

Worthing Planning Committee

Date:	Wednesday 24 August 2016
Time:	6:30pm
Venue:	Gordon Room, Stoke Abbott Road, Worthing

Committee Membership: Councillors Kevin Jenkins (Chairman), Vicky Vaughan (Vice-Chair), Noel Atkins, Edward Crouch, Diane Guest, Hazel Thorpe, Paul Westover and Paul Yallop

NOTE:

Anyone wishing to speak at this meeting on a planning application before the Committee should register by telephone (01903 221006) or e-mail

heather.kingston@adur-worthing.gov.uk before noon on Tuesday 23 August 2016.

Agenda

Part A

1. Declarations of Interest / Substitute Members

Members and Officers must declare any disclosable pecuniary interests in relation to any business on the agenda. Declarations should also be made at any stage such an interest becomes apparent during the meeting.

If in doubt contact the Legal or Democratic Services representative for this meeting.

Members and Officers may seek advice upon any relevant interest from the Monitoring Officer prior to the meeting.

Any substitute members should declare their substitution.

2. Confirmation of Minutes

To approve the minutes of the Planning Committee meeting held on Wednesday 27 July 2016, which have been emailed to Members.

3. Items Raised Under Urgency Provisions

To consider any items the Chair of the meeting considers urgent.

4. Planning Applications

To consider the reports by the Director for the Economy, attached as Item 4 -

4.1 Coach & Horses, Arundel Road 4.2 Glaxo Smithkline

5. Public Question Time

To receive any questions from Members of the public in accordance with Council procedure Rule 11.2.

(**Note:** Public Question Time will last for a maximum of 30 minutes)

6. Policy issues relating to Homes in Multiple Occupation (HMOs)

To consider the report by the Director for the Economy, attached as Item 6.

Part B - Not for publication - Exempt Information Reports

None

Recording of this meeting
The Council will be voice recording the meeting, including public question time. The recording will be available on the Council’s website as soon as practicable after the meeting. The Council will not be recording any discussions in Part B of the agenda (where the press and public have been excluded).

For Democratic Services enquiries relating to this meeting please contact:	For Legal Services enquiries relating to this meeting please contact:
Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk	Caroline Perry Solicitor 01903 22 caroline.perry@adur-worthing.gov.uk

Duration of the Meeting: Four hours after the commencement of the meeting the Chairperson will adjourn the meeting to consider if it wishes to continue. A vote will be taken and a simple majority in favour will be necessary for the meeting to continue.



Planning Committee
24 August 2016

Agenda Item 4

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: **AWDM/0803/16 & Recommendation – APPROVE**
AWDM/0805/16

Site: Coach & Horses Arundel Road Worthing West Sussex

Proposal: AWDM/0803/16 - Demolition of WC block and replacement WC block, dining room extension and link to west and south elevations. Kitchen link to existing storage building. Detached two-storey annexe containing 14 guest bedrooms to south-west of main public house and extension to car park on west side of site.

AWDM/0805/16 - Listed Building Consent for demolition of WC block and replacement WC block, dining room extension and link to west and south elevations. Kitchen link to existing storage building. Detached two-storey annexe containing 14 guest bedrooms to south-west of main public house and extension to car park on west side of site.

2

Application Number: **AWDM/0462/16 Recommendation – APPROVE**

Site: Glaxo Smithkline Southdownview Way Worthing

Proposal: Temporary modular building to house changing rooms

Application Number: AWDM/0803/16 Recommendation – APPROVE

Site: Coach & Horses Arundel Road Worthing West Sussex

Proposal: Demolition of WC block and replacement WC block, dining room extension and link to west and south elevations. Kitchen link to existing storage building. Detached two-storey annexe containing 14 guest bedrooms to south-west of main public house and extension to car park on west side of site.

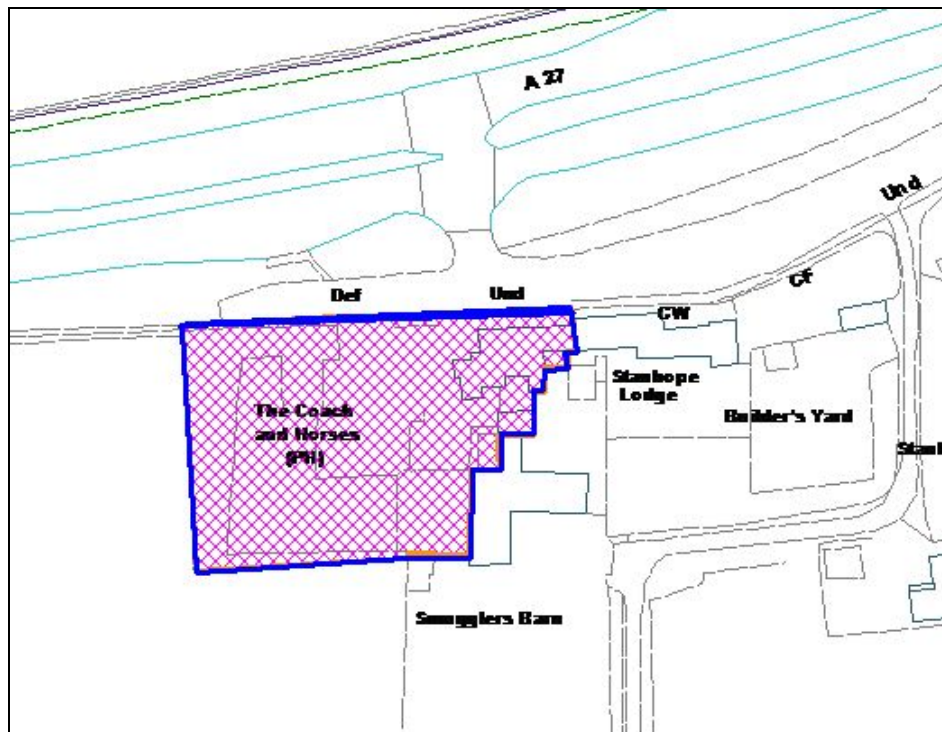
Application Number: AWDM/0805/16 Recommendation – APPROVE

Site: Coach & Horses Arundel Road Worthing West Sussex

Proposal: Listed Building Consent for demolition of WC block and replacement WC block, dining room extension and link to west and south elevations. Kitchen link to existing storage building. Detached two-storey annexe containing 14 guest bedrooms to south-west of main public house and extension to car park on west side of site.

**Applicant: Mr Chris Chapman
Case Officer: Jo Morin**

Ward: Northbrook Ward



Not to Scale

Site and Surroundings

The application relates to the Grade II Listed Coach & Horses Public House and associated car park and pub garden located just to the south of the A27 (Arundel Road). It forms part of a group of buildings located outside of the designated 'built-up' area of Worthing accessed from a vestigial section of the old Arundel Road. Adjoining to the east is Stanhope Lodge, a C18, 2-storey, Listed, brick-built dwelling attached to the public house by a flint-built former outbuilding. At its eastern end, the private road adjoins an unmade track (a Public Right of Way) which provides vehicle access to a number of the dwellings in the group including Smuggler's Barn, (formerly Stanhope Barn) a converted farm building enlarged by extensions carried out in a rustic style. Beyond Smuggler's Barn, the track narrows to a footpath and traverses southwards across fields to link with the new development taking place at West Durrington.

The site lies on the very edge of the Borough boundary. Indeed the above-mentioned access road is located within Arun District. The South Downs National Park adjoins the north side of the A27.

Proposal

Planning permission and Listed Building Consent is sought to extend the public house to the side and rear to provide an enlarged restaurant dining area, toilets and kitchen, and erect a detached 14-bedroom, 2-storey accommodation annex on land to the south and west, currently forming the pub garden and car park.

The extension to the kitchen on the south side is intended to increase the useable area and create an internal link to stores located across the kitchen courtyard within an old, brick-built outbuilding. [The latter physically joins the accommodation of Smugglers Barn, apparently forming part of the original barn conversion.] The kitchen extension would be 7 metres long and 2.7metres wide with a flat roof and would involve raising the existing brick boundary wall on the east side by 2 courses plus a ½-round coping.

On the west side of the pub it is proposed to replace the existing C20 toilet block addition with a new, dual pitched-roof, single-storey extension providing enhanced up-to-date toilet facilities and 26 additional restaurant covers. It would have a primarily L-shaped layout with a small flat-roofed element wrapping round to the south.

The proposed accommodation wing takes the form of a part 2-storey/part 1½-storey 'agricultural' building having an L-shaped footprint. The detailed design with arched and buttressed openings on the ground floor and use of traditional materials including coursed cobbled flintwork, clay brick quoins and arches, slate-hanging an clay-tiled roof (with bonnet hips) reinforces the rustic theme.

The site layout plan shows the existing gravel car park extended to the north and west side of the proposed accommodation wing with space for 36 vehicles in total (although it is not intended these would be formally marked-out).

The accompanying Design and Access Statement states that the proposal seeks to improve and diversify the existing business to provide food and accommodation for both the local population, day-trippers and business visitors: *“The siting on the A27 is ideal for this use and the pub has an attractive frontage with a rural aspect to the south.”*

This report deals with both the application for planning permission and Listed Building Consent.

Relevant Planning History

Earlier planning and Listed Building Consent applications for the erection of a 14-bedroom hotel annex were withdrawn by the applicant (AWDM/1752/14 and 1753/14) following discussion with officers.

Consultations

Highways England: No objection.

West Sussex County Council: The local Highway Authority has raised no concerns subject to the parking spaces within the car park being constructed to County standards of 2.4 metres x 4.8 metres.

Following a request for clarification the Highways Authority has further commented that it is accepted that not all the spaces [in the proposed car park] will be clearly lined out, but having measured the site plan it is accepted that the site can accommodate the spaces that the applicant states at the required 2.4 by 4.8 metres.

Considered against the WSCC parking standards (which are maximum standards) the proposal falls short by 4 spaces. However, WSCC consider the allocation proposed is suitable for the proposed usage and it is not considered that there would be any significant increases in parking that would result in a ‘severe’ residual impact contrary to paragraph 32 of the NPPF.

The County Archaeologist has no objection commenting:-

“The Coach and Horses public house is recorded under that name on the Clapham Tithe map and Apportionment (1843-44 – entry no. 175) and subsequent 25 inch editions of historic Ordnance Survey mapping. There is evidence of former small scale buildings in the area to the west of the listed public house which presently serves as garden and car park.

The West Sussex Historic Environment Record (HER) indicates that there is evidence of prehistoric activity within 150 metres SSE of the Coach and Horses and within the surrounding area worked flint of Neolithic and Mesolithic date has come to light.

In the context of the present proposals, the historic mapping shows that there has been a succession of minor ancillary buildings relating to the pub and its past use in the area west of the pub and present car park. Given the modest nature of the

proposed extensions to the public house (and listed building) and the relatively small scale development of the new bedroom annexe and taking into account the capacity for previous disturbance in the areas for extension and new build I do not consider that an archaeological recording/ monitoring action is necessary in this instance.”

Adur & Worthing Councils: The **Environmental Health** Officer advises that as the proposals result in an increase in the number of covers the existing kitchen extract system will need to be reviewed to ensure that it is fit for purpose and the correct specification to deal with the increase in cooking.

The **Council's Engineer** recommends a condition relating to submission and approval of details of the disposal of surface water.

Environment Agency: Comments awaited.

Southern Water Services: Comment that the Environment Agency should be consulted directly regarding the use of septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the septic tank to ensure its long term effectiveness. The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environmental Agency's Ground Water Protection Policy. It is imperative that the location and construction of soakaways and the construction of foundations is carried out strictly in accordance with Environmental Agency requirements in order to protect the public water supply.

The exact position of the public water main crossing the site must be determined by the applicant before the layout of the development is finalised. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 4 metres of the public water main without the consent of Southern Water.

Sussex Police (Crime Prevention Design Advisor): Comments that Section 17 of the Crime & Disorder Act 1998 places a clear duty on the police and local authorities to exercise their various functions with due regard to the likely effect of on the prevention of crime and disorder. Within this context, it is requested that due weight is accorded to the following advice:-

“The premises is in a relatively rural location and as such it is imperative to ensure that the security of the proposed development is adequate and fit for purpose. To that end I recommend that all new external doors and ground-floor, or easily accessible windows, conform to PAS 024-2012 (or their equivalent) with laminated glazing that conform to BSEN356 P1A. The individual doors to the bedrooms in the new bedroom wing are also to conform to the same standard. An access control system should be utilized to control authorized access only to the block and respective rooms.

I would recommend that the applicant checks and ensures that the existing security of the premises is adequate and fit for purpose and ensure it does not compromise the security of the whole development. If not already fitted a monitored intruder

alarm should be considered. In the interests of safety and security of the guests and their vehicles, lighting around the facility and parking areas should conform to the recommendations within BS 5489:2013.”

Worthing Conservation Advisory Committee: No objection.

South Downs National Park Authority: Comments as follows:-

“This revised scheme, subject to appropriate materials, provides for an extension to the public house and a new hotel block of a design that compliments the existing grade II listed public house, in respect of its setting close to the South Downs National Park. Whilst the new hotel block would be a large scale, the design helps to reduce the impact of the bulk of the building on the setting of the National Park. As the SDNP has now been granted Dark Sky Reserve status, any form of external lighting should be kept to a minimum and should meet ILP standards for a rural zone to help minimise night time impact on the dark night tranquillity and wildlife within the National Park. Additionally, it would be appropriate to consider what opportunities there are for landscaping on the site, with a view to providing additional natural screening of the development from the National Park.

As the landscape, with its special qualities, is the main element of the nearby South Downs National Park and its setting, attention is drawn to the South Downs Integrated Landscape Character Assessment (Updated 2011) as a key document as part of the overall assessment of the impact of the development proposal, both individually and cumulatively, on the landscape character of the setting of the South Downs National Park.

Taking into account the above in the determination of this application, the SDNPA would also draw attention of Adur and Worthing Councils, as a relevant authority, to the Duty of Regard, as set out in DEFRA guidance. It may also be helpful to consider the development proposals in the context of National Park Circular 2010 for guidance on these issues.”

Arun District Council: No comments received.

Representations

A number of objections have been received from the occupiers/owners of Stanhope Lodge, Stanhope Yard, Stanhope Cottage, The Hollies and Smugglers Barn. The objections have been summarized as follows:-

- i) **Safety and Access:** The site is accessed via the treacherous minor junction of the A27 dual carriageway, accounting for several serious and fatal accidents over the years. The westbound carriageway at this point is 70mph, adding to these dangers. Local residents are well aware of these issues, but new visitors to the pub and bedroom extension will not be. The access turning is directly from the main dual carriageway with no slip road, so vehicles exiting the carriageway have to contend with traffic bearing down on them at speed as they negotiate the turn. On exiting the site, vehicles have to pull out from a standing start in the path of speeding vehicles, with no slip road to gain speed before entering the carriageway. These manoeuvres are

hazardous for residents and locals, but for strangers could prove a real danger. The recent change in management and pub refurbishment has created an increase in business which is commendable, but also an increase in traffic using the site. A further increase in traffic would increase the risk of more serious and possibly fatal accidents. The break in the road is an accident black-spot, still used to exit the pub and cross two lanes of traffic though clearly marked no entry. It has clearly been laid out over many years that the development occurring in the fields north of Tesco cannot be allowed access to/from the A27 so how can this development of a hotel be acceptable?

- ii) The submitted drawings are inaccurate and misleading in that there is currently an in/out access arrangement to the car park, but the drawings show one access will, in effect, be closed off and impossible to use being obstructed by a disabled access ramp.
- iii) Traffic and Parking: The additional vehicles would exacerbate access problems for the small group of local residents that have to pass into front of the pub to gain access to their homes, having to negotiate through obstructive and poor parking by some customers. The car park is not big enough for the pub as it is now. The Design and Access Statement states that there is currently 22 car parking spaces but a visit to the pub on a busy evening would show this is overstated and not to be the case. The old A27 is for access only and should not be used as overspill parking. It would not be possible to park 36 vehicles in the enlarged car park, especially as parking spaces will not be laid out. This amount of parking cannot be supported on a graveled car park with no defined bays. Parking will take place in the same haphazard format as present. There is no mention of where the 13 members of staff will park and it is reasonable to assume that staff will have cars given the rural location. There is no mention of how trade, refuse vehicles and emergency will safely enter or leave the site. No additional parking provision has been made for the proposed additional 26 restaurant covers which will be in addition to the existing pub and proposed hotel clientele.
- iv) Noise, Disturbance and Smells: We are a small rural area; the proposed development would undoubtedly cause additional noise and disturbance for residents to endure. The area has no mains drainage so would need cesspool drainage; and such a large amount of accommodation would require an increased frequency of tanker visits to empty it causing intolerable smells.
- v) Design: The development would be totally alien in this sensitive landscape close to Listed Buildings and it is surely implausible to consider any development bordering the National Park.
- vi) Overdevelopment: The infrastructure is fully taken up in this small hamlet and further development would break the harmony that currently exists between residences and the public house.
- vii) Electricity Substation: The overhead electricity substation in the car park supplies not only the pub but 5 neighbouring properties. It is inconceivable that so little thought has been given to how the applicant proposes to put the supply underground. Are the cables to be put underground to all neighbouring properties? The overhead substations are typically distanced from property because of the electromagnetic fields which are considered harmful – the bigger the substation the higher the electromagnetic field. The applicant has

- not demonstrated how the substation will be buried and brought to the surface to serve neighbouring properties.
- viii) Having a hotel on the doorstep will affect the community spirit of the hamlet. At the moment the pub has a very welcoming small country pub feel where residents meet to socialize.
 - ix) The hotel is not needed. There are already 2 large hotels (Premier Inn and Comfort Inn) less than 5 minutes away at Crossbush which are closer to tourist attractions, such as Arundel. There is also another Premier Inn in Angmering.
 - x) Occupiers of Smugglers Barn will be most affected by the proposals. The proposed kitchen extension will be physically attached and may reduce the value of the property. Being linked to a commercial kitchen will increase noise inside the property.
 - xi) The 2-storey hotel building will overlook the private garden of Smugglers Barn causing a loss of privacy.
 - xii) The hotel will bring more people to this small community who are likely to look around the area, walking the public footpath that runs alongside the garden at Smugglers Barn and further decreasing privacy in the garden.
 - xiii) The proposed hotel and car park will be close to the side of Smugglers Barn where a bedroom is situated. People can already be heard coming and going to the pub, walking on the gravel surface, often late at night, and this will only increase with the development.
 - xiv) English Heritage, Countryside Alliance and Sussex Police should be made aware of this dangerous application.

The West Durrington Northern Sector Consortium has no comments other than to request that if minded to grant permission, a condition is imposed to secure the retention of vegetation where possible and new planting along the site boundary in line with the south elevation of the new bedroom block to create a landscaped screen.

Relevant Planning Policies and Guidance

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; 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 Committee should consider the application for Listed Building Consent in accordance with:

Section 16 Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Special regard shall be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Worthing Core Strategy 2006-2026 (WBC 2011): Policy SO3, 5, 13, 11, 16
Worthing Local Plan (WBC 2003) (saved policies): RES7, H18, TR9
Supplementary Planning Document 'Sustainable Economy' (WBC 2012)
'Infrastructure Delivery Plan' (WBC 2010)
Supplementary Planning Guidance 'WSCC Parking Standards and Transport Contributions' (WBC 2005)
Worthing Hotel & Visitor Accommodation Futures (2013)
National Planning Policy Framework (2012)
National Planning Practice Guidance

Planning Assessment

Principle

The application site (and surrounding dwellings which make up the group), are located within the designated countryside, outside of the existing built-up area boundary. The development strategy outlined in Core Strategy Policy 13 sets out that new development needs for the town will be met within the built-up area boundary. Outside of this area it states that proposals that support countryside based uses may be considered if they are deemed essential or can contribute to the delivery of wider strategic objectives. The supporting text goes on to state that where such development is justified, proposals must be sensitive to their surroundings in terms of type of activity, siting and appearance.

Within this context Strategic Objective 3 of the Core Strategy sets out to promote and establish an environment that encourages and supports economic vitality. It states that development opportunities will be identified that maximize the potential for sustainable economic growth that supports existing businesses and attracts new ones to the town. It identifies as a key outcome that the cultural and tourism offer of the town will be upgraded, attracting more visitors to the town.

Core Strategy Policy 5 supports the development of suitable new tourist and leisure facilities with the aim of enhancing the visitor offer to support the regeneration of the town and help reduce seasonality. The supporting text (paragraph 6.42) identifies that in order to support the tourism sector there is pressure to provide quality accommodation for a variety of visitor needs. The Worthing Hotel & Visitor Accommodation Futures Study was undertaken to provide an objective, evidence-based assessment of the opportunities and requirements for the future development of all forms of hotel and visitor accommodation across the Borough. The Final Report identifies a market potential for the development of a wide range of visitor accommodation to meet current shortages at peak times during the Summer, and to capitalise on potential growth of contractor demand, corporate business and demand from people attending weddings and family parties, visiting friends and families locally. The Report suggests a requirement for incremental growth in accommodation and supply and a focus on high quality, modern accommodation that can generate new business in order not to undermine the viability of existing accommodation businesses. It specifically identifies the scope for pub companies to develop hotel bedrooms in conjunction with pub/restaurant development projects. The current proposals to improve the kitchen and increase restaurant covers at the Coach & Horses pub, together with the provision of a new

14-bedroom accommodation wing are therefore consistent with the findings of the Hotel & Accommodation Futures Study and would complement the recently approved proposals for the use of nearby Castle Goring as a wedding venue (SDNP/14/04412/FUL and SDNP/14/04413/LIS).

The policy approach within the Development Plan set out above is consistent with national planning policy in the NPPF which states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (paragraph 28). It states that to promote a strong rural economy local plans should support sustainable rural tourism and leisure developments that benefit business in rural areas, communities and visitors and which respect the character of the countryside, including through the development of well-designed new buildings.

Whilst outside the built-up area boundary it is worth noting that the site lies to the north of the West Durrington Urban Extension where the initial phases of development of up to 700 dwellings (and associated infrastructure and facilities) are under-construction in accordance with the West Durrington Strategic Allocation (Core Strategy Policy 1), the outline planning permission granted in 2012 (WB/11/0275/OUT) and the subsequent 4 no. reserved matters applications approved last year. Four further reserved matters applications for the remaining phases of the development approved in outline at West Durrington are currently under consideration. The application site adjoins agricultural land identified on the Proposals Map as the West Durrington Potential Future Development Area, which lies *inside* the built-up area boundary.

Although located outside of the current built up area boundary the site is previously developed and it lies adjacent to a future development site to the south and adjacent to the busy A27 strategic highway to the north. Given the character of the site, its relationship to the surrounding area and the identified need for this type of tourist accommodation it is considered that these proposals can be supported in principle subject to consideration of impacts on identified heritage assets, environmental and landscape character, residential amenity and highway safety. Despite the publicity of the applications undertaken as a safeguard, it is considered the proposals do not represent a departure from the local Development Plan, and accord with the broad objectives for sustainable economic development within the NPPF.

The Historic Environment

A Historical Report commissioned by the applicant investigated the former ownerships and history of the existing pub building and concluded that it started life in the mid-17C as an agricultural building – probably a barn – that was converted to an inn c.1741 known as The Rose and Crown Inn. Elements of the earlier barn are evident still in the roof structure of the pub. Adjoining to the east, Stanhope Lodge, and the outbuildings behind (south) of the pub form a dense group of a similar age. The Heritage Statement accompanying the applications states that although examination of historic Ordnance Survey maps suggests that the physical generality of this group has changed little since 1875, the converted barns beyond to the south are difficult to reconcile with earlier maps. [Smugglers Barn, in any event, is not listed.] The submitted Heritage Statement goes on to explain that the pub has been

extended in a variety of phases, with a 19C wing to the south-west, and a more modern C20 2-storey infill extension with a flat roof to the rear. The parapet flat-roofed toilet block on the west side is also a C20 addition.

The main 2-storey building has an attractive façade with distinctive slate-hanging above ground-floor, timber sash windows and a slate-covered roof. The main core of the building extends at single-storey eastwards roofed in local clay tiles. The historic significance of the existing building derives from its early origins and long history of use as an inn, having been altered and enlarged incrementally and evolving over time. Adjoining to the east, Stanhope Lodge is also of historic importance, forming part of the group. Built as a domestic building, the oldest part dates roughly from the time the inn was established c.1741.

The submitted Heritage Statement explains the form and layout of the extensions to the dining area as harmonizing with the existing single-storey outbuildings around the pub, having a 45° clay-tile gable roof with white-painted brickwork walls above a black-painted plinth line, arched openings and timber doors and windows. The L-shaped layout creates a subservient form which provides the enlarged dining area with a south and western aspect and allows for the retention of the existing outdoor seating and nearby large Sycamore tree. There are no new openings needed to break through into the proposed extension as access is gained from the west through the doorway into the existing toilet block and on the south side from the existing French door opening via a modest flat-roofed element. The concept is of a converted coach house, with the southern part having large 'coach doors' opening onto a timber-framed glazed screen with French doors. There would also be a timber-framed glazed opening on the west side of the extension with vertically proportioned sash windows on either side. Articulation of the front of the extension is informal and low key in comparison, consistent with the subservient relationship of this element to the main frontage range. An amended drawing has been received omitting the formal ramped entrance approach alluded to on the initial site layout plan in favour of a gentle re-grading of the ground to the north of the extension (by about 200mm overall) to provide a flush threshold into the building. Despite extending 4.2 metres further southward and 3.2 metres further westward than the existing toilet block, the proposal would represent a sympathetically designed replacement, more in keeping with and sensitive to the architectural character of the Listed building compared to the existing addition on this side.

The kitchen extension has been designed as a narrow, flat-roofed link, attaching the rear of the pub building to the outbuilding (currently used as stores). It would align with the eastern site boundary and incorporate the tall brick wall which marks the latter. The extension would involve blocking up an existing ground-floor window opening located within the C20 rear infill addition, plus the creation of a new opening in the north side of the outbuilding. In view of its position on the less historically sensitive part of the building, its modest size and simple form, it would not result in any harm to the historic importance of the building.

The proposed bedroom annex building is sited some 17.5 metres to the south and west of the public house. It would be a maximum 22.4m wide and 19.6m deep with the main 2-storey range having a deep, pitched-roof some 11 metres high overall with a part-hip form to the east and full hip to the west side. The smaller, perpendicular 1½-storey range attached to the north side would have a part-hipped

roof with a 10 metre long ridge 7.6 metres high and east-facing dormer. The design concept is that of a stable block with an L-shaped arrangement intended to create a sense of enclosure around a 'yard'. Despite its height and scale, the proposed bedroom annex would be located sufficiently distant from the listed public house, and on a different plane, that it would not harmfully impinge on, or detract from its setting or that of the wider group.

Visual Amenity and Effect on Landscape

Despite its larger footprint, it is considered the pitched roof form, proportions and detailing of the proposed dining/toilet extension on the west side would relate more comfortably to the main pub building in visual terms compared to the existing flat-roofed addition. Although set back from the frontage it would create a sense of balance with the single-storey element on the east side, whilst subservient to the main 2-storey building. The shape of the extension would allow for the retention of the existing large Sycamore tree with glazed openings facing onto the existing slab-paved area used for external seating. The latter is rather utilitarian and worn-looking and would benefit from being replaced with paving more sensitive to the historic character of the building.

The proposed kitchen extension is located on the less historically sensitive rear of the building. It would not be visible in public view, being screened from the west by the larger 'bulk' of the proposed dining/toilet extension. It would improve the capacity and functioning of the kitchen and would not detract from the appearance of the building in view of its modest scale and simple form, linking to the existing storage outbuilding. It is proposed to remove an existing, detached pre-fabricated garage/store within a fenced area to the west of the traditional outbuilding, which is welcomed.

The existing gravel car park adjoins the main pub building to the west, beyond which is the L-shaped pub garden wrapping round it to the south and west, enclosed by a mix of picket and close-boarded timber fencing with trellis on top. In the north part of the garden is an electricity pole with equipment mounted overhead. An overhead cable runs from the electricity pole eastwards across the car park to another pole close to the large Sycamore tree where the cable splits, both strands continuing east/south-east where one grounds via a fixture on the roof of the outbuilding and the other continues south-east over Smugglers Barn. The submitted site layout plan is annotated to show the removal of the poles and overhead cables, which it is proposed to relocate underground. The existing cables serve a number of properties and neighbours have expressed concern about the lack of clarity regarding how the supply would continue to serve neighbouring properties, particularly if this were to involve siting a sub-station closer to the existing residential properties. From an aesthetic point of view it would clearly be desirable to relocate the existing unsightly overhead cables underground, which would improve the setting of these historic buildings. No response has been received from UK Power Network in connection with consultation on this application. However, the applicant is aware that the supply to neighbouring properties would need to be safeguarded and his Architect makes the point that any alterations would have to be agreed by UK Power Networks and the work carried out by their approved contractors. The Architect states that there is no intention to move the existing transformer equipment eastwards closer to existing properties, and it is

generally understood that power suppliers are keen to countenance burial of lines to improve the robustness of their installation. If burial is not possible the re-location of the transformer pole to a position closer to the western site boundary could be investigated with relocation of the poles to a more favourable position on the site. It is considered this matter could be dealt with as a condition of planning permission following more detailed investigations and discussion between the applicant and the power supplier.

As set out above, the design concept of the proposed bedroom annex is that of an agricultural building, reflecting the history and rural character of this tight-knit group of buildings on the edge of the built-up area. It is considered the combination of its scale, form, massing, use of traditional materials and assiduous attention to detail including the irregular fenestration pattern with arched and buttressed 'infilled' openings on the ground-floor and vertical ventilation slots successfully creates the visual impression of a converted rural building that integrates comfortably into the context of the group and the wider landscape, viewed from the South Downs National Park. Despite its scale and height, the siting of the proposed accommodation annex at a distance from, and south of the Listed Building, together with its 'humble' rustic theme, will avoid it appearing over-dominant in relation to the more important Listed Buildings, or overly assertive in the hierarchy of built form.

The enlarged gravel car park would wrap around to the north and west of the accommodation annex. The overall expanse is broken-up on the north side by landscaped 'arms' in order to try to maintain a sense of informality in keeping with the courtyard setting. The individual parking spaces would not be formally marked out for the same reason. It is considered the existing very open views of the car park would be improved by replacing the existing low-level planter at the site entrance (made from timber sleepers) with a section of traditional flint walling. An amended drawing has been received to this effect, showing a new 8 metre long section of 1.2 metre tall flint wall with brick quoins and mortar haunch coping positioned to the south of the existing 'sleepers' with a new grassed verge in front.

The South Downs National Park Authority has commented that the setting of the accommodation building would be improved by soft planting, and there is scope for the existing soft borders to the north and west of the enlarged car park, and the 'buffer' to the south of the new building to be supplemented with additional planting to create a more attractive soft edge to the development. This could be secured as a condition of planning permission.

Residential Amenity

The main property affected by the proposals is 'Smugglers Barn', made up from converted farm buildings which have been altered and enlarged. The main living area within the original converted 'barn', and adjoining kitchen/utility room have an aspect onto an enclosed garden on the north side. However, the main aspect of the dwelling is south-facing over a large, landscaped garden. The latter adjoins agricultural fields to the south and west. The above-mentioned footpath comprising a public right of way adjoins the east side of the garden. The garden is enclosed by hedging and is completely private.

The proposed flat-roofed kitchen extension would involve a nominal increase in the height of the common boundary wall separating the properties but would have no physical impact on the living accommodation of Smugglers Barn, or the northern garden. The occupiers of Smugglers Barn have expressed concern that the increased capacity of the kitchen will result in an intensification of activity, additional noise, cooking smells and odours. The proposals do not include any changes to the existing extraction duct which is attached to the western wall of the rear-projecting, south-eastern element of the listed building. The Environmental Health Officer has confirmed that as the overall number of restaurant covers is proposed to be increased, the adequacy of the existing extraction and ventilation system will need to be reviewed. It is considered that this can be dealt with as a condition of planning permission, with a view, if a new system is required, to securing a replacement that is also designed to be more sensitive to its historic setting than that the bulky ducting currently in existence.

The drawings show the brick-built outbuilding to the rear (south) of the pub kitchen would be internally lined and a new cold store formed. The outbuilding is physically joined to the accommodation of Smugglers Barn with a utility room located on the other side of the party wall, and beyond that the main family kitchen. Although the outbuilding is currently used for storage in connection with the operation of the pub/restaurant it is reasonable to assume that the creation of a cold store has the potential to create additional noise. The approval of details of any plant and equipment in connection with the formation of the cold store can also be the subject of a planning condition, to include details of sound insulation measures where necessary.

The neighbour's main concern relates to the proposed accommodation annex, in particular its siting and the potential for overlooking the existing private garden resulting in a loss of privacy; and also the resulting increased noise and activity in relation to the west side of the Smugglers Barn where the main bedroom is located. Immediately to the west of Smugglers Barn is a fenced area of overgrown land within the curtilage of the public house underneath which LGP gas tanks are located. The garden of Smugglers Barn adjoins the south side of this fenced area and therefore extends some 10 metres further west of the dwelling itself. There are low-level timber sheds located in the north-west corner of the garden, adjoining the fenced area. The larger, 2-storey range of the proposed accommodation annex would have rooms at ground and first-floor with a south-facing aspect with an access corridor on the north side. Narrow windows in the east side of this element are located 15.6 metres from the flank wall of Smugglers Barn, but are clearly secondary in character and can reasonably be obscurely-glazed. The main concern relates to the nearest first-floor bedroom windows in the south elevation which although facing onto fields will allow for angled views toward the private garden of Smugglers Barn. Following discussions an amended drawing has been received shown the nearest first-floor bedroom window obscurely-glazed. Although not ideal it is considered the introduction of obscured glazing is a necessary safeguard to protect the residential amenities of the occupier of Smugglers Barn. The angle of view from the other windows in this elevation will be more oblique and filtered by existing trees growing between the building and the southern site boundary such that the impact in terms of overlooking would not be seriously harmful notwithstanding the garden is currently private. [It is worth noting that although this garden currently enjoys a relatively isolated position backing onto fields, the latter

are included within the built-up area, identified on the Proposals Map as West Durrington Potential Future Development Area, and expected to come forward for development in the near future.]

The lower-level range of the would have bedrooms with a west-facing aspect at ground-floor and one larger 'family' bedroom formed within the roof void of that element served by an east facing dormer. The west flank wall of Smugglers Barn includes 2 no. narrow, obscurely-glazed windows one serving the main bedroom and the other an en-suite bathroom. The proposed dormer window would be well-separated from these windows, in excess of 30 metres, and would have no adverse impact in terms of loss of privacy. The neighbour's have expressed concern about increased activity from people coming and going from the accommodation block to the pub, loud conversations and smokers hanging around outside. However, some degree of noise and activity is inevitable given the use of the premises as a public house, including for example, if the existing pub garden was used more intensively than currently appears to be case under current the pub management.

Accessibility and parking

As described above, the public house and surrounding dwellings are accessed from a (left in, left out) junction off the westbound carriageway of the A27, and via a short section of the old Arundel Road which (according to WSCC records) is not public highway. Highways England is responsible for managing an operating a safe and efficient strategic road network (SRN) on behalf of the Secretary of State for Transport and assesses all planning application involving a direct or indirect access to the SRN to determine whether or not the development will have any detrimental effect on the safe and efficient use of the network. Highway England has raised no objection to the development proposals in terms of capacity or the safe operation of the existing junction. Whilst the concerns of local residents are recognized, substantial weight must be afforded to the formal response of the statutory consultee on this matter.

Parking spaces are not demarcated in the existing gravel car park but the submitted application forms specify there is currently provision for 22 spaces (although that does seem a generous assessment). The proposed site layout plan shows provision for a total of 36 spaces within the enlarged car park (based on a standard minimum parking space dimension of 4.8 metres by 2.4 metres and separated by 6 metres depth minimum manoeuvring area). The above-mentioned WSCC Parking Standards SPG identifies a maximum parking standard of 1 car parking space per 5sqm plus 2 spaces per bar for public houses, and 1 space bedroom for hotel/guest house accommodation. Based on the submitted drawings there would be 129sqm of public area, which equates to 26 spaces, plus 2 spaces for the bar and 14 spaces for the proposed accommodation annex, amounting to 40 spaces in total. According to this calculation there would be a shortfall of 4 spaces from the maximum level of provision, although realistically this does not take into account customers staying in the accommodation annex that will also use the restaurant facilities. Nor is it likely that the accommodation annex would be fully booked at all times. WSCC has been consulted on the proposals as the Local Highway Authority but has raised no objection to the amount of parking provision or the configuration of spaces. Nor has any objection been raised to the access arrangement to the car

park, utilizing the existing westernmost opening as a single access/egress. The amended drawing shows the area immediately south of the easternmost access graded gently over 7 metres to provide a level threshold into the proposed dining/toilet extension, thereby avoiding the need for a formal access ramp.

Other issues

As with the other properties in this isolated group, the existing public house is not connected to the public foul sewerage system and connects to a cesspit under the car park. It is anticipated that the proposed accommodation annex will need its own dedicated bio-tank type septic tank which would be located in the south-west corner of the site (under the enlarged car park), on slightly lower ground and away from neighbouring properties. The applicant's Architect has clarified that the condition of the existing cesspit has yet to be examined and a judgement will need to be made as to replacing the existing foul drainage system. The Environment Agency has been consulted in response to the comments of Southern Water, and in view of the location of the site in a Source Protection Zone and Groundwater Vulnerability zone. Their comments are awaited and Members will be up-dated at the Committee meeting. In any event, it is considered pertinent to impose a condition requiring the precise siting and design of the means of disposal of foul sewerage from the development to be submitted to and approved in consultation with the Environment Agency prior to the commencement of development. [It is likely that as and when development of the land highlighted on the Proposals Map as the 'West Durrington Potential Future Development Area' comes forward, the potential will arise for the existing properties in this group to be connected to the public system.]

Recommendation

AWDM/0803/16 APPROVE subject to Conditions:-

1. Standard time limit
2. Approved plans
3. Agree samples and schedule of materials prior to commencement
4. Agree sample panel of flintwork for the proposed accommodation annex and new wall prior to commencement
5. Agree and implement architectural details prior to commencement
6. Agree surfacing of car park and re-surfacing of external seating area prior to commencement
7. Enlarged car park to be provided prior to first occupation of accommodation annex
8. Agree and implement cycle parking provision
9. Existing pre-fabricated store removed from the site prior to commencement of use of the restaurant/toilet extension or accommodation annex
10. Agree re-siting of electricity transformer and supply cables underground, or where this cannot be achieved the re-positioning of the existing overhead transformer west of its current position and associated alignment of overhead supply cables.
11. Agree and implement details of disposal of foul sewerage for accommodation annex and enlarged public house.
12. Agree and implement surface water disposal
13. Agree and implement system for extraction and disposal of cooking odours

14. Agree details of plant connected to cold store and associated noise attenuation measures
15. Agree and implement soft landscaping scheme include supplementary tree planting
16. Agree tree protection measures
17. Windows in east elevation of 2-storey east-west range of accommodation annex to be obscured
18. Easternmost first-floor window on south elevation of 2-storey east-west range of accommodation annex to be obscured
19. Hours of construction work
20. No new external plant or machinery unless approved in writing by LPA
21. No external flues, vents, ducts, pipes (other than downpipes), aerial or meter boxes unless approved by LPA
22. No external lighting unless approved in writing by LPA

AWDM/0805/16 GRANT CONSENT subject to Conditions:-

1. Standard LBC time limit
2. Approved plans
3. Agree samples and schedule of materials prior to commencement
4. Agree sample panel of flintwork for the proposed accommodation annex and new wall prior to commencement
5. Agree and implement architectural details prior to commencement
6. Agree surfacing of car park and re-surfacing of external seating area prior to commencement
7. Protect LB and make good any damage

24th August 2016

Application Number: AWDM/0462/16

Recommendation – Approve

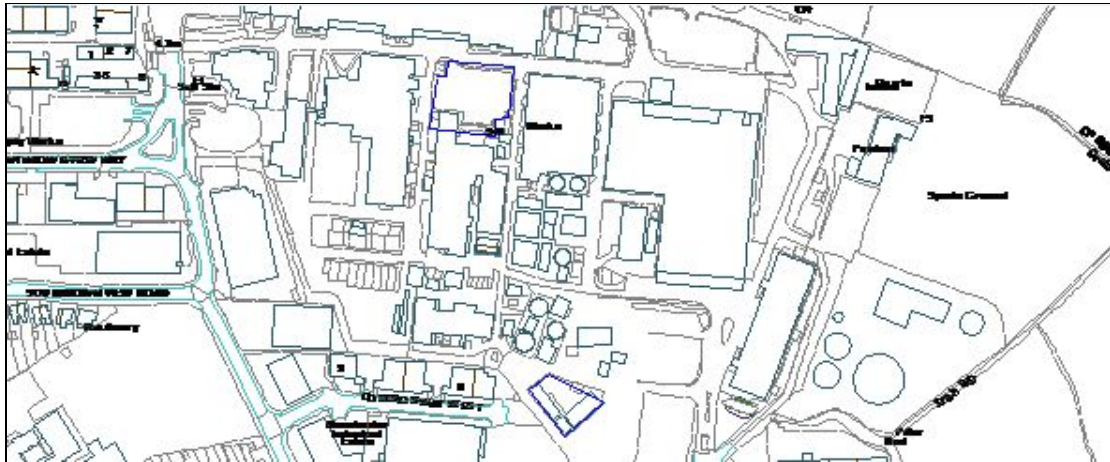
Site: Glaxo Smithkline Southdownview Way Worthing West Sussex

Proposal: Temporary modular building to house changing rooms

Applicant: Mr Steven Wake

Ward: Broadwater

Case Officer: Peter Devonport



Not to Scale

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Introduction

This application is deemed a “Major” application due to the size of the site and therefore is required to be determined by the Committee.

Site and Surroundings:

The ‘Glaxo Smithkline’ pharmaceutical research laboratory and industrial premises are situated in the East Worthing trading estate and comprise a large number of sizeable industrial outbuildings and structures. This very large site (16 hectares) is located at the northern end of Dominion Way and stretches northwards to Clarendon Rd, westwards to Southdownview Way and eastwards to the countryside in the Sompting Gap.

Following an industry regulatory directive the complex is split into the two penicillin and non-penicillin zones. The non-penicillin or primary production zone is in the inner southern part of the site accessed from Southdownview Way and the penicillin or secondary production zone in the remainder serviced from Dominion Way

The application site currently lies in the penicillin or secondary production zone but the western boundary of this zone planned to shrink so that the application site is incorporated into the non-penicillin or primary production zone.

The actual site is an open area of land covered in shingle and known as The Beach. It is centrally located and sits behind the tall outer buildings of 2A, 2B and 2C and other tall buildings. The site was previously occupied by part of building 7 to the west which was demolished over 10 years ago and the area filled in with demolition material and capped with the shingle.

The site is on land identified as potentially contaminated due to landfill, close to Flood Zone 2 and an aquifer. They are within a designated industrial estate.

Details of Proposal

The proposal is to install linked modular temporary buildings to provide changing rooms to support the temporary office complex on the adjacent site (previously given consent AWDM/1484/15) as part of the programme of incremental segregation between primary and secondary production zones.

The proposed facility is arranged as a single storey temporary modular building. It is around 20m x 6.5m and 3m high. The finish will be a composite factory coloured wall panel usually a powder coated metal faced construction or vinyl wrapped. Colour will depend on the system chosen but will be a neutral shade such as white, off white, goose-wing grey, grey or similar.

The foundations will be designed as reinforced concrete slabs which are supported on the surface gravel layer. Rain water from roofs will be collected and diverted to the site storm water system using the pebble area as existing and new connections whichever is most practical. Foul drainage will be connected into the existing system from the temporary offices.

The new building will be accessed from the existing main site entrance to the south (south access control gatehouse Building 22 on Dominion Way).

No changes to the highway or parking are entailed or soft landscaping.

The application is supported by a Planning Statement, Design and Access Statement and Flood Risk Assessment.

Consultations

Environmental Health Officer

No objections, other than request contaminated land condition imposed if any breaking of ground is involved.

Environment Agency

Previously commented that in view of uncertainty over use of piling for foundations in area of sensitive groundwaters, it is prudent to apply a piling condition as follows:

Condition

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

Piling or any other foundation designs using penetrative methods can result in risks to potable supplies from, for example, pollution / turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways. Thus it should be demonstrated that any proposed piling will not result in contamination of groundwater.

Southern Water

Commented previously that;

"A formal application for connection to the public sewerage system is required in order to service this development,

Environmental Health Officer

Impose land contamination condition if breaking of ground involved.

Representations

None received.

Planning Assessment:

The main issues raised by these proposals are:-

- Principle of business development
- Impact on amenity
- Impact on appearance and the character of the area
- Impact on the environment, land contamination and flooding
- Impact on access /parking

As such the proposal should be primarily assessed against; Saved Worthing Local Plan Policies RES7 and H18; Core Strategy Policies 4, 15, 16 and 17
National Planning Policy Framework and Practice Guidance
Sussex Noise Guidance

Principle of business development

The sites sit in a designated and protected industrial estate in the Core Strategy.

The principle of business development is supported within the confines of such a designated, established trading area and the proposals both assist compliance with the regulatory imperative of segregating penicillin and non-penicillin production.

The principle behind the proposal was supported under the previous recent consent AWDM/1484/15; *New temporary offices (maximum of 3 storeys) to accommodate existing staff during extensive construction works on the main manufacturing site to facilitate separation between Penicillin and non-penicillin operations.*

Impact on residential amenity

The new buildings are remote from any residential dwelling and well screened by intermediate tall buildings and their impact is, accordingly, negligible.

The separation distances to any industrial neighbour are, likewise, acceptable in both cases and the functions to be carried out are compatible with any business neighbours.

Impact on appearance and character of the area

The site is within an established industrial area characterised by tall buildings and the temporary modular structures sit comfortably within this landscape. Their utilitarian form is acceptable as temporary buildings.

Neither would be visible from any boundary due to their separation distances, and screening provided by surrounding tall building and boundary tree planting.

Impact on environment

No demolition or excavations below are involved and the site sits on a slab and accordingly there appears to be no significant risk of land contamination or pollution of the aquifer. However, precautionary conditions are justified as requested by the Environment Health Officer and Environment Agency.

Ground floor levels are raised above ground levels to avoid risk of flooding.

Drainage is satisfactory.

Impact on access /parking

Staffing levels are unaffected and no parking spaces are shown as lost. Overall traffic generated on the site would not increase.

Recommendation:

Approve subject to following conditions

1. Remove buildings within 5 years and reinstate land to previous condition.
2. Build in accordance with approved plans

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.
4. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.
5. Comply with Flood Risk Assessment and implement necessary mitigation measures.
6. Limit construction hours to between 7 am to 8pm

24th August 2016

Local Government Act 1972

Background Papers:

As referred to in individual application reports

Contact Officers:

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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.

Policy issues relating to Homes in Multiple Occupation (HMOs)

Report by the Director for the Economy

1.0 Summary

- 1.1 Following a request to the Executive Member for Regeneration and Planning by the Chairman of Planning Committee, this report considers the scope for a policy to ensure the provision of high quality Homes in Multiple Occupation (HMO's) and seeks to control their location within the town.
- 1.2 The report concludes that there are other powers available to secure good quality accommodation and that, at the present time, there is insufficient evidence to justify that HMO's are causing significant loss of amenity to justify specific policies seeking to influence where they are located.

2.0 Introduction

- 2.1 The Planning Committee will recall recent planning applications for additional HMO's and the concerns raised by local residents about the impact of an over concentration of such types of residential accommodation on residential amenity, parking and the level of management of this type of accommodation in the future.

3.0 What is an HMO?

- 3.1 Whilst there are different definitions used for HMOs (see below) in simple terms they can be defined as homes that provide shared accommodation (either purpose built or converted) for a group of individuals who do not live as a single household but share basic amenities such as kitchen areas and bathroom facilities. They are often termed bedsits or sometimes flatlets.

Planning Definition

- 3.2 In 2010 a number of changes were made to the planning system (Use Classes Order and General Permitted Development Order) in relation to HMOs in response to concerns around the impact of concentrations of HMOs, principally through the *studentification* of neighbourhoods in towns and cities with large student populations and to clarify the definition of such homes.
- 3.3 Government Guidance contained within *Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation* (Circular 08/2010) explains the amended system of Use Class classification in the Order for Dwellinghouses (C3 Class); small HMOs (C4 Class) and large HMOs (Sui Generis) and sometimes related uses of residential institutions (C2 class) as follows:

Class C3 (dwellinghouses)

- 3.4 This class is now formed of three parts:
- C3(a): those living together as a single household as defined by the Housing Act 2004 (basically a 'family')
 - C3(b): those living together as a single household and receiving care, and
 - C3(c): those living together as a single household who do not fall within the C4 definition of a house in multiple occupation.
- 3.5 For the purposes of C3(b) and (c) single household is not defined in the legislation. There is no limit on the number of members living within a single household under C3(a). The limit for C3(b) and (c) is no more than six people.
- 3.6 A single household under C3(a) is formed by a family (a couple whether married or not with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.

- 3.7 C3(b) continues to make provision for supported housing schemes, such as those for people with disabilities or mental health problems. It remains the case that in small residential care homes or nursing homes, staff and residents will probably not live as a single household and the use will therefore fall into the residential institutions class (Class C2), regardless of the size of the home. Local planning authorities should include any resident care staff in their calculation of the number of people accommodated.
- 3.8 C3(c) allows for groups of people (up to six) living together as a single household. This is to allow for those groupings that do not fall within the C4 house in multiple occupation definition to be provided for e.g. a small religious community may fall into this section as could a homeowner who is living with a lodger.
- 3.9 The term 'dwellinghouse' is not defined in this part of the Use Classes Order. The question of whether a particular building is a dwellinghouse will therefore depend on the facts of that case.
- 3.10 The common feature of all premises which can be generally be described as dwellinghouses is that they are buildings that ordinarily afford the facilities required for day to day private domestic existence. It is recognised that unlikely or unusual buildings, such as churches or windmills, have been used as, or adapted to become, dwellinghouses. Whilst such premises may not be regarded as dwellinghouses in the traditional sense, they may be so classified for the purposes of the Use Classes Order.
- 3.11 The criteria for determining whether the use of particular premises should be classified within the C3 use class include both the manner of the use and the physical condition of the premises. Premises can properly be regarded as being used as a single dwellinghouse where they are:
- a single, self contained unit of occupation which can be regarded as being a separate 'planning unit' distinct from any other part of the building containing them;
 - designed or adapted for residential purposes-containing the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse;

- 3.12 This would not include bed-sitting rooms. Here the planning unit is likely to be the whole building which would therefore be classified as a HMO.

Class C4: Houses in multiple occupation (3-6 occupants)

In broad terms, the new C4 class covers small shared houses or flats occupied by between three and six unrelated individuals who share basic amenities. Small bedsits will be classified as C4.

- 3.13 To fall within the 'house in multiple occupation' definition a property must be occupied as the main residence. Guests visiting for short periods should not be included in any calculation of number of occupants. Students, migrants and asylum seekers who do not occupy the property all year will be considered as occupying the property as their main residence and should be included in any calculation of occupant numbers.
- 3.14 Social housing is excluded from C4 as are care homes, children's homes and bail hostels. Properties occupied by students which are managed by the education establishment, those occupied for the purposes of a religious community whose main occupation is prayer, contemplation, education and the relief of the suffering are also excluded. Some of these uses will be in C3, others will be in other use classes or fall to be treated as sui generis.
- 3.15 Properties containing the owner and up to two lodgers do not constitute a house in multiple occupation for these purposes. To classify as a house in multiple occupation a property does not need to be converted or adapted in any way.

Large Houses in Multiple Occupation

- 3.16 Large houses in multiple occupation – those with more than six people sharing – are unclassified by the Use Classes order and are therefore considered to be 'sui generis'.
- 3.17 Although the control limit of six persons defines the scope of the C3 (b) and (c) dwellinghouses and C4 houses in multiple occupation classes, this does not imply that any excess of that number must constitute a breach of planning control. A material change of use will occur only where the total number of residents has increased to the point where it can be said that the use has intensified so as to become of a different character or the residents in relation to C3 no longer constitute a single household.

- 3.18 Hostels were excluded from the Use Classes Order in 1994 (by SI 1994/724) and are therefore 'sui generis'.
- 3.19 There is no definition of 'hostel' within planning law. A hostel usually provides overnight or short-term accommodation which may be supervised, where people (including sometimes the homeless) can usually stay free or cheaply. Hostels may provide board, although some may provide facilities for self-catering. The element of supervision should not be relied upon as a determining factor but as a factor to take into account in consideration of the use class of the premises. Occasionally, hostels are used to provide longer-term accommodation, although it should be stressed that a hostel is not a residential care home, irrespective of any supervision it may have. If there is an element of care in the service provision, this might mean that the premises became a C2: Residential Institutions use.

Permitted Development

- 3.20 The same changes to the Use Classes Order introduced changes to Permitted Development rights as set out in The Town and Country Planning (General Permitted Development) Order 1995, as amended. They allow certain building works and changes of use to be carried out without having to make a planning application.
- 3.21 The change of use from a dwellinghouse to a C4 HMO and back from a C4 HMO to a C3 dwelling house has permitted development rights and a planning application is therefore not normally required.
- 3.22 A planning application will be required for a change of use to a larger HMO (sui generis) from any C3, C4 (or C2) use and likewise backwards.

Article 4 Directions

- 3.23 In areas where there is a problem arising from HMOs, local authorities can use an Article 4 direction to remove these permitted development rights and require planning applications for such changes of use.
- 3.24 Brighton, Southampton, York, Hatfield and Sheffield have Article 4 directions in place for change of use to C4 HMO. They have also issued planning guidance which seeks to restrict conversions to HMOs where certain proportions of the building stock within a local radius are HMOs. These are areas with large student populations. However the Government recognises that high numbers of HMO also arise in coastal towns.

- 3.25 Paragraph 038 of the Planning Practice Guidance highlights that the use of Article 4 Directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the Direction is intended to address should be clearly identified. This evidence is also important to ensure planning decisions are justified and defensible.
- 3.26 There is no fee for making planning applications required because of an Article 4 Direction and compensation may be payable for refused or restricted applications made within 12 months of the Order.

Housing Act Definition

- 3.27 The definition under Housing legislation is similar to use class C4 and is set out in Section 254 of Housing Act 2004. It stipulates a HMO is a building or part of a building which:
- Is occupied by at least three persons who do not form a single household;
 - Is occupied as their only or main residence;
 - Rents are payable by at least one of those occupying the property; and
 - Two or more households share one or more basic amenities (where basic amenities are defined as a toilet, personal washing facilities or cooking facilities).
- 3.28 HMOs are typically categorised into the following:
- Shared houses – occupants will typically have own bedroom but will share a kitchen, bathroom and possibly another living space.
 - Bedsits – occupants will typically have own kitchen area within accommodation but will share a bathroom, or it will not be contained within the dwelling.
 - Section 257 HMOs – Defined by Section 257 of the Act, these are properties that have been converted into self-contained flats, but would not comply with 1991 Building Regs. More than 1/3 of the flats are tenanted. This type of property makes up the majority of the HMOs recorded.
- 3.29 Some buildings are exempt as HMOs under the Act. e.g. buildings occupied by religious communities.

Mandatory Licensing

- 3.30 The Housing Act 2004 introduced mandatory licensing of HMOs that are three storeys or more and have five or more occupants. This means a property may need to be licensed even if it is converted under permitted development rights.

Council Tax Definition

- 3.31 Local Authorities are required to hold the owner rather than the occupiers responsible for Council Tax on houses in multiple occupation (HMO). The owner is normally the person who has a lease or, if none exists, a freehold interest in the whole dwelling. This is in accordance with The Council Tax (Liability for Owners) Regulations 1992. A HMO is any type of dwelling which:

- (a) was originally constructed or subsequently adapted for occupation by persons who do not constitute a single household; or
- (b) is occupied by one or more people, each of whom is a tenant or licensee of part only of the house, flat etc.(e.g. renting a room only) or has a licence to occupy the dwelling as a whole but who does not pay rent or licence fee for the whole dwelling.

- 3.32 To highlight the complex nature of HMOs a different definition is used for Building Control and Census purposes.

4.0 National Policy Guidance

National Policy - Planning

- 4.1 Government planning policy is set out in the National Planning Policy Framework (NPPF). Paragraph 50 seeks to “deliver a wide choice of high quality homes, widen opportunities for homeownership and create sustainable, inclusive and mixed communities....” The NPPF also states that local planning authorities should “plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)”.

National Policy - Housing

- 4.2 HMOs are guided by separate legislation under the Housing Act 2004. This sets out the definition of HMOs and controls the standard and safety of accommodation. Internal requirements for cooking/washing facilities are outside of the control of the planning system, but these matters fall under the relevant management regulations and are assessed on a property by property basis using the Housing Health and Safety Rating System.
- 4.3 The Housing Act also includes provisions for large HMOs to be licensed. This is often referred to as mandatory Licensing. Licences are required for HMOs which have three or more storeys - this may include a basement or attic in some circumstances - and are used to accommodate five or more tenants, belonging to two or more households.
- 4.4 Both criteria must apply for the HMO to be licensable. A licence holder must ensure that the dwelling is compliant with national minimum standards relating to sanitary conveniences and personal washing facilities. These are prescriptive standards and in licensable HMOs the Council must consider and apply these when setting the number of occupants permitted in the property.
- 4.5 Owners/managers of all HMOs (except Section 257 HMOs) are required by the Management of Houses in Multiple Occupation (England) Regulations 2006 to ensure that the property is maintained in a safe condition, that gas and electricity supplies are maintained and that reasonable standards of management are applied. Section 257 HMOs are covered by the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (England) Regulations 2006. A person who fails to comply with the Management Regulations commits an offence and is liable on summary conviction to an unlimited fine.
- 4.6 It is an offence to operate a licensable HMO that is not so licensed, and it is also an offence to allow a licensed property to be occupied by more than the number of people specified in the licence. A person who commits either of the above offences is liable on summary conviction to an unlimited fine. A person who fails to comply with a licence condition commits an offence and is liable on summary conviction to an unlimited fine.

Role of HMOs in meeting Housing Needs

- 4.7 Houses in Multiple Occupation (HMOs) provide an important source of low cost accommodation for a number of sections of society including students, temporary workers, those on low incomes and/or benefit and young professionals. They play a particularly key role in the context of housing affordability, where open market housing is increasingly unaffordable and social housing unavailable for a growing number of people living in or seeking to live/work in the Borough.
- 4.8 HMOs remain an important and appropriate and necessary part of the housing market, providing accommodation for a range of household types. As a result of changes to the housing benefit system this form of accommodation is often the only option available for specific parts of the housing market.

Impact of a High Concentrations of HMOs

- 4.9 Whilst, HMOs are an important type of housing, poorly designed and managed HMOs can lead to problems both for the occupants and for neighbours, due to the large number of people living in high density housing. HMO's can have higher concentrations of more vulnerable and transient young people and this can, in itself, raise concerns for existing communities.
- 4.10 The Government report 'Evidence Gathering – Housing in Multiple Occupation and Possible Planning Responses' (CLG 2008) looks at the problems caused by high concentrations of houses in multiple occupation and considers the current and potential mechanisms to address these problems. Within this report, the following issues are associated with high concentrations of HMOs:
- anti-social behaviour, noise and nuisance;
 - imbalanced and unsustainable communities;
 - negative impacts on the physical environment and streetscape;
 - pressures upon parking provision; increased crime;
 - growth in private rented sector at the expense of owner-occupation;
 - pressure upon local community facilities; and
 - restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population.

5.0 Local Context

Housing Stock

- 5.1 Although various departments collect information on the tenure of property, the exact number of HMOs within Worthing Borough is still not fully known. The Council has a good idea that they are mostly concentrated around Worthing Town Centre although there are several within the Broadwater area catering for college students.
- 5.2 There are currently 39 HMOs that have been mandatory licensed by the Private Sector Housing team in Worthing. As the majority of HMOs are currently outside of the description of those properties that require a mandatory licence, these properties make a small percentage of the total number of HMOs in the Borough.
- 5.3 In 2015 Planning and Private Sector Housing carried out a desktop exercise for a small area of Worthing Town Centre. The area selected was perceived to have a high level of HMOs and that this was contributing either directly or indirectly to problems with anti-social behaviour. The area in question had a total of 2,505 properties made up of residential and commercial property. Of these, 40 were identified as bedsits or shared houses, making up 1.6% of the total available accommodation.
- 5.4 In June 2016 the Private Sector Housing team carried out a further desktop exercise to attempt to find and map all known HMOs in Adur and Worthing. The information used is held on the Local Land and Property Gazetteer (LLPG) records.

5.5 The following table shows the number of HMOs recorded across Worthing and identified within each ward:

Area	Number	As a % of available accommodation*
Worthing	675	1.38
Central ward	232	0.47
Heene ward	210	0.43
Selden ward	114	0.23
Gaisford ward	59	0.12

*There are approximately 49,000 units of living accommodation of all tenures in the Borough.

5.6 The results of this exercise confirm that HMOs make up a very low number of the total households in Worthing. It would be helpful if we were able to separate the Section 257 HMOs (**described in 4.5 above**) from the results to give a better representation of the 'true' HMO distribution and numbers, but unfortunately the data that informs the software is not captured in such a way as to allow this.

5.7 As the Section 257 HMOs make up the majority of all recorded HMOs then removing this data would significantly affect the results number of recorded HMOs. The data held was also missing some known bedsits and shared houses. This highlights the need for better collection and sharing of data by the different departments, and clearly there is further work necessary to understand the overall number of HMO's.

5.8 Council Tax records highlighting properties recorded as HMOs in Worthing have recently been provided to the Private Sector Housing team, and these identify 152 HMOs of all descriptions. It is likely that this number is lower than those recorded by the LLPG records in part because it does not contain all of the Section 257 HMOs as the individual flats would be liable for their own Council Tax.

- 5.9 An exercise is currently underway by the Private Sector Housing team to cross-reference those properties identified on the Council Tax list with the team's electronic complaint management system to prioritise those HMOs for inspection.
- 5.10 A stock modelling condition survey commissioned by the Private Sector Housing team was produced in 2012. The report, which was carried out by the BRE and utilised credit rating data, showed that the highest concentrations of people in receipt of Housing Benefits were located to the east and west of the town centre.
- 5.11 Properties located around the town centre are typically large Victorian or Georgian houses that lend themselves to conversion into smaller units of accommodation. Smaller units of accommodation are more likely to be affordable to families or individuals with a low income. Such accommodation is also sustainably located within close reach of all amenities and services.
- 5.12 The evidence does not suggest that there is an over concentration of HMO accommodation although it is apparent that HMO's exists in areas where there is generally a higher proportion of rented housing of lower quality.

Tenure

- 5.13 Housing tenure is changing within Worthing. Levels of home ownership have fallen whilst private renting has increased. More people are finding it difficult to buy their own home.
- 5.14 With 932 households estimated to need accomodating in the Borough the delivery of the delivery of affordable housing has never been more important. Since the 2008 credit crunch and the following economic downturn affordable housing is in greater demand. This demand has increased for a number of reasons including:
- the increasing affordability gap as housing costs continue to rise faster than household incomes;
 - the more cautious approach to mortgage lending which has resulted in lower income multiples being approved for mortgages and the need for larger deposits to secure a mortgage;
 - the difficulties for households in getting onto the property ladder and facing more limited housing choices leading to a greater reliance on the private rented sector;

- the changes to welfare reform that make the private rented sector less accessible for those on the lowest incomes;
- housing benefits now link the number of occupants to the number of rooms. This is likely to lead to a greater demand for smaller, one and two bedroom accommodation
- the cautious approach of investors and housing developers following the economic downturn; and the increased reliance on the planning system to deliver affordable housing through S106 funding:
- the 1% cut in rents charged by registered housing providers over the next four years, announced in April 2015, has had a significant impact on the development of rented accommodation at rates which may be affordable for lower income families. This will further impact on people seeking this type of accommodation as the majority of future 'affordable' housing is likely to be made up of part rent / part buy (shared ownership) type homes. The requirement set out in the Housing & Planning Act 2016 for 20% of future development to contain starter homes will further impact on registered providers' willingness and ability to develop homes affordable for those most in need.
- the housing benefit restrictions on people under 35, entitling them to a maximum rate equivalent to a room in shared accommodation, could also affect the type of accommodation which the town requires.

5.15 Within this context there is greater pressure for more HMO accommodation. The planning system has an important role to play in meeting the growing need whilst protecting and enhancing the positive qualities that make Worthing such a distinctive place where people want to live.

Housing Need

5.16 The housing register in Worthing shows 932 currently awaiting housing. This high level of affordable housing need is further evidenced within the Worthing Housing Study (June 2015) which calculated an affordable housing need for Worthing of 435 dwellings per annum (or a total of 8,700 dwellings between 2013-2033).

5.17 At the Joint Strategic Committee (JSC) on the 13th July a report by the Director of Communities raised the concerns about the significant lack of suitable accommodation for those in need of emergency and temporary accommodation. The report stated,

'Across the Country the use of emergency interim and temporary accommodation is rising due to higher level of homeless applications. Nationally the number of homeless applications rose 30% between 2010 and 2015. Between 2014/2015 there was a 17% increase nationally in households being placed in temporary accommodation out of area..... In Adur and Worthing statutory homeless acceptances and the need for accommodation have both significantly increased within the past year. The Councils have refocused the service to ensure that all households presenting as homeless or threatened with homelessness, are appropriately assessed according to the law.'

- 5.18 Whilst, the guidance to Housing Authorities is to house those in temporary need of accommodation locally, the lack of suitable rented accommodation has resulted in the Council using Bed and Breakfast accommodation at significant cost. As a result JSC agreed to look to procure additional accommodation out of the Borough (although any suitable accommodation within the Borough would be assessed first given that ideally our housing needs should be accommodated within the Borough).
- 5.19 The Private Sector Housing team reports an increase in the number of people looking to create 'high-end' HMO's marketed for working professionals.

Recent Applications - Issues

- 5.20 Few, if any, planning applications for new HMOs were received until fairly recently and it was generally seen that demand for new HMO accommodation was a small, static or even shrinking, niche sector, unattractive to developers and for which the demand was relatively limited.
- 5.21 The first noticeable proposal for a new HMO was at Trevine Court, 2-4 Southey Road, Worthing. Under AWDM/0088/11 temporary 3-year planning permission was granted in August 2011 to convert (part retrospectively) this former care home (C2) to accommodation described as 25 bedsits, plus a manager's studio flat.

- 5.22 This proposal attracted relatively little criticism from neighbours and was made personal to the applicant and conditional upon his occupation of the on-site manager's flat (or by another on-site manager as agreed by the Council) to ensure the good management and maintenance of the premises continued. Under AWDM/0271/14 the Committee agreed to make the permission permanent; delete a condition making the permission personal to the applicant and remove the need for an on-site manager. Again, this only attracted two objections. This has been implemented and appears to operate without problems.
- 5.23 The second application was AWDM/0815/14 at Queens Lodge Guest House, 2 Queens Road for a Change of use from (use class C1) mainly vacant guest house (including annexe to the adjacent Kingsway Hotel) to a house of multiple occupation (10 rooms) granted permission by the Committee in February 2015. This property had a previous history of use as a residential care home and a Night Shelter and Hostel. This has been implemented and appears to operate without problems, so far. The property was subject to mandatory licensing requirements and was licenced by the Private Sector Housing team.
- 5.24 The third application was AWDM/0467/15 to convert a former care home at The Victoria Parkview, 7 Madeira Avenue to 10 bedsits. This was refused by the Committee contrary to officer's recommendation in July 2015 on grounds that the proposal failed to provide the high quality accommodation by virtue of the number, size and type of bedrooms proposed and the lack of adequate kitchen, washing and bathroom facilities, contrary Policy 8 of the Worthing Core Strategy. This was not appealed and permission was subsequently obtained to convert the property to a single family residence. Conversion works are underway.
- 5.25 The fourth application was the conversion of the former (vacant) care home at Elton Lodge 22 - 24 Selden Road under AWDM/1828/15 to a house in multiple occupation with 20 Bedsits and allied communal facilities, together with one studio flat (C3). There was close liaison with Environmental Health Officers and this was granted permission by the Committee in April 2016, subject to conditions, including restricting the bed sits to single occupancy and operation in full compliance with the Management Plan.

5.26 A recent application for a change of use from a former guest house to a 7-bedroom house in multiple occupation at 41 Warwick Gardens under AWDM/0565/16 has been approved under delegated powers. However, there was only a few objections to this scheme and close liaison with the Private Sector Housing team has ensured a good quality layout conditions have been imposed to control occupancy, facilities and appropriate management is in place.

5.27 Common themes for the applications have been:

- the absence of any bespoke local or national detailed policy on HMOs;
- increasing importance of HMOs as a way of meeting the unmet demand for affordable, basic accommodation;
- conversion of unviable care homes/guest houses to large HMOs;
- issue so far restricted to town centre and fringe;
- local concerns differ from those in the rest of the country which are largely restricted to “studentification”;
- growing public concerns over the quality of the accommodation offered compared to relevant standards and impact on local character and amenity of such HMOs in the town centre and fringe;
- close liaison with Environmental health Officers and use of recently adopted EHO guidelines on HMOs;
- Limited firm Planning and Environmental health powers to fully regulate all HMOs.

Good Housing Leads To Good Health

5.28 In 2008 the Chartered Institute of Environmental Health (CIEH) and Building Research Establishment (BRE) co-wrote a document entitled ‘*Good Housing Leads To Good Health*’. This document talks about housing provision generally and identifies the importance of providing good living accommodation to communities, and that this can lead to a reduction in crime and anti-social behaviour. There is no distinction made between HMOs and other accommodation types.

5.29 Through negotiation with the applicants and close liaison with Environmental Health Officers, an appropriate standard of accommodation has, nonetheless, been achieved in all but one case (AWDM/0467/15 to convert a former care home at The Victoria Parkview, 7 Madeira Avenue which was refused).

- 5.30 The recent adoption of guidance by the Private Sector Housing team entitled '*Standards for Houses in Multiple Occupation*' has helped to provide far greater guidance to prospective developers about key issues relating to the detailed layout of HMOs to provide appropriate kitchen and bathroom facilities to serve the likely number of occupants. The guidance was circulated to Members in considering the change of use for Elton Lodge, Seldon Road and helped to secure improvements to the quality of accommodation proposed (planning application reference: AWDM/1828/15).
- 5.31 The guidance does also recommend that tenancies granted should seek to address anti-social behaviour by future occupants and the future management of HMOs has been a key consideration in the past by the Planning Committee and local residents concerned about new HMOs. The view of relevant consultees, including the Police and Environmental Health Officers, was that the quality of the management of HMOs was essential to their neighbourliness.
- 5.32 No evidence of any significant geographical concentration of HMOs in any of the localities of the above applications was found; nor evidence that HMOs, in themselves, have lead to problems of anti-social behaviour; loss of amenity to neighbours or unbalanced communities.

Existing Planning Policies

- 5.33 The adopted Development Plan for Worthing is the Core Strategy (2011). Although the Core Strategy does not include any specific policies relating to HMOs the following policies are of relevance:
- Policy 8 - Getting the right mix of homes - this policy seeks to ensure that a wide choice of high quality homes are delivered to meet the needs of the community
 - Policy 16 - Built Environment and Design - this policy seeks to ensure that new development is of high quality.
- 5.34 These, and other policies in the Core Strategy, are also supported by the Guide to Residential Development Supplementary Planning Document (2013). However, it should again be noted that this SPD does not specifically address any issues relating to HMOs.

6.0 The Scope to Develop a Policy Specifically Related to HMO's

- 6.1 Any planning policy or supporting guidance which seeks to control any particular land use or seek to influence its location must be informed by robust evidence. As stated above, at the present time Worthing is not a town that displays particular problems with the concentration of HMO accommodation or clear evidence that HMO accommodation, in itself, causes significant planning or amenity issues to local residents (albeit there is the strong perception in some communities that this is the case).
- 6.2 As illustrated above the planning system can have some influence on the location of new HMOs, and, to an extent, their design and facilities, and with this seek to minimise the impact on local communities, infrastructure and environmental quality. In the circumstances your Officers have some doubt about the need for developing specific policies relating to HMO accommodation. Members should also be aware that the planning system should not be used to duplicate existing controls provided by other legislation.
- 6.3 The Council's Planning services will continue to work collaboratively with other services as necessary to address any issues arising from existing HMO properties. However, ordinarily, the planning system cannot act to address existing areas with high concentrations of shared residential properties or any problems associated with any other HMO, unless actionable breaches of planning rules have occurred.
- 6.4 As well as the work being undertaken to determine the true extent of HMO accommodation (particularly in the town centre) your Officers have sought to understand what evidence exists of harm being caused by HMO accommodation in any given area. In this respect your Officers have worked with the Private Sector Housing team, Environmental Health Officers and the Safer Communities team to assess data on noise complaints and anti-social behaviour. However, there is little evidence to demonstrate that HMO's are the source of the problems inherent in town centre locations where there are complaints of parking issues, noise and anti-social behaviour. In many respects these are areas where there is a greater proportion of cheaper and often more sub-standard accommodation.

Options for Further Planning Controls

- 6.5 It is accepted that the nature of building stock in parts of the Borough can result in large buildings coming into this use. If not managed correctly, especially if such uses become unduly dominant, these could impact on the character and amenity of an area.
- 6.6 It is important that a balance is struck between managing the concentration of HMOs with the need to ensure a mix of house tenures and types. This is critical to ensure housing is available to satisfy the full range of housing needs in the Borough's communities. Defining what constitutes a 'balanced community' is not an exact science, and whilst the broad aim is set out in national planning policy, there is little information which elaborates on these high level aims.
- 6.7 A number of local planning authorities have introduced policy measures in order to control the proliferation of HMOs in their areas. In all cases they constitute part of the Local Development Framework. Some lie within the Core Strategy, some within other Development Plan Documents (DPDs), others in Supplementary Planning Documents (SPDs).
- 6.8 Analysis of the thresholds and percentage limits that other authorities have used to limit further HMOs in their areas has been undertaken. The National HMO Lobby, a voluntary association of local community action groups which are concerned with the impacts of HMOs on their communities, has attempted to define what they view as a high concentration of HMOs, and the level above which new HMOs should be limited. The National HMO Lobby suggests that 10% of properties or 20% of the population is the 'tipping-point' for the HMO dominance in a neighbourhood. As stated earlier, at the present time, there is no evidence to suggest that any part of the town has an over concentration of these uses (albeit further work is underway to capture all data about the location of all HMO's).

- 6.9 It is also worth noting some of the possible implications of developing a policy that might seek to limit the number of new HMOs created in the Town Centre. Given the need for this type of accommodation, this could result in HMOs being pushed out away from the town centre to areas where there are more established residential areas of family housing. Whilst it could be argued that this is already happening as the supply of larger town centre premises slows, it does highlight the complexities involved in trying to limit the location of different types of residential accommodation. In this respect there are significant advantages of higher density housing being located in sustainable town centre locations.

Supplementary Planning Document (SPD)

- 6.10 A Supplementary Planning Document (SPD) is intended to expand policy or provide further detail and support policies in the Development Plan. It does not have Development Plan status, but it can be accorded significant weight as a material planning consideration in the determination of planning applications. The provisions of any SPD cannot, therefore, be regarded as prescriptive but they can provide a powerful tool in the interpretation and application of policy.
- 6.11 Whilst, an SPD could seek to complement the guidance recently introduced by the Private Sector Housing team, in practise existing policies seeking high quality accommodation have justified detailed planning conditions being imposed to ensure an appropriate quality of accommodation and appropriate management controls are in place. The success or otherwise of planning conditions to mitigate any adverse impacts of new HMO's can be kept under review and in particular it is important to see if some of the concerns about recent approvals of new HMO's materialise.

Article 4 Directions

- 6.12 In areas where there is a problem arising from HMOs, local authorities can use an Article 4 direction to remove permitted development rights and require planning applications for such changes of use.
- 6.13 Southampton, York, Hatfield and Sheffield have Article 4 directions in place for change of use to C4 HMO. They have also issued planning guidance which seeks to restrict conversions to HMOs where 20% or more of the building stock within a local radius are HMOs. These are areas with large student populations. However the Government recognises that high numbers of HMO also arise in coastal towns.

- 6.14 Paragraph 038 of the Planning Practice Guidance highlights that the use of Article 4 directions to remove national permitted development rights should be limited to situations where this is necessary to protect local amenity or the wellbeing of the area. The potential harm that the Direction is intended to address should be clearly identified. This evidence is also important to ensure planning decisions are justified and defensible. As indicated in this report there is a lack of evidence of specific issues being caused by HMO accommodation that would support the use of an Article 4 Direction at this time.

Other Options to Control HMO's

Housing Health and Safety Rating System

- 6.15 The Housing Health and Safety Rating System (HHSRS) is an evidence based method for assessing harm in residential accommodation and forms the basis of enforcement action by the Local Authority, such as service of Improvement Notices and Prohibition Orders.

Additional Licensing

- 6.16 A Local Authority can designate all or part of their area for additional licensing, but this has to be agreed by the Secretary of State. This allows authorities to licence all HMOs, including Section 257 properties. The authority must consider that a significant proportion of the HMOs in the area are being managed sufficiently ineffectively as to give rise, or to be likely to give rise, to one or more particular problems either for those occupying the HMOs or for members of the public. Recent amendments to the criteria for additional licensing schemes have made it harder for local authorities to implement District/Borough wide schemes.

Selective Licensing

- 6.17 A Local Authority can designate all or part of their District or Borough as an area of selective licensing, but again this has to be agreed by the Secretary of State. This allows authorities to licence all private rented properties – not just HMOs. The local authority would have to evidence a relatively low housing demand or ASB and it must form part of the local authority's wider housing strategy.

Additional HMO sanctions

- 6.18 There are also additional sanctions available through the use of Interim Management Orders (IMO) and Final Management Orders (FMO). The Council must make an IMO in respect of a licensable HMO which is not licensed if it is satisfied that there is no reasonable prospect of the property being licensed in the near future with appropriate conditions or it is necessary to protect the health, safety or welfare of occupiers of the property or properties in the vicinity. An IMO is in force for 12 months and allows the Council to manage the property with all the rights of a landlord and to collect rent and expend it on work to the property. An IMO ceases to have effect if a licence is granted.
- 6.19 The Council must make an FMO where, on expiry of an IMO, the property requires to be licensed but the Council considers it is still unable to grant a licence.

Future changes to legislation

- 6.20 In November 2015 Government began a short consultation on mandatory licensing provisions to determine whether these should be amended to reflect the growth of this part of the private housing sector and the perceived issues of poor housing conditions associated with illegal immigrants. We are currently awaiting the outcome of that consultation, which was planned to be published in Spring 2016.
- 6.21 Whilst an increase in the number of HMOs that require a licence is welcomed this would have implications on the resources of the Private Sector Housing team who are responsible for licensing HMOs in Adur and Worthing. The number of complaints and service requests received by the team has also seen a marked increase over the past 5 years. The number of enquiries from people looking to create HMOs has also seen a noticeable increase.

7.0 Conclusion

- 7.1 It is clear from various national studies that the over concentration of HMO accommodation can lead to amenity issues in any given area. However, concentration levels would have to be far greater than currently exists in parts of Worthing Town Centre to justify imposing additional powers and there does need to be further evidence of local harm caused by HMOs. Furthermore, given the need for cheaper rented accommodation to meet local needs Members would need to consider the impact of potentially encouraging HMOs away from the Town Centre to adjoining residential areas, if any HMO locational criteria policy was to be established in the future.
- 7.2 The need to encourage good quality residential accommodation is important and it will be important to review the impact of the recently adopted Standards for Houses in Multiple Occupation and potentially greater licensing controls over new HMOs. In addition, it will be important to review the success or otherwise of imposing planning conditions seeking to ensure good management practices to avoid future adverse impacts to established local communities. As part of the work of the Local Plan Working Group it is considered that this matter can be reviewed again in connection with the emerging Local Plan.

8.0 Recommendation

- 8.1 The Committee is recommended that:
- i) In light of the lack of clear evidence that there is an over concentration of HMO accommodation in the Town Centre and adjoining wards that a specific policy for HMO accommodation is not necessary at this time;
 - ii) additional policies seeking to influence the design and layout of HMO accommodation is not necessary, at the present time, given the guidance recently adopted by the Private Sector Housing team and the ability to supplement that guidance with planning conditions to secure good quality residential accommodation to meet local needs; and,

- iii) the current position be kept under review by the Local Plan Working Party and a further report be presented to Planning Committee in 12 months time to review the situation in light of potential changes to legislation, the success or otherwise of controls imposed on new HMOs and further research on the distribution of HMOs across the town and any evidence of harm associated with them.

Local Government Act 1972

Background Papers:

Worthing Core Strategy 2011

Housing Needs studies - Objectively Assessed (Housing) Need.

Standards for Houses in Multiple Occupation (HMO) 2016

Discharging Interim and Temporary Housing Duties Under the Homelessness Act 1996 - report to JSC on 13 July 2016

'Good Housing Leads To Good Health' 2008: by the Chartered Institute of Environmental Health (CIEH) and Building Research Establishment (BRE).

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Schedule of Other Matters

1.0 Council Priority

1.1 None directly relevant

2.0 Specific Action Plans

2.1 None directly relevant

3.0 Sustainability Issues

3.1 Matter considered and no issues identified

4.0 Equality Issues

4.1 Matter considered and no issues identified

5.0 Community Safety Issues (Section 17)

5.1 Consideration has been given in the report to the impact of a concentration of HMO's in certain areas

6.0 Human Rights Issues

6.1 Article 8 of the Human Rights Act states that everyone has the right to respect for his or her private and family life, home and correspondence. This right is subject to proportionate and lawful restrictions.

7.0 Reputation

7.1 Matter considered and no issues identified

8.0 Consultations

8.1 Internal consultation with Planning Policy, Environmental Health and Housing sections of the Councils

9.0 Risk Assessment

9.1 Matter considered and no issues identified

10.0 Health & Safety Issues

10.1 Matter considered and no issues identified

11.0 Procurement Strategy

11.1 Matter considered and no issues identified

12.0 Partnership Working

12.1 Matter considered and no issues identified