Application Number:	**AWDM/0431/25**	**Recommendation - |Approve**
Site:	**2 Bath Place, Worthing**	
Proposal:	**Change of use of ground floor from commercial (Class E) to amusement arcade (Sui Generis) and first and second floors from ancillary offices / snooker (Sui Generis /Use Class E) to office use (Use Class E) with replacement shopfront to include separate office entrance (retrospective)**	
Applicant:	Connaught Leisure Ltd	Ward: Central
Agent:	ECE Planning Limited	
Case Officer:	Stephen Cantwell	

Site and Surroundings and Proposal

The site comprises an early post-war brick-faced commercial building also with display frontage of 11m width, located at the southern end of Bath Place. To the south a narrow external passageway is oversailed by a flying corridor at first & second floors. Formerly, this link provided access to the rear of nos. 34, now stopped up internally.

The building has been undergoing renovation following a grant of planning permission for changes of use, including residential use of upper floors from offices (used by Connaught Leisure) to residential and enlargement of its roof, also to provide a flat. The ground floors were previously used as a shop and separate restaurant, both accessed from the street. Previous uses comprised approximately: shop - 70sqm; restaurant - 75sqm and offices – 110sqm

According to the current Worthing Local Plan, the site is within the Town Centre Secondary Shopping Frontage, adjacent to the boundary with the Town Centre Seafront Area (the boundary with no.34 Marine Parade). There is a mix of commercial uses in the semi-pedestrianised Bath Place, and an amusement arcade at the southern corner of the street at no.34 Marine Parade, which faces the seafront. The site is also within the South Street Conservation Area. There is no on-site parking and the wider area is a Controlled Parking Zone A, with double-yellow lining on Marine Place. The site within the South Street Conservation Area, adjoins listed buildings in Bath Place and is also in Flood Zone 3.

Proposal

Following a previous grant of planning permission in 2019 (AWDM/1626/18) for change of use of the ground floor to an amusement arcade, with two flats above, and a further flat by enlargement of the roof (AWDM/1627/19 as varied by AWDM/0966/21), the applicant now seeks to retain use of first and second floors as offices and no longer intends to carry out the third floor extension. The approved amusement arcade use at ground floor would not be affected.

The previous permissions have been implemented by physical works, as confirmed by a Certificate of Lawfulness (AWDM/0035/23), which referred to works undertaken to block up the internal doorways between the flying link and No.34 Marine Parade and 2/3 Bath Place,

which dictated that access can no longer be gained from Marine Parade, consistent with the planning permission, and the first material alterations to the windows on the façade of the building. As yet, aside from the clearance of the office furniture and equipment, the physical conversion works to enable residential use of the upper floor have not taken place and the building is currently vacant and boarded up.

Planning History

AWDM/1626/18 - Change of use of ground floor of No. 34 Marine Parade from amusement arcade to flexible use as restaurant and/or drinking establishment (Use Classes A3 and A4). Change of uses of ground floor of Nos. 2 and 3 Bath Place from shop (Use Class A1) and restaurant (Use Class A3) to amusement arcade, including new shopfront, also change of use of first and second floors of Nos. 2 and 3 Bath Place from ancillary office space to 2no. two-bedroom flats.
Approved 08/02/2019

AWDM/1627/19 - Proposed alterations to roof to include 3rd floor extension including dormers to create 1no. two bedroom flat, including minor variation to approved floor plans under AWDM/1626/18 (2 and 3 Bath Place).
Approved 31/01/2020

AWDM/0966/21 - Variation of Conditions 1 (Drawings), 3 (Materials), 4 (Noise), 5 (Bin and Cycle Store) and 6 (Flood Risk) of AWDM/1627/19: Proposed alterations to roof to include 3rd floor extension including dormers to create 1no. two bedroom flat, including minor variation to approved floor plans under AWDM/1626/18**.**
Approved 24/01/2022

AWDM/0035/23 Application for Certificate of Lawfulness for Existing implementation of Planning Permissions AWDM/1626/18, AWDM/1627/19 and AWDM/0966/21
Approved 11/05/2023

Consultations

West Sussex County Council Highways Authority : No transport grounds to resist the proposal.

The LHA does not anticipate that the proposals would give rise to a significant material intensification of movements to or from the site. Weight is given to the fact the site is highly sustainably located within the town centre that is well accessible on foot, by cycle or by public transport

The proposed nil car parking provision would not give rise to a highway safety concern or parking capacity issue. Vehicle parking would have to be accommodated on-street or within nearby paid-for provision, as per the existing arrangement. There are comprehensive parking restrictions in place prohibiting vehicles from parking on-street in places that would be detrimental to highway safety.

Environmental Health : It would be advantageous to keep the level of enhanced internal insulation as submitted in the current application. This effectively "future proofs" in the event that conversion from office to residential occurs in future. The applicant has submitted the earlier acoustic report with this application that details a residential standard of noise insulation and would achieve better sound protection from the proposed arcade to the offices above.

A condition to limit the level of amplified music and speech inside the arcade, typically to 75dBA at 1m from speaker systems to prevent excess noise breakout from the premise. This would ensure amplification does not exceed a background music level. This along with

keeping doors and windows shut during hours of operation would prevent noise disturbance to residences opposite.

[updated 17/9/25: In all probability the concrete floor slab and suspended ceiling/ carpeting, would be sufficient to limit noise from the proposed arcade for daytime office use in the floor above. This of course would need to be reviewed in the event of any change of use (to residential) if proposed in future.

Under the circumstances, I think the further consideration to limit the overall noise limit to 75dBA Leqt 1min, in the arcade would prevent excess noise transfer for non domestic use to the floor above, and keep breakout noise to a reasonable level.]

WSP (Council's Drainage Consultant) : No objection, subject to adherence with submitted Flood Risk Assessment

West Sussex County Council Lead Local Flood Authority : No Objection (subject to condition as WSP above)

Southern Water : No objection, noted that drainage remains unchanged

UK Power Networks: Comments. Please note the presence of high & low voltage cables in proximity of the development. Please contact UKPN for accurate records before development.

Representations

Worthing Society - No objection (refers to signage AWDM/0432/25)

Relevant Planning Policies and Guidance

Worthing Local Plan 2020-2036:
DM1 Housing Mix, DM5 Quality of the Built Environment; DM6 Public Realm
DM13 Retail & Town Centre Uses; DM15 Sustainable Transport & Active Travel
DM20 Flood Risk and Sustainable Drainage: DM22 Pollution, DM23 Strategic Approach To The Historic Environment: DM24 The Historic Environment

Relevant Legislation

Section 70 of the Town and Country Planning Act 1990 (as amended) provides that the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations. Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

In respect of heritage Sections 16, 66 and 72 & 73A of the Act and also Section 72 of the Planning (Listed Building & Conservation Areas) Act 1990 require the Local Planning Authority (LPA) to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest they possess, and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

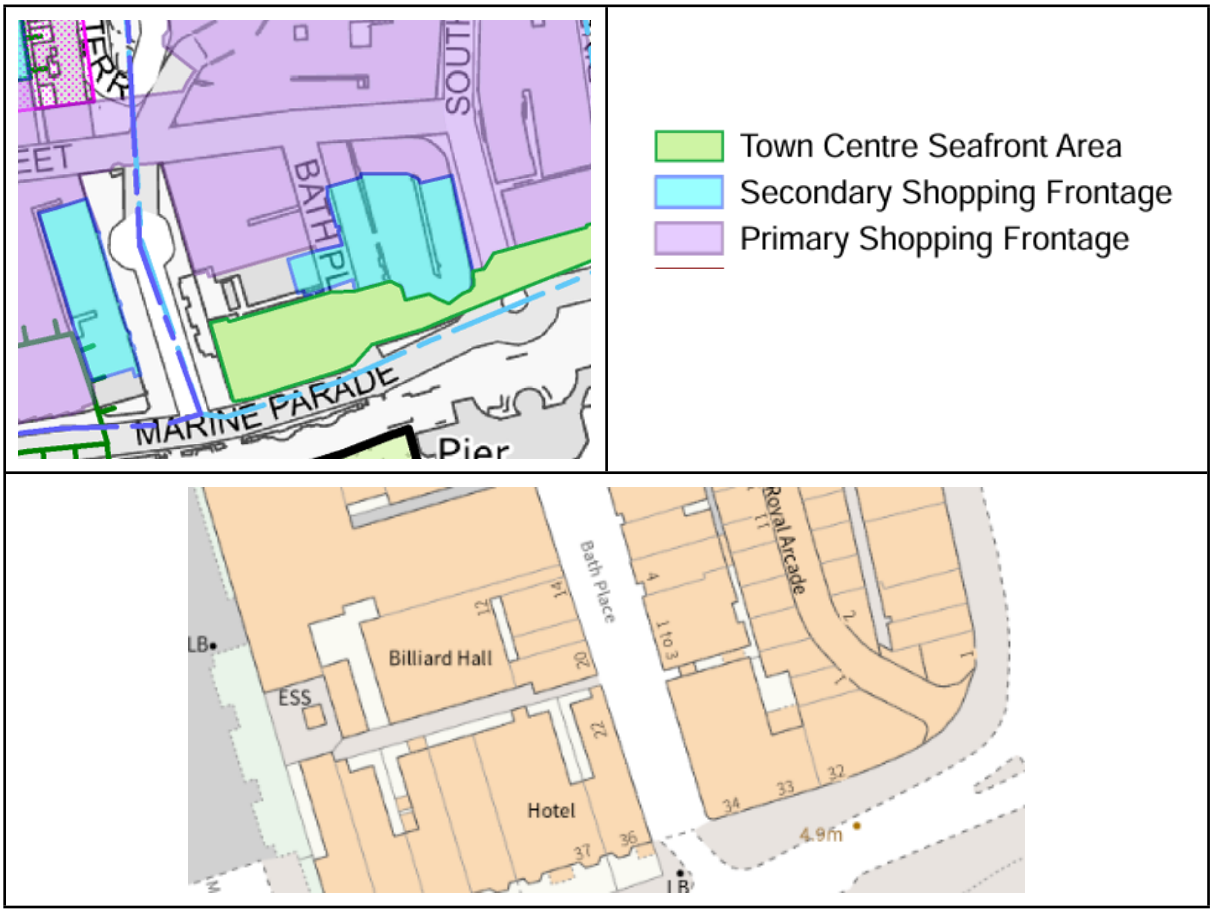
Planning Assessment

Principles

Two uses are covered by this application:

- At ground floor the proposed suis generis use as an amusement arcade. This would replace the existing retail and restaurant uses at ground floor (both Class E).
- At first and second floor an office. This would continue the previous office use but with access from the street rather than connected/ancillary to the amusement arcade & snooker hall at 34 Marine Parade. It would supplant residential use, for which planning permission (AWDM/1628/18) was granted and implemented (by physical works such as the stopping up of the flying corridor link to no 34 Marine Parade, and window replacement works). Almost no other residential conversion work has been undertaken.

Both proposed uses are Main Town Centre Uses according to NPPF (2024, Glossary). Para 90 refers to provision for suitable town centre sites for both of these. The Local Plan Proposals Map, (below) and Policy DM13 identify the site as a secondary retail area, which differs from the primary retail status (Primary Zone B), which applied up to 2023 and by which the previous permissions were determined. Accordingly, DM13 is a degree more flexible as to the range of town centre uses which can be accommodated. Those which are complementary to existing uses are supported.



Arcade

The current application for the arcade use at ground floor is similar to the previous planning permission, but is now divorced from the previously approved arrangement to swap the arcade use from no34 Marine Parade into this site. This previous arrangement would have extinguished the arcade use at no.34 in favour of a flexible range of food and drink uses.

As such, approval of the current application would result in the presence of two arcades neighbouring one another. In policy terms, the proposal is within the list of acceptable town centre uses, but it will result in a considerable length of frontage at the corner of Bath Road and Marine Parade. It is relevant that the Marine Parade arcade is part of the Town Centre Seafront Area and is part of the vibrant promenade area where entertainment and food and drink premises are dominant in its character.

The character of Bath Place is more mixed with a strong retail component and it is set somewhat apart from the sea front. In this context the presence of an arcade in this location can serve as a transition between the characters of the two areas without significantly affecting the wider retail function of Bath Place. Arguably it may also bring something of the sea front vibrancy into Bath Place. Accordingly there is some justification for the view that the proposal will be complementary to the area in accordance with policy DM13.

It is noted that the existing arcade at 34 Marine Parade is subject of a current application (AWDM/1174/23) for part change of use of ground floor from restaurant and amusement arcade to restaurant and Use Class E, this awaits the completion of a legal agreement for the issuing of planning permission. Although little weight can be attached to this, it is noted that if it is approved and implemented it would result in a similar outcome as that approved in 2019 for the combined site of no 34, with 2-3 Bath Place.

Office

The upper floor office use is also supported under policy DM13 and contributes to commercial activity. Although implementation of the approved residential use of the upper floor has been confirmed by the 2023 Certificate of Lawful Development (AWDM/0035/23), the physical works towards this have been limited and none of the residential fixtures (kitchen and bathroom), have been provided since the space was last used for office purposes. The space is not yet suitable for residential occupation. As such, in practical terms, the proposal is not considered to lead to a loss of existing habitable accommodation contrary to Policy DM1 (which seeks to safeguard existing housing).

Visual impact and Heritage

The external changes comprise the new shopfront, which is quite similar to the previous planning permission AWDM/1627/19 This has a balanced appearance, with contemporary doors and side lights located symmetrically at either end. There is a stall riser to the vertically divided shop window. This evokes traditional shopfronts in a contemporary style.

Submitted plans have summary details of materials for the entire building, painted board is referred to and UPVC windows; this is unclear and in respect of the shopfront, the previously approved use of painted timber and aluminum glazing bars is more appropriate to the preservation and enhancement of the conservation area and setting of neighbouring listed buildings. A planning condition can be attached.

The requirement for a window display under policy DM13 can be largely met by limitation on shutters. A drawing which shows a colourful shop window front image was submitted with the current advertisement application AWDM/0432/25. Although this may be a fixed image rather than a display within the window, and may not allow for views into the interior, some consideration can be given to the location of the site. It is at the end of a side street, slightly away from the main shopping streets, and partly compensated for by the vista of the sea and active seafront. On balance in this particular location it may be accepted.

Replacement upper windows have already been installed in accordance with the previously planning permission. The separate current advertisement application is considered under AWDM/0432/25.

Residential Amenities.

Upper floors in parts of Bath Place, Marine Parade and their environs include residential uses. As previously approved the applicant seeks an unlimited-hours permission, (only deliveries and use of external plant only were previously hours-limited). In consideration of this the Environmental Health officer recommends a condition to manage noise levels which otherwise cause noise breakout. The applicant has declined an associated request to keep doors closed after 9pm to further minimise noise risk. Discussion within the EH officer has concluded that noise nuisance, if it were to occur, could be subject of environmental health powers.

At the rear of the building, the submitted plans show the location of air moving apparatus. This is not covered in the terms of the application and a condition can require details, including acoustic performance, maintenance and hours of use, in order to minimise risk of nuisance from these. Bin storage positioned to the rear of the building is discreet and consistent with its use as a service access

The Environmental Health officer also recommends that in addition to the concrete first floor and recently installed a suspended ceiling in the arcade below the proposed offices, a noise insulation scheme be included *in the event of a residential use* for the upper floors. The standard of insulation between the proposed upper office use and ground floor arcade may differ from that which might apply for residential.

As such the existing floor and ceiling is sufficient between the arcade and offices. However, a condition to limit permitted development rules, which might otherwise allow for future residential conversion, will minimise the risk that otherwise noise insulation may not be matched to the needs for a residential relationship. It is arguable that this will overlap the noise insulation conditions attached to the permissions AWDM/1626/18 AWDM/1627/19 which included residential use of upper floors. However, given that the current proposal takes a different direction in terms of the use of these upper floors, it is considered necessary to attach such a condition in view of the 'risk' of future residential use which emerges through the current proposal, furthermore it provides certainty that such insulation could be ensured, whereas the condition of the previous permissions might otherwise be tenuous.

Access and Transport

The site is centrally located in a controlled parking and yellow lined zone, It has good access to buses and town centre parking The highway authority does not anticipate a significant material intensification of vehicle movements. Unlike the residential conversion scheme of 2019 there is no proposed on-site cycle storage for the proposed office, which is regrettable. However, this is not considered sufficiently serious as to warrant refusal but may result in internal pressures for ad-hoc cycle storage. Weight is given to the fact the site is otherwise sustainably located

Flood Risk

The site is in Flood Zone 3. The proposed office use is less vulnerable in flood risk terms, than the approved residential use, but the application retains the previously approved Flood Risk Assessment (which was directed to residential development), with resilient design, such as anti-surge drainage, and plans for management in a flood risk event. The Council's drainage and flood risk consultees support the application, subject to the documents in the paragraph below.

A separate document covering flood warning and evacuation was previously approved (AWDM-0966-21 - 'Flood Assessment Technical - Note Motion Ltd 24-09-2021'). This has been adapted by the recently submitted document *Condition 9 Flood Risk Management pursuant to Application Reference AWDM/0431/25*. (the title refers to '*condition 9*', which was

the original drafting number of a condition which would have been attached to approval of the current application AWDM/0431/25, if the document had not been recently submitted. Condition 8 requires that flood risk management measures, including a flood warden for each of the arcade and offices, will be responsible for signing up to flood warning services and arranging for evacuation in flood risk events. A safe escape route leads northwards from the site via Bath Place to Montague Street and the northern part of the Town Centre.

Biodiversity

The proposal will not affect vegetated habitat and is exempt from 10% Biodiversity Net Gain Requirements of the Environment Act 2021.

Recommendation: Approve

Is recommendation contrary to letter(s) of representation? No

Subject to Conditions:-

1. Approved Plans [*listed to be added*]

2. Standard 3 year time limit

Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.

3. Materials and details of shop front

The new shopfront at 2 and 3 Bath Place shall comprise:

- Painted metal window and door frames
- Painted metal or timber or glazed doors
- Painted timber stall riser
- Rainwater goods if used in the replacement shop front shall be black or painted to match the window and door frames

This condition shall apply notwithstanding any information contained in the current application. Any variation of these details shall be first approved in writing by the Local Planning Authority.

Reason: In the interests of certainty and to ensure a satisfactory standard of materials and finish to ensure that the character of the conservation area and setting of listed buildings is preserved and enhanced in accordance with policies DM23 & DM24 of the Worthing Local Plan 2020 - 2036.

4. Display window

The display windows at the site frontage, shall be maintained in accordance with the drawing: Shop Front Plans ARC-032-24-11, to ensure a degree of visual interest. No security shutters shall be included without the prior written approval of the Local Planning Authority.

Reason: To safeguard the character of the shopping area to ensure that the character of the conservation area and setting of listed buildings is preserved and enhanced in accordance with policies DM5, DM13, DM23 & DM24 in accordance with policies DM23 & DM24 of the Worthing Local Plan 2020 - 2036.

5. Noise levels

The sound level from any amplified sound equipment or machines with amplified sound in the amusement arcade shall not exceed 75dB(A) LAeq 1 min at any time.

Reason: To protect users of the building and neighbours from noise and vibration in accordance with policy DM22 of the Worthing Local Plan 2020 - 2036

6. Noise - Air moving Equipment

Notwithstanding any information in the current application, no additional external air moving equipment or duct shall be installed unless details, including the acoustic specification and provisions to minimise risk of noise, vibration and odour, their location, maintenance arrangements and hours of operation, have been submitted to an approved in writing by the Local Planning Authority and thereafter shall be permanently maintained in accordance with the details thereby approved and the manufacturer's instructions.

Reason: To minimise risks of noise, vibration or odour from any external air moving equipment or plant in accordance with policy 22 of the Worthing Local Plan 2020 - 2036.

7. No residential use

The offices and amusement arcade hereby approved shall not be converted to residential use. This condition shall apply notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any Order revoking or re-enacting these Orders.

Reason: *Residential use may require additional noise insulation measures, flood risk management and cycle parking in accordance with policies DM15, DM20 & DM22 of the Worthing Local Plan 2020 - 2036.*

8. Flood risk management

Conversion works shall be carried out in accordance with the design recommendations at section 7.3 of the Document: *'Flood Risk Assessment by Ambiental Ltd. (Reference: 3482 / AWDM/1299/17/INVAL)* and the Flood Resistance and Resilience measures in Sections 3.3 - 3.11 of the document: *Response to Condition 6 of AWDM/1627/19 and Condition 19 of AWDM/1626/18* by Motion Ltd, dated 24th September 2021. Arrangements for provision, dissemination and updating of flood risk information and means of escape in a flood event contained in Section 2.0 of that document and arrangements for the management of flood risk shall be permanently adhered to in the uses of the offices and arcade hereby approved, together with all flood risk management measures in the document: *Condition 9 Flood Risk Management pursuant to Application Reference AWDM/0431/25,* which was received by the Local Planning Authority on 10th September 2025 .

Reason. In the interests of safety and to minimise risk from flooding in accordance with policy DM20 of the Worthing Local Plan 2020 - 2036 and in the interests of clarity, to ensure that appropriate documents are adhered to.

9. Delivery Hours

Deliveries to and from the site shall only take place between 07:00 and 20:00 hours Monday to Saturday and 10:00 and 18:00 hours on Sunday & Bank Holidays and not outside these times.

Reason: To ensure a balance between the amenities of the area, including neighbouring residents and the commercial use hereby approved in accordance with policies DM5 & DM22 of the Worthing Local Plan 2020 - 2036.

Case Officer: Stephen Cantwell Date: 29th September 2025

Authorised by: Gary Peck Date: 29 September 2025