

<u>No:</u>	BH2020/03091	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Adastral House 7 - 8 Westbourne Villas Hove BN3 4GQ		
<u>Proposal:</u>	Change of use from hotel (C1) to a 19-room large House in Multiple Occupation (Sui Generis) including installation of side and rear rooflights.		
<u>Officer:</u>	Russell Brown, Tel: 293817	<u>Valid Date:</u>	29.10.2020
<u>Con Area:</u>	Sackville Gardens	<u>Expiry Date:</u>	24.12.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	ADA Architects 129 Kings Road Halstead C09 1HJ		
<u>Applicant:</u>	Mrs Angelique Glata 7 - 8 Westbourne Villas Hove BN3 4GQ		

1. RECOMMENDATION

- 1.1. That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the following Conditions and Informatives:

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
Location and block plan	589 - 001	C	1 December 2020
Proposed Drawing	589 - 002	F	21 December 2020
Proposed Drawing	589 - 100	I	3 December 2020
Proposed Drawing	589 - 101	E	1 December 2020
Proposed Drawing	589 - 200	D	1 December 2020
Proposed Drawing	589 - 201	C	29 October 2020

2. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

3. The number of persons residing at the premises shall not exceed nineteen (19) at any one time and each bedroom shall be for single person occupancy only.

Reason: To safeguard the amenities of occupiers and the occupiers of nearby properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The kitchen, dining, lounge and laundry rooms/areas shown on drawing no. 589-100 Rev I received by the Local Planning Authority on 3 December 2020 and drawing no. 589-101 Rev E received by the Local Planning Authority on 1

December 2020 shall be retained as communal space at all times and shall not be used as a bedroom.

Reason: To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

5. The rooflights hereby approved shall have black or dark grey coloured steel or cast metal frames and shall be fitted flush with the adjoining roof plane.
Reason: To ensure a satisfactory appearance to the development and to comply with Policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
6. Full details of the new gates to the side of 7 and 8 Westbourne Villas hereby approved, including 1:20 scale elevations and materials / finishes, have been submitted to and approved in writing by the Local Planning Authority within three months of the decision date of this permission.
Reason: To ensure a satisfactory appearance to the development and to comply with Policies QD14 and HE6 of the Brighton & Hove Local Plan and CP12 and CP15 of the Brighton & Hove City Plan Part One.
7. The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property.
Reason: To reduce the risk of flooding and pollution and increase the level of sustainability of the development and to comply with Policies CP8 and CP11 of the Brighton & Hove City Plan Part One and SPD16.
8. The House in Multiple Occupation hereby approved shall be operated in accordance with the Management Plan received 12 January 2021 and shall continue to be operated as such thereafter unless otherwise agreed in writing by the Local Planning Authority.
Reason: In order to avoid an adverse impact upon the residential amenity of the locality and to comply with Policy QD27 of the Brighton and Hove Local Plan.
9. The two car parking spaces shall not be used until the extended crossovers and accesses hereby permitted have been constructed.
Reason: In the interests of highway safety and to comply with Policies TR7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.
10. The cycle parking facilities shown on the approved plans shall be fully implemented and made available for use within three months of the decision date of this permission. The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development at all times.
Reason: To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with Policy TR14 of the Brighton & Hove Local Plan and SPD14.

Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on

this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

- 2 The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens'.

2. SITE LOCATION

- 2.1. The application relates to two properties, a semi-detached pair, on the west side of Westbourne Villas approximately 110m from Kingsway to the south. They are both three storeys of crème-coloured render with stucco around the sash windows and doors with canted bays and porticos. Both have a driveway with space for one vehicle and front gardens behind low rendered blockwork walls. The properties have been in unauthorised use as a 21-bedroom short-term hostel for the homeless (Sui Generis use) for the last two years. Its authorised use is as a hotel. The current application is designed to better reflect how the accommodation is currently being used and the owner's longer-term aspirations for the site.
- 2.2. Westbourne Villas is predominantly two and three storey terraced housing, but includes some semi-detached and detached villas. The area is predominantly residential in character together with a small number of care homes.
- 2.3. The site is located within the Sackville Gardens Conservation Area, is opposite a locally listed street lamp and is within Controlled Parking Zone (CPZ) R.

3. RELEVANT HISTORY

- 3.1. BH2016/00795: Change of use from hotel (C1) to 8no self-contained flats (C3) with single storey rear extension and associated alterations. Withdrawn 18.11.2016
- 3.2. BH2007/04234: Change of use from hotel to 3 x 2 bed self contained flats and 15 holiday letting rooms. Refused 05.03.2008 and dismissed at appeal on 11.02.2009
- 3.3. BH2007/02700: Change of use from hotel (C1) to 3 no 2 bed self-contained flats and 15 holiday letting rooms including side and rear extensions and other alterations. Refused 25.09.2007
- 3.4. BH1997/01570/FP: To provide access for disabled. Install a flagpole to match existing in no.8 Westbourne Villas. Provide parking for one motor vehicle. Granted 22.12.1997

4. APPLICATION DESCRIPTION

- 4.1. The current application seeks a change of use from hotel (Use Class C1) to a 19-room large House in Multiple Occupation (Sui Generis) including the installation of side and rear rooflights.
- 4.2. Changes were made during the course of the application to remove the front rooflights and to the internal layout, resulting in the loss of one room, from 20 to 19.

5. REPRESENTATIONS

- 5.1. **Ten (10)** representations have been received objecting to the application on the following grounds (eight of which were from properties directly affected)
 - Trees / foliage at the back of the property should be kept to protect against sound and overlooking, especially as there would be 20 bedsits.
 - The rear or side rooflights should not shine onto properties behind and be left on all night.
 - Whilst there is a need to support local homeless and vulnerable people and disturbance to neighbours is relatively small, it is imperative that the homeless, a minority of whom could be addicted to drugs, drink and violence, remain supervised 24 hours. Blinds to properties opposite would have to be drawn.
 - There is already a high concentration of HMO's in Westbourne Villas compared to other local streets and, if approved, there would be a 'block' of 3 next to each other. This is against the City Plan.
 - There is a demand for hotels west of Hove Street as this area becomes more popular; this hotel does not need to compete with those in Brighton town centre. The reason it hasn't been financially viable recently is due to zero investment.
 - Concerned that maximising profit is coming before social welfare.
 - The change from hotel to guest house for the homeless was done without any prior notice to the local residents.
 - The change of use has already had an impact on parking for local residents, and a further change to HMO it will mean increased difficulties in parking.
 - This application shows no provision for an office or staff, which must be provided 24/7 and secured by condition.
 - This change of use compromises the safety of those living on this street.
- 5.2. Concerns were also raised regarding an impact on house sales but this is not a material planning consideration.

6. CONSULTATIONS

External

- 6.1. **Sussex Police:** No major concerns providing the crime prevention recommendations and observations are addressed and a condition is added securing single occupancy for each room, the application is supported.

Internal

- 6.2. **Heritage:** The addition of the two proposed front rooflights should be resisted, only a minority of buildings on Westbourne Villas have them. The proposed loft accommodation could be adequately lit with modest rooflights on the side and rear roofslopes. Subject to appropriately detailed fittings, secured via condition, a single rooflight on each side and each rear roofslope would be considered acceptable. The existing block site plan indicates a rooflight / dormer on the front roofslope, which does not appear on the existing elevations or on aerial and street views available online. No comment on the proposed change of use.

Additional Comments: Confirmation that the removal of the proposed rooflights from the front elevation resolves their concerns.

- 6.3. **Planning Policy:** No objection
- 6.4. **Private Sector Housing:** No comments to make
- 6.5. **Transport:** Comments Initial concerns over cycle parking overcome during process, and further details can be secured by condition. Concerns over use of car parking spaces, clarification provided by the applicant during the planning process. Conditions sought.

7. MATERIAL CONSIDERATIONS

- 7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the "Considerations and Assessment" section of the report
- 7.2. The development plan is:
- Brighton & Hove City Plan Part One (adopted March 2016)
 - Brighton & Hove Local Plan 2005 (retained policies March 2016);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
 - Shoreham Harbour JAAP (adopted October 2019).
- 7.3. Due weight has been given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation which ended on 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing delivery
CP6	Visitor accommodation
CP12	Urban design
CP15	Heritage
CP21	Student housing and Housing in Multiple Occupation

Brighton and Hove Local Plan (retained policies March 2016):

TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
HO10	Accommodation for homeless people
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD16	Sustainable Drainage

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of development, design and heritage, the impact on neighbouring amenity, the proposed standard of accommodation and the impact on the highway.
- 9.2. Because of COVID restrictions, officers did not undertake a site visit in relation to the present application, but it is considered that the context of the development and the planning considerations relating to this are well understood from the information that is available.

Principle of development

- 9.3. The site is located within the Hotel Core Area as defined in the current Brighton and Hove Local Plan 2005. Policy SR15 of the Local Plan does not permit the change of use of hotels in this core area unless clear evidence is provided to

demonstrate that the hotel or other accommodation is no longer viable.

- 9.4. City Plan Policy CP6 redefines the Hotel Core Zone (HCZ) boundary in light of findings from the Hotel Futures Study 2007 to exclude the western (Hove) part of the city, and seeks to protect existing hotels / guest houses (serviced accommodation) within the HCZ but will allow their loss subject to certain criteria. The HCZ is focussed around the main accommodation clusters and drivers of accommodation demand and therefore only extends as far west as Montpelier Road. Policy CP6 is considered to hold more weight than Policy SR15 and therefore the application site is considered to not be in the HCZ. Outside of the HCZ, the Council employs a more flexible approach to allow those premises with limited potential, to re-position themselves viably to exit the market. As such, the loss of the hotel in this instance is considered acceptable.
- 9.5. Whilst the applicant has not provided any information of marketing of the hotel, they do give the following reasons for the non-viability of the hotel:
- The property is located a considerable distance away from the main tourist attractions and conference facilities in the city centre. As such, hotels within easy walking distance of central Brighton are more popular in comparison. Paragraph 4.58 of the City Plan confirms that there is a total of 160 hotels and guest accommodation in the city, the majority of which are located in central Brighton. Peripheral locations such as Westbourne Villas, therefore present significant disadvantages in the hotel market place.
 - A number of new hotels have opened in the city centre in recent years including the Ibis Hotel (88-92 Queens Road), Jurys Inn (101 Stroudley Road), Indigo Hotel (Block J, New England Quarter). Again, these are in significantly more convenient locations than the application site.
 - The accounts show considerable investment in the last three years and yet due to the aforementioned reasons, occupancy has continued to drop.
 - Extensive advertising including on all hotel websites in addition to an aggressive pricing strategy have all failed to raise occupancy levels even during what would be considered peak seasons for the hotel industry.
- 9.6. City Plan Policy CP21 does not permit applications for new HMOs (Houses in Multiple Occupation) where more than 10% of dwellings within a radius of 50 metres of the application site are already in use as Class C4, mixed C3 / C4 or other types of HMO in a sui generis use. In this case, there are HMOs at nos. 9, 17 and 45 Westbourne Villas in addition to 24A Westbourne Place. A 50m radius includes 63 properties. Therefore, 6.3% of dwellings within a 50m radius would be in HMO use. As such, the principle of a HMO use in this location is considered acceptable.
- 9.7. Of the original 19 residents, six are still in situ, a further five have been living in the property for over a year and six for more than six months. There is one new resident and one empty room. Hence the change of use application would better reflect the existing and future use of the houses.
- 9.8. At present the rooms are allocated via the Council's referral and application procedure for Commissioned Homeless Adult Supported Accommodation. This

minimises the use of emergency bed and breakfast accommodation and avoids the use of the under-occupied Council homes.

- 9.9. The accommodation therefore currently supports the Council's aim of increasing the supply of accommodation for homeless people (in this case, for the medium to long-term).
- 9.10. In its current form, the proposal also accords with Local Plan Policy HO10 which permits the provision of residential accommodation to meet the needs of homeless people as long as the site is well served by local community services, public transport and walking and cycling routes. The applicants have submitted a management plan for the site (which is considered in more detail in the Impact on Neighbouring Amenity section of this report). The Management Plan sets out the profile of residents, the requirements placed on residents for living in the accommodation and how it will be managed in terms of the on-site staff and support that will be available. A condition requiring the premises to be operated in accordance with the Management Plan, provides an on-going link between the accommodation and its support to local homeless people.
- 9.11. Accordingly, the proposal is considered to be compliant with Policies SS1, CP1, CP6 and CP21 of City Plan Part One and Local Plan Policy HO10 and can be supported in principle.

Design and Heritage

- 9.12. When considering whether to grant planning permission for development in a conservation area the Council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.13. One side rooflight and one rear rooflight are proposed to no. 7, there are no changes to the external surfaces of no. 8. Given the limited visibility of the rear of no. 7 and the existing rooflight to the side roofslope of no. 8, the proposed rooflights are considered acceptable. Any approval would be subject to a condition to ensure that they have black or dark grey coloured steel or cast metal frames and fitted flush with the roof plane so they do not project above it.
- 9.14. Two gates, one to each side of this semi-detached pair would be installed to provide secure access to the rear garden, bin stores and bicycle shelter. Further details can be secured by condition.
- 9.15. The existing car spaces would be moved across to provide a 1.2m path to the gates and again a condition is recommended to ensure the paving is permeable and / or porous. This has a resultant impact on the crossovers, which shall be discussed later on in this report. The front gardens would be reduced in width, but would be laid with turf in place of the hard standing, which is supported as it brings benefits in respect of surface water run-off, drainage and absorption.
- 9.16. The proposal in its revised form is relatively minor in nature and is considered to preserve the character and appearance of the Sackville Gardens Conservation

Area. Since it does not cause any harm to the significance of designated heritage assets, the public benefits of the proposal do not need to be weighed against it, although they would be significant in the form of the 19 new rooms for medium to long-term accommodation for the homeless. As such, the proposal is considered to be compliant with City Plan Part One Policies CP12 and CP15 and Local Plan Policies QD14, QD15 and HE6 in addition to SPD12 and SPD16.

Impact on Neighbouring Amenity

- 9.17. Paragraph 127 of the NPPF outlines that planning decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.
- 9.18. The main impact of the proposal on residents would be on those properties opposite (48 and 49 Westbourne Villas) and directly adjoining to the side (6 and 9 Westbourne Villas) and rear (13, 15 and 17 Sackville Gardens). The main considerations would be noise and general disturbance.
- 9.19. It is not considered that the proposed rooflights, given their location and angle of installation looking upwards towards the sky, would give rise to overlooking and any light spill would be equivalent to that from the existing windows.
- 9.20. The applicant has provided a management plan for the property detailing the service model, the person specification for residents and a copy of the licence agreement for residents / occupiers.
- 9.21. The property provides a "low support" service meaning:
"Clients are established in their recovery journey and usually engaged with support services, although this may fluctuate and the provider will engage assertively when someone is disengaging. Clients may have mental ill health, substance misuse issues or physical health needs, but usually able to manage these so they do not negatively impact on their tenancy. Clients may lack a daytime structure that they find meaningful on referral. Engaged in developing their independent living skills, strengthening community links and building resilience. Willing to engage in a process that leads to them moving to independent accommodation Clients will require 1-2 hours individual support a week plus additional activities either inside or outside the Service."
- 9.22. The service is staffed 24 hours a day, 7 days a week by one Service Manager, two Deputy Service Managers and three Personal Mentors (key workers) as well as security officers being employed between the hours of 20:00-08:00. All have a welfare approach / background and there is no live-in accommodation for staff.
- 9.23. Details of the licence agreement for residents is provided in the management plan, but they must:
- be accountable for their own actions;
 - have a local connection to Brighton and Hove;
 - be willing to engage with a support worker and in positive change;
 - want to treat the house as a home;
 - treat everyone with respect and fairly; and
 - be willing to engage in community living.

- 9.24. The management plan therefore gives Officers confidence that the premises would not give rise to a significantly adverse impact on neighbouring residents, subject to a recommendation that a condition be secured for its ongoing implementation in perpetuity.
- 9.25. It is also noted that there have been a number of incidents reported to the Police at and around the premises location. Given these concerns and the potential for the property to accommodate 38 persons with double beds shown in each room, it is recommended that a condition be added restricting the property to a maximum occupation of 19 residents.
- 9.26. As such, the proposal is considered to be in accordance with Policies SU9, SU10 and QD27 of the Brighton and Hove Local Plan.

Standard of Accommodation

- 9.27. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers in all new developments. Accommodation should therefore provide suitable circulation space within the communal spaces and bedrooms once the standard furniture has been installed, as well as good access to natural light and air in each habitable room.
- 9.28. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed.
- 9.29. Each bedroom would be well in excess of the NDSS figure for single person occupancy of 7.5m² and this is therefore acceptable. Although an ensuite and a kitchenette unit with a fridge, sink, microwave and cupboard is included within each room, laundry and dining facilities are elsewhere within the property and thus this is not self-contained accommodation but rather a HMO where facilities are shared.
- 9.30. Communal facilities in the form of a kitchen, dining and lounge area are provided on the ground floor in addition to a common kitchen / dining area on the second floor. The amount of provision is considered acceptable for 19 occupiers.
- 9.31. With the exception of the bedrooms within the loftspace that have a rooflight each, each bedroom within this HMO has at least one window and therefore benefits from sufficient outlook, ventilation and natural light.
- 9.32. As per the existing situation, residents would have access to the area at the rear of the property, mainly to access to bins and bicycles, but which could be used as sitting out space as well as the front garden, which would be laid with lawn. This is considered adequate for a HMO use, particularly given the proximity of both Hove Lawns and the beach which is a three minute walk away.

- 9.33. As such, the proposal is considered to offer acceptable living conditions for future occupiers, compliant with Local Plan Policies QD27.

Sustainable Transport

- 9.34. The site is considered to be in a sustainable location given the proximity to bus stops on Kingsway (A259) and New Church Road (B2066) three minutes' walk away, and local shops and services which are less than 10 minutes by foot.
- 9.35. The level of car parking spaces is compliant with SPD14; two spaces provided out of a maximum of five. It has been confirmed that the two car parking spaces would be for management / staff and maintenance contractors. Demountable bollards are proposed to prevent their use by the general public.
- 9.36. It is not considered that the use would lead to overspill car parking given that residents would be unlikely to have their own vehicle. It is not considered appropriate to impose the car-free condition requested by the Local Highways Authority (LHA) because parking in the local area and limiting the issue of parking permits is already covered through the management of Controlled Parking Zone (CPZ) R. There would be insignificant trip generation resulting from the proposal.
- 9.37. A licence from the LHA is required for the extended crossovers and it is therefore recommended that a condition be imposed in the event of an approval to ensure the spaces are not used until the extended crossovers are installed.
- 9.38. Following revisions, the cycle parking spaces to the rear of the building would be sufficient in number (10 long stay for residents and four short stay for visitors), adequately spaced and covered (by a shelter). The cycle parking is therefore broadly in line with comments from the LHA and Sussex Police and is considered acceptable subject to a condition securing its provision within three months of the decision date and its retention in perpetuity.

Conclusion

- 9.39. This proposal would provide a good standard of managed accommodation for 19 homeless individuals without causing an adverse impact on heritage assets, neighbouring amenity and highways, subject to the imposition of suitable conditions. As such, this application is recommended for approval.

10. EQUALITIES

- 10.1. Level access is provided to the ground floor rooms as per the existing arrangement, but it is considered impractical to provide a lift up to the loftspace.

