively impact transport or highways, lead to a contamination risk, be unsafe regarding flood risk, future occupiers would not be adversely affected by noise and the proposed design alterations would achieve adequate levels of natural light in all habitable rooms.
- 8.2. As outlined above, in accordance with the provisions of Class MA, Part 3 of Town and Country (General Permitted Development) Order 2015 (as amended), it has been demonstrated that prior approval is not required in respect of:
- 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 -
 - v) the building is located in a conservation area, and
 - vi) 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—
 - vii) a registered nursery, or
 - viii) 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.