Expiry Date - 03/10/2023

Development Control – Delegated Officer Report

Application Number: AWDM/0958/23 Recommendation – APPROVE

Site: 77 - 79 Chapel Road Worthing West Sussex BN11 1HU

Proposal: Change of use of existing ground-floor rear and upper floor offices to create a 21 bedroom house of multiple occupation (HMO)(Sui Generis) including associated extensions and alterations comprising rear dormers and front roof lights, installation of solar panels to south roof slopes, replacement windows, demolition of first-floor rear storage area and construction of first-floor rear infill extension plus ground-floor store in rear yard, roof removed to rear yard. Application to Vary Condition 1 of previously approved AWDM/2007/22. (Approved Plans). Amendments to include corridor created on 2nd floor, blocking up of existing ground floor kitchen door, rooflight windows to rear outbuilding, solar panels and kitchen layout changes.

Date of site visit: As for AWDM/2007/23

Neighbours checked: Y

Additional neighbour notifications: N

Site and Surroundings

The application relates to a pair of 3-storey, Victorian, mid-terrace properties fronting the west side of Chapel Road. The buildings are rendered with concrete tiled roofs and canted double-height bay windows on the front elevation positioned above traditional style shopfronts at ground-floor. The shop frontages project slightly forward of the main front elevation, framed by traditional corbeled pilasters on either side.

The buildings are linked internally and are currently vacant having been used for many years as a solicitor's office ('Rivoli Chambers'). The original buildings each have a traditional L-shaped layout with rear-projecting off-shoots. The northern building, No.79, has been enlarged at the rear by a series of attached single and 2-storey buildings and additions extending some distance rearwards to infill the entire rear curtilage. No.77 occupies a smaller plot and has been extended by a modest single-storey rear addition. It retains a small open yard area to the rear with a pedestrian gate onto Wenban Passage. A partially roofed courtyard attached to the rear of No.79 also has gated access onto Wenban Passage.

Wenban Passage consists of a narrow, adopted, surfaced lane accessed from Wenban Road via a 'covered way' under Nos 2/2A Wenban Road. It provides access to Wenban Mews, a group of 6no modern, 2-storey houses to the west

of the site. A single-storey brick-built building at the far western end of No.79 Chapel Road adjoins the small rear gardens of 5 and 6 Wenban Mews.

Attached to the south side of the frontage buildings, 71-75 Chapel Road consist of a terrace of smaller-scale, 2-storey buildings with rooms in the roof, each with a traditional pitched-roof front dormer. The ground-floor of these properties are in commercial use having a distinctive 'bungalow' frontage with the upper floors set back from Chapel Road (and set behind the front of Nos.77-79 Chapel Road).

Attached to the north side of the frontage buildings at 77-79, Nos 81-87 Chapel Road consist of three-storey Victorian rendered terraced buildings, similar but not identical to the pair of application properties. These consist of commercial uses at ground-floor, with a mix of commercial and residential uses on the upper floors.

Adjoining the north side of the rear components of No.79 are 1 and 2 Lennox Mews, part of a terrace of one and 2-storey dwellings within a modern residential cul-de-sac occupying a 'backland' position behind Chapel Road.

The site is not located within a conservation area and there are no protected trees. The site is located within the Chapel Road North Character Area but is not within a designated shopping frontage.

Background

Permission was granted under AWDM/2007/22 for a change of use of No.77-79 to a 21-bedroom HMO (sui generis) involving various extensions and alterations to the existing buildings to implement the use, including:-

- Removal of damaged roof to open up courtyard to the rear of No.79 with new store (1.4m x 2m) erected in NE corner of yard (in place of existing metal staircase) backing onto northern boundary wall;
- Removal of existing first-floor lean-to addition to rear of No.79 and erection of new flat-roofed first-floor infill extension linking existing rear off-shoot and existing 2-storey pitched-roof component.
- Formation of 4no pitched roof dormers (1.8m wide x 1.9m high to ridge) on rear (west-facing) roofslope of main frontage buildings, plus 4no rooflights on front roofslope and 2no sun tunnels;
- Installation of UPVC replacement windows throughout, together with blocking up of some existing window opening to rear;
- Solar PVs installed on south-facing roofslopes of rear offshoot at No.79 and link-attached, rear 2-storey building.

The proposal involved the retention of two ground-floor commercial units (29sqm and 33sqm including staff facilities) fronting Chapel Road with the existing shopfronts retained and made good.

Proposal

Permission is sought under S73 to vary Condition 1 (approved plans) of AWDM/2007/23 for minor changes to the internal layout and external changes including:

- Reconfiguration of the communal kitchen/dining areas on the ground-floor;
- Introduction of lobbies to the stairs and link corridor at first-floor;
- Introduction of a link corridor on the second-floor;
- Insertion of 2no rooflights on the mono-pitched roof slope of the rear outbuilding;
- Installation of solar PVs on the mono pitched roofslope of the rear outbuilding;
- Installation of horizontal sliding gate to rear courtyard (off Wenban Passage).

Relevant Planning History:

AWDM/2007/22 Change of use of existing ground-floor rear and upper floor offices to create a 21 bedroom house of multiple occupation (HMO)(Sui Generis) including associated extensions and alterations comprising rear dormers and front roof lights, installation of solar panels to south roof slopes, replacement windows, demolition of first-floor rear storage area and construction of first-floor rear infill extension plus ground-floor store in rear yard, roof removed to rear yard. Permitted 17.04.2023.

AWDM/0924/23 Approval of Details Reserved by Conditions 5 (noise scheme - external), 7 (screen fence), 8 (cycle parking), 9 (bin storage), 14 (CMS), 15 (drainage) and 17 (precautionary contamination) of Application AWDM/2007/22. Approved 19.10.2023

Consultations:

West Sussex County Council: No objection.

WSCC Fire & Rescue Service:

Having viewed the plans for the planning application AWDM/0958/23 evidence is required to show that all parts inside all living accommodation are within 45 metres of the location of a fire appliance in accordance with Approved Document B (AD-B) Volume 1 B5 section 13. 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 31 Aug 2023, advising me of a planning application for the change of use of existing ground-floor rear and upper floor offices to create a 21 bedroom house of multiple occupation (HMO) (Sui Generis) including associated extensions and alterations

comprising rear dormers and front roof lights, installation of solar panels to south roof slopes, replacement windows, demolition of first-floor rear storage area and construction of first-floor rear infill extension plus ground-floor store in rear yard, roof removed to rear yard. Application to vary Condition 1 of previously approved AWDM/2007/22 (Approved Plans) Amendments to include corridor created on 2nd floor, blocking up of existing ground-floor kitchen door, roof light windows to rear outbuilding, solar panels and kitchen layout changes 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, 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.

I refer the Applicant to previous correspondence from this office (dated 12 Jan 2023) relating to the site to which all comments remain extant.

I note this application is seeking to vary Condition 1 of previously approved AWDM/2007/22 in order to make various amendments.

I have reviewed the plans as submitted and have no further comments to make from a crime prevention perspective.

Construction sites often suffer theft, criminal damage, arson and antisocial behaviour all of which can have a major impact on completion dates and overall development costs. Advice on construction site security can be obtained on the Secured by Design website. It is also recommended that contact is sought by the developer with the Neighbourhood Police Team (NPT) to establish good relations whilst the development is on the construction phase.

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.

Southern Water: No objection.

Adur and Worthing Councils

Environmental Health Officer – Public Health: "*There are no adverse EH comments for this application."*

The Private Sector Housing Manager

The proposed use would make the property a House in Multiple Occupation (HMO) subject to mandatory licensing requirements.

Room sizes:
The minimum size for a room used by an adult in a shared house of this size is 6.51 sq.m. Any area below 4.64 sq.m cannot be permitted for use by any person. When measuring a room we can only include areas where the ceiling height is 1.5m or more above the internal floor level (the useable space). Ideally rooms should have a ceiling height of around 2.3m above the internal floor level, in line with the Nationally Described Space Standards. However, for a room to be considered useable then at least 75% of the useable space should have a ceiling height of at least 1.9m above the internal floor level.

There must be sufficient space for occupants to move around and for bedroom furniture i.e. bed, wardrobe, chest of drawers.

Three of the proposed rooms on the third floor are marked as 6.5sq.m in size. The sloped ceiling to the front rooms is marked at 1.2m head height suggesting that the area has been calculated up to this area. It is noted that rooms 18-21 are not included in the list of room sizes within the cover letter submitted with the application.

If rooms do not meet the minimum size prescribed by law then they will not be permitted for use by an adult person.

Natural light and outlook:
The proposed third floor rooms at the front of the property (rooms 18 and 20) are shown with roof lights. Windows should be wide enough to provide for a reasonable view of the immediate surroundings and sills in living areas should be low enough to allow a seated person a reasonable view. Where there is no outlook, for example where an occupant could only see the sky or a wall, then this can lead to a feeling of isolation. This is particularly important where occupants can be expected to spend a high proportion of time in the room, as is common with houses in multiple occupation.

It would be preferable to have dormer windows that would allow a better view.

Kitchen facilities:

The provision of kitchen facilities shown would be satisfactory for up to 20 people, although this could be increased with i) additional cooking facilities, such as a microwave, and ii) additional sink or dishwasher provision. It is not clear whether there will be sufficient worktop space for food preparation and eating space.

The Compliance Guide for Houses in Multiple Occupation sets out the minimum requirements for kitchens.

The internal access to the communal kitchen and living areas from room 1 is not ideal, but is acceptable. It is acknowledged that in most instances an occupant would likely cross the courtyard to access these facilities, but the property manager would need to ensure that cooking of any description is not taking place in this room.

Following the receipt of amended plans the PSH team has commented further:-

"*The old floor plan is not on the planning portal anymore so I cannot compare directly, but regardless, if the rooms are big enough i.e. at least 6.51sq.m and there is a head height of at least 1.9m across at least 75% of the room, then we will licence them for use by an adult. If they are not, we will only be able to licence them for use by a child under age of ten. The additional sink is welcomed, but the previous comments made regarding kitchen facilities/provision still stand*."

Representations: None received.

Relevant Planning Policies

Worthing Local Plan policies (WBC 2023): SP1, SS1, SS3, DM1, DM2, DM5, DM13, DM15, DM16, DM22
Guide for Residential Development SPD (2013)
National Planning Policy Framework (HCLG 2023)
National Planning Practice Guidance

Planning Assessment

The principle of the 21-bedroom HMO (sui generis) use has been established by AWDM/2007/22. The key considerations are the effects of the proposed changes on visual amenity, the effects on the living conditions of existing and future occupiers and highway safety considerations.

Residential Amenity

Future residents

The proposed layout would provide 21no single rooms over 4 floors of accommodation. It is understood the proposed changes to the internal layout arise from building regulation requirements. The introduction of an additional

linking corridor on the second-floor has resulted in a reduction in the size of rooms 12 and 15, but easily within the minimum requirements of 6.5sqm for an adult single room necessary for licensing. Following queries from the PSH team the proposed third floor plan has been annotated to show the 1.5m high minimum roof height for the accommodation to be created in the roof void. This shows that Rooms 18-21 within the third-floor roof space would meet the minimum 6.5sqm requirement for an adult.

An amended ground-floor plan shows the provision of an additional sink within the communal kitchen. It is understood an additional microwave will be provided in the communal kitchen in accordance with PSH comments. [This is primarily a matter for licensing since this is a fitting/fixture that would not necessarily affect the proposed internal layout.]

The reduction in some bedrooms sizes close to minimum licensing requirements reinforces the need for good quality communal facilities and stringent good management practices as previously considered under AWDM/2007/22. A Management Plan by the provider Base One has been submitted with the current application which details protocols for security, safeguarding of vulnerable residents and minimising anti-social behaviour including details of on-site management arrangements between the hours of 9am-5pm on Mondays to Fridays.

Existing neighbours

No additional impacts on neighbour amenity are raised by the latest proposals. The proposed 2no roof lights in the mono-pitched roof of the single-storey rear outbuilding are at high level and will not give rise to any loss of privacy for adjoining near neighbours.

The latest drawings show a correction to include an existing first-floor window on the north elevation of the rear offshoot of No.79 which is to be retained.

Visual Amenity

The proposed amendment to the roof of the rear outbuilding are minor and will have no adverse impacts for visual amenity.

Highways safety

The approved cycle parking provision under AWDM/0924/23 has determined that there is scope to store a total of 14no cycles in 2 separate stores to the rear of No.77 and 79. Whilst it is disappointing that provision cannot be made on the basis of 1 per room as initially proposed, it is noted that the site is within a highly sustainable location within walking distance of the facilities and services of the town centre and public transport options including nearby bus stops and Worthing rail station.

Sustainability

The additional solar PV panels on the rear outbuilding will further contribute to cutting carbon emissions.

Recommendation

APPROVE subject to Conditions:-

1. Approved plans
2. Time limit as for AWDM/2007/22
3. Materials and works of making good to match
4. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification) and the Town and Country Planning Use Classes Order 1987 (as amended) (or any order revoking and re-enacting that Order with or without modification), the premises shall not be used for any purpose within Class E(b) Cafe/Restaurant where 'primary' cooking is undertaken on the premises; Class E(d) Indoor Sport and Recreation, Class E(f) Creche, Day Nursery or Day Centre, Class E(g)(ii) Research & Development or Class E(g)(iii) Industrial processes, at any time.
5. Agree and implement sound insulation scheme to rooms fronting Chapel Road – implement as agreed under AWDM/0924/23
6. Agree and implement sound insulation scheme between ground and first–floor
7. Agree and implement replacement timber screen fencing to north site boundary – implement as agreed under AWDM/0924/23
8. Agree and implement cycle storage – implement as agreed under AWDM/0924/23
9. Agree and implement bin storage including construction details of ramped access to allow bins to be moved from the rear yard on collection day. – implement as agreed under AWDM/0924/23
10. Unless otherwise agreed in writing by the Local Planning Authority the HMO accommodation shall be managed at all times in accordance with the measures and protocols detailed within the submitted Management Plan by Base One including the provision of on-site management between the hours of 09.00 and 17.00 on Mondays to Fridays (inclusive) except bank and public holidays.
11. All replacement UPVC windows to upper floors on front (east) elevation to consist of vertical-sliding sashes.
12. Implement solar PVs
13. Hours of construction
14. Agree construction management plan – implement as agreed under AWDM/0924/23
15. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water – implement as agreed under AWDM/0924/23
16. Notwithstanding the details shown on the approved plan the first-floor south-facing window to Unit 6 shall be fitted and retained in obscured glass.

The first-floor east-facing window to Unit 6 shown on the approved plan as being blocked-up shall be retained in clear glass.
17. Precautionary contamination – implement as agreed under AWDM/0924/23

Informative

Proactive No Amendment
Southern Water
Sussex Police

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

Case Officer:	Jo Morin	Date: 07.11.2023
Authorised by:	Gary Peck	Date: 7 November 2023