



WORTHING BOROUGH COUNCIL

Michelle Cannon (on Behalf Of Fiona Burn)
Worthing Borough Council
Worthing Town Hall
Chapel Road
Worthing
West Sussex
BN11 1HA

PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS, 1992

APPLICATION NUMBER: AWDM/0146/26

Single storey concession kiosk

Land West Of 35 Montague Street Montague Place Worthing West Sussex

In pursuance of their powers under the above-mentioned Act, Order and the Regulations for the reason stated hereunder the Council hereby notify you that they PERMIT under Regulation 3 of the Town and Country Planning General Regulations, 1992, the above development, in accordance with the application and relevant correspondence registered on 23rd February 2026.

This is for reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

Gary Peck
Head of Planning & Development
06/05/2026

SCHEDULE**Conditions**

01. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
FLOOD RISK ASSESSMENT		17.04.2026
LOCATION PLAN		23.02.2026
KIOSK AND STORAGE CONCEPT DESIGN	1000007856- 0300-12 REV O	23.02.2026

Reason: *For the avoidance of doubt and in the interests of proper planning.*

02. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

03. The kiosk hereby permitted shall, prior to commencement of use, be completed in accordance with the approved materials and particulars only and shall be retained as per the approved plans only for the lifetime of the development.

Reason: *In the interests of preserving the appearance of the conservation area and visual amenity in compliance with policies DM5 and DM24 of the Worthing Local Plan.*

04. The premises shall not be open for trade or business other than between the hours of 8.00am and 20.00pm on any day.

Reason: *In the interests of amenity having regard to policy DM22 of the Worthing Local Plan.*

05. An operational management plan shall be submitted to the Local Planning Authority for approval in writing prior to occupation of the kiosk. The management plan shall include details on deliveries and servicing and refuse collection and disposal. Once approved the management plan shall be implemented and the kiosk operated in line with the plan for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.

Reason: *In the interests of amenity having regard to policy DM22 of the Worthing Local Plan.*

06. There shall be no primary cooking within the kiosk at any time (other than for non-extract heating of pre-prepared items and pre-packaged snacks).

Reason: *To safeguard the amenities of nearby residential occupiers in accordance with policy DM5 of the Worthing Local Plan.*

07. Prior to commencement of the development, full details of the measures to be taken to dispose of wastewater from the kiosk shall be submitted to the Local Planning Authority for approval in writing following consultation with Southern Water. The development shall thereafter be carried out in accordance with the details approved for the lifetime of the development.

Reason: *To protect the public sewers from wastewater in accordance with policies DM21 and DM22 of the Worthing Local Plan .*

08. Construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Part H3 of Building Regulations hierarchy as well as acceptable discharge points, rates and volumes have been agreed by the Local Planning Authority, in consultation with Southern Water. The development shall be implemented in accordance with the details approved and maintained as such for the lifetime of the development.

Reason: *To manage impacts relating to flooding in accordance with policy DM20 of the Worthing Local Plan.*

Informatives / Notes to Applicant

01. 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.

02. Stopping Up Order (if proposed unit is deemed a permanent structure)

The applicant is advised that the existing public highway to be incorporated into the development must be the subject of a Stopping Up Order. This process must be successfully completed prior to any highway land being enclosed within the development. The applicant should contact the Department for Transport's National Transport Casework Team in order to commence this process.

03. The 160 mm diameter gravity sewer requires a clearance of 3 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access. No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

04. Works within the Highway - Area Office Team (temporary structure)

Section 115 Licence:- The applicant is advised to contact the Highway Licensing team (Telephone: 01243 642105) to obtain formal approval from the highway authority (S115 licence) to erect the non-essential infrastructure within the public highway.

05. We have identified the site is within a surface water and coastal flood risk area, therefore appropriate flood resistance and resilience measures should be considered within the development.

06. We have identified the site is within a surface water and coastal flood risk area, therefore the applicant should consider creating a Flood Risk Emergency Plan in case of the event of a flood. The Flood Risk Emergency Plan should be created in line with 'Flood risk emergency plans for new development' as produced by ADEPT and the EA, and demonstrate access and egress routes for users of the site in times of flood.

TOWN AND COUNTRY PLANNING ACT 1990

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
2. If the decision relates to a householder application or minor commercial application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to express consent for the display of an advertisement, then you must do so within 8 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk>.
3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.
5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.
7. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within 28 days of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the

application, the period for receiving a planning appeal is within 28 days of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).