

Development Management – Delegated Officer Report

Application Number:	AWDM/0106/26	Recommendation - Approval
Site:	32-34 Marine Parade, Bath Place, Worthing, West Sussex	
Proposal:	Approval of Details Reserved by Conditions 3 (Materials/finishes); 4 (Design details) ; 5 (Construction management plan); 8 (Surface water drainage); 12 (Noise attenuation); 14 (Sound insulation); 15 (Noise impact assessment); 20 (Sustainability measures); 23 (Sustainable travel pack) and 24 (Refuse storage) of approved application AWDM/1174/23.	
Applicant:	Mr Kelmend Murataj	Ward: Central
Agent:	Dr Jonida Murataj	
Case Officer:	Giles Holbrook	

Relevant Planning History:

Reference	Description	Outcome
AWDM/0341/26	Application for a non-material amendment to previously approved AWDM/1174/23. Amendment is to change from an integrated solar photovoltaic array to a roof-mounted array with associated revision to the wording of condition 20 to remove the reference to an integrated display, and provision of Automatic Opening Vents (AOVs)	Application Permitted on 13.04.2026
AWDM/0035/23	Application for Certificate of Lawfulness for Existing implementation of Planning Permissions AWDM/1626/18, AWDM/1627/19 and AWDM/0966/21 at 2/3 Bath Place and 34 Marine Parade, Worthing, West Sussex, BN11 3BA	Certificate of Lawfulness Issued on 12.06.2023
AWDM/1174/23	Part change of use of ground floor from restaurant and amusement arcade to restaurant and Use Class E (commercial/business) space with new shopfronts to Bath Place and Marine Parade.; change of use of upper floors from vacant pool / snooker hall; associated	Application Permitted on 08.10.2025

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	extensions and alterations at ground, first, second and third floor rear and at fourth floor and roof level to create 21no residential dwellings.	
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Planning Assessment:

Condition 3

Condition 3 states:-

“No works to implement the development shall be carried out unless and until a schedule and samples of the materials, colours and finishes to be used for the external walls and roofs of the proposed development (including all new and replacement windows and doors and balustrading to roof terraces) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved schedule and samples.”

In response to the above condition, the applicant has provided a materials schedule detailing the intended use of materials and colours. Windows and associated details should be noted to be reserved by Condition No.4 (below).

The submitted schedule reflects details indicatively shown, and approved, as part of the original approval (ref: AWDM/1174/23). This includes the retention of existing glazed stonework and render present to the main southern and western elevations of the application property (fronting Marine Parade and Bath Place), which is to be cleaned and repaired. New areas of render, featured to the ‘rear’ of new penthouse components, would feature ‘Lily White’ render matching the traditional colouring of the application property and present to several prominent nearby historic buildings (including The Dome and Worthing Lido). This arrangement is considered to be acceptable and would redress some of the existing damage evident on the property, including graffiti evident to its rear on existing stair/lift structures which would be subsumed within newly constructed penthouse components.

The existing felted flat-roof present to the application property is to be replaced with a new light-grey GRP roof, except where this is to be covered by timber terracing and penthouse constructions. An identical light-grey GRP roof is, similarly, to feature atop new penthouse constructions. While GRP material is not considered to possess any particular historic or architectural merit, this is also the case for the existing felted flat-roof, with no-roof construction expected to prove visible from street level. No harm, therefore, would result from this arrangement.

The southern, eastern and western faces of the approved penthouse layers would employ a typical zinc cladding system and coloured light-grey. This is deemed suitable given the

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modern character/appearance of the penthouse components, with the lighter colouring considered to assist in lessening any 'top-heavy' impression which could arise from the approved additional storeys.

Balustrading featured to penthouse terraces is indicated to be of a clear (non-frosted) and frameless type. As approved, this is to be set inside of the existing fourth storey parapet. This arrangement is unimposing in visual terms and is not considered to detract from an appreciation of historic features present to the southern and western facades of the application property.

Overall, it is considered that the submitted details largely align with details indicatively approved pursuant to ref: AWDM/1174/23 and are of an appropriate type and quality. It is considered that the details satisfy the requirements of Condition No.3, and of Policies DM4 and DM24 to the WLP.

Condition 4

Condition 4 states:-

“No works to implement the development hereby permitted shall be carried out unless and until drawings (including vertical and horizontal sections) of the detailed design, proportions and profiles of all new and replacement windows and doors of the development, and the detailed design, construction and profile(s) of the roofs of the roof extensions, have been submitted to and approved in writing by the local planning authority. Thereafter the development shall only be carried out in accordance with the agreed details.”

In response to the above condition the applicant has provided fine-detail (1:20) drawings of roof components, including parapets, junctions and ridge elements, together with a windows schedule detailing all proposed windows and their respective designs.

The proposed roof design (for the roof extensions), as described on the submitted drawings, is a GRP flat-roof edged by a 25cm parapet. An external 1m projecting sun-shade would sit below the edge-parapet to the western and southern aspects of the penthouse components in order to mitigate potential overheating to occupiers of the penthouse apartments. No ridge details have been provided, reflecting the nature of the proposed penthouse roof as a 'flat' construction.

The submitted details describe a fairly typical modern construction, with the height of the edge parapet noted as sufficient to obscure the shallow angle rooftop PV array. The submitted details are consistent with those considered (and approved) pursuant to ref: AWDM/0341/26, and are considered to satisfy the requirements of Policies DM5 and DM24 to the WLP.

The proposed window schedule describes a comparatively wide variety of window types, reflecting the comprehensive replacement of existing glazing and new installation to penthouse components. All proposed glazing would be aluminium and feature visible trickle-vents typical of non-specialist glazing.

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Replacement windows to the Royal Arcade facade would be coloured black and of a vertical sliding-sash type, positioned to maintain the same recess/reveal as existing glazing. Physical glazing bars would be incorporated at equally spaced intervals to mirror the arrangement of existing glazing featured to the neighbouring section of the Royal Arcade fronting South Street to the adjacent East. With the exception of visible trickle vents, the proposed Royal Facade windows are considered of a design, type and style which would appear very similar to those featured to the remainder of the Royal Facade.

Within informal comments, the Council's heritage officer has suggested that alternative windows should be sourced for the section of the Royal Arcade facade of a heritage steel type and casement design matching the original 'crittall' windows which would have featured to the Arcade frontage and which are retained at first/second storey above Nos 3-11 South Street. This request has been put to the applicant, who has declined to alter the proposed window-selection owing to the additional cost burden associated with commissioning high-specification heritage style windows of the type requested.

The view of officers is that the details as submitted are acceptable. While an alternative high-specification heritage product would likely have delivered a greater enhancement to the appearance of the application property, neither Policy DM5 or DM24 to the WLP requires that development delivers a maximum achievable enhancement to the appearance of its respective setting or significance of the relevant heritage asset (the South Street Conservation Area).

The application property, at present, features highly unsympathetic white uPVC framed glazing lacking the glazing bar detail. Many windows, further, are in a very poor condition/state of repair, and several feature unattractive advertisements applied internally to the face of the window. This existing treatment is lawful in planning terms (by reason of the limit imposed at S.171B(1)(a) to the TCPA 1990), and it is considered that any enhancement which could be realised by development should be assessed relative to its current lawful condition. In this regard, the approved works/details would deliver a clear and appreciable benefit to the general appearance of the property, and introduce glazing far more sympathetic to the historic condition of the Royal Arcade. In these regards, therefore, notwithstanding the comments of the Council's heritage officer, the submitted details are considered to satisfy the requirements of Policies DM5 and DM24 to the WLP.

To 33-34 Marine Parade (the part of the application property falling beyond the Royal Facade), windows fronting onto Marine Parade and Bath Place would be replaced with similar aluminium glazing of the type described above, though, coloured white and lacking glazing bar detail. This would replace existing white uPVC glazing featuring simulated glazing bars.

33-34 Marine Parade does not read as part of the Royal Parade, despite its physical attachment. This part of the site is taller (at four storeys), features different internal floor/ceiling heights and different material/architectural detailing externally. The view of officers, therefore, is that it is not necessary for consistency in detailing and colouring to be maintained across all replacement glazing, as the physical dimensions, type and character of existing windows are not uniform between the two main-parts of the existing building. The introduction of white-framed, barless aluminium glazing would prove similar

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to the type and treatment of glazing featured at first-second storeys at 36-42 Marine Parade. This proposed glazing is considered of an acceptable type, design and quality.

All remaining glazing is of a modern large opening type. Clear glazed dark-grey aluminium framed sliding doors or bi-folding doors are described to be introduced to the ground floor shopfronts fronting Marine Parade and Bath Place, and are similarly replicated for the penthouse layers. This glazing is of an unquestionably modern type, though, is considered appropriate and expected for the penthouse layers. To the shopfront components, large-sliding and clear glazed openings of the type proposed would reinforce a sense of activity at street level and replace the existing unsympathetic obscure glazed non-historic shopfronts and retaining, in some cases adding plinths. The proposed arrangement, therefore, is considered acceptable, with the submitted window details as a whole considered to satisfy the requirements of Condition No.4 and Policies DM4 and DM24 to the WLP. It is recommended that the condition be discharged accordingly.

Condition 5

Condition 5 states:-

“No works to implement the development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved CMP shall be implemented and adhered to throughout the entire demolition/construction period. The CMP 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; HGV construction traffic routings shall be designed to minimise journey distance through the AQMA's;*
- *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;*
- *a commitment to no burning on site;*
- *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;*
- *methods to control dust from the site.”*

In response to the above referenced condition the applicant has provided a Construction Management Plan (CMP). The submitted CMP includes a commitment to employ typical good-practice construction practices, including the appointment of responsible individuals, notifications to neighbouring residents/businesses of planned construction activity and a defined complaints procedure.

The CMP, further, describes the intended use of ground floor commercial spaces (former amusement arcade) for construction storage and welfare purposes, with no suggestion that construction site set-

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up would involve pavement space on Bath Place or Marine Parade, except for the provision of external scaffold and crane provision.

The CMP, further, predicts a maximum of 15x total vehicle movements per-day associated with the approved construction works. No on-site parking is envisaged within the CMP, with loading/unloading anticipated to take place within the wide pavement forward of Marine Parade or on Bath Place.

The provision of external scaffold, crane and loading spaces within the public highway have been noted within the response of the Local Highways Authority, though, no objection has been raised by the LHA subject to relevant temporary closure licences being sought from and issued by the LHA. No objection has been raised by the Council's own Environmental Health team to any of the construction measures detailed within the submitted CMP.

Overall, it is considered that the submitted CMP is acceptable and would minimise disruption arising from construction operations.

Condition 8

Condition 8 states:-

“No works to implement the development shall take place unless and until construction drawings of the surface water drainage network, associated sustainable drainage components and flow control mechanisms and a construction method statement have been submitted to and agreed in writing by the local planning authority. The scheme shall then be constructed as per the agreed drawings and FRA (Flood Risk & Sustainable Drainage Assessment by HOP, 03/01/2024, revision V1.2) and remain in perpetuity for the lifetime of the development unless agreed in writing by the Local Planning Authority. No alteration to the agreed drainage scheme shall occur without prior written approval from the Local Authority.”

In response to the above referenced condition, the applicant has provided a Surface Water Drainage Report together with associated detailed drainage plans and calculations for the submitted system. As described within the submitted drainage details, the proposals would continue to discharge to the existing public surface water sewerage network (representing the existing arrangement), though, with SuDS planters introduced where possible to capture initial rainfall together with discharge restrictors to be provided designed to provide sufficient attenuation for runoff expected from the 1:10 year rainfall event. The submitted drainage report concludes that complete on-site control for a 1:100 year rainfall event (including relevant climate change allowance) cannot be achieved in this instance owing to the built nature of the site and lack of available disposal options for surface water.

The finalised drainage strategy now presented differs from that initially prepared in relation with the original approval, which had envisaged the installation a 'blue roof' to more effectively capture and retain surface waters before disposal to the existing surface water network. A structural survey and structural engineer opinion conducted subsequent to initial approval, provided in accompaniment to this application, however, advances that loading associated with a blue-roof would be too great upon the existing structure and that extensive reinforcement would prove necessary in the event that a blue roof were to be introduced.

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The application site comprises an existing building, which extends to the full-extent of the application site. Except for penthouse components, the proposed operations represent works of conversion and refurbishment. As detailed within the submitted drainage report, no realistic means of disposal (other than to the existing network), are available in this instance, with the scale of on-site attenuation limited by the availability of space and structural condition of the building. The introduction of storage planters and flow-control devices, however, would still represent a material improvement to the existing rate of disposal and on-site storage capacity given the absence of any proactive drainage measures at present.

The Lead Local Flood Authority have been consulted on the proposals, though, have not responded to the Authority's request for comments. Given the built-nature of the existing site and limited change which would be effected by the proposals, however, it is considered that the Authority can conclude as to the acceptability of the proposed approach absent of expert comment.

Condition 12:

Condition 12 states:-

“Work to implement the development shall not commence unless and until a scheme for protecting the proposed noise sensitive development from external noise has been submitted to and approved by the local planning authority. All works, which form part of the scheme, shall be completed before any part of the noise sensitive development is occupied. The scheme shall have regard to the principles contained within the World Health Organisation community noise guidelines and achieve the indoor ambient noise levels for dwellings specified in BS8233:2014. The scheme should include full details of glazing and a strategy to prevent overheating. The noise level of any ventilation units when in use should not exceed the levels specified in BS8233:2014 and all duct work should be fitted on anti-vibration mounts. Following approval and completion of the scheme, a test shall be undertaken to demonstrate that the attenuation measures proposed in the scheme are effective and protect the residential units from noise.”

In response to the above condition the applicant has provided an acoustic report and ventilation/overheating strategy. The acoustic report identifies likely sources of external noise, including traffic noise, commercial extractors and mechanical ventilation. The acoustic report specifies standards of acoustic insulation to be achieved by windows, which is reflected within the window specifications received, in addition to in-duct silencers to be introduced to mechanical ventilation systems where required.

The acoustic report concludes that acceptable daytime and nighttime noise standards can be achieved internally with windows closed.

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The Council's Environmental Health officer has responded to note that the related overheating strategy document considers that suitable internal temperature levels can be maintained through natural purge ventilation, and has questioned whether the acoustic and overheating strategy documents are compatible in this regard.

In the view of officers, 'purge' style ventilation is undertaken infrequently and for short periods when desired to control excess temperatures. This approach to temperature control does not describe the typical use to opening windows, and simply affords additional flexibility to future occupiers to vent excessive temperature if this occurs.

It is recognised that the overheating strategy document considers that purge ventilation alone would likely prove sufficient to control temperatures in this instance, however, it should be noted that mechanical ventilation is nonetheless proposed to service all approved units. Figures A10-A14 at Appendix A of the acoustic report show the provisioning of MHVR vents and ducts, together with associated technical details, which would service all approved residential units. The ability to undertake 'purge' ventilation, therefore, should be understood to be available in combination with the regular artificial circulation of air by mechanical means. The MHVR plans and specifications detailed within the acoustic report would represent approved details and would be enforceable by the Council.

Overall, therefore, notwithstanding the reservation expressed by the Council's Environmental Health team it is considered that future residents would be adequately protected both against external sources of noise and overheating risk. The requirements of Condition 12 are deemed to be satisfied, which is recommended to be discharged accordingly.

Condition 14:

Condition 14 states:-

"The sound insulation of the floor/ceiling between the ground and first floor shall achieve a minimum airborne sound insulation value of 50dB (DnTw + Ctr dB). Before any residential unit is occupied a test shall be undertaken to demonstrate compliance with this level."

In response to the above referenced condition the applicant has provided an acoustic report, which includes airborne sound insulation tests conducted within the application property to determine the acoustic insulation property of existing built-fabric. Tests conducted on-site reveal that existing built fabric achieves an airborne insulation standard of 52 DnTw + Ctr dB, in excess of the minimum insulation value prescribed by Condition 14. No additional acoustic insulation, therefore, is required to satisfy the requirements of Condition 14, which can be discharged accordingly. This conclusion is supported within comments received by the Council's Environmental Health team.

Condition 15:

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“No works to implement the development shall take place unless and until an acoustic assessment of the impact of noise from the basement commercial unit (No33-34) upon the residential units above has been undertaken and submitted to the local planning authority. The impact assessment shall include details of any mitigation necessary for protecting the residential units having regard to the principles contained within the World Health Organisation community noise guidelines and ensure the standards within Table 4 of BS8233:2014 are achieved in the residential units. All works which form part of the scheme shall be completed in accordance with the approved details before any parts of the residential units are occupied.”

In response to the above referenced condition the applicant has provided an acoustic report, which includes noise modelling between the basement unit and approved first floor residential units. This acoustic report models a typical reverberant sound level (79dB(A)) associated with amplified music and patron noise established through measurements undertaken at a comparable establishment. The acoustic report considers the expected acoustic insulation level to be provided by existing built-fabric, and concludes that acceptable internal noise-levels (30 dB) would be achieved within bedroom spaces without the need for additional acoustic insulations.

The Council's Environmental Health team have reviewed the submitted acoustic report, its method and conclusions, and have confirmed no objection to its findings in respect of Condition 15. It is recommended that Condition 15 be discharged accordingly.

Condition 20

Relevant to the consideration of Condition 20 are amendments effected to the original approval by way of approval pursuant to S.96a of the Act under ref: AWDM/0341/26.

The 'non-material' amendments effected by ref: AWDM/0341/26 include a change from 'integrated' to a traditional roof-mounted solar PV array. The decision issued pursuant to ref: AWDM/0341/26 effected a revision to the wording of Condition No.20, removing explicit reference to the approval of details pertaining to the provision of an 'integrated' solar PV array.

The revised Condition No.20 states:-

“No work to implement the development shall take place unless and until details of the proposed sustainability measures including no less than 7no ASHPs and a solar photovoltaic array on the roof have been submitted to and approved in writing by the Local Planning Authority. No dwelling hereby permitted shall be first occupied until the agreed sustainability measures have been installed.”

The solar PV array is described on submitted roof, section and elevation plans, shown as a shallow (10 degree) array positioned inside of an external parapet ridge at penthouse level. This arrangement is identical to that considered (and approved) pursuant to ref: AWDM/0341/26 such that further consideration as to its visual effect is unnecessary in this instance.

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Technical specifications for the approved (traditional) solar array, further, confirm that its generation capacity (at 37.4 kWp) would exceed that of the integrated array initially envisaged in the Energy and Sustainability Statement approved pursuant to ref: AWDM/1174/23 (27 kWp).

All other sustainability measures, including built and thermal fabric performance, remain as per the originally approved Energy and Sustainability Statement, with the collective sustainability measures, encompassing high-performance fabrics, a large solar-PV array and 7x total ASHP deemed to satisfy the requirements of Policies DM16 and DM17 to the WLP. Roof-plans approved alongside ref: AWDM/1174/23 should be noted to prescribe the locations of the 7x total ASHP units, which remain consistent with details now submitted to the Authority.

Condition 23

Condition 23 states:-

“No works to implement the development shall take place unless a draft 'Sustainable Travel Pack' incorporating sustainable travel incentives and discounts for the occupiers of the proposed dwellings has been submitted to and approved in writing by the local planning authority. The approved 'Sustainable Travel Pack' shall thereafter be implemented in full accordance with a timetable to be approved”

In response to the above condition the applicant has provided an Addendum to the Sustainable Travel Plan which seeks to reinforce measures outlined within the originally approved Residential and Commercial Travel Plans.

The Addendum commits to the provision of £75 sustainable travel vouchers to each residential unit (upon first occupation) redeemable towards public transport season tickets or cycle purchase/servicing. The Addendum, further, commits to a 12-month car-club membership and associated initial usage credit for first occupiers.

These measures echo those outlined within the initially approved Travel Plan and are generally consistent with Sustainable Travel measures agreed elsewhere within Worthing Town Centre.

The Addendum, additionally, confirms the appointment of a Travel Plan Coordinator to administer the active incentives described above, in addition to the distribution of travel information to future residential/commercial occupiers and undertake formal Travel Plan monitoring.

The submitted details are considered to satisfy the requirements of Policy DM15 to the Worthing Local Plan, as such, are recommended for discharge accordingly.

Condition 24

Condition 24 states:-

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“No work to implement the development shall take place until details of the facilities for storing refuse/waste/recycling to serve the development have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be first occupied until the agreed refuse/waste/recycling provision has been provided and shall thereafter be permanently retained.”

In response to the above condition the applicant has provided a plan highlighting the positioning of a refuse store to the rear of the application building accessed by way of alleyway leading off Bath Place. The submitted plans denote the proposed store as able to accommodate four 1100 litre bins, deemed of sufficient capacity to service a development of the approved scale.

The proposed arrangement is consistent with that described on the originally approved plans, with few alternative arrangements realistically available in this instance without encroachment into ground-floor bike-store or necessitating the positioning of communal bins on-street to Bath Place or Marine Parade. While it is considered that the route-distance from residential units at upper levels to the refuse store is not ideal, given the relative absence of realistic alternatives and the lack of objection raised to the original arrangement it is considered that the details submitted pursuant to Condition 24 are acceptable on-balance.

Case Officer:
Authorised by:

Giles Holbrook
Stephen Cantwell

Date: 06.08.2026
Date: 21.08.2026