

<u>No:</u>	BH2021/01985	<u>Ward:</u>	Westbourne Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	98 Portland Road Hove BN3 5DN		
<u>Proposal:</u>	Change of use from existing basement flat (C3) to office (E).		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	26.05.2021
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21.07.2021
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Portland Planning Manor Cottage The Street Brundish Suffolk IP13 8BL		
<u>Applicant:</u>	Routledge Financial 16 Shirley Drive Hove BN3 6UD		

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 **REFUSE** planning permission for the following reasons:

1. The proposed development would result in the loss of a single residential flat which would detrimentally impact on the City's housing stock and housing choice in the area, contrary to policies HO8 and EM4 of the Brighton and Hove Local Plan.

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. This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Location Plan	(10)001	-	26 May 2021
Block Plan	(11)001	-	26 May 2021
Proposed Drawing	(21)001	A	26 May 2021
Proposed Drawing	(21)002	A	26 May 2021

2. SITE LOCATION

2.1. The application site is a two-storey over basement terrace property on the south side of Portland Road. The ground floor level is in use as a (E Use Class) office space whilst the basement level is in use as a (C3) self-contained flat.

3. RELEVANT HISTORY

- 3.1. **BH2000/02356/FP** Change of use from retail (A1) to office (A2). Approved
- 3.2. **BH2000/847/FP** Change of use and conversion of lower ground store (A1) to flat (C3). Approved

4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought to convert the basement level flat into commercial floor-space to facilitate the enlargement of the existing ground floor office unit.

5. REPRESENTATIONS

- 5.1. A representation has been received from **Councillor Henry**, supporting the application; a copy of the representation is attached to this report.

6. CONSULTATIONS

- 6.1. Policy
The proposal would result in the loss of a one bed flat and a net gain of office (class E use) floorspace. Although the provision of additional commercial office floorspace would be welcomed, consideration needs to be made as to whether there is sufficient justification for the loss of residential accommodation in line with adopted Local Plan policy HO8 and emerging policy DM2 (which carries significant weight as a material consideration to this proposal). The proposal is considered contrary to criterion c) of saved Local Plan policy EM4. Emerging CPP2 policy DM11 is of relevance to this application but holds limited weight.
- 6.2. Private Sector Housing
No Comment
- 6.3. Transport
No Objection

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. RELEVANT POLICIES AND GUIDANCE

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One (CPP1)

SS1 Presumption in Favour of Sustainable Development
 CP2 Sustainable economic development
 CP3 Employment land
 CP8 Sustainable buildings
 CP9 Sustainable transport
 CP13 Public streets and spaces
 CP19 Housing mix

Brighton & Hove Local Plan (BHLP) (retained policies March 2016)

TR7 Safe development
 TR14 Cycle access and parking
 SU10 Noise nuisance
 QD27 Protection of amenity
 HO8 Retaining housing
 EM4 New business and industrial uses on unidentified sites

Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part Two 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 23rd April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications. The weight given to the relevant CPP2 policies considered in determining this application is set out in the Considerations and Assessment section below where applicable.

DM1 Housing, Accommodation and Community
 DM2 Retaining Housing and residential accommodation (C3)
 DM11 New Business Floorspace
 DM20 Protection of Amenity
 DM33 Safe, Sustainable and Active Travel
 DM36 Parking and Servicing
 DM40 Protection of the Environment and Health - Pollution and Nuisance

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the change of use class and the potential impacts on the amenities of local residents, and on highway safety.

Principle of Development

- 9.2. Policy CP1 of City Plan Part One sets out the housing targets for the plan period with a provision target of 13,200 new homes for the city up to 2030. The council's most recent housing land supply position against this minimum target was published in the SHLAA Update 2020 and shows a five-year housing supply shortfall of 342 (equivalent to 4.7 years of housing supply).
- 9.3. However, on 24th March 2021 the City Plan Part One reached five years since adoption. National planning policy states that where strategic policies are more than five years old, local housing need calculated using the Government's standard method should be used in place of the local plan housing requirement. In addition, following an amendment to the standard method set out in national planning practice guidance, from 16th June 2021 onwards Brighton & Hove is required to apply an additional 35% uplift as one of the top 20 cities in the urban centres list.
- 9.4. The local housing need figure for Brighton & Hove using the standard method (including the 35% uplift) is 2,331 homes per year which gives a five-year housing supply shortfall of 6,604 (equivalent to 2.2 years of housing supply).
- 9.5. As the council is currently unable to demonstrate a five year housing land supply, increased weight should be given to housing delivery when considering the planning balance in the determination of planning applications, in line with the presumption in favour of sustainable development set out in the NPPF (paragraph 11).
- 9.6. The proposed development would result in the loss of a small self-contained flat; given that the Council cannot demonstrate a five year housing land supply, additional weight should be given to the preservation of existing housing stock. It is accepted that the existing unit does not meet the Nationally Described Space Standards (NDSS) given that the floor to ceiling height is 2.2m (rather than 2.3m) but it is considered that this shortfall is insignificant and does not compromise the standard of accommodation provided for residents.
- 9.7. Policy HO8 of the Brighton and Hove Local Plan states that permission will not be granted for development involving a net loss of units of residential accommodation unless in exceptional circumstances. Of relevance in this assessment is the circumstance when *the residential accommodation is classified as unfit for human habitation and it can be demonstrated that it cannot be made fit for habitation*. The unit at approximately 47sqm is well above the target of 37sqm for a one bedspace, one bedroom unit set out in the nationally described space standards. Whilst the ceiling height at 2.2m is marginally below the 2.3m set out in the national standards there is a good level of natural light and outlook throughout and an acceptable layout and overall the existing residential unit makes a modest but welcome contribution to residential accommodation in the city.

- 9.8. The existing unit also has a good sized, south facing external amenity area to the rear at ground and basement level in accordance with policy HO5 and this markedly improves the overall standard of accommodation for occupiers.
- 9.9. Policy EM4 of the Brighton and Hove Local Plan supports the creation of business uses subject to the requirement that *the development would not result in the net loss of residential accommodation*.
- 9.10. Policy DM2 of City Plan Part 2 Submission document (which whilst not yet adopted can be given significant weight) states that loss of housing can be acceptable under certain circumstances, including where *it can be demonstrated that the accommodation cannot be rehabilitated or redeveloped to achieve satisfactory housing standards required by other policies in the City Plan*. In this instance the existing housing unit is considered overall to offer a good standard of accommodation and as such accords with the development plan.
- 9.11. Whilst it is acknowledged that the proposal has clear benefits in allowing the current business to expand within its current location and the enlargement/upgrade of existing commercial units is supported under policy CP2 of City Plan Part 1 it is not considered that these benefits outweigh the loss of an existing residential unit.
- 9.12. As the Council has a significant shortage in housing stock, additional weight should be afforded to the preservation of housing.

Impact on Amenities

- 9.13. The change of use of the basement level from residential use to office space is not considered likely to cause any significant noise nuisance or otherwise be disruptive to local residents and business-users, and there are no concerns in this regard. The council would retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received.

Impact on the Public Highway

- 9.14. The proposed development is not considered likely to cause any significant level of changes with regard to trips to and from the site that the existing infrastructure could not handle; there are no concerns with this regard. The additional office floor space and presumed increase in staff numbers would justify the inclusion of secure cycle storage in order to encourage trips to and from the site by sustainable means. Unfortunately, due to the constraints of the site it does not appear that policy-compliant cycle parking can be accommodated therefore the provision would be secured if the scheme was in all other respects acceptable.

Conclusion

- 9.15. Whilst the creation of additional office space is supported in principle and the development is not considered to cause any harm to the amenities of the local area, in this instance the proposal would result in the loss of an existing residential flat with garden. The existing flat offers a good standard of accommodation and as such there are no significant mitigating factors that are considered to outweigh the loss. As the Council has a significant shortage in

housing stock, additional weight should be afforded to preservation of housing. For these reasons the proposal is considered to be in conflict with policies HO8 and EM4 of the Brighton and Hove Local Plan.

10. EQUALITIES
None identified