Development Management – Delegated Officer Report

Application Number: AWDM/0719/25 Recommendation: APPROVE

Site: The Mill Building 35 Chatsworth Road Worthing West Sussex

Proposal: Change of use of first floor from nightclub (Sui Generis) to offices (Use Class E)

Date of site visit: 14 August 2025

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The site is located on the northern side of Chatsworth Road, within Worthing town centre. It contains a four storey brick and render building. The ground floor is in use as a nightclub and restaurant. The first floor, the subject of this application, previously contained a nightclub but this has since closed. The upper floors appear to be in various commercial uses.

To the rear of the site is open land which has planning permission for a residential led development of up to 11 storeys. The High Street multi storey car park is located to the south. The nearest residential properties are to the eastern side of High St.

The site is within the protected Chatsworth Key Office Location.

The site is not within a conservation area and does not contain a listed building or structure.

Proposal
The proposal is to change the use of the first floor from a nightclub to offices.

The design and access statement describes the works as:

The change of use would involve internal works only, including the removal of the elements associated with the former nightclub such as the bar and dancefloor and soundproofing to re-open the windows serving the first floor. The proposed use would provide 485sqm of Class E open plan commercial floorspace to be used as offices. No changes are proposed to the remainder of the building.

Relevant Planning History:

AWDM/0790/23: Construction of 2-storey roof extension to provide offices. Approved

AWDM/0693/20: Construction of 2-storey roof extension to provide offices. Approved.

AWDM/0963/18: Proposed partial change of use of First Floor from Night Club (Class Sui Generis) to mixed use Night Club (Sui Generis) and Laser Zone Entertainment Facility (Class D2). Approved.

00/01045/FULL: Continued use of night club without providing car parking and the continuation of temporary opening times to allow opening until 2am on Sundays prior to Bank Holiday Mondays (WB/97/0476 as amended by WB/98/0455 and WB/00/00108 refers). Approved.

Various other applications

Consultations:

West Sussex County Council as LHA

West Sussex County Council (WSCC), in its capacity as Local Highway Authority (LHA), have been consulted on this full planning application AWDM/0719/25 with regards to any highway safety or capacity concerns. The application is supported by a Planning, Design & Access Statement (PDAS) and associated plans. This application seeks change of use of first floor from nightclub (Sui Generis) to offices (Use Class E). There is no change in the access arrangement. The development as such proposes no parking. The Highway Authority are convinced that the proposed use as an office could generate far lesser trips than it could have generated as a nightclub. Therefore, no objection is raised.

Southern Water: From reviewing the submitted documents, Southern Water has concluded that the applicant is proposing to use the existing drainage scheme. Therefore, we have no objections.

WSP (drainage consultant):
Following a review of the submitted information, we have no objection on surface water grounds. Due to site, size, location and type of development we would recommend the approval of the application.

Environmental health:

As far as I can tell the offices are located immediately above the licences premises. The premises are licensed to operate from 11am until late. This includes the provision of music (which is unregulated until 11pm). There is therefore the potential for noise from amplified music and people talking to adversely affect the proposed office use. The application makes little reference to the ground floor licenced premises which will remain. Whilst I note the proposed office use is 9am-5pm Mon to Fri, as this application is bringing people to an existing noise source, the onus is on the applicant to ensure the existing noise does not adversely affect the occupants of the new development.

Therefore the noise insulation should ideally be of a high standard, above those required by Building Regulations. If you consider that this is a reasonable requirement then I suggest the following:

The use hereby permitted shall not commence until a test report is submitted to the local planning authority demonstrating that the airborne sound insulation between the ground and first floor achieves a value of at least 55dB (DnTw + Ctr dB) for all floors.

Officer's response: The applicant was not prepared to accept the above condition and so the EHO recommended an hours of operation condition instead in line with those set out in the application form but didn't raise an objection without them.

Representations:
One received in support:

I run a coworking and flexible office business based in the town. We are based on the 2nd and 3rd floor of The Mill Building, 31 Chatsworth Road, BN11 1LY occupying circa 10,000 sqft of flexible office and employment space in the building. We support the application as the town centre needs more employment space. We currently have a requirement to extend another 5,000sqft in the Mill Building via a corporate occupier who are looking to retain a location in central Worthing. Without our ability to create flexible office space there is a danger that they relocate to another district where office space of this criteria is available. Office occupiers require the ability to access the building and their offices 24/7, and without this criteria the space will be difficult to let and we would lose employment opportunities for the town. The building already is 65% offices, so to move the nightclub status to offices further supports the main commercial activities of the building - which do not infringe on the licence premises on the ground floor. But, add more job creation and safeguarding job space for local businesses who require flexible / managed space.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, DM5, DM13, DM15, DM22,
National Planning Policy Framework (MHCLG 2024)
National Planning Practice Guidance

Planning Assessment

Land use

Policy DM13 sets out that changes of use within town centres will be carefully controlled to ensure that they support, rather than detract from, the successful functioning of the centres and their ability to meet local needs, according to their function in the hierarchy. In relation to changes to upper floors these will be encouraged where they don't undermine the ground floor unit. The proposal results in the loss of a night club which is a separate unit to the ground floor. It is noted that the nightclub has closed and the building is empty at first floor. Night clubs are included in the definition of main town centre uses and can be supported as part of the night-time economy but the Local Plan offers no particular protection against their loss.

The agent of change principle is relevant here therefore a condition is required to retain sound insulation so that the users of the office are protected against the noise from the nightclub if they are working late into the evening.

Policy SS3 states that retail, leisure, office and other town centre use development should usually be directed to the Town Centre to ensure Worthing Town Centre continues to fulfil its sub-regional role, including through the more efficient use of existing sites. Policy DM11 identifies Chatsworth Road as a key office location that will be protected. The proposed development will provide 485 sqm of new office floorspace within a highly sustainable town centre location and a designated key office area and can therefore be supported in principle. The use will be controlled by condition to allow for office development only.

Visual Amenity
There are no external alterations so there will be no impact on visual amenity.

Residential Amenity
There are no residential properties within proximity of the site. In any case the use as offices within an established office building is considered to have fewer amenity impacts than the use as a nightclub.

Transport

The site is in a highly sustainable location in transport terms, within easy walking distance of all the amenities of the town centre.

The site would not provide on-site parking but is within close proximity of multi-storey car parks. The surrounding streets are protected by car parking zones so the use is not considered to result in loss of parkin on street.

The new offices will utilise the same refuse store as the nightclub.

The LHA was consulted and they advised that the expected trips for office use would be lower than for a nightclub. They have not raised an objection and did not request provision of cycle parking.

Other matters

Policy DM22 describes the agent of change principle setting out that new development should provide suitable mitigation before the development has been completed. It is considered that the proposed use as offices could affect the operation of the ground floor nightclub which is currently in place.

The applicant has advised that insulation has previously been installed in the building and offices are operating in proximity of the nightclub within the building. As the previous use was as a nightclub it is not clear whether the insulation would have been installed between the two night clubs. The environmental health officer recommended a condition requiring a test to ensure the unit had adequate mitigation.

The applicant was unwilling to accept such a condition, so it was proposed to limit the hours of the office use to ensure the two uses are not operating at the same time. Although the night club is listed as opening at 11 which is outside normal working hours, their license is from 11am and the noise unregulated until 11 pm. In this case it was considered appropriate to limit the hours of operation of the offices to reduce potential for conflict. The hours on the application form were listed as 9am to 5pm but it is considered that longer hours from 7am to 7pm were suggested to the applicant, who agreed. Upon further consideration, the hours of operation condition will not be attached in this instance and instead an informative will be added to require the applicant to notify potential occupants of the nightclub so that they are aware that there is a risk of disturbance within the unit.

Policy DM16 requires that all non-domestic properties (including those created through conversions) should achieve a 'B' rating Energy Performance Certificate. This can be secured by condition.

The site is in Flood Zone 1 and is therefore not at high risk of flooding. The proposed development would not increase surface water drainage requirements which would operate via the existing system in place for roof drainage. The demands on foul water drainage would be accommodated by the existing connections to mains sewers. WSP and Southern Water were consulted and have not raised an objection to the proposals.

There is no community infrastructure levy charge for new offices.

Recommendation

APPROVE subject to Conditions:-

1. Drawing Numbers
2. Standard time limit
3. Use as offices only
4. EPC certificate

Informative

1. NPPF Proactive statement
2. Applicant to advise potential occupants of the presence of the night club and the risk of noise disturbance if the offices will be used late into the evening.

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

Case Officer: Louise Prew Date: 17/10/2025

Authorised by: Gary Peck Date: 17 October 2025