

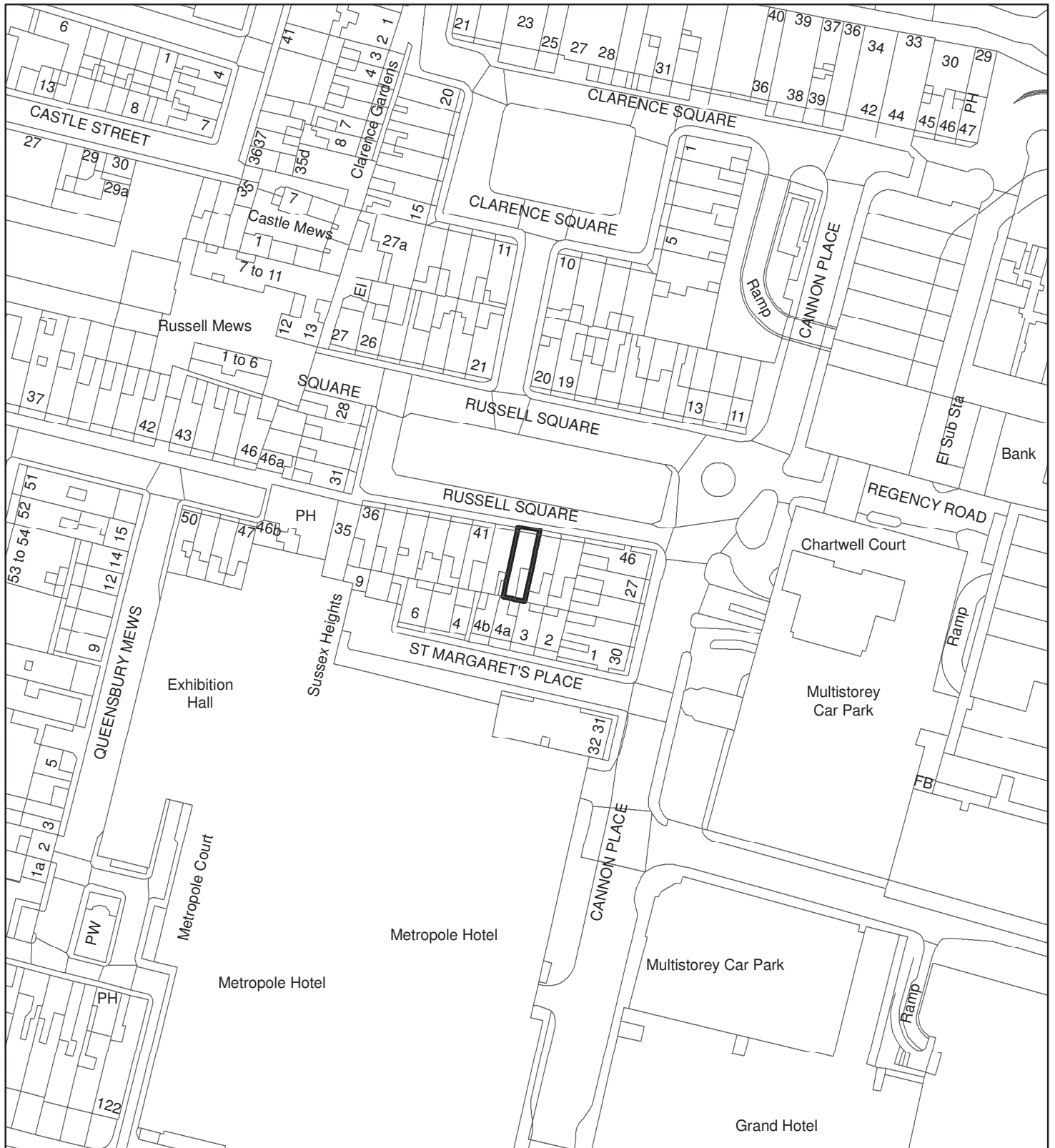
**PLANS LIST
ITEM C**

43 Russell Square, Brighton

**BH2012/04035
Full planning**

26 JUNE 2013

BH2012/04035 43 Russell Square, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2012/04035	<u>Ward:</u>	REGENCY
<u>App Type:</u>	Full Planning		
<u>Address:</u>	43 Russell Square Brighton		
<u>Proposal:</u>	Change of use from single dwelling (C3) to House in Multiple Occupation (Sui Generis) on upper floors and 1no one bedroom basement flat. Alterations including increased roof height of rear extension and provision of slate roof. (Part Retrospective).		
<u>Officer:</u>	Christopher Wright Tel 292097	<u>Valid Date:</u>	03/01/2013
<u>Con Area:</u>	Regency Square	<u>Expiry Date:</u>	28 February 2013
<u>Listed Building Grade:</u>	Grade II		
<u>Agent:</u>	Dr Layth Raouf, Floreat, Stable Lane, Findon Village, West Sussex, BN14 0RR		
<u>Applicant:</u>	AR Properties (Brighton) Limited, 7 Redhill Drive, Brighton, BN1 5SH		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application relates to a four storey mid-terrace property with basement, situated along the southern edge of Russell Square in the city centre. The building has entrances at both ground and lower ground level and has a traditional footprint with two storey outrigger and yard area to one side, at the back. The property is a Grade II listed building and is located within the Regency Square Conservation Area.
- 2.2 The building is presently vacant and is understood to have last been occupied as a dwellinghouse. Prior to this the building was used as six flat-lets (**ref. 82/724**).
- 2.3 Various works have been undertaken to the building without the necessary planning and Listed Building consents being in place:
- New windows to the rear outrigger.
 - Alterations to a first floor rear extension.
 - New internal partitions at lower ground level to form kitchen and bathroom areas.
 - Removal of staircase balusters and areas of lathe and plaster wall.
 - Installation of suspended ceilings to the back rooms (overlapping window architraves).

- 2.4 All works on site have now ceased following intervention by the Planning Investigations and Enforcement Team.

3 RELEVANT HISTORY

BH2012/04036 – Listed Building Consent. Internal alterations to layout including creation of basement level flat. External alterations including increased roof height and provision of slate roof to rear extension. (Part Retrospective). Approved 29 April 2013.

82/724 – Proposed use of the premises as a six flat-let house. Approved 28 September 1982.

4 THE APPLICATION

- 4.1 The application seeks full planning permission for the change of use of the building from a dwellinghouse (Use Class C3) to a self-contained 1-bedroom flat in the basement (C3) and a sui generis House in Multiple Occupation (HMO) on upper floors.

- 4.2 In total 5 HMO type units are proposed with 4 of the units sharing 2 W.C./washing facilities on the first floor. The works include the following elements:

4.3 Basement-

- One bedroom self contained flat with separate entrance into front light-well.
- Soft landscaping in rear yard.
- Kitchen and shower room/W.C. situated in the rear part of the outrigger.
- Installation of a suspended ceiling (retrospective)
- Replacement of non original or missing doors with 4 panel doors to match original.
- Repair and replacement of skirting boards.
- Creation of a new fire door opening at the foot of the stairs leading up to ground floor level.

4.4 Ground Floor-

- One bed-sit at the rear with its own kitchen and shower room formed with new internal partitions.
- One HMO unit occupying the two front rooms and sharing W.C./washing facilities on the first floor.
- Reinstatement of staircase balusters (retrospective).
- Retention of existing internal doors and installation of 6 panel doors to original design where missing.
- Repair and replacement of profiled skirtings and window architraves.
- Panelled door to entrance of rear bed-sit with external bead moulding.
- Removal of non original partition between front and back rooms to form HMO unit.

4.5 First Floor-

- One HMO unit occupying the two front rooms.
- Two combined shower/W.C. rooms within the rear projection.
- Landlord's storage.

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- Replacement of door leading to roof terrace with a window, to prevent access.
 - Reinstatement of 6 panel doors.
 - Repair of skirting and architraves and cornices to match originals.
 - Removal of non original partition between front and back rooms, to form a single HMO unit.
- 4.6 Second Floor-
- One HMO unit occupying the two front rooms.
 - Original 4 panel doors retained.
- 4.7 Third Floor-
- One HMO unit occupying the two rooms.
 - Original 4 panel doors retained.
- 4.8 Proposed external alterations include:
- Three timber sash windows to the return wall of the rear outrigger at basement level (part retrospective).
 - New external yard door (4 panel)(retrospective).
 - Lime cement render of outrigger.
 - Re-construct mono pitched roof of first floor level outrigger with natural slate (retrospective).
 - Replace roof terrace access door with a timber casement window.
- 4.9 A separate application for listed building consent has also been submitted, ref. **BH2012/04036**, and this was approved on 29 April 2013.

5 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: Seven (7) letters have been received from **39, 41 and Flats 1 and 2, 65/66 Regency Square; 42 (x2) and 44 Russell Square; and 8c Sussex Heights, St. Margaret's Place, objecting** to the application for the following reasons:-

- The number of future occupants should be restricted to a reasonable and legal number at any given time, commensurate with the size and nature of the property.
- Too many units crammed in too small a space and fragile, historic building.
- The units are too small.
- Excessive stress on historic structure.
- Calibre of future tenants will be detrimental to the prestige of Russell Square.
- Building should have fewer occupants.
- Poor quality of refurbishment works which should be in keeping with original specifications.
- Should be retained as a family dwelling.
- Inappropriate use as an HMO is this area.

5.2 Conservation Advisory Group: Objection.

The group strongly recommended this application be refused on the grounds that it would represent an excessively intensive use of a Listed Building and felt it important that the basement flat be retained as part of the main building and not separated.

Internal:

5.3 **Sustainable Transport:** No objection.

The trip generation is forecast to be similar to the existing permitted residential use. There will be a small increase in trip generation associated with the site as there will be more people living within the HMO rather than the single dwelling. This level of trip generation would not be considered a reason for refusal. In light of this and the fact the scale of development is below the temporary recession measures the highway authority would not request a S106 contribution in this instance.

5.4 The applicant is not intending to provide any on-site car parking spaces as a result of this development. SPGBH4 states the maximum car parking standard for an HMO within a Controlled Parking Zone (CPZ) is 1 space per 4 bed-sits. Therefore the proposals for no on-site car parking are in line with the maximum parking standards in SPGBH4 and are deemed acceptable.

5.5 In order to meet policies HO7 and TR1 of the Brighton & Hove Local Plan the Highway Authority would look for the development to be made car free. The development lies within CPZ 'Z' and benefits from being in a central, sustainable location, close to public transport routes and local services.

5.6 Therefore on this basis, as the site is in close proximity to a range of public transport and local facilities the Highway Authority would look for the standard car free condition to be included on any planning permission granted, to ensure that sustainable transport trips are promoted from this sustainable location.

5.7 For this development of 1 HMO house, the minimum parking standard is 1 cycle parking space per 3 bed-sits. Therefore this development should provide a minimum of 4 cycle parking spaces. In order to be in line with policy TR14 of the Brighton & Hove Local Plan 2005, the cycle parking must be secure, convenient, well lit, well signed and wherever practicable, sheltered.

5.8 The applicant does not indicate where they intend to provide cycle storage to meet policy TR14 of the Local Plan. It does not appear that there is adequate room to accommodate cycle parking on site.

5.9 Normally the highway authority would look to secure a contribution towards on-street cycle parking in lieu of not providing on-site cycle parking. However, as the development is below the Temporary Recession Measures threshold for when contributions can be requested, in this instance the highway authority would not look to secure a contribution.

5.10 **Access Consultation:** Objection.

The bathroom does not have the required space in front of the W.C. or the necessary side transfer space.

Otherwise no comment as there is no access policy relating to an HMO.

5.11 **Heritage Team:** No objection.

The section drawings of the doors, windows and their architraves are poor and at too small a scale. However, these can be addressed by conditions requiring 1:1 scale joinery sections.

5.12 1:20 scale elevation drawings will be needed of the new four and six panelled internal doors. This also can be dealt with by a condition.

5.13 There are no large scale section details of how the relationship of the false ceiling in the rear basement room and the main part of the building to the glazed borrowed light will be addressed. A 1:1 scale section is required showing the borrowed light, its frame and the false ceiling. This could also be dealt with by condition.

5.14 There are no details of how the floors are to be sound and fire proofed. Apart from the basement where a false ceiling is proposed, this should be carried out fully within the existing floor/ceiling voids and all door self closing mechanisms as required should be of the concealed mortice type except where the doors are too thin to accommodate them, in which case surface mounted ones will have to be accepted, subject to them having a brass finish.

NB: These issues were covered by conditions attached to the listed building consent granted under application ref. BH2012/04036.

6 MATERIAL CONSIDERATIONS

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 The development plan is:

- Brighton & Hove Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- East Sussex and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

6.3 The National Planning Policy Framework (NPPF) was published on 27 March 2012 and is a material consideration which applies with immediate effect.

6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.

- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

The National Planning Policy Framework (NPPF) March 2012

Brighton & Hove Local Plan 2005:

- TR1 Development and the demand for travel
- TR7 Safe development
- TR14 Cycle access and parking
- TR19 Parking standards
- SU2 Efficiency of development in the use of energy, water and materials
- SU13 Minimisation and re-use of construction industry waste
- QD1 Design – quality of development and design statements
- QD2 Design – key principles for neighbourhoods
- QD3 Design – efficient and effective use of sites
- QD27 Protection of Amenity
- HO3 Dwelling type and size
- HO4 Dwelling densities
- HO5 Provision of private amenity space in residential development
- HO7 Car free housing
- HO13 Accessible housing and lifetime homes
- HO14 Houses in multiple occupation (HMOs)
- HE1 Listed Buildings
- HE6 Development within or affecting the setting of conservation areas

City Plan Part One (Submission Version):

- SS1 – Presumption in Favour of Sustainable Development
- CP1 – Housing Delivery
- CP9 - Sustainable Transport
- CP12 – Urban Design
- CP15 – Heritage
- CP21 – Student Housing and Housing in Multiple Occupation

Supplementary Planning Guidance:

- SPGBH4 Parking Standards

Supplementary Planning Documents:

- SPD03 Construction & Demolition Waste
- SPD08 Sustainable Building Design

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development; impact on the character and appearance of the building and the conservation area; impact on neighbour amenity; sustainability; and transport.
- 8.2 **Principle:**
The building is currently in use as a single dwellinghouse. The proposal would make more effective use of the site by providing a net increase in the number of residential units contained within the building. Policy HO14 of the Local Plan states that HMOs play an important role in providing housing for young people and people who are socially or economically disadvantaged. They are often the only choice of housing for people who would otherwise be homeless. Given the overriding level of housing need in the city, it remains important to ensure that an adequate supply of HMO accommodation is retained.
- 8.3 The proposal is considered compliant with policy HO3 of the Local Plan because the use is appropriate to the site and its location, and compliant with policy HO4 because it would make full and effective use of the land available at a site within a densely populated and built up part of Brighton city centre.
- 8.4 Policy CP21 of the Brighton & Hove Draft City Plan Part One specifically addresses the issue of changes of use between use classes C3 and C4 sui generis HMO uses and states that:
- ‘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:
- 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.’
- 8.5 This policy at present has significant weight as the adopted Local Plan is silent on the issue. The site is located within the recently introduced Article 4 Direction area which removes permitted development rights under Class I (b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, to change from a C3 (dwellinghouses) Use to a C4 (houses in multiple occupation) Use, which came into effect from 5 April 2013.
- 8.6 A mapping exercise has taken place which indicates that there are 248 separate residential properties which fall within a 50 metre radius of the site. Of these 248 residential properties, 1 has been identified as being in Class C4, mixed C3/C4 or other types of HMO in a sui generis use. This represents a percentage of 0.4%. Were the proposed change of use to occur this would increase to 0.8%. The proposed HMO use would therefore be compliant with emerging policy CP21.

- 8.7 In principle the proposed change of use to an HMO with a self contained flat at basement level in this particular location is considered acceptable.

Design:

- 8.8 Works to extend the height of an existing rear extension at first floor level, over the original ground floor level outrigger, and to re-roof the extension in slate, have already been carried out, hence the application is part retrospective. In addition, three replacement timber sash windows have been installed to the return wall of the original outrigger at basement level. Repairs have also been carried out to the front door of the property at ground level (there is a second front entrance at basement level as well).
- 8.9 The external alterations carried out are acceptable and in keeping with the character of the building. However, section details should be requested by condition to ensure the reveals of the rear windows on the basement return wall are appropriate.
- 8.10 Other alterations to the building are limited to the interior and were considered as part of the application for listed building consent which has been granted on the basis that the works were deemed satisfactory.
- 8.11 The proposed external alterations are considered compliant with policies HE1 and HE6 of the Local Plan.

Impact on Amenity:

- 8.12 Part of the proposal includes blocking up access to a flat roof terrace at first floor level to the rear of the building and replacing with a casement window. This alteration is acceptable in principle and would improve the present amenity impact on neighbours because use of the roof terrace causes overlooking and loss of privacy for neighbouring occupiers, which are located in very close proximity to the rear elevation of the application site.
- 8.13 Whilst objections received are acknowledged, the change of use from a single dwelling to a 1-bed flat and an HMO is not considered likely to have an adverse impact on neighbour amenity in terms of the intensity of the use of the land and would not be markedly different, in terms of overall levels of activity, to the use of the building as flats, as per previous use.
- 8.14 The proposed layout would utilise existing front and rear facing windows and as such the proposal would not increase potential for overlooking or loss of privacy for neighbouring residents.
- 8.15 The proposal is not considered to be contrary to policy QD27 of the Local Plan.

Sustainable Transport:

- 8.16 In order to meet the requirements of policies TR1, TR14 and TR19 of the Local Plan, development should provide for the transport demand it would generate in accordance with maximum car parking and minimum cycle parking levels as set out in SPGBH4: Parking Standards.

- 8.17 The site is in a city centre location adjacent to the regional shopping centre and frequent bus routes and is within walking distance of Brighton mainline station. The site is also in a controlled parking zone. For the proposed development a maximum of 2 off-street car parking spaces could be provided. However, the site has no accessible external space where parking could be situated. The absence of any off-street car parking is acceptable in this sustainable location and still complies with SPGBH4, because that sets out maximum rather than minimum standards.
- 8.18 The presence of on-street parking controls also means that a planning condition can be used to ensure the development remains genuinely car free in the long terms and therefore meeting the requirements of policy HO7 for car free housing development.
- 8.19 The nature and constraints of the site as an historic mid-terrace building, built up to the pavement and with no separate access to the rear yard, means provision of off-street cycle parking would also be impracticable. The applicant suggests the store in front of the basement could be used for cycle storage and in view of the aforementioned constraints this is considered acceptable in this instance.

Sustainability:

- 8.20 In order to meet the requirements of policy SU2 of the Local Plan and SPD08: Sustainable Building Design, the conversion of the existing building into two residential units (one C3 use and one sui generis HMO use) is recommended to be accompanied by a Sustainability Checklist and measures to reduce water consumption and minimise surface water run-off.
- 8.21 The applicant has submitted a Sustainability Checklist but there are areas which could be improved upon, for example: locally sourced or re-used/recycled materials could be used; and efficient gas boilers could be installed.
- 8.22 For these reasons it is considered a planning condition should be imposed to secure further details of sustainability measures to be adopted in the development.

9 CONCLUSION

- 9.1 The proposed conversion is considered acceptable in principle and no significant adverse impact on neighbour amenity or transport is forecast. The external alterations which have been carried out are considered appropriate to the character and appearance of the listed building and the wider conservation area.
- 9.2 Accordingly approval is recommended.

10 EQUALITIES

- 10.1 Residential conversions of existing building should be designed and built, in so far as practicable, to be accessible and meet Lifetime Home standards in order to comply with policy HO13 of the Local Plan. In this instance the conversion involves an historic Listed building and the constraints of the site mean Lifetime

Home standards cannot be met in full. However, it is recommended a condition is imposed requiring those standards to be met in the development in so far as practicable for this site.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory 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 Plan			2 Jan 2013
Existing Plans	12/01		18 Dec 2012
Existing Plans	12/02		18 Dec 2012
Existing Plans	12/03		18 Dec 2012
Proposed Plans	12/04	E	1 Mar 2013
Proposed Plans	12/05	F	1 Mar 2013
Proposed Plans	12/06	F	1 Mar 2013
Proposed Plans/Sections	12/07	A	1 Mar 2013
Basement Sections	12/08		1 Mar 2013
Schedule of Finishes	12/09		1 Mar 2013

- 2) All new windows shall be painted softwood, double hung vertical sliding sashes with joinery details to match originals, where existing, and shall be retained as such.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan 2005.

- 3) The external finishes of the walls to the reconstructed rear extension shall be smooth rendered in a cement/lime/sand render mix down to ground level and shall be lined out with ashlar joint lines to match the original building and shall not have bell mouth drips above the damp proof course or above the windows, doors or archway openings and the render work shall not use metal or plastic expansion joints, corner or edge render beads and shall be painted in a smooth masonry paint to match the original building and shall be maintained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan 2005.

- 4) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation fronting a highway.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan 2005.

- 5) All new and replacement rainwater goods, soil and other waste pipes shall be in cast iron and shall be painted to match the colour of the background walls and maintained as such thereafter.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan 2005.

11.2 Pre-Commencement Conditions:

6) No works shall take place until 1:1 scale section drawings of the new windows, glazing bars and reveals have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure the satisfactory preservation of this listed building and to comply with policies HE1 and HE6 of the Brighton & Hove Local Plan 2005.

7) The development hereby permitted shall not be commenced until details of sustainability measures have been submitted to and approved in writing by the Local Planning Authority. These details shall demonstrate how the development would be efficient in the use of energy, water and materials in accordance with Supplementary Planning Document SPD08 Sustainable Building Design. The development shall be carried out in strict accordance with the approved details.

Reason: To ensure that measures to make the development sustainable and efficient in the use of energy, water and materials are included in the development and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.

11.3 Pre-Occupation Conditions:

8) The development hereby permitted shall not be occupied until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority 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.

Reason: To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

11.4 Informatives:

1) In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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 to grant Planning Permission has been taken:

(i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and

(ii) for the following reasons:-

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The proposed conversion is considered acceptable in principle and no significant adverse impact on neighbour amenity or transport is forecast. The external alterations which have been carried out are considered appropriate to the character and appearance of the listed building and the wider conservation area.

- 3) The applicant is advised that the scheme required to be submitted by Condition 8 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.