

SECTION 78 PLANNING APPEAL

**UNITS 1-2, 3 MEADOW ROAD INDUSTRIAL ESTATE, DALE ROAD,
WORTHING, WEST SUSSEX, BN11 2RU**

LPA REF: AWDM/0338/26



APPELLANT'S GROUND OF APPEAL STATEMENT

08 July 2026



CONTENTS

1.	Introduction	1
2.	Background to the Appeal	2
3.	Appeal Proposal	3
4.	Addressing the First Reason for Refusal	5
5.	Addressing the Second Reason for Refusal	9
6.	Conditions	12
7.	Conclusions	13

Appendix

Fire Strategy Report by Michael Whitty of MW Fire Safety Consultants Ltd

1. INTRODUCTION

- 1.1 This appeal is made against Worthing Borough Council's ('The LPA') refusal of to grant permission for 'Change Of Use of First Floor From Industrial (Use Class B2) to a Small House in Multiple Occupation (Use Class C4) for On-Site Staff; New External Fire Escape; and Roller Shutter Door to Workshop' (LPA ref: DM2025/01316)
- 1.2 The application was submitted to the LPA on 12th March 2026, and made valid on 26th March. The application was refused under Officer delegated powers on 12th May 2026. The decision notice cited two reasons for refusal:
 - (1) In the absence of clear and robust evidence to the contrary there is no justification for the loss of the industrial floorspace in this Protected Key Employment Area from its existing employment use. If granted, the change of use would cause unacceptable harm to the functioning of this Key Employment Area and therefore the proposal is contrary to Local Plan policy DM11 and the NPPF.
 - (2) The proposed change of use, by reason of location, layout and nature of use would provide a substandard quality of accommodation for residents due to unsafe access and egress, fear of crime and noise and air pollution contrary to policies SP3 and DM5 of the Worthing Local Plan (2023) and paragraph 135 of the NPPF
- 1.3 This Grounds of Appeal Statement, along with the documents and plans submitted with the planning application to the LPA, form the appellant's case.
- 1.4 The documents originally submitted with the application were:
 - Plans by Krona Design Ltd:
 - KD.1814_A.001.A Location Plan
 - KD.1814_A.100 Existing Site
 - KD.1814_A.101.A Existing Plans
 - KD.1814_A.102.A Proposed Plans
 - KD.1814_A.200 Existing Elevations
 - KD.1814_A.201.B Proposed Elevations
 - Application form
 - CIL Form 1
 - Planning, Design & Access Statement v.1 by DJM Town Planning Ltd, 16th March 2026

2. BACKGROUND TO THE APPEAL

- 2.1 The appellant, Derrick Pountney, is the Director of Sussex Part Worn Tyres, a tyre recycling business located on the Meadow Road Industrial Estate in Worthing. The business premises comprises a number of general industrial buildings and a site office, arranged around a central courtyard, with parking areas to the front of the site.
- 2.2 In 2025, Mr Pountney was visited by Officers from Worthing Borough Council Private Sector Housing, in connection with the use of the first floor of one his buildings as staff accommodation. The first floor was being used as accommodation for some his full-time employees. The first floor had been fitted out with a kitchen, WC, bathroom and shower room for the use of the employees of the business.
- 2.3 Mr Pountney was advised by the Council Officers to cease using the first floor as residential accommodation for his employees until such time that the use was regularised. He was advised to submit a planning application for the use of the first floor as accommodation for his staff. Mr Pountney complied fully with this request. A planning application was submitted in March, but was subsequently refused.
- 2.4 The Officer's delegated report references the visit of the Private Sector Housing Officers, noting that the first floor of the building had been converted into an HMO. The Private Sector Housing team, in their capacity as HMO licensing, had advised that a change of use would require planning permission and that the applicant should also duly apply for permission.
- 2.5 Since the Housing Officers' visit, and up to the present day, the first floor has not been used as over-night accommodation. It is used for storage of tools and equipment in connection with the tyre recycling business, and as a staff rest room and welfare space.

3. APPEAL PROPOSAL

- 3.1 The appeal proposes the change of use of the first floor of one of the three industrial buildings at Sussex Part Worn Tyres to a small HMO for occupation by staff employed on the premises only. In addition, the application included minor external alterations to ensure the accommodation complied with building and fire safety regulations. These comprise a second door onto an external metal walkway (fire escape) on the west elevation, with steps down to ground level. A new roller shutter door would be fitted to the ground floor workshop.
- 3.2 The application site, which spans the first floor of a workshop, is currently underused by the business. It could be used for storage, but can only be accessed by stairs, and the tools, plant and equipment used in tyre recycling are mainly heavy and cumbersome. The stairs make it difficult to access the first floor with part-worn tyres and heavy equipment; it is therefore unsuitable for storage. The company does not have need for first floor offices. Their office is on the ground floor as it needs to be customer facing, and operationally the office needs to be easily accessible by the yard staff during the day.
- 3.3 The first floor above the workshop is therefore underutilised space that needs to be put to a use that directly supports the tyre business.
- 3.4 The HMO would have four bedrooms, two of which will be double occupancy, a bathroom, shower room, lounge, boot room and kitchen. The first floor would provide 141.7sqm of internal living space.
- 3.5 The accommodation is solely for a maximum of six workers employed on the premises, and a condition can be imposed to restrict occupation accordingly. See section 6 below.
- 3.6 The proposed use is described in the application as a C4 small HMO. The Validation Officer did agree this description with the appellant's agent prior to validation. The appellant accepts that the agreed description accurately identifies the Use Class. However, the description did not fully convey the intended ancillary relationship between the accommodation and the established B2 use. The Inspector is therefore invited to determine the appeal on the basis of the proposal as shown on the application plans and explained throughout the supporting documents, namely staff accommodation intended solely to support the continuing industrial operation of Sussex Part Worn Tyres.
- 3.7 A new fire escape will be installed on the rear (west facing) elevation of the building, and has been designed in accordance with the Fire Safety Assessor's requirements.

- 3.8 The Inspector is invited to read Chapters 1 and 2 of the Planning, Design & Access Statement v.1, which contains a full description of the proposed use, with floor areas of the rooms and internal and external photographs taken in November 2025.

4. ADDRESSING THE FIRST REASON FOR REFUSAL

4.1 The first reason for refusal states,

“In the absence of clear and robust evidence to the contrary there is no justification for the loss of the industrial floorspace in this Protected Key Employment Area from its existing employment use. If granted, the change of use would cause unacceptable harm to the functioning of this Key Employment Area and therefore the proposal is contrary to Local Plan policy DM11 and the NPPF”.

4.2 The proposed use was assessed by Officers, including Planning Policy, as a material change of use. Although the appellant recognises that C4 small HMO is an appropriate description (see 3.4 above), there is nothing in the Officer report to indicate that she or her colleagues in Planning Policy recognised the proposal as ancillary to the industrial use of the site. As a result, the refusal reads as though it has been assessed against the expectations of a conventional market HMO, not staff accommodation.

4.3 The proposal should not be assessed as the loss of employment land to residential use, but as ancillary staff accommodation that supports and strengthens the continuing industrial use of the site.

4.4 Policy DM11 protects employment land because it supports employment. The proposed staff accommodation supports the existing employment use, but the Council approached the application as a displacement of the employment use. This is a fundamental misinterpretation of what is being proposed. The accommodation is offered by Mr Pountney to his employees free of charge, along with the contract of employment. The use of land and buildings commonly includes a range of ancillary uses that support the main use of the planning unit. An ancillary use is one that is subordinate to, and ordinarily incidental to, the primary use of the planning unit. It does not constitute a separate primary planning use in its own right.

4.5 Regrettably, the Council has treated the proposal as if it created a separate planning unit, not connected to the industrial use of the site. This is clearly not the case, as the accommodation will be tied to the business, and no separate planning unit will be created. The accommodation is physically contained within the existing planning unit, is under the same ownership and management as the industrial use, and has no independent commercial function. Its occupation is wholly dependent upon employment at the tyre recycling business.

- 4.6 The Local Plan recognises that whilst employment land must be protected, the economy is always changing and adapting, so there must be a flexibility in approach to allow for new forms of economic activity and employment (Worthing Local Plan, para. 5.151). DM11(c) adds that employment sites and premises should meet the needs of the local economy. The NPPF states that decisions should help create the conditions in which businesses can invest, expand and adapt, and decision makers should take into account local business needs (NPPF, 85).
- 4.7 When the proposed staff accommodation is considered as ancillary to the main use of the site, the proposal no longer represents a loss of employment land to be assessed under DM11. It becomes a subordinate element that supports the main use, akin to a caretaker's flat above a factory, a manager's accommodation over a pub, or a manager's mobile home on a holiday park. The primary use is unaffected; the accommodation supports the primary use by providing a form of accommodation that improves the economic function of the premises. In this instance, providing on-site accommodation for employees helps the business to recruit staff, especially from overseas, when the cost of accommodation in Worthing is very high in relation to earnings (the housing affordability ratio ¹).
- 4.8 According to the latest ONS affordability statistics (published March 2026), the median house price in England is 7.6 times median workplace earnings. Worthing's ratio is considerably higher than the England average, placing it amongst the less affordable authorities outside London and much of the South East. The accommodation is offered with the position in the business, and this has led greatly improved the company's ability to find and retain staff, due to the high costs of accommodation in the local area relative to wages. The work involved in tyre recycling is dirty and physically demanding, and this also adds to the difficulty of finding competent and willing staff to do the job. The on-site accommodation is especially helpful for workers who come from overseas, and Mr Pountney employs Polish workers in his team, due to their strong work ethic.
- 4.9 Being able to offer on-site accommodation that comes with the job the appellant's business in recruiting and retaining employees within the labour market, thereby supporting the continued operation of an established employment use.

¹ The ONS defines this as median house price divided by median gross annual workplace-based earnings.

- 4.10 The on-site accommodation has enabled Mr Pountney to maintain staff numbers and reduce staff turnover, putting him at a significant advantage at a time of decreased operational margins. The provision of a spacious and well fitted out staff HMO on the premises that comes with the job is very attractive to potential workers, especially from overseas. The occupants have willingly chosen the accommodation connected to their workplace. The accommodation meets the needs of the local economy, which is a stated objective of policy DM11.
- 4.11 In her delegated report, the Planning Officer wrote that because the industrial activities operate during standard daytime working hours, with no significant activity during evenings and weekends, so it is unclear to her why it is necessary to have staff on site out of normal working hours. This is a *non sequitur*. The proposed occupation is not primarily so that there is a human presence during the nights and weekends. At no point in the planning submission was with argument made (although the having employees on site during these times definitely improves site security).
- 4.12 Businesses don't provide on-site staff accommodation because they operate 24 hours. Accommodation that comes with the job assists with recruitment, staff retention, seasonal staff and overseas workers. At Sussex Part Worn Tyres, the accommodation makes it much easier to attract and retain staff. It provides staff with a good standard of accommodation at no cost, providing employment and increasing the company's economic resilience in times of decreased profit margins.
- 4.13 It appears therefore that the Planning Officers misunderstood both the ancillary nature of the proposed use, and why it is necessary to support the business.
- 4.14 The proposal does not amount to a loss of industrial floorspace, as opined by the Council in its refusal. The Council cites unacceptable harm to the function of a Key Employment Area as a consequence of allowing worker accommodation, but there is no evidence to support this contention. The evidence indicates the opposite; the accommodation increases the business's resilience, productivity and competitiveness.
- 4.15 For proposals that would result in a loss of employment floorspace, DM1 requires a demonstration of that the introduction of the proposed use would not negatively impact on the functioning of the key employment area or the local economy as a whole. Notwithstanding that in this instance there is no loss of employment premises (so DM11 should not be applied), there is no evidence that the proposed staff accommodation will

negatively impact on the functioning of the key employment area; on the contrary, the appellant installed the accommodation because it directly addressed the problem of staff recruitment and retention, and supports the welfare of his employees.

- 4.16 Even if the Inspector were to conclude that Policy DM11 is engaged, the proposal would satisfy its objectives. The staff accommodation would not prejudice the functioning of the Key Employment Area or the local economy. On the contrary, it would strengthen the established industrial use by improving staff recruitment and retention.
- 4.17 In conclusion, the proposed staff HMO would support, not harm, the functioning of this industrial premises, and would not result in a loss of employment floorspace due to the ancillary and complementary nature of the proposed staff accommodation.
- 4.18 The Council's first reason for refusal is refuted.

5. ADDRESSING THE SECOND REASON FOR REFUSAL

5.1 The second reason for refusal states,

“The proposed change of use, by reason of location, layout and nature of use would provide a substandard quality of accommodation for residents due to unsafe access and egress, fear of crime and noise and air pollution contrary to policies SP3 and DM5 of the Worthing Local Plan (2023) and paragraph 135 of the NPPF”

5.2 The Planning Officer confirmed in her report that the room sizes and facilities were adequate and comply with policy DM2 of the Local Plan. So the accommodation is not substandard in this regard.

5.3 The Council's Environmental Health Officer (EHO) commented on the application and is cited in the Officer report. The issues raised by the EHO relate to noise associated with traffic and the operation of plant (ventilation units, shutters), as well as artificial light, impacting on the occupants of the HMO.

5.4 As with the first reason for refusal, Officers appear to have assessed the proposal using the same criteria as they would normal housing, as opposed to worker accommodation tied to a business premises. All residential occupants, irrespective of their employment status and character, deserve a minimum, decent standard of accommodation. That said, the fact that the occupants will be working on the site is relevant to this assessment. In the same way as a pub manager living above a pub will be more accepting of noise from the premises during opening hours (irrespective of whether he or she is working a shift at the time), so too will employees living in the proposed HMO will be more accepting of noise associated with the industrial use of the site and surrounding area. This appears to have not been taken into account by the EHO and Planning Officer.

5.5 Furthermore, the level of noise from the surrounding industrial premises will be significantly reduced outside of normal working hours and at weekends, when the staff will be relaxing in their accommodation. The EHO is quoted as saying that a large number of vehicles and equipment in the surrounding area operate through the night, but this is demonstrably not the case. Sussex Part Worn Tyres normal opening hours are 8am to 5pm Monday to Friday, 8am to 12pm on Saturday, and closed on Sundays. The same is true of surrounding businesses. The Biffa waste transfer site, cited by the Planning Officer in her report as a source of noise and air pollution, is open from 9am to 5pm Mondays to Fridays, and is closed

- on Saturdays and Sundays. Likewise the MOT testing station south of the site opens from 8am to 5.30pm Mondays to Fridays, 8am to 1pm on Saturdays and is closed on Sundays.
- 5.6 Clearly, the businesses on the industrial estate do not operate through the night or at unsocial hours. Staff living over the workshop will not experience issues of noise or air pollution outside of normal working hours, as all the surrounding businesses, including the waste transfer station, are closed. During the working day, employees are working on the premises, so the level of the noise and air pollution they experience will be no different from any industrial work environment.
- 5.7 There is therefore considered that the occupants of the staff accommodation will not be experience unacceptable levels of noise and air pollution, either during their working day or outside of working hours. Policy DM5 is complied with.
- 5.8 A secondary door opening out onto an extended walkway with access to ground level forms part of the proposals. This is included to comply with building and fire safety regulations. The Council opines that the layout would provide a substandard level of accommodation, but this is not so in relation to fire safety. The proposals have been assessed by a Fire Consultant, and the level of safety satisfies the functional requirements of Building Regulations relating to fire safety (see Appendix for Fire Strategy Report). Access and egress to and from the building is therefore safe, contrary to the Council's reason for refusal.
- 5.9 The contention that the workers' access is unsafe due to them having to walk across the car parking area to reach Dale Road is also unfounded. These employees work on the premises all day, and will regularly walk around the site, including the car park, to engage with customers parked up to have their tyres changed. The staff are well aware of any hazards and are familiar with taking due care and attention. Moreover, the site is much busier during the working day. Car and lorry movements will be of a very low level outside of working hours and at the weekend, so crossing the car park is not going to result in any significant hazard for the staff who live on site.
- 5.10 The Council Highway Officer Liz Corcoran raised no highway safety concerns. Ms Corcoran also stated that there are no apparent visibility concerns, again indicating that the site is safe for the proposed occupants.
- 5.11 The Planning Officer opines that opportunities for crime could be increased due to the entrance to the staff accommodation being set back behind a lorry and car parking area,

which reduces sightlines. But the number of vehicle movements, and lorries parked on the premises, will be significantly lower out of working hours. The appellant considers that this reasoning is weak, and that in practice there is no more increased likelihood of crime on the premises as there would be elsewhere.

- 5.12 It is considered therefore that future occupants of the proposed staff accommodation would not experience harm by way of noise or air pollution, or that the access and egress to the accommodation is unsafe. The proposed accommodation has been assessed by a Fire Safety Consultant and deemed safe and compliant with building regulations in relation to fire safety.
- 5.13 The proposal provides an adequate standard of accommodation and would not result in harm to the amenity of future users, in accordance with SP3 and DM5 of the Local Plan.
- 5.14 The Council's second reason for refusal is refuted.
- 5.15 In summary, the proposal is not for housing in the middle of an industrial estate, as the Officer report implies. It is tied accommodation above a workshop on an existing business premises, and on the same planning unit. It is occupied only by employees, and is under the same management as the rest of the premises.

6. CONDITIONS

- 6.1 Conditions in event the appeal is allowed, the following conditions are proposed, to make the development acceptable in planning terms.
- 6.2 Tied Occupancy: The residential accommodation hereby permitted shall only be occupied by persons solely or mainly employed by the B2 industrial use operating from Units 1–2, 3 Meadow Road Industrial Estate, and shall at no time be occupied independently of that industrial use.
- 6.3 Numbers: The maximum occupancy of the residential accommodation hereby approved shall be six persons
- 6.4 Fire Safety: the new fire escape and door and external fire escape walkway shown on KD.1814_A.102 A shall be installed prior to the occupation of the accommodation hereby approved.
- 6.5 Fire Safety: The development shall be carried out in accordance with the Fire Strategy Report by MW Fire Safety Consultants Ltd.
- 6.6 Cycle Parking and Refuse Storage: Details of secure cycle parking and refuse storage shall be submitted to, and approved in writing by, the local planning authority. The cycle parking and refuse storage shall be provided in accordance with the approved details prior to occupation of the accommodation.

7. CONCLUSIONS

- 7.1 The appeal proposal has been consistently described by the appellant as staff accommodation intended solely to support the continued operation of Sussex Part Worn Tyres. Whilst the proposed use falls within Use Class C4, it is not a conventional market HMO. It is functionally and operationally linked to the established B2 industrial use, remains under the same ownership and management, and has no independent commercial purpose.
- 7.2 The Council assessed the proposal as a loss of employment floorspace to an unrestricted residential use. In doing so, it failed to give proper weight to the ancillary nature of the accommodation and the important contribution it makes to the recruitment, retention and welfare of employees, thereby supporting rather than undermining the continued viability of an established employment business.
- 7.3 The second reason for refusal is likewise unsupported by robust evidence. No technical consultee identified unacceptable highway safety issues. A Fire Strategy Report demonstrates how the accommodation can achieve an appropriate standard of fire safety through physical alterations and fire protection measures. The concerns regarding noise, fear of crime and air pollution are unfounded as businesses on the estate in the surrounding area do not operate outside of normal business hours.
- 7.4 Furthermore, any residual planning concerns can be satisfactorily addressed through planning conditions restricting occupation to employees of Sussex Part Worn Tyres or their successors, preventing independent occupation of the accommodation, limiting occupancy, requiring implementation of the submitted Fire Strategy, and securing the continued operation of the industrial use.
- 7.5 For these reasons, the proposal accords with the objectives of Policies DM11, SP3 and DM5 of the Worthing Local Plan, read as a whole, together with the relevant provisions of the National Planning Policy Framework. The appeal should therefore be allowed and planning permission granted, subject to such conditions as the Inspector considers necessary and reasonable.

Appendix

Fire Strategy Report by Michael Whitty of MW Fire Safety Consultants Ltd

FIRE STRATEGY REPORT

**Unit 1.
1 Meadow Road,
Industrial Estate
Dale Road
Worthing
BN11 2RU**



Proposal: Conversion of First Floor to HMO Accommodation
Location: Above Existing Tyre-Fitting Workshop
Address: Poutney Tyres, 1 Meadow Road, Industrial Estate, Dale Road, Worthing, BN11 2RU

The proposal involves the conversion of the existing first-floor offices and storage rooms into sleeping accommodation for a maximum of four occupants, forming a small low risk House in Multiple Occupation (HMO). The ground floor will continue to operate as a commercial tyre-fitting workshop, providing tyre-changing services for public vehicles during normal business hours.

The fire strategy will address the interaction between the commercial use at ground level and the proposed residential use above, ensuring appropriate fire separation, means of escape, detection and alarm systems, and compliance with relevant building and fire safety regulations

Assessment date: 1st March 2026

Assessor: Michael Whitty, MW Fire Safety Consultants limited

Signature of Assessor:



Responsible person(s): Derrick Poutney

Contents	2-3
1. EXECUTIVE SUMMARY	4
1.1 General description of the development	4-5
1.2 Drawings	6-11
1.3 Purpose and scope of Report	12
1.4 Principle Guidance Document	12
1.5 Reference to drawings	12
2. MEANS OF ESCAPE	13-14
2.1 Horizontal Escape within the ground floor commercial business	14
2.2 Horizontal escape within the HMO first floor	14
2.3 Vertical escape	14
2.4 Disabled evacuation	14
2.5 Emergency lighting	14
2.6 Signage	14
2.7 Wayfinding signage	14
3. AUTOMATIC FIRE DETECTION AND MEANS OF ESCAPE	
4. SMOKE CONTROL	
4.1 Staircase ventilation	
5. AUTOMATIC SUPPRESSION	
6. SECONDARY POWER SUPPLIES	
7. INTERNAL FIRE SPREAD	14
7.1 Lining	15
7.2 Compartmentation	16
7.3 Structural Fire Protection	16
7.4 Concealed Spaces	16
7.5 Fire Stopping	17
8. EXTERNAL FIRE SPREAD	18
8.1 External wall construction	18
8.2 External fire escape protection	18
9. FIRE SERVICE ACCESS AND FIRE FIGHTING FACILITIES	18
9.1 Vehicle access	18
9.2 Fire hydrants	18
9.3 Smoke clearance for firefighting	18
9.4 Protection of electric cables in common corridors	19
10. Fire Safety Management Plan (FSMP)	19
11. Fire protection systems	19
12. Portable firefighting equipment	19
13. Conclusion	20
14. Limitations	20

15. Managing Building Works and Alterations..... 20

16. Competence of Author..... 21

17. Relevant legislation..... 22

18. Risk Mitigation Schedule for Tyre Fitting Workshop.....Appendix A..... 23

1. Executive Summary

MW Fire Safety Consultants Limited have been commissioned by Poutney Tyres to prepare a fire safety strategy for the proposed conversion of the first floor at Poutney Tyres, Unit 1. 1 Meadow Road, Industrial Estate, Dale Road, Worthing, BN11 2RU, as a **Mixed Use** building, making recommendations to fire safety precautions. The building has a concrete ground floor, no internal stairs to the first floor, brick walls and the **roof is a corrugated asbestos roof (Information for Fire Service fire fighting)**. Access to the first floor is via an external metal staircase.

The assessment and subsequent strategy have not considered any additional requirements associated with property protection and any discussions associated with variations to the prescriptive approach are based on life safety.

The report sets out the performance requirements for various design aspects. Detailed design, to achieve compliance with the standards specified, will be undertaken by others.

It is considered that the outline recommendations in this report will provide sufficient guidance to obtain approval from the relevant authorities and achieve a satisfactory level of safety, commensurate with the risks for the occupied premises.

Regulation 38 of the Building Regulations requires that fire safety information be given to the person responsible for the occupied building. Therefore, copies of the finalised fire strategy report and the other relevant fire safety information should be issued to the responsible person on completion of the project. This should include details, of maintenance and testing schedules for all fire safety systems.

1.1 General description of the development

This Fire Strategy Report provides a technical assessment of the proposed conversion of the first floor of a two-storey commercial building into staff accommodation (HMO). The ground floor will remain a tyre-fitting workshop with public access and elevated fire loading. The first floor will contain four bedrooms, a kitchen, lounge, and wash facilities with internal protected route to an external fire escape to ground level.

The building presents a mixed-use configuration with a high-risk commercial occupancy beneath sleeping accommodation. This report outlines the fire-safety measures required to achieve compliance with the functional requirements of the Building Regulations, specifically B1–B5. The strategy is based on prescriptive guidance from Approved Document B (ADB), BS 9991, BS 9999, and LACORS HMO guidance, with additional risk-mitigation measures appropriate for the commercial workshop.

Ground Floor – Tyre-Fitting Workshop

- Open-plan commercial workshop
- Vehicle access via two roller shutters
- Public access
- No internal connection to first floor
- Fire load includes tyres, oils, lubricants, tools, and vehicles
- Mechanical equipment and electrical tools in use

First Floor – Proposed HMO

- Central corridor running North–South
- Four bedrooms (two each side)
- Kitchen at North end
- Lounge at South end
- Washrooms accessed from kitchen
- Escape route leads West to external metal staircase

The strategy outlines the fire-safety measures required to ensure safe occupation of the first-floor residential unit while maintaining the continued commercial use below.

Key considerations include:

- Fire separation between the commercial workshop and the residential accommodation to achieve appropriate fire-resistance performance(60 minutes).
- Means of escape for residents, including protected escape routes and final exits.
- Fire detection and alarm systems suitable for mixed-use premises, ensuring early warning for both residential and commercial areas.
- Smoke control and ventilation provisions to maintain tenable escape conditions.
- Access and facilities for the fire and rescue service, including approach routes and firefighting provisions.
- Compliance with relevant guidance, including Approved Document B (ADB), LACORS Fire Safety Guidance for HMOs, and BS 5839 for fire detection and alarm systems.

The proposed measures aim to ensure that the building meets the functional requirements of the Building Regulations, particularly Requirement B1–B5, and provides a safe environment for both residents and commercial occupants.

The general layout is indicated in Figures 1:1 to 1:7 below.

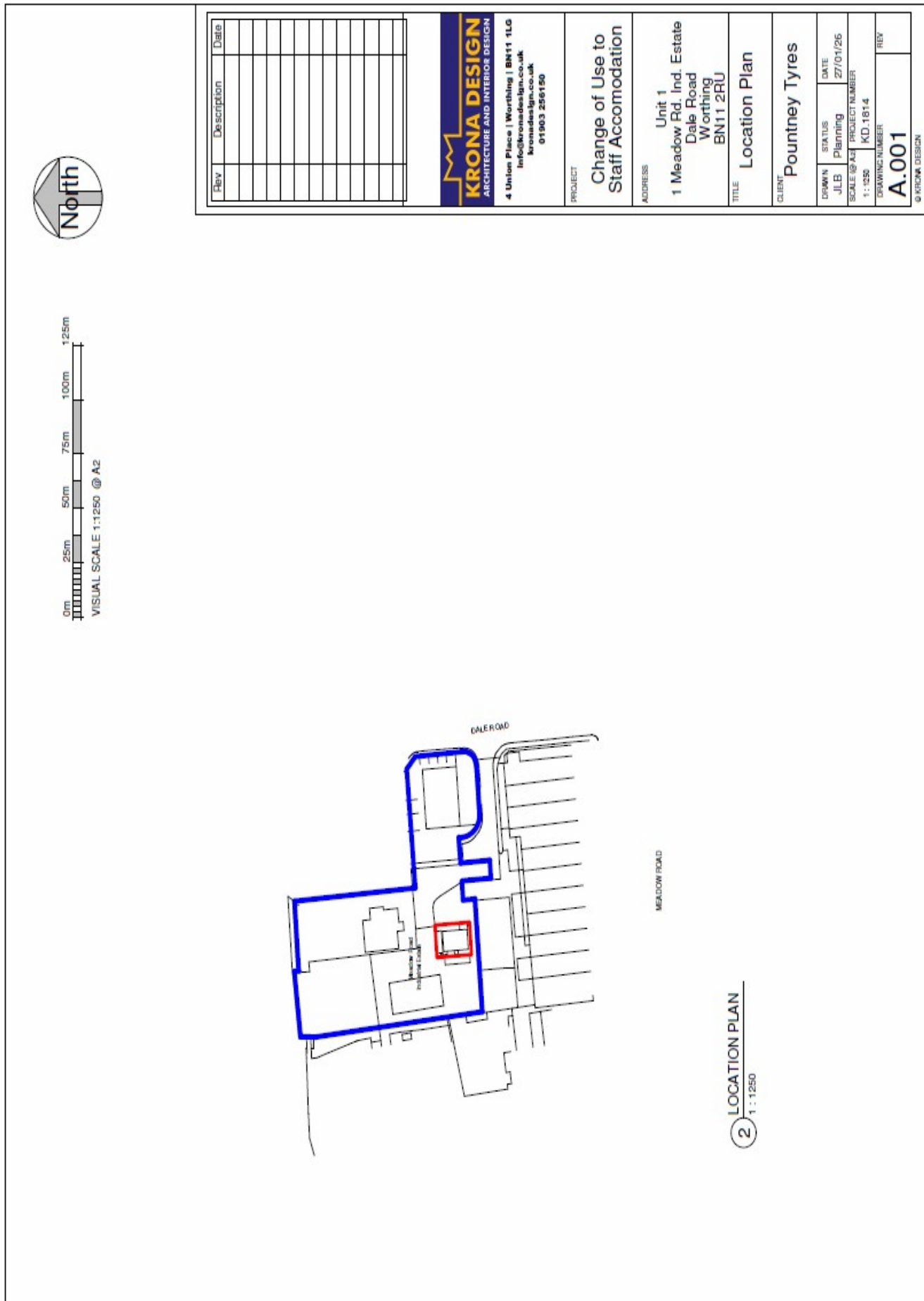


Figure 1.1 Location Plan

1.3 Purpose and Scope of the Report

The purpose of this report is to examine the propose layouts in relation to the fire safety precautions. On examination of the layouts, any deficiencies highlighted have been raised and solutions proposed. Where a compliant design cannot be achieved, a fire engineering approach could be adopted to meet the functional requirements of Building Regulations.

The report is intended for discussion between the design team and to assist the design team in gaining approval from the Regulating Authorities. The report will analyse and make recommendations to meet the requirements of BS 9991 and The Regulatory Reform(Fire Safety) Order 2005 only. Property protection will not form part of this report.

Based on the recommendations provided within this report, it is believed that the premises will be provided with an adequate level of fire safety once solutions are agreed.

1.4 Principle Guidance Documents

The principle guidance document considered for the development of the fire strategy for this development will be Building Regulations approved Document B: Fire Safety – 2019 Edition incorporating 2020 amendments Volume 1: dwellings (ADB) and ADB Volume 2: Commercial.

Reference will also be made to relevant British and European standards where appropriate, and cognisance taken of BS 9991:24 – Fire safety in the design, management and use of residential buildings – Code of practice for residential accommodation.

The Building Regulations are fully functional. This means that guidance given is not mandatory. Nevertheless, it is intended that due notice will be taken of the guidance of Approved Document B and, where appropriate, deviations from the guidance will be discussed and justified based on compensatory measures and fire engineering design.

1.5 Reference Drawings

Description	Drawing Number	Date	Prepared by
Location Site	A.001	27/01/2026	Krona Design
Accommodation Site	A.100	23/01/2026	Krona Design
Existing Plans	A.101	23/01/2026	Krona Design
Proposed Plans	A.102	27/01/2026	Krona Design
Proposed Elevations	A.201	27/01/2026	Krona Design
Fire plans	A.103	01/03/2026	Krona Design

Table 1:1 Reference Drawings

2. Means of Escape

The evacuation strategy for the building will be 'Simultaneous' where occupants will leave the building immediately and report to the Assembly Point for roll call.

All doors within the HMO first floor including the final exits should open easily and only be fitted with simple fastenings. If security devices are fitted e.g., keypads or electronic devices (usually on front door), there should be a means of overriding this from the inside approached by people escaping.

2.1 Residential First Floor

All rooms open onto a protected corridor escape route with maximum travel distance in protected route: ≤ 9 m (ADB/BS 9991). Exiting onto the external metal staircase down to ground level. External staircase is:

- Non-combustible
- Minimum width per ADB
- Emergency lighting
- Handrails and anti-slip treads
- All glazing adjacent, above or below the fire escape to be 30 minute fire resistant glazing.
- No storage permitted beneath or adjacent the fire escape.

The entrance doors to rooms are provided with 30 minute fire doors fitted with self closing devices conforming to BS EN 1154, intumescence strips and cold seals. Protected route maintains 30 minute fire resistant walls through out. This will meet the internal escape requirements since the hallway is no longer than 9m long with all room doors opening onto the hallway.

2.3 Commercial Ground Floor

Escape route is independent of HMO with alternate direction via three roll steel shutters which are fully open during day time business use and are not obstructed. Exit signage not required as open plan area. Emergency lighting to be provided at each exit.

2.4 Disabled Evacuation

The accommodation is for the use of existing able bodied staff who work using heavy equipment therefore it is envisaged that this accommodation will not be suitable for disabled persons.

There is no lift provided and therefore all occupants to the upper floor are considered to have general mobility to utilise the stairs for means of escape, if required.

2.5 Emergency lighting

Emergency lighting is required and will be installed in accordance with BS 5266:2016 and Bs EN 1838: 2013 throughout the common parts of the accommodation, with emergency luminaires sited on escape routes to final exits.

The emergency lighting must be provided on sub circuits, and so as to illuminate fire exits, exit routes(internal and external) exit signage, fire equipment electrical panels, fire alarms(where applicable).

The emergency lighting will be provided with testing facilities such as key operated test-switch for each circuit, to enable the un-switched supply to each luminaire/circuit to be isolated for test.

2.6 Signage

Exits other than those in normal use for egress, should be clearly marked with appropriate signage.

Ground Floor

The ground floor exit doors are fully opened roll steel shutters available throughout business hours, it is not considered necessary to provide directional fire exit signs due to the simplicity of the layout.

First Floor

Due to the simplicity of this layout with only four occupants, all familiar with the building, it is not considered directional fire exit signs are required.

All fire doors other than doors to the rooms should be marked with the appropriate fire safety sign conforming to BS ISO 3864-1, according to whether the door is;

- to be kept closed;
- to be kept locked;
- held open by an automatic release mechanism.

Fire doors to cupboards and to service ducts should be marked on the outside. All other fire doors should be marked on both sides.

2.7 Wayfinding Signage

Designed to assist the fire service to identify each floor in flats with a top storey 11m above ground level and therefore is not applicable in this project.

3. Automatic Fire detection and means of warning

The detection and warning system will be interlinked between the ground floor commercial workshop and the first floor HMO ensuring each receives early warning on the actuation of the alarm system.

It must be ascertained that the sounder(s) achieve the required 75db(A) at the bed head.

Commercial Workshop will require **Category L2/M system to BS 5839-1 heat detection** in workshop with Manual call points at exits.

First-Floor HMO requires **Grade D1, LD2 system to BS 5839-6 with Smoke detectors in corridor and bedrooms, Heat detectors in kitchen.** Call point adjacent final exit and alternate exit from kitchen.

The interlink between floors will ensure the Commercial system activation triggers HMO alarms and the HMO system activation alerts ground-floor staff. The system must be tested for compatibility.

4. Smoke Control

Smoke control will be initiated by the Fire Service if required using natural ventilation windows and doors.

5. Automatic Suppression Systems

There are no automatic suppression systems required for this building. The building is under 11m and therefore sprinklers are not required.

6. Secondary Power Supplies

All fire protection systems where provide need to be equipped with a secondary power supply. BS 9999:2017 provides details.

7. Internal Fire Spread – Mixed Use Building

7.1 Lining

- In accordance with ADB, the internal linings for the proposed development are recommended to be: Euroclass D-s3, d2 (European - BS EN 13051-1:2002) for rooms less than 4sq m area.

- In accordance with ADB, the internal linings for the proposed development are recommended to be: Euroclass C-s3, d2 (European - BS EN 13051-1:2002) for all rooms greater than 4sq m area and circulation space.
- In accordance with ADB, the internal linings for the proposed development are recommended to be: Euroclass B-s3, d2 (European - BS EN 13051-1:2002) for protected common areas. (Wall coverings which conform to BS EN 15102, achieving at least class C-s3, d2 bonded to a class A20s3, d2 substrate, will also be acceptable.

7.2 Compartmentation - Commercial Premises and HMO

The main requirement for the provision of compartmentation is to protect the means of escape and restrict the spread of fire from its room of origin.

Ground floor must maintain 60 minute separation from the first floor residential accommodation.

Vertical Separation

- Intermediate floor to achieve REI 60
- All service penetrations sealed with tested fire-stopping systems
- No shared ventilation ducts or unprotected openings

First floor accommodation must maintain 30 minute fire resistance between rooms and protected corridor to final exit. Horizontal Separation

- Bedrooms: FD30S fire doors
- Kitchen: FD30S
- Lounge: FD30S
- Corridor walls: 30-minute fire-resisting construction
- Protected corridor from all bedrooms to final exit

Each of the floors are considered as individual compartments, with the fire separation being provide by 60-minute fire resisting compartment walls and ceiling/floors.

Pre-staircase void from ground floor to first floor requires 60 minute fire resistance compartmentation throughout its height.

Recommended compartmentation measures for the building are summarised in ADB 2 (Commercial standard) referred to by LACORS. Table 7.1 below:

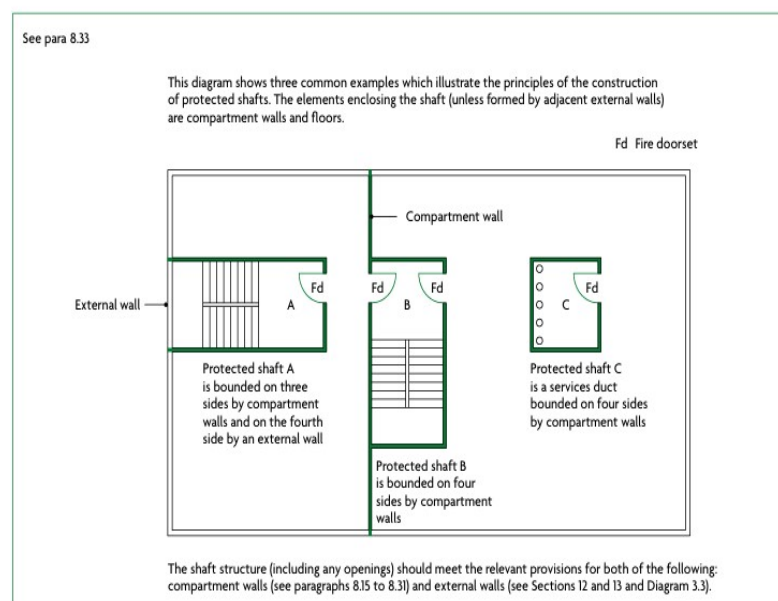


Table 7.1 Protection of Shafts

7.3 Structural Fire Protection

In accordance with the guidance given in ASB, all load bearing elements of structure will be provided with fire protection to achieve a minimum 60-minutes fire resistance. This requirement also applies to any element of structure that supports stability to another.

Structural Stability

- Load-bearing elements to maintain stability for duration of fire resistance period
- Any steelwork to be protected to achieve required fire resistance

The following elements can be excluded from the above fire resistance requirements:

- Any structure that only supports a roof, except where the roof performs the function of a floor or where the roof structure is essential for the stability of an external wall that requires fire resistance;
- The lowest floor of the building;
- A platform floor;
- Any galley, stage grid, lighting bridge or similar structure.

In accordance with Table B4 of ADB, fire rating of elements of structure for the proposed development should be as follows:

Building Height, meters(approximately)	Fire resistance Period, minutes
Up to 11m	60

Table 7.2 fire rating of elements of structure

7.4 Concealed Spaces

Concealed spaces and cavities in the building can allow the rapid, undetected spread of fire and smoke to areas remote from the seat of an incident.

If concealed spaces or cavities are created, cavity barriers will be required. The cavity barriers must provide a minimum of 30/15 minutes fire resistance period, in terms of integrity and insulation, respectively. Cavity barriers must be securely supported so as to guarantee integrity and insulation properties irrespective of the failure of un-rated components.

In accordance with ADB Table 7.3, cavity barriers should be provided as follows:

- All junctions between an external cavity wall and every compartment floor, and compartment wall;
- All junctions between an internal cavity wall and every compartment floor, compartment wall, or other wall or door assembly which forms a fire-resisting barrier;
- For a protected escape route, i.e., protected corridor, a cavity that exists above or below any fire resisting construction should either be fitted with cavity barriers on the line of the enclosure to the protected escape route or the cavities above the fire resisting construction, enclosed on the lower side by a fire resisting ceiling which extends throughout the building, compartment or separated part;
- Where the dimension of uninterrupted ceiling void is greater than 20m, The maximum dimensions of cavities should be less than 2m in any direction.

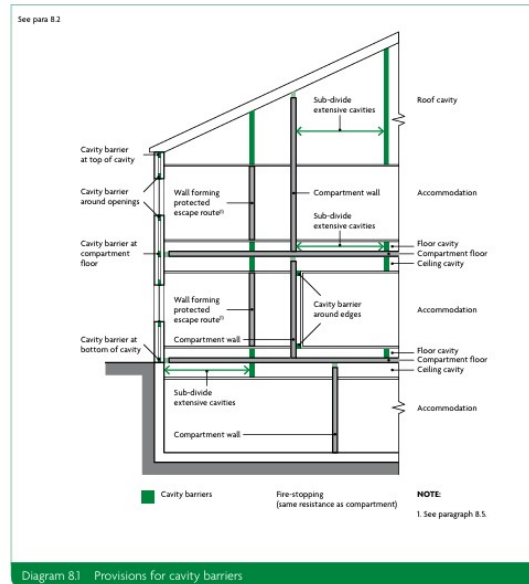


Table 7:3: Provision for Cavity Barriers

7.5 Fire Stopping

All penetrations through fire separating elements should be adequately fire-stopped or sealed to ensure that the integrity and performance of the elements is not impaired. Areas that will require fire-stopping will be around pipe and cable services, ventilation ducts and flues and junctions between fire separating elements.

Services are to pass through a 'letterbox' arrangement where the opening is formed and the double lined with non-combustible board to protect the insulation.

All elements and services that penetrate a compartment wall, floor or other element of fire resisting construction are to be fire- stopped using a method appropriate to element penetrated and the surrounding construction.

Typical fire-stopping materials include:

- Gypsum-based plaster
- Cement-based or gypsum-based vermiculite/perlite mixes
- Crushed rock, blast furnace slag or ceramic-based products(with or without resin binders) and
- Intumescent mastics

Systems used must be designed, installed, tested and maintained in full accordance with the relevant BS 478 standard and the ASFP Approved Codes of Practice.

Any ventilation ductwork will also need to be fire protected where it penetrate a fire separating element. As ventilation ducts provide a potential route for fire spread through the duct consideration of how this will be fire-stopped must also be made. Three basic methods should be considered:

- protection using fire dampers;
- Protection using fire resisting enclosures;
- Protection using fire resisting ductwork.

Where a ventilation duct serves more than one part of a compartment or the fire-separated protected route, smoke detector-operated fire dampers should be provided where the ductwork enters each fire-separated or smoke-separated section of the escape route.

8. External fire spread

To prevent fire spread from one building to another, it is sometimes necessary to protect external areas of the building by providing a level of fire resistance that is the same as required for the building. The extent of the area of each facade that needs to be protected depends upon the use of the building and the distance to relevant boundaries. Table 10.1 of ADB 2 applies.

It is understood that the external facade will meet the requirement for Euroclass A2 or better although the building is under 18m in height.

The relevant boundary is more than 1m away, therefore there would be no provision required for the external surfaces of the walls of the building.

8.1 External wall construction

This building is of concrete ground floor, the external wall has two leaves of brick and concrete block. Therefore the external wall construction is excluded from the provisions of cavity barriers and applies to Diagram 8.2 within the ADB. However, the following should be implemented:

1. Close cavity at top of wall (unless cavity is totally sealed or filled with insulation).
2. Close cavity around openings.
3. Materials used to close the cavity in this arrangement do not need to achieve a specific performance in relation to fire resistance.
4. Materials achieving class B-s3, d2 or worse may be replaced within the cavity.

8.2 External Fire Escape

The external metal fire escape to be protected from fire and heat as follows:

- All windows adjacent fire escape above and below to be re-glazed with 30 minute fire resistant glazing;
- No storage permitted below or adjacent the external fire escape.

9. Fire Service Access and Fire Fighting Facilities

9.1 Vehicle access

The main fire service access route will be from the highway. This conversion assumes that all access provisions will meet statutory requirements as existing.

Road access is required in accordance with ADB table 13.1.

Vehicle access appears to be within the access route specification (45m to furthest position on upper floors) therefore there is no requirement for the provision of dry riser to the building.

9.2 Fire hydrants

This is an existing building and it is assumed that the hydrant provision will meet statutory requirements for this site.

9.3 Smoke clearance for fire-fighting (B1/B3)

Smoke ventilation will depend on fire service management using natural ventilation:

- Protected corridor ventilated via openable window;
- All voids and penetrations sealed;
- No shared ductwork between floors and
- No openings between workshop and HMO.

9.4 Protection of electric cables in common corridors

Electrical cables in common corridors can become hazardous to fire-fighters in the event of a fire. For this reason, BS 7671 of the Electrical Regulations outlines the need for cabling to be supported by fire-resisting fastenings and fixings which are not liable to premature collapse in extreme heat.

10. Fire Safety Management Plan (FSMP)

This fire safety strategy has been developed on the assumption that the building will be properly managed. Procedures for the management of fire safety should be developed and documented in a FSMP. Guidance on fire safety management procedures is given in BS 9999 Annex H; and a typical FSMP should include:

- Fire safety policy and management structure
- Coordination with other parties (e.g., in a shared building)
- Operation manuals, maintenance and testing schedules for all fire safety systems
- Evacuation strategy for occupants, people with special needs and contractors
- Fire safety strategy and plans for the building
- Fire Risk Assessment
- Emergency response arrangements
- Risk-Mitigation Schedule for Tyre- Fitting Workshop (attached as Appendix A)

Note: The above list is not exhaustive, but only to highlight some key areas and should be incorporated into a building management strategy.

11. Fire Protection Systems (FPS)

All fire safety provisions(active and passive) must be serviced and maintained in accordance with the relevant British Standards and manufacturer's specification. This includes:

- Fire Alarm and Detection System (FADS)
- Automatic Water Fire Suppression System (AWFSS)
- Smoke Ventilation System (SVS)
- Fire-resisting compartmentation
- Internal and external escape routes
- Dampers(if included)
- Fire doors and door security
- Emergency lighting

12. Portable Fire Fighting Equipment

Portable fire extinguishers should be selected and installed in accordance with BS 5306 Part 3. as determined by the subsequent premises Fire risk Assessment.

It is envisaged that CO₂ and foam extinguishers are required for the commercial premises on the ground floor and Foam or Water mist extinguishers for the first floor accommodation along with a Fire Blanket in the kitchen:

- CO₂ extinguishers.
- Foam extinguishers
- Fire blanket

13. Conclusion

The proposals outlined in this document demonstrate and meet the general standard implied by compliance with the recommendations in building regulations. This level of safety, therefore, satisfies the functional requirements of the Building Regulations relating to fire safety.

Compliance with the building regulations usually infers compliance with the Regulatory Reform (Fire Safety) Order 2005, provided that the fire safety management arrangements are suitable and fulfilled throughout the life cycle of the building.

It is recommended that the proposed building insurance company is consulted with relation to the fire safety arrangements within the building to ensure that they are satisfied from a property protection perspective.

The requirements of the Building Regulations and the Regulatory Reform (Fire Safety) order 2005 are set out in functional terms and can be interpreted in different ways. Therefore, it is essential that the recommendations of this report are agreed with the relevant Approved Authorities before implementation or occupying the building.

14. Limitations

The information limitations and assumptions used in the preparation of this report are described below.

BS 9991

This report considers the relevant guidance which deals with life safety only, property protection, business continuity and insurance issue are not addressed in this report.

Other Limitations

Complying with the recommendations of this report will not guarantee that a fire will not occur. This report has been prepared for the sole benefit, use and information of Poutney Tyres and other members of the design team and the liability of MW Fire Safety Consultants Limited, its directors and employees, in respect of the information contained in the report, will not extend to any third party.

Until this report is agreed with the approving authorities, the content should only be used for preliminary information. An evaluation of the risks to people should be undertaken, particularly in those areas of the premises or adjacent areas that continue to be occupied.

15. Managing Building Works and Alterations

Before any building works start or materials alterations are made to the premises, the fire strategy should be agreed and a fire risk assessment by a competent assessor is required to consider what additional risks are likely to be introduced during construction. An evaluation of the risks to people should be undertaken, particularly in those areas of the premises or adjacent areas that continue to be occupied.

Any structural alterations may also require Building Regulations approval. A full Fire Risk Assessment should be undertaken on completion of the works and occupation of the building.

16. Competence of Author

Assessor: Michael Whitty
Address: MW Fire Consultants Limited
49 Redhill Drive, Brighton, East Sussex. BN1 5FL

Telephone: [REDACTED], [REDACTED]

Email: [REDACTED] [REDACTED]

Author: Michael Whitty

Qualifications: LLB(Hons) Sussex University
Graduate Institution of Fire Engineers (IFE) 1979
Fire Prevention Long Course- Moreton- in- Marsh
Chief Fire Officer Command and Control – Moreton- in- Marsh 1986

Career: Current - Independent Fire Safety Consultant 2010 -
Retired Principal Fire Officer London Fire Brigade 1965 – 1994
Fire Safety Manager Head of Westminster –London Fire Safety Offices
Fire Safety Inspecting Officer – London Fire Brigade
Commendation rescue member of the public- Tower Bridge 1977
Congratulations certificate rescue member of the public - City University 1977
Letter of thanks from Chief Fire Officer Lincolnshire Fire Service following investigation into injured fire-fighters. 1986.

17. Relevant legislation

1. Building Regulations Approved Document B Fire Safety – 2019 Edition incorporating 2020, 2022 & 2025 amendments Volume 2; Other than Dwellings (ADB).
2. BS 9999: 2017 – Fire safety in the design, management and use of non residential buildings.
3. British Standard BS 5839-1 (commercial fire alarms) BS 5839-6 (domestic fire alarms) Fire detection and fire alarms systems for buildings. Code of Practice for the design, installation and maintenance of fire detection and fire alarm systems.
5. British Standard BS 5266-1:2026 Emergency Lighting
6. BS ISO 3864-1: 2011. Graphical Symbols and signs. Safety signs, including fire safety signs. Specifications for geometric shapes, colours and layout.
7. British standard BS 476: Fire Testing on Building Materials and Structures.
8. The Health and safety (Safety Signs and Signals) Regulations 1996
9. External Fire Spread – Building Separation and Boundary Distances, fire research Station, BRE 187.

10. BS EN 3-7: 2004: Portable Fire extinguishers – Characteristics, Performance Requirements and Test Methods
11. The Fire Safety (England) Regulations 2022
12. BS 9990:20015, Code of practice for non-automatic fire-fighting systems in buildings.
13. Regulatory Reform (Fire Safety) Order 2005.
14. Fire Safety Order 2020 PAS 79-1 replaced by BS 9792-2025 PAS 9980 External walls
15. BS 9991:2024, Fire safety in the design, management and use of residential buildings. Code of practice.
16. LACORS Fire Safety Guidance for HMOs

Note: Other relevant legislation and Guidance Notices have been considered.

RISK-MITIGATION SCHEDULE FOR TYRE-FITTING WORKSHOP**A1. Fire Load Management**

- Tyres stored away from escape routes
- Oils/lubricants stored in metal cabinets
- Limit bulk storage

A2. Ignition Source Control

- No smoking
- Hot-work permit system
- Regular maintenance of tools and compressors
- PAT testing

A3. Vehicle Management

- Engines off during tyre fitting
- No overnight vehicle storage unless risk assessed
- No fuel-system repairs

A4. Housekeeping

- Waste tyres removed daily
- Floors kept clear of rubber dust
- No storage beneath nor adjacent external staircase

A5. Fire Detection & Warning

- Heat detection
- Manual call points
- Interlinked alarms

A6. Firefighting Equipment

- CO₂ extinguishers
- Foam extinguishers
- Fire blanket

A7. Staff Training

- Evacuation procedures
- Alarm recognition
- Equipment shutdown
- Night-time procedures