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| <u>No:</u> | BH2019/01050 | <u>Ward:</u> | Hollingdean And Stanmer Ward |
| <u>App Type:</u> | Full Planning | | |
| <u>Address:</u> | 26 Brentwood Crescent Brighton BN1 7EU | | |
| <u>Proposal:</u> | Change of use from (C3) dwellinghouse to (C4) small house in multiple occupation. | | |
| <u>Officer:</u> | Emily Stanbridge, tel: 293311 | <u>Valid Date:</u> | 08.04.2019 |
| <u>Con Area:</u> | | <u>Expiry Date:</u> | 03.06.2019 |
| <u>Listed Building Grade:</u> | | <u>EOT:</u> | 17.07.2019 |
| <u>Agent:</u> | Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD | | |
| <u>Applicant:</u> | Mr G Birtwell | | |

This application was deferred from Committee on the 10 July 2019 to seek further advise.

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.

| Plan Type | Reference | Version | Date Received |
|-------------------------|-----------|---------|---------------|
| Proposed Drawing | 01 | B | 8 July 2019 |
| Location and block plan | 01 | | 8 July 2019 |

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. The ground floor rooms annotated as lounge and kitchen/diner as set out on drawing 01 B received 8th July 2019, shall be retained as communal space and shall not be used as a bedroom at any time.

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

4. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been fully implemented and made available for use. The cycle parking facilities shall thereafter be

retained for use by the occupants of, and visitors to, the development 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 and SPD14: Parking Standards.

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. This application relates to a two storey property situated on the southern side of Brentwood Crescent that is residential in character.
- 2.2. The property is not located in a conservation area. However, there is an Article Four Direction present which removes permitted development rights to change from C3 single dwelling house to C4 small house of multiple occupation and Sui Generis (large HMO) without planning permission.

3. RELEVANT HISTORY

None identified.

4. CONSULTATIONS

- 4.1. **Sustainable Transport:** No objection

5. REPRESENTATIONS

- 5.1. **Twenty six (26)** letters of representation have been received, objecting to the scheme on the following grounds:
 - Additional cars and traffic
 - Noise disturbance
 - Overdevelopment
 - Detrimental impact on neighbouring amenity
 - Detrimental impact on property value
 - There is sufficient student housing already within the city
 - There are existing HMO's nearby
 - Increased number of HMO's will change the feel of the area
 - The proposed soundproofing would have limited affect
 - Poor internal layout
 - Impact on health
 - The HMO would have insufficient bathroom and kitchen space

- The conversion to and HMO means the loss of a much needed family home
 - Increase in rubbish
 - Increased coming and goings
 - Not enough provision of family homes in the area
 - The application has the potential to lead to a greater number of students in the future
 - A restricted covenant exists on the site
 - The application would infringe property rights over the shared driveway
 - Disruption to local community
 - The property will be a commercial development rather than a private residential dwelling
- 5.2. A letter of representation has been received by **Councillor Tracey Hill** objecting to the proposals, comments are attached.
- 5.3. A letter of representation has also been received by **Councillor Theresa Fowler** objecting to the proposals, comments are attached.
- 5.4. A letter of representation has also been received by **Councillor Martin Osborne** objecting to the proposals, comments are attached.

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);
- 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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO)

Brighton & Hove City Plan Part One

| | |
|------|--|
| SS1 | Presumption in Favour of Sustainable Development |
| CP1 | Housing delivery |
| CP8 | Sustainable buildings |
| CP9 | Sustainable transport |
| CP12 | Urban design |
| CP19 | Housing mix |
| CP21 | Student housing and Housing in Multiple Occupation |

Brighton & Hove Local Plan (retained policies March 2016)

| | |
|------|---|
| TR7 | Safe Development |
| TR14 | Cycle access and parking |
| SU10 | Noise Nuisance |
| QD14 | Extensions and alterations |
| QD27 | Protection of amenity |
| HO5 | Provision of private amenity space in residential development |

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide, transport issues and the impact upon the character and appearance of the property and the surrounding area.

Principle of development:

- 8.2. 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:
- 8.3. *'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:*
- 8.4. *- 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. The over-concentration of HMOs in certain parts of Brighton & Hove, as expressed through the Council's Student Housing Strategy, led to the issuing of article 4 directions in five of the city's electoral wards, Brentwood Crescent. Policy CP21 seeks to address the potential impact of concentrations of HMOs upon their surroundings and to ensure that healthy and inclusive communities are maintained across the city.
- 8.6. A mapping exercise has taken place which indicates that there are 32 neighbouring residential properties within a 50m radius of the application property. One (1) neighbouring property has been identified as being in HMO

use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 3.125 %.

- 8.7. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.
- 8.8. It is noted that neighbours have raised concerns with regards to a number of properties within the 50m radius that they consider to be occupied as a C4 Use. The Council has looked into these addresses and no HMO Licence, planning history or enforcement history can be found for any of the properties identified.

Design and Appearance:

- 8.9. No external changes are proposed to the property.

Standard of accommodation:

- 8.10. The proposed layout includes, 6 bedrooms, an open plan living/kitchen dining area, rear conservatory and two shower rooms. There is also a garage and garden to the rear of the property.
- 8.11. The 'Nationally Described Space Standards' (NDSS) were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm.
- 8.12. The proposed bedrooms vary in size between 7.8sqm and 10sqm. Each bedroom is therefore in accordance with national space standards. The proposed floor plan demonstrates the furniture layout of each room and it is considered that after the placing of such items there is still sufficient circulation space in each room. Furthermore each habitable room proposed benefits from acceptable levels of light, outlook and ventilation.
- 8.13. The two bedrooms on the ground floor of the property are located adjacent to the communal space for future occupiers. In order to minimise noise disturbance to these bedrooms, additional soundproofing measures are proposed which will mitigate any potential noise impact to these occupiers.
- 8.14. At ground floor the property comprises of an open plan kitchen/dining/living area with a rear conservatory beyond. This living space would provide a total of 33sqm of communal space. This space is considered to be sufficient for future occupiers to cook, eat and socialise together.

- 8.15. On this basis the proposed layout is considered to represent an acceptable level of accommodation for future occupants contrary to Policy QD27 of the Brighton & Hove Local Plan.

Impact on Amenity:

- 8.16. Policy QD27 of the Brighton & Hove Local Plan 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.
- 8.17. The proposed change of use would result in an increase in occupancy and intensity in comparison to the existing use, due to more frequent comings and goings in addition to general movements and disturbance within the dwelling. Given the low proportion of other HMOs in the immediate vicinity of the property, the level of additional activity is considered to be acceptable and would not result in significant harm to the amenity of neighbouring occupiers.
- 8.18. The application site comprises a semi-detached house, soundproofing is proposed to the party wall with (No28. Brentwood Crescent). The proposed soundproofing will reduce noise transference to the neighbouring dwelling.
- 8.19. Whilst the development could result in up to 6 unrelated persons residing within the property, any direct increased impact to adjoining occupiers in regards to noise and disturbance is unlikely to be of a magnitude which would warrant the refusal of planning permission.
- 8.20. Given that the maximum occupancy would be secured by condition, in this instance it is not necessary to restrict 'permitted development rights' by condition as well. Furthermore it is not considered that further extensions to the property under permitted development would have an adverse impact on the character of the property or surrounding area or cause detriment to the amenities of occupiers of nearby properties.

Sustainable Transport:

- 8.21. Amendments have been received during the lifetime of the application to remove the proposed cycle storage from the garage to a store within the rear garden. This is to retain the existing garage for car parking.
- 8.22. The proposed cycle parking, consisting of 3 Sheffield stands, would allow for the storage of 6 cycles, within the rear garden. This is considered appropriate and retention of these facilities will be secured by condition.
- 8.23. It is considered that if overspill of car parking were to occur it is unlikely that this would be significant enough to warrant the refusal of the application. Furthermore the requested amendments allow for one parking space to be retained within the existing garage to accommodate parking if required.

9. EQUALITIES
None identified

