

<b><u>No:</u></b>	<b>BH2020/00240</b>	<b><u>Ward:</u></b>	<b>Brunswick And Adelaide Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>2C Lansdowne Place Hove BN3 1HG</b>		
<b><u>Proposal:</u></b>	<b>Change of use from single dwelling house (C3) to a seven bedroom house in multiple occupation (Sui Generis) (part retrospective)</b>		
<b><u>Officer:</u></b>	Sven Rufus, tel: 292454	<b><u>Valid Date:</u></b>	24.01.2020
<b><u>Con Area:</u></b>		<b><u>Expiry Date:</u></b>	20.03.2020
<b><u>Listed Building Grade:</u></b>		<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Whaleback The Old Bank (Office 13) 257 New Church Road Hove BN3 4EE		
<b><u>Applicant:</u></b>	Lazova Investment Properties Ltd C/o Whaleback The Old Bank (Office 13) 257 New Church Road Hove BN3 4EE		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	01	A	14 April 2020

2. Prior to first occupation a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit. The approved scheme shall be implemented before occupation.  
**Reason:** This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One and SPD14: Parking Standards.
3. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplan received on 14th April 2020 and shall be retained as such thereafter. The room annotated as communal shall be retained as communal space and shall not be used as

bedrooms at any time. The bedrooms shown shall be retained in the form shown on the plans and not subdivided.

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

4. The development hereby approved shall only be occupied by a maximum of seven persons.

**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & 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. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application site is one of a pair of new white rendered townhouses built over four storey with a basement level. A small area of open space is located in front of the basement communal space. Since completion the property has been used as a C3 for holiday lets.
- 2.2. The application seeks to change the use of the building from C3 to a sui generis 7 bedroom House in Multiple Occupation. Much of the construction work to facilitate the change of use has already been undertaken so the application description has been amended to reflect the part-retrospective nature of the application.

## **3. RELEVANT HISTORY**

2D Lansdowne Place

- 3.1. **BH2019/03736** - Change of use from existing 4no bedroom single dwelling house (C3) to an 7no bedroom House in Multiple Occupation (Sui Generis). (Part retrospective Under consideration)
- 3.2. **BH2004/03748/FP:** Two new townhouses and two maisonettes on Lansdowne Place conversion of existing kitchens/coldstores into 4 no. mews houses at rear, addition to main roof to contain 2 no additional suites of hotel accommodation and new restaurant entrance with canopy and replacement windows to the front elevations of the hotel. (Approved 1/8/05)

## **4. REPRESENTATIONS**

- 4.1. **Four (4)** letters have been received from neighbours, objecting to the proposed development for the following reasons:

- Antisocial behaviour
- Noise disturbance
- Loss of property value
- Increased litter

4.2. **Councillor Clare** objects to the proposal, a copy of the correspondence is attached to the report.

## 5. CONSULTATIONS

5.1. **Housing:** Comment

The applicant will have to apply for an HMO licence.

5.2. **Planning Policy:** No comment

5.3. **Sustainable Transport:** Comment

Unlikely to result in significant increase in trip generation. Site constrained and cycle storage not practical. Car free condition required, as CPZ M has had a 99% uptake over the last year.

## 6. MATERIAL CONSIDERATIONS

6.1. 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

6.2. 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)

6.3. 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.

## 7. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development

CP1 Housing delivery

CP6	Visitor accommodation
CP9	Sustainable transport
CP14	Housing density
CP15	Heritage
CP19	Housing mix
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
SU10	Noise Nuisance
QD27	Protection of amenity
HE6	Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

SPD14	Parking Standards
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## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the change of use, its impacts on neighbouring amenity, the standard of accommodation which the HMO use would provide and the transport impacts.
- 8.2. 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.
- 8.3. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".

### **Principle of Development:**

- 8.4. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation and states that:
- 8.5. In order to support mixed and balanced communities and to ensure that a range of housing needs continue to be accommodated throughout the city, applications for the change of use to a Class C4 (Houses in multiple occupation) use, a mixed C3/C4 use or to a sui generis House in Multiple Occupation use (more than six people sharing) will not be permitted where:
- 8.6. More than 10 per cent 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.'

- 8.7. A mapping exercise has been undertaken which indicates that there are one hundred and fifty one (151) neighbouring properties within a fifty metre radius of the application property. One of these is identified as being in HMO use. The percentage of neighbouring properties in HMO use within a 50m radius is therefore 0.66%.
- 8.8. Based upon the existing percentage of neighbouring properties in HMO use, which is not greater than 10%, the proposal to change of use to a seven bed sui generis house in multiple occupation would not be in conflict with the aims of policy CP21.
- 8.9. It is acknowledged that an application for change of use to a Sui Generis HMO at the adjacent property at 2D Lansdowne Place is currently under consideration. Should that application be approved prior to the decision on this application, the proportion of HMO's within 50 of the application site would be two out of 151 properties which gives a figure of 1.3%, and so would not alter the compliance of this application with CP21.

**Design and Appearance:**

- 8.10. No external alterations are proposed as a result of the change of use, therefore there are no design issues to address.

**Standard of Accommodation:**

- 8.11. The accommodation would provide seven ensuite rooms to be laid out over four storeys, with the kitchen/dining/lounge area as one open space in the basement. As well as the en suite rooms, there would be a communal bathroom on the ground floor.
- 8.12. All of the bedrooms offer over 7.5msq of floorspace - although some of them only just achieve this. The rooms would also have an acceptable layout in terms of room to circulate. All of the rooms would have natural light from the windows. Floorspace calculations do not include the ensuite bathrooms, which would provide additional space for occupants. In terms of the room sizes and layout it is considered that the standard of accommodation is acceptable for occupation for up to seven people.
- 8.13. The communal space on the ground floor would provide 23.3msq of space. Being in a basement, the amount of light entering the room is relatively constrained, and the outlook from the living area of the room would be towards a wall with steps providing access to the area in front of the building at basement level. While the light levels in the basement are reduced by being below ground level, the large windows to the front of the property do allow an adequate amount of light to enter the communal space. While the outlook from these windows is towards the wall and steps, there is a relatively large area in front of the basement windows, such that the windows are not crowded in by the wall. In addition, this arrangement is similar to many other properties in the city centre based on traditional building layouts and the outlook is not considered so harmful that would warrant refusal of the application.

- 8.14. The basement floorspace, at 23msq, is relatively constrained for the proposed seven occupants, but the indicative layout demonstrates that the openness of the space allows for room to manoeuvre and for adequate seating for future occupants to relax dine and prepare meals. A number of the rooms are significantly larger than the 7.5msq as set out in the NDSS and would offer more comfortable accommodation as a result. This is considered to counteract concerns about constraints in the size of the communal space.
- 8.15. In addition the property does have a small area of open space in front of the basement communal space. While this can't be reached directly from the basement, this does offer a certain amount of outdoor recreational space. There is also a small balcony area for the first floor front bedroom.
- 8.16. For the reasons set out above, it is considered that the proposed unit offers a suitable standard of accommodation.

**Impact on Amenity:**

- 8.17. This application is not located in an area that currently has above 10% of properties within 50m of the application site being HMO's. While any additional HMO's have the potential for increasing the cumulative impact of such properties and the harm to amenity with which they are often associated, in this instance the existing numbers of HMO's in the area do not give cause to refuse the application on the grounds of potential amenity impact.
- 8.18. Refuse and recycling will be collected from the communal bins in close proximity to the site.

**Sustainable Transport:**

- 8.19. The site is constrained and does not offer opportunity for cycle storage, so this would not be required in this case. During the site visit, the potential use of the space in front of the building at basement level for cycle storage was discussed, but due to the steep steps, and narrow access, it is not considered practical to pursue that.
- 8.20. The property sits within CPZ M, with a high level of demand on parking spaces. No parking survey has been submitted to demonstrate that the area has capacity for additional parking demand, and therefore a condition will be attached to the permission requiring that the occupants of the property are restricted from being able to apply for a parking permit.

**9. EQUALITIES**

None identified