WORTHING BOROUGH COUNCIL

Mr Luke Jearum
The Elephant Ltd
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Tennyson Road
Worthing
West Sussex
BN11 4BA
United Kingdom

PLANNING PERMISSION

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

APPLICATION NUMBER: AWDM/0886/25

Details of Development

APPLICATION TO VARY CONDITION 3 (OPENING HOURS) AND 11 (WINDOWS/DOORS SHUT) AND REMOVE CONDITIONS 5 (SMOKING AREA) AND 9 (NO OUTDOOR SEATING) OF PREVIOUSLY APPROVED APPLICATION AWDM/0642/19 (FOR CHANGE OF USE FROM USE CLASS A2 (BANK) TO USE CLASS A4 (DRINKING ESTABLISHMENT) AND REPLACEMENT SHOPFRONT). AMENDMENTS: TO EXTEND THE INTERNAL OPENING HOURS TO 12:00 TO 23:00 MONDAY TO THURSDAY, 12:00 TO 23:30 FRIDAY AND SATURDAY AND 12:00 TO 22:00 SUNDAY AND BANK HOLIDAYS AND TO ALLOW TABLES AND CHAIRS ON THE PAVEMENT OUTSIDE UNTIL 22:00.

Location of Development

THE ELEPHANT IN THE ROOM 40 GORING ROAD WORTHING WEST SUSSEX BN12 4AD

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 4th July 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
19/12/2025

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
OUTDOOR SEATING PLAN		16.12.2025
PLANNING LICENCE VARIATION STATEMENT		04.07.2025
PLANNING PERMISSION		04.07.2025
PREMISES LICENCE NUMBER	LN/202000089	04.07.2025
PAVEMENT CAFE PERMIT	LN/126368541	28.08.2025
PREMISES LICENCE	202000089	28.08.2025
PAVEMENT LICENCE EXTENSION		28.08.2025
In addition, the following plans and documents Approved under AWDM/0642/19:-		
PROPOSED ELEVATION WINDOW & DOOR	Drg No DS/NATHAN/04Rev1	24.04.2019
BLOCK PLAN	Drg No DS/NATHAN/07	24.04.2019
LOCATION PLAN	Drg No DS/NATHAN/06	24.04.2019
PLANS AND ELEVATIONS	Drg No DS/NATHAN/01Rev1	24.04.2019
EXISTING ELEVATION WINDOW & DOOR	Drg No DS/NATHAN/03	24.04.2019
EXST/PROP PLAN VIEW	Drg No DS/NATHAN/05Rev2	24.04.2019

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

03. The use of the interior of the premises only, as hereby permitted shall not be open for trade or business except between the following hours:-

12.00 and 23.00 Monday to Thursday, 12.00 and 23.30 Friday and Saturday and 12.00 and 22.00 Sunday and Bank Holidays.

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

04. The use shall be carried out in accordance with the approved smoking management plan detailing measures to deter smokers in connection with the proposed drinking establishment use, from causing nuisance to adjoining residential and commercial occupiers including details of receptacles and the procedures in place for collecting discarded cigarette butts.

Reason: *To safeguard amenity and keep the public highway clean from litter having regard to Policy DM5 of the Worthing Local Plan.*

06. The insulation scheme for protecting the upper floor residential unit from noise as installed has been demonstrated to achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB) for all floors.

Reason: *In the interest of preserving the residential amenity of the occupiers of the upper floors of the building having regard to policy DM5 of the Worthing Local Plan.*

07. Only unobtrusive background music shall be played within the premises within opening hours. For this purpose the music noise level shall not exceed 75dB (LAeq15min) anywhere 1m from any speaker inside the premises. No live music shall be played or TV broadcast permitted at any time.

Reason: *To restrict noise and to safeguard the amenities of the occupiers of nearby properties having regard to policy DM5 of the Worthing Local Plan.*

08. There shall be no preparation/cooking/heating-up of hot or cold food on the premises. No hot or cold food shall be served to customers on the premises (other than pre-packaged bar snacks).

Reason: *To safeguard the amenities of neighbouring residents in the absence of any system or scheme for the removal of food odours and to comply with policy DM5 of the Worthing Local Plan.*

10. No fruit/gaming machines shall be installed on the premises at any time.

Reason: *To safeguard the amenities of neighbouring occupiers having regard to policy DM5 of the Worthing Local Plan.*

11. Other than as required for normal access, doors and windows to the ground floor bar/seating area hereby approved shall be closed after 22:00hrs daily.

Reason: *To restrict noise escape and to safeguard the amenities of the occupiers of nearby properties having regard to policy DM5 of the Worthing Local Plan.*

12. Use of (including disposal and emptying) of bottle disposal bins situated outside the premises shall be only between 08.00 hours and 20.00 hours.

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

13. Deliveries and collections, to and from the premises, including recycling and refuse, shall be made only between the hours of 08.00 and 18.00 Monday to Saturday and 10:00 and 18:00 on Sundays and Bank Holidays.

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

14. The use of the outdoor seating area (including the smoking area) is permitted between the hours of 09:00 and 22:00 hours daily. Outside of these hours chairs and tables should be packed away or rendered inaccessible in accordance with the relevant licence.

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

Informatives / Notes to Applicant

01. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision relates to a householder application or minor commercial application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to express consent for the display of an advertisement, then you must do so within 8 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk.

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.

7. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.

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

Where an enforcement notice has been served on the same, or substantially the same, development as in the householder application within 2 years of the date the application was made, the period for receiving an appeal is within 28 days of the date on the decision notice or of the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 weeks deadline).

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