Expiry Date - 29/08/2025
Extension of Time – 19/12/25

Development Management – Delegated Officer Report

Application Number: AWDM/0886/25 **Recommendation: – APPROVE**

Site: The Elephant In The Room 40 Goring Road Worthing West Sussex

Proposal: Application to Vary Condition 3 (Opening Hours) and 11 (windows/doors shut) and remove Conditions 5 (smoking area) and 9 (no outdoor seating) of previously approved application AWDM/0642/19 (for Change of use from Use Class A2 (bank) to Use Class A4 (drinking establishment) and replacement shopfront). Amendments: To extend the internal opening hours to 12:00 to 23:00 Monday to Thursday, 12:00 to 23:30 Friday and Saturday and 12:00 to 22:00 Sunday and bank holidays and to allow tables and chairs on the pavement outside until 22:00.

Date of Site Visit: 24/07/2025

Neighbours Checked: Y

Additional Neighbour Notifications: Neighbours re-consulted on amendments to application on 29/08/25 and 24/11/25.

Site and Surroundings:

The site is located on the north side of Goring Road and within the Goring District Centre providing a wide variety of shops and services. The property comprises a mid-terrace, 3 storey building with commercial use at ground floor and residential flats above. Planning permission was granted in 2019 for change of use of the ground floor from a bank to a drinking establishment and is currently operating as such.

The building has a dark green painted shopfront, windows, doors and facia with gold text and logo at ground floor and brick to the upper elevations with parapet roof to the front. There is a curved balcony to the flats at first floor spanning No.40 and 38 positioned centrally on the façade of the building. There is a wide pavement to the frontage and a large tree in front of the building. Planters have been installed on the pavement outside, demarcating the outdoor seating area. There is no parking associated with the property but restricted on-street parking is available close to the site.

The property is not within a conservation area and is not a listed building.

Proposal

Planning permission was granted under application AWDM/0642/19 for Change of use from Use Class A2 (bank) to Use Class A4 (drinking establishment) and replacement shopfront. Planning permission is sought to vary/remove Conditions 3 (Opening Hours), 5 (Smoking Area), Condition 9 (No Outdoor Seating) and Condition 11 (Doors and Windows shut), of this consent.

The original conditions to be varied or removed are:

Condition 3 – Opening Hours

The use hereby permitted shall not be open for trade or business except between the following hours:-

12.00 and 22.00 Monday to Thursday, 12.00 and 22.30 Friday and Saturday and 12.00 and 21.00 Sunday and Bank Holidays.

Reason: In the interests of amenity having regard to saved policies RES7 and H18 of the Worthing Local Plan.

Condition 5 – Smoking Area

Use of the smoking area to the front of the building shall not be used by patrons of the drinking establishment hereby permitted after the hours of 22.00 Monday to Saturday and 21.00 Sunday and Bank Holidays.

Reason: In the interests of amenity having regard to saved policies RES7 and H18 of the Worthing Local Plan.

Condition 9 – No Outdoor Seating

No outdoor tables and chairs in connection with the proposed use hereby permitted shall be placed on the adjacent public highway at any time except in an application on that behalf.

Reason: For the avoidance of doubt and to safeguard the amenities of neighbouring residential and commercial occupiers having regard to saved policies RES7 and H18 of the Worthing Local Plan.

Condition 11 – Doors and windows closed

Other than as required for normal access, doors and windows to the ground floor bar/seating area hereby approved shall be closed after 21:00hrs daily.

Reason: To restrict noise escape and to safeguard the amenities of the occupiers of nearby properties having regard to saved policies RES7 and H18 of the Worthing Local Plan.

These conditions would be varied/removed as follows:

Condition 3 would be varied to extend the opening hours by one hour each night, extending from 22:00 to 23:00 on Monday to Thursday, 22:30 to 23:30 on Friday and Saturday, and 21:00 to 22:00 on Sunday and bank holidays.

Condition 5 would be removed and a new condition added controlling use of the outdoor area, including a restriction on hours to 22:00.

Condition 9 would be removed and a new condition added controlling use of the outdoor area, including a restriction on hours to 22:00.

Condition 11 would be varied to require doors and windows to be shut at 22:00 instead of 21:00.

The proposed variation/removal of conditions would require the addition of a condition (14) to control use of the outdoor area.

The outdoor area extends 4m wide x 4m deep located directly outside the entrance and consisting of 4 sets of tables with chairs and bench seating for use by patrons and timber planters to the perimeter. The area is split into two zones, smoking and non-smoking. The hours of use of the outdoor area would be limited to 22:00. The outdoor seating is permitted by the current pavement licence for use of this area until 22:00. Varying and removing conditions as proposed intends to regularise the use and ensure the proper controls are in place.

A Premises Licence with the extended opening hours and a Pavement Licence for the outdoor seating have recently been granted/extended by Environmental Health and Licencing.

Relevant Planning History:

AWDM/1351/25 - Approval of Details Reserved by Conditions 4 (smoking management plan) and 6 (sound insulation) of Application AWDM/0642/19.
STATUS: APPROVED 19th November 2025

AWDM/0642/19 - Change of use from Use Class A2 (bank) to Use Class A4 (drinking establishment) and replacement shopfront.
STATUS: APPROVED 10th July 2019.

AWDM/0643/19 - Advertisement Consent for replacement externally illuminated fascia sign.
STATUS: APPROVED 14th June 2019.

Consultations

Environmental Health - *Looking at the previous application I can see that a high standard of sound insulation was installed in the premises and since opening we have had no complaints against the property. Therefore, I would not have any objections to a variation of planning conditions to allow the additional operating hours.*

Additional comments following re-consultation to add condition 9 to be varied to allow outdoor seating:

In relation to AWDM/1351/25 Discharge of Conditions 4 & 6*: the sound insulation test demonstrates the sound insulation comfortably achieves the planning noise objective in Condition 6 so this can be signed off. There are also no objections to the smoking management plan condition being signed off.*

With this information now provided there would be no EH objections to AWDM/0886/25 to vary conditions 3 & 9 of previously approved AWDM/0642/19.

Additional comments following further re-consultation on removal of conditions 5 and 11:

I would be minded to remove the condition regarding windows and doors, they are only permitted ambient background music in the premises so there will not be much noise escape.

I have no issues with the 10pm use of the external tables and chairs.

***Officer response** – These comments were received prior to the neighbour objections received and therefore it is considered appropriate to vary rather than remove condition 11.*

WSCC Highways - *This application seeks the variation of Condition 3 of permitted application AWDM/0642/19, to allow for amended operating hours. The site is located on Goring Road, an A-classified road subject to a speed restriction of 30 mph.*

For context, WSCC in its role as Local Highway Authority (LHA) was a consultee for permitted application AWDM/0642/19, raising no highway safety or capacity concerns.

The original permission stipulated the following hours of operation:

Mon – Thu: 12:00 - 22:00
Fri – Sat: 12:00 – 22:30
Sun (and bank holidays): 12:00 – 21:00

The applicant seeks a revision to hours of operation, these being:

Mon – Thu: 12:00 – 23:00
Fri – Sat: 12:00 – 23:30
Sun (and bank holidays): 12:00 – 22:00

The proposed extended operating hours are outside of network peak times. Whilst the proposals could see an increase in movements during these new times, the trips generated would not be a significant increase over existing, and it is not anticipated to give rise to an adverse impact on the operation of the local highway network. The site is sustainably located that is well accessible on foot, by cycle or by public transport.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

Additional comments following re-consultation to add condition 9 to be varied to allow outdoor seating:

Since the LHAs previous comments, the proposals now also include additional plans for outdoor seating and pavement licence extension. Having reviewed the submitted plans and documents, no concerns would be raised to these proposals.

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 116), and that there are no transport grounds to resist the proposal.

Sussex Police - *The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.*

Although the level of crime and anti-social behaviour in Adur & Worthing district is average when compared with the rest of Sussex, additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments. This planning application is seeking permission to extend the opening hours of a licensed premises. I note the following comment as submitted within the application form:

I am requesting a variation to my planning licence to extend the opening hours of my bar on Goring Road by one hour to help improve the viability of the business. As the smallest premises on the road with limited capacity, our ability to generate sufficient income—particularly on key trading nights—is constrained. With a new cafe/bar recently opening nearby, competition has further increased. We have invested significantly in soundproofing and have never received any noise complaints, ensuring we operate responsibly within the community.

I also note the comments as submitted within the planning licence variation statement. My main concern with additional hours of trading is the amenity of the surrounding local community who may be adversely affected with longer opening times. A large degree of sensitivity will be required to make sure the surrounding local community is not unduly disturbed, and it will therefore be a matter for the applicant to ensure that this is managed in the most appropriate manner should this planning application be approved.

The applicant and their partners are also strongly advised to consult directly with the licensing team at Sussex Police before making plans for licensed premises serving alcohol or conducting other licensable activities at this site. The Sussex Police Licensing Team may have some of their own requirements that they wish to be implemented into the premises before they are satisfied it meets licensing objectives

on the day-to-day operation of the premises which is why it is extremely important the applicant contacts them.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Additional comments following re-consultation to add condition 9 to be varied to allow outdoor seating:

Further to my previous correspondence in relation to this planning application dated the 9th of July 2025 I note that the applicant has added plans for outdoor seating along with a pavement licence extension.

This planning application is also seeking permission to extend the opening hours of a licensed premises.

As indicated within my previous correspondence - my main concern with additional hours of trading is the amenity of the surrounding local community who may be adversely affected with longer opening times. Longer opening hours with outside drinking especially during summer months has the potential to be disruptive to neighbouring residents. A large degree of sensitivity will be required to make sure the surrounding local community is not unduly disturbed, and it will therefore be a matter for the applicant to ensure that this is managed in the most appropriate manner should this planning application be approved.

The applicant and their partners are also strongly advised to consult directly with the licensing team at Sussex Police as they may have some of their own requirements that they wish to be implemented into the premises before they are satisfied it meets licensing objectives on the day-to-day operation of the premises which is why it is extremely important the applicant contacts them.

Neighbour Representations

Two objections received in relation to the latest re-consultation (24/11/25) from the neighbour above the premises and the landlord of that flat.

Neighbour at 40A:
As much as I understand the drive to support worthing's local small businesses, I must object to the proposed changes.

I am the tenant living in the maisonette above the establishment. Any changes will have a direct impact on my family/home life. I live with my two teenage children and work full time to support them. Both my children and I have demanding work/college schedules requiring early morning starts.

Multiple large windows are situated at the front of our home, increasing the noise from the pub below, disrupting multiple aspects of our home life, including sleep, concentration and overall wellbeing.

Although the high street has many commercial fronts there is a strong residential presence. I believe as tenants we provide enough compromise, late opening hours Friday and Saturday, outdoor seating and overall increased public disturbance. On occasion resulting in my having to clean vomit from my front door, remove countless cigarette butts and endure loud inappropriate language.

I ask the question 'do we not deserve compromise too?'
After my telephone conversation with Amanda Haslett, I feel that the current guidelines.

- *Continued closure of windows and doors after 9pm*
- *No patrons using their outside space after 10pm*
- *Current opening hours during the week*

Are fair for both my family and the pub owners and their patrons.

Landlord:

I am writing as the owner of 40a Goring Road and on behalf of my tenant of 13 years.

My flat in which the tenant resides is directly above "The Elephant in the Room", permission to establish this business was in our opinion an unfortunate development. As you can imagine when your living room and bedroom windows are situated less than two metres above the pub doorway there is at times a lot of noise and disturbance. (see attached photo)

Relaxation of these conditions will not allow my tenant and her family quiet enjoyment of their home. My tenant has by necessity come to tolerate the pub with the noise limited by the pub's closed windows closing time and outside access restrictions but with relaxation of these constraints her family's life will be very much changed for the worse. Noise and smoking fumes will drift upwards, as happens even now with drinkers standing in the demarcated area outside the pub and will force her to keep her windows closed which will be particularly difficult on warm summer evenings. When music is playing watching television is all but impossible. Pavement tables will inevitably be accompanied by patio heaters, parasols and external lighting, allowing patrons to carouse even when the weather is inclement, and the disturbance of people leaving will go on some time beyond closing time at 23.00 or 23.30.

As can be seen from the accompanying photo the pavement area has already been demarcated for outside seating and as previously noted is already in use by drinkers. My tenant works shifts in a care home and requires quiet sleep to suit her shift pattern and her children have homework from college courses to contend with.

If you have ever during the course of your travels stayed over a busy pub you will probably have been glad that it was only for one or two nights, if these conditions are relaxed my tenant and her family will have to tolerate those conditions permanently.

Relevant Planning Policies:

Worthing Local Plan policies (WBC 2023): SP1, DM5, DM13
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance

Planning Assessment:

The principle of development has been agreed and approved by the previous planning application. Consideration of this application is limited to the conditions being varied, as specified above and the resulting impact on residential amenity as a result of the extended opening hours and outdoor seating area.

Residential Amenity

The property is located within the well-established Goring District Centre offering a range of shops and services, including bars and restaurants, that meet the day to day needs of residents and support the vitality of the centre. The buildings are generally in commercial use at ground floor with residential flats above. The premises have been successfully operating as a drinking establishment following the grant of consent in 2019.

The addition of outdoor seating was implemented following relaxation of Pavement licences during the Covid pandemic, and these rules have since been made permanent and licences further extended for this purpose to allow businesses *'to maximise capacity, increase income, protect hospitality jobs and cater for the public's new found enjoyment of alfresco dining & socialising'.* The pavement licence issued by Public Health and Regulation, permits use of the defined seating area subject to a number of standard conditions, including; only permitting furniture within the designated area which must be defined by barriers to prevent the spread of tables beyond the licensed area and reduce the risk of accidents to pedestrians, limiting the hours to 10pm and outside of these hours the furniture will either be cleared away or rendered inaccessible, no amplified music in the outdoor area and the area to be kept clean and tidy.

A recent premises licence to extend the opening hours as proposed by this application has also been approved.

The applicant has provided justification for requesting the extended opening hours, as follows:

I am requesting a variation to my planning licence to extend the opening hours of my bar on Goring Road by one hour to help improve the viability of the business. As the smallest premises on the road with limited capacity, our ability to generate sufficient income - particularly on key trading nights - is constrained. With a new cafe/bar recently opening nearby, competition has further increased. Hospitality is a challenging market, but it plays a vital role in the local community, providing safe, social spaces and supporting the local economy. This additional hour would make a meaningful difference to our operation and, while modest, could help ensure we remain sustainable in an increasingly competitive environment.

We have invested significantly in soundproofing and have never received any noise complaints, ensuring we operate responsibly within the community.

The most affected properties are the occupiers of the flats above which have a small balcony and windows above the premises, and the neighbouring flats in close proximity.

Variation of Condition 3 proposes to extend the existing opening hours by one hour later each day, closing at 23.00 Monday to Thursday, 23.30 on Friday and Saturday and 22.00 on Sunday and bank holidays. The later hours are consistent with other drinking establishments located within established mixed use commercial/residential areas in Worthing and also comply with the current Premises Licence. The additional hour each day would have the potential to extend activity later into the night, however the impact arising from an additional hour finishing at the latest time of 23.30 (Friday and Saturday) is not considered unreasonable for the associated use or in relation to the scale of the premises and would not be considered out of character with other similar uses within the locality. Furthermore, it should be noted that the extension of hours as proposed by varying condition 3, applies only to the interior of the premises and does not seek to extend use of the outdoor seating area beyond the licenced hours of up to 22:00.

Sound insulation between the premises and the flat above was installed as required by the original application, to protect residents in the flats above from noise. A recent sound test was carried out to demonstrate that the insulation meets the approved standards, set out in the relevant condition (6) of the original consent under AWDM/0642/19.

The removal of condition 9 to allow outdoor seating was added to the proposal in August and all neighbours and relevant consultees were re-consulted on the updated proposal. Neighbours were again re-consulted in November, on a further update to include variation/removal of conditions 5 (Smoking Area) and 11 (Doors and windows shut).

Two objections were received from the occupant and owner of the flat above the premises following the latest re-consultation in November. Their primary concerns being the extended opening hours and use of the pavement for outdoor seating and the associated noise, disturbance and anti-social behaviour that this can cause.

To mitigate the potential impact of these changes a new condition will be added (Condition 14) restricting use of the external seating area to 22:00, this will also encompass the smoking area which will be subject to the same restrictions of use.

A smoking management plan has also been approved in relation to the original application, and this sets out the measures to be taken by the management and staff to control excess noise and anti-social behaviour.

Environmental Health have confirmed that there have been no complaints recorded against the property since opening in 2019 and they have no objection to the extended hours or outdoor seating.

The outdoor seating is currently regulated by the hours stipulated on the licence and this is from 9am to 10pm daily. The extended opening hours, proposed by this variation of condition application, relate to the interior of the premises only and not to the outside seating area. As the current variation/removal of conditions application includes removal of Condition 9 (No outdoor seating) it is considered appropriate and necessary to add a new condition controlling the hours of use of the outdoor area which would be restricted to 22:00 in accordance with the relevant licence. The pavement licence also requires that the furniture will either be cleared away or rendered inaccessible after 22:00.

The changes to the outdoor seating area as permitted by the licence also requires a variation of Condition 11 (Doors and windows shut) to require windows and doors to be shut at 22:00 (previously 21:00) which would be consistent with the use of the outdoor seating area. Although it is noted that Environmental Health stated they were minded to remove Condition 11, on further consideration and following representations objecting to the proposal, it is considered appropriate to retain this condition but to vary the time from 21:00 to 22:00 to prevent potential noise escape from inside the premises resulting from the extended opening hours.

In addition to the restriction on hours and doors and windows being closed, further measures have been implemented by the business to protect residents from noise, disturbance and anti-social behaviour and to minimise disruption to the community. These include, no fruit or gaming machines, restricted hours for bottle disposal, deliveries and collection, signage to encourage patrons to respect neighbours and leave quietly, CCTV covering all public areas inside and outside the premises and regular training for staff on responsible alcohol sales, age restrictions, and safety protocols. These measures will remain in place and are considered to limit and provide appropriate management of impacts arising from the extended opening hours and use of the outdoor area.

Considering the high level sound insulation that has been installed, the comprehensive measures in place to minimise disruption to the community and the additional condition to control hours of use of the outdoor area, it is considered that the changes proposed by this Variation/Removal of Conditions application, would not give rise to unacceptable detriment to the amenities of neighbouring residents and the changes are therefore considered acceptable.

Recommendation:

APPROVE subject to the conditions:-

1. Drawing Numbers
2. Standard time limit (omitted)
3. Opening Hours for interior (varied as proposed)
4. Smoking management plan (updated already approved)
5. Use of smoking area (removed)
6. Sound insulation (updated already approved)
7. Background music, no live music or TV broadcast
8. No primary cooking
9. No external seating (removed)

10. No fruit/gaming machines or TV broadcast
11. Doors and windows kept closed (varied to after 22.00)
12. Bottle disposal
13. Deliveries and collections (including waste)
14. Hours of use of outdoor seating area to 22:00 (new condition) - The use of the outdoor seating area (including the smoking area) is permitted between the hours of 09:00 and 22:00 hours daily. Outside of these hours chairs and tables should be packed away or rendered inaccessible in accordance with the relevant licence.

Informative

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Case Officer: Amanda Haslett Date: 18/12/25

Authorised by: Jo Morin Date 18.12.2025