Expiry Date - 14/06/2023

Development Control – Delegated Officer Report

Application Number: AWDM/0578/23 Recommendation – APPROVE

Site: Restaurant 14 Crescent Road Worthing West Sussex

Proposal: Change of use of the building from restaurant (E class) with manager's flat (C3) and self-contained two-bedroom flat (C3) to 1x two-bedroom flat (C3) at ground floor and 1x six-bedroom small house in multiple occupation (C4) with associated alterations at first, second and third floors, new front door at ground floor level

Date of site visit: 31.05/23

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application site comprises a vacant restaurant and accommodation above in Crescent Road a road with a mix of commercial units, offices and residential of varying ages and heights.

The property is part of a terrace of properties on the east side of the street over four floors some with a basement. The property has a traditional timber bay glazed shop front with a separate entrance door to the northern side off a lobby which also provides access to the flats above over three floors

To the north side of the property is a vacant former retail unit currently in the process of refurbishment to residential and beyond that residential dwellings, To the south are residential properties before the junction with Montague Street and the primary shopping area. There are commercial properties on the opposite side of the road part of the secondary shopping area.

The site is just outside the town centre designation, within the Montague Street Conservation Area.

Proposal

The application which has been amended proposes the change of use of the shop to commercial unit and the insertion of a new front entrance door.

The ground floor/lower ground and part of the first floor landing would become a two bedroom flat with separate door and internal staircase with a gross internal area of 74.31sqm. The proposed flat is laid out with living areas at the front of the building, and bedrooms and bathroom at the rear. There is a small central space to be used as a store.

It is also proposed to convert the existing 1 bedroom flat at first floor and the existing two bedroom flat as second and third floor to a 6 bedroom HMO. All bedrooms would be en-suite and there would be a separate kitchen (2nd floor) and separate dining area (1st floor).

The application proposes a new entrance door a requirement to protect and maintain safe egress from the upper properties in the event of a fire. The proposed door would be situated on the return of the front window facing north onto the setback. It is shown as matching the existing.

A glazed window is now proposed above the proposed door and the existing glazed panel above will be replaced with a solid painted panel with ventilation grille. The large street facing shop windows with slender glazing bars are to be retained, and part of the glass will be etched for privacy.

There is a small courtyard to the rear which will contain bins and cycle store.

The Relevant Planning History:

02/00650/FULL- Change of use of ground floor from retail with ancillary office to Class A3 (Food and Drink) and installation of a new shop front and change of use of first floor from offices to residential (two bedsits). APPROVED

03/00748/FULL- Installation of extractor flue to rear elevation.APPROVED

Consultations:

WSCC (highways)

This application is for the change of use from restaurant (E Class) with managers flat (C3) and two-bedroom flat (C3) to a two-bedroom flat (C3) with six-bedroom HMO (C4), with associated alterations.

The site is located on Crescent Road, an unclassified road subject to a speed restriction of 30 mph. No vehicular access is associated with this site. The proposed change of use to residential/HMO is not anticipated to give rise to a material intensification of movements to or from the site.

No parking is proposed, as per the existing arrangement. Under WSCC Parking Standards, the LHA would expect the proposed residential/HMO uses to generate a parking demand of five car parking spaces. As such, vehicular parking would have to be accommodated on-street.

Whilst on-street parking is limited in the area, there are comprehensive parking restrictions in place prohibiting vehicles from parking in places that would be a detriment to highway safety. The LHA does not anticipate that the nil car parking provision would lead to a highway safety concern or parking capacity issue, but the LPA may wish to consider the potential impacts on on-street parking from an amenity point of view. Weight is given to the fact the

site is situated in a sustainable location whereby residents shouldn't need to rely on the private car.

No details regarding cycle parking have been provided. Cycling is a viable option in the area and the LHA request that secure cycle parking provision be demonstrated in accordance with WSCC Parking Standards, if there is space within the site to do so.

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 Marine Parade and A259. Worthing Train Station is located approximately 1km north of the site.

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.

West Sussex Fire and Rescue

Having viewed the plans for the planning application no. AWDM/0578/23 for the Change of use of the building from restaurant (E class) with manager's flat (C3) and self-contained two-bedroom flat (C3) to 1x two-bedroom flat (C3) at ground floor and 1x six-bedroom small house in multiple occupation (C4) with associated alterations at first, second and third floors, new front door at ground floor level; evidence is required to show that all parts inside the property are within 45 metres of the location of a fire appliance in accordance with Approved Document B (AD-B) Volume 1 B5 section 13 can be achieved. This is to be measured along the hose lay route, not in a direct line or arc measurement. Any areas not within the 45 metre distance will need to be mitigated by the installation of sprinkler or water mist system complying with BS9251 or BS8458 standards

Sussex police

Thank you for your correspondence of the 4 th of July 2023, advising me of a planning application for a change of use of the building from restaurant (E class) with manager's flat (C3) and self-contained twobedroom flat (C3) to 1x two-bedroom flat (C3) at ground floor and 1x six-bedroom small house in multiple occupation (C4) with associated alterations at first, second and third floors, new front door at ground floor level at the above location, for which you seek advice from a crime prevention viewpoint.

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, welldesigned, 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.

I direct the applicant or their agent to our website at www.securedbydesign.com where the SBD Homes 2023 document can be found. The Secured by Design scheme is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes, and those undertaking major or minor property refurbishment, to adopt crime prevention measures

The advice given in this guide has been proven to reduce the opportunity for crime and the fear of crime, creating safer, more secure and sustainable environments.

Historically there are cases where houses of multiple occupancy (HMO) have given rise to instances of anti-social behaviour (ASB). To reduce the risk of this occurring there will need to be stringent management control of tenancies. I would ask that this be implemented as a condition of planning.

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

The front access door to the HMO will be subject to heavy and prolonged use so needs to be fit for purpose. I refer the applicant to chapter 29 of SBD Homes 2023. Tradesperson or timed-release mechanisms are not advised as they have been proven to be the cause of anti-social behaviour and unlawful access to communal developments.

From a crime prevention perspective, it will also be very important that access control is implemented into the design and layout to ensure control of entry is for authorised persons only. I refer the applicant to Chapter 29 of SBD Homes 2023.

In relation to windows, I refer the applicant to chapter 24 of SBD Homes 2023.

There are increasing crime problems associated with letter plate apertures, such as identity theft, arson, hate crime, lock manipulation and ‘fishing’ for personal items (which may include post, vehicle and house keys, credit cards, etc). In order to address such problems SBD strongly recommends, where possible, mail delivery via a secure external letter box meeting the requirements of the Door and Hardware Federation standard Technical Standard 009 (TS 009) or delivery ‘through the wall’ into a secure area of the

dwelling. These should be easily accessible i.e., at a suitable height for a range of users.

Each bedroom door must be a fire rated (FD30 or higher) door with a minimum lock certificated to (BS8621) or (PAS 8621), fitted with a minimum of two hinge bolts or hinges with a similar integral facility to ensure protection in the event of a hinge failure following a criminal attack. The bedroom doors must also be installed with a door chain and door viewer.

I refer the applicant to the SBD Homes 2023 document chapter 26 which discusses lightweight framed walls in houses and buildings containing multiple dwellings or bedrooms which will be pertinent to this application.

In relation to lighting the communal areas to this application I refer the applicant to Chapter 27 of the SBD Homes 2023 document - Paragraph 27.9.

Finally, construction sites often suffer from theft, criminal damage, arson, and anti-social behaviour, all of which can have a major impact on completion dates and overall development costs.

The SBD Construction Site Security Guide 2021 is designed to be risk commensurate and provides advice on how to secure the site from the moment the hoarding goes up until the moment the development is handed over to the client or end user. The advice is based on proven crime prevention principles that are known to reduce criminal opportunity by creating safer, more secure, and sustainable environments. It applies to all construction sites regardless of their size and is intended for all staff including security personnel. It can be found on the SBD website: www.securedbydesign.com

It is also recommended that contact is sought by the developer with local Neighbourhood Police Team (NPT) to establish good relations whilst the development is in the construction phase.

Southern Water

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

Adur and Worthing Council

Environment Health

Public Health- No adverse comments

PSH- No objections on PSH grounds. The HMO will need to be licenced

The Worthing Society

Expiry Date - 14/06/2023

Thank you for the opportunity of commenting on the above application which is within the Montague Street Conservation Area. This building, which dates from the mid-19th century, has ‘group value’ with the properties either side. They all have distinctive shop fronts and the group forms a characterful feature of the conservation area. Although the plans include a six bedroom HMO, we are pleased to note that there is no change to the scale or height of the building.

I have now had the opportunity to discuss the application and design with our Heritage Team. Whilst we do not object, in concept, to the change of use from a restaurant to residential accommodation, we do consider the style and position of the new access door appears rather cramped and detracts from the original shopfront which is a distinctive feature of this building. We appreciate the space is limited but suggest further consideration can be given to the design and setting of the new entrance door.

In conclusion we note the comments of the Environmental Health Private Sector Housing Department to the effect that the HMO will need to be licensed

Representations:

2 Letters of representation

19 Phrosso Road Worthing

My name is Mr. H. Hourquet and I am the landlord of the building at 12 Crescent Road, Worthing BN11 1RL consisting of four flats.

I would like to bring to your attention that as a landlord of Flat 1a, Flat 1, Flat 2 and Flat 3, 12 Crescent Road, none of my tenants have notified me of the notification they received for the change of use at 14 Crescent Road. It is only because I visited one of my tenants that I saw the notice outside No. 14.

There are also 4 flats at 16 Crescent Road and I would imagine their landlord has also not been notified by the tenants.

It is therefore not surprising if you don't receive any objections from the tenants of the above flats.

The planning application in place for change of use is really concerning to me in respect of the fire risk. The application will allow six people to live in the building to share one 8.98sq. m. kitchen for the storage, preparation of food and who may all be cooking at the same time which brings with it the associated risk of fire. From the proposed plans there is no means of an external fire escape shown in the event of a fire.

I would inform you that I had to comply with planning regulations to have a fire escape in order to convert the top floor of my building into a flat.

There is also the problem of the amount of rubbish which will be generated from the flats and a concern about the possible amount of excessive noise which could be generated from that number of occupants. Has there been any consideration given for the storage of any bicycles which may be owned by the tenants when not in use.

You may be aware that originally the majority of the buildings in Crescent Road were rented as bedsits, this was before their conversion into flats. I would like to inform you that at the time the amount of noise and trouble created was excessive.

Have both the Fire Brigade and Police been consulted on this planning application.

I trust my views and concerns will be taken into consideration when a decision is being made on this application.

68 Lime Tree Avenue

I am a Director of Eastcourt Estates (Sussex) Ltd, being the Freehold owners of 16 Crescent Road, Worthing - firstly I am very concerned that I was not notified, in advance, of the proposed development to No 14 Crescent Road, and I would seek your explanation for this oversight - it was purely by chance that this came to my attention - now that I am aware of the proposals I would like to object in the strongest possible terms, as follows

1) a very high potential for the risk of fire in a house of multiple occupation (HMO)
2) a very high risk of anti social behaviour relating to an HMO
3) a very high risk of noise and disturbance in an HMO
4) a reduction in the value of properties in the area due to the presence of an HMO
5) overdevelopment of the area with already restricted parking and rubbish collection
6) no control over the use of the bedsits, or the tenants - will they be vetted - how will they be monitored for potential drug misuse or wild parties or noise nuisance

I object to the proposed development in the strongest possible terms as this area is completely unsuited to the change of use proposed

Relevant Planning Policies

National Planning Policy Framework (HCLG 2021)
National Planning Practice Guidance

Worthing Local plan (2020-2036)

DM1- HOUSING MIX

DM2 - DENSITY
DM5 - QUALITY OF THE BUILT ENVIRONMENT
DM13 - RETAIL AND TOWN CENTRE USES
DM16 - SUSTAINABLE DESIGN
DM24- THE HISTORIC ENVIRONMENT

Planning Assessment

The key considerations are; the loss of commercial floor space and the conversion to a two bedroom flat and the loss of two flats and conversion to a HMO, the impact of the proposal on visual amenity and the Montague Street conservation area, the impact on the residential amenities of neighbouring properties and future occupants and parking/highway safety.

Policy context

The policy context comprises of the NPPF, the Worthing Local Plan, and accompanying SPDs.

The site lies outside the Town Centre designation and the site is not with a designated frontage as such the principle of the change of use from commercial to residential would be acceptable.

Policy DM1 of the SDWLP indicates that

f) When considering proposals for the conversion of dwellings into smaller units of self-contained accommodation, the proposal must provide a high standard of accommodation that complies with internal space standards and requirements for private outdoor space. In addition, the Council will consider:
i) the impact on the mix of dwellings locally

ii) the impact on the character of the area

iii) the impact on the amenity of adjoining dwellings

iv) the quality of the accommodation. Applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use should also demonstrate that the communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants

v) At least one unit of the accommodation provided is suitable for family occupation unless it can be demonstrated that:

● A different mix of units is essential to preserve the character of a listed building or building with heritage importance; or

● The proposal is specifically for people with special housing needs.

The supporting text to DM1 indicates Conversions from houses to high quality flats or HMOs can provide a useful addition of smaller dwellings to the

housing stock. 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 on the amenity of adjoining dwellings.

Policy DM5 of the WLP requires all new development to (amongst other things) be of a high architectural and design quality and respect and enhance the character of the site and the prevailing character of the area; enhance the local environment by way of its appearance and character with particular attention being paid to the architectural form, height, materials, density, scale, orientation, landscaping, impact on street scene and the layout of the development; and make a positive contribution to the sense of place, local character and distinctiveness of an area

Policy DM24 within the SDWLP requires that development affecting any designated or undesignated heritage asset must be of a high quality, respecting its context and demonstrating a strong sense of place. Development within Conservation Areas will be required to be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of that area, and preserve important features. It states that the importance to the local area of Buildings of Local Interest within Conservation Areas will be a material consideration in assessing an application of their demolition or development.

Design, and the effect on the Character and Appearance of the Conservation Area

The starting point is whether the development would preserve or enhance the established character and appearance of the Conservation Area.

The Montague Street Conservation Area document identifies this section and the architectural historical and townscape elements to be preserved as:

- Terraced properties built on a common building line at the back of the pavement except for Nos. 30, 32 and 34 Crescent Road.
- Elevations finished in stucco.
- Original architectural detailing such as bows or bays with timber sliding sash windows some featuring slender glazing bars, string courses, comices, decorated eaves, parapets, and mouldings to door and window openings.
- Slate roofs.

The building forms part of a stuccoed, Victorian terrace of which No: 6 to 28 (evens) are identified as a Local Interest Buildings. This building along with the others in the terrace was probably built as a residential dwelling consisting of basement, upper ground-floor, first and second-floor accommodation but was subsequently altered (along with No. 12 and 16) to create shop units on the ground-floor (with split levels, including rear basement). The shop front is

probably original with key characteristics which include recessed entrances; low, rendered stall-risers; large timber-framed shop windows sub-divided by slender timber mullions and transoms and a shallow, canted fascia separated by decorative capitals. The ground floor of No 12 is already in residential use and has a replacement frontage to replicate the traditional shop frontages. The ground floor of No 16 is also permitted to change to residential retaining the traditional shop front.

To allow for the conversion to residential the proposals involve replacing part of the bay window return with a door. The door would match the existing style.

The proposal has been amended following concerns about the insertion of a door in this original shop front detail.

There is no physical change to the street-facing shop windows and stall-riser, nor to the canted fascia or decorative capitals, which contribute to the character of the building and the area generally. Ventilation will be provided in a solid panel above the door and glazed fan light.

Although regrettable, as with No 16, there is a need to provide a further door in this frontage, the frontage detail will match with No 16 and retain the main features of the building to ensure that the development will not have a detrimental impact on the character of the property and will preserve the conservation area in accordance with DM5 and DM24 of the Worthing Local Plan.

The conversion of the upper floors to a HMO would not impact on the exterior of the building.

Residential Amenity

Living Conditions of Future Occupiers

The NPPF specifically advises at paragraph 185 That Planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The application proposes the conversion of the ground/basement/part first floor landing into a two bedroom unit. The unit would be 74.31 sqm in compliance with the Technical Space Standards for a two bedroom 2 storey 3 person unit. The living/kitchen would be to the front with a west facing large window providing natural light.

With regards to security and privacy, etched windows would be provided to the front elevation to a point halfway up the main panes on the street facing windows. This will protect the privacy of the occupants within, whist still enabling an upwards view out above the etching.

At the rear the bedrooms will have windows and a door onto a small semi private space. It will be overlooked at relatively close quarters by windows in the rear of the adjoining terraces houses and properties in Graham Road to the east (as indeed is the entire rear of the building). The area will also provide cycle and bin storage.

The proposal would involve converting the first, second and third floor from two flats to a 6 bedroom HMO. The HMO accommodation would be over three floors. All six rooms would have en-suite facilities. There is a separate kitchen and dining room.

The Council's Environmental Health Officers have raised no objections but the development would need to comply with licensing requirements for HMO rooms.

Effect on amenities of neighbouring occupiers

The proposed conversion would not involve any alterations to the existing elevations other than the shop front detail. The proposal would involve additional residential windows at lower ground and part first floor but as these windows currently exist there wold be no further overlooking of properties in Graham Road than currently exist.

Neighbouring freeholders have raised concerns about fire risk, rubbish, noise, storage of bicycles, anti-social behaviour and overdevelopment associated with the HMO accommodation.

With regards Fire Risk and regulation, the application will be subject to Building Regulation approval and licencing. The fire officer raised the issue of location of the fire hydrant and to ensure that all properties were with 45m of the hydrant. The applicant's agent has confirmed the position of the hydrant which is just outside the front of the property and would enable access to all flats. The new door is also a requirement for fire protection.

The property exists and is currently in flats with no external works, the additional bedrooms would not impact on the existing residents. Subject to a condition the proposed 6 occupants within the HMO would not be out of character with the size of the property and the area generally in this urban just off town centre location.

It is not anticipated that the increased number of occupants would result in unacceptable noise disturbance or activity to a degree that would be detrimental to residential amenity. Sound insulation to mitigate is provided within the property and any noise disturbance would typically be dealt with under Building Regulations.

There is no compelling evidence linking directly between HMOs and antisocial behaviour. Problems with HMOs often relate to the quality of the management and are a matter more appropriately dealt with under the licensing regime.

Sussex Police have reviewed the application, they have not raised any concerns in relation to a HMO in this location and have no concerns regarding the design and layout. They have indicated that levels 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. They have identified a number of security measures to be implemented in the development and to reduce the risk of anti-social behaviour there will be the need for stringent management of tenancies, something that Environmental Health will control through the licencing. An informative is considered appropriate to alert the applicant of suggested security measures

Refuse facility and cycle stores can be dealt with by condition and there is a small yard at the rear that could accommodate the facilities.

Highway Safety

There is no on-site parking provision. On-street parking is within the CPZ (permit holders or pay & display). The Highway Authority has raised no objection bearing in mind the highly sustainable location of the site, within easy walking distance of the facilities of the town centre, and bus services. The rail station is slightly further distant but within reasonable walking distance.

CIL

No additional floor space. The property has been in commercial use in the last 3 years.

Recommendation

APPROVE subject to Conditions:-

1. Time
2. Approved plans
3. Hours of Construction
4. Matching materials and Works of making good
5. Any external ventilation equipment to be submitted
6. Limited to 6 within the HMO
7. Submission of bike store
8. Submission of bin stores

Informative

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns.

As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. Change of address
3. SW advice
4. Susses Police

Is recommendation contrary to letter(s) of representation? Y

Case Officer: Jackie Fox Date: 04.07.23

Authorised by: Jo Morin Date: 11.07.2023