

Worthing Planning Committee

Date:	Wednesday 19 October 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 18 October 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 meetings of the Committee held on Wednesday 21 September 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 | Glawood House, Sompting Road | 4.2 | Tesco, West Durrington |
| 4.3 | GSK, Southdownview Road | 4.4 | 139 Findon Road |

Tree Preservation Orders:

Greenwood Crockhurst Hill & East of Garage Block North of 10b Western Row

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. Enforcement Report - Unit 12 Ham Bridge Industrial Estate

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

7. Policy Issues relating to Houses in Multiple Occupation

To consider a report by the Director for the Economy, attached as Item 7.

Part B - Not for publication - Exempt Information Reports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).

<p>For Democratic Services enquiries relating to this meeting please contact:</p>	<p>For Legal Services enquiries relating to this meeting please contact:</p>
<p>Heather Kingston Democratic Services Officer 01903 221006 heather.kingston@adur-worthing.gov.uk</p>	<p>Caroline Perry Solicitor 01903 221086 caroline.perry@adur-worthing.gov.uk</p>

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
19 October 2016

Agenda Item 4

Ward: ALL

Key Decision: Yes / No

Report by the Director for Economy

Planning Applications

1

Application Number: AWDM/1245/16 Recommendation – REFUSE

Site: Glawood House Sompting Road Worthing West Sussex

Proposal: Proposed second floor to provide 9 additional residential units and alterations to ground floor to provide one additional residential unit and managers office (residential units comprising of 3 no. one bedroom flats and 7 no. studio flats)

2

Application Number: AWDM/1242/16 Recommendation – APPROVE

Site: Tesco Supermarket Former West Durrington Shopping Centre New Road Worthing West Sussex BN13 3PB

Proposal: AMENDED DESCRIPTION: Variation of Condition 9 of WB/05/0245/OUT and Condition 5 of WB/09/0146/ARM to allow an additional delivery to the Tesco store between the hours of 2300 and 0600.

3

Application Number: AWDM/1086/16 Recommendation – APPROVE

Site: Glaxo Smithkline Southdownview Way Worthing West Sussex BN14 8QH

Proposal: The provision of new security fencing to the area west and south of Buildings 25A, B, C, D, E and F.

4

Application Number: AWDM/1340/16 Recommendation – APPROVE

Site: 139 Findon Road Worthing West Sussex BN14 0BQ

Proposal: Front porch to east; single storey north and west extension; boundary wall with fence atop to east (including gates), north west and south east boundaries to a maximum height of 2m

TREE PRESERVATION ORDER REPORTS

1

TPO 1 of 2016

Recommendation – Approve

Site: Greenwood Crockhurst Hill Worthing BN13 3EE

Proposal: Confirmation of Worthing TPO No.1 of 2016

2

TPO 3 of 2016

Recommendation – Approve

Site: East of Garage Block North of 10b Western Row

Proposal: Confirmation of Tree Preservation Order Number 3 of 2016

Application Number: AWDM/1245/16

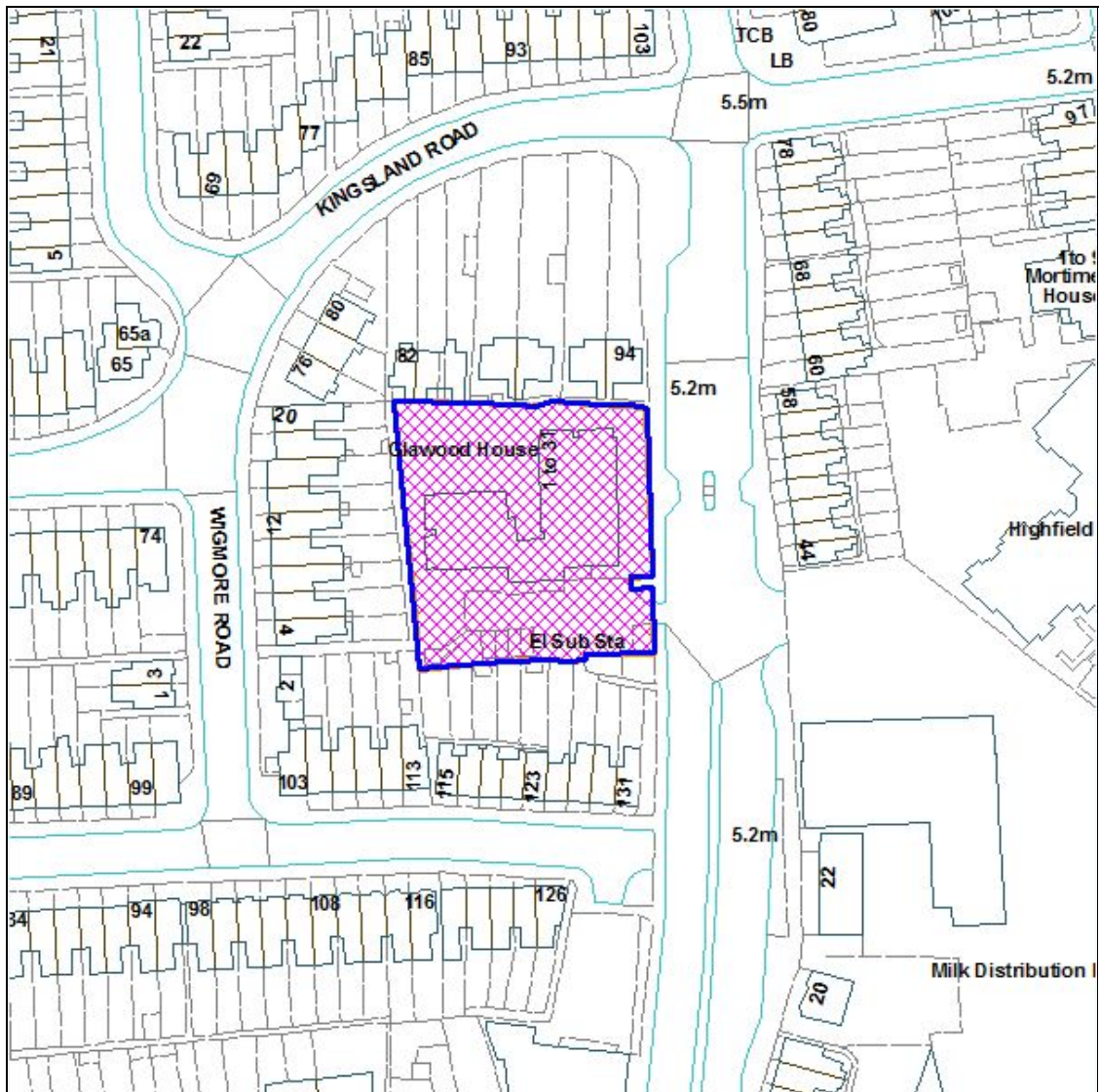
Recommendation – REFUSE

Site: Glawood House, Sompting Road, Worthing

Proposal: Proposed second floor to provide 9 additional residential units and alterations to ground floor to provide one additional residential unit and managers office (residential units comprising of 3 no. one bedroom flats and 7 no. studio flats)

Applicant: Glawood Ltd
Case Officer: Gary Peck

Ward: Broadwater



Not to Scale

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Proposal, Site and Surroundings

This application seeks full permission for the addition of a second floor to the existing 2 storey building to provide 9 additional residential units as well as alterations to the ground floor to provide one additional residential unit and manager's office. The mix of the residential units proposed would comprise of 3 bedroom flats and 7 studio flats.

Both the application form and supporting information does not appear to indicate that any additional parking will be provided as a result of the proposal.

The supporting information submitted with the application states that the building will increase in height by 3 metres, with the new front set 1.49 metres behind the original front elevation.

The application site is located on the western side of Sompting Road and currently consists of a 2-storey flat roofed L shaped building. Directly opposite are numbers 44 to 58 Sompting Road, a terrace of residential properties, and to the south west is the old Dairy Crest site which has planning permission for commercial use including Travis Perkins.

To the north are properties (numbers 82-94) in Kingsland Lane, which are unusual in that they are set back in excess of 30 metres from the road which is beyond. Numbers 82-86 are set against the north western boundary of the site and numbers 88 to 94, an attractive group of brick and flint houses are between 5 and 6 metres from the application building at their nearest points.

To the west are a run of terraced dwellings in Wigmore Road, the nearest of which is around 13 metres from the application building which is just over 3 metres from the mutual boundary.

There is some intermittent screening on the northern and western boundaries, primarily consisting of individual trees but in general the subject building is clearly visible from the surrounding properties.

To the south is another run of terraced properties in Southfield Road, although these are somewhat further from the subject building being about 30 metres away at their nearest point with the existing car park serving Glawood House sitting in between the respective buildings.

Relevant Planning History

There is no planning history considered relevant to the determination of the application.

Consultations

Technical Services

Original comment:

Thank you for the opportunity to comment upon this application, the proposed site lies within flood zone 1 and appears to be unaffected by surface water flooding, although the immediate area all around the site has recorded surface water flooding.

The proposal is effectively to raise the roof therefore the surface water runoff will effectively be unchanged.

The applicant has indicated the intention to use sustainable drainage for the disposal of surface water, but doesn't explain what this is supposed to comprise of. What is the existing method of dealing with surface water and what are they proposing.

Can I raise a **holding objection** until this is clarified, please?

Further comment upon the receipt of additional information:

The application form states sustainable drainage will be used: putting the water into the public water system is not a sustainable option.

There is quite a large garden area so we could require real sustainable drainage, but I suppose keeping the status quo is the easiest option.

West Sussex County Council Highways:

The proposal is to add a second floor to the building to accommodate 9 additional residential flats/studios, with alterations to the ground floor to provide one additional unit and manager's office.

From inspection of the submitted planning documents there is no detail regarding access arrangements or existing and proposed parking/turning arrangements. The LHA are therefore not in a position to assess this application and would require the following information to be provided,

- Scaled plan detailing existing and proposed parking arrangements
- Clarification relating to access arrangements from the highway

Any further information and responses will be reported verbally at the meeting.

Environmental Health:

Original comment:

I have now had the opportunity to review the above application and would make the following comments:

The layout of rooms on the second floor is not clear and consequently it is not possible to determine the use of the rooms. There is therefore a possibility that some rooms in Flats 5, 6, 7 & 8 are 'inner' rooms in that their means of escape in the case of fire is through another habitable room. If these rooms are kitchens or bathrooms, then this will not matter, but if they are bedrooms, then this would not be acceptable.

Agent response:

All flats have an entrance lobby and all habitable rooms only have access off the habitable room. The only rooms that do not access straight off the entrance lobby are the kitchens, which are access off the living room. All flats do have room names to show what they are.

Following the receipt of the above response **Environmental Health** raises no objection.

Representations

23 letters of objection have been received (5 from residents in Southfield Road, 9 from properties in Wigmore Road, 7 from properties in Kingsland Road, 1 from an existing resident of Glawood House and 1 unspecified address) on the following grounds:

- the proposed additional storey would be above existing building heights in the area
- the proposal would be out of keeping with the character of the area
- no parking is proposed and existing parking is insufficient
- overlooking and loss of privacy
- the existing first floor does not overlook but the second floor would
- a higher view than existing would have a greater impact
- existing lighting at the property has an adverse impact and this would be worsened if extra lighting were needed to serve the new properties
- loss of view of the sky
- loss of trees

Relevant Planning Policies and Guidance

Saved Local Plan policies (WBC 2003): BE1, H18, TR9,
Worthing Core Strategy (WBC 2011): Policies 7 & 16
National Planning Policy Framework (CLG 2012)
Planning Practice Guidance (CLG 2014)

Relevant Legislation

The Committee should consider the planning application in accordance with:
Section 70 of the Town and Country Planning Act 1990 (as amended) that provides the application may be granted either unconditionally or subject to relevant conditions, or refused. Regard shall be given to relevant development plan policies, any relevant local finance considerations, and other material considerations

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

It is considered that the main issues in the determination of the application are i) whether the principle of development is acceptable ii) the effect of the proposal upon the amenities of neighbouring properties and the general character of the area and iii) whether highways and transport issues have been adequately addressed.

The application site is within the built-up area as defined by the Core Strategy. The site can be considered as a sustainable location with a bus service running immediately outside the site, East Worthing and Worthing railway stations being located equidistantly from the site about three quarters of a mile away and local services serving Broadwater being in walking distance. Accordingly, there is no objection in principle to the proposal.

Supporting information submitted by the applicant emphasises at some length the need for housing in the town, pointing out that it is considered that the Core Strategy is out of date. The supporting information goes onto say:

‘...where the Council cannot demonstrate a five year supply of housing land...then it is clear that the amount of weight attributed to design related policies, eg Policy H18 of the Worthing Local Plan 2003, should be reduced to reflect the need for a more flexible need for housing provision. In essence, applicants can expect a slightly lighter touch from Adur and Worthing District Council (sic) in relation to all matters that constrain the supply of housing in one way or another.’

A court case involving Cheshire East Council is then quoted: ‘...proposals which otherwise have been refused because their planning merits were finely balanced should be approved...’

It is quite clear that there is a presumption in favour of sustainable development in national policy and members will be aware of the housing needs in the District. It may well be the case, therefore, that balanced cases should often be approved, but the remaining issue is whether this proposal is such a balanced case.

The general environs of the application site are characterized with quite dense terraced housing which not only is evident to 3 boundaries of the application site but also beyond especially to the north and west. The application site, consisting of a 2-storey flat roofed self-contained accommodation block for the elderly is therefore quite unusual in the general location of the area and is self-evidently constrained, most notably on its northern side but also to its western side.

The properties to the north of the site in Kingsland Road are highly unusual in their siting. Although their front doors face Kingsland Road, the houses are set so far back that they are either adjacent or a very short distance from the northern boundary of the application site. Consequently number 92, for example is only just over 5 metres away from the northern arm of the subject building. Such is the relationship between the subject building and numbers 88 to 94 Kingsland Road, that your officers feel that there is already an overbearing relationship between the subject building and those properties. It is assumed that at the time of the construction of Glawood House, its flat roofed nature, (which is unusual in the area and hardly in keeping with those properties around it which all have pitched roofs) was as a necessity to avoid adversely affecting the surrounding properties. Whether this has been achieved is arguable but your officer's view is most certainly that the addition of a further storey

to the building, adding 3 metres to its height, would severely affect the amenities of the properties in Kingsland Road to an extent that justifies refusal of the application.

Even numbers 82-86 Kingsland Road, which sit to the north east corner of the site and are a greater distance from Glawood House are affected by the building at present, with directly facing windows at a distance of 15 metres, well below the Council's normal standard.

Properties in Wigmore Road face the western arm of the subject building. Although these properties are further from Glawood House than those in Kingsland Road (just over 13 metres at the nearest point), this is primarily due to the length of the rear gardens in those properties as at its nearest point, Glawood House is less than 3 metres from the mutual boundary. Any overlooking from this side of the building could be said to be limited at present as there are only narrow windows (albeit again well below the Council's normal overlooking standards) and a partly enclosed staircase on this elevation of the building. However, the proposal would add two large kitchen windows on the upper floor as well as an external staircase, presumably to be used as a fire escape, which would be far more intrusive than the partially enclosed staircase that exists at present. Your officers consider this to be unacceptable, notwithstanding the adverse impact that the additional height will cause.

There will be additional adverse impacts to properties in Wigmore Road as well. Although the windows in the western elevation of the northern arm of the subject building are some 30 metres distant from these properties, it is quite apparent that when standing in the rear gardens of the properties in Wigmore Road, these windows are restricted in their visibility. The addition of a second floor will make such windows visible and while potentially acceptable as an overlooking distance, the increased height of the building would adversely affect the amenities of these properties.

In terms of the northernmost properties in Wigmore Road to the boundary of the site (numbers 16 to 20), these can be considered to be overlooked by the same windows that overlook 82 to 86 Kingsland Road, albeit at a more oblique angle. Number 16 for example, has existing windows at first floor level overlooking its rear garden at a distance of less than 11 metres and this would be repeated were the building to be extended.

Although some objections have been received from properties in Southfield Road, it is difficult to justify refusal of the application because of the effect upon these properties as Glawood House is in excess of 17 metres from the mutual boundary to the south.

As stated earlier, though, the subject building is somewhat unusual in its surrounds and its flat roofed character while perhaps less obtrusive at 2-storeys cannot be said to be in keeping with the wider surrounds of the area. Your officers feel that, in light of the concerns expressed above, and in particular the stark contrast between the design of Glawood House and the attractive cottages at 88-94 Kingsland Road, that an additional flat roofed storey would detract from the area and in this respect a third storey in an area characterised by 2-storey development can be considered to adversely affect the visual character of the area.

Your Officer's note that the supporting statement submitted by the applicant offers almost no assessment of the impact upon adjoining properties at all (no light studies

have been submitted for example) and the applicant's case appears to rest almost solely upon the lack of housing supply in the Borough. Noting the comment in the Cheshire East case referred to above, your officers do not feel that this is a finely balanced case and in fact that the reasons for refusal are clear cut. In such circumstances, the Council is entirely justified in resisting inappropriate development.

Members will be aware that traffic concerns have been raised in respect of recent development proposals in the vicinity such as the ex-Dairy Crest site across Sompting Road and the redevelopment of the Elms public house a short distance to the south. While neither application could be resisted on highways grounds, this was in part because of there was adequate parking provision in both schemes. Your officers are surprised that the current application, therefore, makes no mention of additional parking provision at all. There appears to be little scope for additional parking on the site and it is noted that the objection from a resident of Glawood House was received partly on the basis that the existing parking provision is inadequate. Your officers have observed that existing parking arrangements appear to result in vehicles parked in a somewhat disorganized fashion. The County Council, therefore, feels unable to comment on the application at the present time, but if a satisfactory response is not received from the applicant, then it is possible that further consideration will need to be given as to whether a refusal reason in respect of parking provision could also be justified.

Conclusion

Although there is a pressing need for housing within the town, this should not be at the expense of neighbour amenity or the character of the area when it is quite clear that a development will adversely affect both. Your officers consider that this is the case here and that refusal can be justified. Furthermore, at the time of writing this report, the question of parking provision at the site has not been adequately addressed.

Recommendation

REFUSE planning permission for the following reason:

The proposed development by way of its siting, design and height in close proximity to neighbouring residential properties would adversely affect the amenities of residential properties in Kingsland Road and Wigmore Road to an unacceptable degree and the visual character of the surrounding area. The proposal therefore conflicts with saved policies BE1 and H18 of the Worthing Local Plan and policy 16 of the Worthing Core Strategy and guidance contained within the National Planning Policy Framework.

Further comments are awaited from the County Council in respect of the application.

19th October 2016

Application Number: AWDM/1242/16

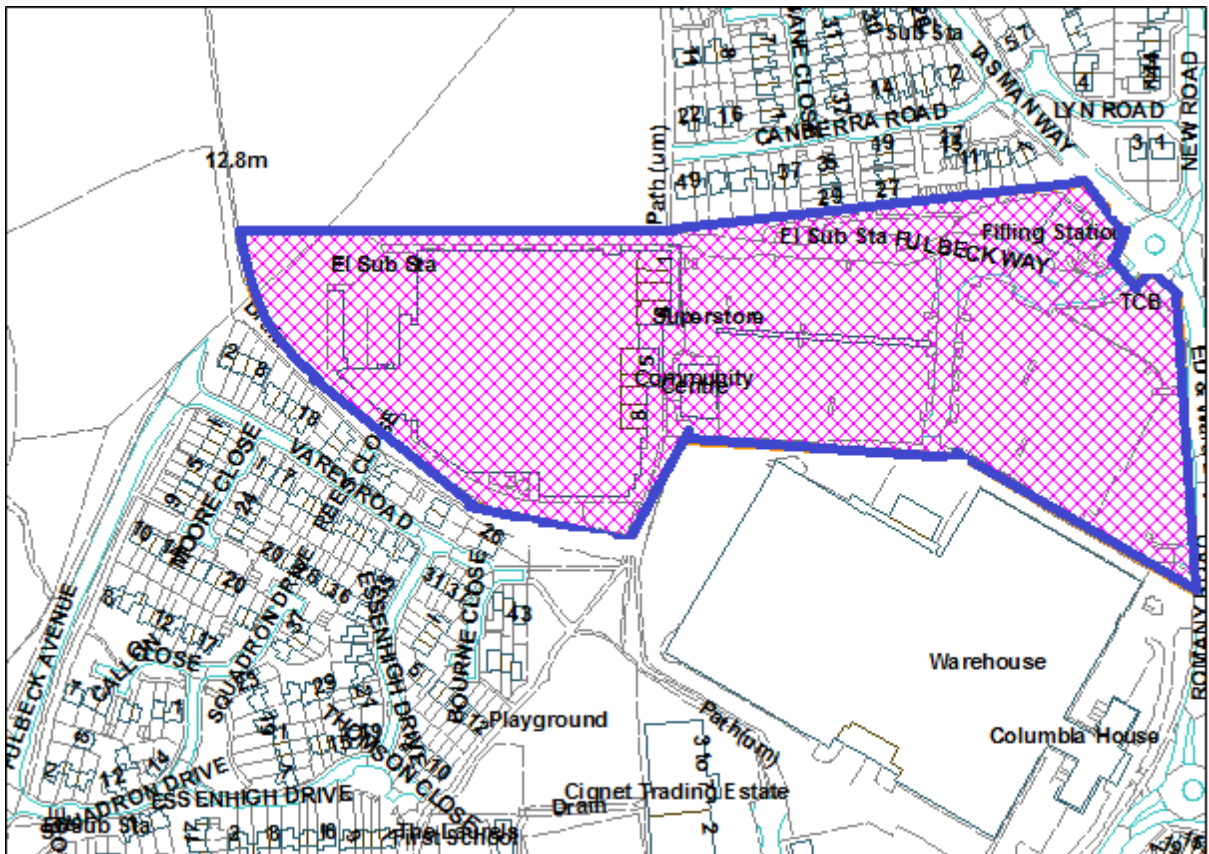
Recommendation – APPROVE

Site: Tesco Supermarket, Former West Durrington Shopping Centre, New Road, Worthing

Proposal: Variation of Condition 9 of WB/05/0245/OUT and Condition 5 of WB/09/0146/ARM to allow an additional delivery to the Tesco store between the hours of 2300 and 0600.

Applicant: Tesco Stores Ltd
Case Officer: Rebecca Tier

Ward: Northbrook Ward



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The Proposal, Site and Surroundings

This proposal seeks planning permission for the variation Condition 9 of outline planning approval WB/05/0245/OUT and Condition 5 of approval of reserved matters application WB/09/0146/ARM to allow for one additional delivery to the Tesco store between the hours of 23:00 hours and 06:00 hours. The supermarket store forms part of the redeveloped Durrington District Neighbourhood Core & Non-Core Shopping Centre which was approved under these planning permissions.

Condition 9 of the Outline application specifies:

“No loading, unloading, deliveries or collections shall take place other than between the hours of 06:00 hours and 23:00 hours on any day.”

Condition 5 of the Approval of Reserved Matters permission specifies:

“At no time shall delivery vehicles arrive at the site before 06:00 hours and no delivery vehicles shall wait within the internal access road or parking areas before this time.”

The current opening hours of the store are also restricted to 06:00 hours to 00.00 hours Monday to Saturday and 10:00 hours to 18:00 hours on Sunday under condition 13 of the outline approval. Planning application AWDM/0605/14 was submitted in May 2014 which sought to vary condition 13 of WB/05/0245/OUT to allow 24 hours opening of the store. The application is currently undetermined after being held in abeyance pending agreement of new conditions and the Applicant's liaison with local residents.

This application does not propose any change to the hours of the Dotcom deliveries which are currently restricted under Condition 4 of reserved matters approval to 08:00 hours and 23:00 hours daily along with the cooling process of the Dotcom vehicles which is restricted between the hours of 07:00 hours and 23:00 hours daily.

The application site is surrounded by residential development which lies in the roads of Varey Road and Rees Close to the south of the site, Canberra Road to the north-east of the site and the newly built properties which form part of the major residential development at West Durrington to the north.

The service yard and 'Dotcom' facility serving the store is located directly to the westerly rear aspect of the store and is enclosed by 4 metre high acoustic fencing to the north and west. The acoustic barrier and tree/shrub planting to the western boundary of the site adjacent to Varey Road was secured under condition 16 of the outline permission. There are two main lorry loading bays on the westerly end of the building which enable goods to be delivered directly from the lorry into the main warehouse.

The entry gates are located to the north of the service yard area and delivery vehicles are required by condition 12 of the reserved matters application to arrive and depart the site via Fulbeck Avenue to the west.

Applicant's Supporting Statements

The following statement has been submitted to support the proposal for an additional night time delivery:

“There are currently 6-7 Tesco deliveries per day to the store, which all conform with the terms of the current planning condition, and which arrive at the store at 06:00-21:00 (to allow the vehicle to depart before 23:00). There are additional supplier deliveries to the store during the day, such as fresh bread. Collection of empty cages etc normally occurs after the unloading of the delivery vehicle during the day.

On the basis that it takes approximately 1-2 hours to unload a full lorry, and up to a further 2 hours to move the stock onto the shop floor, the existing delivery arrangements mean that the store manager often experiences problems in meeting the customer demand for fresh goods, particularly early morning. The proposed additional night time delivery will allow Tesco to bring fresh produce to the store later in the evening than at present. It is important to highlight that Tesco do not propose to bring additional deliveries to the store, but simply better manage the timing of the existing deliveries to fit with customer requirements and staff resources

The ability to operate extended delivery hours will allow the allocation of resources to concentrate on, restocking and readying the Tesco store for trading for store opening (and not after as is currently the case). This will remove pressure on staff that start their shift early in the day, and means that the store manager can coordinate resources so staff can focus on serving customers rather than working on a rush of deliveries. Restocking out with peak trading periods also ensures that the shop floor is uncluttered during busier trading hours. The resultant increase staffing efficiencies assist the operation and profitability of the stores. Ultimately, therefore, the ability to have extended delivery hours guarantees product availability and impacts on store profitability”

Acoustic Report

An acoustic report has been submitted with the application which seeks to determine whether the existing delivery hours of the store would be extended without associated noise giving rise to significant adverse impact, which is the test under the NPPF. The acoustic consultants have undertaken a noise survey which sought to establish the baseline noise measurements from a position representative of the closest residential properties in Rees Close to the south of the Tesco service yard. Based on site observations, the same noise sources were found present in the vicinity of the new residential properties at the new West Durrington development. These recorded noise levels were then used as a baseline when compared with the noise from recorded delivery activity at a large number of Tesco superstores in order to determine the noise impact of deliveries at these times in accordance with the guidance in BS: 4142:2014.

The acoustic report concludes that the predicted delivery event noise levels are generally just above the existing background noise climate, and in a BS 4142 context indicative of an adverse impact (although not significant). Further the predicted delivery event noise levels comply with the daytime WHO/BS 8233 guideline noise values and are generally well below the existing ambient noise climate.

Delivery Management Plan

A copy of the Delivery Management Plan (DMP) accompanies the application providing formal instructions to Tesco staff and delivery drivers to minimise noise from activity associated with delivery to the store. It is the responsibility of the store management team to ensure the DMP is adhered to and necessary instruction made to the staff.

The approach below to the reception of deliveries and materials handling is applicable to all deliveries including those where the driver is not a Tesco employee (such that the DMP also applies equally to deliveries made by third party suppliers).

- Vehicles reversing alarms shall be switched off during deliveries between the hours of 23:00 hours-06:00 hours
- The delivery yard access shall be kept closed except to allow entry/exit of delivery vehicles
- Refrigeration units are not to be operated whilst the delivery vehicle is in the delivery area
- All engines to be switched off as soon as vehicles are parked at the unloading bay
- Goods shall be moved directly between the delivery vehicle and store
- There will be adequate signage and instruction to ensure that all drivers and staff follow the delivery management measures
- All delivery vehicles to be driven in as quiet a manner as possible, avoiding unnecessary engine revving
- No radios or stereos to be left on in vehicles during night time deliveries or at other times
- Staff to be instructed to work quietly when outside the store between the hours of 23:00 – 06:00 and
- All components of the delivery system to be maintained in good working order

Relevant Planning History

WB/05/0245/OUT – Outline Application approved in 2008 for the redevelopment of the existing district centre to provide a new district centre incorporating a Tesco superstore, shopper cafe, unit shops, community centre and associated car parking and access arrangements.

WB/05/1097/FULL – Planning permission refused in 2005 for the erection of a temporary single storey 'Dot-Com' home shopping facility to rear of existing store.

WB/09/0331/FULL – Planning permission approved in 2009 for change of use of single car parking space to house steel cabin for the storage of supplies in connection with hand car valeting operation.

WB/09/0146/ARM - Application for Approval of Reserved Matters following Outline Approval WB/05/0245/OUT approved in 2009 for the redevelopment of the existing district centre to provide a new district centre incorporating a Tesco superstore,

shopper cafe, unit shops, community centre and associated car parking and access arrangements (including diversion of public footpath)

WB/09/0146/ARM/NMA1 - Application for non-material amendments following a grant of planning permission WB/09/0146/ARM approved in 2010 for redevelopment of the district centre to provide a new district centre incorporating a Tesco Superstore. Amendments include; change to position of doors (generally), changes to door styles (generally), updated main entrance glazing (centre of east elevation), plant screen return indicated (left side of east elevation), roofline alteration to stair pod (south and west elevation), amended cladding colour (right side of south elevation), horizontal cladding changed to vertical spanning at change in roof level (left side of west elevation), curtain walling height reduced over mall MOE doors (left side of north elevation) and panel of curtain walling removed/re-arranged doors (left side of north elevation).

WB/09/0146/ARM/NMA2 - Application for non-material amendments following grant of planning permission WB/09/0146/ARM approved in 2010 for redevelopment of the district centre to provide a new district centre incorporating a Tesco Superstore. Amendments include; change of appearance of cycle shelter and covered trolley bays.

WB/09/1022/FULL – Planning permission approved in 2010 for erection of canopy to cover part of pedestrian walkway in car park of new district centre.

WB/09/0925/FULL - Retrospective application approved in 2009 for the erection of 3 metre high close boarded timber fence on land within Tesco site and rear of 43-49 Canberra Road and along western side of the garden of 49 Canberra Road.

WB/10/0074/FULL – Planning permission approved in 2010 for the provision of a new Community Centre and associated site works involving demolition of the existing Centre and relocation to the east of the new Tesco Store Development car park.

AWDM/0569/12 – Planning permission approved in 2012 for 12 non-illuminated fascia signs in connection with proposed car wash (AWDM/0570/12).

AWDM/0570/12 – Planning permission approved in 2012 for the change of use of nine parking spaces to a hand car wash and valeting operation including the erection of a canopy and installation of an office.

AWDM/0605/14 – Planning permission was sought in 2014 to vary condition 13 of WB/05/0245/OUT (Construction of new Tesco store) to vary the hours of opening to be 24 hours. This application is currently undetermined after being held in abeyance pending agreement to new conditions and Applicant liaison with local residents.

Consultations

WSSC: The Highway Authority has confirmed that there would be no highway safety or capacity reason to resist this variation.

Adur and Worthing Councils:

The Council's **Environmental Health Officer** has raised no objection yet has recommended that after the delivery vehicle has driven into the compound that the sliding gate is closed before the reversing manoeuvre begins and that the reversing alarm is switched off. The Environmental Health Officer's detailed comments are provided below.

"The objective of the original planning condition was to safeguard neighbour's amenity, which in reality meant not introducing night time noise that could affect their sleep.

The acoustic report that accompanies this application to vary planning condition 9 of WB/05/0245/OUT concludes that this variation can occur without any significant impact. This is done by way of a BS4142: 2014 noise assessment and by comparing the impact of maximum delivery noise levels against World Health Organisation and BS8233:2014 criteria.

For the purpose of the BS4142 assessment the acoustician uses worst case predicted noise levels which have been attained from real life measurements at other Tesco stores. These predictions include noise from refrigeration units, cage movements, vehicle manoeuvres and reversing beepers. They then calculate this level to the facades of the nearest properties taking into account noise attenuation provided by barriers. This facade level is then converted into a rating level, which includes a 3dB(A) penalty over the relevant night time period. This rating level is then compared against the existing background. The worst case scenario gives rating levels above the existing background levels of plus 6dB(A) and plus 7dB(A) above the existing background level, which for the purpose of the British Standard is a likely indication of an adverse impact, depending on the context.

We know that reversing beepers will be turned off, we know that the trucks refrigeration will be turned off and we know the engine of the truck will be turned off once in place. There are also other noise reduction measures mentioned. Therefore it is fair to say that the worst case noise levels used for the BS4142 assessment are likely to be higher than what will occur in reality. We should also consider that we are only talking about one delivery a night.

The worst case rating level of 39dB(A) is not a very high. When you take into consideration that this noise level will be further reduced by the facade of the residential property. Again the maximum noise level of 49dB(A) at the nearest facade is not very high. A facade with an open window will provide between 10 to 15dB(A) attenuation. This would equate to continuous noise levels of between 24 and 29dB(A) during deliveries which are within the 30dB(A) World Health Organisation and BS8223:2014 guidelines. Maximum internal noise levels will be between 34 and 39dB(A) which is below the 45dB(A) maximum recommended by the World Health Organisation and BS8223:2014 guidelines.

The applicant is correct to state that the rating levels need to be taken into context and this is the reason that there are no environmental health objections to the application subject to the further mitigation measures proposed in my previous e-mail.

As a precaution members could consider a temporary permission for a year to see what impact, in reality, this variation has. This would allow us to respond to any substantiated complaints and monitor real event impacts from resident's homes. Any continuation of the night time deliveries thereafter could then be decided from a more informed position."

Representations

4 letters of objection have been received from neighbouring occupiers, comments are summarised below:

- 5 Callon Close – Noise and disturbance caused by deliveries
- 29 Canberra Road – Noise, disturbance, additional traffic and smells
- 29 Canberra Road - Noise, disturbance, additional traffic and smells
- 10 Varey Road – Increase of traffic on Fulbeck Avenue to unsafe levels and noise disturbance created by lorry deliveries, staff and music played or lorries beeping their horns.

Relevant Planning Policies and Guidance

Core Strategy: Policy 1 & 6

Local Plan policies: TR13

The National Planning Policy Framework 2012

Planning Assessment

Principle

The supermarket store lies within the West Durrington District Retail Centre. Policy 6 of the Core Strategy requires development to meet the needs of the area served by the Centre and to be of a scale appropriate to the Centre so as to avoid adversely impacting on the vitality or viability of other nearby retail centres. The policy also seeks to encourage the hierarchy of town, district and local retail centres by encouraging convenient and accessible district and local shopping facilities to meet day to day needs of residents and contribute to social exclusion.

The principle of the replacement supermarket store was established under outline consent WB/05/0245/OUT and approval of reserved matters consent WB/09/0146/ARM in which the hours of deliveries were restricted by condition 9 of the outline approval between 06:00 hours and 23:00 hours and delivery vehicles were restricted under condition 5 of the reserved matters approval to not arrive at the site before 06:00 hours or wait within the internal access roads or parking areas before this time.

The supermarket chain now seeks planning permission to vary these conditions to allow for one additional delivery during the night between 23:00 hours and 06:00 hours. The principle of extending the delivery times of this supermarket in this sustainable District Centre location is supportable subject to the one additional delivery not significantly harming adjoining residents living conditions or having a harmful impact on the local highway network.

Impact to residential amenity

As night time deliveries to the store are currently restricted during the quieter night time period between 23:00 hours to 06:00 hours daily there are, understandably, concerns regarding the increased noise and disturbance to local residents.

The nearest noise sensitive residents are located in properties within Varey Road and Rees Close immediately to the south of the site. The back gardens to properties in Varey Road are located approximately 15 metres away from the acoustic fence enclosure surrounding the service yard area. The newly built properties within the West Durrington residential development are located approximately 30 metres from the service yard to the north of the site. The properties within Canberra Road are located to the north-east of the service yard adjacent to the access road and customer car park. A fence buffer and low level planting has been provided on the site adjacent to the rear gardens of the properties within Canberra Road.

The Council's Environmental Health Officer has reviewed the acoustic report submitted with the application and visited the store with the Case Officer. The acoustic report uses the worst case predicted noise levels which have been attained from real life measurements at other Tesco stores and assessed against the British Standard BS 4142. These predictions include noise from refrigeration units, cage movements, vehicle manoeuvres and reversing beepers. The noise levels adjacent to the facades of the nearest properties in Rees Close have then been captured taking into account noise attenuation provided by the existing acoustic fencing around the service yard. These noise measurements have then been converted into a rating level, which includes a 3dB(A) penalty over the relevant night time period. This rating level is then compared against the existing background noise levels. The worst case scenario gives rating levels above the existing background levels of plus 6dB(A) and plus 7dB(A) above the existing background level, which for the purpose of the British Standard 4142 is a likely indication of an adverse impact, depending on the context.

The Council's Environmental Health Officer has confirmed that the worst case rating levels of 39dB(A) and 49dB(A) at the nearest facade are not particularly high. A facade with an open window would provide between 10 to 15dB(A) attenuation. This would equate to continuous noise levels of between 24 and 29dB(A) during deliveries which are within the 30dB(A) World Health Organisation and BS 8223:2014 guidelines. Maximum internal noise levels would be between 34 and 39dB(A) which would be below the 45dB(A) maximum recommended by the World Health Organisation and BS8223:2014 guidelines.

The acoustic report provides some assurances that the noise associated with one additional night time delivery to the nearest noise sensitive residential properties would not be significant in terms of the British Standard and World Health Organisation criteria. The supporting Delivery Management Plan (DMP) lists measures which would mitigate some of the noise generation created by the additional night time delivery in accordance with the advice of the Council's Environmental Health Officer, such as turning off of the reversing alarm and the closure of the service yard acoustic gates once a delivery vehicle has entered or exited the service yard.

However, as the supporting information indicates that there would be additional noise generation created by an additional delivery during the quieter night time period and the impact of one additional delivery on the occupiers of the nearest residential properties between 23:00 hours and 06:00 hours Monday to Sunday may be best assessed when the additional delivery actually takes place, it is recommended that approval is given on a 12 month trial period only. This would allow the Council to respond to any substantiated complaints and monitor real event impacts from resident's homes. Any further planning application submitted for the continuation of the night time deliveries could thereafter be decided from a more informed position.

Traffic Implications & Highway Safety

The proposal would involve one additional delivery lorry accessing the service yard from Fulbeck Avenue to the west between the hours of 23:00 hours and 06:00 hours daily. As the delivery vehicle would be accessing and exiting the site during the night time period it is anticipated that the surrounding roads to the south and west would be less busy. The County Council Highways Authority has confirmed that one additional delivery would not cause any concern from a road capacity or highways safety perspective. It is therefore considered that the provision of one additional night time delivery would not cause any harmful impact in terms of traffic implications of highways safety.

Conclusion

It has been demonstrated against the relevant criteria that one additional nighttime delivery to this District Centre supermarket store can largely occur without significant harm to neighbour amenity. However, your officers consider that the impact of one additional delivery to the occupiers of the nearest residential properties between 23:00 hours and 06:00 hours Monday to Sunday should be monitored and for this reason the application is not recommended for approval on a permanent basis but for a 12 month trial period. It is anticipated that subject to adherence to the detail contained in the Management Plan, which is to be the subject of a condition in itself, this one additional night time delivery should not result in a significant impact. The applicant would be open to apply for a permanent permission at the end of the temporary permission and, if it were proven that no nuisance had occurred, a permanent permission could be granted.

Condition 2 listed in the recommendation below also seeks to amend the wording of original condition 5 of the reserved matters approval WB/09/0146/ARM which does not restrict specific times in which delivery vehicles can wait in the access road to the north of the store or parking areas within the site. The new condition restricts the hours of deliveries to between 06:00 hours and 23:00 hours daily yet now also includes any associated delivery vehicle movements and any delivery vehicle waiting in the access road to the north or parking areas within the site to these restricted times.

Recommendation

APPROVE

Subject to Conditions:-

1. Approved Plans
2. No loading, unloading, deliveries, collections or associated delivery vehicle movements shall take place on the site (including the access road to the north of the store or parking areas) other than between the hours of 06.00 hours and 23.00 hours on any day.
3. Notwithstanding the wording of condition 2, one additional delivery shall be allowed between the hours of 06:00 hours and 23:00 hours Monday to Sunday for a temporary 12 month period ending 7th November 2017 after which the one additional delivery outside of these times shall cease or prior to the end of the 12 month period an application for permanent permission to continue delivering during these times shall be made to the Local Planning Authority in writing.
4. No loading, unloading, dispatch, deliveries, collections or vehicle movements associated with Dotcom deliveries shall only be undertaken between the hours of 08:00 hours and 23:00 hours on any day and the cooling process in relation to the Dotcom vehicles shall only be undertaken between the hours of 07:00 hours and 23:00 hours on any day.
5. All delivery/collection vehicles serving the supermarket shall only arrive and depart from the western access off Fulbeck Avenue, other than Dotcom vehicles being moved from the parking area to the east of the District Centre to the delivery yard. The acoustic gates to the Delivery Yard shall be kept closed at all times when not in use to allow ingress or egress of a delivery vehicle.
6. At all times deliveries to the store shall be made in full compliance with the details of the Service Yard Management Plan dated 22.09.16.
7. The premises shall not be open for trade of business except between the hours of 06:00 hours and 00:00 hours Mondays to Saturdays and 10:00 hours and 18:00 hours on Sundays.
8. Retention of shop window display – east and north elevations.
9. Surface water sewer from parking areas and hardstandings susceptible to oil contamination must be passed through an oil separator designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor. Ongoing maintenance of the interceptor shall be provided in accordance with the manufacturer's instructions.

10. Development retained in accordance with the previously approved scheme to mitigate the loss of habitat caused by the proposed development on the watercourse.
11. Development retained in accordance with the approved details for buffer zone alongside the watercourse to the west of the site.
12. Development retained in accordance with approved details relating to wall around the substation/transformer, the fence around the Dotcom parking area to the south of Canberra Road and the acoustic fence to the rear of No.'s 45 to 49 Canberra Road.
13. Development retained in accordance approved parking provision and maneuvering areas shown on the approved phasing plan. The approved parking and maneuvering areas shall thereafter be only used for this purpose.
14. Development retained in accordance with approved details for the loading and unloading of vehicles and parking of delivery vehicles and this space shall not thereafter be used for any purpose other than for the purposes for which it is provided.
15. No external lighting or flood lighting shall be installed.
16. Development retained in accordance with the approved ventilation system for the extraction and disposal of cooking odours.
17. Development retained in accordance with the previously approved landscaping scheme.
18. Development retained in accordance with the approved acoustic barrier and associated tree and shrub planting along the boundary of the site parallel with Varey Road.
19. Any facilities, above ground for the storage of oils, fuels or chemicals, shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Local Planning Authority.
20. No additional floorspace shall be provided within the store, including any mezzanine floor, without the prior approval of the Local Planning Authority in an application on that behalf.
21. The level of convenience floor space within the Tesco superstore shall not exceed 3,750 square metres unless approved by the Local Planning Authority in an application on that behalf.

22. The approved District Centre in addition to the superstore floorspace referred to in condition 21 shall provide a minimum of 2,765 square metres for unit shops and shopper café. These unit shops/café shall be located outside of the superstore retail area (i.e. beyond the till area).

19th October 2016

Application Number: AWDM/1086/16

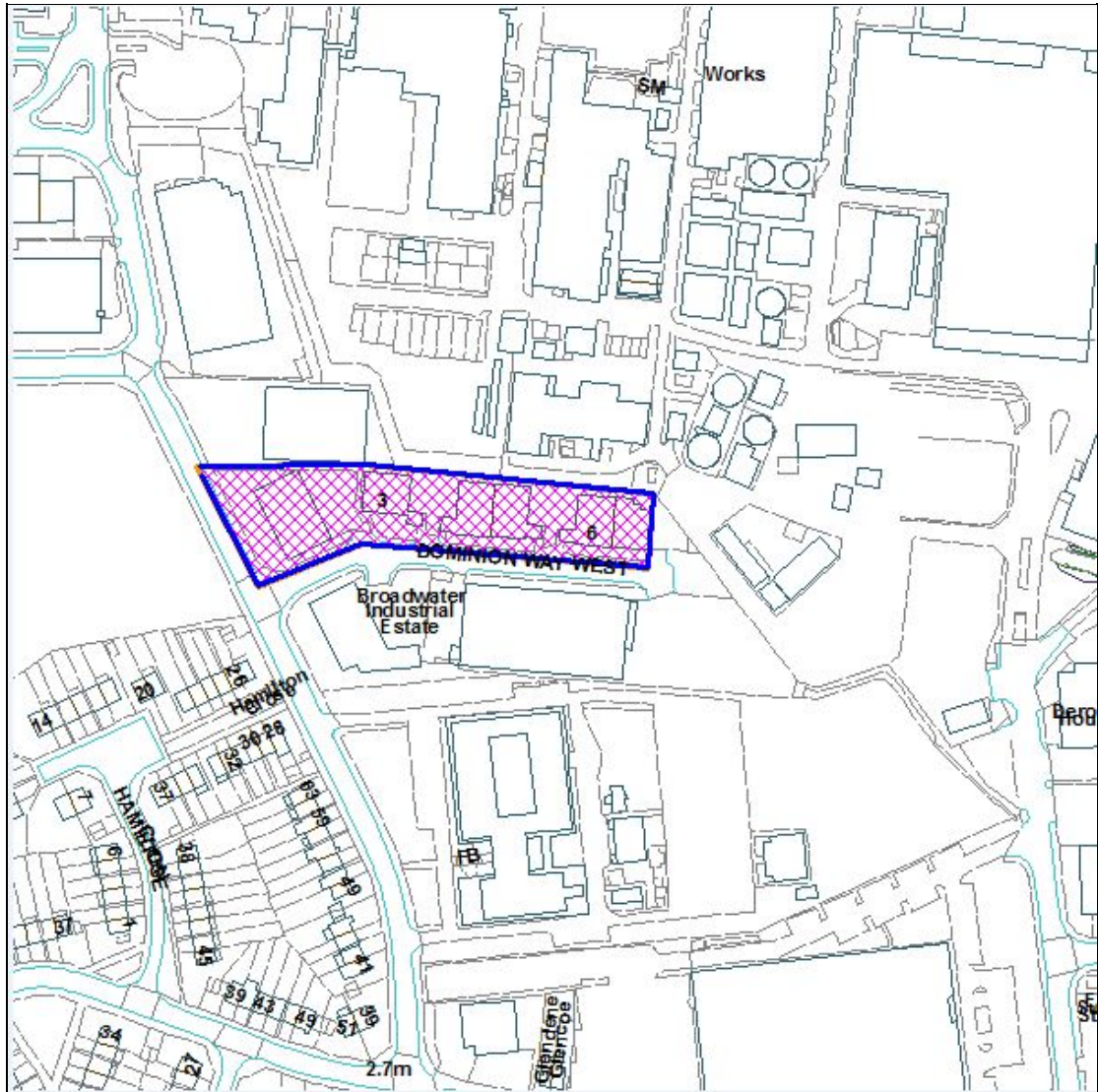
Recommendation – APPROVE

Site: Glaxo Smithkline Southdownview Way Worthing West Sussex

Proposal: The provision of new security fencing to the area west and south of Buildings 25A, B, C, D, E and F.

Applicant: Mr Simon Goldfarb
Case Officer: Peter Devonport

Ward: Broadwater



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Introduction

This application is deemed a “Major” application due to the size of the site and therefore under the current delegation scheme 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 relevant part of the application site is the open curtilage on the frontage of a section of that part of the site that faces onto Dominion Way West and Southdownview Road. A section faces Downsbrook Middle School and some housing in Hamilton Close but is essentially otherwise surrounded by business premises.

The affected areas are mainly grassed with occasional trees adjacent to the highway, behind which sits generally low rise industrial buildings. For the most part they are open but there are stretches of security palisade fence much as proposed along a section of Dominion Way West, adjacent to a vehicular access.

Details of Proposal

The proposal is to install security fencing along part of the Dominion Way West and Southdownview Road frontage.

GSK explain the driver for this is the ongoing segregation of the penicillin and non-penicillin zones. They advise that:

To date this has not involved any changes to site access or major alteration to any buildings or roads. However, as part of the wider works requirement there is a need to review site external enclosure measures. Where buildings are the physical boundary to site ingress, it has been identified as a risk for unregulated ingress and egress to site. Ideally a secure fence meeting GSK standards should be the first line of "security" not a building with windows and doors.

Undertaking the formal separation of the facilities is a "Business Critical" requirement for GSK Worthing Primary and must be carried out to underpin the sites continuing success. The site had a Regulatory Audit in July 2015 which has resulted in the programme for the works having to be accelerated.

This application is a result of the work required to meet audit requirements. Quite a number of facilities have to be relocated and separation works undertaken on a temporary basis to achieve a level of separation over a short period. It is likely that the fence line being proposed as part of this application will be reviewed again as part of a more major project in the next 2 years.

The actual proposal is to install a new fence line in green powder coated steel 2.4m high to match existing elements on mainly new lines to the West of Building 25F and to the South of Buildings 25A, 25B, 25C, 25D, 25E and 25F. The fence is to be a dark green palisade security fence used for most current existing site boundaries. Where possible existing fencing will be reused and integrated with new elements.

They advise the fence line has been positioned taking account of both pedestrian visibility and vehicular sight lines.

No vehicular access gates are to be changed and all new fencing fixes back to the existing main vehicular gate posts. In one location there is a very minor realignment of a kerb for safety improvement. This is on private land and not a public highway.

One new pedestrian gate is proposed which will be locked and be used for occasional access including fire escape. It does not open onto public land but site area owned by GlaxoSmithKline.

No changes to the highway or parking are entailed, or soft landscaping. However, where grass areas become landlocked it is proposed to remove the grass and lay loose gravel for ease of maintenance. This will be free draining and on private land.

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

Consultations

Highway Authority

The proposed fence will not detrimentally impact the operation of the local road network, nor impinge upon existing vehicular and pedestrian visibility splays.

No objection is raised.

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.

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
- 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 and 16; National Planning Policy Framework and Practice Guidance.

Principle of business development

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

The works support the on-going programme to segregate primary and secondary production and improve security.

Impact on residential amenity

The fencing is mostly remote from non-industrial uses but the design used and minimal impact on character would not impact on amenity. Construction hours may be controlled.

Impact on appearance and character of the area

The site is within an established industrial area characterised by similar security fences, and, indeed, such fences are a feature of parts of the existing site.

The fence would not be out of place against this background and is not obtrusive. Existing landscaping is largely retained.

Impact on environment

The area where the fencing would be installed is identified as a buffer zone adjacent to potentially contaminated land and sits above a protected aquifer. Whilst the

foundations for the fence will be shallow, a precautionary stance is justified in view of the risk and appropriate conditions are recommended.

Impact on access /parking

Vehicular access is unaffected.

Recommendations:

Approve subject to following conditions

1. Implement within 3 years.
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. Limit construction hours to between 8 am to 6pm Monday to Friday and 9am to 1pm Saturday excluding bank/public holidays.

19th October 2016

Application Number: AWDM/1340/16

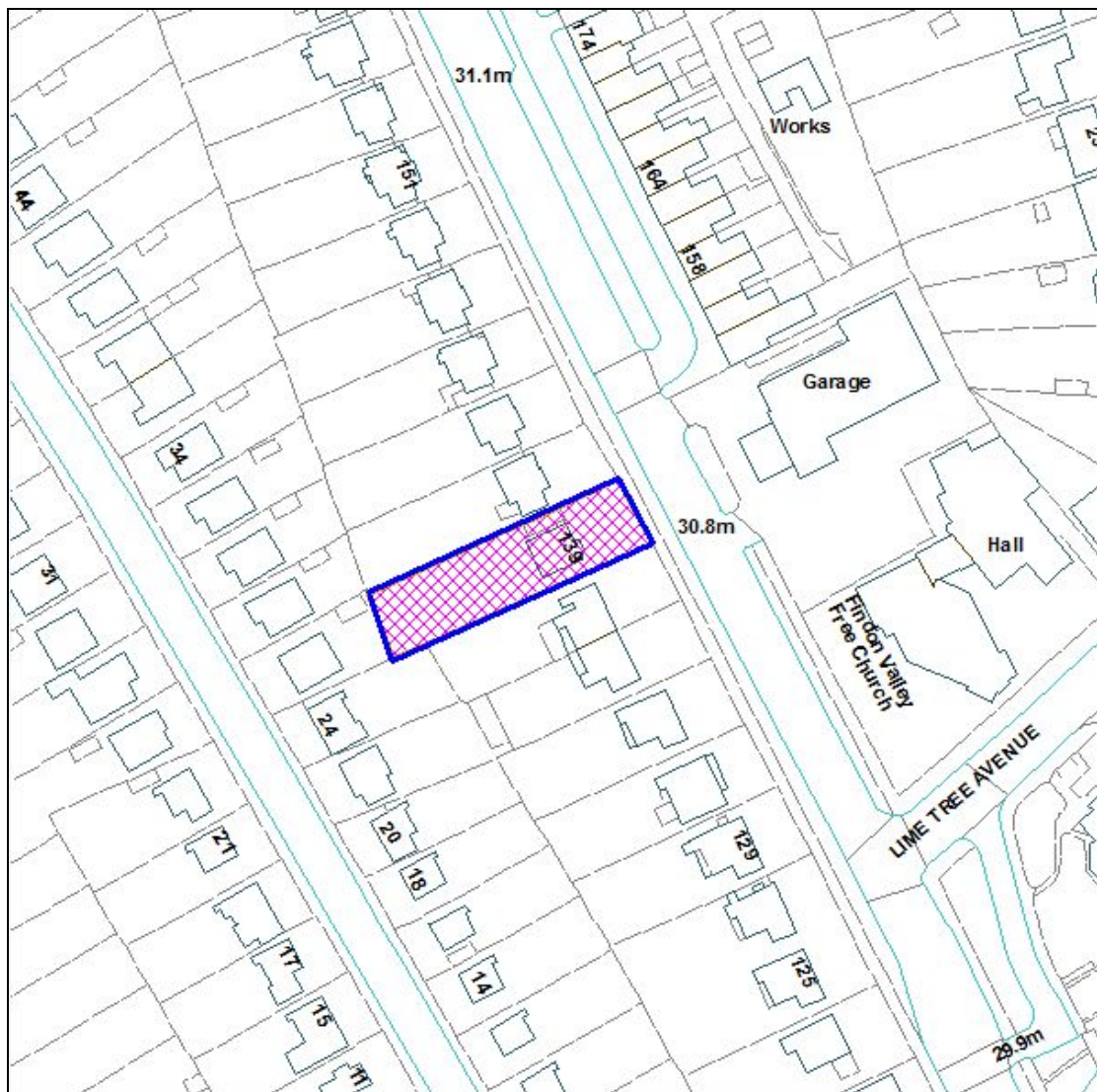
Recommendation – APPROVE

Site: 139 Findon Road Worthing West Sussex BN14 0BQ

Proposal: Front porch to east; single storey north and west extension; boundary wall with fence atop to east (including gates), north west and south east boundaries to a maximum height of 2m

Applicant: Mr M Lavender
Case Officer: Peter Devonport

Ward: Offington



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Background

This householder application is required to be determined by the Committee as the applicant is a member of staff.

The Site

The property is located in the mainly inter and early post war, low density residential suburb of Findon Valley, on the western side, facing the A24. There is a verge immediately outside and a large street tree and the house sits on slight raised ground.

The property is an attractive detached inter war house with period features set back from the road with a deep rear garden. A single side garage, flush with the front main wall of the house sits on the north side and is connected by an enclosed narrow corridor. A small conservatory is situated on the southern part of the rear elevation. Vehicular access is at the front on the northern side and the landscaped forecourt provides open parking for two or more cars.

The front garden is bounded by a low brick wall with planting behind at the front and an opening for vehicular access. This wall also runs on both sides, supplemented on both flanks by a taller trellis or close boarded fences on small sections closest to the actual house. Along the main flanks and at the rear, the common boundary is marked by 1.8 ms tall close boarded fences.

The property is flanked by similar houses set on a common building line. No 141 to the north has extended and altered the property including a two storey rear extension adjacent to No 139. Its facing flank incorporates just two windows, serving a WC and bathroom. This extension sits on lower ground and extends well beyond the main rear wall of No 139. The house to the south, No 137, has also extended by means of a two storey side extension and single storey rear extensions. The facing two storey flank elevation of number 137 does not contain any windows.

Proposal

The proposal is to enlarge and upgrade the existing house by adding a small hipped roof, porch (2 ms wide and 1.2 ms deep) to the front door; demolishing the conservatory and garage and replacing them with a 4.8 ms deep rear single storey extension across the width of the house and wrapping around on the northern side, some 3.8 ms wide and sitting flush with the front of the house; and enlarging the existing brick wall in the forecourt by adding brick piers to a combined height of 1.8 ms and inserting decorative close boarded fencing in between and matching double gates to the vehicular entrance.

The porch is faced in matching brick and tiles and its eaves align with the side extension. The wrap around rear/side extension provides a replacement garage at the front and kitchen; dining area and additional bedroom at the rear. It has a false hipped roof and openings only on it is south and western (rear) elevations. It is, likewise, faced in brick and tiles to match the existing.

Planning History

None relevant

Consultations

Highway Authority

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Strategic Planning should be considered to be advice only, with respect to this planning application.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

The proposal is for amendments to the existing dwelling unit including the installation of gates and additional boundary treatments with access onto Findon Road via an existing access point.

The erection of gates at the back edge of the footway would not normally be permissible to the Local Highway Authority. However, there are a number of properties in the vicinity of the location site where gates appear to have been in use for some time. Furthermore, whilst there have been a number of road traffic collisions on Findon Road due to the type of road it is as a heavily trafficked route, there are none that appear to have been attributable to users exiting to or emerging from an adjacent property.

As such, the Local Highway Authority recognises that there would be a low risk arising from this proposal, but that it would not be sufficient to raise an objection to this proposal.

Representations

None received.

Planning Appraisal

Section 70 of the Town and Country Planning Act 1990 (as amended) 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 requires the decision to be made in accordance with the Development Plan unless material considerations indicate otherwise.

The Core Strategy, including Worthing Saved Local Plan policies, comprises the Development Plan here but the Government has accorded the National Planning Policy Framework considerable status as a material consideration which can outweigh the Development Plan's provisions where such plan policies are out of date; or silent on the relevant matter or at variance with the National Planning Policy Framework.

The Council's self-assessment of the Core Strategy's Conformity with the National Planning Policy Framework demonstrated that, in many respects, the Council's key Development Plan conforms closely to the key aims and objectives of the Framework.

The main issues raised by the application are;

- The principle of upgrading the housing stock and its facilities by means of remodeling the bungalow.
- The quality of the design and impact on the character and appearance of the area.
- The impact on the amenity of neighbouring occupiers.
- Access and parking
- Other environmental impacts

As such the proposal should be assessed principally against Core Strategy Policies 16 and 19; Saved Worthing Local Plan Policies H16, H18, RES7 and TR9 and National Planning Policy Framework and allied Practice Guidance and Supplementary Planning Guidance Extending or altering your Home

The principle of upgrading the housing stock and facilities by means of remodeling the house

The proposals enlarge and upgrade the town's stock of good sized family houses with gardens.

To this extent, the proposal makes effective and efficient use of the existing stock within the urban boundary and in a sustainable manner. The principle is accordingly welcomed.

However, the acceptability of the actuality is dependent upon its wider environmental impacts as assessed below.

The quality of the design and impact on the character and appearance of the existing property and area

The porch is modest in size and generally sympathetic to the design and scale of the house.

The wrap around rear/side extension is large but still subordinate in scale and sympathetic to the form and appearance of the house. Only the replacement garage element is visible from the street and this in many ways replicates the appearance of that garage and is unobtrusive.

However, use of bonnet tiles is appropriate here to authentically mimic the period design of the house and may be secured by condition.

The new piers/fencing and gates to the forecourt are attractively designed in themselves. Whilst they are tall, such boundary treatments are not unusual along this part of Findon Road. Indeed, No 141 has similar front boundary treatment. The

planting behind the front boundary would, at least, remain as would the distinguished street tree. The benefits of noise screening from such a taller front boundary also weigh in favour of the proposal.

The impact on the amenity of neighbouring occupiers

The wrap around side/rear extension is close to the side extension of No 141 but for the most part the relationship is not materially different to that of the existing garage and neither extension contains any windows serving habitable rooms. Whilst the new extension oversails this neighbour's extension by just over 2 metres, this is not significant and the existing common boundary fence provides adequate screening.

The neighbour to the south at No 137 is set well away (between 4 and 7 metres) and the new extension is on a similar depth. Whilst the new extension contains French doors facing this neighbour (due south), the height and form of the common boundary fence prevent any overlooking.

The neighbours to the rear are remote and well screened.

The porch is modest and well separated from any neighbour.

The forecourt treatments are not substantially different to the existing arrangement closest to the neighbouring houses.

Accordingly, no significant harm to the amenity of the neighbours would arise.

Access and parking

Parking is unaffected and there is room to manoeuvre a car in the forecourt to avoid reversing out.

The vehicular access is long established and the presence of the street tree does not appear to have impacted on visibility and safety. The verge also helps.

The impact of the taller fence and gates on visibility and safety has been carefully considered by the Highway Authority. As they advise, gates at the back edge of the footway are normally discouraged but they raise no objections as this arrangement is not uncommon here and there is no history of this harming road safety.

It would be prudent, however, to secure by condition, inward opening of the gates.

Other environmental impacts

The street tree is unaffected.

The site sits above an aquifer but given the type of works no additional precautions are necessary.

Surface water drainage may be addressed by condition.

Recommendations

Grant permission subject to the following conditions (summary)

1. Implement within 3 years.
2. Build in accordance with approved plans
3. No new windows in north elevation of rear extension.
4. Material to match existing and notwithstanding the submitted drawing hips of porch and extension to use bonnet tiles.
5. Sustainable surface water drainage.
6. Gates to be inward opening only

19th October 2016

TREE PRESERVATION ORDERS

1

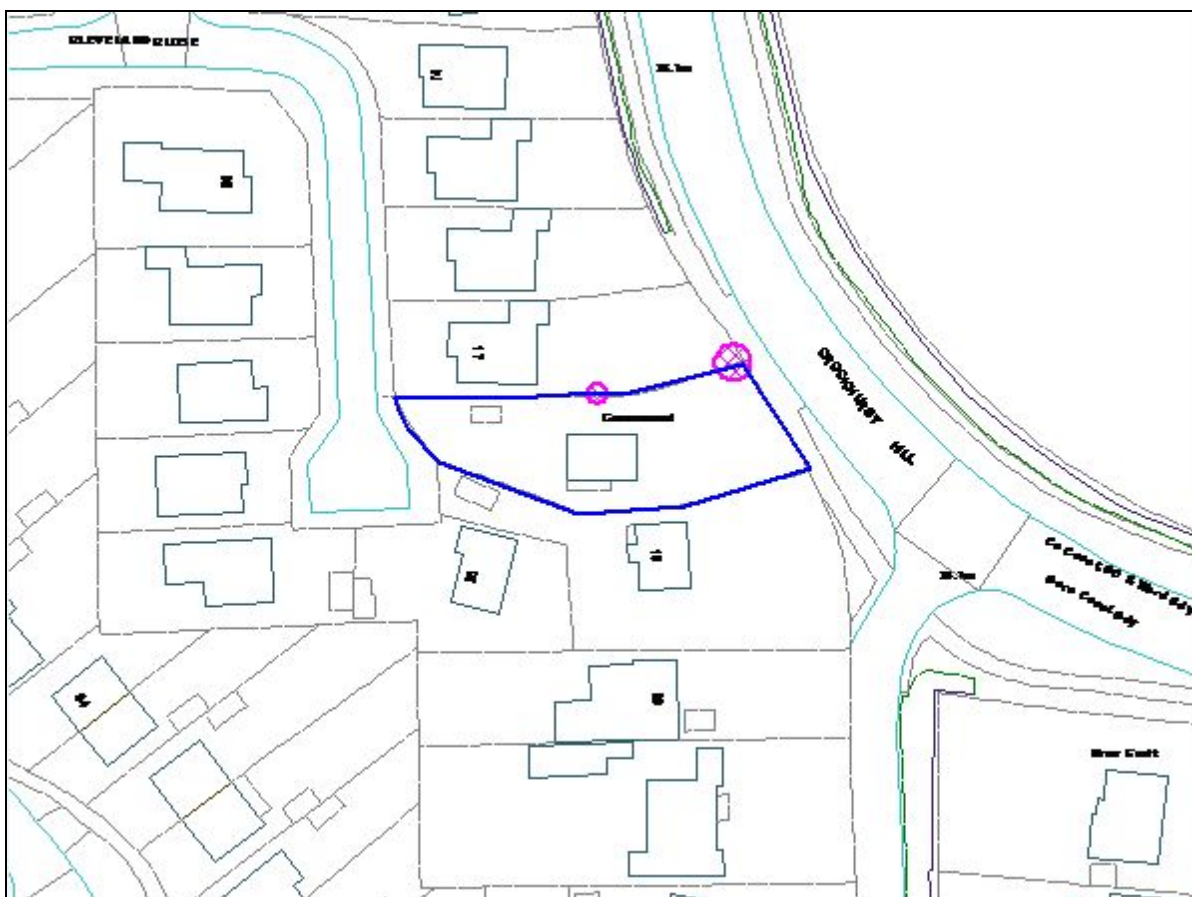
Recommendation – Approve

Site: Greenwood Crockhurst Hill Worthing BN13 3EE

Proposal:
Confirmation of Worthing TPO No.1 of 2016

Case Officer: Jeremy Sergeant

Ward: Salvington



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Proposal, Site and Surroundings

On the 29th of June 2016 a provisional Tree Preservation Order was placed on two trees within the gardens of Greenwood, Crockhurst Hill, Worthing.

The order refers to one Holm Oak tree T1 in the front garden adjacent to the A27 Crockhurst Hill and a Norway Spruce in the side garden adjacent to the boundary with 17 Cleveland Close. The order was made in response to requests to reduce the

Holm Oak tree by up to 2 metres, and reduce the Norway Spruce by up to 1 metre, and a need to place conditions on the works.

The trees are visible from many views around Crockhurst Hill and the Salvington Conservation Area.

Relevant Planning History

1997: The property is included within the Salvington Conservation Area XVI designated by the Council on 29th April 1997 pursuant to Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Consultations: None.

Representations

One letter of objection has been received from residents of 17 Cleveland Close, claiming that the Norway Spruce tree T2 is not visible from outside of the property, and that it does not contribute to character of the Salvington Conservation Area. The letter also claims that the Norway Spruce tree T2 has part of its root system within the rear garden of 17 Cleveland Close, and that they are unsightly and cause problems to the grass. The representation has no objections to the inclusion of the Holm Oak tree T1.

Relevant Planning Policies and Guidance

The trees are within the Salvington Conservation Area: there is statutory duty to pay special attention to the need to preserve or enhance the character or appearance of Conservation Area.

Planning Assessment

The trees are both good specimens and meet the tests for new Tree Preservation Orders: the Adur and Worthing Council Tree Preservation Order – Survey and Decision Guide, as agreed by the Joint Planning Committee.

As with many Tree Preservation Orders in Worthing these are not native trees. The reason for protecting the trees is that their size and year round interest provide amenity value to the area, and as mature trees, they cannot be easily replaced. The ingress of tree roots into adjacent properties is not unusual, and problems caused in this example are mostly minor. The confirmation of a Tree Preservation Order does not prevent future applications being submitted for works to the trees in question.

Recommendation

That the Worthing Tree Preservation Order No.1 of 2016 be confirmed as made.

21st September 2016

Recommendation – Approve

Site: East of Garage Block North of 10b Western Row, Worthing

Proposal: Confirmation of Tree Preservation Order Number 3 of 2016

Case Officer: Jeremy Sergeant

Ward: Heene



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Proposal, Site and Surroundings

On the 13th July 2016 a provisional Tree Preservation Order was placed on one Goat Willow to the north of the garage block in the Marine Parade and Hinterland Conservation Area, within the Heene Ward of Worthing.

The order refers to one Goat Willow tree, west of the rear garden of 17 Western Place Worthing. The tree is one of few trees in the area, which although not a prominent part of in the street scene, does make a contribution to the character and visual amenities of the Marine Parade and Hinterland Conservation Area.

Relevant Planning History

2000: The property is included within Conservation Area Marine Parade and Hinterland III (formerly Seafront and Hinterland), designated by the Council on 14th March 2000.

Consultations

None

Representations

1 letter of objection has been received from the direct neighbour, at 17 Western Place. Their grounds for objecting to the proposed TPO are concerns of potential damage that may be caused to the boundary fencing, and possible failure of the tree due to the elongated base of the tree, and the potential compromise this could cause to a fully grown Goat Willow tree.

Relevant Planning Policies and Guidance

Worthing Core Strategy 2006-2026 (WBC 2011): Policy 16
Worthing Local Plan (WBC 2003) (saved policies): H18
Draft National Planning Policy Framework (March 2012)
Circular 04/07 'Tree Preservation Orders: A Guide to the Law and Good Practice' (DETR 2000)

Planning Assessment

The tree is a reasonable specimen that meets the tests for new Tree Preservation Orders: the Adur and Worthing Council Tree Preservation Order – Survey and Decision Guide, as agreed by the Joint Planning Committee. The reason for protecting this tree is that the proposed felling of this tree, which is a feature of the area, would be detrimental to character and visual amenities of this part of the Marine Parade and Hinterland Conservation Area.

The tree is a small to medium sized immature growing in grounds to the west of the rear garden. The tree is close to the southeast corner of the rear garden adjacent to a flint boundary wall to the south. The tree is not clearly visible from the road but can be seen from the northern part of Edinburgh Cottages.

The tree is single stemmed to 2 metres where it then divides into 3 to 4 main stems, where the tree was previously either damaged or severely lopped. The main crown is dense with a slight over balance to the west. The main stem has an elongated base where the tree has developed on a raised ground level: this may become a future weakness for a fully grown Goat Willow.

While the concerns of the objector are noted, the Tree Preservation Order would not prevent the consideration of a future application to restrict the size and spread of the tree, and help alleviate concerns of damage to the wall and other associated problems. It is considered, though, that a tree presence should be maintained in this part of the Conservation Area and the Worthing Tree Preservation Order No.3 of 2016 will ensure this.

Recommendation

That Worthing Tree Preservation Order Number 3 of 2016 be confirmed as made.

21st September 2016

Local Government Act 1972

Background Papers:

As referred to in individual application reports

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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.

Report by the Director of Economy

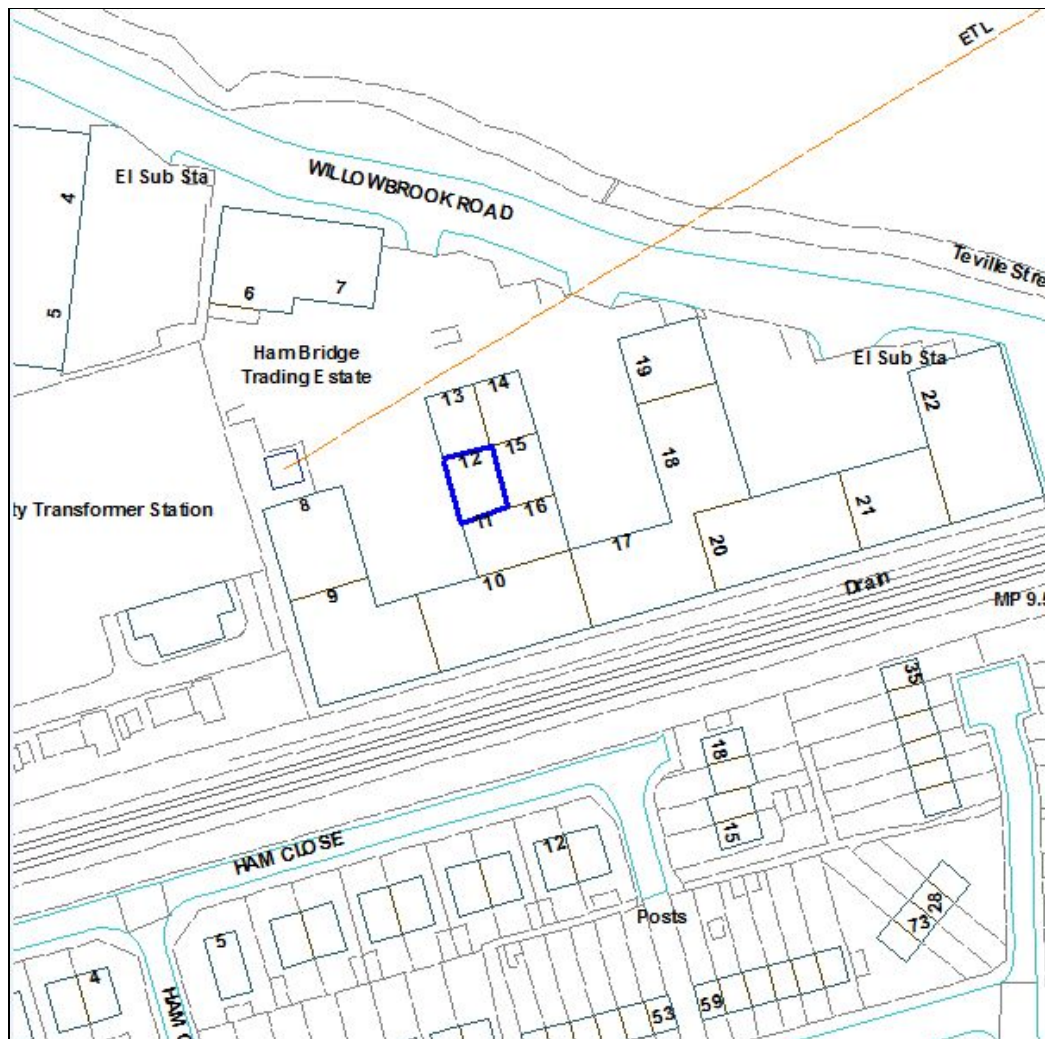
ENFORCEMENT REPORT

Units 11 & 12 Ham Bridge Industrial Estate, Willowbrook Road, Worthing

Unauthorised occupation of unit 12 as a retail showroom

Reference Number: AWEN/0210/16

**Recommendation – that it is not expedient to take enforcement action
provided there is no change in the current situation**



Not to Scale

Background

Members will recall that at the July meeting of the Committee a planning application (AWDM/0660/16) was refused for the change of use from B1/B8 to sui generis (Dog Day Care and Training Facilities) with ancillary retail at Unit 18 Ham Bridge Industrial Estate. The reason for refusal was:

The unit is located within a protected, key industrial estate and insufficient evidence has been submitted to clearly identify that the unit is no longer viable as a B1/B8 use or that reasonable steps have been taken to maintain the existing use. Thereby, the proposed change of use from the existing B1/B8 use to a Sui Generis use would be contrary to Policy 4 of the Worthing Core Strategy, the Council's 'Sustainable Economy' SPD and the NPPF.

The applicant for the above proposal had contested that other uses that did not comply with the above mentioned policies were already present within the immediate vicinity of Unit 18 and therefore it would be inconsistent for the Council to resist the application. At the meeting, your officers explained that, with the exception of unit 12, all of the other cases referred were in fact compliant with the Council's Core Strategy and Sustainable Economy SPD, but there was no record of any permission having been obtained for the use of Unit 12 and therefore an investigation would take place to ascertain the situation.

The occupiers of Unit 12 are Pete Hart Carpets whose website referred to a showroom at the premises. As such a retail showroom would fall under Use Class A1 and therefore would require planning permission. In light of the refusal reason above, and the aims of policy 4 and the Sustainable Economy SPD, which seek to retain such industrial units as B class units, it would be unlikely that planning permission would be granted for such a use.

A site visit was therefore arranged with Mr & Mrs Hart, attended by the Planning Services Manager and the Enforcement Team Leader. During the meeting, it emerged that the company also occupied Unit 11 which was being used as a carpet warehouse, a B class usage which did not require planning permission and in any case would comply with policy requirements.

Relevant Planning History

There is planning history directly relevant to the consideration of this matter, although Members are referred to the decision in respect of unit 18 as outlined above.

Consultations

Economic Development has verbally expressed concern regarding the occupation of the premises and also confirmed that they were not previously aware of the unauthorised use of Unit 12. They also comment that in the past they have advised other companies of a similar nature who approach the Council before occupying such premises that planning permission was unlikely to be granted.

Representations

None received

Relevant Planning Policies and Guidance

National Planning Policy Framework

Core Strategy Policy 4 and Sustainable Economy SPD

Planning Assessment

The main issue in respect of the consideration of this case is whether there is sufficient justification to take enforcement action in respect of the unauthorised use of the premises.

Your officer's inspection of Unit 12 confirmed that the use of the building requires planning permission. A showroom is defined as an A1 Use Class and ordinarily planning permission would not be granted for such use in a protected industrial estate.

The owners of the carpet company have advised that they had been occupying the unit for about 2 years and were unaware that planning permission was required: the sales particulars at the time did not, apparently, refer to the fact that any permissions may be required. The Council has not received any complaints regarding the occupation of the building and as referred to above, an awareness of the unauthorised use only arose because of the consideration of the application at unit 18.

During the site visit, the owners further advised that subsequent to their occupation of unit 12, they then acquired the use of adjoining unit 11 which is being used as a warehouse to store/cut carpets etc. Planning permission would not be required for the use of this unit.

As such, therefore, the case is slightly unusual – the owners of the company point out that they have occupied Unit 12 for about 2 years without any complaint and that awareness of their occupation of the unit only arose as a result of a separate application which they had actually written in and supported.

Notwithstanding the above, the length of occupancy of unit 11 is not sufficient for there to be immunity from any enforcement action and it is quite open to the Council to take enforcement action if it sees fit.

The fact that no complaints have been received could be considered relevant in the assessment of the case. An intensive use of the premises as a retail showroom with attendant visitor movement and parking requirements would almost certainly have come to the attention of the Council as there is relatively limited availability for parking in the immediate environs of the site. It appears that the opening hours of the showroom are largely limited to weekdays and indeed subsequent to the site visit, the showroom does not open at all at weekends, closing from 13.00 on Fridays to 09.00 on Mondays. As is typical for a carpet

company the Unit is well populated with samples and the actual product itself requires work at a purchaser's house.

It would be fair to say, therefore, that the nature of the showroom is not one that causes nuisance in itself, but nonetheless, when considered in isolation, still fails to comply with adopted Local Plan policy. It should be remembered that in terms of the potential user of Unit 18, there was similarly no indication that any nuisance would arise through its use in terms of amenity, but that it was a matter of principle that a non B Use Class occupation of the premises was unacceptable.

The Council's position in respect of the policy has been upheld at appeal and, in isolation, therefore, the continued occupation of Unit 12 by the carpet company would appear unacceptable. In itself, there is no apparent reason why the showroom has to be located within a unit such as this, given that there are many A class premises in the town which could accommodate such a use.

The use of the adjoining unit as a warehouse, though, does add further consideration to the case. The cutting and rolling of carpets takes place for example and therefore represents an acceptable use within Unit 11, which was previously understood to be vacant. The occupation of this unit has benefitted the company but this would be seemingly unaffected if the adjoining unit were no longer to be occupied by the Company. Ordinarily, in cases like this, a single unit would house both uses and provided that any showroom elements are ancillary to the overall use of the warehouse, then it is often the case that planning permission is not required. Where 2 separate units are concerned, an ancillary argument cannot be used.

An alternative discussed with the applicant would be partition unit 12 so that the showroom element was reduced and the warehouse use expanded into this unit as well. While a potential solution to the problem, it would appear artificial in the sense that unit 12 would still be physically separated from unit 11 and there would seem little merit in using a restricted space in unit 12 to cut and roll carpets when a far more adequate space is available in the adjoining unit. Moreover, to receive the necessary commission from the supplier of the carpets concerned, it is understood to be a requirement to have the requisite samples on display which would clearly would be restricted if the display area were to be reduced, by at least half, in order to demonstrate that the showroom use was ancillary.

An alternative course of action could be to place any enforcement proceedings in abeyance on the strict proviso that the workshop in the adjoining unit remains in place so that there is a directly associated industrial process in immediate proximity and that, taking the 2 units together, there is at least half of a use that conforms with planning policies on the combined site. Should, however, the use of unit 11 ever cease for such purposes, but unit 12 remains in its current use, then an enforcement action could be undertaken. However, this does not address the concern that the retail element could be relocated to a vacant shop unit elsewhere in the town and the concerns about setting a precedent for allowing non-industrial uses (Members will recall that other uses such as the change of use to Jubilee Church have been resisted on this industrial estate and the decision upheld at appeal).

Comments of the Executive Head of Corporate and Cultural Services

The legal power to take enforcement action is contained in Section 172(1) Town and Country Planning Act 1990 (as amended), that states that a Local Planning Authority may issue an enforcement notice where it appears to them:-

- (a) that there has been a breach of planning control; and
- (b) it is expedient to issue an enforcement notice, having regard to the provisions of the development plan and to any other material considerations

Paragraph 207 National Planning Policy Framework reiterates that enforcement action is discretionary, and local planning authorities should act proportionately in responding to breaches of planning control.

Conclusion and Recommendations

This is a difficult case and whilst Officers have some sympathy with the Company there is a danger that allowing this unauthorised use to continue could set an unacceptable precedent. To resolve the matter members have the following options:

1. Invite a planning application from the Company to try and regularise the situation (a temporary permission could be granted and conditions imposed linking the use to the adjoining industrial unit).
2. Take no further action against the unauthorised occupation of unit 12 as a retail showroom provided that unit 11 remains in B8 class use in connection with Pete Hart Carpets (this would have the effect of authorising enforcement action should the use of unit 11 cease).
3. Take enforcement action to cease the use of the retail unit on the basis that it would result in the unacceptable loss of an industrial unit on a protected Industrial Estate. Any notice could specify an extended compliance period (upto 12 months) to enable the current use to relocate.

The Committee is recommended to consider the above options to regularise the current unauthorised use of this industrial unit.

19th October 2016

Schedule of other matters

1.0 Council Priority

1.1 To support and contribute to the health, safety and well-being of the area

2.0 Specific Action Plans

2.1 Matter considered and no issues identified.

3.0 Sustainability Issues

3.1 The location at this level in a flood zone is unsustainable.

4.0 Equality Issues

4.1 Matter considered and no issues identified.

5.0 Community Safety Issues (Section 17)

5.1 None in this context.

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 assessment.

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 the above report.

9.0 Risk Assessment

9.1 As referred to in the above report.

10.0 Health & Safety Issues

10.1 As referred to in the above report.

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 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 land owner 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 accommodation in the Borough 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.

7.3 In terms of maintaining balanced communities it would be also worthwhile looking at the concentrations of other types of communal housing that can have an impact on an area. In this respect the reported concerns in Worthing town centre often relate to the concentration of single households, various care homes for vulnerable adults and children as well as HMOs. In this respect it is understood that the Communities Team is looking at how best to capture the local data which could provide the evidence that indicates additional HMOs or other forms of high density housing should be supported in certain areas of the town. This is a wider issue than HMOs and this could be looked at as part of 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;
- iii) it is recommended that the desire to maintain/secure balanced communities is kept under review by the Local Plan Working Party in light of emerging evidence about the social impact of concentrations of various forms of high density housing; and

- iv) a further report be presented to Planning Committee in 6 months time to review the situation. By which time it is hoped that there would be further information in relation to potential changes to legislation, the success or otherwise of controls imposed on new HMOs and further research on the distribution of HMOs and other types of communal housing/care homes 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