

<b><u>No:</u></b>	<b>BH2021/03761</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>24 Holland Road Hove BN3 1JJ</b>		
<b><u>Proposal:</u></b>	<b>Change of use from Language School (F.1) to Hotel (C1), with associated works.</b>		
<b><u>Officer:</u></b>	Michael Tucker, tel: 292359	<b><u>Valid Date:</u></b>	21.10.2021
<b><u>Con Area:</u></b>	Brunswick Town	<b><u>Expiry Date:</u></b>	16.12.2021
<b><u>Listed Building Grade:</u></b>	<b><u>EOT:</u></b>		
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<b><u>Applicant:</u></b>	Mr James Webb Care Of Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

## 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>
Location Plan	YO426-001		21 October 2021
Block Plan	YO426-002		21 October 2021
Proposed Drawing	YO426-120		21 October 2021
Proposed Drawing	YO426-121		21 October 2021
Proposed Drawing	YO426-122		21 October 2021
Proposed Drawing	YO426-200		21 October 2021
Proposed Drawing	YO426-201		21 October 2021
Proposed Drawing	YO426-202		21 October 2021
Report/Statement	Hotel Impact Assessment		17 February 2022

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. All new windows and doors indicated on the approved plans shall be constructed of timber and shall have a painted finish to match the existing windows.

**Reason:** To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area 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.

4. The development hereby permitted shall not be occupied until the railings shown on the approved plans have been painted black and shall thereafter be retained as such.

**Reason:** In the interests of the character and appearance of the development and the visual amenities of the area 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.

5. Notwithstanding the approved drawings, the development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use 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, Policy DM33 of City Plan Part 2, and SPD14: Parking Standards.

6. Prior to the first occupation of the development hereby approved a Delivery & Service Management Plan, which includes details of the types of vehicles, how deliveries will take place and the frequency of deliveries shall be submitted to and approved in writing by the Local Planning Authority. All deliveries shall thereafter be carried out in accordance with the approved plan.

**Reason:** In order to ensure that the safe operation of the development and to protect the amenities of nearby residents, in accordance with policies SU10, QD27 and TR7 of the Brighton & Hove Local Plan and Policies DM20 and DM33 of City Plan Part 2.

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 two-storey, detached property located on the western side of Holland Road, near to the junction with Western Road. The property is not listed but is located within the Brunswick Town Conservation Area. The site is located on the boundary of the Central Brighton area designated in policy SA2 of the City Plan Part One (CPP1), aimed at reinforcing Brighton's role as a 'vibrant, thriving regional centre'.

- 2.2. The building was in use as a language school (F.1), however following the onset of the COVID-19 pandemic this use has ceased.

### 3. RELEVANT HISTORY

- 3.1. **BH2020/03272** - Change of use from existing language school (F.1) to 10no bedroom visitor accommodation (sui generis). External alterations comprising of new access to kitchen at the rear, two juliette balconies to first floor rear elevation, new railings and gate to front elevation and the removal of the existing fire escape stairs & door on the north elevation. Refused, appeal allowed 13/01/2022

### 4. APPLICATION DESCRIPTION

- 4.1. Planning permission is sought for a change of use of the building to a twelve-bedroom hotel (C1). The application also includes external alterations including a new door at the rear, one juliette balcony to the first floor rear elevation and new railings and gate to the front.

### 5. REPRESENTATIONS

- 5.1. **Thirteen (13)** letters of objection:
- Noise disturbance
  - Overdevelopment
  - Overlooking
  - Loss of community facility
  - Impact Assessment not provided
  - Nearby hotel closed recently
  - Parking
- 5.2. **Councillor Clare** has objected to the proposal and asked for it to be determined at planning committee. A copy of this correspondence is attached to this report.

### 6. CONSULTATIONS

#### 6.1. Planning Policy:

It is accepted that the building is not needed for its existing language school use. The site is outside of the SA2 area, and a sequential test has not been carried out. A Hotel Impact Assessment will be required.

#### Verbal Update 24/2/2022:

- 6.2. A Hotel Impact Assessment has been provided and is considered acceptable.

#### 6.3. Sustainable Transport:

No objection with regards to access, trip generation, car parking. Secure cycle parking should be secured by condition.

6.4. **Children and Young Peoples Trust:** No comment received

6.5. **Environmental Health:** No comment received

6.6. **Tourism and Leisure:** No comment received

## 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 Joint Area Action Plan (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 One

SS1	Presumption in Favour of Sustainable Development
CP5	Culture and tourism
CP6	Visitor accommodation
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP15	Heritage

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

TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity

HO20	Retention of community facilities
HE6	Development within or affecting the setting of conservation areas

Brighton & Hove City Plan Part Two (Proposed Submission October 2020):

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. 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.

DM9	Community Facilities
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM26	Conservation Areas
DM29	The Setting of Heritage Assets
DM33	Safe, Sustainable and Active Travel
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards

## 9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the change of use, the design and appearance of the proposed alterations, the impact upon neighbouring amenity and sustainable transport matters.

**Principle of Development:**

Loss of language school

- 9.2. The existing language school use ceased operation at the onset of the COVID-19 pandemic, and the building is currently empty. As noted above, planning permission has already been granted on appeal for the loss of the language school, and the use of the site for ten bedrooms of visitor accommodation. The principle of the loss of the language school has therefore been accepted.
- 9.3. Further, policy HO20 of the Brighton and Hove Local Plan states that planning permission will not be granted for development proposals that involve the loss of community facilities, with exceptions, including that the site is not needed.
- 9.4. As part of the previous application, the loss of the language school was justified, with evidence provided of the marketing efforts that had taken place over a 12-month period to accommodate an alternative community use. The Planning Policy consultee has raised no objection to the loss of the language school, and

as noted, the loss of the language school has been established through the recent appeal, decided on 13 January 2022.

- 9.5. As such no objection is raised in principle to the loss of the language school.

Proposed hotel use

- 9.6. Policy CP6 of the Brighton & Hove City Plan Part One seeks to ensure the provision of a sufficient and wide-ranging type of visitor accommodation, and specifically directs new hotel accommodation into the Central Brighton (SA2) Area.
- 9.7. In addition, the proposed hotel use would be considered as a 'main town centre' use for the purposes of NPPF paragraph 87.
- 9.8. The site is located outside of, albeit immediately adjacent to, the boundary of SA2, and the proposal would not therefore in the strictest sense fully comply with the requirements of NPPF 87 and policy CP6 which seeks to keep visitor accommodation within the defined area.
- 9.9. However, it is considered that the broad thrust of this guidance and policy would not be compromised. The site is no less sustainable in planning terms than if it were to be located within the SA2 Central Brighton area on the opposite side of Holland Road - with no material difference in the character of the area or the available transport links which would allow easy access to other facilities and attractions in Central Brighton. It is therefore considered that the proposed location would align with the aims of policy CP6 as set out in the supporting text p.4.62.
- 9.10. It is also a material consideration that the recent proposal for visitor accommodation was allowed at appeal.
- 9.11. It is therefore considered that some greater flexibility can be had and justification in the form of a sequential test is not required in this case.
- 9.12. The second requirement of policy CP6 is for a Hotel Impact Assessment (HIA) to be provided, so as to identify how the proposal would impact upon the current supply and offer of hotel accommodation.
- 9.13. A HIA has been provided and has been reviewed by the Planning Policy consultee, and it is considered that the proposal is unlikely to result in a significant detrimental impact upon the existing hotel offer.
- 9.14. Accordingly, no objection is raised to the principle of the development, subject to the compliance with other local and national policies.

**Design and Appearance:**

- 9.15. 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.

- 9.16. Case law has held that the desirability of preserving or enhancing the character or appearance of a conservation area must be given "considerable importance and weight".
- 9.17. The proposed external alterations comprise:
- 9.18. To the front elevation:
- the addition of new railings and gate.
- 9.19. To the rear elevation:
- the enlargement of a ground floor window to form a door;
  - the enlargement of 1no first floor window and addition of juliette balustrading.
- 9.20. The proposed external alterations are reduced compared to the extant permission (for visitor accommodation). It remains considered that the proposed alterations are acceptable and would not have a significant harmful impact upon the character and appearance of the site or the wider Brunswick Town Conservation Area, in accordance with policies CP12 and CP15 of the City Plan Part One, policy DM21 of the City Plan Part 2 (which has more weight than local plan policy) and policy HE6 of the Brighton and Hove Local Plan.

**Impact on Amenity:**

- 9.21. Policy QD27 of the Brighton & Hove Local Plan and Policy DM20 (which can be given more weight than QD27) of the emerging City Plan part Two 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 to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 9.22. The proposed external alterations would be unlikely to give rise to a significant harmful impact on neighbouring amenity in terms of overshadowing, loss of light, or overlooking. No new window openings would be created, and there already exists a degree of mutual overlooking from the rear of the building to the neighbours to the west.
- 9.23. The proposed hotel (C1) use would be likely to result in some change in the patterns and timings of movements to and from the site, and the nature of activity within the building and grounds, compared to the language school use. However, it is considered that there is unlikely to be a significant increase in terms of noise and disturbance for neighbours, given the more subdued nature of hotel accommodation, the limited number of proposed bedrooms and the provision of 24-hour on-site staff supervision. The communal areas would be accessible only to guests of the hotel.
- 9.24. It is also worth noting that there would likely be a reduced level of noise disturbance compared to the extant permission for unsupervised visitor accommodation.

- 9.25. It is further noted that the Council has separate noise abatement powers outside of the Planning regime to control any significant noise and disturbance which may arise.

**Sustainable Transport:**

- 9.26. The proposal is unlikely to result in a significant uplift in trip generation, particularly when compared with the scheme approved on appeal.
- 9.27. SPD14 Parking Standards requires the provision of 6 long-stay cycle parking spaces (4 for staff and 2 for guests), and 1 short-stay cycle parking space for guests.
- 9.28. The proposal includes 2no Sheffield stands and 2no bike lockers to provide secure, long term and also short stay cycle parking. However, this is not in full compliance with SPD14, and furthermore the access to the proposed bike lockers appears to be too narrow to be easily and conveniently accessible. Further revised details of the long-stay cycle parking will therefore be secured by condition.
- 9.29. No on-site car parking is proposed, which is in accordance with SPD14 standards. The site is located within a Controlled Parking Zone (CPZ) so any overspill parking demand or loading/unloading can be controlled under the CPZ management system.
- 9.30. The proposal includes provision of access ramps and 180-degree opening front gates to ensure that movement into and out of the site is not obstructed.
- 9.31. In response to concerns raised by residents, a Delivery and Service Management Plan would be secured by condition to ensure that deliveries to and from the site take place at appropriate times of day, avoiding peak traffic hours, and early/late hours with the resulting potential for disturbance in this residential setting.

**Conclusion:**

- 9.32. The proposed change of use is considered acceptable in principle, as is the design and appearance of the proposed external alterations. The impact upon neighbouring amenity and sustainable transport matters can be accepted subject to the recommended conditions. Approval is therefore recommended.

**10. EQUALITIES**

- 10.1. The proposal includes access ramps and a greater arc of opening for the front gates to enable mobility impaired access and movement throughout the site.

**11. CLIMATE CHANGE/BIODIVERSITY**

- 11.1. The proposal would make for continued use of a currently vacant building in a sustainable location.