



Planning Committee  
13 April 2016

Agenda Item 4

Ward: ALL

Key Decision: Yes / No

**Report by the Director for Economy**

**Planning Applications**

**1**

**Application Number: AWDM/1828/15      Recommendation – APPROVE**

**Site:                    Elton Lodge 22 - 24 Selden Road Worthing West Sussex**

**Proposal:            Change of use from residential care home (Use Class C2) to house in multiple occupation with 20 Bedsits and allied communal facilities together with one studio flat (C3) and external alterations.**

**2**

**Application Number: AWDM/0242/16      Recommendation – APPROVE**

**Site:                    Brooksteed Alehouse, 38 South Farm Road, Worthing**

**Proposal:            Variation of condition 4 of approved application AWDM/1169/13 to change opening times to Tuesday-Saturday 11:30-21:30 (drink up by 22:00) Sunday 11:30-17:30 (drink up by 18:00)**

**Application Number: AWDM/1828/15**

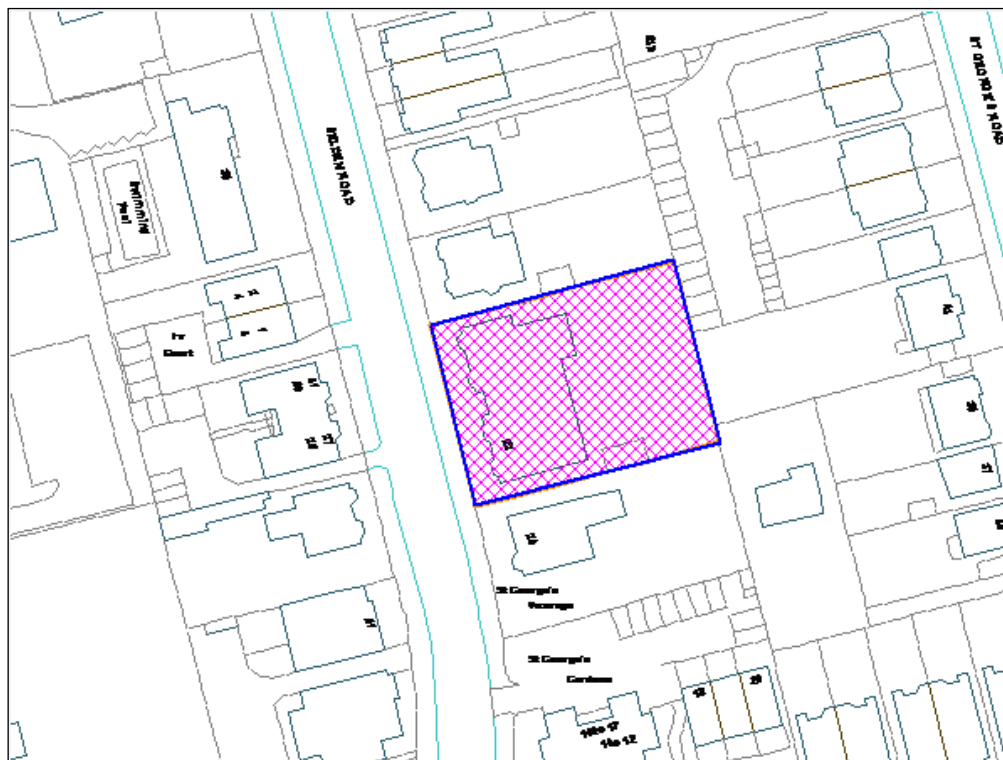
**Recommendation – APPROVE**

**Site: Elton Lodge 22 - 24 Selden Road Worthing West Sussex**

**Proposal: Change of use from residential care home (Use Class C2) to house in multiple occupation with 20 Bedsits and allied communal facilities together with one studio flat (C3) and external alterations.**

Applicant: Mr J Hannah  
Case Officer: Peter Devonport

Ward: Selden



**Not to Scale**

Reproduced from OS Mapping with the permission of HMSO © Crown Copyright Licence number LA100024321

## **Background**

The Committee at its meeting on 9.3.16 agreed to defer consideration of the application, pending a review of the proposal against the working document *Standards for Houses in Multiple Occupation* used by Environmental Health Officers in applying relevant HMO Regulations. This document is appended to this report.

The proposal has, accordingly, been reassessed by Environmental Health Officers and supportive advice received. Following negotiations, the applicant has amended the scheme to address the document and provide additional reassurances.

The amended scheme has been reduced from 22 bedsits to 20 bedsits plus one studio flat; a second communal kitchen added to the first floor and a separate

washing /drying room added to each floor. The applicant has also confirmed that occupation would be restricted to one person per bedsit and has invited the Council to secure by suitable conditions this safeguard and a submitted Management Plan incorporating vetting procedures for tenants. The applicant has also referred to the proposed Management Company's exemplary record elsewhere.

The amended scheme has been the subject of re-consultation.

The report has been revised, accordingly, to reflect the above and relevant updates including amended Highway Authority comments which take into account the applicants previously submitted on street parking capacity survey and comments of The Communities Team regarding The Local Neighbourhood Improvement Area.

### **Site and Surroundings**

This former care and nursing home for the elderly (21 bedrooms) sits midway down Selden Road in a mixed inner residential suburb, to the east of the town centre and hospital, containing mainly flats, HMOs and bedsits and residential institutions (a residential rehabilitation project for people who are experiencing homelessness and substance misuse is sited close by) as well as family housing. The care/nursing home closed in August 2014 and has remained vacant since.

It comprises two conjoined two storey properties originally built as Victorian houses and linked by a central two storey extension. The care/nursing home appears to have been operating from the former No 24 for many years but from No 22 only since 1987, before which it was arranged as bedsits.

The building has added a single storey rear extension across much of the width of the properties and also a part two and part one storey extension on its northern flank, as well as a single storey detached garage on its southern flank just to the rear of the property.

The building is set back on a common building line with a modest front garden and is separated by its neighbours to the north and south by reasonably broad gaps. The main pedestrian access is centrally sited by a crossover but the main vehicular access is on the southern boundary with long drive down the side capable of taking at least three vehicles.

To the north is a group of attractive Victorian houses. No 26 adjoining the site is converted to bedsits as is No 28 to the north of this. Both have limited on-site parking. The boundary with No 26 is formed by a wall.

To the south of the site is No 20, also a detached large Victorian house. It is set back from the medium sized common boundary wall by the width of its own drive.

To the rear is the deep rear garden of 43 St Georges Road; a small part of the garden of a back land at No 33A and part of a large parking court, the boundary for which is made up of a wall and some planting.

Opposite are two storey flats, and, just to the north, a property 39 Selden Road the subject of a recent permission (AWDM/1609/15) for *Addition of third storey and three-storey rear extension to west elevation of existing building to provide a total of 7no.*

*one-bedroom flats and 2no. two-bedroom flats with alterations to external materials and additional car parking.*

The area forms part of a Controlled Parking Zone with bays outside the site.

### **Planning History**

None directly relevant to the determination of the application.

### **Proposal**

The amended proposal is to convert the building to a 20 unit HMO and one studio flat. All the bedsits will have en-suite rooms but share three kitchens, one on the ground floor and two on the first floor, with a dedicated washing/drying room per floor. The studio flat is in the ground floor on the northern side at the rear.

No external changes are shown, save replacements of sliding doors on the rear patio with French doors; demolition of the single storey outbuildings on the northern and southern sides (existing flank boundary flint wall reinstated) and provision of a waste bin and cycle store by the north boundary just in the rear garden, together with designation of a parking bay in the drive. The existing vehicular access is retained.

The rear garden is communal but landscaping is unspecified.

Access to the building remains as at present with rear access to the garden also kept.

Internal changes are largely restricted to rationalising existing space.

### **Supporting Statements**

The application is supported by a planning statement, including a marketing report and on street parking capacity survey.

### ***Marketing of the Site***

*We can confirm that the property has been marketed since August 2014. The site has been marketed by Christies and Co and subsequently by both Jacobs Steel residential and commercial teams. The property was then placed for sale at Jacob Steel Auction in July 2015 and again there were no offers albeit the auctioneer reduced the opening bid £100K from the guide price. The property has been marketed on numerous marketing portals including Rightmove and Zoopla.*

*The property has been viewed by in excess of 10 applicants. The feedback is that the property is not commercially viable as a going concern and costs and work to be undertaken to convert the property too excessive.*

### **Alternative Uses of the Building**

*As outlined below there are major issues associated with alternative uses and the change of use to a licensed & regulated HMO is the best use for this property.*

*EXISTING USE/NURSING HOME— The property would need a very extensive renovation to bring it to a standard that could comply with the necessary regulations. For the property to continue as a Nursing home it would have needed to meet new room size & wet room standards. Thus, it was no longer a suitable/desirable use due the age and state of accommodation for this property. Finally, access to rooms 10 & 11 were becoming an issue with the Fire Inspector due to the proximity of the stair lift.*

*FAMILY HOME(S) – To convert this building into two family dwellings would require extensive refurbishment works. This is a very large commercial building and does not lend itself to being a single family home. There are a number of large family homes available on the market in very good condition in the area.*

*CONVERSION TO FLATS –It is not financially viable to convert the building into flats. Taking into account, the cost of purchase, cost of conversion (including 20% VAT for refurbishment works) and the end value of the development, makes any conversion unviable. This is further evidenced by the fact that the property remained on the market for a considerable period of time with no offers made.*

*HOUSE OF MULTIPLE OCCUPANCY ACCOMMODATION - The above demonstrates that the best use of this building is for a high end HMO that caters for working professionals in the area. The existing rooms could be easily converted within minimal alterations to the structure or internal layout of the building.*

## **Proposals**

*The project is to convert Elton Lodge which is a redundant nursing home into a HMO of self-contained rooms with en-suite toilet and washing facilities; with communal cooking facilities and private communal garden. The external fabric of the building will not be altered in any way.*

*In order to attract working professionals and high end tenants the accommodation offered has to match or ideally be of a higher standard than current comparable accommodation in the area.*

*The layout of each tenant's room has been carefully considered and incorporates en-suite washing facilities and food storage areas. This avoids occupancy issues, as tenants are not sharing washing & toilet facilities. This also encourages tenants to settle longer.*

*In addition the tenants will have full use of a private landscaped rear garden area via a communal access door at ground floor. This area will be secure and provide quality amenity space for the tenants.*

*The purpose is to provide good quality, well managed accommodation to people who simply can't afford to live in a flat on their own along with all the associated costs that come with it.*

## **Internal Features**

*To attract professional workers the property will include the following:*

- *Coded Entry Systems for each room*
- *Refurbished rooms with new decorating and flooring*

- Communal Wi-Fi
- Electricity
- Gas
- Fully wired with an up-to-date fire alarm system, including sensors and alarms throughout
- High end communal kitchen at ground and first floor
- Self closing magnetic fire doors
- FD30s Fire Doors

### **Additional Features**

- Secure walled landscaped Communal Garden Area
- Commercial Waste Contract
- Bin Storage
- Bike Storage Facilities

### **Tenant Profile**

*Elton Lodge will be transformed into a High End HMO providing affordable, safe and well managed rental accommodation for professional workers within the town. Worthing boasts the headquarters of The Environment Agency, Glaxo Smithkline, Southern Water whilst the town centre occupies many banks, building societies and major retailers.*

*It is these professionals along with keyworkers such as nurses and doctors that the property will be looking to cater for. It is important to stress that there is a shortfall of affordable rental accommodation in Worthing with NHS Staff Accommodation within Worthing has been reduced significantly, with a number of the sites sold; and due to the close proximity of the site to Worthing Hospital we would anticipate a number of the rooms being occupied by hospital workers.*

*To conclude we are specifically looking to attract:*

- Junior/Student Doctors
- Nurses
- Health Care Assistants
- Hospital Catering Staff
- Hospital Porters
- Hospital Cleaners
- Hospital Administration Staff
- Town centre retail employees
- Town Centre Office workers
- Civil Servants

### **Conclusion**

*The proposed change of use from a Nursing Home has been carefully assessed from a planning, social and economic basis to provide what we perceive to be the best use for the property.*

*The proposal utilises the existing fabric of the property with minimal changes both externally to the property and internally. Furthermore, the scheme has a large private landscaped garden area for all the tenants use.*

*This statement provides the rationale behind a highly considered, high quality sustainable proposal that befits the site. Under the circumstances we trust that Worthing Borough Council will be minded to support the application.*

### **On street capacity surveys**

*Parking surveys were undertaken in the early hours of Tuesday and Wednesday 23rd and 24th February.*

*The surveys generally followed the “Lambeth Methodology” in that the surveys were carried out between 12.30am and 05.30am on 2 consecutive weekdays. The scope of the surveys covered all roads within a 200m walk distance of the application site. The surveys recorded the number of vehicles parked at the time of the survey.*

*As you know, the roads surrounding the site are within Controlled Parking Zones (CPZ). I have attached a copy of the Council’s CPZ mapping that shows that the site is within zone D and roads to the north of Lyndhurst Road are within zone H. Both of these zones have the same parking restrictions which are Permit holders only between 10.00 and 11.00hrs and between 14.00 and 15.00hrs Monday to Saturday.*

*Outside of these times on-street parking is not restricted. I have attached 3 further plans. Plan SR1 shows the existing parking restrictions (other than the CPZ restrictions). Plan SR2 shows the number and location of vehicles parked on Tuesday 23rd February at approximately 12.30am. Plan SR3 shows the number and location of vehicles parked on Wednesday 24th February at approximately 01.00am.*

*It is clear from the results of the surveys that there is extensive on-street parking available within a 200m walk distance of the site. This reflects the results of previous parking surveys undertaken by the developer of 7 Madeira Avenue on 22nd May 2015 (although those surveys were carried out during the mid morning on a single day).*

*In my opinion, the results of our surveys prove that there is ample spare on-street parking capacity to accommodate any limited increase in parking demand that your proposals will generate.*

### **Management Plan**

*The main concerns of residents appear to relate to the quality of tenants and the antisocial behaviour problems that a HMO could have on the area. The abiding view remains that the risk of anti-social behaviour problems relates directly to the quality of management and cannot be presumed.*

*Page 7 of the “Planning – Supporting Statement” outlines both the “Management” of the property and the “Vetting” process for prospecting tenants.*

*As explained at the meeting my business partner has overseen the management of numerous HMOs over the past 15 years. Under his company’s management he has not received any noise or anti-social behaviour complaints in the past. This is due to*

*the strict management of the properties. We therefore have a comprehensive and tested tenancy vetting system in place.*

*Each new tenant will enter into a 12 month AST tenancy agreement (this is to keep tenancy turnover to a minimum) and will have to be verified by "Homelet Referencing" which is the market leader for tenants referencing in the UK. As outlined on Homelet's website they will make the following checks:*

- Any adverse credit history such as, bankruptcy, CCJs and court decrees*
- Previous names and addresses which haven't been disclosed · Undisclosed credit history which is linked to the tenant's current and most recent homes*
- Banking details provided are for a genuine bank account*
- HomeLet's own Default Database, which may indicate whether your tenant has not been able to pay their rent in the past*
- Financial Sanctions, to make sure that your tenant isn't registered to any of the Government's Asset Freezing lists, as this could mean they're unable to pay their rent in the future*

*Following the Credit Check and Referencing we can confirm that the tenant will have to meet the following criteria:*

- The tenant will need to have a clean credit history and their address for the past 7 years is checked to ensure that there is not any adverse credit history.*
- Each tenant will need to be in full time work and on a permanent contract.*
- A current or previous landlord reference will be required to confirm that the tenant has a good record for maintenance of the property.*

*Unless each tenant meets these criteria they will not pass the vetting process. We, like the neighbouring residents want to ensure that the tenants meet specific requirements and do not cause a nuisance. We have absolute confidence, from both the systems that we have in place and our previous management of HMOs, the property will be run to exacting standards.*

*Should the Committee be minded to support the application we are prepared for a Condition to be attached stating that an agreed Management Plan will be in place prior to the first occupation, which sets out the vetting procedure as (outlined above) and limits the occupancy to 1 person per bedroom and 2 persons for the studio; or for this to be secured by any means that the Planning Committee feel appropriate.*

## **Consultations**

### **Environmental Health Officer**

*The applicant has already engaged with this Department for advice with respect to using this property as an HMO, and I met with the architect and owner on site on 18th November 2015.*

*I note that the applicant has taken on board many of the suggestions that I made during my site visit, and I can therefore have a high level of confidence that the property will be free from serious hazards and comply with the Management of Houses in Multiple Occupation (England) Regulations 2006. These requirements would continue to remain in force for the entire time that the property is in multiple occupation.*



*Please note that as the property is two storey it will not be subject to Mandatory Licensing as set out in the Housing Act 2004. However, Central Government have recently sent out a consultation on expanding the criteria for mandatory licensing. Based on the questions asked it seems possible that this is the type of property that will be included in such a reform.*

*I would add that this Authority continues to review the merit of introducing a Selective or Additional Licensing scheme within the Borough, which would enable us to require properties such as this to hold a licence, providing greater control.*

*It is my experience that a well maintained and managed property is less likely to experience issues of antisocial behaviour, particularly in the long term. To date, the applicant has engaged with the Private Sector Housing team to ensure that they will meet their legal requirements should they proceed with the conversion of the property to an HMO.*

*You may be aware that the property 26 Selden Road is currently licensed for use as an HMO. 28 Selden Road has historically been used as an HMO (licensed) but is currently undergoing extensive refurbishment to a high spec. and may return to use as an HMO in the near future.*

Postscript

*To expand upon my earlier comments;*

*I have looked over the amended plans and I am pleased to see that Mr Hannah and Mr Leeson have incorporated our suggestions made during our meeting the other week. I have considered this application from a practical view point (would it work; do I foresee enforcement problems for the future) and considered it against the ideals set out in the Sussex HMO standards document.*

*To recap, the Sussex HMO standards document is intended for use as a guide and is not an actual standard, and sets out ideal conditions that if followed should ensure that landlords will comply with the various pieces of legislation that applies to HMOs, both those that require a licence and those that do not.*

*Of particular relevance in this case is the requirements for kitchen provision. The document gives room size examples for kitchens but these examples are limited to 6 occupants. This does not mean that a kitchen could not be shared by more than 6 occupants, as providing the requirements for worktop provision, food storage, cooker provision etc. are met and there is sufficient space to move around the kitchen then from an Environmental Health perspective there is no reason why we would not accept it.*

*I would comment that all the calculations in our discussions with Mr Hannah and Mr Leeson have been based on the rooms being single occupancy, and providing this is the case then with the addition of a second kitchen on the first floor I am satisfied that the property will be free from serious hazards and will meet the ideals set out in the Sussex HMO standards document.*

*Note: A higher occupancy would require a greater provision of kitchen facilities (potentially double if all rooms were shared). The guideline ratio is of 1:5, e.g. one x 4*

*ring hob per 5 people and that has been made clear to the applicants in my initial visit to the property and in the subsequent conversations.*

*The provision of washing/drying rooms is not a requirement but will improve the conditions within the building as a whole and so is welcomed.*

## **Highway Authority**

### **Summary**

*The LHA (Local Highways Authority) previously raised no objections to this application in January 2015. Following on from this, the applicant has provided further information in the form of a Parking Capacity Survey in to support the application. The LHA have assessed the data provided and in summary the survey shows there is capacity for within a reasonable walking distance of the site.*

### **Content**

*The site lies within an accessible town centre location, with a wide range of services and high frequency passenger transport located within very close distance. It is therefore considered there should not be a reliance on the private car at all times. Selden Road is subject to a Permit Holders scheme. Additional parking is proposed for the proposed flats. Given the location and other properties arrangements, the parking is considered sufficient and any additional use would be considered light. The presence of other accesses along the road provides sufficient space for vehicles to wait while another passes.*

*The LHA will only consider the impact of overspill parking from a safety perspective; matters of amenity would be a matter for the consideration of the Local Planning Authority. While it is likely that some overspill parking may occur it is not considered that this would be detrimental to highway safety and key locations in the public highway are subject to enforceable parking restrictions.*

*In the unlikely event that vehicles where to park in the visibility splay or in a dangerous position on Selden Road or the junction with Lyndhurst Road, this could be dealt with as an offence under Section 22 Road Traffic Act 1988—(leaving vehicles in a dangerous position on the road) and Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway.) Both of these acts are enforceable by Sussex Police. The LHA will only consider the impact of overspill parking from a safety perspective; matters of amenity would be a matter for the consideration of the Local Planning Authority. While it is possible that some overspill parking may occur it is not considered that this would be detrimental to highway safety or significantly different from the existing situation.*

### **Conclusion**

*The LHA does not consider that the proposed change of use would have 'severe' impact on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (para 32), and that there are no transport grounds to resist the proposal.*

## **Drainage Engineer**

*The proposed site lies within flood zone 1 and appears to be unaffected by surface water flooding.*

*The applicant has indicated that there will be no external alterations therefore there will be no change to surface water discharges and hence we have no further comments on this application.*

**Police: Crime Prevention Design Adviser**

*I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments from a Secured by Design (SBD) perspective.*

*The level of reported crime for Worthing is just peaking above average when compared to the rest of Sussex whilst crime levels at this location are low when compared to the surrounding areas.*

*Historically there are cases where HMO's have given rise to instances of Anti- Social Behaviour (ASB). To reduce the risk of this occurring there will need to be stringent management control of tenancies. This could be implemented as a condition of planning. Should you have concerns with ASB and perceived issues of crime and disorder within this area I ask you to liaise with Adur & Worthing District Council's ASB Team which for this area is the Adur & Worthing Council's Safer Communities Team.*

*Whilst I have no concerns regarding the design and layout I recommend the following security measures to be implemented within the development;*

- *Communal front entry door and rear entry doors to have an access control system incorporated into the inner hall door. The outer door can be open for postal deliveries. The side lights either side of the main entrance door will provide observation into the lobby to prevent any loitering.*
- *Secure external post boxes that conform to TS009 to be fitted within the main entrance lobby.*
- *Flat front doors to conform to PAS 024-2012 or have fit for purpose locks fitted that conform to TS 007 security standard if the original doors are to be retained. I do not recommend the fitting of the proposed push button coded entry locks for the individual rooms unless they conform to BS 8607 standard grade 2 or above, this equates to BS 3621 standard.*
- *Any ground floor windows or doors that are being replaced are to conform to PAS 024-2012. Any windows that are being retained are to have adequate fit for purpose locks or security measures fitted.*

**Safer Communities Team** comments that,

*I question the demand for this type of accommodation in this area? Is there demand from professionals e.g. hospital staff to live in this style of accommodation? Have the developers conducted this research? It is essential that the standard of housing in this area, would suit working professionals if it is to attract hospital staff.*

*This area plays host to a number of different types of HMO (some of which is supported housing) and therefore I believe this would cause an over concentration of people/ dwellings in a small space and would be detrimental to the demographic of the current area.*

## **The Communities Team**

*The site falls within a Local Neighbourhood Improvement Area - groups of electoral wards within West Sussex, which have been locally identified as the most deprived areas in the county. Whilst, this is not amongst the most deprived in the Borough, nor is it a priority for action, the provision of low cost housing as proposed would help meet a recognized local housing need.*

## **Representations**

Objections were originally received from Nos 20, 30 and ground floor flat 32 Selden Rd; 4 and 6 Church Walk and 47 St Georges Rd and two from London, as follows;

- Elton Lodge was a dual registered care and nursing home managed by a single entity; the proposal for a 22 bedroom HMO significantly changes the use of the property. It reduces local employment in the area and also reduces the number of care/nursing home places available.
- The West Sussex County Council in its Healthy & Well in West Sussex, West Sussex Public Health Plan 2012-2017 specifically aims to improve the quality of care home provision. Allowing care homes to close is contrary to one of its strategic aims. Further, a document entitled Better Care Fund, April 2014 sets out what needs to be done to meet the rising demand for health and social care and says all local health and social care organisations are committed to Improving the quality of care in care homes working with local nursing and care homes to build on the strengths of what is available locally. It comments that a further purpose of these aims is to support delayed transfers of care. Allowing the closure of a care and nursing home does not seem to be building on the strengths of what is available locally.
- We understand that prior to the current offer for Elton Lodge being accepted a substantive offer was submitted by a proprietor of other local care homes. This was turned down as a higher financial sum was required. I fully appreciate and understand anyone wishing to maximise their own financial return. However, when local employment and support services for vulnerable and elderly people are central to the issue, I believe these matters are of equal concern. This same document predicts that the trend of the local population is an aging one and service demand is likely to increase, particularly along the coastal towns. All this in a town that already has one of the highest percentages of elderly residents over 85 in Europe.
- Additionally, even without the concerns of care services and employment, the nature of enjoyment of the existing character of the neighbourhood has to be taken into consideration. Indeed, when we purchased our own home in Selden Road in 2009 the site had previously been sold for a significantly higher sum to developers who wished to turn the property into a number of flats. At that time the council, in listening to others who lived in the area, agreed that the character of Selden Road was important and needed more family homes to remain. Planning permission was refused and the developer pulled out and we purchased it as our home at a lower price than the vendor had previously been offered by the developer.
- The proposal to squeeze as many single room units into the space as possible does not provide quality sustainable housing for anyone. These kind of units do not encourage longevity in a neighbourhood and will become nothing but

transitory stops for people who will no doubt move to something more pleasant as soon as they are able to do so. There are many support lodging arrangements in our immediate vicinity, Delaney House being one. All of us who moved here knew of these supported housing arrangements for people with a variety of needs, we are not people who do not recognize that communities need space for everyone. However, these are managed and supported arrangements and we believe the balance is reached. We already have another new development for small dwelling units (39 Selden Road) that having received initial planning consent, is now applying to add another floor and build even more units, this is just a few metres from us. We do not believe that a further 22 units in Elton lodge can be integrated without a having a detrimental effect on our community.

- Potentially 44 adults using the same building (each room could easily have two adults). We have particular concerns over the amount of noise that would be generated in the evening and overnight by such a large numbers of adults.
- Refuse; the care home sited their bins against the wall that divides our properties something that the development proposes to continue. Occasionally we had issues with refuse being pushed over the wall by the weather, easy to resolve as there were always staff within the nursing home to liaise with. With potentially 44 adults using the same structure this will be difficult or impossible to manage and have a direct unpleasant impact on our property.
- Refuse (2) the Worthing Space Planning SPD (Feb 2012) indicates that 140 litres of refuse per unit and 140 litres of recycling waste per unit should be provided. The proposal indicates that two 1100 litre bins will be provided, presumably split between refuse and recycling, just over a third of the recommended amount which is likely to lead to refuse being dumped in plastic bags and then scattered by the wildlife which lives in the area.
- Parking; there are no plans for parking associated with the development. According to the WSCC parking standards advice; 0.5 parking spaces per room or unit should be allocated. Thus the development should be providing a minimum of 11 parking spaces. Selden Road is already crowded in an evening. With potentially another 44 permits being allocated for the street on top of other HMOs / developments already agreed, parking will become impossible. As mentioned previously there is already an existing planning development in place (No. 39) which will increase parking and additionally at number 28, a property that has been developed into an HMO but is currently completely empty.
- Cooking / Eating areas in the Worthing Space Standards SPD (Feb 2012) it describes a four bedroom property as requiring a space of 33m<sup>2</sup> for cooking and eating. While the planning documents (exceptionally) do not show the space assigned to the communal cooking and eating areas it would be reasonable to estimate that (at most) they are a total of 40 m<sup>2</sup> over the whole building this would seem to be grossly inadequate for a building with 22 bedrooms.
- Infrastructure issues in addition to the parking issue the sheer number of extra adults (potentially 44) generated in Selden Road would put a strain on the general infrastructure; phone services, cable services (both vital for people working from home), water, and drainage.
- The applicant indicates that their preferred tenants would be professionals, including medical staff due to the proximity of Worthing Hospital. There is no guarantee that professionals would occupy the property immediately or over the longer term financial considerations have been placed as the highest

priority in the development itself and if converted the focus would remain on filling the property to generate the highest return. Indeed professionals will have the required income to be able to rent more amenable living space and would be most unlikely to rent there. The experience of those who rent in the HMO immediately next door to Elton Lodge (No 26) is not that they are professional people.

- Given the lack of community space in the property (two small kitchen / diners are provided smaller than most rooms) it is highly likely that there will be a significant turnover of tenants or long-term tenants with no other options. In both cases there is unlikely to be a level of care afforded the building and surrounding environment.
- Previous planning decisions; A similar, albeit smaller, development proposed to change a care home to a 10 bed HMO on Madeira Avenue (ref AWDM/0467/15) was rejected in early 2015 with the following reason; "The proposal by virtue of the number, size and type of bedrooms proposed and the lack of adequate kitchen, washing and bathroom facilities fails to provide a wide choice and mix of high quality residential accommodation to address the needs of the community. The proposal therefore fails to comply with Policy 8 of the Worthing Core Strategy and the National Planning Policy Framework, which seek to provide a wide choice and mix of high quality new homes."
- We feel that identical issues exist with this application, and in fact are of a significantly larger scale due to the HMO being over twice the size of the proposal on Madeira Avenue and that it should be rejected for the same reasons.
- Equally, we feel the desire to maximise the most profit should not be considered relevant in determining a planning application. As outlined previously, there was interest to retain the care home by an existing WSCC registered proprietor.
- We feel that the property should remain as a care home, or, converted back into individual family homes (as it was previously), similar to the homes built opposite the Splashpoint swimming pool which, as a development of family homes, all sold and are lived in and demonstrates the demand locally for family accommodation. While we understand that there may be financial issues associated with both of these approaches we do not feel that those issues should drive the approval of a scheme that will be massively detrimental to the community environment in and around Selden Road.
- In conclusion we would note that the application was made just before the Christmas/New Year period. No doubt hoping to benefit from a pressurised and busy time of year to reduce responses. Like many others, affected by the demands of this time of year, we have had to leave our response until now. In the past couple of days we have attempted to visit a couple of neighbours to hear their views on the proposal. Neither had received any notification of the proposals, something that was surprising to both them and us. They both thanked us for informing them of the development and they have submitted their own responses. Our greater concern here is that we have only been able to speak to two neighbours in this regard and our concern is that others living in the immediate vicinity of this development have not been consulted. The neighbours we were able to catch at home informed us that they have responded to other recent proposals (No 39) and this demonstrates that it is highly likely that they have responded if they had received the information.
- Quality of life for neighbours and residents would be greatly reduced squeezing so many people into such a small area, perhaps the application

could be amended to support 2-3 bedroomed flats for a reduced amount of families?

- The application for a 22 room HMO will have a huge and negative impact on the look and feel of this part of Selden Road. There will be an increase in noise, traffic and waste pollution that will result from the unsustainable increase in population density with possibly up to 44 adults potentially living at this address. The nature of the proposed development into 22 bedsits with only 2 shared kitchens will necessarily only appeal to single adult tenants on low incomes who are unlikely to have a long term interest in or commitment to the local community. There are already 2 planning applications (one pending at 39 Selden Road and one approved at 28 Selden Road) which will substantially increase the population density. This application comes when there is a need for balanced development in our road to include family housing and long term residents with a positive commitment to the local community. A previous application for a 10 HMO dwelling in Madeira Avenue was rejected last year and I urge you to reject this much larger development in light of the need for a more balanced approach to the development of housing in this small part of Selden Road.
- I request that it is considered in the overall context of other permissions and applications in this road. Despite being only a few doors away from the property, like other residents at the top end of the street we were not notified of this application and only discovered it when talking to neighbours. We then discovered that they had also not been notified of the recent application concerning no 39 Selden Road. I am concerned that two applications have been made that would substantially alter the nature of the road, in both cases without some of the relevant neighbours being properly consulted. This probably gives a lower number of objections to each, compared to the number if the whole road had been properly consulted.
- We fully understand and agree with provision of mixed housing within the Worthing area. In context, I point to the fact that we bought our house last year knowing already that Delaney House is located in Selden Road (a hostel for people recovering from alcohol and addiction problems). I mention this to illustrate that our concerns are not of a NIMBY nature and that we fully agree with providing varied kinds of accommodation. However, I think that mixed high-density accommodation should be spread fairly across the whole of the Worthing area, not squashed into one road.
- There are already other high-density permissions and applications in Selden Road. No 28 is currently being converted to 8 units. No 39 was given permission for conversion to 12 units, with a more recent application for a further 7 units. If no 22-24 is given permission for a further 22, the combined effect is that there could suddenly be an extra 49 residential units on this end of the road alone. I consider this unacceptable for the following reasons.
- Parking. Like many neighbours, we do not have off-street parking. There is additional pressure on parking in the street due to the Alexandra Pub in the road, nearby hospital visiting, and shops and businesses round the corner in Lyndhurst Road.
- 2) Change of the character of the road, making it an area of temporary transitory residents rather than a settled community.
- 3) Noise and nuisance. Unlike Delaney House which is a managed residential unit, the proposal for Eldon Lodge is for an unsupervised HMO. I think it is naïve to believe that the HMO would be lived in by doctors, nurses etc. An

unsupervised HMO of 22 small units seems very unsuitable in a quiet residential area.

- This is very unwelcome as Selden has in recent months showed signs of improving towards a pleasant mixed family area.
- There are too many HMOs in the vicinity and any increase in the concentration in our area seems to be contrary to both Council Planning Strategy and local amenity.
- Whereas before, it was a nursing home for the elderly, 22 HMO bedsits would bring a significant increase in cars to the area.
- The Police comment that HMOs are associated with anti-social behaviour and so this would seem to be bringing known problems in to our area.
- Over-development in a road with several HMOs either existing or in development compromising the safety and amenity of existing residents as up to 44 additional residents move into the area. This low quality development will only attract tenants with no alternative but to share one of the two kitchens and will presumably move on as soon as possible resulting in a high turnover of tenants with no commitment to the wider community.
- The proposed development will change the character of the area. Rather than being an area predominantly of families and retired people, there will be a very large number of people only living in the area for brief periods of time, which will harm the settled community.
- It is currently very difficult to park on Selden Road / Church walk. With an additional 22 residences, leading to the potential of an extra 44 parking permits, will mean parking will become practically impossible.
- Another recent local development of a conversion of a large house into 3 flats, required 3 parking spaces to be provided. The planning officers were very particular about this point. This proposal offers no additional parking spaces and as mentioned above, will add a huge amount of pressure to an already busy area, with residents and staff from both the hospital and HSBC using it every.
- There are a great deal of multiple occupancy houses in this area, and an additional 22 units in a single building will make matters considerably worse, with the known risks of increased anti-social behaviour (as per the Police's statement). I do not believe that the landlord will be able to attract the kind of tenants that they are hoping for.
- This low quality proposal only offers a single parking space. Selden Road and the surrounding area has no capacity to provide parking for any future developments, let alone the potential for an additional 22 permits.
- My home is next door to Elton Lodge and I am sorry to have seen this community resource, which provided significant employment, close. There had been interest from other local care home owners to buy it but as sometimes happens, a higher premium is often available from developers who see opportunities to squeeze a cash premium from every square inch (and 22 dwellings is certainly squeezing!). This led to the offers made by owners of existing care homes to be rejected by the vendors (despite the offers matching and exceed the original asking price).
- This kind of development is not supported by strategic decisions taken by Cllrs previously. In Worthing's Core Strategy 2011, which sets out the vision for Worthing to 2026, there is discussion on the need to protect employment opportunities in the town. Strategic Aim 6 (p74) focuses on Enabling Regeneration through development opportunities and says there will be a presumption against the loss of land/buildings currently in employment use or



last in use for employment purposes. I believe this is of particular significance for Selden Road as our area is already identified as an area called a Local Neighbourhood Improvement Area (LNIA). This simply means that we are an area that the council acknowledges needs to be managed and supported to improve the lives of a high number of vulnerable people and people on low incomes/unemployed. Removing local employment opportunities does not do this.

- Selden Road already has a high number of Houses of Multiple Occupancy and as has been stated in other people's objections, there are already plans in place for further developments of this kind in the road.
- Those who live here know our community and we have people of all ages, skills, education, income and needs. The community already supports a high number of people with particular needs and has a high density of single occupancy accommodation arrangements already. We have in recent years seen a rapid expansion in the number of homes turned into flats. These have been done well but there is a balance and a tipping point that can affect and change the positive sustainability of a community. The two properties to the north of Elton Lodge are Houses of Multiple Occupancy (HMOs).
- Of course it may be claimed that the cost of refurbishment or development of Elton Lodge as a nursing home again is uneconomic although, as previously stated, interest was shown to retain it as such which would appear to contradict such a claim. However, if it is to be accepted that we lose the local employment the nursing home provided, then we propose that alternative family housing developments should be supported.
- The area needs families in family homes that are here longer term to keep the community well balanced. This is my personal view but it is also well supported by Councillors as represented in the Core Strategy.
- At 3.44 we are told that there is an imbalance in terms of the housing within the town. There is a low stock of larger properties and that a significant number of family homes have been lost through redevelopment and conversion in recent years. If the nursing home is to remain closed, we propose that the site should be developed to provide 2 / 3 bedroom family homes. The strategy emphasizes the need to have the right mix of housing and we propose that a 22 bedroom block sited immediately next to other large HMOs is not respecting the need to find the right mix.
- Developments present a unique opportunity to bring forward a balance of new housing, including more family housing than has been achieved over recent years. (at 3,47)
- We have excellent local schools, both primary and secondary, and exemplary health care services. Children would be able to access both without need of transport and have the incredible seaside as playground. Objective 4 of the strategy says family homes [must] be retained in appropriate locations. I believe Selden Road to be a very appropriate location for some family homes that will also help demonstrate improvements in the LNIA. Indeed the strategy says (at 7.9) it is imperative that family homes are brought forward to provide diverse housing that contributes to sustainability of communities. Further emphasized at 7.10 and 7.11 it says the main objective is stop the domination of small flat developments and ensure they are not the principal type of development in the town. I would strongly urge our councillors to consider these already agreed assessed priorities when considering this application.
- The introduction to the Strategy states decisions are not made in isolation, but are properly co-ordinated with a focus on promoting the principles of

sustainable communities with meet the diverse needs of existing and future residents and are sensitive to their environment, and contribute to a high quality of life.

- I hope the above introductory statement in the Core Strategy holds true today. Councillors have the very important role of making decisions that can determine whether a community flourishes and thrives or slides into HMO wilderness and as this application is to be discussed by the planning committee, I hope they will consider my comments and observations.
- The proposed development would mean a serious level of over-development alongside the other HMOs already in existence or in development on Selden Road. In addition, the planning department refused permission for a much smaller HMO (10 rooms) on Madeira Road - this development with potentially 22 rooms and 44 occupants represents over-development with the prospect of loss of general amenity and peace and quiet in Selden Road.

24 signed copies of statement below received from near neighbours;

*Just before Christmas we received a notification from Worthing Borough Council of a planning application to convert Elton Lodge, the large care/nursing home in our road, into a housing development that will consist of 22 individual 'dwellings'.*

*The 'closing date' for any objections to the planning application was in January but this has been extended. From conversations we had with some neighbours it was clear that many had not received notification of the planning application.*

*This was of particular concern as the few neighbours we were spoke with all subsequently registered objections. We spoke with local Councillor, Mr Keith Bickers and he raised the issues with the planning department for us. We are thankful for his intervention in two regards.*

*Firstly, due to the number of concerns already raised, it was decided that this application will be decided by Planning Committee and not council employees.*

*Secondly, our CM. Mr Bickers was concerned that local residents had not received notification letters. The Council agreed to re-send these and you should have (hopefully) received it. The closing date for submitting comments is now this Friday, 12th February.*

*We are directly next door to Elton Lodge and are sorry to have seen this community resource, which provided significant employment, close. There had been interest from other local care home owners to buy it but as is so often the case, a higher premium is often available from developers who see opportunities to squeeze a cash premium from every square inch (and 22 `dwellings' is certainly squeezing!).*

*This kind of development is not supported by strategic decisions taken by our Cllrs previously. In Worthing's Core Strategy 2011 document, which sets out the vision for Worthing to 2026, there is discussion on the need to protect employment opportunities in the town. Strategic Aim 6 (p74) focuses on `Enabling Regeneration' through development opportunities and says "there will be a presumption against the loss of land/buildings currently in employment use or last in use for employment purposes". I believe this is of particular significance for us in Selden Road as our area is already identified as an area called a Local Neighbourhood Improvement Area (LNIA). This simply means that we are an area that the council acknowledges*

*needs to be managed and supported to improve the lives of a high number of vulnerable people and people on low incomes/unemployed. Removing local employment opportunities does not do this.*

*We know our community and we have people of all ages, skills, education, income and needs. The community already supports a high number of people with particular needs and has a high density of single occupancy accommodation arrangements already. We have in recent years seen a rapid expansion in the number of homes turned into flats. These have been done well but there is a balance and a 'tipping' point that can affect and change the positive sustainability of a community. The two properties next to Elton Lodge are Houses of Multiple Occupancy (HMO's). That will mean the top half of the road has 2 existing HMO, 7 flat blocks (plus a house converted into two flats) and 4 family homes.*

*Of course it may be claimed that the cost of 'refurbishment' or development of Elton Lodge as a nursing home again is uneconomic (despite interest having been shown). However, if it is to be accepted that we lose the local employment such a substantial nursing home provided then we propose that alternative 'family housing' developments must be supported.*

*The area needs families in family homes that are here 'longer term' to keep the community well balanced. This is our personal view but it is also well supported by Councillors as presented in the Core Strategy.*

*At 3.44 we are told that there is an "imbalance in terms of the housing within the town. There is a low stock of larger properties and that a significant number of family homes have been lost through redevelopment and conversion in recent years". If the nursing home is to remain closed, we propose that the site should be developed to provide 2 or 3 bed-roomed family homes. The strategy emphasizes the need to have the "right mix of housing" and we propose that a 22 bed-roomed 'block' cited immediately next to other large HMO's is not respecting the need to find the 'right mix'.*

*"...developments present a unique opportunity to bring forward a balance of new housing... including more family housing than has been achieved over recent years". (at 3,47)*

*We have excellent local schools, both primary and secondary, and exemplary health care services. Children would be able to access both without need of transport and have the incredible seaside as playground. Objective 4 of the strategy says "family homes [must] be retained in appropriate locations". We believe Selden Road to be a very appropriate location for some family homes that will also help demonstrate improvements in the LNIA. Indeed the strategy says (at 7.9) it is "imperative" that family homes are brought forward to provide "diverse housing that contributes to sustainability of communities". Further emphasized at 7.10 and 7.11 it says the main objective is stop the domination of small flat developments and ensure they are not the principal type of development in the town.*

*The introduction to the Strategy states "...decisions are not made in isolation, but are properly co-ordinated with a focus on promoting the principles of sustainable communities with meet the diverse needs of existing and future residents and are sensitive to their environment, and contribute to a high quality of life".*

*We can only hope the introductory statement in 2011 of a vision for Worthing through to 2026 holds true today. Councillors have the very important role of making decisions that can determine whether a community flourishes and thrives or slides into HMO wilderness.*

*If you support the view that the community is better served either by the existing nursing care home providing employment opportunities or the development of a row of terraced family homes as opposed to a very squashed 22 bed-roomed 'dwelling' that in no way will provide a decent quality of life then please register your concerns on Planning Application website at <https://piannina.adur-worthing.gov.uk/onfine-applications/> the planning reference is AWDM/1828/15*

*Alternatively, if it is easier for you, please just sign this letter and drop it through our letter box (No 20) and we will submit it as your objection to the proposed development along with ours at the end of the week. If you chose that option, you will need to write out your name and address as well as signing it — the council will not accept it as 'another persons' comments unless identified with individual names and addresses.*

Additional representations have been received from members of the public resident in London; 30, ground floor 32 Selden Road; and 4 Church Walk maintaining their opposition to the scheme on the basis that the revisions are minor and the proposal would still lead to a concentration of accommodation for transients.

## **Planning Appraisal**

Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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; and

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.

The main issues for consideration are:-

- i) The loss of a care/nursing home and principle of conversion to HMO
- ii) The impact on the character of the area and amenities of future and neighbouring occupiers including anti-social behaviour.
- iii) Impact on access and parking.
- iv) Other environmental impacts

The Core Strategy, including Worthing Saved Local Plan policies, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter. In such circumstances paragraph 14 of the NPPF states that where the proposal is not otherwise in conflict with specific restrictive policies in the Framework, development should be approved unless the harm caused significantly and demonstrably outweighs the benefits when assessed against the NPPF overall.

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework. However, it is acknowledged that in response to the requirements of the Framework and informed by local evidence it is clear that Council cannot demonstrate a current 5 year supply of housing in respect of Objectively Assessed Needs and the Council needs to assess the housing delivery strategy set out in the current Development Plan including any policies that constrain such delivery. A Housing Study has been published to this end. A revised Local Development Scheme which commits the Council to undertake a full review of the Core Strategy and prepare a new Local Plan for the Borough has been produced.

As such the proposal should be principally assessed in relation to the presumption in favour of sustainable housing development as set out in paragraphs 14 and 49 of the NPPF and informed by saved Worthing Local Plan Policies H18; TR9 and RES7 and Core Strategy Policies 7, 8, 15 and 16 and Supplementary Planning Documents Space and Guide to Residential Development and West Sussex County Council Parking Standards.

### **Principle of loss of care/nursing home and conversion to HMO/studio flat**

There is an acknowledged growing need to provide care/nursing home accommodation for the elderly, notwithstanding the extensive provision already made in the borough. However, there are no policies protecting care/nursing homes in the Core Strategy and the principle of loss could not be resisted. Accordingly, there is no requirement to demonstrate unviability but the applicant has indicated that resumed use of the building as a care/nursing home would not be viable due to the costs involved in meeting the requisite standards and age and condition of the building. In support of this he has explained that marketing for over a year was undertaken but no offers received for a care home, despite price reductions.

Neither, are there are any specific Development Plan policies directly governing HMOs in the Core Strategy, other than the broad and generally supportive Core Strategy Policy 8 which incorporates the statement; *The Core Strategy will deliver a wide choice of high quality homes to address the needs of the community.* This would include HMOs and to this extent that the proposal would advance the broad aim of wider choice.

Provision of HMOs as proposed is not inconsistent with the geographical preferences of Core Strategy Policy 8 and supporting Guide to Residential Development Supplementary Planning Document. These accept that higher density housing (which would include HMOs) is appropriate in and around the town centre. Selden Road, being less than 400 metres from the eastern boundary of the town centre and on the door step of the Hospital falls into this category of "around town centre. " As a neighbourhood, it has a strong established presence of NHS (nurses) bed sit accommodation in Lyndhurst Rd and Horton Court, as well as market bedsits and residential institutions, characteristic of such areas, alongside the family housing. The fact that the applicant reports the marketing of the property did not attract any offers for such residential conversion is consistent with their claims over the unviability of conversion to flats/houses.

That said, conversion to flats or family houses would be supportable under Core Strategy Policy 8 and would equally meet a recognised need but cannot be compelled.

There is increasing recognition that HMOs/bedsits do meet a rising market demand for low cost, if basic, residential accommodation. The cost of accessing home ownership; the shortage of social housing to rent; economic hardship and structural changes to the economy, as well as reforms to the housing benefit system have all contributed to increased demand for this type of affordable and flexible, if lower quality, accommodation. Certainly, such accommodation has been and continues to be important for many of the poorest and most vulnerable in society but also key workers and those requiring short term lets for work or other reasons. The demand for such accommodation in and around the town centre and inner suburbs is evidenced by the increased registration of HMOs by Environmental Health Officer and granting of recent planning permissions at 2-4 Southey Road and Queens Lodge, Queens Road.

As for the intrinsic quality of the proposed bedsits, the Council has no adopted planning standards but the working document *Standards for Houses in Multiple Occupation* produced by the Chartered Institute of Environmental Health Officers Sussex is now being used by Environmental Health Officers in applying relevant Regulations (The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 (as amended); Schedule 3). This document is appended. As the Environmental Health Officer emphasises, *it is intended for use as a guide and is not an actual standard, and sets out ideal conditions that if followed should ensure that landlords will comply with the various pieces of legislation that applies to HMOs, both those that require a licence and those that do not.*

The proposal has been duly reassessed against this document by the Environmental Health Officer and a revised scheme submitted to address the original scheme's shortcomings. The Environmental Health Officer advises the revised scheme, subject to the cap on single bedsit occupancy, is compliant with the document. It is appropriate to use this judgment to inform Planning Officers' assessment of whether the proposal satisfies the relevant element of Core Strategy Policy 8 regarding delivery of *high quality homes*. Planning Officer's view is that this test is now expressly met.

The studio flat meets the relevant planning space standards.

Together the bedsits and studio flat would contribute marginally to meeting the Borough's housing provision target in Core Strategy Policy 7 but more particularly to the growing need for low cost small accommodation in the town and this weighs importantly in the balance.

### **The impact on character of the area and the amenities of future and neighbouring occupiers, including anti-social behaviour**

The proposal involves no significant external physical works other than the demolitions and so issues such as overlooking between neighbouring properties would remain unaffected.

The main potential for impact would be the way in which the HMO accommodation was used and how that impacts on the area.

Certainly, this would be a large HMO. However, the planning history indicates that the whole of the property has been used as a residential institution from 1987 onwards and No 22 was in use as bedsits before that. In some ways the intensity and character of the proposed HMO use is not considered to be so significantly different to the historical use of the property, bearing in mind the similar number of rooms/occupation as the care home and visitors and care staff who generated traffic/activity.

Nonetheless, concerns are understood over potential impacts upon the residential character of Selden Road, not least through anti-social behaviour problems and changes to social balance brought about by a large HMO.

The Police in the form of the Crime Prevention Design Adviser have, principally, commented on the application in respect of the physical ways in which the property can be made secure and safe and deter crime. However, he does note that *the level of reported crime for Worthing is just peaking above average when compared to the rest of Sussex whilst crime levels at this location are low when compared to the surrounding areas*. He does not comment on clustering of HMOs but does note: *Historically there are cases where HMO's have given rise to instances of Anti-Social Behaviour (ASB). To reduce the risk of this occurring there will need to be stringent management control of tenancies. This could be implemented as a condition of planning*.

Whilst the Safe Communities Team raise concerns over *concentration of people/dwellings in a small space and would be detrimental to the demographic of the current area*, no specific evidence to link this in this instance with increased risk of anti-social behaviour problems has been advanced. In commenting on a recent previous application to convert Queens Lodge, Queens Road, to a large HMO, the Safe Communities Team noted HMOs were an issue for the West End Local Action Team covering that area in the sense that there was a concentration of housing that is deemed poor and that the community is very transient. Some HMOs had been troublesome in recent times, mainly due to the nature of the placements. This had been of particular issue when care leavers/ independent living schemes have used HMO's and there had been little to no supervision for those who are very vulnerable/ unfamiliar with living without supervision.

The views of the Police Inspector involved in the West End LAT in the same application for 10 bedsits at Queens Lodge Queens Road remain relevant on the link between HMOs and anti-social behaviour. Whilst he had concerns about the wider issues, including impact of the street community and unlawful drug use/supply, he had no formal objections to the proposed new HMO. This was upon the basis that there is no evidence to suggest the new HMO would lead to an increase in crime and disorder, although their experience suggests some HMOs can be problematic and are not always desirable. However, he noted this very much depends on those who eventually occupy the building.

This is echoed by the comments of the Environmental Health Officer who has advised that the applicant has engaged with them prior and post submission and is confident that the property will be *free from serious hazards* and comply with the Management of Houses in Multiple Occupation (England) Regulations 2006. He also

notes the real prospect of extending regulatory controls over such accommodation in reforms currently being entertained by Government. Above all, he notes that, *it is my experience that a well maintained and managed property is less likely to experience issues of anti-social behaviour, particularly in the long term.*

No figures on levels of HMOs in the Selden Road broader area have been supplied by the Environmental Health Officer but it is noted that there appeared to have been only 40 true HMOs (i.e. bedsits/shared houses) in the West End Local Action Team area, in the order of 2% of dwellings in that locality. This clearly represented a low level of geographical concentration, whatever appearances, and for the wider Selden area, it is doubtful if this is significantly higher.

Whilst a run of three HMOs would result from the proposal (Nos 26, 28 and the application site), this, in itself, would be insufficient justification for resisting the proposal on clustering grounds, without real evidence to support contentions of demonstrable harm.

The abiding view remains that the risk of anti-social behaviour problems relates directly to the quality of the management and cannot be presumed.

The supporting statement by the applicant also give reassurance over management and includes the aspiration that; *Elton Lodge will be transformed into a High End HMO providing affordable, safe and well managed rental accommodation for professional workers within the town.*

Importantly, the applicant has confirmed that occupation would be restricted to one person per bedsit and has invited the Council to secure by suitable conditions this safeguard and a submitted Management Plan incorporating vetting procedures for tenants. It would be appropriate in these circumstances to apply such safeguards and also a suitable condition to prevent conversion of the bedsits to a hostel or residential institution at a later date.

Turning to the regulation of HMOs under other legislation, the Environmental Health Officer has previously explained in response to other similar applications the safeguards available under other legislation including Parts 1 and 2 of The Housing Act 2004; The Management of Houses in Multiple Occupation (England) Regulations 2006; and Section 79 of The Environmental Protection Act 1990. This suggested such controls are adequate but did further advise that there are powers under the same Act for Councils to introduce selective or additional licensing of HMOs in areas where there is evidence of persistent anti-social behaviour problems or allied ineffective management of HMOs. The case for such is subject to ongoing review.

In terms of planning controls, whilst some metropolitan authorities have Plan policies governing *studentification* of certain neighbourhoods where problems related to character/ crime and disorder/ access to housing arise, the Council has no Development Plan policies which specifically seek regulation of HMOs and other uses such as care homes/hostels and facilities for vulnerable groups on such grounds. It may be appropriate to review the case for such (and any case for any allied Development Order to remove current permitted Development Rights which allow any house to convert to an HMO of 6 bedsits or less without the need for any planning application) in the forthcoming Core Strategy Review process but current indications of densities offer limited support for this. The Working Party is currently examining the issue.



That said, the neighbour amenity, including anti-social behaviour, is a legitimate concern on all applications and is subject to the general tests of saved Worthing Local Plan Policy H18 and The National Planning Policy Framework. However, from the above it is apparent that there is no compelling evidence of existing problems which would likely be unacceptably exacerbated by the proposal. Accordingly, a refusal along these lines would not be justifiable. Nor would it normally be appropriate to control such matters as type of tenants, especially given the controls available under other legislation.

It is noted that a similar application (AWDM/0467/15) to convert a nearby care home at The Victoria Parkview, 7 Madeira Avenue to 10 bedsits was refused contrary to officer's recommendation at the July 2015 meeting of the Planning Committee, amidst similar concerns by residents over the impact on the area of another HMO on grounds of poor quality of the accommodation rather than impact on the locality;

*The proposal by virtue of the number, size and type of bedrooms proposed and the lack of adequate kitchen, washing and bathroom facilities fails to provide a wide choice and mix of high quality residential accommodation to address the needs of the community. The proposal therefore fails to comply with Policy 8 of the Worthing Core Strategy and the National Planning Policy Framework which seek to provide a wide choice and mix of high quality new homes.*

Concerns over the internal quality of the accommodation have been addressed and it is apparent that the property, overall, provides an acceptable quality of accommodation in itself; is close to all facilities and benefits from a large garden.

The size of the HMO overall is rather large in this case and exceeds the Government Guidance on designing out crime in HMOs through the Secure By Design scheme which discourages HMOs of more than 6 bedrooms. However, such large HMOs are not without recent precedent. Planning permission was granted in 2014 to convert a former care home to 25 bed sits at 2-4 Southey Road under AWDM/0271/14 in a town centre fringe area where flats, HMOs and residential institutions increasingly prevail and not too dissimilar to the Selden Road area.

The fact that the site falls within Local Neighbourhood Improvement Area - groups of electoral wards within West Sussex, which have been locally identified as the most deprived areas in the county is noted but The Communities Team draw little significance from this, other than the proposal would ease housing pressures in that area.

Refuse storage arrangements appear to be satisfactory and can be controlled by condition.

### **Impact on access and parking**

Concerns over parking pressures are noted, especially in the light of the proximity to the hospital and Pub.

However, the site is sustainably located close to the town centre, public transport and local facilities.

Parking demand from an HMO/bedsit in such circumstances is likely to be substantially less than the maximum standards prescribe (0.5 spaces per bedsit/studio flat) of 10.5 spaces.

Whilst this is more than the 8 or so spaces prescribed as the maximum standard for a care home, the difference is not that marked. Reassurance may be drawn from the fact that the applicant is willing to restrict the bedsits to single occupancy.

The applicant has amended his plans to retain the existing vehicular access and include one formal parking bay in the drive but there is physical space for up to 3, whatever the practicalities of managing this space.

Here it is with noted that, with just 3 parking spaces, the care home appears to have operated without ill effect against the parking notional shortfall, presumably using the street to meet any overspill demands.

The applicant aims to do likewise and has submitted an on-street parking capacity survey to demonstrate that sufficient capacity exists locally overnight when existing Controlled Parking Zone controls do not apply and pressures are perhaps greatest. The fact that there is no waiting list for residents' parking permits in this zone also suggests adequate parking supply and many of the properties in the road benefit from off street parking anyway.

The proposed secure sheltered parking will also support modal choice and help dampen the demand for car use

On-street parking is, in any event, regulated by the Controlled Parking Zone and the property's wide street frontage itself provides 4 parking bays.

The proposal does not alter access arrangements.

The Highway Authority raises no objections and advises that any inconsiderate parking that may arise could be dealt with as an offence under Section 22 Road Traffic Act 1988—(leaving vehicles in a dangerous position on the road) and Section 137 Highways Act 1980 (wilful obstruction of the free passage along a highway.), enforceable by Sussex Police.

Due account of the potential impact of the proposed development at 39 Selden Road has been taken.

The test in the National Planning Policy Framework states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Officers share the view of the Highway Authority that no impact of the proposal could be considered 'severe'.

### **Other Environmental issues**

The site is not in a recognised flood risk area.

### **Conclusions**

The loss of the care home is regrettable but cannot be resisted. An HMO is not significantly out of step with the history of the property's use and meets an accepted

need for such. The Environmental Health Officer is satisfied that the accommodation is adequate in the light of latest guidance and there are satisfactory regulatory controls to avoid harm to neighbours. Whilst concerns over changes to local character are understood, no compelling evidence of existing anti-social behaviour problems which would likely be unacceptably exacerbated by the proposal have been advanced. Access and parking are satisfactory. With the safeguards proposed, the proposal is acceptable.

### **Recommendation**

Approve subject to the following conditions:-

1. Three years to implement use.
2. Implement in accordance with approved plans.
3. Provide car and cycle parking and domestic waste storage and reinstate flank boundary wall
4. No use for hostel or residential institution
5. Restrict bed sits to single occupancy.
6. Bedsits shall not be managed other than in full compliance with the Management Plan.

### **Background Papers**

Observations by the Highway Authority  
Observations by the Drainage Engineer  
Observations by the Environmental Health Officer  
Observations by the Police; Crime Prevention Design Adviser  
Observations by the Safer Communities Team  
Observations by the Communities Team  
Representations by Members of the public

Appendix 1



**Adur and Worthing Councils**

**Standards for**

**Houses in Multiple Occupation**



**Produced by the CIEH Sussex Housing Group**  
**October 2015**

**The Licensing and Management of Houses in Multiple Occupation and Other Houses  
(Miscellaneous Provisions) (England) Regulations 2006 (as amended)  
Schedule 3**

**Standards for Houses in Multiple Occupation**

This document is guidance only in order to assist landlords to comply with the above legislation and for local authorities in deciding the suitability for occupation of a House in Multiple Occupation (HMO) by a particular maximum number of households or individuals.

It is expected that this guidance will be followed. However, there might be exceptional circumstances at a particular property that demand a lesser or higher standard.

This guidance should be assessed alongside the *Housing Health and Safety Rating System Operating Guidance* and the *Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 Schedule 3*.

Landlords are advised to check directly with the local authority as these standards may differ where additional or selective licensing schemes have been introduced.

<b>Contents</b>	<b>Page No.</b>
<b>Heating – general requirement</b>	<b>3</b>
<b>Washing facilities – general requirement</b>	<b>5</b>
<b>Kitchen facilities – within shared houses</b>	<b>8</b>
<b>Kitchens facilities – within bedsits</b>	<b>13</b>
<b>Disposal of rubbish</b>	<b>16</b>
<b>Room sizes for shared houses</b>	<b>17</b>
<b>Room sizes for bedsits</b>	<b>19</b>
<b>Room sizes for Hostels, Bed and Breakfast and Guesthouses</b>	<b>21</b>
<b>Fire Precautionary facilities/fire Safety</b>	<b>22</b>
<b>General requirements</b>	<b>28</b>
<b>Appendix A – Acceptable Heating and Insulation Guidance</b>	<b>30</b>

**The Licensing and Management of Houses in Multiple Occupation and Other Houses  
(Miscellaneous Provisions) (England) Regulations 2006 (as amended)  
Schedule 3**

## **Heating – General Requirement**

1. The above Regulations specify that **each unit of living accommodation in an HMO must be equipped with adequate means of space heating.**

To comply with the Regulations :

- A. Adequate **fixed** space heating should be provided to every room including bathrooms, kitchens, common landings and staircases. The heating should be capable of reaching and maintaining the following temperatures when the external temperature is -1°C, within one hour of being turned on.

Living room/bedroom	21°C
Bathroom	22°C
Elsewhere	18°C

- B. Night storage heaters are only acceptable where they have a 'convector boost' or have a dual heat facility such as an integrated convector heater which can be switched on at times when all of the stored heat has been expelled. Any night storage heaters should be supplied by an economy tariff.<sup>1</sup>

All Storage heaters shall have automatic charge control and a thermostatically controlled damper outlet.<sup>1</sup>

- C. Heating in bedsit type HMOs should be from storage heaters which are also fan assisted, gas fires or gas-fired central heating. Wall-mounted electric panel heaters are only acceptable where the room is up to 11 square meters in area, has only one insulated external wall, has a ceiling height of no more than 2.4m and has another heated space above and below it. Such panel heaters shall have timers and electronic thermostats.<sup>1</sup>

- D. Where individual heaters are provided in bedsits, suitable heating should also be provided to all communal rooms, common areas and bathrooms capable of reaching and maintaining 18°C (*common areas*) and 22 °C (bathrooms) when the external temperature is -1°C.

The cost of heating the communal areas of shared houses or bedsit type HMOs shall be met out of the general rental or energy charges and not from a prepayment meter.

- E. Whichever form of heating is installed it should be fully controllable by the occupants at all times and should be thermostatically controlled and programmable.
- F. Paraffin, LPG or free standing, plug in electric heaters **are not** acceptable.
- G. Adequate structural thermal insulation should be provided to the building. This will include up to 270mm of loft insulation and where appropriate cavity walls should be insulated.

<sup>1</sup> Chartered Institute of Environmental Health guidance on enforcement of excess cold hazards in England – July 2011

For more details on acceptable heating and insulation - **See Appendix A**

### **Gas and electrical safety**

**Gas safety** – If gas is supplied to the property, a Gas Safe Registered Engineer must issue a current gas safe report to cover all appliances and installations. This must be done at least every 12 months as required by the Gas Safety (Installation and Use) Regulations 1998 (as amended).

The safety of the gas installation and appliances must be constantly maintained.

**Electrical Safety** – The whole electrical installation to the property should be safe. An Electrical Installation Condition Report (EICR) must be obtained every 5 years, following inspection by a competent electrician. \*

As a minimum, the electrician should deal with any items given codes '1' (Dangerous issue found) or code 2 (Potential danger found) in the 'Observations and Recommendations' section of the report.

\* This is a requirement of *The Management of Houses in Multiple Occupation (England) Regulations 2006* and *The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007*.

### **Energy Performance Certificates**

Energy Performance Certificates (EPCs) give information on reducing carbon dioxide emissions and making a home more energy efficient.

A copy of the most recent EPC should be provided to the local authority on request.

## **Washing facilities – General Requirement**

*The Regulations specify the following:-*

**2. (1) Where all or some of the units of living accommodation in an HMO do not contain bathing and toilet facilities for the exclusive use of each individual household -**

**(a) There must be an adequate number of bathrooms, toilets and wash-hand basins suitable for personal washing for the number of persons sharing those facilities; and**

**(b) Where reasonably practicable there must be a wash hand basin with appropriate splash back in each unit other than a unit in which a sink has been provided as mentioned in paragraph 4(1),**

**Having regard to the age and character of the HMO, the size and layout of each flat and its existing provision for wash-hand basins, toilets and bathrooms.; and**

**(2) The requirements in this subsection have been removed.**

**(3) All baths, showers and wash hand basins in an HMO must be equipped with taps providing an adequate supply of cold and constant hot water.**

**(4) All bathrooms in an HMO must be suitably and adequately heated and ventilated.**

**(5) All bathrooms and toilets in an HMO must be of an adequate size and layout.**

**(6) All bathrooms and toilets in an HMO must be fit for purpose.**

**(7) All bathrooms and toilets in an HMO must be suitably located in or in relation to the living accommodation in the HMO.**

**The following table gives the number of wash hand basins, bathrooms and WCs that should be provided according to the number of people occupying the HMO:**

<b>Washing facilities in shared houses and bedsits</b>	
	<b>Amenity level in relation to number of people</b>
1-4 people	<p><b>No requirement for wash hand basins in sleeping room / bedroom</b></p> <p>A minimum of 1 bathroom and 1 WC (the bathroom and WC may be combined)</p> <p>A wash hand basin is required in all bathrooms and in separate WCs (if present) <sup>2</sup></p>



5 people	<p>1 wash hand basin is required in each sleeping room / bedroom (where practical) plus</p> <p>1 bathroom AND</p> <p>1 separate WC with wash hand basin (but the WC can be contained within a second bathroom) <sup>2</sup></p>
6 - 10 people	<p>1 wash hand basin is required in each sleeping room / bedroom (where practical) plus</p> <p>2 bathrooms AND</p> <p>2 separate WCs with wash hand basins (1 of the WCs can be contained within 1 of the bathrooms)</p>
11-15 people	<p>1 wash hand basin is required in each sleeping room / bedroom (where practical) plus</p> <p>3 bathrooms AND</p> <p>3 separate WCs with wash hand basins ( 2 of the WCs can be contained within 2 of the bathrooms)</p>
<p><b>Note - In bedsits the requirement for a wash hand basin in the sleeping room is satisfied if there is a kitchen sink in the room.</b></p>	

**Bathroom means a room containing a bath or shower.**

*To comply with the Regulations*

A. Each bathroom shall have a wash hand basin (minimum dimensions 560mm x 430mm) and either a bath (minimum dimensions 1700mm x 760mm <sup>2</sup>) or a shower cubicle (minimum dimensions 800mm x 800mm) <sup>2</sup>.

(Smaller wash hand basins can be accepted within WC compartments for hand washing only).

B. Each bath, shower cubicle and wash hand basin shall be provided with an adequate and constant supply of hot and cold water designed to ensure reasonable temperature control and connected to an appropriate drainage system.

C. Each toilet shall be properly connected to the main foul drainage system.

D. Each bath, shower cubicle and wash hand basin should be provided with adequate splash-backs, (300mm to baths and wash hand basins, full heights to all shower cubicles or showers located over baths) with an adequate waterproof seal between the splash-backs and the fitting.

Shower cubicles should be enclosed on three sides. Across the entrance a rail and waterproof curtain or hinged screen should be provided to deflect all water into the tray. Alternatively, provide an enclosed proprietary shower cubicle incorporating all the above.

- E. Each bathroom or shower room shall be of an appropriate size to provide adequate changing and drying space for the users <sup>2</sup>.
- F. And be conveniently and suitably located in or in relation to the living accommodation in the HMO. The room should not be more than one floor distant from the sleeping accommodation <sup>2</sup>.
- G. Each bathroom and WC should have a suitable floor covering that is slip resistant, impervious, easily cleansable and in good condition.
- H. In addition to any window each bathroom is to have mechanical ventilation to the outside air at a minimum extraction rate of 15 litres per second.
- I. Each toilet in a separate compartment should have either an opening window equivalent to 1/20<sup>th</sup> of the floor area or mechanical ventilation at a minimum extraction rate of 6 litres per second.
- J. Each bathroom should have adequate fixed space heating capable of reaching and maintaining 22° C when the external temperature is -1° C, within one hour of being turned on.

<sup>2</sup> CIEH Amenity Standards for HMOs, 1994

***[4 (2) Where there are no adequate shared washing facilities provided for a unit of living accommodation as mentioned in paragraph 2, an enclosed and adequately laid out and ventilated room with a toilet and bath or fixed shower supplying adequate cold and constant hot water must be provided for the exclusive use of the occupiers of that unit either –***

***(a) within the living accommodation; or***

***(b) within reasonable proximity to the living accommodation***

These amenities should be located not more than 30 metres away on the same floor, or normally no more than one floor distant from the unit of accommodation <sup>2</sup>.]

## Kitchens in shared houses

With regard to shared kitchens, the Regulations specify the following:-

### **3. Where all or some of the units of accommodation within the HMO do not contain any facilities for the cooking of food –**

- (a) there must be a kitchen, suitably located in relation to the living accommodation, and of such layout and size and equipped with such facilities so as to adequately enable those sharing the facilities to store, prepare and cook food;**
- (b) the kitchen must be equipped with the following equipment, which must be fit for the purpose and supplied in a sufficient quantity for the number of those sharing the facilities**
  - (i) sinks with draining boards;**
  - (ii) an adequate supply of cold and constant hot water to each sink supplied;**
  - (iii) installations or equipment for the cooking of food;**
  - (iv) electrical sockets;**
  - (v) worktops for the preparation of food**
  - (vi) cupboards for the storage of food or kitchen and cooking utensils;**
  - (vii) refrigerators with an adequate freezer compartment (or, where the freezer compartment is not adequate, adequate separate freezers);**
  - (viii) appropriate refuse disposal facilities; and (ix) appropriate extractor fans, fire blankets and fire doors.**

The following table shows the facilities that should be provided within the shared kitchen

<b>FACILITY</b>	<b>MINIMUM STANDARD ACCEPTED</b>	<b>UP TO &amp; INCLUDING 5 PEOPLE<sup>2</sup></b>	<b>&gt;THAN 5 PEOPLE &lt; 10 PEOPLE</b>
<b>(i) Sinks and draining boards;</b>	<p>A fixed impervious sink and drainer.</p> <p><b>(Sinks</b> – can be butler or Belfast type but should be combined with a specifically designed drainer).</p> <p><b>(Drainers</b> – where drainers are not integral to the sink, these should be fixed and specially designed for the purpose (freestanding type will not be acceptable) or be an integral part of the fixed work surface and drain properly into the sink provided.</p>	<p>1 for up to 5 occupiers<sup>2</sup>.</p> <p><b>Sinks</b> - min overall size: 620 x 500 x 160mm. <b>Bowl:</b> 340 x 400 x 150mm</p>	<p>1 per 4 occupiers or part thereof.</p> <p>(a dishwasher may be considered as an alternative to an additional sink . Minimum size will depend upon recommended place settings).</p>

	<p><b>(Splash-backs</b> - All sinks should be provided with an adequate impervious splash-back (minimum height being not less than 300mm) and should be properly sealed between the sink and splash-back using a suitable waterproof sealant.</p>		
<p><b>(ii) Hot and cold water to the sink</b></p>	<p>A constant supply of hot water to the sink from a gas or electric boiler/water heater.</p> <p>A wholesome supply of mains cold water to the sink (drinking water).</p>		
<p><b>(iii) Cookers</b></p>	<p>The main cooking appliance should have either an electric or gas hob with 4 rings and an oven with a grill.</p>	<p>1 appliance for up to 5 occupiers <sup>2</sup>.</p>	<p>1 per 4 occupiers or part thereof (a microwave oven may be considered as an alternative to a second cooker).</p>
<p><b>(iv) Electric sockets</b></p>	<p>A 30amp supply for each electric cooker.</p> <p>Power points should be set at a safe working height above the food preparation surface (between 200mm – 300mm).</p>	<p>6 power points (3 doubles) above food preparation surface.</p> <p>Additional dedicated sockets are required for each cooker, refrigerator, washing machine or dishwasher.</p>	<p>An additional double power point above food preparation surface for each two persons over 5 sharing.</p> <p>Additional power points are required for all additional cookers, refrigerators, washing machines or dishwashers.</p>
<p><b>(v) Worktops</b></p>	<p>All food preparation surfaces (worktops) should be secure, fixed and of an impervious material.</p>	<p>Min. size per user 500mm (length) x 600mm (depth) (smaller lengths of less than 500mm</p>	<p>Additional 500mm length required for each additional user.</p>

	<p>All edges are to be sealed.</p> <p><b>(Splash-backs</b> - All work surfaces should be provided with adequate impervious splash-backs (minimum height being not less than 300mm) and should be properly sealed between the worktop and splash-back using a proprietary sealant.</p>	<p>cannot be counted towards the overall requirement).</p> <p><b>Standard height for work tops –</b> Finished height should be between 900mm – 910mm, dependent upon work surface thickness used (30mm – 40mm).</p>	
<p>⚡ <b>Cupboards</b></p>	<p>A single cupboard (wall or floor mounted) per user.</p> <p><b>N.B. The space below any sink unit is not acceptable to comply with this standard.</b></p>	<p>A fixed floor based food storage cupboard of 500mm width x 600mm depth and standard height (870mm).</p> <p>Or</p> <p>A fixed wall mounted food storage cupboard of 1000mm width X 300mm depth and standard height (720mm) to be provided per person.</p>	<p>Capacity to be increased proportionately for each additional occupant.</p>
<p>⚡ <b>Fridges and freezers</b></p>	<p>A large standard sized combined fridge/freezer.</p>	<p>A refrigerator with a minimum capacity of 0.15 cubic metres<sup>2</sup>. and a freezer with a minimum capacity of 0.11 cubic metres.</p>	<p>Fridge/freezer capacity to be increased proportionately for each additional occupant.</p>
<p>⚡ <b>Refuse disposal</b></p>	<p>The refuse facilities should not cause problems of hygiene or attract pests and should not obstruct the means of escape in case of fire.</p>	<p>Suitable and sufficient numbers of receptacles should be provided for household waste and recycling.</p> <p>Receptacles should be suitable for separating recyclable waste</p>	<p>Suitable and sufficient additional receptacles according to the number of occupants.</p>

		from residual waste while awaiting collection both within the unit of accommodation and outside.	
<b>(ix) Extractor fans</b>	An electrical extractor fan <sup>2</sup> . Fan to be in accordance with approved document F under the Building Regulations 2010.	Mechanical ventilation to the outside air at a minimum extraction rate of 60 litres per second or 30 litres per second if the fan is sited adjacent to the hob.  (This is in addition to any windows).	
<b>Fire blankets</b>	A 'light duty' fire blanket should be provided in all kitchens <sup>3</sup> .	Fire blankets should comply with BS 6575 or equivalent;  Fire blanket should be mounted on the wall approximately 1.5m high and closer to the room exit than the cooking facility.	
<b>Kitchen floors, walls and ceilings</b>	Kitchen floors should have a suitable floor covering that is slip resistant, impervious and easily cleansable.  Kitchen walls adjacent to cookers, sinks and food preparation areas shall be provided with impervious splash-backs  Kitchen ceilings to be in good repair.		
<b>Dining facilities</b>	There should be space to eat meals either within the kitchen or in a separate dining or living room (see room sizes below).		

<sup>2</sup> CIEH Amenity Standards for HMOs, 1994

<sup>3</sup> LACORS HOUSING – FIRE SAFETY - Guidance on fire safety provisions for certain types of existing housing

Please note that, other than a separate dining room, only in certain circumstances will it be acceptable for any of the facilities above to be located outside the kitchen. By agreement with the case officer, it may be acceptable to locate them in an adjacent utility room or a cupboard directly off the kitchen.

Conservatories are unlikely to meet the requirements of the current Building Regulations in terms of fixed heating and thermal insulation and will therefore not be counted as a bedroom, lounge, dining room or kitchen unless they meet the relevant requirements.

## Kitchens within bedsits

The Regulations refer to units of living accommodation without shared basic amenities as follows:

**4. (1) Where a unit of living accommodation contains kitchen facilities for the exclusive use of the individual household, and there are no other kitchen facilities available for that household, that unit must be provided with –**

- (a) adequate appliances and equipment for the cooking of food;**
- (b) a sink with an adequate supply of cold and constant hot water;**
- (c) a work top for the preparation of food;**
- (d) sufficient electrical sockets;**
- (e) a cupboard for the storage of kitchen utensils and crockery; and**
- (f) a refrigerator**

**(1A) The standards referred to in paragraphs (a) and (f) of sub-paragraph (1) shall not apply in relation to a unit of accommodation where –**

- (a) The landlord is not contractually bound to provide such appliances or equipment;**
- (b) The occupier of the unit of accommodation is entitled to remove such appliances or equipment from the HMO; or**
- (c) The appliances or equipment are otherwise outside the control of the landlord.**

The following table shows the facilities that should be provided within the bedsitting room:

<b>FACILITY</b>	<b>MINIMUM STANDARD</b>	<b>EACH UNIT</b>
<b>(a) Cookers</b>	<p>Cooking facilities to include a minimum of 2 hob rings (4 if provided for more than 1 person), an oven and grill <sup>2</sup> (minimum size 482mm width X 430mm depth and 418mm height).</p> <p><b>Finished hob height</b> - should be level with adjacent work surfaces.</p> <p><b>Splash backs</b> – all cooking facilities should be provided with adequate impervious splash-backs (minimum height being not less than 300mm).</p>	Per unit.
<b>(b) Sink with hot and cold water</b>	<p>A fixed impervious sink with a drainer. It should be provided with an adequate and wholesome supply of cold water and an adequate supply of constant hot water.</p>	<p>Per unit.</p> <p><b>Sinks</b> - minimum overall size: 620 x 500 x 160mm.</p> <p><b>Bowl:</b> 340 x 400 x 150mm.</p>



	<p><b>Drainers</b> – where drainers are not integral to the sink, these should be fixed and specially designed for the purpose (freestanding type will not be acceptable) or be an integral part of the fixed work surface and drain properly into the sink provided.</p> <p><b>Splash-backs</b> - All sinks should be provided with an adequate impervious splash-back (minimum height being not less than 300mm) and should be properly sealed between the sink and splash-back using a proprietary sealant.</p>	
<b>(c) Worktop</b>	<p>The worktop should be secure, fixed and of an impervious material (tables or fridge/freezer/washing machine tops are not acceptable as worktops).</p> <p><b>Standard height for work tops –</b> Finished height should be between 900mm -910mm, dependent upon work surface thickness used (30mm – 40mm).</p> <p><b>Splash-backs</b> - All work surfaces should be provided with an adequate impervious splash-back (minimum height being not less than 300mm) and should be properly sealed between the worktop and splash-back using a proprietary sealant.</p>	Minimum size 600mm X 1000mm <sup>2</sup> .
<b>(d) Electric sockets</b>	Points should be set at a convenient height and safe position above the work surface.	4 sockets (2 doubles) Additional dedicated sockets are required for a cooker and refrigerator <sup>2</sup> .
<b>(e) Cupboards</b>	<p>A floor or wall mounted cupboard.</p> <p>The space below the sink unit is not acceptable to comply with this standard.</p>	A floor based food storage cupboard of 500mm width and standard depth and height or a wall mounted food storage cupboard of 1000mm width and standard depth and height.

<b>(f) A fridge</b>	A standard sized under work surface refrigerator.  Minimum size approximately: 590mm width X 490mm depth X 830mm height.	A refrigerator with a minimum capacity of 0.15 cubic metres <sup>2</sup> .
<b>Flooring to all kitchen areas</b>	Kitchen floors should have a suitable floor covering that is slip resistant, impervious and easily cleansable.	Should extend 800mm from all units and have an edging strip to secure the edges and/or to mark the edges of carpets.

<sup>2</sup> CIEH Amenity Standards for HMOs, 1994

### **Cleaning**

At the start of a tenancy, each unit of accommodation must be in a clean condition and in good repair **before** the tenants move in. Similarly, any common parts of the house must be clean and in good order.

In shared houses it is recognised that the cleaning of shared facilities is usually the tenants' responsibility.

However, the cleaning of communal areas in houses occupied as bedsits and flats (where the tenants have separate tenancies) are the responsibility of the landlord or manager. The manager should ensure that all common parts and shared facilities are cleaned on a regular basis, e.g. by employing a cleaner.

## **Disposal of Rubbish**

Rubbish should not be allowed to accumulate in the house except where properly stored pending disposal.

1. Provide suitable rubbish containers of adequate size for the number of occupants.
2. Site containers in the kitchen and in other appropriate locations.
3. Ensure that tenants are aware of collection days for refuse and recycling (other than in areas where communal street bins are provided).
4. Make arrangements for extra collections if there isn't adequate space to store rubbish within the boundaries of the house.
5. Make arrangements for the additional collection and disposal of refuse from the house if this is found to be necessary to avoid causing a nuisance to the neighbourhood.
6. At the end of each tenancy any rubbish or unwanted household goods left behind by tenants should be removed and disposed of appropriately by the landlord before the start of the next tenancy.
7. In particular, any rubbish or goods left in front or back gardens or on the pavement in the front of the HMO should be removed immediately.

## Room sizes

The standards for room sizes are contained in the Chartered Institute of Environmental Health (CIEH) Amenity Standards for HMOS, 1994.

5. (1) *a child will be considered as a separate person/occupant in terms of these standards*

(2) *When determining whether it is suitable for occupation, the minimum room sizes are also subject to each room being of a shape offering adequate useable living space and 10% flexibility may be applied to standards should additional facilities exist:*

### Room sizes for SHARED HOUSES

<b>Occupancy type</b>	<b>Minimum room size</b>
<b>Single Bedroom</b> <sup>2</sup>	Minimum size should be 6.5 square metres.
<b>Double Bedroom</b> <sup>2</sup> i.e. bedrooms for married couples /co-habitees/civil partnerships	Minimum size should be 10 square metres.
<b>Kitchen without dining facilities</b> <sup>2</sup>  Kitchen shared by 1-3 persons  Kitchen shared by 4 persons  Kitchen shared by 5 persons  Kitchen shared by 6 persons	Minimum size should be 5 square metres.  Minimum size should be 6 square metres.  Minimum size should be 7 square metres.  Minimum size should be 9 square metres.
<b>Kitchen with dining facilities</b> <sup>2</sup>  Kitchen/diner shared by 1-3 persons  Kitchen/diner shared by 4-6 persons	Minimum size should be 10 square metres.  Minimum size should be 11.5 square metres.
<b>Living room/diner where kitchen has no dining facilities</b> <sup>2</sup>  Living/diner shared by 1-3 persons  Living/diner shared by 4-6 persons	Minimum size should be 8.5 square metres.  Minimum size should be 11 square metres.

<sup>2</sup> CIEH Amenity Standards for HMOs, 1994

Please note that where a ceiling is sloping, only the floor area where the ceiling height is 1.5 metres or higher can be counted <sup>2</sup>.

Minimum floor to ceiling height should be no less than 2.4metres <sup>2</sup>.

***By agreement with the case officer it may be acceptable for kitchen room sizes to be lower than specified so long as the layout adequately enables those sharing the facilities to store, prepare and cook food.***

## Room sizes for BEDSITS

Occupancy type	Minimum room size
<p data-bbox="153 250 576 360"><b>Single bedsit or studio with kitchen facilities within the room<sup>2</sup></b></p> <p data-bbox="389 398 655 434"><b>One-roomed unit</b></p> <p data-bbox="264 506 655 542"><b>Two or more-roomed unit</b></p>	<p data-bbox="663 398 1321 468">Minimum size of bedsit or studio should be 13 square metres.</p> <p data-bbox="663 506 1238 575">Minimum size of bedroom should be 6.5 square metres.</p> <p data-bbox="663 613 1238 683">Minimum size of living room should be 9 square metres.</p> <p data-bbox="663 721 1324 790">Minimum size of living room/kitchen should be 11square metres.</p> <p data-bbox="663 828 1161 864">(Does not include bathroom size)<sup>2</sup>.</p>
<p data-bbox="153 949 588 1059"><b>Double bedsit or studio with kitchen facilities within the room<sup>2</sup></b></p> <p data-bbox="153 1097 628 1207"><i>ie bedsits and studios for married couples/co-habitees/civil partnerships</i></p> <p data-bbox="389 1245 655 1281"><b>One-roomed unit</b></p> <p data-bbox="255 1319 655 1355"><b>Two or more -roomed unit</b></p>	<p data-bbox="663 1245 1278 1281">Minimum size should be 15 square metres.</p> <p data-bbox="663 1319 1347 1388">Minimum size of bedroom should be 10 square metres.</p> <p data-bbox="663 1426 1259 1496">Minimum size of living room should be 12 square metres.</p> <p data-bbox="663 1534 1326 1603">Minimum size of living room/kitchen should be 15 square metres.</p> <p data-bbox="663 1641 1305 1711">Minimum size of living room/bedroom should be 14 square metres.</p> <p data-bbox="663 1789 1161 1825">(Does not include bathroom size)<sup>2</sup>.</p>

<p><b>Single bedsit or studio with a kitchen elsewhere<sup>2</sup></b></p> <p><b>One-roomed unit</b></p> <p><b>Two or more-roomed unit</b></p>	<p>Minimum size should be 10.5 square metres.</p> <p>Minimum size of bedroom should be 6.5 square metres.</p> <p>Minimum size of living room should be 9 square metres.</p> <p>Minimum size of living room/kitchen should be 11 square metres.</p>
<p><b>Double bedsit or studio with a kitchen elsewhere<sup>2</sup></b></p> <p><i>ie bedsits and studios for married couples/co-habitee /civil partnerships</i></p> <p><b>One-roomed unit</b></p> <p><b>Two or more-roomed unit</b></p>	<p>Minimum size should be 14 square metres.</p> <p>Minimum size of bedroom should be 10 square metres.</p> <p>Minimum size of living room should be 12 square metres.</p> <p>Minimum size of living room/kitchen should be 15 square metres.</p> <p>Minimum size of living room/bedroom should be 14 square metres.</p>

Please note that where a ceiling is sloping, only the floor area where the ceiling height is 1.5 metres or higher can be counted<sup>2</sup>.

Minimum floor to ceiling height should be no less than 2.4metres

<sup>2</sup>. <sup>2</sup> CIEH Amenity Standards for HMOs 1994

## **Room sizes for HOSTEL, BED & BREAKFAST, GUESTHOUSES**

<b><i>Occupancy type</i></b>	<b>Minimum room size</b>
<b>Bedrooms with a kitchen elsewhere<sup>2</sup></b>	
<p style="text-align: right;"><b>1 person</b></p>	Minimum size should be 6.5 square metres.
<p style="text-align: right;"><b>2 persons</b></p>	Minimum size should be 10 square metres.
<p style="text-align: right;"><b>3 persons</b></p>	Minimum size should be 15 square metres.
<p style="text-align: right;"><b>4 persons</b></p>	Minimum size should be 19.5 square metres.
<p style="text-align: right;"><b>5 persons</b></p>	Minimum size should be 24 square metres <sup>2</sup> .
<b>Bedrooms with kitchen facilities within the room<sup>2</sup></b>	
<p style="text-align: right;"><b>1 person</b></p>	Minimum size should be 10 square metres.
<p style="text-align: right;"><b>2 persons</b></p>	Minimum size should be 14 square metres.
<p style="text-align: right;"><b>3 persons</b></p>	Minimum size should be 18.5 square metres.
<p style="text-align: right;"><b>4 persons</b></p>	Minimum size should be 23 square metres.
<p style="text-align: right;"><b>5 persons</b></p>	Minimum size should be 28 square metres.
<b>Common rooms kitchens, living rooms, dining rooms<sup>2</sup></b>	All common rooms, kitchens, living rooms and dining rooms shall be calculated on the basis of 1 square metre per person, this shall include one area of at least 15 square metres.

Please note that where a ceiling is sloping, only the floor area where the ceiling height is 1.5 metres or higher can be counted<sup>2</sup>.

Minimum floor to ceiling height should be no less than 2.4m<sup>2</sup>.

<sup>2</sup> CIEH Amenity Standards for HMOs 1994



## **Fire Precautionary Facilities / Fire Safety**

Owners of HMOs are responsible for ensuring adequate fire safety measures to protect all occupiers.

*With regard to fire precautions, the Regulations specify that -*

***Appropriate fire precaution facilities and equipment must be provided of such type, number and location as are considered necessary.***

Guidance on fire safety is contained in the LACORS guidance document - '**HOUSING – FIRE SAFETY, Guidance on fire safety provisions for certain types of existing housing**'.

You can view the whole LACORS guide via the following link:

<http://www.cieh.org/library/Knowledge/Housing/Nationalfiresafetyguidance08.pdf>

If an HMO meets the relevant standards in this guidance, the local authority should be satisfied that the HMO is reasonably suitable for occupation in terms of fire safety.

For HMOs with a common-way escape route (usually only in larger houses divided into bedsits or flats), owners should also have regard to the **Regulatory Reform (Fire Safety) Order 2005** and the related **Fire Safety Risk Assessment Sleeping Accommodation Guide**.

**In these properties a fire risk assessment must be carried out in accordance with the Regulatory Reform (Fire Safety) Order 2005.**

All recommendations should only be drawn up by persons with appropriate fire experience and all recommendations must be approved by the respective Fire Authority via appropriate consultation.

## **Risk Assessment**

HMOs can comprise a wide range of property types, occupancy arrangements and occupier type. Fire risks in houses in multiple occupation can be complex.

It is not possible to offer a single solution to fire safety which can be applied broadly.

Fire safety solutions must instead be based on the level of risk at a particular property. Local authority officers will normally inspect the property and specify works having regard to the LACORS guidance.

Despite this risk-based approach, some basic fundamental principles apply to fire safety.

## **Brief guide to HMO fire safety**

The following information may be of use when interpreting what fire safety measures to provide to meet the recommendations in the LACORS guidance.

## **General fire safety principles**

The fire safety approach adopted in the LACORS guide is to provide early warning of any fire to all occupiers and to ensure that they can safely evacuate the building to a place of safety.

The following information is taken from the LACORS guidance document –

**'HOUSING – FIRE SAFETY, Guidance on fire safety provisions for certain types of existing housing'**

### **Escape routes**

The usual escape route for HMO properties will be down the main staircase and out the front door. Therefore this staircase and any associated halls and landings should be protected from fire as follows:

#### **Fire doors**

The doors to rooms leading onto the escape route should be self-closing fire doors complying with BS EN 1154:1997 (for example, hydraulic overhead closers), normally 30-minute fire resisting, fitted with intumescent strips and cold/brush smoke seals. The door should be hung on 3 steel hinges and it should latch properly into the frame. Room door locks should normally be of a thumb turn type e.g. Yale 81 or 91.

(Cold/brush smoke seals restrict the passage of smoke and intumescent strips expand during a fire to seal any gaps around the door).

In some situations good quality, well-fitting, solid timber doors of a minimum thickness of 44mm may be acceptable.

#### **Partitions**

The partitions separating rooms from the escape route should be fire-resisting, normally to a 30-minute standard.

Similarly, the partitions between rooms should be fire resisting, normally to a 30-minute standard.

#### **Low risk rooms**

There is usually no need to provide protection to bathrooms and shower rooms or WC compartments which open onto protected routes.

#### **Escape route safety**

The escape route should be kept free from obstructions such as bicycles, push-chairs, furniture and stored items.

And be free from anything that could start or fuel a fire, such as combustible materials, cookers, portable heaters, gas bottles, unenclosed gas or electric meters.

Cupboards in the escape route or cupboards under stairs should be lined inside to provide a 30-minute fire resistance. The doors to these cupboards should also provide 30-minute fire resistance and be fitted with intumescent strips and cold/brush smoke seals. A 'Keep Locked Shut' sign should be fitted to each cupboard door.

## **Exit from the property**

The main escape staircase should lead directly to a final exit without passing through another room.

When occupants get to the front door they need to be able to open it without the use of a key, card or code. This usually means providing a 'thumb-turn' device on the inside of the door to replace the internal key-operated device. A key is still used when entering the house from the outside.

## **Automatic Fire Detection**

The presence of a properly installed and maintained automatic fire detection and warning system will alert occupiers to the presence of a fire in its early stages. It will also enable them to evacuate to a place of safety before the escape routes become blocked by smoke or are directly affected by fire. It should also announce the presence of a developing fire in any hidden areas such as storerooms and cellars.

**All HMOs should have an automatic fire detection and alarm system.**

### **Types of fire alarm**

The type of alarm required will depend on the type of property, how it is occupied, the number of storeys and various other factors.

Grade A and Grade D systems (BS 5839) are the usual type specified for HMOs and sometimes circumstances demand the installation of both (known as a mixed system).

### **Grade A system**

- These systems are generally only required in larger properties occupied as bedsits and self-contained flats.
- This system comprises a set of electrically operated smoke and/or heat detectors, separate sounders and manual call points. These are all linked to a control panel.
- Alarm bells or electronic sounders should achieve a minimum sound level in bedrooms of 75 dBA when all doors are shut, to arouse sleeping occupants.

### **Grade D system**

- These systems are required in smaller properties such as shared houses.
- This system has one or more interlinked, mains-powered smoke and/or heat alarms each with an integral battery standby supply.
- The alarms are normally powered from the local lighting circuit.
- There is no control panel with this system and maintenance is simpler.

Grades of automatic fire detection and warning systems are specified in BS 5839: parts 1 and 6.

## **Testing of fire alarm**

A logbook should be provided in the property and should be made available for inspection by the Council. The logbook should demonstrate that maintenance of the fire alarm includes annual and periodic tests in accordance with British Standard 5839 Parts 1 and 6.

## **Floors and ceilings**

In addition to providing a protected escape route, it is necessary to restrict the spread of fire and smoke from one unit of accommodation to another.

- In most premises floor/ceiling separation between units of accommodation (and between units and the escape route) should provide a standard of fire resistance of 30 minutes.
- However, in high risk areas such as basements, cellars and in mixed use buildings where there is also commercial accommodation it should be 60 minutes.

## **Basements and lower ground floors**

A fire in a basement or lower ground floor will spread to the ground floor and may prevent occupants from getting out the front door. Even if a fire does not spread to this area, it may become filled with smoke.

- Therefore, the fire separation between the basement and the ground floor (including the staircase soffit and spandrel) should be 30-minute fire resisting.
- A 30-minute fire resisting door should be fitted at the top of the basement stairs, and another at the foot of the basement stairs.
- There should be a separate exit from these basement/lower ground floor rooms.

## **Cellars and unoccupied basements**

Even if unoccupied, a cellar may present an increased risk of fire due to the presence of electric and gas meters, items stored and general neglect.

- Therefore these areas should also be 30-minute fire separated from the rest of the house.

## **Emergency lighting**

In some premises emergency lighting is installed to light the escape route if mains power fails, (BS 5266).

## **Testing of emergency lighting**

Where emergency lighting is installed, a logbook should be provided in the property and should be made available for inspection by the Council. The logbook should demonstrate that maintenance of the emergency lighting system, in accordance with BS 5266, has been carried out.

## **Inner rooms**

A room where the only escape route is through another room is termed an 'inner room' and if it is a bedroom this arrangement poses a risk to its occupier if a fire starts unnoticed in the outer room. Therefore this arrangement should be avoided though additional fire precautionary work may be possible in certain circumstances to overcome the risk.

## **Escape windows**

In some situations escape through a window is permitted if it meets certain requirements for height from the ground and size of opening. It should also lead to a place of ultimate safety.

## **Fire blankets and fire extinguishers**

The provision of fire blankets and simple fire extinguishers can be useful in restricting the development and spread of small fires in their early stages.

- Fire blankets are recommended in kitchens of all premises.
- The LACORS guide recommends the provision of fire extinguishers on all floors, **however, local authorities do not normally require them**. This is due to the need for training, for regular maintenance and problems with extinguishers being maliciously set off or played with.

## **Surface finishes**

In the early stages of a fire, the safety of a building's occupants can be affected by the properties of surface linings and the finishes of walls, ceilings and soffits. Rapid spread of flame across surfaces allows the fire to spread more quickly through the building, thereby reducing the time for escape.

- There should be no highly combustible wall, ceiling or soffit surfaces in the escape route. For example, wood panelling or polystyrene tiles.

## **Mixed commercial and residential use**

A fire occurring at night in commercial premises under or within a residential dwelling may not be noticed until well developed.

- Generally there should be 60-minute separation between the two uses: and
- Automatic fire detection in the commercial parts should be linked to the residential system.

## **Fire resistance of furnishings**

All soft furnishings supplied by the landlord to tenants must comply with the relevant safety tests as prescribed under the Furniture and Furnishings (Fire) (Safety) Regulations 1988 (as amended).

All furniture must be labelled to show that it complies with these tests. These labels must not be removed.

Advice on fire and furnishings may be sought from Trading Standard, telephone 01243 642124.

## **Management and maintenance of fire safety**

Whatever physical fire safety measures are provided in residential accommodation, their effectiveness will only be as good as their management and maintenance.

- HMO accommodation will require ongoing attention to ensure fire safety measures remain effective.

## **Tenants' obligations – means of escape from fire**

Tenants are expected to take some responsibility for fire safety and maintenance of fire precautions within the property.

For example:

- ? Tenants should not wedge open fire doors.
- ? They should not hang over-door hooks, hangers or heavy items that prevent the door from properly closing or which distort the door.
- ? They should not cover smoke or heat alarms/detectors or suspend anything from the ceiling that might interfere with activation of an alarm or detector.
- ? They should notify the landlord or agent of a fault with the alarm system or damage and disrepair to fire safety measures.
- ? Tenants should not block halls and corridors with stored items, bicycles, furniture etc.
- ? Tenants should minimize the risk of false alarms by opening windows or using mechanical ventilation when cooking.
- ? Candles and open flames should always be used with caution.

## **General Requirements**

### **Tenants' obligations – anti-social behaviour**

Tenants should be made aware of their obligation to occupy the property with consideration and respect for their neighbours.

It is expected that tenancy agreements will include clauses that lay out the requirements to occupy the property quietly, respect the fact that working people and families get up and go to bed earlier and that owners expect to be able to quietly enjoy their property and its outside space. They must make sure they are aware of the correct days for rubbish and recycling collection so that refuse doesn't pile up and overflow in the front garden.

If not included in the tenancy agreement, these requirements should be contained in a written statement, displayed in a suitable position in the house such as the main hallway.

Any gardens should be maintained so that they don't become overgrown and unruly. Grass should be cut regularly and the garden should not become a dumping ground for rubbish and disused items that could attract rats and mice.

Owners and agents should ultimately bear some responsibility for any continuing nuisance caused by tenants. If requested to do so, they should produce to the Council evidence to show that they are taking appropriate action to enforce the tenancy agreement. This means instigating possession proceedings if the problem continues.

### **Displaying of landlord contact details**

The landlord, manager or agent must display a visible notice in a suitable position in the House. This notice must contain the name, address and telephone number of the person managing the house including an emergency contact number. These details are to be kept up to date.

## Background Documents taken into consideration:-

- CIEH Amenity Standards for HMOS 1994
- CIEH Guidance on enforcement of excess cold hazards in England 2011.
- Housing Health & Safety Rating System (HHSRS) Operating Guidance and HHSRS Enforcement Guidance, both issued by CLG in February 2006
- LACORS Housing – Fire Safety Guidance 2008
- Regulatory Reform Order (Fire Safety) Order 2005
- Fire Safety Risk Assessment Sleeping Accommodation 2006
- The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006 - Schedule 3
- The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regulations 2007

## Participating Local Authorities





## APPENDIX A

### Acceptable heating and insulation guidance

(The information in this Appendix is taken from the CIEH Guidance on enforcement of excess cold hazards in England 2011).

#### 1. HEATING

##### 1.1 Full Gas Central Heating (shared houses)

A whole-house gas fired central heating system should satisfy the design and installation requirements of British Standard 5449: 1990 and be in accordance with Part L of the current Building Regulations.

The system shall be capable of maintaining the following internal temperatures when the external temperature is  $-1^{\circ}\text{C}$

Living room and dining room  $21^{\circ}\text{C}$

Bathroom  $22^{\circ}\text{C}$

Elsewhere  $18^{\circ}\text{C}$

Sizing of the boiler and radiators shall be determined using an approved Domestic Central Heating Calculator and approved radiator manufacturer's sizing tables.

Radiators shall be so sited as to ensure even distribution of heat whilst minimising heat loss through walls and windows.

The following controls shall be provided:

- A room thermostat suitably positioned
- A programmer
- Thermostatic Radiator Valves on all radiators except on the one in the room containing the room thermostat (usually the hall).

Installation and testing should be carried out in strict accordance with the manufacturer's instructions, the Gas Safety (Installation and Use) Regulations 1994 (as amended) and the relevant British Standards/Codes of Practice applicable to domestic gas installations.

A copy of the Manufacturer's instructions should be left with the occupiers.

Note: Prior to installation of a combination boiler, the water pressure available in the dwelling at peak time should be tested to confirm that it is capable of providing the maximum hot water flow rate specified in the chosen boiler manufacturer's schedule.

Where it is established that there is insufficient water pressure for a combination boiler, a conventional boiler shall be used, coupled with an indirect high performance hot water cylinder. As a guide a combination boiler shall be capable of providing domestic hot water at a draw off rate of at least 9.5 litres per minute at a temperature rise of  $35^{\circ}\text{C}$ .

**1.2 Full Gas Central Heating (Bedsit type HMO, landlord control, heating only)** A whole-house gas fired central heating system should satisfy the design and installation requirements of British Standard 5449: 1990 and in accordance with Part L of the current Building Regulations.

The system shall be capable of maintaining the following internal temperatures when the external temperature is  $-1^{\circ}\text{C}$ :

Bed sitting rooms, communal living/dining room 21°C  
Bathrooms 22°C  
Elsewhere, including common landings/stairs 18°C

Sizing of the boiler and radiators shall be determined using an approved Domestic Central Heating Calculator and approved radiator manufacturer's sizing tables.

Radiators shall be so sited as to ensure even distribution of heat whilst minimising heat loss through walls and windows. All radiators shall be fitted with thermostatic radiator valves.

All controls, including the programmer and provision of boiler interlock shall be in accordance with a recognised standard for a communal heating system, and be compliant with Part L of the current Building Regulations.

The programmer and room thermostat should be accessible to the tenants. If this is not possible, the heating should be programmed to be on all the time except for up to 7 hours at night.

Installation and testing should be carried out in strict accordance with the manufacturer's instructions, the Gas Safety (Installation and Use) Regulations 1994 as amended and the relevant British Standards/Codes of Practice applicable to domestic gas installations.

A copy of the Manufacturer's instructions should be left with the occupiers.

### **1.3 Full Electric Heating – Shared houses (Storage heaters)**

A full electric heating system should be designed and installed for the dwelling using off peak storage heaters.

The system shall be capable of maintaining the following internal temperatures when the external temperature is -1°C:

Living room 21°C  
Bathroom 22°C  
Elsewhere 18 °C

The system shall include the following: The living room shall be provided with a fan assisted combination storage heater with thermostatically controlled top up convector heater.

The main bedroom, kitchen, hallway, and any other bedrooms with a design heat loss of 600w or over shall be provided with storage heaters. Small bedrooms where storage heating is deemed inappropriate shall be provided with wall mounted electric panel heaters with timers and electronic thermostats.

Bathrooms, where practicable, shall be provided with storage heaters or otherwise with on peak down flow heaters.

All storage heaters shall have automatic charge control and a thermostatically controlled damper outlet.

For sizing and positioning of storage heaters regard shall be had to the method set out in DOM 8: Guide to the Design of Electric Space Heating Systems, The Electrical Heating and Ventilation Association, 2006. In particular the system shall be designed so that 90% of the annual heat requirement is available at the off peak rate.

All works to comply with the latest edition of the IEE Regulations and Part P of the current Building Regulations.

#### **1.4 Full Electric Heating – Bedsit HMO (Storage heaters)**

A full electric heating system should be designed and installed for the whole building using off peak storage heaters. The system shall be capable of maintaining the following internal temperatures when the external temperature is  $-1^{\circ}\text{C}$ :

Bedsitting rooms  $21^{\circ}\text{C}$

Bathroom  $22^{\circ}\text{C}$

Elsewhere, including common landings  $18^{\circ}\text{C}$

All bedsitting rooms shall be provided with a fan assisted combination storage heater with thermostatically controlled top up convector heater.

Kitchens of sufficient size and bathrooms, where practicable, shall be provided with storage heaters or with on peak down flow heaters otherwise.

All storage heaters shall have automatic charge control and a thermostatically controlled damper outlet.

For sizing and positioning of storage heaters regard shall be had to the method set out in DOM 8: Guide to the Design of Electric Space Heating Systems, The Electrical Heating and Ventilation Association, 2006. In particular the system shall be designed so that 90% of the annual heat requirement is available at the off peak rate.

All works to comply with the latest edition of the IEE Regulations and Part P of the current Building Regulations

## **2. INSULATION**

### **Walls**

#### **2.1 Dry lining (solid walls)**

Thermal insulation to solid walls can be improved by dry lining external solid walls with a proprietary thermal check/vapour check dry insulated lining system installed strictly in accordance with the manufacturer's instructions. The thickness of the insulation shall be such as to comply with the requirements set out in Building Regulations - Approved Document L1B (Existing Buildings) for Renovation of Thermal Elements.

Special care should be taken during the fixing process to minimise piercing of the vapour check; the insulation shall be continuous at edges, corners and salient features such as beams, columns and window heads/reveals so as to reduce local paths of high heat loss.

#### **2.2 Cavity Wall Insulation**

Thermal insulation to cavity walls can be improved by providing cavity wall insulation using a proprietary method, in accordance with relevant British Standards/Agrément Certificates as appropriate (urea formaldehyde foamed insulant should not be used). The resultant U value of the walls shall be as close as is practical to  $0.35\text{w/m}^2\text{C}$ .

Prior to installation an assessment of the wall for suitability for cavity fill shall be carried out in accordance with BS8208 and best practice guides from the Cavity Insulation Guarantee Agency (CIGA). Carry out repairs as necessary to the external leaf of the wall, including

cracks, spalled masonry, defective mortar joints and pointing to leave in good condition to receive the cavity fill. The cause of any moisture ingress should be identified and remedied.

Holes in the inner leaf and open cavities at wall heads should be sealed. Services, ventilation ducts and flues should be sleeved through both leaves of the wall and precautions taken to isolate polystyrene and polyurethane insulation from hot flues.

## **Roofs**

### **2.3 Insulation to pitched roof (between ceiling joists)**

Thermal loss through the roof can be reduced by installing insulation between the ceiling joists in the roof space.

It is recommended that all roof timbers are checked for damp, rot or infestation and remedied as necessary. Proprietary quilted or loose fill insulation material to BS 5803 should be installed. The insulation shall be applied between and across the top of the ceiling joists.

The depth of insulation to comply with the Building Regulations 2010 is around 270mm. Electrical cables shall be kept above the insulation to avoid overheating.

Ensure that adequate ventilation (including cross ventilation) is provided to the roof space, the amount determined by the angle of the roof pitch. Where loft insulation is installed any cold water storage tanks in the loft shall be fitted with a lid and sides and top insulated, omitting insulation to the underside of the cistern.

Insulate the rising main and all cold water pipes to the loft including overflows with materials conforming to BS5803 and BS5422. Regard shall be had to BS5803 and BS6700 regarding installation of pipe insulation which shall be continuous over all pipes and fittings including junctions.

### **2.4 Insulation to pitched roof (between rafters – e.g. where there is a loft room)**

Thermal loss through the roof where there is a room in the roof space can be reduced by installing insulation between the rafters in the roof space.

Proprietary quilted insulation material should be installed to the main roof between and below the rafters. The depth of insulation to comply with the Building Regulations 2010 is around 270mm.

Purpose-made eaves vents that provide the equivalent of a 25mm continuous ventilation gap should be installed, as well as ventilation at the ridge in order to maintain cross ventilation of the roof space and prevent condensation.

A vapour control layer of 500 gauge polyethylene should be provided on the warm side of the insulation to prevent moist air passing through.

### **2.5 Insulation to flat roof (concrete deck)**

To minimize heat loss through an otherwise sound concrete deck flat roof, a proprietary high density mineral wool (or equivalent) can be installed along with an inverted roof board system. System shall be installed onto the existing waterproof membrane strictly in accordance with manufacturer's instructions. Thickness of board is to comply with the maximum U-value in the current Building Regulations.

Allowances should be made for increased height of upstands and for preparation of the roof surface to accept boards in accordance with manufacturer's instructions and to ensure adequate drainage.

Where a concrete deck is not sound, it should be repaired or replaced before undertaking improvement of the insulation.

Proper notice of this work shall be given to the Council's Building Control Officer and a full assessment of the existing roof shall be undertaken by a competent person, including any structural and wind loading calculations recommended by the manufacturer, prior to start on site.

## **2.6 Flat Roof (Wooden deck, insulation from above)**

To minimize heat loss through a wooden deck flat roof, insulation can be installed above the deck.

Thermal insulation should comply with the maximum U-value in the current Building Regulations, and be fitted using a proprietary method strictly in accordance with the manufacturer's instructions.

The required thickness of insulation to achieve the above value should be confirmed with the manufacturer.

The existing waterproof layer should be repaired or prepared to receive thermal insulation and act as the new vapour barrier. If required, the waterproof layer should be stripped, decking repaired as necessary and new high performance vapour barrier bonded or mechanically fixed to the deck using approved methods before insulation is bonded to the deck.

Bond insulation material to vapour control layer using only method specified by the manufacturer.

Allow for increasing height of upstands as necessary.

Provide a new waterproof membrane and ensure a solar reflective finish such as white chippings or solar reflective paint to prevent solar deterioration and leave whole sound and watertight.

Adequate ventilation should also be included in the schedule of remedial works.

## **2.7 Flat Roof (Wooden deck, insulation between/below joists)**

To minimize heat loss through a wooden deck flat roof, insulation can be installed between/below the joists.

Thermal insulation should comply with the maximum U-value in the current Building Regulations, installed using a proprietary method strictly in accordance with the manufacturer's instructions. The required thickness of insulation to achieve the above value is to be confirmed with the manufacturer.

The existing ceiling should be taken down complete. Proprietary insulation should be installed between joists, and a thinner layer below the joists to prevent cold bridging, using fixings supplied by manufacturer. Leave a 50mm air gap between the top of the insulation and the timber roof deck and provide ventilation to this space.

Provide a new plasterboard ceiling incorporating a vapour barrier.

## **Floors**

### **2.8 Insulation to ground floor (suspended timber)**

Mineral wool insulation can be provided to a ground floor which has access from below. Insulation should be supported by netting between the floor joists strictly in accordance with the manufacturer's instructions to comply with the maximum U-value in the current Building Regulations.

Gaps between floorboards and skirting boards should be filled with sealant (care must be taken not to block under floor air vents).

## **3.**

## **VENTILATION**

## **ION**

## **Windows**

## **and doors**

### **3.1 Double glazed window(s)/door(s)**

Double glazed windows should comply with the current Building Regulations Part L.

### **3.2 Secondary Glazing**

A proprietary secondary glazing system set in an aluminium or plastic frame shall be installed in accordance with the manufacturer's instructions.

The air gap between the existing and secondary glazing shall be a minimum of 20mm. Secondary glazing shall be draught stripped while the existing windows shall be left without seals.

The selected system should be easily openable for rapid ventilation and be capable of being left slightly open to allow trickle ventilation into the room.

### **3.3 Draught Proofing – general**

Proprietary draught strips should comply with BS7386: 1997 and installation shall be in accordance with BS Code of Practice 7880: 1997 and manufacturer's instructions.

### **3.4 Draught Proofing External Doors**

Suitable draught strips for the top and sides of the door shall be in good quality rubber (EPDM, silicone), sheathed foam or nylon brush, with rigid PVC-U or aluminium carriers nailed or screwed to the door frame. Seals fitted within the gap between the door and frame shall have a range of 6mm with a compression allowance of 3mm.

A letter box draught cover and aluminium threshold seal incorporating flexible draught and weather strips should also be provided.

### **3.5 Draught Proofing Wooden Windows**

Where applicable, draught strips shall be angled blade seals or rubber tube fixed to carriers for casement windows and 35 brush pile bonded to carriers for sliding

sash windows. Self-adhesive options should be avoided where possible. Ensure that the strips are suitably sized for the gaps to be covered.

### **3.6 Draught proofing Steel Frame Windows**

Specialist draught strips may be needed for these windows as they often have very small gaps, especially on the hinge side. These include tube and 'V' seals, fixed face seals, and clip on seals where a carrier is fitted into position over the thin steel section of the frame.

Application Number: AWDM/0242/16

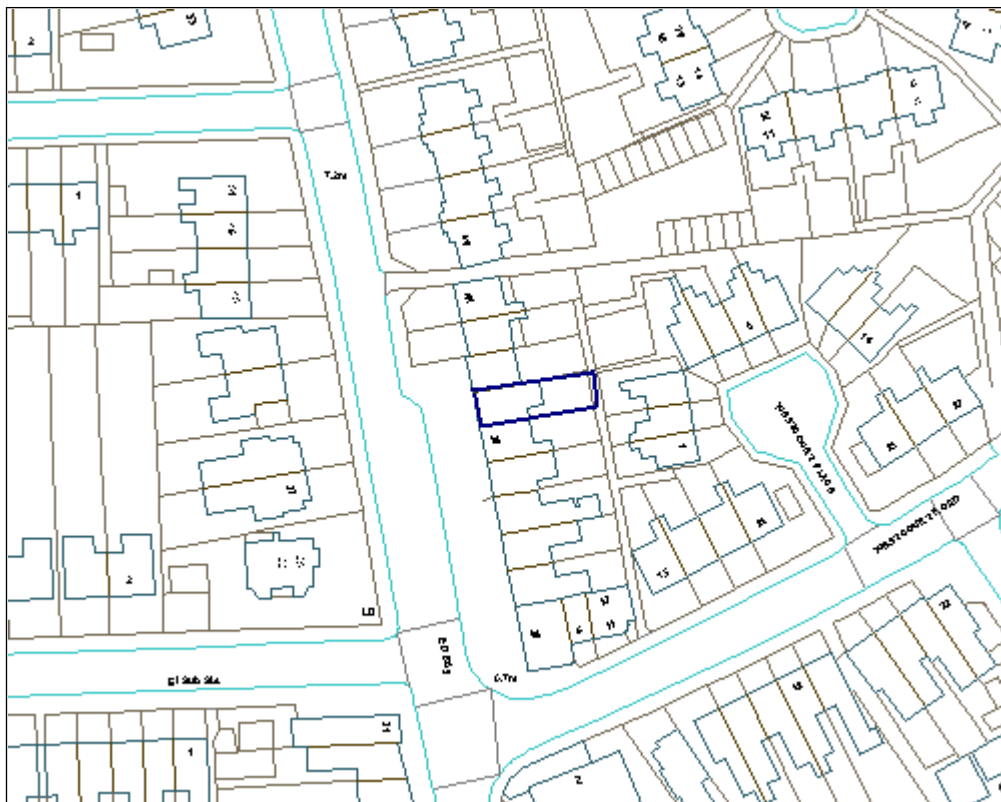
Recommendation – APPROVE

Site: Brooksteed Alehouse, 38 South Farm Road, Worthing

Proposal: Variation of condition 4 of approved application  
AWDM/1169/13 to change opening times to Tuesday-  
Saturday 11:30-21:30 (drink up by 22:00) Sunday 11:30-17:30  
(drink up by 18:00)

Applicant: Mr Nicholas Little  
Case Officer: Gary Peck

Ward: Gaisford



**Not to Scale**

Reproduced from OS Mapping with the permission of HMSO © Crown Copyright Licence number LA100024321

### Proposal, Site and Surroundings

This application seeks the variation of the opening times condition imposed upon the permission granted under reference AWDM/1169/13 which allowed the change of use of the application site to a 'micro pub'.

The condition stated:

*The micro-pub hereby permitted shall only be open for trade and business between 11.30 to 14.00 hrs and 17.00 to 21.30 hours on Tuesday to Saturday (inclusive) and between 11.30 and 14.00 hrs on Sunday, Bank and Public Holidays.*



**Reason:** *To safeguard the amenities of the occupiers of neighbouring properties having regard to saved policy RES7 of the Worthing Local Plan.*

The application site is located on the eastern side of South Farm Road and is the second northernmost in the parade of commercial premises. The parade forms part of the Core Zone of the designated South Farm Road Neighbourhood Shopping centre in the Core Strategy Policy which extends onto the opposite side of the road to the south and across the railway and level crossing (some 90 ms away). The parade is two storey and built in the inter war years. All the parade units benefit from a deep forecourt. A residential flat is above the unit as is the case with the others in the row.

Other than the parade, the surroundings are primarily residential, including opposite to the application site where semi-detached properties occupy some larger than average sized plots in the general area, while to the north the nearest residential property is next door but one to the application site with further residential uses beyond. To the rear of the site are residential properties in Westcourt Place, a cul-de-sac: the properties on its western side and therefore nearest to the application site, have short rear gardens.

To the south, beyond Westcourt Road are the level crossing gates and Worthing railway station is a short distance to the east and therefore easily accessible to the application site.

### **Relevant Planning History**

Planning permission was granted in 2013 (AWDM/1169/13) for the change of use of a then hairdresser's to a 'micro pub' subject to conditions including the hours of use restriction referred to above.

In 2015, planning permission was granted under reference AWDM/0398/15 for the variation of Condition 5 of approved application AWDM/1169/13 to allow vertical drinking subject to an agreed number of customers; variation of condition 9 of AWDM/1169/13 to allow seating for 16 at the premises' front forecourt between the hours of 11.30 to 14.00 hours on Tuesday-Sunday and Bank and Public Holidays and up until 1900 hours only on Tuesday to Saturday

It should be noted that although the above application was approved, it had originally requested that the hours of use be changed from 11:30 to 21:30, Sunday to Thursday (drink up by 22:00) and 11:30 to 23:00 Friday to Saturday (drink up by 23:30) but members of the Committee did not consider this part of the application to be acceptable.

### **Consultations**

#### ***West Sussex County Council:***

The existing hours of opening are duly noted. The extended hours could give rise to the site generating vehicular traffic over an extended period. However, the number of movements would not be anticipated to be particularly significant and would not be expected to exacerbate any existing issues or be considered 'Severe' under Paragraph 32 of the NPPF. Whilst the Planning Authority will no doubt wish

to consider matters of amenity for local residents, no highway objection would be raised.

The ***Environmental Health Officer*** commented:

The micro pub currently has permission to be open between 11:30 - 14:00 hours and 17:00 - 21:30 hours Tuesday to Saturday and 11:30 - 14:00 hours on Sunday. This application seeks to extend these opening times to Tuesday to Saturday 11:30 to 21:30 (with drinking finishing by 22:00) and Sunday 11.30 to 17:30 (with drinking finishing by 18:00).

The application therefore seeks to extend opening during the afternoon only. We have no record of any noise issues associated with the current operation. Furthermore other micro pubs operating in similar mixed residential/commercial areas within Adur & Worthing do not result in complaints.

Therefore provided all other conditions remain on the permission I raise no objection to this application.

### **Representations**

9 letters of support for the application have been received on the following grounds:

- the use does not cause any detriment to the character of the area
- there has been no hint of trouble at the premises
- the owners are considerate and the Alehouse has a good reputation
- live close by and have not seen any problems
- customers are quiet and responsible
- restraint on trade
- nearby restaurant has longer hours
- was surprised when visiting with friends on a Saturday afternoon that the visit had to be curtailed due to the necessity to close
- understandable to restrict hours when a new venture but now established without problems, the hours should be extended
- Council should support independent traders
- has become a community asset

1 letter of objection has been received on the following grounds:

- original restrictions were made for a good reason and the permission was for a small concern with seated customers
- another attempt to go beyond the above and become a traditional pub
- extending the hours from 37.5 to 56 will bring additional disturbance
- not similar to other micropubs as more within a residential area
- no objection to a micropub itself but this one is in the wrong location for further development and expansion

### **Relevant Planning Policies and Guidance**

Saved Local Plan policies (WBC 2003): RES7,

Worthing Core Strategy (WBC 2011): Policies 6 & 16  
National Planning Policy Framework (CLG 2012)  
Planning Practice Guidance

## **Relevant Legislation**

The Committee should consider the planning application in accordance with: Section 70 of the Town and Country Planning Act 1990 (as amended) that provides 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.

## **Planning Assessment**

The key issue in the determination of this application is the effect of the proposals upon the character and amenities of the surrounding area and neighbouring properties having regard to the requirements of a now established and seemingly successful business.

The original committee report for the original change of use to a micro pub stated:

*There is a recognised potential conflict between residential uses and drinking establishments (Class A4) which can give rise to noise and disturbance through late night activity as well as anti-social behaviour. In this case, while the application site is in a row of A-class uses, it is otherwise surrounded by residential properties including a flat above the unit itself. However, the proposed micro-pub concept is aimed at a specialist market and the nature of the use clearly differs from the pubs which typically dominate town centres...Given the proximity of residential properties, it is not considered that...later opening hours could be justified at this stage and that a condition should be imposed to restrict the opening hours...it would be open to the applicant to apply to submit an application to vary the condition in due course.*

The current opening hours of the micro pub are permitted to be between 11.30 to 14.00 hrs and 17.00 to 21.30 hours on Tuesday to Saturday (inclusive) and between 11.30 and 14.00 hrs on Sunday, Bank and Public Holidays. The proposal is to remain open during the afternoon on each day. This would mean that the opening hours of the premises would not be any later than at present except for Sundays which would extend from 14:00 to 17:30. There would be a prescribed period for 'drinking up' time, however, which would extend the permitted hours of use by half an hour.

While a previous application to extend the opening hours attracted concern from the Committee, this appeared to be primarily because much later opening hours were being applied for at weekends (drinking up times were then proposed to be 23:30 on Fridays and Saturdays). It had also been proposed to extend the opening hours on Sundays to a drinking up time of 22:00. The Environmental Health Officer raised

concerns on this basis during consideration of the previous application but has not objected to this application.

Your officers are of the view that the revised hours are acceptable. It is not felt there can be any reasonable objection to the extension of the opening hours in the afternoons and as stated in one of the representations, the necessity to close on a Saturday afternoon, for example, seems especially onerous. As also stated in one of the representations, the original restrictions were seen as reasonable while the effects of the business could be assessed when it first opened (especially as the micro pub concept was still in its infancy at the time) but it does appear clear that this is a well-run establishment that has not caused any adverse impacts to neighbouring properties and accordingly the proposal to extend the opening hours on the basis of the application should be supported. All other conditions imposed on the previous consents would remain in force.

Accordingly, it is recommended that permission is granted.

### **Recommendation**

To GRANT permission

### **Subject to Conditions:-**

01. The micro-pub hereby permitted shall only be open for trade and business between 11.30 and 21.30 hours (drink up by 22:00) on Tuesday to Saturday (inclusive) and between 11.30 and 17.30 hrs (drink up by 18:00 hours) on Sundays.

---

13<sup>th</sup> April 2016

### **Local Government Act 1972 Background Papers:**

As referred to in individual application reports

### **Contact Officers:**

Peter Devonport  
Principal Planning Officer (Development Management)  
Portland House  
01903-221345  
[peter.devonport@adur-worthing.gov.uk](mailto:peter.devonport@adur-worthing.gov.uk)

Gary Peck  
Planning Services Manager (Development Management)  
Portland House  
01903-221406  
[gary.peck@adur-worthing.gov.uk](mailto:gary.peck@adur-worthing.gov.uk)

## **Schedule of other matters**

### **1.0 Council Priority**

- 1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
  - to promote a clean, green and sustainable environment
  - to support and improve the local economy
  - to work in partnerships to promote health and wellbeing in our communities
  - to ensure value for money and low Council Tax

### **2.0 Specific Action Plans**

- 2.1 As referred to in individual application reports.

### **3.0 Sustainability Issues**

- 3.1 As referred to in individual application reports.

### **4.0 Equality Issues**

- 4.1 As referred to in individual application reports.

### **5.0 Community Safety Issues (Section 17)**

- 5.1 As referred to in individual application reports.

### **6.0 Human Rights Issues**

- 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

### **7.0 Reputation**

- 7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

### **8.0 Consultations**

- 8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

### **9.0 Risk Assessment**

- 9.1 As referred to in individual application reports.

### **10.0 Health & Safety Issues**

- 10.1 As referred to in individual application reports.

## **11.0 Procurement Strategy**

11.1 Matter considered and no issues identified.

## **12.0 Partnership Working**

12.1 Matter considered and no issues identified.

## **13.0 Legal**

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

## **14.0 Financial implications**

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.