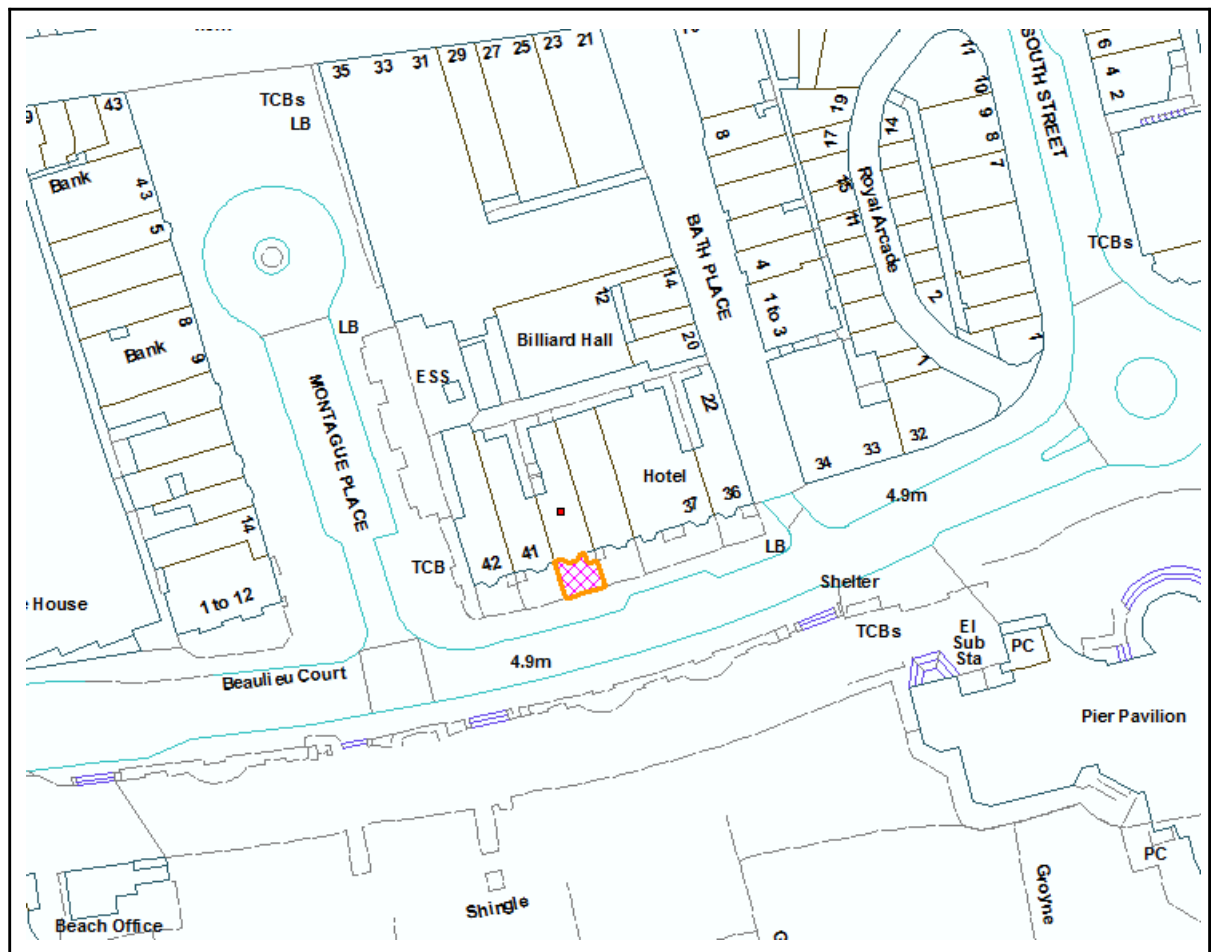


Application Number:	AWDM/0484/25	Recommendation - Refusal
Site:	40 Marine Parade, Worthing	
Proposal:	Retention of alterations to frontage decking to create access ramp with associated timber wall (1.2m high above edge of ramp), also retention of timber wall at side boundary (2.06m high above the deck and 2.4m above ground level)	
Applicant:	Soundcheck Bars	Ward: Central
Agent:	N/A	
Case Officer:	Stephen Cantwell	



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Site and Surroundings

The site is one of a prominent sea front terrace of Victo-Edwardian, ornate, three-storey sea-front buildings, most of which have commercial food & drink uses at ground level with residential accommodation above. The commercial makes use of front garden areas as dining and drinking patios, including the application site.

The site is close to the Pier and within the Town Centre Seafront Area as defined in the Local Plan and the South Street Character Area. It is also within the South Street Conservation Area. The terrace of which the application site is part, is on the Council's List of Buildings of Local Interest

Proposal

The proposal, now retrospective, is for three things:

Firstly the retention of replacement timber decking, with an integrated access ramp, all with anti-slip surfacing. The decking is approximately 35cm above ground level.

Alongside two sides of this ramp, the second element is the associated timber parapet-type wall, constructed in solid horizontal timber. This is approximately 1.2m above the ramp, measured at its southern end. The front (southern) face of this abuts the front boundary wall and stands above it and is visible from public pavement level at the site frontage; the front face of this upstand is currently used for displaying information about the venue.

The third element is a new timber boundary timber wall, recently constructed along the western side boundary with the attached terraced neighbour no.41. This also comprises horizontal slatted timber. It replaced a lower horizontal timber-slatted fence previously erected around 2022/3, the new fence is taller at around 2.4m height.

This wall extends the full length of the side boundary, abutting the rear of the front boundary wall. Three small ambient heaters and lights have been installed on this fence. The rear face, (facing no 41) is currently unfinished with a thick nylon membrane currently visible, together with supporting posts and wiring, which is awaiting completion and connection to the three light/heaters.

The application forms refer to an earlier proposal to make an opening through the front wall so that the ramp would lead straight onto the pavement, rather than linking to the existing path, which is shared with upstairs flats. However, this proposal was abandoned in favour of the ramp arrangement as recently constructed, which leaves the front wall intact.

Relevant Planning History

AWDM/1997/22 Application to vary Condition 6 (Opening Hours) of previously approved (WB/04/00008/FULL) to be open for trade and business between the hours of 8am and 1am the following day, on any day; external areas to be open for trade and business between the hours of 8am and 12 Midnight on any day. **Application Undetermined**

04/00008/FULL Change of use of ground floor to Use Class A3 (restaurant) and provision of extraction system to include a chimney to the rear elevation of the premises **Approved 10.02.2004**

Consultations

Adur & Worthing Councils:

Conservation Officer:

40 Marine Parade forms part of a Local Interest terrace in a very prominent seafront position, within the South Street Conservation Area. These buildings have a strong uniform character and interesting original features. The original Victorian buildings and boundary walls have a painted rendered finish, which is complimented by iron balustrading along the first floor balconies.

The addition of a disabled access ramp is a welcomed feature, its position being informed via discussions with the Planning Department.

However the boxed timber fencing utilised as balustrading, lacks the potential harmony of a painted metal handrail and balustrading as recommended by the Planning Department.

The tall timber fencing that has been erected along the eastern boundary of the forecourt of this building, is not only a distracting feature to this Local Interest Building, but also fails to protect or enhance the character or appearance of the Conservation Area.

Worthing Society

We object to the application for the reasons stated and submit that the proposal is not consistent with Policies DM 24 and DM 5

This building is located in a prominent position within the South Street Conservation Area. It forms part of a landmark terrace in this seafront location. The building has group value with number 41 as both are included on the Local Interest List.

The adjoining low front walls are also an important feature. I have now had the opportunity to discuss the application with our Heritage Team and we consider the proposed alterations will have a negative impact on the Victorian terrace as a whole, and this prominent part of the conservation area.

The existing fencing at 2.06m is already out of character in this seafront location. It was apparently erected without planning consent. In our opinion it should not be retained. An additional fence structure (timber wall) will be overbearing, detracting from the façade of the terrace and, in particular, the adjoining property which is, as stated, on the Council's Local List. An unwelcome precedent could be set. We have noted the concerns of nearby residents and suggest a more modest scheme would need to be considered.

Representations: Two support and three objections

Support

I am writing to ask for your support and to right a wrong that is currently occurring for a small business in Worthing, Soundcheck.

They have taken on a space that needed love and created a welcoming environment for members of the community, particularly those seeking a unique experience not found anywhere else. They provide jobs and opportunities for artists to share their talents. Visiting members of the public enjoy great music and quality events, something which you should be proud of.

The community are invited into Soundcheck for food, drink, local musician performances, quizzes and even art evenings, and Soundcheck do not seek to exclude anyone from enjoying the space.

Unfortunately they have been impeded in their efforts to improve the space and create disabled access. They are being obstructed, even after working closely with the Council to ensure what was proposed and subsequently being built was within the provided guidelines, then to be told this must be stopped and removed.

At a time where support for local businesses, and hospitality in particular, is so vital, I ask you to stand for what is right and ensure this business has the support of it's elected councillors to be able to succeed in their goal of entertainment for all.

They cannot afford, nor should they be expected, to remove what was in line with guidelines and be forced to deliver an outdated plan from a previous (and since failed) occupant that does not meet the needs of the community.

Can you sit by and allow the disabled residents, and tourists the bar would encourage, to be failed by such a poor decision?

I ask you to think of the whole community; the business owners, the patrons, those yet to visit but would love to, and the message this sends that those with the power to help are choosing not to.

Please contact Soundcheck with your support and ensure they are able to proceed with providing disabled access to their wonderful establishment.

This email is in response to the demand of removal of disabled access. I personally find this abhorrent for the following reasons; How is it in the 21st Century that access for disabled individuals is being completely ignored by the local authorities which seems to ignore the Disability Act and the Equalities Act. Surely just by mentioning these two government Acts that you are clearly breaking several U.K. Laws.

Secondly, I am a disabled patron of Soundcheck, leg amputee, and the very fact that you are restricting my personal liberties of increasing my difficulty of access and so infringing on the Disability Act infuriates me beyond measure. I strongly urge you to reconsider and remove any enforcement on Soundcheck, its need and wants to

make the business accessible to all such as the Disability Act demand. You should be grateful and supportive of this business as it is businesses like this that pay taxes to the community coffers.

Officer comment:

As explained in this report. The access ramp is considered acceptable. The application is recommended for refusal only due to the presence of the two walls

Objections

I am a resident and a director of the limited company responsible for all Freeholder matters at 41 Marine Parade, also for the five other Residential Freeholders, and tenants. We would like to formally submit an objection to the recent planning application specifically in relation to the height of the recently constructed wooden walls.

Notice Not Served Properly

We would like to highlight that the planning notice has not reached the legal owners of the flats within 41 Marine Parade, nor was it communicated to the company responsible for the Freeholders. The majority of flats at Marine Parade are tenanted, and therefore this crucial information has not been able to reach the appropriate parties within a fair time frame. We are concerned that this limits the ability of residents and owners to fairly participate in the planning process. Only received letter on the 5th July 2025

Nature of Our Objection

To be absolutely clear: We do not object to the presence of a dividing fence per se, nor do we object to the idea of maintaining clear boundaries between properties. However, we strongly object to the height of the current fence structures (timber walls), which we believe exceeds both local planning policy and national guidelines, particularly given its location within a designated Conservation Area.

Key Grounds for Objection

1/ Contrary to Conservation Area Guidance

No known prior permissions exist for front boundary fences or dividing structures exceeding 1 metre in height in this area. Allowing this structure to remain at its current height (2.4m to 3m) would set a highly undesirable precedent and negatively impact the Regency-style uniformity and open character of our block on Marine Parade.

2/ Highway Safety Concerns

The fence in question faces a public footpath and highway. National guidance recommends a maximum height of 1 metre for any such boundary feature in order to ensure safe visibility for road users and pedestrians alike.

3/ Design and Character

The current fence is solid, modern, and 150mm thick, which is out of keeping with the traditional and open style of the Regency architecture. Its imposing scale and materials detract from the aesthetic cohesion of this Conservation Area.

4/ Loss of Light and Airflow

The structure significantly reduces airflow and blocks natural morning sunlight from reaching our front communal garden and several flats. This is impacting both the enjoyment and health of our garden as well as the comfort of ground-floor tenants, who now experience prolonged periods of shade and lack of ventilation.

5/ Lack of Consultation

Neither the original over-height structure erected in 2022, nor the newer fence forming part of this application, was consulted upon. No neighbouring property owners or residents were approached by [the applicant] prior to construction. Contrary to the statements made in the application, there has been no support or approval from adjacent properties.

6/ Previous Planning Evasion

We note with concern that the existing high wooden fence was erected without permission and was not included in the initial application, suggesting a disregard for proper planning procedure.

Conclusion

We respectfully ask that the planning application be refused in its current form, specifically in regard to the height of the timber walls within the bar front garden terrace. A revised structure, more in keeping with existing policy (i.e., not exceeding 1 metre in height), would be acceptable and welcome. We trust that Worthing Council will uphold the principles and protections afforded by the Conservation Area designation and not allow unsanctioned, character-damaging structures to remain by default.

We also ask that this matter be treated with urgency, as these unauthorised changes have already been in place for over 8 weeks and continue to negatively impact residents and the building's heritage character. We are also happy to attend any future planning meeting regarding this matter in order to reach a satisfactory outcome.

The new fence blocked our sea viewing from the outside of the flat and changed the layout from all street. Another commercial next to us put the fence up a few years ago looking to keep the layout from all street and respecting the residential properties around. At the moment we have lost our seafront viewing, plus electric cables running in front of the building, some of those cables give power support for the electric heaters fitted in front of the commercial.

The fence should be lower down, follow up the other fences from another commercial next to us and these electric cables should be removed asap from our side. The way this has been done at the moment affects our insurance policies

This will block my light and my view and is out of keeping with the area.

Relevant Planning Policies and Guidance

Worthing Local Plan (2023): SS3 Town Centre, SP1 Sustainable Development, DM5 Quality of the Built Environment, DM6 Public Realm, DM13 Retails & Town Centre Uses, DM15 Sustainable Transport, DM 16 Sustainable Design, DM16 Energy, DM22 Pollution, DM23 & DM24 Historic Environment.

National Planning Policy Framework (MHCLG 2024)

Planning Practice Guidance - PPG (CLG 2024)

Planning and access for disabled people: a good practice guide

Relevant Legislation

The Committee should consider the planning application in accordance with:

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.

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 73A and also Section 72 Planning (Listed Building & Conservation Areas) Act 1990 which require the Local Planning Authority (LPA) to pay special attention to the desirability of preserving or enhancing the appearance of the Conservation Area.

Section 149 of the Equality Act 2010 provides that:

A public authority must, in the exercise of its functions, have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Planning Assessment

Accessibility improvements to enable access which is inclusive and for all users are supported by the NPPF (para 135) and Local Plan policies including design policies DM5 & DM6, and more generally by transport and travel policy DM13.

Town Centre policies SS3 and DM13 support development and uses and development which contribute to the function, vitality and attractiveness of the town centre and its day and evening economy, including the Town Centre Seafront area. This is alongside consideration of their impacts. Associated text refers to the balance of these considerations.

Heritage policies DM23 & DM24 of the Local Plan and national planning policy in NPPF (paras 207 - 216) describe the importance of safeguarding heritage assets and the character of the conservation area. This character and appearance should be protected or enhanced by new development.

In the NPPF, if there is considered to be harm arising from new development, the degree of harm is to be assessed. If harm is less than substantial, the making of a decision should weigh this with other public benefits of the proposal including, where appropriate, securing optimum viable use of a site.

Local heritage information includes the Council's South Street Conservation Area Appraisal identifies the area between the Lido and Library Place further east, as the focus of seaside tourism in Worthing. It refers to the considerable local historic and visual interest of buildings on the north side of Marine Parade and the harmony of basic materials, but also notes visual confusion, exacerbated by use of inconsistent colours along this frontage.

Opportunities for improvement stated in the Appraisal include encouraging owners and occupiers to implement schemes of external decoration which complement their own buildings, adjacent buildings, the street scene and the seafront.

The Local List of Buildings of Local Interest covers *buildings which are of importance locally for their architectural design, decoration and craftsmanship. Locally important examples of particular building types and techniques and significant plan forms.*

Town Centre policies SS3 and DM13 support uses and development which contribute to the function, vitality and attractiveness of the town centre and its day and evening economy, including the Town Centre Seafront area. This is alongside consideration of the impacts of development proposals upon matters such as amenity, neighbours and heritage.



The three elements of this application are in the photograph above (the access ramp is behind the timber wall in the foreground). The following assessment considers each of these in turn.

1) Access Ramp

This has been constructed in the raised timber decking, forming the front patio. The decking is approximately 0.35m above ground level and the ramp, which is set within it, provides for access by wheelchair or pushchairs, making negligible visual impact. This is in accordance with legislation including the Equality Act 2010 and is fully supported by policies including DM5, DM13 and DM15, which seek to provide access for all users. There is no objection to this element of the application.

2) Associated Timber Wall Alongside Ramp

This has also been constructed recently. It comprises a horizontal timber wall which runs along the long side of the access ramp at a height of approximately 1.2m. The short side is abutting and partly above the front boundary wall. This part of the timber wall is being used for display of information above the venue, however, the primary purpose of this wall is for the safety of users of the ramp.

There is no objection in principle to the provision of a safety barrier around the access ramp. The application drawing describes this as a new railing, which is consistent with advice provided by officers a short time before the timber wall was constructed. This was intended to echo (but not necessarily to replicate) the use of metal balustrades on the first floor balconies of the terrace.

However the boxed-timber fencing is at variance with the palette of materials, metal work and masonry, which form the essential character of the building. Due to its

height and prominence, rising above the wall, it is considered to be intrusive in the streetscene and in the setting of the building and terrace.

The applicant has explained that a barrier needs to be 0.9m in height in order to satisfy regulations for ramps which serve needs of people with disabilities and that reduction in height would not be appropriate. It is also important for the business that part of the wall serves as a menu board, to inform and encourage customers.

There is merit in these needs. However, the design solution adopted by the applicant is not the only means by which these can be met. As such they are not considered to outweigh the harm caused by the design, materials, height and prominence of the existing timber wall.

3) Timber Boundary Wall

The new timber boundary wall along the western boundary is approximately 2.4m tall and uses the same boxed-timber construction, with slatted timbers, to match that of the surrounding wall to the ramp. It includes wiring for lights and patio heating, wiring connections are awaiting determination of this application. The applicant requires this to provide shelter for customers while using the patio, including lighting and heating, it also provides privacy between customers and neighbours and perhaps some degree of acoustic mitigation.

In design terms the wall is particularly prominent in the streetscene due to its height and use of materials. In common with the ramp walls, it is at variance with the palette of materials, metal work and masonry, which form the essential character of the building. Whilst this is evocative of a beachside business it is considered to be harmful to the character of the more formal architecture and setting of the building.

The wall is also considered to be intrusive to the frontage and outlook of the neighbouring building (no.41 Marine Parade) and residents thereof. Whilst this is partly due to the temporary appearance of the exposed nylon membrane on the rear of the wall, (which would be concealed by timber if completed), it is largely due to the size, materials and prominence of the wall, which would not change.

Officers are mindful of the benefits which its presence can provide to customers. The applicant has indicated a willingness to reduce its height slightly. In response, officers suggested two possibilities. The first might be a glass screen, lower in height than that existing wall. A glass screen of 1.4m received planning permission at no 42 Marine Parade in 2020 (AWDM/1920/20); although this was not implemented.

The second suggestion is a stepped timber wall, reducing progressively in height towards the front boundary. This is less satisfactory in terms of material. However, in any event, the extent to which this might be required to step down in height in order to minimise impact on neighbours and heritage, would be too great to meet the applicant's needs. The applicant is also concerned at potential costs of undertaking further works, and their impact on overall business.

This aspect of the proposal is considered to be of more substantial harm than that of the wall alongside the ramp. For similar reasons and due to its particular prominence, it is considered that its benefits, including those of the applicant's use, do not outweigh the degree of harm.

Whilst there is no obvious other form of boundary treatment which might satisfy all interests, the applicant, neighbours and heritage interests, officers are continuing to discuss the application with the applicant. Any further update will be given at the Committee meeting.

Officers note that the impact of outdoor heating is relevant to the Council's policies for sustainable design and energy (DM16 & DM17), which seek to minimise CO2 emissions and that in the event of approval, details would be sought to assess the energy / CO2 implications and a low impact solution. Lighting in the conservation area would also require consideration, to attain a balance between impact and the interests of customers and business.

Summary.

In summary, of the three elements the access ramp is a welcome improvement in accordance with policies and is fully supported.

By contrast both walls around the ramp and at the boundary, are considered to be harmful, for the reasons described. It is understood that the applicant's use will benefit from the ability to shelter customers and provide a greater degree of outdoor comfort and safety. This in turn adds to the viability and vitality of the area, which is supported by policies DM13 and SS3, but it is considered that less impactful alternatives as a compromise, are not unreasonable.

In consideration of the tests applied in NPPF regarding harm and public benefits, the degree of harm from the boundary wall is considered to be more substantial than that of the wall around the ramp. However, in both cases the harm is not considered to be outweighed by public benefits and the overall planning balance is considered to fall against these elements of the application.

Whilst refusal is recommended, this is only in relation to the walls around the ramp and at the boundary. The access ramp is supported. In situations where part of a development may be acceptable, the PPG states:

In cases where the local planning authority considers part of the development to be unacceptable, it will normally be best to seek amended details from the applicant prior to a decision being made. In exceptional circumstances it may be appropriate to use a condition to grant permission for only part of the development. Such conditions will only be appropriate where the acceptable and unacceptable parts of the proposal are clearly distinguishable.

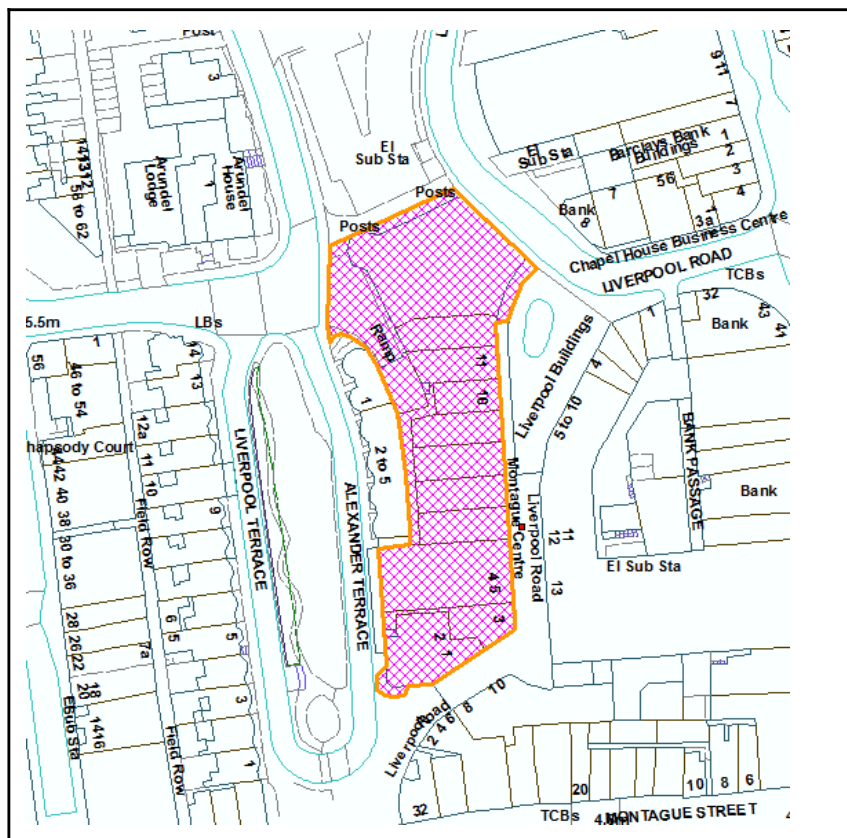
In this case, it is not considered that exceptional circumstances exist to grant permission for the access ramp only. It is not clearly distinguishable from the unacceptable walls around it. It is hoped that the applicant will provide amended plans for the walls around the ramp and at the boundary so that in the future, the development as a whole can be approved. In the meantime, the access ramp can still be used which justifies your Officers' view that exceptional circumstances do not exist to grant permission for the access ramp only.

Recommendation: Refuse

Reasons

- 1) The wall associated with the access ramp, by reason of its size, location, design, size and materials, is considered to be out of keeping and harmful to the character and appearance of the site, which is a locally listed building, and harmful to the streetscene and conservation area. It is therefore contrary to policies DM5, DM6, DM23 & DM24 of the Worthing Local Plan 2020 - 2036 and NPPF 2024.
- 2) The wall at the western boundary of the site, by reason of its size, location, design, size and materials, is considered to be out of keeping and harmful to the character and appearance of the site, which is a locally listed building, and harmful to the streetscene and conservation area, and to the outlook and amenities of neighbouring residents. It is therefore contrary to policies DM5, DM6, DM23 & DM24 of the Worthing Local Plan 2020 - 2036 and NPPF 2024

Application Number:	AWDM/1194/24	Recommendation - APPROVE
Site:	The Montague Centre Liverpool Road Worthing West Sussex	
Proposal:	Application to Vary Condition 1 (approved plans), condition 23 (Obscure glazing & Balcony screen) and condition 28 (number of units) of application AWDM/1624/22 (and amended by NMA application AWDM/1718/23): Amendment allows for an additional three flats within the 2nd floor and an increase in total units to 45, alteration to ground floor access ORIGINAL DESCRIPTION: Full planning permission for a maximum of three additional floors above the Montague quarter shopping centre to provide self contained residential units on the upper floors.	
Applicant:	Cayuga Homes	Ward: Central
Agent:	Rob Winniffrith, Accel Consulting	
Case Officer:	Louise Prew	



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