Development Management – Delegated Officer Report

Application Number: AWDM/1199/25 **Recommendation – APPROVE**

Site: 39 Warwick Street Worthing West Sussex BN11 3DQ

Proposal: Change of use from retail (Class E) to restaurant and cocktail bar (Sui generis) with extraction flue and front seating area including barriers

Date of site visit: 08/01/2026

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to a premises over ground and basement floors within a 3-storey with loft accommodation mid-terrace building located on the northern side of Warwick St. Warwick St is pedestrianised and characterised by eateries and shops. The unit was previously occupied by a shop. The upper floors of the building are occupied by flats. Whilst these have not been surveyed, council tax records show three flats registered.

The site is within the town centre, within the secondary shopping frontage. The site is within the Warwick St/ Brighton Road character area.

The site is located within the South Conservation Area. The building is included on the Council's local interest group.

Proposal

The application seeks permission for a change of use from a retail shop to a restaurant / cocktail bar.

The design and access statement describes the development as:

The application seeks permission to convert and fit out 39 Warwick Street as a two-level restaurant and cocktail bar with outdoor seating. The property will be rented by the applicants, who do not own the freehold but are committed to a 10-year lease with break clauses and capital investment in the space. The restaurant will be located on the upper floor, providing 28 covers in a light and minimal dining room with an open kitchen at its centre. The design will use natural finishes such as warm woods and tactile surfaces, creating an elegant but welcoming environment that reflects the values of transparency, sustainability, and creativity.

The lower floor will house a cocktail bar with 22 covers, designed in contrast to the restaurant above. Inspired by New York loft spaces, the bar will be darker and moodier, featuring rich textures, green tile accents, painted concrete floors, curated art, and layered lighting. This will offer guests a distinctive drinks experience, complementing the restaurant with an intimate, atmospheric space. At the frontage, the proposal includes 4 outdoor covers to create a vibrant and engaging connection with Warwick Street.

This addition will contribute to the liveliness of the area while remaining sensitive to neighbours and the historic character of the street. In total, the premises will accommodate 54 covers.

The development also includes an extract flue to the rear which is visible in views from Ann St and High St.

Relevant Planning History:

00/00335/FULL: Change of use from Class A1 (retail) to Class A3 (food and drink) together with alterations and provision of an extractor flue. Permitted

03/00402/FULL: Two storey rear extension to infill existing rear yard. Permitted

11/0248/FULL: Alterations to existing shop front (Retrospective) (New burgundy and cream ceramic tiling to existing fascia panel and to plinth below shop windows). Permitted

Consultations:

WSCC (as Local Highway Authority):

This application seeks the change of use from retail (Class E) to restaurant and cocktail bar (sui generis), with extraction flue and front seating area with barriers.

The site is located on Warwick Street, an E-classified pedestrianised road.

No vehicular access is associated with this site. It would be assumed that servicing requirements will remain as existing. The LHA does not anticipate that the proposed change of use would give rise to a significant material intensification of movements to or from the site.

No vehicular parking is proposed, so parking would have to be accommodated on-street or within public cars parks, as per the existing arrangement. The LHA does not anticipate that the existing nil car parking provision would give rise to a highway safety concern, but the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view. Weight is given to the fact the site is situated in a highly sustainable location in Worthing Town Centre, that is well accessible on-foot, by cycle or by public transport links.

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.

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.

Trade Effluent – General

Trade effluent is any process liquid waste (effluent) discharged into our sewers from a business or industrial process. This includes any waste water derived from a production process or from washing down or cooling activities including wastes from public funded activities such as municipal landfills. This can be best described as anything other than domestic sewage (toilet, bath or sink waste) or uncontaminated surface water and roof drainage (rainwater). https://www.southernwater.co.uk/retail/trade-effluent-retailer

Fats Oils and Grease (FOG) : Grease Traps

The applicant should be advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

Following submission of a wastewater management plan, Southern Water removed the insufficient information paragraph from their comments.

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 as indicated within Police.uk 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.

From a crime prevention perspective in order to protect the premises out of hours thought should be given to the siting of an intruder alarm.

Although video surveillance systems (VSS) are not a solution to all security problems it can help deter criminals and assist with the identification of offenders after a crime has been committed.

Should CCTV be a consideration the following documents will be of assistance to the applicant: CCTV guidance for police requirements: HO (publishing.service.gov.uk) CCTV at Commercial Business https://www.gov.uk/can-i-use-cctv-at-my-commercial-premises CCTV | Search | Information Commissioner's Office (ico.org.uk)

The applicant and their partners are 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.

If not having done so already - the applicant and their partners are also strongly advised to consult directly with the fire service with regards to these proposals to discuss a fire risk assessment as they may have some of their own requirements to be implemented into the premises before occupation can take place.

I also note that: ‘At the frontage the proposal includes 4 outdoor covers to create a vibrant and engaging connection with Warwick Street’.
In order to keep a clear area of pavement for pedestrians to pass through, the Manual for Streets discusses street user’s needs. Paragraph 6.3.22 recommends the minimum distance of 2 metres of pavement should be left clear and unobstructed, available for pedestrian use.

I note that the opening hours as indicated within the accompanying Design & Access statement will be as follows: Thursday - Saturday: 12:00 - 23:00 Sunday: 10:00 – 22:30 Monday – Wednesday: Closed

The restaurant will be open for staff and prep: Monday – Wednesday: 10:00 – 18:00 Thursday – Saturday: 10:00 – 00:00 Monday – Closed I also note that ‘noise will be carefully managed through the internal design and through restrictions on outdoor seating, which will close by 21:30’.

In order to protect the amenity of the surrounding local community I would ask that this be made a condition of planning.

Should this planning application be approved - 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 in order to accord with Policy DM5 and DM22 of the Worthing Local Plan.

WSP (as drainage consultant): 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.

Adur and Worthing Councils

Environmental Health Officer:
I would recommend the following:

- The use hereby permitted shall not commence unless and until an insulation scheme for protecting the upper floor residential unit 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. Following approval and implementation of the scheme, a test shall be undertaken. All works, which form part of the approved scheme, shall be completed before the use commences.

- Provide a scheme which shall be submitted to and approved by the local planning authority for attenuating all external fixed plant. The scheme shall have regard to the principles of BS 4142:2014+A1:2019 and ensure there is no detrimental impact to the nearest residential dwellings. A test to demonstrate compliance with the scheme shall be undertaken within one month of the scheme being implemented. All plant shall be maintained in accordance with manufacturers guidance and any future plant shall also meet the specified levels within the approved scheme.

- Deliveries and collections to/from the commercial units shall only be made between the hours of 07.00 and 19:00 Monday to Saturday and 09.00 to 18.00 on Sundays. Reason: To safeguard the residential amenity of the area.

- The extraction equipment listed in this application shall be installed before the use hereby permitted commences and thereafter shall be maintained in accordance with the manufacturer's instructions.

- I would recommend the following hours of use: - 08:00 - 00:00 Monday - Sunday

- Only unobtrusive recorded background music shall be provided in the premises within the approved hours of operation. For this purpose the music noise level shall not exceed 75dB (LAeq1min) measured anywhere on the premises.

Following these comments the applicant provided updated information.

Please see my comments below regarding my initial comments and the documents sent since they were made:
An Industrial Noise Impact Assessment for the Installation of New Plant (Ref:IMP7948-1, Dated: September 2025) was provided in support of the above application. The report concluded that the proposed plant equipment would have a "Low Impact" on the surrounding residential units providing that the mitigation measures listed in the above mentioned report were followed. As per my initial comments, a post completion test is required to demonstrate compliance.

The Industrial Noise Impact Assessment only relates to the plant equipment, a separate assessment is to be provided for the insulation scheme for the upper floor residential unit to achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors. Again, a post completion test will be required.

In summary, my initial comments and recommendations remain the same, I am satisfied with the assessment for the extraction system however as mentioned above I require post completion testing before recommending its discharge/removal.

Following these comments a Sound Insulation Assessment was provided and the following comments received:

I am satisfied that the Sound Insulation Assessment (ref:IMP7948-1, dated:26/11/2025) has demonstrated that the desired levels have been met with specific reference to the residential property and the commercial premises therefore I recommend discharge of the relevant condition.

In regards to complaints, I have had a quick look through and there are no new requests or enquiries since Tern has opened/operated.

Representations:

11 comments in support received from the wider borough and beyond stating:

- Adding another restaurant at this end of the street (quiet end) will further enhance the whole of Warwick Street, particularly in the evenings when many of the other premises, such as cafes, have shut.
- Tern - is also a high end offering, adding another layer of facilities to Worthing's growing reputation.
- Benefit Worthing in a more easily accessible location.

Two objections from neighbouring residents on the grounds of:

I own and live in the flat directly above the proposed restaurant and cocktail bar and have some reservations about the noise generated by the nature of the business. I have been assured by the owner that plans are in place to fit

acoustic matting and sound deadening within the fire ceiling and the option of adding more if needed. I appreciate that consideration particularly as the opening hours continue to 11.00pm. I would like my concerns noted for any recourse in the future if the noise level causes a disturbance. I would like to request the following : Any music speakers be placed away from the ceiling and kept as low as possible to restrict noise further. The extraction flue noise kept to a minimum by any means possible and positioned away from my back (bedroom) window. The outside seating and barrier will not block access to the main communal front door to the flats above

I live very close to the proposed site at 39 Warwick Street and wish to object to the planning application for the conversion and fit-out of the premises as a restaurant and cocktail bar. While I understand the desire to support the town centre, this particular property is not suitable for such a use because of its location and the impact it will have on nearby residents. The building has no rear access, so all deliveries, waste collections and servicing will have to take place from the front of the property, which is a pedestrian high street. This will cause problems with obstruction, noise, and hygiene, especially if deliveries or collections take place early in the morning or late at night. The plans show very little storage space inside, so despite the claim that deliveries will be limited, in reality they will need frequent deliveries and collections. Bottle deliveries and glass waste collection are particularly noisy, and this will cause disturbance to people living above and next to the property. Although the type of extraction fan has been specified, I am still concerned about the impact it will have in such a tight location. Looking at the plans, the extraction fan and the tubing for it appear to be very large, and I am worried about how much noise and visual impact this will create. There is already a large extraction fan at number 42, close to one of my windows, which gives off heat that attracts pigeons and seagulls. These birds cause a lot of mess and damage to the roof. Adding another extraction fan nearby will make this worse. With no rear access, it is also unclear how they will clean and maintain the area around the fan, which could easily become dirty and unhygienic over time. The property is surrounded by residential accommodation above and on both sides. Introducing another late-evening restaurant and bar into this terrace will increase noise, odour and activity late into the night. The outdoor seating area is said to close at 9.30 pm, which is reasonable, but I strongly ask that these tables be strictly non-smoking. People often sit outside to smoke, especially when drinking, and this would cause smoke and smell to drift into nearby homes. I am also surprised and concerned to see that work has already started at the property even though planning permission has not yet been granted. This seems premature and raises questions about whether the correct procedures are being followed. In summary, I believe this proposal will have a negative impact on the living conditions of residents in the surrounding properties. The lack of rear access makes proper servicing and waste management impossible without disturbing people who live nearby. The combination of extraction heat, bird activity, noise, and potential smoke from outdoor seating will all contribute to an unacceptable loss of amenity. For these reasons, I object to the application.

Relevant Planning Policies

National Planning Policy Framework (2024)
Planning Practice Guidance

Worthing Local Plan 2020-2036
SP1 (Presumption in Favour of Sustainable Development)
SP3 (Healthy Communities)
DM5 (Quality of the built environment)
DM6 (Public Realm)
DM13 (Retail and Town Centre Uses)
DM15 (Sustainable travel and Active Travel)
DM20 (Flood risk and sustainable drainage)
DM21 (Water quality and sustainable water use)
DM22 (Pollution)
DM24 (The Historic Environment)

Planning Assessment

Principle

The site is within Worthing town centre within the secondary shopping frontage and the Warwick St/Brighton Road character area. This character area is characterised by café cultural, food and beverage and specialist/niche/independent retailing.

Policy DM13 states that changes of use and redevelopments within town, district and local centres will be carefully controlled to ensure that they support, rather than detract from, the successful functioning of the centres and their ability to meet local needs. according to their function in the hierarchy.

Paragraph 5.194 of the supporting text to policy DM13 states that applications for drinking establishments will need to be carefully considered taking into account the specific frontage policy, any negative cumulative impact of such uses, whether such uses add to the vitality and viability of the centre, and the impact on residential amenity where appropriate advice will be sought from the Environmental Health, Licensing, Planning Enforcement and the Police.

Warwick Street has an attractive pedestrianised character which over recent years has developed a café-culture environment consisting of a mix of different eating and drinking establishments (both national chains and local independents) most with outdoor seating areas that contribute to the vibrancy and diverse offer of the town centre which extends from day-time into the evening.

Paragraph 5.186 of the WLP recognises the important role bars, restaurants and cafes can play in the long term success of the town centre by broadening the daytime attraction and supporting a vibrant evening economy – a sector which is supported by various Council strategies. However, it is also recognised that careful consideration will need to be given to the appropriateness of certain types of activities and operational hours as the over-concentration of such uses in the town centre can create problems. A careful balance is required between

the needs (and impacts) on local residents and the economic benefits of promoting an enhanced evening and night-time economy.

To this end it is considered the proposed use as a restaurant and cocktail bar is in keeping with the commercial character of this part of Warwick St and appropriate to its location within the designated town centre area. The key concern is the effect of the proposals on the residential amenities of nearby residential occupiers.

Residential Amenity

The main considerations will be the impact on the residents located above the unit within the same building and those surrounding the site.

The environmental health officer recommended that sound insulation be installed to protect the upper units from noise. The study and a post installation test have been provided showing that adequate sound insulation has been installed. The EHO was satisfied that there would be no adverse impact on these residents.

The EHO has recommended conditions relating to background music, opening hours, deliveries, and the extraction equipment. The hours in the Design and access statement are proposed as Thursday - Saturday: 12:00 - 23:00 • Sunday: 10:00 – 22:30 • Monday – Wednesday: Closed. The EHO has suggested hours of 08.00 to 00.00 each day. As these haven't been consulted on, the recommended hours are 10.00 to 23.00 each day which will be secured by condition. An objector has asked that speakers shouldn't be placed near the ceiling and this will be conditioned.

The EHO has noted that in the months since Tern opened they haven't received any noise complaints from its operation.

A flue has been installed to the rear. This has been installed differently to that originally proposed but updated plans have been received showing the revised position. No objection was received from the EHO on the updated flue. An objector has mentioned that the flue may attract birds. If birds are causing an issue this may require the use of nets or wires to deter them.

A pavement license for the external tables and chairs (and associated paraphernalia) will be required under the Council's pavement licensing scheme introduced on 1 Oct 2025. There are numerous other examples of external seating areas in front of other premises in this parade; several are enclosed by barriers similar to those proposed here. The seats and barriers should be taken into the premises each night or packed away and made inaccessible. Subject to hours of use being restricted to 9.30pm outside it is considered the impact on the amenities of nearby residents will not be unacceptably harmful.

The noise from plant has been assessed but the test hasn't been undertaken to ensure that the noise levels are acceptable. A condition to require post implementation testing will be included.

Visual Amenity and Heritage

The proposal includes a new extract flue to the rear of the properties. This has already been installed; it is visible in views from the rear from Ann St and High St within South St and Steyne Gardens conservation areas. The conservation consultant has advised that it should be painted matt black but that in general it is acceptable given the utilitarian nature of the rear of these buildings.

Transport and Highway Safety

The site is located within an established retail parade in a highly sustainable location in Worthing Town Centre, that is well accessible on-foot, by cycle or by public transport links. There is no onsite parking available which is not unusual in the town centre. The local Highway Authority has not raised any highway safety concerns as a result of the lack of parking provision.

Consequently, there is no objection to the proposal on transport or highway safety grounds.

Flooding
The site is in flood zone 1 but within the area at risk from tidal flooding in the future. The site is also at risk of surface water in for a 1 in 100 year flood. The applicant has provided a flood risk assessment. It is recognised that there is no change in the vulnerability classification as set out in the NPPF. The drainage consultant has no objection on surface water grounds.

Southern Water requested further information which has been provided.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers

2. The restaurant / cocktail bar hereby permitted shall only be open for trade and business between 10.00 hrs and 23.00 hours on Monday to Sundays.

3. The arrival, reception or dispatch of deliveries to the premises shall only take place between the hours of 07.00 and 19.00 Monday to Saturdays and 09.00 to 18.00 on Sundays

4. There shall be no use of the external seating area by customers except between the hours of 08.00 and 21.30 on any day. All external seating shall be made inaccessible to customers after 21.30hrs and stored inside the premises overnight.

5. No music of any type (live, non-amplified or amplified) shall be played in the front forecourt at any time.

6. Only unobtrusive recorded background music shall be provided in the premises within the approved hours of operation. For this purpose the music noise level shall not exceed 75dB (LAeq1min) measured anywhere on the premises.

7. Within two months of the date of this decision, the external flue shall be painted in matt black and shall be retained as such in good condition for the lifetime of the development.

8. The development shall be implemented in accordance with the recommendations set out within the Industrial Noise Impact Assessment received on 24/11/2025 and post completion testing carried out within one month with results submitted to the LPA

9. Speakers shall not be placed near or on the ceiling at any time.

Informative

1. Approved following revisions
2. Sussex Police
3. Sussex Police Fire service
4. Wastewater grease trap
5. Pavement licence

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

Case Officer: Louise Prew Date: 18/05/2026

Authorised by: Peter Barnett Date: 18 May 2026