WORTHING BOROUGH COUNCIL

Mr Huw James
ECE Planning Limited
ECE Planning
64-68 Brighton Road
Worthing
BN11 2EN

PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/1386/25

Details of Development
REDEVELOPMENT INCLUDING CHANGE OF USE, ALTERATIONS AND EXTENSIONS TO ACCOMMODATE COMMERCIAL FLOORSPACE (USE CLASS E) AT GROUND FLOOR, AND 9NO. RESIDENTIAL FLATS ACROSS GROUND, FIRST, SECOND AND THIRD FLOORS INCLUDING RETROSPECTIVE CONSENT FOR DEMOLITION OF PART OF THE EXISTING BUILDING AND EXISTING REAR STORAGE BUILDING

Location of Development
40 - 42 SOUTH STREET WORTHING WEST SUSSEX

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they PERMIT the above development, in accordance with the application and relevant correspondence registered on 5th November 2025.

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

G Peck

Gary Peck
Head of Planning & Development
09/10/2026

Adur & Worthing Councils, Development Management, Place Directorate,
Worthing Town Hall, Chapel Road, Worthing, West Sussex, BN11 1HA
Tel: 01903 221065 Email: planning@adur-worthing.gov.uk
Web: www.adur-worthing.gov.uk

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
BLOCK & LOCATION PLAN	3927-Loc B	07.10.2026
ELEVATIONS AS PROPOSED	3927-R-106 O	27.08.2026
FLOOR PLANS AS PROPOSED	3927-R-102-O	24.07.2026
FLOOR PLANS AS PROPOSED	3927-R-103-O	24.07.2026
TECHNICAL NOTE 1:REBUTTAL		06.02.2026
FLOOR PLANS AS EXISTING	3927-R-100 B	06.02.2026
ELEVATIONS AS EXISTING	3927-R-101 B	06.02.2026
SITE PLAN & ELEVATIONS (Sections)	3927-R-105 B	06.02.2026
PLANNING, HERITAGE, DESIGN & SUSTAINABILITY STATEMENT	P2098 PL3	05.11.2025
FLOOD RISK ASSESSMENT	Final A	05.11.2025
FLOOD WARNING & EMERGENCY PLAN	Final A	05.11.2025
EXTG & PROPOSED ROOF PLAN	3927-R-104 A	05.11.2025
EAST ELEVATION (Rear- For Info)	3927-R-107	05.11.2025
Motion TNO2: Response to WSP Objection		

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. All works of demolition and construction, including the use of plant and machinery and any deliveries or collections necessary for implementation of the development hereby permitted shall be limited to the following times.

Monday - Friday 08:00 - 18:00 Hours
Saturday 09:00 - 13:00 Hours
Sundays and Bank Holidays no work permitted.

Reason: *To safeguard the amenities of the occupiers of neighbouring properties having regard to policy DM22 of the Worthing Local Plan.*

04. Prior to commencement of the development hereby approved (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority:

(1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

(2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason: *To minimise and manage any risks associated with any historic land contamination in accordance with policy DM22 of the Worthing Local Plan.*

05. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:

- The anticipated number, frequency and types of vehicles used during construction;
- The method of access and routing of vehicles during construction;
- The parking of vehicles by site operatives and visitors;
- The loading and unloading of plant, materials and waste;
- The storage of plant and materials used in construction of the development;
- The erection and maintenance of security hoarding;
- A commitment to no burning on site;
- The provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- Methods to control dust from the site;
- Details of public engagement both prior to and during construction works.

Reason: *In the interests of the residential amenity and highway safety.*

06. With the exception of stripping out and demolition works hereby approved, no other development hereby approved shall proceed until a scheme to provide sound attenuation against external noise for habitable rooms within the property has been submitted to and approved by the Local Planning Authority. The scheme shall have regard to external noise surveys to the front and rear of the premises. The scheme shall have regard to the principles contained within ProPG: Planning & Noise - New Residential Development, the World Health Organisation community noise guidelines, BS4142:2014+A1:2019 and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014, with windows shut and other means of acoustically treated ventilation provided (with details of external appearance provided where necessary). The scheme should include an overheating assessment (having regard to Good Homes Overheating Guidance (at https://goodhomes.org.uk/overheating-in-new-homes)) and a strategy to prevent overheating. All works which form part of the scheme shall be completed in accordance with the approved details before any part of the residential unit is occupied. Following approval and completion of the scheme, a competent person employed by the developer shall undertake a test to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential units from noise.

Reason: *To protect residential occupiers from noise and in the interests of visual amenity having regard to policy DM5 and DM22 of the Worthing Local Plan.*

07. With the exception of stripping out and demolition works hereby approved, no other development hereby approved shall proceed 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 and the development shall not be occupied until all drainage works have been carried out in accordance with such details as approved.

Reason: *To ensure adequate drainage for the site.*

08. With the exception of stripping out and demolition works hereby approved, no other development hereby approved shall proceed until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations. The design process should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: *To ensure the flood risk is adequately addressed and not increased in accordance with policy DM20 of the Worthing Local Plan and the National Planning Policy Framework.*

09. The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:

I. a timetable for its implementation.
II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
III. a management and maintenance plan for the lifetime of the development which shall include details of design life and the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.

Reason: *To ensure that the development achieves a high standard of sustainability and ensure the flood risk is adequately addressed for each new*

dwelling and not increased in accordance with the National Planning Policy Framework and policy DM20 of the Worthing Local Plan.

10. Prior to development progressing above slab level, details comprising a schedule and samples of the materials and finishes to be used for the external walls and roof(s) of the development (including the frontage and boundary to Nelson's Passage), including all works of making good, together with specifications and scaled plans detailing the materials and detailed design of the windows and external doors (including opening patterns, sub-divided proportions, frame profiles, heads, cills, reveals and external finishes), shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and completed in full accordance with the approved details.

Reason: *In the interests of visual amenity and the character and appearance of the conservation area to comply with policies DM5 and DM24 of the Worthing Local Plan.*

11. The development shall be carried out in accordance with the submitted Flood Risk Assessment (Flood Risk Assessment, dated 16 September 2025, Technical Note 1: Rebuttal, dated 5 February 2026, and Technical Note 2: Rebuttal, dated 23 March 2026) and the mitigation measures contained therein including:

- Finished floor levels for all sleeping accommodation shall be set no lower than 5.86mAOD
- Implementation of Flood Warning and Evacuation Plan
- Implementation of flood resistance and resilience measures

The mitigation measures shall be fully implemented prior to occupation of the dwellings hereby approved and shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: *To minimise risk from flooding in accordance with policy DM20 of the Worthing Local Plan and the relevant paragraphs of the National Planning Policy Framework.*

12. The dwellings hereby permitted shall not be occupied until a sound insulation scheme for protecting the upper floor residential unit from noise from the commercial unit below has been submitted and approved in writing by the Local Planning Authority. The Scheme shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Following implementation of the insulation scheme, a test shall be undertaken to demonstrate that the attenuation measures carried out has achieved the minimum airborne sound insulation criteria. The dwellings shall not be occupied until test results, demonstrating the minimum sound insulation criteria has been achieved, have been submitted to and approved by the Local Planning Authority in writing.

Reason: *In the interests of residential amenity in accordance with policy DM22 of the Worthing Local Plan.*

13. A scheme for soft and hard landscaping shall be submitted to and agreed in writing with the Local Planning Authority prior to first occupation of the dwellings hereby approved. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The approved details of hard landscaping shall be completed prior to first occupation of the dwellings.

    Reason: *In the interests of visual amenity and the environment and to comply with policy DM5 of the Worthing Local Plan.*

14. Precise details of sustainability measures shall be submitted to and approved in writing by the Local Planning Authority and the agreed measures shall be fully implemented before the dwellings are first occupied unless otherwise agreed in writing with the Local Planning Authority and shall be retained thereafter.

    Reason: *To minimise vulnerability and provide resilience to the effects of climate change having regard to Policies DM16, DM17 and DM21 of the Worthing Local Plan and the policies of the NPPF.*

15. Secure, covered cycle parking shall be provided within the curtilage of the approved dwellings in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Such approved cycle facilities shall be provided on the site prior to commencement of use of the dwellings hereby approved and shall thereafter be retained permanently solely for such purposes.

    Reason: *To encourage and provide for a sustainable non-car mode of transport having regard to policy DM15 of the Worthing Local Plan.*

16. The dwellings hereby permitted shall not be occupied until refuse/re-cycling storage enclosures and facilities have been provided in accordance with the approved drawings. Such enclosures and facilities as provided shall thereafter be retained and used only for the storage of refuse/re-cycling.

    Reason: *In the interests of amenity and the environment having regard to policy DM5 and DM16 of the Worthing Local Plan.*

17. The ground floor windows in the south and north side elevations of the new building hereby permitted shall at all times be obscure-glazed, and non-opening where indicated on the approved plans, and shall not subsequently be altered in any way. Obscured glass shall be not less than Level 3.

    Reason: *In the interests of privacy and security and to comply with policy DM5 of the Worthing Local Plan.*

18. 18. Privacy screens either of opaque material or obscure glass with an obscuration value of not less than level 3, shall be installed in accordance with the approved drawings to the following before flats are occupied and shall be permanently retained thereafter:

Flat 1 Sitting room window east-facing Juliette balconies to 1100mm height
Flat 3 Sitting room balcony east-facing to 1100mm height and 1700mm on each side
Flat 7 Bedroom window north-facing Juliette balconies to 1100mm height
Flat 7 Sitting room balcony west-side obscure glazing to 1100mm height
Flat 9 Sitting room balcony east-facing Juliette balconies to 1100mm height

Reason: *To prevent overlooking and to comply with policy DM5 of the Worthing Local Plan.*

19. No deliveries (including arrival, reception or despatch of deliveries) shall take place from/to the rear of the commercial premises except between the hours of:-

08.00hrs and 18.00hrs on Mondays to Saturdays inclusive
10.00hrs and 18:00hrs on Sundays or Public Holidays

Reason: *In the interests of amenity having regard to policy DM5 and DM22 of the Worthing Local Plan.*

20. Notwithstanding the details shown in drawing 3927-R-106 O, the following amended details shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of any new structure above damp course level and shall be fully adhered to in the implementation of the approved development:

i) A section drawing to show deeper projection of band work away from the east façade, and
ii) Vertical division of the two high level windows on the south elevation, and
iii) Any externally mounted door entry system (if intended to be used).

Reason: *To ensure an appropriate standard of development and to preserve and enhance the character of the Conservation Area.*

Informatives / Notes to Applicant

01. Condition 5. Remediation and Safety

The owner(s) of any commercial property (warehouses, offices, etc.) built before 2000 are also legally obliged to hold a copy of an asbestos register for each property. As this is being renovated to residential, the Council need to be satisfied that if any asbestos is present, it is either removed or suitably managed to minimise risk to human health as there is no safe threshold for asbestos exposure. A copy of the asbestos register - and any remedial strategy where appropriate - should be provided prior to works commencing.

02. Condition 7. Southern Water

Any new connections to the public sewerage system will require a Section 106 connection application to be submitted and approved by Southern Water Services. Please note that, where there are separate systems available Southern Water will not allow surface water to connect into the public foul sewer. If this is not possible, please provide evidence that all other options have been explored.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk

03. Condition 7. Southern Water

Proposed works involve demolition: In order to protect and safeguard the existing water supply apparatus, Southern Water requests formal notification of any proposed demolition works prior to such works being undertaken.

04. Condition 8. Surface Water Drainage

For the purposes of SuDS drainage under condition supporting evidence would include calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms and groundwater monitoring and winter infiltration testing to BRE DG365, or similar approved

05. Condition 11. Flood Warning Service

The applicant/occupants should phone Floodline on 0345 988 1188 to register for a flood warning, or visit: Sign up for flood warnings - GOV.UK. The Environment Agency flood warning service is a free service that provides warnings of flooding from rivers, the sea and groundwater, direct by telephone, email or text message. Anyone can sign up.

Flood warnings can give people valuable time to prepare for flooding - time that allows them to move themselves, their families and precious items to safety. Flood warnings can also save lives and enable the emergency services to prepare and help communities.

For practical advice on preparing for a flood, visit: Prepare for flooding: Protect yourself from future flooding - GOV.UK.

To get help during a flood, visit: What to do before or during a flood - GOV.UK.

For advice on what do after a flood, visit: What to do after a flood - GOV.UK.

06. Nelson's Passage

The applicant should ensure that no part of the development will encroach into or obstruct Nelsons Passage as this would be outside the scope of this planning permission.

07. You are advised to ensure that the development works accord with the Party Wall Act 1996, which set out responsibilities for the undertaking of works at or close to the party wall of any neighbouring owner. Further information can be found at:

https://www.gov.uk/guidance/party-wall-etc-act-1996-guidance

08. The Applicant is reminded that the development the subject of this decision notice is liable for Community Infrastructure Levy (CIL). A CIL Liability Notice will be issued to the liable person(s) and a CIL Land Charge added to the register. CIL will become liable upon commencement of the development with the liable person(s) required to submit a CIL Commencement Notice at least one day before the development commences. Further information can be found on the Council's website via the link https://www.adur-worthing.gov.uk/planning-policy/infrastructure/

In calculating individual charges for the levy, regulation 40 (as amended by the 2014 Regulations), requires collecting authorities to apply an index of inflation to keep the levy responsive to market conditions. The index is the national All-In Tender Price Index of construction costs published by the Building Cost Information Service (BCIS) of the Royal Institution of Chartered Surveyors. This index presents forecast figures, which are updated and finalised periodically. To reduce the need for repeated re-calculation indexing will be applied from the previous 1st November of the date of the CIL Liability Notice to the previous 1st November of the date the payment is due using the national all in Tender Price Index.

09. All Planning Applications for both domestic and non-domestic premises that have been granted approval for new development or conversions will require a new or amended property address for the proposed development. Developers will be required to submit a Street Naming and Numbering Application to the Street Naming and Numbering Department upon commencement of works to enable the new development to be officially addressed in compliance with the British Standard of Addressing; known as BS7666. Developers are invited to complete their Street Naming and Numbering Application via the following link to the councils' website: www.adur-worthing.gov.uk/naming-and-numbering Information and guidance regarding the Fees for the service provided are also available at this location. Alternatively, please do not hesitate to contact the Street Naming and Numbering Department via the following methods should you have any queries; Street Naming and Numbering, Adur & Worthing Councils, Portland House, 44 Richmond Road, Worthing BN11 1HS. Telephone Number: 01903 221479. Email: llpg@adur-worthing.gov.uk

10. 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.

Ref: AWDM/1386/25

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

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://www.gov.uk/appeal-planning-decision.

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).