Development Control – Delegated Officer Report

Application Number: AWDM/1090/25 Recommendation: APPROVE

Site: Land At Former Gas Works Site Park Road Worthing West Sussex

Proposal: Application for a Lawful Development Certificate for confirmation that planning permission AWDM/0083/24 has lawfully commenced.

Date of site visit: NA

Neighbours checked: NA

Additional neighbour notifications: NA

Site and Surroundings

The site is located on the corner of Lyndhurst and Park roads. It contains a former gas works.

Proposal

Confirmation is sought that development commenced before 4 October 2025 as required by permission AWDM/0083/24. The applicant seeks confirmation that the implementation of the consent therefore remains lawful.

Relevant Planning History:

AWDM/0083/24: ORIGINAL DESCRIPTION AWDM/1459/21 (as amended by AWDM/1446/23): FULL PLANNING APPLICATION FOR THE DEMOLITION OF EXISTING STRUCTURES, PARTIAL REMOVAL OF BOUNDARY WALLS AND THE CONSTRUCTION OF A RESIDENTIAL DEVELOPMENT SPREAD ACROSS 5 BLOCKS WITH ASSOCIATED ACCESS, PARKING, OPEN SPACE AND LANDSCAPING Application to vary Conditions including: Condition 1 (Approved Plans); Conditions 17 & 20 (Foul & Surface Water Drainage); Condition 21 (Energy Strategy); Condition 22 (Landscape); Condition 25 (Balcony Screens); and Conditions 31 & 33 (Noise). The changes include an additional (eighth) storey to Block B but broadly within the approved massing envelope and including a reduction of building heights, accommodating an additional 19 dwellings. Permitted 11 June 2024

AWDM/1446/23: Non Material Amendment to approved AWDM/1459/21 to change description of works to: Full planning application for the demolition of existing structures, partial removal of boundary walls and the construction of a residential development spread across 5 blocks with associated access, parking, open space and landscaping. Permitted 07/12/2023

AWDM/1459/21: Full Planning Application for the demolition of existing structures, partial removal of boundary walls and the construction of 209 residential apartments

spread across 5 blocks ranging in height from 3-7 storeys, associated access, parking, open space and landscaping. Permitted 04/10/2022

AWDM/1572/24: APPROVAL OF DETAILS RESERVED BY CONDITIONS 13 (PILING), 17 (DRAINAGE SURFACE WATER), 20 (FOUL DRAINAGE), 29 (ACCESSIBILITY) AND 36 (SUBSTATION) AND PARTIAL APPROVAL OF DETAILS OF CONDITION 34 (FIRE HYDRANTS & WATER SUPPLY - LOCATION ONLY) OF APPROVED APPLICATION AWDM/0083/24.

AWDM/0105/24: Approval of Details Reserved by Conditions: Condition 9 (i-iv) (Contamination Investigation and Scheme) and Condition 15 (Construction Management Plan) of approved application AWDM/1459/21. Permitted 21/05/2024

AWDM/0140/24: Approval of Details Reserved by Condition 11 (Odour Management Plan) and Condition 12 (Remediation Communications Strategy) of approved application AWDM/1459/21. Permitted 21/05/2024

Consultations:
NA

Representations:
NA

Relevant Planning Policies
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance

Planning Assessment
The application is for a certificate of lawfulness to confirm that the application AWDM/0083/24 which modified AWDM/1459/21 on 04/10/2022 commenced within three years of the grant of permission.

The application is made on the basis that a certificate of lawfulness should be issued as the works constitute implementation of the consent and works were undertaken prior to 4 October 2025. A barrister's opinion was submitted in support.

The original consent had several pre-commencement conditions which were approved under applications AWDM/0140/24 and AWDM/0105/24. The section 73 application did not have any pre-commencement conditions. A legal opinion submitted with the application summarises the other conditions with pre-commencement in their text as follows:

- *Condition 3 needs to be complied with "Prior to commencement of any works above slab level"*
- *Condition 13 needs to be complied with prior to piling or deep foundation works*
- *Condition 17 expressly permits "demolition and clearance works and remediation" works to be carried out before the condition must be complied with*
- *Condition 20 expressly permits "site clearance works" to be carried out before the condition must be complied with*

- *Condition 21 expressly permits "demolition and clearance works and remediation" works to be carried out before the condition must be complied with*
- *Condition 22 expressly permits "demolition works or works up to slab level" to be carried out before the condition must be complied with*
- *Condition 29 expressly permits "demolition works, site excavations and remediation" works to be carried out before the condition must be complied with*
- *Condition 31 expressly permits works below slab level to be carried out before the condition must be complied with*

Notice of intention to implement the permission was provided to the LPA for CIL purposes on 12 June with works due to commence on 17 June 2024.

The applicant has indicated that the following works took place:
- Demolition of Existing Structures (July to August 2024)
- Site Remediation (August to November 2024
- Partial Demolition of Boundary Wall (November 2024)
- Formation of Hardstanding and tarmac areas + s.278 works (December 24 to March 2025
- Construction of Haul Road (March 2025)
- Associated Enabling Works (Nov 24 to March 2025)
- Enabling Works Completed (May 2025)

Photos have been provided indicating he above works. A statutory declaration has also been provided from Mark Hobden, Berkeley Homes.

The works proposed were undertaken after the two applications for approval of details approved in 2024. The Council is satisfied that at the time the works were undertaken all pre-commencement conditions had been satisfactorily approved. The range of works undertaken are considered to be material operations as set out in section 56(4) of the Town and Country Planning Act. It is therefore considered that the development has commenced and works to implement the development are lawful.

Recommendation

APPROVE

The Council is satisfied that works commenced prior to 4 October 2025. Works to implement the planning permission are lawful.

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

Case Officer: Louise Prew Date: 20/10/2025

Authorised by: Stephen Cantwell Date: 21 October 2025