

<u>No:</u>	BH2022/00670	<u>Ward:</u>	Central Hove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 - 12 St Catherines Terrace, BN3 2RH		
<u>Proposal:</u>	Change of use from hotel (C1) to use as a 50no. bed hostel providing temporary accommodation to the homeless with an element of support (Sui Generis) for the period from October 1st 2021 to March 31st 2024. (Retrospective)		
<u>Officer:</u>	Robin Hodgetts, 292366	tel: <u>Valid Date:</u>	24.02.2022
<u>Con Area:</u>	Cliftonville	<u>Expiry Date:</u>	21.04.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Will Philps, 40 Norman Road, London, SE10 9QX		
<u>Applicant:</u>	St Mungo's, 9 - 12 St Catherines Terrace, Hove, BN3 2RH		

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.

Site Location Plan	1588-BA-100		24.02.22
Community Responsibility Protocol			24.02.22
Management Plan		Rev C	20.05.2022

2. The unit hereby approved shall only be occupied by a maximum of fifty (50) persons (excluding staff).
Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.
3. The occupation and use of the building shall be in strict accordance with the approved Management Plan revision C submitted on the 20.05.22 and Community Engagement Protocol.
Reason: To safeguard the amenities of occupiers of the adjoining properties and surrounding area and to comply with SU10 and QD27 of the Brighton and Hove Local Plan.
4. The use of the site hereby permitted as a 50no. bed hostel providing temporary accommodation to the homeless with an element of support shall cease on or before 31 March 2024, and the site shall thereafter be returned to hotel use.

Reason: The use hereby approved is considered acceptable on a temporary basis, to allow the impacts of it on the local area to be assessed.

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. SITE LOCATION

- 2.1. The application relates to a substantial detached, red-brick, three storey hotel with a basement level located on the northern side of Kingsway (the A259) in Hove, near the seafront. The building is located within the Cliftonville Conservation Area. The appearance contrasts with the typical style of the surrounding Victorian stuccoed terraces. A parade of shops sits opposite the site, and there are two public houses nearby on Hove Place and Osborne Villas.

3. RELEVANT HISTORY

- 3.1. **BH2002/00024/FP** Temporary change of use from Hotel (use class C1) to Hostel (short term residential accommodation - use class sui generis) retrospectively. Approved 19.08.2002
- 3.2. **BH2004/01073/FP** Continued use of hotel as hostel for a further year. (Renewal of approval BH2002/00024/FP, expires 30 April 2004). Approved 13.08.2004
- 3.3. **BH2005/05101** Continued use of hotel as a hostel for 1 year. Approved 03.02.2006
- 3.4. **BH2007/00439** Revision of condition 1 of planning permission BH2005/05101 to allow the continued use of hotel as a hostel for five years. Approved 06.06.2007
- 3.5. **BH2008/03331** Temporary change of use to hostel for families for 2 years. Refused 29.05.2009 for two reasons, in summary that the exceptional need for this type of accommodation no longer exists so is likely to be used by families from outside the City; and a lack of evidence for the loss of the hotel/guest accommodation.

4. APPLICATION DESCRIPTION

- 4.1. The application seeks retrospective planning permission to continue the use of the building as a 50no. bed hostel providing temporary accommodation to the homeless, with an element of support provided on site (sui generis use) for the period from October 1st 2021 to March 31st 2024. The existing authorised use is as a hotel (C1).

- 4.2. This is in response to a contract St Mungo's (the operators of the site) have with Brighton and Hove City Council (BHCC) to operate on the premises until the end of March 2024.
- 4.3. The hostel (sui generis) provides a Rapid Assessment Service for unhoused people who have been found rough sleeping in Brighton and Hove for the first time. People are referred into the service by the council's contracted Outreach Team, who verify people sleeping rough on streets and bring them to the service. The service operates 24 hours a day, 7 days a week, 365 days a year, and provides 50 bed spaces with an average stay of 42 days. Each resident has access to bathroom facilities and two meals a day. During their stay they are provided with specialist support services that connects them with longer-term housing solutions.
- 4.4. The application does not include any external or internal physical alterations to the building, and the basement is not in use. It is retrospective, but this is not a material consideration in determining the application.

5. REPRESENTATIONS

- 5.1. **Forty Seven (47)** letters have been received, objecting to the proposed development for the following reasons:
- Impact on the Cliftonville conservation area
 - Impact on neighbour amenity in terms of noise/nuisance
 - Criminal Activity on site
 - Effect on property value
 - Anti-social behaviour on site and nearby
 - Cumulative effect given number of hostels already in area
 - Building in disrepair – needs renovating and is not adequate for use
 - Management Plan inadequate in terms of managing anti-social behaviour and has not been consulted on with neighbours
 - Excessive size of building/use
- 5.2. **Three (3)** letters have been received commenting on the application but neither supporting or objecting to it.
- 5.3. **Two (2)** letters have been received supporting the application, making the following points:
- Need safe space to provide support to vulnerable members of community;

6. CONSULTATIONS

- 6.1. **Environmental Health** – No response received
- 6.2. **Sussex Police** – Support subject to conditions

Note that 38 incidents relating to Smartview have been created since 2022, 11 of them emergency calls and 10 urgent which is high for a small location with a reduced number of residents, affecting both site and immediately outside the location, affecting the community living nearby.

6.3. From a police perspective while I am very supportive of the service being provided by St Mungo's this raises concern for me regarding the increase in the number of serious incidents and demand that would result from the change in use of the location to one which houses more individuals with complex needs.

6.4. **Planning Policy - No objection**

- As the site is not located within the Hotel Core Zone, the policy requirements of CPP1 Policy CP6 are not triggered.
- The site location is considered to be appropriate under requirements of Saved Local Plan Policy HO10 and CPP2 Policy DM5.
- The supporting Proposed Management Plan and Community Responsibility Protocol details how the proposal would not cause a material change in noise or activity levels, and are intended to create a sustainable community for both residents and neighbours.

6.5. **Public Health – No response received**

6.6. **Social Care – No objection.** Note the Management Plan appears reasonably comprehensive and robust, subject to several additions:

- If staff identify individuals as causing repeated SB in the locality of the service, they report this to Sussex Police and/ or the Community Safety Team for consideration of possible additional measures or enforcement to address this. *This would fit in the Locality Management Procedure section.*
- Staff will support enforcement action deemed necessary by Sussex Police or BHCC to address ASB in the locality through the provision of formal statements as necessary.

[Officer Note: These have been added to the latest version of the Management Plan (Rev.C).]

6.7. **B&HCC Temporary and Supported Accommodation - to be reported verbally.**

6.8. **Environmental Health:** to be reported verbally.

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

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable Buildings

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

TR7	Safe development
SU10	Noise nuisance
QD27	Protection of Amenity
HE6	Development within or affecting the setting of a conservation area

Brighton & Hove City Plan Part Two

Policies in this Plan 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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing, Accommodation and Community
DM20	Protection of Amenity
DM26	Conservation Areas
DM33	Safe, Sustainable and Active Travel

Supplementary Planning Documents:

None

9. CONSIDERATIONS & ASSESSMENT

9.1. The main considerations in the determination of this application relate to the principle of the use and the impact of the use on the amenity of local residents.

- 9.2. No physical changes to the building or built development are proposed as part of the application so it would have no impact on the Conservation Area.

Principle of the Use:

- 9.3. The application seeks to regularise the existing use of the site as temporary accommodation for up to 50 homeless people (sui generis use) to 31 March 2024.
- 9.4. As noted in the Planning History section above, the property was in use as a hostel for temporary periods from 2002 to 2007 when an application to continue the temporary hostel use was refused. Enforcement records suggest that since this time, the property was in use as a hotel (use class C1), albeit with some dormitory/hostel use.
- 9.5. From October 2021, the property began to be used to accommodate homeless people as part of the No Second Night Out (NSNO) service provided by St Mungo's for the Council during the pandemic, albeit not all of the rooms were initially available for use. This application seeks to regularise that use.
- 9.6. The proposal would result in the loss of 2,523 sqm of hotel floorspace (50 bedrooms). Policy CP6 Visitor Accommodation of City Plan Part One states that within the Hotel Core Zone, the loss of hotels/guest houses (serviced accommodation) will be considered where it can be demonstrated against the set of criteria. As the site is not located within the Hotel Core Zone, these policy requirements are not triggered. No objection is therefore raised to the loss of the existing use.
- 9.7. Saved Brighton and Hove Local Plan Policy HO10 Accommodation for homeless people, states that planning permission will be granted to meet the needs of homeless people, provided that the site is well served by local community services, public transport, walking and cycling routes.
- 9.8. The site is located opposite Victoria Terrace which provides a number of local shops and services, and there are several bus stops in close proximity, along with good walking and cycling links along the A259 Kingsway. Hove Town Centre and train station are also within close proximity to the north. The previous planning permissions also demonstrate that the site has been considered as an appropriate location in the past for this use.
- 9.9. Policy DM5 Supported Accommodation of City Plan Part 2 (which can be given significant weight) states that proposals for development aimed to meet the specific accommodation requirements of people with special needs will be permitted where it meets the following criteria:
- a) *contributes towards meeting a demonstrable need within the city and is targeted to meeting the needs of local residents;*
 - b) *is accessible, appropriately located and suitable to meet the needs of the intended occupiers;*
 - c) *complies with the standards set out in Policy DM1 Housing Quality, Choice and Mix;*
 - d) *contributes to creating a mixed, inclusive and sustainable community."*

- 9.10. A supporting cover letter from the Brighton and Hove Council Director of Housing has confirmed that the contract with St Mungo's is the most appropriate way of meeting the need in the city.
- 9.11. The location of the site is considered to be appropriate and accessible for those using it, as confirmed by the BHCC Outreach Team and St Mungo's who are working in partnership at the site.
- 9.12. All but three of the 50 bedrooms exceed the minimum Nationally Described Space Standards (referred to in Policy DM1) for a single bedroom, namely having a floor area of at least 7.5m² and a width of 2.15m. One bedroom measures 7.3m², one 7.14m², and one 6.85m². While this is not ideal, this is not considered significant enough to recommend refusal of the application, particularly as the accommodation would be temporary, with an average stay estimated to be 42 days.
- 9.13. The application is supported by a Management Plan and Community Responsibility Protocol which detail the range of measures that are intended to create a sustainable community for both residents and neighbours (as set out below in relation to Impact on Amenity).
- 9.14. It is considered that the proposal meets the requirements as set out in both saved Brighton and Hove Local Plan Policy HO10 and DM5 Supported Accommodation of City Plan Part Two and as such there is no objection to the principal of the change of use.
- 9.15. With regards to the temporary nature of the use to 31 May 2024, Planning Policy Guidance: Use of Conditions notes:
- 9.16. *"Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period."*
- 9.17. It is considered the present scheme accords with this approach, allowing a 'trial run' to assess the impact of the development on the area. The need for the homeless accommodation may also change over that period, so it is considered that a temporary planning permission is, in this instance, justified.
- Impact on Amenity:**
- 9.18. Brighton and Hove Local Plan Policy QD27 states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity. In addition, Policy DM40 of City Plan Part Two (which can be given significant weight) states that permission will be granted for proposals that can demonstrate they will not give rise nor be subject to material nuisance.
- 9.19. It is accepted that the use that this application seeks to authorise has the potential to create an impact on neighbours in terms of noise nuisance and anti-

social behaviour. Reports have been received from both neighbours and the Police that multiple incidents have occurred at the site since the use began in late 2021.

9.20. However, the application has been accompanied by a Management Plan and Community Responsibility Protocol detailing how the site would be managed to minimise and better manage the impact neighbouring amenity. These measures include:

- Engagement with the local community
- Identifying and establishing links with Safer Neighbourhood Team and inviting them to visit the service to talk to staff and clients about understanding their roles in keeping the community safe.
- Full checks of the site to be conducted at 09.30am, 1.30pm, 4.30 pm and 7.30pm. Overnight checks will take place hourly consisting of staff patrolling the internal sites plus security undertaking external building checks Staff will be responsive to noise or alerts from neighbours regarding locality issues 24/7.
- Attendance by the St Mungo's Regional Head, South of England at engagement meetings and also other local resident's meeting with the community safety team to ensure a holistic approach is taken to resolve any historic and ongoing St Mungo's client related issues.
- Staff to respond immediately to any resident causing noise or nuisance, in person, to discuss the matter. Staff to remind residents of obligations under house rules.
- Quarterly 'Neighbour meetings' with local residents including minutes and actions within the following week. In addition the management team will be part of ongoing resident meeting groups relevant to the area.
- Provision of 24 hour contact information of site managers to neighbours and the local community.
- A commitment to ensure residents fully understand their responsibilities as a neighbour (this is included in induction information and forms part of regular conversations with residents).
- A commitment to work with residents, in partnership with other agencies to address any behaviour having a negative impact on our neighbours or on the local community, and we will work with the local community to address any behaviours having a negative impact on our residents
- A commitment to support enforcement action deemed necessary by Sussex Police or Brighton and Hove City Council to address anti-social behaviour in the locality through the provision of formal statements as necessary.

9.21. It is considered that the measures set out in the Management Plan will help to ensure that the use does not negatively affect the local community. In addition, the temporary nature of the permission will enable the impact to be assessed over the period to 31 March 2024. On this basis, the proposal is considered to be acceptable in terms of its impact on the amenity of local residents.

9.22. It should be noted that while there have been reports of residents of the property indulging in anti-social behaviour in the surrounding area this is not something

that can be controlled through the planning process, beyond the measures set out above including working with residents, but is a Police matter.

Conclusion:

- 9.23. The continued use of the site to provide temporary, managed accommodation to unhoused people within the city meets an identified need and is located in a suitable location for such a use, subject to appropriate management of both the service users and the site itself.
- 9.24. While it is recognised that there is a potential for nuisance caused by this use, as referenced in the representations from local residents, it is considered that these impacts can be addressed through the Management Plan and Community Responsibility Protocol, which would be secured by condition. Further, the permission would allow a temporary use, during which time the impacts of it can be monitored.
- 9.25. On balance, therefore, the impacts are not therefore considered to be sufficient to warrant refusal of the application, particularly when weighed against the evident need for the use and its benefit to the homeless people in the City.
- 9.26. Approval of the application is therefore recommended subject to the conditions detailed above.

10. EQUALITIES

- 10.1. The property has stepped access, which could present a barrier to access for some individuals although handrails are in place.
- 10.2. The service proposed would provide temporary accommodation for unhoused people, with an element of care, some of whom may have individual mental and/or physical health needs. This would provide an important service within the city.

11. CLIMATE CHANGE/BIODIVERSITY

- 11.1. As there are no proposed physical alterations to the building and the application relates solely to the use, it is not considered to have any impact on climate change or biodiversity.

