Development Management – Delegated Officer Report

Application Number: AWDM/1386/25 **Recommendation: – Approve**

Site: **40 - 42 South Street Worthing West Sussex**

Proposal: **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**

Date of Site Visit: 13.1.2026

Neighbours Checked: Y

Additional Neighbours Notified: 28 and 30 Marine Place, 14 and 15 Bedford Row notified 14.1.2026 Site notice posted 20.11.2025

Proposal, Site and Surroundings

The application site relates to a three storey building with rooms in the roof served by small dormer windows, located on the east side of South Street and is within the South Street Conservation Area. It contains a commercial unit at ground level facing South Street. The site included a two storey pitched roof building fronting Marine Place which has recently been demolished. There is a part single/part two storey flat roofed rear projection that previously linked to the rear building and with an area of courtyard at ground floor level. Access to the upper floors of the frontage building is via the flat roof. There is a narrow pedestrian twitten, Nelson's Passage, to the south boundary linking South Street to Marine Place.

Permission was granted in May 2017 for the conversion of the upper floors of the existing building to form 6 x 1 bedroom flats and 2 x 2 bedroom flats including a second floor extension to the rear of the main building and second floor extension to the rear storage building and other alterations including new and enlarged dormers at the rear, Juliet balconies, and new windows (AWDM/0941/16 refers).

A subsequent application (AWDM/0614/18) proposed conversion and extension of the frontage building to form 5 flats and conversion and extension of the rear building to form a 3 storey building containing 4 flats which was refused and later dismissed at appeal in September 2019.

Most recently, permission was granted in 2020 for the conversion and extension of the upper floors of the frontage building to form 4 x 1 bedroom flats and 1 x 2 bedroom flat, demolition of the rear two storey building and the construction of a three storey building to form 3 x 1 bedroom flats and 1 x 2 bedroom flat (AWDM/0297/20 refers).

The current application proposes to regularise the demolition of the rear building that occurred prior to making any application to discharge conditions of AWDM/0297/20, and proposes the conversion and extension of the frontage building to form five 1-

bedroom flats with layouts largely as per the approved scheme, except where unit 1 was previously designed as a 2 bedroom unit, now proposed as a 1 bedroom unit. The application seeks to retain 205 square metres of class E floorspace at ground floor level. The application includes new and extended rear dormers, second floor hipped roof extension and new windows as previously approved.

To the rear, a new three storey building is proposed with the overall design and general layout as per the previous application, and this would form three 1-bedroom flats and one 2-bedroom flat as previously approved.

Fenestration changes including enlarged Juliet balconies, and balcony and roof terrace areas have been added in the current application. Bin and cycle storage has also been revised.

Relevant Planning History:

AWDM/0941/16 - Conversion of upper floors of existing building to form 6 x 1 bedroom residential units and 2 x 2 bedroom residential units, including second floor extensions to main building and rear storage building plus other alterations including new and enlarged dormers at rear, Juliet balconies and new windows.
STATUS: Application Permitted 5th May 2017.

AWDM/0614/18 - Conversion of upper floors of existing building plus second and third floor extensions to frontage building including new and enlarged rear dormers; remodelling of rear building with first, second and third floor extensions, roof terraces; and elevational alterations, to provide 9 no. self-contained residential flats.
STATUS: Application Refused 5th December 2018.

AWDM/0571/19 - Installation of double doors to rear (North) of ground floor retail unit
STATUS: Application Permitted 30th May 2019.

AWDM/0297/20 - Redevelopment including conversion, alterations, extensions and demolition of part of the existing building and existing rear storage building to accommodate 209sqm of existing retail space (A1 use class) at ground floor and 9 no. residential flats across ground, first, second and third floors.
STATUS: Application Permitted 21st July 2020.

Consultations

The **Environment Agency** made the following comments in response to the original submission:

We have reviewed the information as submitted and set out our position and comments below.

Environment Agency position

In the absence of an acceptable Flood Risk Assessment (FRA) we object to this application and recommend that planning permission is refused.

Reasons

The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- *Consider how a range of flooding events (including extreme events) will affect people and property.*

- *Take the impacts of climate change into account:*
    - *Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resistant to the flood levels for the 0.5% AEP (2115) tidal design flood event. Consequently, the development proposes inadequate raised finished floor levels.*

Overcoming our objection

To overcome our objection, the applicant should submit an FRA which demonstrates that the development is safe without increasing risk elsewhere. Where possible, it should reduce flood risk overall. If this cannot be achieved, we are likely to maintain our objection.

Since 2020, the Environment Agency has updated our national guidance regarding allowances for freeboard. We now recommend floor levels are set at least 600 millimetres (mm) above the estimated flood level. The design flood level for areas at risk of tidal inundation, should be a 1 in 200 annual probability event plus an allowance for climate change.

We would also note that our previous response in April 2020 regarding this address, advised that finished floor levels shall be set no lower than 13.50mAOD in accordance with the submitted Flood Risk Assessment. Additionally, in April 2022, when reconsulted on the proposals to vary Condition 1 (Approved Plans), we maintained this position. We would appreciate explanation as to why this level has varied significantly between this application, and the previous applications in 2020 and 2022.

Please reconsult us on any revised FRA and we will respond within 21 days of receiving it.

Following receipt of further information from the applicant, the **Environment Agency** has responded as follows:

We have reviewed the additional information as submitted and set out our position and comments below.

Environment Agency updated position

We are satisfied that our previous objection (as per our letter dated 22 January 2026) can be removed provided that the following condition be attached to any planning permission granted, and that the details in relation to the condition be submitted and approved by the Local Planning Authority.

Condition – Flood risk

The development shall be carried out in accordance with the submitted Flood Risk Assessment (Flood Risk Assessment, dated 16 September 2025 and Technical Note 1: Rebuttal, dated February 2026) and the following mitigation measures detailed therein:

- *Finished floor levels for all sleeping accommodation shall be set no lower than 5.86mAOD.*

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.
The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

To reduce the risk of flooding to the proposed development and future occupants.

The condition is in line with the Planning Practice Guidance (PPG) to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.

Please notify us immediately if you are unable to apply our suggested condition to allow further consideration and advice.

Advice to the Local Planning Authority

Flood warning and emergency response

Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network. We therefore do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out this type of role / responsibility during a flood. Planning practice guidance (PPG) states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise LPAs to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we

recommend you refer to 'Flood risk emergency plans for new development' and undertake appropriate consultation with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with paragraph 181 (inc. footnote 63) of the NPPF and the guiding principles of the PPG.

Advice to the Applicant

Signing up for flood warnings

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. Our 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.

Southern Water has commented as follows:

Insufficient Information provided
Condition
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.

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.

S106 Connection application
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

The **Worthing Society** has commented as follows:

Thank you for requesting the comments of the Worthing Society in respect of the above Planning Application. The development site faces both west into South Street with the east elevation located in Marine Place and is located within the South Street Conservation Area. In addition, Nos. 40 – 42 South Street are included on the Council's Local Interest List which records heritage buildings of architectural and historical importance. Both South Street and Marine Place are situated within the earliest part of the town centre dating from circa 1803.

I have now had the opportunity to discuss this application and we have the following serious observations which I have also copied to the Head of the Planning Department.

Before this planning application is considered further, the Worthing Society wish to draw to the Council's attention certain acts that have been undertaken at the site which we strongly believe to be both unlawful and illegal. The site is within the South Street Conservation area and, in this regard, we draw the Council's attention to Section 196D of the Town & Country Planning Act 1990 concerning demolition in a Conservation Area and also to our earlier communications with you and with West Sussex County Council about the blocking up of Nelson Passage, which runs along the southern boundary of the site. The following points are relevant:

1) A building at the rear of Nos. 40-42 has been demolished, with only the north gable wall remaining. This gable wall is of flint and brick construction and we believe it to be of early nineteenth century date and to comprise part of a stable or barn erected by Edward Ogle as part of a mews serving Bedford Row. It is therefore important to the history of the area, as part of the early development of Worthing. We calculate that the building would have been in excess of 115 cubic metres in volume and that, accordingly, planning permission should have been sought for its demolition. No application was made and a criminal offence has therefore been committed.

2) A criminal offence under Section 196D has also been committed by the removal of the wall on the north side of Nelson Passage, which is a public highway. This wall was considerably more than 1 metre in height, as can be seen from the attached photographs.

3) The continued blocking up of Nelson Passage is unlawful and has been reported repeatedly to the Highway Authority (WSCC). Councillor Turley is also trying to resolve this issue. WSCC are, apparently, reluctant to prosecute and say that they wish to resolve the matter by negotiation. The applicants, Geneva Developments, have used, as an excuse, that lighting has to be installed, but the closure has continued for several years now and nothing has happened. It is worth noting that there was street lighting in the Passage before it was closed and this will be evident from the photographs. There should therefore be no need to re-install lighting.

I have attached a photographic page of 'Nelson's Passage' to illustrate its original character as part of the grid layout of Worthing's historic Twittens. In addition, I have also attached current photographs of the site showing the removal of the northern

section of the boundary wall which enclosed Nelson's Passage. There are also images of the doors boarding over the entrances in Marine Place and South Street. The photographs also illustrate the very poor condition of the upper storeys of 40 – 42 South Street, both locally listed, which have, apparently, been allowed to deteriorate over the last three years.

The Worthing Society therefore objects to planning application AWDM/1386/25 in its current form. We wish to see some attempt made to incorporate what remains of the barn/stable building, so that it can be properly appreciated in the context of the surrounding area and the re-opening and proper enclosure by boundary walls of Nelson Passage so that its character, as one of the conservation area's historic twittens, is retained. We see no reason why the re-opening of the Passage should not take place irrespective of any decision on the planning application and we hope that any decision can be deferred, pending a suitable revised scheme. The possibility of criminal proceedings being brought by Worthing Borough Council and by WSCC should enable a satisfactory solution to be found.
We look forward to receiving your comments at your earliest convenience.

5 October 2026: **Worthing Society Further comment**

The passage has been illegally closed for over two years. We understood that the application was due to come to Committee in the Summer but so far it has not appeared in the Weekly List. Can you advise when the application is scheduled to be heard by the Planning Committee.

[**Officer Comment**: The Worthing Society's concern regarding temporary closure of Nelsons Passage, which occurred during development works implemented at no 38 South Street, is currently with the County Local Highway Authority (LHA). The LHA has confirmed that lighting of the passage is being arranged and that re-opening will follow this.

The gable end of the eastern building at the Marine Place frontage remains visible at the northern boundary following its demolition. The current proposals do not differ from the previous approval AWDM/0297/20, which allowed for demolition of the eastern building at the Marine Place frontage and spans the width of the site, such that the visibility of the gable end is not retained. At Nelsons Passage, details of the façade which is to form its northern side (at the Marine Place end), would be required by planning condition, with further detailing of the small windows contained here.

The current application has not been called in for Committee determination under the Council's Scheme of delegation. However, officers will arrange for an update to the Society, particularly regarding Nelson's passage.

In this application, the existing building at the west of the site flies over Nelson's Passage at first floor level. The agent has confirmed that no part of the development has any impact on the Passage and will not obstruct it.

An informative can be added the decision notice for the current application to remind the applicant that the passage should not be obstructed nor encroach into Nelsons Passage as this would be outside the scope of planning permission.]

The **Highway Authority** (LHA) has commented as follows:

1.1 The LHA has been consulted on the above application. The application in terms of highways matters is very similar to application AWDM/0297/20, to which the LHA had no objection to.

1.2 The LHA would raise no concerns to this application, the following conditions should be applied.

Conditions:

Construction Management Plan- 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,
• 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),
• details of public engagement both prior to and during construction works.
Reason: In the interests of highway safety and the amenities of the area.

Cycle parking - No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

The Council's **Environmental Health** Officer has made the following comments:

There are no EH objections in principle, however we will need to see an acoustic scheme to protect the dwellings overlooking South Street from noise. It's a Town Centre location, with bus stops, buskers during the summer and a night time economy. The scheme should also consider noise from any commercial plant to the rear that may be serving the shops.

I would also recommend that the sound insulation between the commercial and the proposed residential property above achieves a minimum airborne sound insulation of 50 DnTw+Ctr.

The Council's **Drainage Consultant** has commented on 25.11.2025 as follows:

Thank you for your consultation on the above site. We have reviewed the application as the drainage consultant acting on behalf of the Council and wish to make the following comments.

The applicant is applying for the 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. The application is to Worthing Borough Council.
Following a review of the submitted information, we note that the Site is located in Flood Zone 3 and adjacent to a high surface water flood risk. Due to the proposed redevelopment and increase in vulnerability classification of the Site, the sequential test is required. Insufficient information regarding proposed surface water drainage has been provided; however, we note that this can be conditioned and provided at detailed design stage.

We note that the application is not in accordance with the NPPF and its accompanying PPG and therefore would recommend it is not approved until updated information is received regarding the sequential test.

Reason
To prevent flooding in accordance with National Planning Policy Framework paragraphs 165-175 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Following correspondence from the applicant's agent querying the requirement for the sequential test, the Council's **Drainage Consultant** has clarified the following:

We note that the site itself is not at risk of surface water flooding; however, it is located within Flood Zone 2 and Flood Zone 3. Therefore, the Sequential and Exception tests are required to demonstrate there is no other available site with a lower flood risk and to demonstrate the wider sustainability benefits of the proposed development.

The FRA should assess all sources of flood risk and demonstrate safe access and egress for the site for the lifetime of the development. The design event for tidal flooding is the 200-year plus climate change event. The design event for surface water flooding is the 100-year plus climate change event. Currently, the proposed evacuation route and muster point for tidal flooding will take residents into an area of high surface water flood risk.

The applicant has provided a rebuttal from their drainage/flood risk consultant 'Motion' and the Council's **Drainage Consultant** has commented on 02.03.2026 following this further submission:

Following a review of the updated information, we would like to note that we provide flood risk and drainage advise to Adur and Worthing Councils as the Local Planning Authority (LPA), not the Lead Local Flood Authority (LLFA). Therefore, we are appointed to provide guidance to the LPA on flood risk from all sources for non-major

applications. The application is not in accordance with the NPPF, its accompanying PPG or Local Plan policies for the following reasons:

Flood Risk
As detailed in the submitted Flood Risk Assessment (FRA) (Issue: Final A | Dated 16th September 2025 | Prepared by Motion), the Proposed Site is located within Flood Zone 3.

The Proposed Site is also located within an area of high surface water flood risk, as demonstrated in Figure 5.2 of the submitted FRA.

Sequential Test and Exception Test
Based on the above, the Sequential Test is required to demonstrate there is no other sites suitably available with a lower flood risk. As stated in Paragraph 175 of the NPPF, "the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes,… would be located on an area that would be at risk of flooding from any source, now and in the future". As the provided FRA has not demonstrated that the built development and safe access routes are outside of flood risk areas, the sequential test is required.

Increased Vulnerability
As per the Flood Risk Vulnerability Classification in Annex 3 of the NPPF, the Proposed Site is currently classed as less vulnerable development. The Proposed Works will cause an increase in this classification to more vulnerable development. In addition to this, due to the size of the Proposed Development, more people will be put at risk of flooding and therefore be reliant on the emergency services in the event of a flood.

Safe Access and Egress
As stated in paragraph 44 of the PPG for flood risk and coastal change, "if the probability of inundation is high, safe access and escape should be maintained for the lifetime of the development". Furthermore, paragraph 47 of the PPG states "Wherever possible, safe access routes should be provided that are located above design flood levels and which avoid flow paths. Where this is not possible, limited depths of flooding may be acceptable, provided that the proposed access is designed with appropriate signage etc. to make it safe. The acceptable flood depth for safe access will vary depending on flood velocities and the risk of debris within the flood water. Even low levels of flooding can pose a risk to people in situ (because of, for example, the presence of unseen hazards and contaminants in floodwater, or the risk that people remaining may require medical attention)". Therefore, residents and users must be able to safely access and exit a building during a design flood. Safe refuge is no longer acceptable under the NPPF and the PPG. Currently, safe access has not been demonstrated in terms of surface water flood risk. In addition, the proposed emergency evacuation route for fluvial flooding, recommends a muster point which is located within an area of high surface water flood risk.

Surface Water Drainage
Insufficient information regarding proposed surface water drainage has been provided; however, we note that this can be conditioned and provided at detailed design stage. Based upon the above, we are unable to remove our objection to the application.

Reason
To prevent flooding in accordance with National Planning Policy Framework paragraphs 165-175 by ensuring the satisfactory management of local flood risk, surface water flow paths, storage, and disposal of surface water from the site in a range of rainfall events and ensuring the SuDS proposed operates as designed for the lifetime of the development.

Motion has provided a further response on behalf of the applicant to the above objection which provides the following summary and conclusions:

3.1 This Technical Note has reviewed WSP's sustained objection to the proposed development at 40–42 South Street.

3.2 The Environment Agency - the statutory authority on tidal flood risk – has assessed the development and the projected tidal flood risk and has confirmed it has no objection to the proposals and has recommended conditional consent. While we recognise WSP's position as an advisor on flood risk matters to the LPA, the EA's position supersedes any advisory comments made on tidal risk by WSP on behalf of the LPA.

3.3 All new and change of use residential elements are located above the levels associated with tidal and surface water flooding, inclusive of climate change allowances. Access and egress for these units can be achieved via Marine Place, which remains dry in all relevant flood scenarios. As such, residents would not be exposed to hazardous flood conditions and would not require the intervention of emergency services in the event of either tidal or surface water flooding.

3.4 The report demonstrates that the Sequential Test is not engaged for this development, in accordance with Paragraphs 175, 176 and 27 of the PPG t o the NPPF. The commercial ground floor use is unchanged, the change of use of upper floors is explicitly exempt, and the new-build residential units are situated wholly outside and above areas at risk from all sources of flooding, and this has been demonstrated through explicit review of site levels and flood levels from Product 4 data. Notwithstanding this, a Sequential Test has been undertaken by ECE Planning for completeness and has been submitted, providing additional reassurance to the LPA.

3.5 A detailed assessment of surface water access and egress shows that the predicted flood depths and associated hazard ratings remain in the "Very Low" category, well within the thresholds set out in Defra/EA FD2320/TR2. Either Marine Place or Warwick Street and the adjacent raised plaza provide suitable and safe muster points in both tidal and surface water events, and the access arrangements demonstrably meet national policy requirements.

3.6 In summary, this Technical Note concludes that the proposed development is safe, compliant with national policy, and appropriately designed to manage and mitigate all relevant sources of flood risk. WSP's remaining objections have been fully addressed, and there are no remaining flood-risk-related grounds for refusing the planning application.

A Sequential Test has also been provided which has concluded that there is no other suitable site available.

The Council's **Drainage Consultant** final comments are as follows:

Thank you for your consultation on the above site. We have reviewed the application as the drainage consultant acting on behalf of the Council and wish to make the following comments.

The applicant is applying for the 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. The application is to Worthing Borough Council.

Following a review of the updated information, we acknowledge the receipt of Technical Note 02, dated 23rd March 2026, and ECE Planning Sequential Test, dated 25th March 2026. We are happy that the submitted Technical Note 02 demonstrates that the section of the proposed redevelopment is outside of the surface water flood risk and therefore the sequential test is not required. We note that the Environment Agency have reviewed the application and recommended a condition relating to finished floor levels. We agree with the wording of this condition and the finished floor levels would be sufficient to remove the risk of internal surface water flooding. The applicant has also demonstrated that safe access and egress is available, in terms of surface water, via Marine Place.

We note that drainage information has not been provided at this stage and therefore we would recommend the below conditions. We would not expect new drainage to be included for the existing building; however, drainage will need to be provided for the proposed redevelopment at the rear of the site. In addition, any betterment in terms of discharge rates for the existing building would also be welcomed.

Therefore, we would recommend the approval of the application with the following conditions and informative attached:

Condition 1: Construction shall not begin 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 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. The

design 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. Winter groundwater monitoring and winter infiltration testing to BRE DG365, or similar approved, will be required to support the design of any infiltration drainage. 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 NPPF and Policies of Adur & Worthing Council.

Condition 2: 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 NPPF and Policies of Adur and Worthing Council.

Informative 1: We have identified the site is adjacent to a surface water flood risk, therefore appropriate flood resistance and resilience measures should be considered within the development.

Representations
None received

Relevant Planning Policies:

Worthing Local Plan 2020-2036 (WBC 2023): Policies:
SP1 (Presumption in Favour of Sustainable Development)
SS1 (Spatial Strategy)
DM1 (Housing Mix)
DM2 (Housing Density)
DM5 (Quality of the Built Environment)
DM13 (Retail and Town Centre Uses)
DM15 (Sustainable Transport and Active Travel)

DM16 (Sustainable Design)
DM17 (Energy)
DM18 (Biodiversity)
DM20 (Flood Risk and Sustainable Drainage)
DM22 (Pollution)
DM24 (The Historic Environment)

National Planning Policy Framework (MHCLG 2026)
National Planning Practice Guidance
SPD 'Space Standards' (WBC 2012)
SPD 'A Guide to Residential Development' (WBC 2013)
CIL Charging Schedule (Aug 2021)
South Street Conservation Area Appraisal (2001)

Planning Assessment:

Policy S3 of the NPPF establishes the presumption in favour of sustainable development which means development proposals that accord with both an up-to-date development plan and the decision-making policies in the NPPF should be approved without delay. Where the development proposal is located within a settlement, Policy S4 of the NPPF provides that development should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects when assessed against the national decision-making policies in the Framework.

The NPPF also places strong emphasis on the use of previously developed sites. Under NPPF Policy L2, substantial weight is afforded to the benefits where a development proposal would make better use of vacant and underutilised land and buildings.

In addition to the weight attached to the benefits of development within built up areas within settlements, NPPF Policy HO7 states that substantial weight should be given to the benefits of providing homes which will contribute towards meeting the evidenced accommodation needs.

In consideration of the amount of new homes, NPPF policy HO3 requires the identification of sufficient land to meet requirements. Policy SS1 of the Worthing Local Plan (2023) sets out the required housing supply over the period 2020-2036 giving a total figure of 3672 (an annual target of 230 dwellings per annum).

Paragraph 8 of Annex D of the NPPF states that Authorities should identify and update annually a supply of specific deliverable sites. This should be sufficient to provide a minimum of five years' worth of housing, assessed against their housing requirement in the development plan, or against their local housing need (calculated using the standard method) where the development plan housing requirement is more than five years old.

Paragraph 9 states that the supply of specific deliverable sites should include a buffer (moved forward from later in the plan period) of:

a. 5% to ensure choice and competition in the market for land; or

b. 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply; or

c. For the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a version of the Framework published prior to December 2024, and whose annual average housing requirement is 80% or less of the most up to date up-to-date local housing need figure calculated using the standard method set out above.

Annex D also refers to the Housing Delivery Test, and makes clear that where the Housing Delivery Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, the following policy consequences apply:

a. Where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in the future;

b. Where delivery falls below 85% of the requirement over the previous three years, a buffer of 20% should be added to the identified supply of specific deliverable sites. This is in addition to the requirement for an action plan;

c. Where delivery falls below 75% of the requirement over the previous three years, an evidenced unmet need for housing is deemed to exist for the purpose of applying policy S5(1)(j) in this Framework. This is in addition to the requirements for an action plan and 20% buffer.

The most recent 5 Year Housing Land Supply position for Worthing (as at 1 April 2025) demonstrates a 6.9 years supply applying a 20% buffer.

On 17 August 2026 the Government published both the 2024 and 2025 Housing Delivery Test measurements. The 2024 measurement indicated that Worthing achieved 134% of the delivery target - as such there are no consequences arising. The same is the case in respect of the 2025 measurement in which Worthing achieved 142%.

Having a 5YRHLS position and having passed the HDT with no consequences demonstrates that the supply and rate of housing delivery currently accords with the Local Plan.

The presumption in favour of sustainable development under policy S3 of the NPPF and weighing of benefits alongside consideration of effects under policy S4 are central considerations. Benefits are only outweighed where adverse effects are substantial. Assessment of the benefits and effects of the proposals are assessed in the sections below.

Spatial Policy SS3 (Town Centre) sets out the overarching development principles for the Town Centre and it is the starting point against which all proposed development in these areas will be assessed.

In Worthing, a retail network has been established based on centres of varied degree of size and importance. Policy DM13 sets out the detailed approach to primary frontages, stating that a wider range of uses will be encouraged to bring people into the town and generate footfall throughout the day with primary shopping frontages being the focus for retail uses.

Proposals that help develop and enhance the evening and night-time economy will be supported in the town centre where the operation of such activities can be controlled to address residential amenity implications and can demonstrate that such uses will add to the vitality and viability of the centre.

For upper floors, DM13 sets out that the efficient and effective use of the upper floors that add to the vitality and viability of centres will be encouraged subject to:

i) the proposed use of the upper floor will not undermine the viability of the unit on the ground floor particularly those retail uses;

ii) consideration will be given to the nature of the use, its appropriateness to the centre in which it is proposed, hours of operation, intensity of use and impact on nearby uses.

The site is located within a highly sustainable location, in the heart of the town centre with access to town centre facilities and shopping, and accessible to public transport. The previous applications considered mixed use an appropriate form of development in the town centre and, as before, the remaining ground floor unit is sufficiently large with adequate facilities to remain viable including rear servicing retained, and the development would add to the vitality of the town centre.

The current proposal would provide nine flats: 8 x 1 bed and 1 x 2 bed flats (rather than 7 x 1 bed and 2 x 2 bed flats in 2020). The retention of the Class E space at ground floor and the addition to housing supply which can be supported in principle.

Visual Amenity and the effect on the character and appearance of the Conservation Area

The Planning (Listed Buildings and Conservation Areas) Act 1990 states that the local planning authority should have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The NPPF, further emphasises that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Policy DM24 states that development in Conservation Areas will be required to be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of that area, and preserve important features.

Policy DM5 seeks to ensure all new development is of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area.

The South Street Conservation Area Appraisal describes the architectural historic and townscape elements in South Street which should be preserved:

- *Interesting and attractive buildings individually and in townscape terms.*
- *Buildings three to four storeys high.*
- *Buildings built at the back of the pavement.*
- *A variety of original architectural detailing which is evident on many period*
- *properties, including string courses, parapets, window dressings, pilasters,*
- *cornices, and window frames.*
- *The GR(V) double aperture oval pillar box which is believed to be one of only a*
- *very few which survive in use.*
- *Tree planting which defines a series of spaces in the street scene.*
- *The well-defined paved urban square at the northern end of South Street.*

In relation to Marine Place, an enhancement opportunity is identified to encourage appropriate redevelopment or enhancement schemes which improve the appearance of service accesses to the rear of properties on South Street.

The current application is considered in the context of the previous approval which was considered in detail and approved the conversion, extension and alterations to the existing South Street frontage building, and demolition of the rear storage building and construction of a new three storey building to front onto Marine Parade.

The previous schemes have accepted the extension and various alterations at the rear of the frontage building including new and enlarged rear dormers, rooflight windows to the front and rear, and Juliet balconies, and the circumstances have not altered significantly in terms of their acceptability. The Council's Design and Conservation Architect was previously satisfied with the proposals and raised no objections.

Whilst the comments from the Worthing Society are noted in relation to incorporating what remains of the flint and brick gable of the demolished building to the rear in Marine Place, the demolition of the building and redevelopment of this part of the site was already found acceptable in the previous scheme.

The context of the previous application, in relation to other approved schemes to the north and south of the site, and in relation to the historic street pattern and scale and form of development, was considered in detail at that time and was found to be acceptable and has not altered significantly in relation to the current proposals. Nelson's Passage would also be re-enclosed on its north side boundary as per the previous application. Given its visibility within the twitten, which forms part of the Conservation Area, details of the façade-boundary to this historic pathway would be required. A condition can be used for this purpose. An amendment to the proposed high level type windows (to achieve vertical division of the horizontal panes with suitable glazing bars, externally manifest), can also ensure that these are more akin to the family of windows to be used in the development and in neighbouring buildings.

The neighbouring site to the south has been recently developed with a three-storey building fronting onto Marine Place and with similarities in height and elevation detailing to the current application and was considered in this context for the previous scheme. As before the simple palette of materials would be similar to that at No.38 with rendered walls and detailing and black powder coated aluminium windows and doors. The appearance of the building from Marine Place would be as previously approved. In order to ensure that detailing, which includes raised bands around of windows/openings, a detail (1:5 scale), shows that these are to project from the facade by 2.5cm and 15cm tall, which is considered to reflect the local use of this detailing, which has been particularly successful at the rear of 32-36 South Street.

The revisions in this application relate to relatively minor changes in visual terms due particularly to the positioning of elements within the site where they are not readily visible.

Fenestration changes to the rear of the frontage building include a balcony at second floor level (in place of Juliet balconies previously approved), side light windows added to the timber French doors and previously approved Juliet balconies widened at first floor level, and two new rooflight windows to the south elevation of the rear projection.

A new roof terrace and Juliet balcony has also been added for flat 9 at the rear of the new building as well as a new window with outlook over the communal entrance and second floor windows to the north elevation. These elements would be within the enclosed part of the site and screened by the surrounding buildings where they would have no discernible impact on visual amenity or to the character and appearance of the conservation area.

As previously approved, the roof terrace between the two buildings would provide the entrance to the proposed flats within the main building. As before there would be cedar slatted fencing to the edge of roof and raised beds with timber sleepers but the layout and design of this has been varied in the current proposals and was initially considered to be a retrograde step due to layout concerns in order to provide a suitable residential entrance whilst balancing the need for some private amenity space. The applicant has agreed to provide a more suitable 'landing' space and a wider route that allows for some soft landscaping to be incorporated whilst also providing private amenity space for two of the proposed flats which would appear reasonable.

The scale, form and detailed design of the rear building and that of the conversion and extension of the frontage building was previously accepted as appropriate in relation to the surrounding buildings and in the context of the original street pattern and setting of nearby historic assets. The added 1:5 scale detail for the Marine Place frontage will ensure that there is detailed articulation of the façade. The metal palisade gate to the courtyard entrance in Marine Place is also an improvement.

Given the scope of the changes proposed in the current application and that the effect of the proposal on the wider setting of heritage assets would be minimised, these changes can be accepted. Materials and finishes can be secured by condition including ensuring an appropriate finish to the frontage onto Nelson’s Passage, as aforementioned

In terms of requirements for acoustic glazing or mechanical ventilation as outlined by the Council's Environmental Health Officer required to mitigate against noise impacts (see 'Residential Amenity' below), as was the case previously, the visual impact to the original frontage building, which contains attractive timber sash windows, needs to be considered more closely and would be subject to details to be agreed by condition as previously recommended. It may be possible for those windows to be refurbished, and the scheme could be by means of secondary glazing for the west elevation fronting South Street and with ventilation though the roof to avoid unnecessary or harmful changes, or visual clutter to the facades.

Residential Amenity

The NPPF emphasises the importance of creating places that have a high standard of amenity for existing and future users (paragraph 135). The quality of living environment derives not only from the amount of internal space, but also relates to issues of overlooking and privacy, natural daylight and outlook as well as the importance of private amenity space and the quality of the living environment in terms of the effect of noise and disturbance.

The proposed flats are largely as previously approved with the main change being to unit 1 which was previously configured as a two-bedroom unit, but with the revised layout allowing a larger one-bedroom layout with the living area to be served by the Juliet balconies previously approved, albeit with wider openings. For the new three storey rear building, as before floorspace would be smaller for this part of the development, ranging from 39 sqm to 55 sqm for the 1-bedroom flats and 87 sqm for the 2-bedroom unit.

In accordance with policy DM2 changes to layout of the flats have been obtained to address shortfalls to the Nationally Described Space Standards (NDSS). As revised the proposal would result in a total of 5no 1 person/1-bedroom; 3no 2 person/1-bedroom and 1no. 3person/2-bedroom flats.

One of these is within the roofspace of the original building, where ceiling height has been considered in determining the usable single-person bedroom. One flat (no.8) is at the low end of space standards for a single bedroom home but this and all now appear to meet NDSS requirements, with suitable layouts and including adequate built in storage areas.

The Council's external space standards in relation to private amenity space continue to apply under policy DM2. Whilst some additional amenity space in the form of balconies has been included in the current application, this would be limited, with private amenity space provided for units 1, 3, 8, and 9 only. However, as before, the difficulties in providing private amenity space in a restricted town centre site is evident and the Worthing Space Standard SPD acknowledges this. The site is close to public open space such as the beach and Steyne Gardens and so the shortfall is considered acceptable in the specific circumstances. Intervisibility between balconies has been dealt with by obscure glazed screening and this can be secured by condition in the interests of protecting privacy.

As was the case previously, the flats would be exposed to noise and disturbance in this town centre location but would be aware of this risk at the outset and a noise assessment to determine details of a scheme for sound attenuation against external noise as per the recommendations of the Environmental Health Officer can be the subject of a condition if approved.

Given the positioning of habitable rooms at ground floor level in the proposed new building, and the sharing of the rear communal area with the ground floor commercial unit for access and bin storage, further control over hours of deliveries/servicing for the commercial unit was previously considered necessary in the interests of protecting residential amenity and the same would apply to the current scheme. Side windows to the rear ground floor flat that face the twitten and those to the north side at the communal entrance can be obscure glazed, and non-opening where indicated for privacy and security. These matters can be secured by condition.

In terms of the effect on neighbouring occupiers, this was considered in detail in the previous application and was found to cause no significant harm and given the scope of changes in the current scheme the impact to neighbours would not alter significantly. In relation to window changes to the north elevation including two new second floor windows, these would be directed towards the neighbouring site to the north where it is noted that there are no side windows and entrances at the rear are partially enclosed. Rear east facing windows in the neighbouring frontage building are partially screened by an enclosed staircase that abuts the site and given the separation and angle of view it is considered that this would limit any impact to neighbouring occupiers.

Obscure glazed screening to the proposed roof terrace and balcony would ensure no significant overlooking to neighbouring occupiers. Rooflight windows in the south roofslope would be at a high level where they would pose no significant threat to residential amenity.

Bin storage and cycle storage has been reversed in its layout from the previous scheme to avoid placing bin storage directly opposite the entrance to flat 6 (which has been repositioned) for an improved layout. The arrangement in this enclosed courtyard is not ideal but in light of the previous approval which had a similar arrangement this is considered acceptable.

Highways and Parking

The site is in a highly accessible town centre location where residents need not be reliant on the private car. No car parking was previously proposed, and the application has not altered in this respect. No objection has been raised by the Highway Authority in terms of parking, access or highway safety. Cycle storage has been included within the courtyard, details of which can be secured by condition in the interests of promoting sustainable travel.

Sustainable Development

In relation to flood risk, whilst the Sequential Test concludes that no other suitable sites are available, the review of alternative sites is based on town centre local plan

allocations only. Reference to windfall sites has been made but no detailed review has been provided. Nevertheless, the Council's Drainage Consultant is satisfied that the latest technical note from the applicant demonstrates that the section of the proposed redevelopment is outside of the surface water flood risk and therefore the sequential test is not required and drainage details can be detailed and agreed by condition.

The applicant has requested that stripping out and demolition works are permitted prior to these details being approved. No objection has been raised by the Environment Agency subject to the implementation of the FRA and the stipulated finished floor levels. Conditions are therefore recommended in order to secure the mitigation measures outlined in the submitted flood risk assessment including finished floor levels, flood resistance and resilience measures, and implementation of the Flood Warning and Emergency Plan.

It is noted that the site is already covered by buildings and hardstanding. Policy DM20 seeks the use of SUDs in new development, although the commentary at para 5.284 refers to major development, albeit not exclusively. This is unless there is clear evidence that this is inappropriate. NPPF requires SUDS where this would affect drainage on an around the site and refers to the control of run off and flows in ways which are proportionate the nature and scale of development.

In consideration of this, it is noted that impermeability does not increase but there is a higher occupancy rate and arguably a greater number of people would be exposed to the risk of surface water floods in the vicinity, to which the existing condition of the site partly contributes. As such a balanced view is to require that details to be required under condition require a focus upon SUDS so that opportunities are properly explored and evidenced. Technical details included in the Council's Drainage Consultant response above, can form an informative to inform this process.

In relation to sustainable design, no detailed measures have been included in the applicant's supporting statement. Such details to include energy performance, use of renewable and low carbon energy production equipment, waste minimisation, and water efficiency as required by policy DM16, DM17 and DM21 can be secured by condition.

CIL

The proposed development would be subject to a contribution towards the CIL.

Recommendation:

APPROVE subject to condition(s):-

1. Drawing numbers
2. Standard time limit
3. Hours of construction limited
4. Contamination
5. Construction Management Plan to be agreed
6. Sound attenuation scheme to be agreed

7. Agree foul drainage
8. Agree surface water drainage
9. SUDS implementation, maintenance and management before occupation
10. Materials, finishes, window and door details to be agreed, incl Nelson's Passage
11. Implementation of FRA and mitigation measures
12. Minimum sound insulation value to be achieved and tested prior to occupation
13. Hard and soft landscaping details to be agreed and provided prior to occupation
14. Sustainable design
15. Cycle storage details to be agreed and installed prior to occupation
16. Bin storage to be provided prior to occupation
17. GF Side windows obscure glazing
18. Privacy screens installed as indicated
19. No commercial deliveries or servicing outside hours of 08:00hrs to 18:00hrs Monday to Saturday and 10:00 – 18:00 on Sundays and bank holidays
20. Additional details of southern and eastern elevation/facade

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
- SW – demolition
- SW – connection required
- SuDS
- Asbestos register
- Flood warning etc
- Nelson's Passage no obstruction
- Party Wall Act
- CIL
- New address

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

Case Officer: Rebekah Hincke Date: 18th August 2026

Authorised by: Stephen Cantwell Date: 9th October 2026