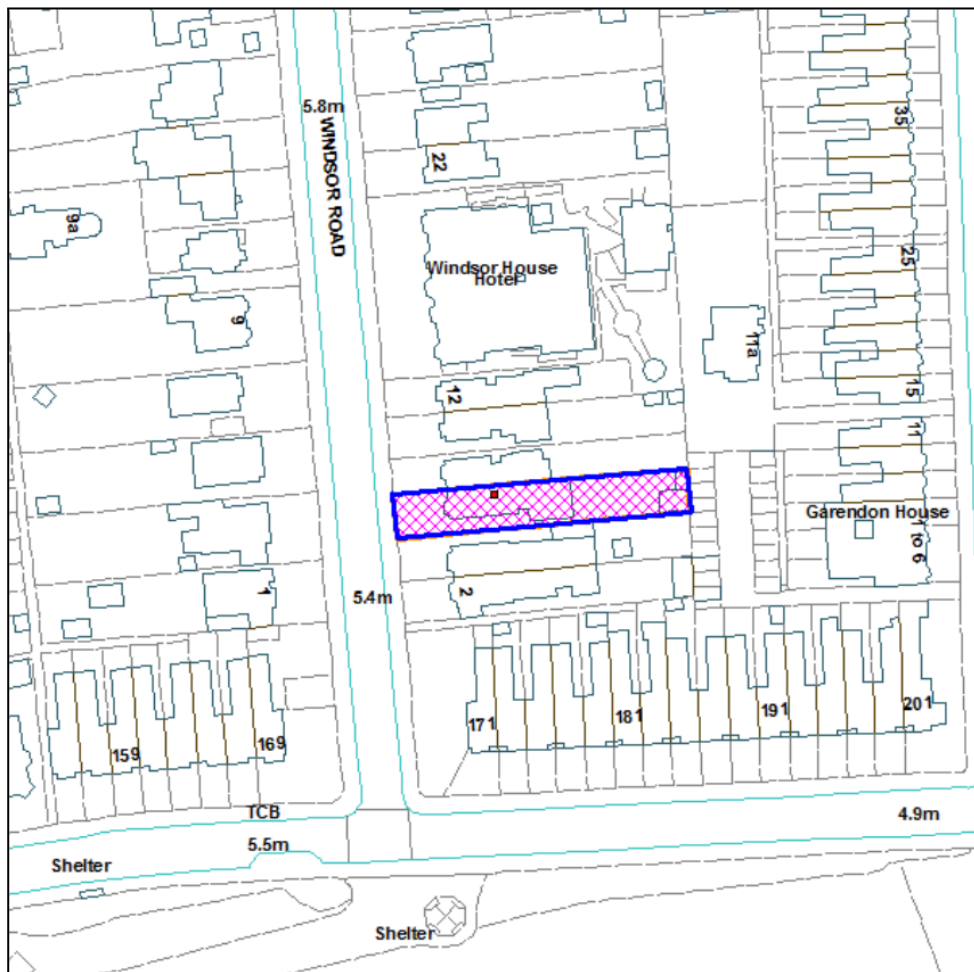


Application Number:	AWDM/1017/23	Recommendation - Delegate to Head of Planning to APPROVE subject to the receipt of amended plans
Site:	Guest House, 6 Windsor Road, Worthing	
Proposal:	Retrospective application to retain use as a 14-bedroom HMO (sui generis), and with proposed managers accommodation including new roof extensions and alterations at second floor level, single storey side extension, and retain rear garden outbuilding as managers office.	
Applicant:	Mr M Strom	Ward:Selden
Agent:	Mr Colm McKee	
Case Officer:	Rebekah Hincke	



Not to Scale

This application has been brought to the Planning Committee at the request of Councillor Dan Hermitage and Councillor Kevin Jenkins.

Proposal, Site and Surroundings

The site comprises a two storey semi-detached property located on the east side of Windsor Road. The building has a large two storey rear projection similar to others in the street to the immediate north, and has been extended to its south side with a further two storey flat roofed extension and with a conservatory to the rear elevation. Its front garden area is largely given over to parking. The site is partially within Flood Risk Zone 2/3.

Historically its use has been a guest house since the 1970's with subsequent alterations to provide separate owners accommodation. More recently it is understood that the premises has been in use for emergency accommodation by the Council since around 2010, although it is understood that the layout as a guest house had not been altered at that point. In January 2020 the Local Planning Authority became aware of works being carried out at the property. When the applicant's purchased the property they had to apply for an HMO license under the relevant Housing Act legislation and in doing so started altering the property to comply with the Councils guidelines on HMO accommodation.

The separate flat was converted into three additional rooms and the Council have been using the premises exclusively for temporary and emergency accommodation since the alterations. The Council's housing team also acknowledges that they were using the former guest house since 2011. Communal kitchens have been installed and there are some shared bathroom facilities but with four of the rooms having ensuite facilities. An outbuilding was also subsequently installed in the rear garden and used as a managers office.

In dismissing the recent appeal for a certificate of lawfulness for the existing use for the provision of housing for those in need of emergency accommodation (temporary), the Inspector stated that,

'In considering all the evidence in the round there is contradictory evidence concerning the historical use of the site as well as that pertaining to a relevant period. The appellant's case is vague in parts and there is no sworn evidence before me to which I can attach considerable weight. The previous lawful use of the site was that of a guest house. There may or may not have then been a material change of use in/around 2010, and, again since the appellants purchase of the site and/or the early 2020 conversion works and issue of an HMO licence. This all culminates to cast significant doubt in mind about the use for which certification for a relevant period is sought.'

(AWDM/1270/20 refers. Appeal reference APP/M3835/X/21/3279523)

The application seeks to regularise the existing use of the property as an HMO in its current layout with 14 letting rooms, managers office, an existing infill extension to the side elevation with reconfigured windows and door, existing hardstanding with

parking, and proposes a new roof extension to provide managers accommodation in the form of a studio flat at second floor level including internal alterations to provide access.

The roof extension has been amended during the course of the application and as revised would consist of a wrap-around dormer extension to the rear and side (south) roofslopes. As revised, the roof accommodation would comprise a smaller managers studio flat with bedroom/living/dining room, separate kitchen and shower room and storage cupboard, although further amended plans are expected in respect of this layout.

The existing hardstanding to the frontage is included in the application with parking for three vehicles indicated, and with cycle and bin storage. Two smoking areas are proposed.

The applicant has been supported by a Planning Statement and Flood Risk Assessment.

The applicant has provided the following Management Plan:

Introduction

As part of its wider ESG policies, Castle Accommodation is committed to establishing the necessary procedures and policies to ensure the well-being and safety of residents, prevention and response to anti-social behaviour, being neighbourly and maintaining good local community relations.

All Castle Accommodation staff are directly employed, specifically trained to manage our properties and residents, health and safety trained and DBS checked.

We are committed to providing and maintaining high quality premises and services, with a focus on delivering for local residents.

We will address and respond to all concerns promptly and professionally, liaising with other service providers, including blue-light, as required.

The management plan is applied consistently across all our sites and our ambition is to continually enhance and improve these standards for the benefit of all our local stakeholders.

Castle & Wolsey Operations

To build on the existing combined management and operation of these residences we will provide and maintain as standard:

- *Management office on site at Castle Residence.*
- *Staff accommodation on site at Castle Residence, with this now included in our Planning Application.*
- *CCTV monitoring of communal areas indoors and outdoors.*
- *Digital access to the main entrance and individual rooms.*

Management duties and responsibilities

Providing 24/7 on-site presence for the purpose of the safety and security of the residents and the building, to prevent and reduce disruption to the neighbours.

- *24/7 onsite and remote CCTV monitoring, including on mobile devices of all staff.*
- *24/7 dedicated site manager contact.*
- *Mobile security patrol daily during night hours.*
- *Liaising with housekeeping to ensure that the cleanliness standards are maintained.*
- *Maintenance of the building (interior and exterior) to our high standards.*
- *Daily checks of household waste disposal and storage.*
- *Maintaining the necessary safety policies and procedure (fire risk, health and safety).*
- *Residents background checks where necessary. Residents sign House Rules defining their responsibilities and behaviour.*
- *Daily management and record-keeping of incidents. CCTV monitoring the immediate area of the residence for street activity and noise level.*
- *Handling daily requests of the residents and providing appropriate assistance.*
- *Maintaining positive contact with the neighbours and local community, including providing neighbours with an emergency contact for queries and complaints.*
- *Reporting and dealing with anti-social behaviour. Engage with community police and SHP.*
- *Providing signposting vulnerable residents to access services to ensure that safeguarding measures are maintained.*
- *Doing regular welfare checks and provide alerts for support workers.*
- *Exercise eviction policy if necessary.*

All events/incidents/requests are logged in our dedicated cloud software and reviewed daily by management.

Prevention and response to anti-social behaviour at the property

Property rules and written regulations are in place to comply with Mandatory Licence Conditions for HMOs under Housing Act 2004, with a specific reference to prescribed condition(s) relating to "Tackling Anti-Social Behaviour". This includes (but is not limited to):

- *Noise restrictions and reductions between the hours of 11.00pm and 08.00am.*
- *No overnight visitors are allowed at the premises.*
- *No nuisance behaviour on the property or affecting neighbouring residents.*
- *Proper disposal of waste and waste management.*
- *Directing any neighbour disputes to the management for follow-up.*
- *Zero tolerance on racial, sexual, and personal abuse.*
- *Zero tolerance on drug and alcohol abuse and misuse.*
- *No animals allowed (unless for assistance with a disability).*
- *Smoking strictly in designated areas away from public view.*

Prevention and response to antisocial behaviour outside the premises

- Reinforce the house rules (Neighbours and Community). Complaints from local residents will be treated as breach of house rules and will result in warnings/eviction.
- Encourage and help the residents to integrate into local community to be part of it, to be known and recognised, take a responsibility for their actions.
- Monitor number of the residents congregating on Windsor Rd, staff daily walk around the area.
- Set up a dedicated line for the neighbours to report any incidents of ASB – residence manager during daytime and night watch (11pm-7am). 24 hours response to complaints.
- Refer those with MH issues and addictions to the specialist support services. Provide them with an emergency contact helpline from day one. Work with AWC housing on moving those to a supported accommodation.

Overarching aims

Castle Accommodation aims to provide safe and welcoming temporary accommodation that serves the need of local communities, reduces stigma and contributes to positive outcomes for our residents.

Relevant Planning History

AWDM/1270/20 - Lawful Development Certificate for existing use (use of 6 Windsor Road for the provision of housing for those in need of emergency accommodation (temporary)).STATUS: NONDET 22nd September 2021. Appeal Dismissed 28.02.2023

AWDM/0611/20 - Retrospective application for change of use from guest house (Class C1) to House in Multiple Occupation (HMO -sui generis) with provision for temporary accommodation and owners accommodation, including demolition of chimney to east, single-storey extension to east to form second floor and 1no. front (west) rooflight, along with associated alterations.STATUS: Withdrawn 17th July 2020.

01/01241/FULL - Single storey side extension STATUS: CCN 9th January 2002.

WB/0084/80 Two storey extension partly at side and at rear Approved 29.02.1980

WB/0487/77 Erection of 2-storey extension at side of existing guest house to provide owners living accommodation. Approved 19.07.1977

WB/0433/74 Change of use to Guesthouse. Approved 30.04.1974

Consultations

West Sussex County Council: No objection has been raised from a transport/highways aspect and with the following comments:

Access and parking

Four car parking spaces have been demonstrated within the plans. The access and

parking area already exists at the property, the parking arrangement as shown is a tight arrangement and may require a multiple manoeuvre to egress the site. Vehicles will also be required to perform a reverse manoeuvre either into or out of the site. A turn on site would be preferred, clearly though there is insufficient space to achieve this. It is noted however, that there are properties within Windsor Road that have similar parking arrangements and have functioned for some time with no known Highways safety concerns. There have been no recorded highway accidents or personal injury claims within the vicinity of the site to flag an existing concern with the practise. There is also the benefit of providing an opportunity to remove vehicles that would otherwise be parked on the highway.

The LHA consider the sustainable location of the property and nature of the use. HMO's are generally not considered to be big traffic generators and should parking be required over that provided by the frontage hard standing- a residents permit scheme is in practise along Windsor Road to offer an alternative parking location for residents requiring space. A covered cycle parking shelter has also been demonstrated, this will help promote the use of sustainable transport methods.

From inspection of WSCC mapping, there are no apparent visibility concerns with the existing/proposed point of access on to Windsor Road. As referred to above, on street parking is available in the form of permit parking along Windsor Road, Paragraph 10.7.1 of MfS states that parking in visibility splays in built up areas is quite common, yet it does not appear to create significant problems in practise. Ideally, defined parking bays should be provided outside the visibility splay. However in some circumstances, where speeds are low, some encroachment may be acceptable.

In addition, the proposed development is not anticipated to give rise to a significant material increase in movements on the local highway network over the existing/previous use at the site.

Sustainability

Cycling is a viable option in the area, the site is situated in a sustainable location within walking/cycle distance of local services and amenities. The site is also well connected by public transport, with regular bus services available from nearby A259 Brighton Road. East Worthing Railway Station is located approximately 17 minutes walk north of the site offering alternative means of transportation further afield.

Conclusion

In summary, the LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 111), and that there are no transport grounds to resist the proposal.

Environment Agency: raises no objection to the application subject to a condition requiring floor levels in accordance with the Flood Risk Assessment (no lower than 5.80 m above Ordnance Datum) for the lifetime of the development and has provided advice on recommended flood resistance and resilience measures.

Southern Water:

Southern Water requires a formal application for any new connection to the public sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

In situations where surface water is being considered for discharge to our network, we require the below hierarchy for surface water to be followed which is reflected in part H3 of the Building Regulations. Whilst reuse does not strictly form part of this hierarchy, Southern Water would encourage the consideration of reuse for new developments.

- *Reuse*
- *Infiltration*
- *Watercourse*
- *Storm sewer*
- *Combined Sewer*

Guidance on Building Regulations is here:

gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at:

SouthernWaterPlanning@southernwater.co.uk

Sussex Police:

The National Planning Policy Framework demonstrates the government's aim to achieve healthy, inclusive, and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear, and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas.

The level of crime and anti-social behaviour in Worthing district is above average when compared with the rest of Sussex, so additional measures to mitigate against any identified local crime trends and site-specific requirements should always be considered.

I have had the opportunity to examine the detail within the application and in an attempt to reduce the opportunity for crime and the fear of crime I offer the following comments.

From a crime prevention perspective, I have no concerns regarding the proposed design and layout.

Having spoken to the local Neighbourhood Policing Team Inspector, there have been a number of anti-social behaviour and crime related incidents from this site so both new and existing tenants are requested to be regularly reminded of their responsibilities regarding their tenancies.

Due to the potential array of tenant type that may be accommodated within this property there is also some concern about the potential vulnerabilities different client groups may have. We would therefore ask that there is a degree of recognition with regards to this concern and that it is acknowledged and reflected within management plans. We would also ask that management teams have the ability to signpost vulnerable tenants to access services to ensure that safe-guarding measures are maintained.

Thank you for giving me an opportunity to comment.

The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. You are asked to accord due weight to the advice offered in this letter which would demonstrate your authority's commitment to work in partnership and comply with the spirit of The Crime & Disorder Act.

Adur & Worthing Councils:

The **Environmental Health** officer has confirmed no adverse comments

The **Private Sector Housing** Team commented on the initial proposals identifying an unacceptable risk of injury in the event of a fire due to the layout of the proposed second floor accommodation. The proposals have since been revised and comments are as follows:

The amended proposal for the second storey (roof level) accommodation satisfactorily reduces the previously identified risk to occupants in the event of a fire.

As previously stated, consideration should be given to measures to mitigate the passage of sound from within the proposed flat into the sleeping accommodation below in compliance with current building regulations.

The property is currently operated as a licensable HMO. The proposed development would not change that.

The Council's **Drainage Consultant** has confirmed no objection on surface water grounds.

The **Head of Housing** supports the application and comments,

In May 2020, Adur and Worthing Councils jointly commissioned a Strategic Housing Market Assessment (SHMA) to support the emerging Worthing Local Plan and a future review of policies within the Adur Local Plan; as well as to inform development management activities including the housing mix sought through planning applications. The SHMA estimates that by 2036, single person households are expected to increase by 27% for under 65's and 45.6% for over 65's. In order to meet the housing needs of this demographic there will need to be sufficient supply of single person accommodation available for purchase and rent for a range of socio-economic groups, including affordable self-contained and shared accommodation for those on lower incomes.

Renting in the private sector has become increasingly unaffordable to more people in recent years. Data collected in Jan 2024 from Home.co.uk shows that the median rent of 39 one bed properties advertised to let in Worthing is £975pcm, which is £350pcm higher than the current one bed Local Housing Allowance (LHA) rate of £625pcm. Furthermore, most single people under 35 are only eligible for the shared LHA rate, which is currently just £310pcm. A recent search on Rightmove revealed that the lowest rent being charged for a room in a shared house in Worthing is £695pcm, leaving many people priced out of the market altogether. This demonstrates a need for an increased supply of shared accommodation as for many single people this is their only affordable housing option.

The Chancellor of the Exchequer has confirmed in the Autumn Statement that the LHA rates are to be unfrozen and rates will be increased to equal the 30th percentile of an area's market rents in 2024/25; however, the outcome of this in terms of actual financial benefits for individuals are unknown until the new LHA rates are published in April 2024. An increase in LHA rates will also not solve the problem for people on low to average incomes who are often unable to secure private rented accommodation due to the strict referencing criteria set by letting agents that excludes people who do not meet certain income thresholds and those without a suitable guarantor.

The housing needs service is still experiencing year-on-year rises in the number of single homeless people requiring temporary accommodation, including increasing numbers of economically active individuals who are suffering financial hardship and loss of their accommodation as a consequence of the current economic climate. Almost a third of homeless applicants are employed but unable to secure private sector accommodation. Higher rents, rising property prices, increases in mortgage interest rates and high energy bills has left many people struggling to keep up with their rent and mortgage repayments or find affordable properties to rent or buy. In addition, changes to tax regulations and the long-anticipated abolition of the Section 21 notice is leading to increasing numbers of landlords selling their properties with

them being 'lost' to the private sector market as they are bought as homes and not to let.

The number of single person households residing in temporary accommodation in Worthing has risen from 123 in Dec 2020, to 214 in Dec 2023, and for Adur they have risen from 26 to 60 over the same period - an increase of 74% for Worthing and 169% for Adur. Single person households now represent a majority of 61% of the total temporary accommodation placements across both councils. We are also yet to see the full extent of homelessness caused by interest rate rises, but we anticipate that this is likely to materialise within six to twelve months and generate further demand on the housing needs service by both families and single person households with many of the latter requiring shared accommodation to meet their housing needs.

The net annual expenditure for temporary accommodation rose from £1.13m for Worthing and £238k for Adur in the year 2019/20, to £2.37m for Worthing and £898k in Adur in 2022/23, with a forecast overspend of £784k and £182k for 2023/24 for Worthing and Adur respectively, which is largely due to the increase in single person placements with much of this need being met in expensive nightly booked accommodation.

Adur and Worthing Councils have been using this property for temporary accommodation placements for over 10 years and it is currently fully occupied with our residents. The Council's are currently in negotiations with the owner who has agreed to lower their nightly rates in exchange for a fixed-term contract to secure future provision of temporary accommodation at lower cost to the council. The owner has also agreed as part of these negotiations to include provision of 24 hour staffing to ensure the property is effectively managed and minimise any impact on the local area.

In summary, there is currently strong demand for this type of accommodation and we are experiencing a persistent rise in the trend of housing needs for single people who require affordable and suitable housing options, including shared accommodation.

Planning Policy comments as follows:

A key issue for planning policy is the current use of the property. The applicants have indicated in the application form that the current use as a 'HMO' and the description of the proposed development as 'Regularisation of use as HMO and reintroduction of manager's accommodation (studio) including alterations and extensions'. The history of this property is quite 'messy'. Having looked at the recent appeal decision on application AWDM/1270/20 for 'Lawful Development Certificate for existing use (use of 6 Windsor Road for the provision of housing for those in need of emergency accommodation (temporary))' which was dismissed the Inspector confirmed that the history of the property is less than clear.

The key relevant policies of the newly adopted Worthing Local Plan (adopted 28 March 2023) are:

DM12 The Visitor Economy - this clearly sets out the expectation that where there is an application that seeks to change the use of /results in the loss of 'visitor attractions, facilities and accommodation' then the applicant needs to demonstrate that the existing visitor use is no longer viable and that other visitor options have been explored. Criteria i) to vi) set out the evidence/steps required. Supporting text at para 5.165 acknowledges the impact of AIRBNB's on the more traditional types of visitor accommodation and as such it considers the individual circumstance of each proposal at the time when the application is submitted.

The issue here is whether the 'visitor accommodation' been lost for sometime? The conflicting history suggests at one point that the guesthouse use has not been in operation for many years. The 2013 Visitor accommodation assessment does not include these premises in the supply and notes that the premises '5.1.5. In addition to these closed establishments, The Wolsey Hotel and Castle Guest House in Worthing have for some time been operating as emergency accommodation for homeless people and no longer trade as guest houses.'. Also information submitted as part of the LDC indicated that the previous owners (pre 2019) used the premises for mixed tenants (both long and short term) but that from 2010 it was only occupied by Adur and Worthing Councils referrals but as a 'guesthouse' ? The previous owners state that they sold the premises as a guesthouse not as a HMO. I understand the council has had arrangements in place to use these premises for TA/EA accommodation and has had for some years now.

The complex history and the fact that this unit has not been considered as part of the supply of visitor accommodation since at least 2013 indicates it may not be appropriate to expect the applicants to meet the requirements set out in policy DM12 unless there is evidence to the contrary.

DM1 - Housing Mix - this policy references conversion to HMO's mainly from conversion of single dwelling- houses (para 5.21) and states that this change of use can 'provide a useful addition of smaller dwellings to the housing stock'. It goes on to say 'However, it is important that conversions provide a high standard of accommodation and promote and retain housing choice. When considering proposals for conversion the Council will consider the impact on the mix of dwellings locally, the character of the area and the amenity of adjoining dwellings.' Para 5.22 refers to the standard of accommodation expected. and para 5.23 notes that the Council will monitor the provision of HMO's and if necessary introduce further guidance. The policy criterion f) sets out what is expected when converting dwellings to smaller units and more specifically f) iv) refers to HMO's and the standard of communal living space etc.

Consideration will need to be given to the standard of accommodation provided . In terms of the 'the impact on the mix of dwellings locally, the character of the area and the amenity of adjoining dwellings' consideration will need to be given to whether the use has already been in operation for some time and what evidence there is on its impact

Although the history of these premises are complex it seems that they have played a key part in providing TA/EA accommodation . Para 5.5 in supporting text to policy DM1 acknowledges that ' Shared accommodation, including well designed Houses in

Multiple Occupation (HMOs), play an important role in providing housing for people on low incomes, those on benefit payments and young professionals. They are often the only choice of housing for people who would otherwise be homeless.'

However, the policy is also mindful that each application will need careful consideration in terms of matters such as 'the impact on the mix of dwellings locally, the character of the area and the amenity of adjoining dwellings'. In this instance whilst the history of the site is complex there is information to suggest that this premises has been operating to support EA/TA for some time. You will need to consider how the use of the premises over the years has impacted on the character/amenity of the area, and any issues which have arisen with regards to amenity etc It may be that reintroduction of the manager's flat can address any issues.

If it accepted on balance that the use has been lost to the 'visitor accommodation' supply then the proposal would not require any further justification under policy DM12. In addition if it is accepted that the use of these premises has been a form of 'HMO' / EA/TA and as such already part of the supply of that type of accommodation then it would be difficult to argue that this proposal introduces a new use that would impact on either the mix of use or character of the area. As such there would not be a policy objection to the proposal that seeks to regularise an existing situation.

Representations

59 representations have been received which includes 21 from residents of Windsor Road and 22 from residents of the immediate surrounding streets at Brighton Road, Navarino Road, Church Walk, and Alexandra Road, with 11 others from residents further afield in the Selden Ward, objecting to the application on the grounds as summarised below:

- Overdevelopment/over intensification of use
- Continues to operate without planning approval, nothing has changed since refusal of certificate of lawfulness, has not demonstrated what new information would mean that the appeal decision was not correct, similar applications were refused
- Why has the Council been using this service without planning permission, concerns over the process and the use continuing
- Lack of consultation with residents
- Housing strategy needed to deal with homeless issue over long term instead of short term solution in Selden
- Misleading description - does not include existing hardstanding/parking
- East Worthing falls in top 20% of most deprived areas of England, increase in HMOs in Selden would bring more health and social care needs without additional infrastructure to support them
- Area is saturated and not resourced for another HMO/over concentration in a small radius, 35% in a 100m radius instead of recommended 10%, vulnerable people with complex needs - impact on communities, and on general amenity as a result, negative social impact, impact on local facilities, with more planned at Windsor Hotel, impact on local services including GPs without capacity to manage complex needs of patients, and impact on local facilities

- Increased crime and anti-social behaviour including off site impacts - many examples of lived experiences of incidents causing distress, intimidation and fear of crime, calls to police/ambulance sometimes necessary
- Increase in social isolation and fear of crime
- Lack of police support
- Numerous studies linking high concentrations of HMO's with increases in anti-social behaviour, noise and crime
- Inappropriate location for use close to schools
- The use deters future and current businesses from locating in the area
- Noise and disturbance externally
- Constant turnover of residents moving in and out/impact on parking
- Potential for more than 14 occupants
- Managers accommodation and office could be used to house more tenants/ be over intensive, lack of justification for this accommodation. Extension would allow for further accommodation/density of people with complex needs at the site
- Area is attracting other vulnerable people
- Littering
- Internal transfer of noise, lack of sound insulation, noise and disturbance from comings and goings
- Use of the side door instead of the front door, or enclosure/containment with a porch, would cause less disturbance to adjoining residents
- Impact of smoking area and use of garden/congregating by tenants, fumes, noise, disturbance
- Change/detrimental to character of residential area, community feel will be lost, was previously a quiet residential area with many families and older people
- Second floor accommodation would be over intensive use of property and out of character
- Overbearing/intrusive impact and loss of light and outlook resulting from additional storey and enclosure from a blank one storey facade in close proximity to neighbours windows
- Lack of daylight/sunlight assessment
- Impact on neighbours solar panels, and loss of amenity to neighbouring occupiers
- Contrary to policy DM12 - nothing to justify loss of visitor/guest accommodation. Should be returned to a guest house use, visitors rely on B&B/hotel accommodation. At a time of investment in hospitality this should include Windsor Road. Further loss of private rental properties to fulfil AirBnB demand
- 14 room HMO is more intensive than former guest house use which would rarely operate at full capacity or have guest present during the day
- The Council's SPG discourages roof extension where there would be an adverse impact on the architectural integrity of a building or character and appearance of the neighbouring area.
- Roof extension is a complete additional storey, not subservient, not in keeping, poorly designed/incongruous, and would be very visible
- Greater parking demand/traffic movements
- Parking arrangements for 4 spaces may not be achievable in practice
- Existing parking/hardstanding is unauthorised

- Management plan and conditions would not be sufficient to prevent adverse impacts to neighbouring properties. Management keep the property clean and tidy but unable to control actions of tenants outside the premises
- Lack of shared social areas internally, forcing residents into the garden, pavement or porch. No eating areas, only a conservatory with no sound proofing or insulation
- Harmful precedent would be set
- Should take account of other decisions on nearby HMOs, considered as a whole
- Recognise need for housing vulnerable people but smaller units would offer a better experience for residents, residents should be supported, and units evenly distributed around the town, there are other empty properties elsewhere in Worthing that could be used
- Shortage of larger family housing which this property could be used for if a guest house is not viable
- Amended plans don't deal with fundamental issues

Relevant Planning Policies and Guidance

National Planning Policy Framework (CLG 2023)
 Planning Practice Guidance (CLG)

Worthing Local Plan 2020-2036:

DM1 Housing Mix

DM2 Density

DM5 Quality of the Built Environment

DM12 The Visitor Economy

DM15 Sustainable Transport & Active Travel

DM16 Sustainable Design

DM17 Energy

DM18 Biodiversity

DM20 Flood Risk and Sustainable Drainage:

DM22 Pollution

Supplementary Planning Document 'Sustainable Economy' (WBC 2012)

Supplementary Planning Document 'Guide to Residential Development' (WBC 2013)

Relevant Legislation

The Committee should consider the planning application in accordance with:

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

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

Planning Assessment

The determining issues relate to:

- Principle of the change of use
- Housing policy and the impact on the local area
- The effects of the development on the residential amenities of existing and future occupiers
- Visual amenity
- Highway safety and parking considerations
- Sustainability and biodiversity

Principle

Policy DM12 of the Worthing Local Plan seeks to protect the existing stock of visitor accommodation but allows for a managed evidence based release. The Council's starting point is to protect the existing supply for which there is a viable future.

The Local Plan notes that since the last update to that study the Borough has seen a new Premier Inn open, some investment in existing stock and more recently proposals for a new hotel as part of the mixed use Teville Gate regeneration site. However, there has also been a number of hotel and guest house closures and a significant growth in private room and entire home lettings through Airbnb and other online booking platforms which adds to the variety of accommodation but can negatively impact on the viability of existing providers, specifically guesthouses and B&B's. The policy recognises this particular challenge and will consider the individual circumstance of each proposal at the time when an application is submitted.

The circumstances of this case are complex with the premises licenced as an HMO since 2018 and the use as a guest house having evolved over many years prior to that with its use by local authorities for emergency accommodation, culminating in its current layout and use as an HMO. The applicant has included the Council's own Hotel & Visitor Accommodation Futures report (December 2013) in support of the application which states in paragraph 5.1.5. that:

The Wolsey Hotel and Castle Guest House in Worthing have for some time been operating as emergency accommodation for homeless people and no longer trade as guest houses.

It is accepted that this property has a long history of providing emergency and temporary accommodation for the Council, although the lawfulness of the existing use which now amounts to an HMO following the changes made by the current owners around 2019/2020, has not been proven. In the recent appeal decision concerning the lawful use of the premises, the Inspector confirmed that there is some ambiguity as to the precise nature of the use.

Despite the contradictory evidence in the lawfulness application referring to the premises being run as a guest house after 2010, the evidence from the previous owner also stated that those bookings were solely from local authorities at that time. Whilst the current arrangement as a HMO has not been proven to be lawful, it is nevertheless clear that the 'visitor accommodation' has nevertheless been lost for some time and in view of these circumstances it is considered that the tests for non-viability and proof of marketing would not be appropriate, therefore resisting the loss of hotel/visitor accommodation would not be justified in this instance.

Housing Policy and the impacts of the proposal on the local area

Local Plan policy DM1 recognises the important role well designed Houses in Multiple Occupation (HMOs) play in providing housing for people on low incomes, those on benefit payments and young professionals. They are often the only choice of housing for people who would otherwise be homeless.

The policy references changes of use to HMO's in the context of conversions of existing houses, noting that they provide a useful addition of smaller dwellings to the housing stock, and states that 'it is important that conversions provide a high standard of accommodation and promote and retain housing choice. When considering proposals for conversion the Council will consider the impact on the mix of dwellings locally, the character of the area and the amenity of adjoining dwellings' (para 5.21).

The supporting text to the policy stresses the importance of retaining existing housing including HMO's and emphasises the need to ensure a range of dwelling types and sizes to meet the identified housing needs, facilitate housing choice and achieve mixed and balanced communities.

The Head of Housing has highlighted the issues surrounding the rental market leading to an increased demand for shared accommodation as the only affordable option for many single people, and the rising demand for emergency and temporary accommodation including from economically active individuals suffering financial hardship as a consequence of the current economic climate, where Worthing has seen an increase of 74% single person households residing in temporary accommodation between 2020 and 2023 with further demand anticipated as a result of interest rate rises.

The contribution the development makes in terms of meeting housing demand needs to be weighed against the consideration of the impact on the mix of dwellings locally, on the character of the area, on the amenity of neighbouring dwellings, and the quality of the accommodation, which is considered further in the sections below. This would also need to take account of the concentration of HMO's in close proximity to the site to prevent an imbalance of housing in the local community, but having regard to the history of this site where the use has entailed some form of emergency accommodation for some time.

To understand the housing mix in the locality, the Private Sector Housing team has provided statistics showing current licensable HMO's in connection with the previous application at Windsor House Hotel (AWDM/1472/22 refers) which was subsequently

refused and is now subject of an appeal. It confirmed that the Selden Ward does not have a greater concentration of licenced HMO accommodation than either Heene or Central Wards. The figures are set out below:

Selden 0.76% licenced HMOs

Heene - 0.87% licensed HMOs

Central 0.97% Licensed HMOs

The Council's Private Sector Housing team has since clarified that no additional HMO licences have been issued or new licence applications received in the Selden ward since this report and with The Wolsey at 179-181 Brighton Road currently not in operation there would be one fewer than reported.

These town and edge of centre Wards tend to have higher concentrations of these uses as there are larger villas and larger terraced properties and often have former care homes or guest houses. Denser forms of residential accommodation for single people also have the advantage of being close to all amenities.

The table below shows the current addresses of registered HMOs in the near vicinity to the proposal and the maximum permitted occupancy. The highest occupancies are where there are self-contained units with double occupancy, these HMOs make up 11.5% of the total permitted HMO occupancy across Adur and Worthing (based purely on the Public Register).

Address	Maximum permitted occupancy
179-181 Brighton Road	19 - currently unoccupied
185 Brighton Road	11 – Includes self-contained flats with double occupancy
187-189 Brighton Road	19
191 Brighton Road	7
14-16 Church Walk	Maximum of 14
25 Church Walk	10 – Includes self-contained flat with double occupancy
15 Farncombe Road	15
157 Lyndhurst Road	6
3 Selden Road	7
14-16 Selden Road	28
6 Windsor Road	14

The Private Sector Housing team has not raised any objection to the application and it is already subject to licensing requirements which resulted in the current arrangement of the accommodation with communal kitchen facilities introduced. Although there are existing HMOs in the immediate surrounding area, at this time the area is still mixed with a good range of house types and services on the edge of the Town Centre.

Whilst the recent application at Windsor House Hotel for a 44 bedroom shared living accommodation (*sui generis*) use was refused on the grounds of the overconcentration of this form of accommodation and its impact on the character of the area and residential amenity, this was considered in the context of No.6 Windsor Road already being in operation as an HMO. The outcome of that appeal is awaited, but it is considered that the circumstances of this case differs in terms of the scale of the proposals. The Windsor House Hotel comprises of two pairs of linked semi detached properties representing a greater number of rooms and contributing to a greater number of this type of accommodation in Windsor Road. In addition the current use at 6 Windsor Road is already included in the figures above as part of the existing supply of this type of accommodation and the proposal to regularise the current use as an HMO would not result in any increase in this percentage in Selden Ward or result in an unacceptably high concentration of HMO's compared with other forms of residential accommodation.

The cost of accessing home ownership; the shortage of social housing to rent, economic hardship, together with changes to the housing benefit system have all contributed to increased demand for this type of lower quality accommodation. It is recognised that HMOs meet a rising market demand for low cost, basic residential accommodation and to this extent, is consistent with policy DM1 which commits to delivering sustainable, mixed and balanced communities.

A key issue is ensuring that the property is well managed and in this respect the proposals would introduce managers accommodation to provide 24/7 staff presence on site and a management plan has been provided which sets out measures to deal with issues such as anti-social behaviour which are considered in more detail in the sections below.

The effects of the development on the residential amenities of existing and future occupiers

The site currently provides 14 rooms to meet demand for emergency and temporary accommodation with a maximum permitted occupancy of 14 stipulated in the licence. In terms of the standard of the existing accommodation, the proposals would provide four rooms with ensuite facilities and with the remainder having access to communal wc, shower and bathroom facilities. The Private Sector Housing team has confirmed that the existing premises has a compliant layout including the communal facilities, is generally well maintained and considers management to be good. On this basis the facilities are considered appropriate to meet the number of occupants and with access to the rear garden space that provides approximately 170 square metres of enclosed garden area, this would be a satisfactory communal amenity space for occupiers to enjoy and share with the manager's flat. The number of occupants can be controlled by condition to align with the licence.

The occupier of the adjoining property which is a single dwelling house has raised some specific concerns over noise transfer through the internal walls and from the conservatory. At the time works were carried out in 2020 this would have resulted in a communal kitchen and extended hallway adjacent to the party wall with No.8 when the former owners flat was converted. The Building Control Officer has confirmed that there would have been acoustic considerations at the time of dealing with the recent internal alterations which included removal of some ground floor internal walls but has been unable to clarify the extent or presence of sound insulation. Nevertheless it is considered that its former layout and use would similarly have resulted in some noise transfer between the buildings. However, it is recognised that layout may exacerbate this issue with the introduction of communal areas within the rear part of the building compared with its former use as an owners flat and it is the impact arising from any intensification of use needs to be considered.

In its layout as a former guest house, the applicants 'pre-existing' drawings indicate the layout would have provided 10 bedrooms with a potential occupancy of 16 guests and a separate owners flat. In terms of the intensification of the use of the building, although the former use of the premises as a guest house may not have always operated at full occupancy it is expected that this use would have had a relatively high turnover of customers and potentially used by a range of customers at various times of day and night with a transient population, and similarly when the use continued with solely local authority bookings made to provide temporary and emergency accommodation. On this basis it is considered that the overall level of activity associated with the current use as a 14 bedroom HMO would not give rise to any significant loss of amenity with suitable controls to limit the number of occupants 14 to align with the licence. Whilst additional car parking has been introduced to the hardstanding at the frontage, a smaller driveway previously existed at the site and it is considered that the proposals would not cause any significant impact to residential amenity in terms of additional vehicular movements, or associated noise or fumes. Smoking areas have been indicated on the block plan and whilst not ideal in close proximity to the boundary with the neighbouring care home at Fitzroy Lodge, this will be a designated area for that purpose and help provide some containment for that purpose.

A large number of local residents have raised concerns over antisocial behaviour, fear of crime, noise and disturbance. Whilst the concerns of local residents are appreciated, Sussex Police have clarified that calls to the police to deal with incidents to this address have decreased over the last 3 years since the previous application was considered in 2020 (when the police objected at that time). They suggest this could be due to a change in management or tenants are better managed and supported, and their concerns around the impact on local policing resources has been allayed by the presence of a manager 24/7. They consider that the presence of a member of staff at all times will help decrease potential incidents relating to crime, disorder and anti-social behaviour and will ensure that safeguarding measures can be implemented at the earliest opportunity.

Whilst there may have been a correlation between the physical changes carried out to the building, change of ownership in 2019 and where there had been more instances of noise, disturbance and anti-social behaviour at the time of considering

the previous lawfulness application, the Police response points towards a reduction in these instances. The Council's Environmental Health Officer has also raised no objections. The existing site office in the rear garden would be retained for the site manager and the applicant's proposed manager's accommodation would be introduced as a further measure for staff presence which would provide supervision, monitoring and support for residents. It is understood that the manager would also deal with the operation of the Wolsey which is also under the applicant's control.

The applicant has also provided a revised Management Plan in response to concerns raised in the representations which incorporates further measures to respond to incidents of anti-social behaviour outside of the premises such as monitoring of any congregating in Windsor Road with staff patrolling, and measures to deal with complaints from neighbours and the local community, as well as providing welfare checks and signposting for vulnerable residents to access relevant services.

The proposed manager's accommodation would provide a self-contained flat which has been indicated to meet the overall floorspace standards for a 1 person 1 bedroom unit (37 square metres). Although its layout is proposed as a studio flat, the applicant has been asked to reconfigure the proposed layout to include a separate bedroom as it is understood that this unit would be the manager's main residence, and to demonstrate a suitable standard of accommodation with adequate floor to ceiling heights indicated. Revised plans are expected in this respect and will be reported. Although no private amenity space is provided, the rear garden area would provide a communal space for the benefit of all residents and in the circumstances of this case where the occupation of the flat would be limited to the HMO manager, this arrangement would be acceptable on balance given the benefit that this accommodation offers to the management of the premises.

In terms of the impact of the physical extensions, the single storey infill extension to the side elevation is relatively modest in scale and does not pose any significant threat to residential amenity. The scale of the proposed roof extensions has been amended with a considerable reduction in size. As originally submitted the roof accommodation was proposed to extend across the full depth of the rear outrigger and with the inclusion of a roof terrace which would be detrimental to residential amenity, notably in terms of its impact to the occupiers of the adjoining dwelling at No.8. The applicant has provided amended plans in response to concerns over both residential and visual amenity and, as revised, proposes a wrap-around dormer extension to the rear and side (south) roofslope. Whilst this is still relatively large in scale, it would be similar to the roof extension already seen at the adjoining dwelling at No.8 and given its position and scale it would not cause any significant impact on the amenities of neighbouring occupiers in terms of loss of light, outlook or privacy.

The rear site office building would also be retained and it is understood that this has replaced previous outbuildings that existed in the rear garden. Having regard to its size and position at the rear of the garden which backs onto a residential garage block to the east, and its use as an office for the HMO manager it would not pose any significant threat to residential amenity. Its use in association with the HMO can be controlled by a condition.

The presence of a manager on site over a 24/7 period would be for the benefit of residents in order to raise the standard of accommodation overall, and subject to the details provided in amended plans to demonstrate a suitable layout and standard of accommodation for the managers flat, this could be accepted subject to a condition ensuring that it is occupied as managers accommodation for the HMO.

Visual amenity

Following concerns raised over the scale, design and impact of the proposed roof extension, amended plans have been received to reduce the scale of the extension to form a rear and side dormer extension to the main rear and side roofslopes. Whilst still relatively large in scale and wrapping around the rear and side roofslopes, this would be similar to the existing roof addition at the adjoining dwelling at No.8 and it is considered that a refusal on design grounds would not be justified. The proposed extension would not have any unbalancing effect given the neighbouring addition, it would be positioned towards the rear of the building where it would not be particularly dominant, and the full extent of the addition at the rear would not be readily apparent in the streetscene. Slate tile hanging is proposed which would help the extension blend with the recipient building and can be secured by condition.

The extension to the side elevation is a relatively modest addition infilling to the side between the lean-to and two storey extension on this side and has included reconfiguration of the windows and door on this side. The lean-to roof is continued over and appears to blend well with the recipient building.

The proposals include retaining the existing hardstanding area for parking which replaced the former front garden area and concrete driveway that existed prior to 2020. Although it is disappointing that the alterations to the frontage include a fully paved area with the exception of a small planted bed, it is noted that there are examples of other similar hardstandings seen elsewhere in the street. The original front wall and brick piers have been retained which help provide coherence with other similar boundary treatments. Improvements to the site frontage have been indicated on a revised plan with the inclusion of a dedicated bin enclosure to contain and screen the existing bins at the frontage, details of which can be agreed by condition.

The rear garden office building is positioned at the eastern end of the rear garden and occupies much of its width. Its position ensures that the building is not readily visible in the streetscene and is screened from views from the east by the garage block on this side. Whilst some views may be possible from the twitten that runs along the south side of No.2 Windsor Road, views are nevertheless restricted and its design and scale appears appropriate as a garden building.

Highway safety and parking

The site can be considered sustainable being within walking distance of Worthing town centre with access to shops, services and public transport links, reducing the reliance upon the private car. The proposals as originally submitted would provide 4 car parking spaces to which the Highway Authority has raised no objections and comments that the proposed development is not anticipated to give rise to a

significant material increase in movements on the local highway network over the existing/previous use at the site.

As originally submitted, one parking space was indicated between the south wall of the building and the southern site boundary. This is part of the existing hardstanding area but use as a car parking space in this location would conflict with pedestrian access within the site and with the positioning of the smoking shelter and bin storage that currently exists. Amended plans have been received that delete the fourth parking space in this area which is a more practical layout to minimise conflict with other users in the site. Cycle storage has also been indicated which can be secured by condition to promote sustainable travel and is a viable option in this location.

Flood risk

The applicant has provided a Flood Risk Assessment in support of the application which outlines recommendations for flood risk management. The Environment Agency has raised no objection to the proposals subject to compliance with the FRA which states existing ground floor levels in the range of 5.8m to 5.87m AOD which will provide 560mm freeboard above the design flood level and will be at least 330mm above the average ground level and would be required to be retained at that level for the lifetime of the development. The FRA also recommends that residents are advised to register with the free flood warning service provided by the Environment Agency and an emergency flood response action plan prepared and displayed at the property. The Environment Agency has clarified that the finished floor levels provide safety to the correct levels (i.e. above the flood level, plus climate change and freeboard), so increased occupancy does not factor as adequate mitigation is being offered.

Sustainability and Biodiversity

The proposed development would make efficient use of the site in a sustainable location and has incorporated cycle parking to promote alternative modes of transport which can be secured by condition. The application details confirm that the hardstanding to the frontage is permeable paving and there is a small planted bed retained which will minimise surface water run-off.

The constraints imposed by the scale of development and the existing building with no additional footprint proposed limit the opportunities for incorporating sustainable construction or renewable energies. However further details have been requested to outline sustainable design and energy measures as well as improvements to biodiversity and will be reported.

Conclusions

There is a clear need for emergency and temporary accommodation and the proposals would help meet this demand. It is acknowledged that there has been considerable concern from local residents over the impacts arising from the ongoing use and in particular the effects of noise and anti-social behaviour. However, the current proposal brings forward improvements by making provision for an on site Manager. This together with the implementation of the submitted management plan

would address concerns raised by local residents and it is noted that the Police and Council's Environmental Health Officers have raised no objections to the use. Whilst the concerns of local residents are appreciated this has to be weighed against the significant benefits of the proposal in terms of meeting local housing needs and it is considered that the adverse impacts of the proposals would not significantly and demonstrably outweigh those benefits.

Recommendation

APPROVE - to delegate to the Head of Planning and Development to grant planning permission subject to the receipt of satisfactory amended plans and to the following conditions:-

1. Approved Plans
2. Construction Management Plan to be agreed
3. Hours of construction
4. Cycle parking details to be agreed
5. Bin storage details to be agreed
6. Sustainability measures to be agreed
7. Development to be carried out in accordance with FRA to include the recommendations of section 8.0 and including the following mitigation measures - Finished ground floor levels shall be set no lower than 5.80 metres above Ordnance Datum (AOD). The measures detailed above shall be fully implemented and retained and maintained throughout the lifetime of the development.
8. Matching materials
9. Use as a 14 bedroom HMO limited to a maximum of 14 occupants
10. Management Plan shall be fully implemented
11. Use of second floor accommodation to be occupied by site manager to provide staff presence 24/7
12. Use of garden office for on-site manager, in connection with the management of the HMO only.