

|                                      |   |                            |                                   |
|--------------------------------------|---|----------------------------|-----------------------------------|
| <b><u>No:</u></b>                    | <b>BH2019/01474</b>   | <b><u>Ward:</u></b>        | <b>Hanover And Elm Grove Ward</b> |
| <b><u>App Type:</u></b>              | <b>Full Planning</b>  |                            |                                   |
| <b><u>Address:</u></b>               | <b>7A Southover Street Brighton BN2 9UA</b>   |                            |                                   |
| <b><u>Proposal:</u></b>              | <b>Change of use from dwellinghouse (C3) to four bedroom small house in multiple occupation (C4).</b> |                            |                                   |
| <b><u>Officer:</u></b>               | Laura Hamlyn, tel: 292205   | <b><u>Valid Date:</u></b>  | 17.05.2019                        |
| <b><u>Con Area:</u></b>              |   | <b><u>Expiry Date:</u></b> | 12.07.2019                        |
| <b><u>Listed Building Grade:</u></b> | <b><u>EOT:</u></b>  |                            |                                   |
| <b><u>Agent:</u></b>                 | Lewis And Co Planning SE Ltd    Lewis & Co Planning    2 Port Hall Road    Brighton    BN1 5PD        |                            |                                   |
| <b><u>Applicant:</u></b>             | Alpha Projects (Sussex) Ltd    Lewis & 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.

| Plan Type        | Reference | Version | Date Received |
|------------------|-----------|---------|---------------|
| Proposed Drawing | 2019/17   | C       | 9 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 HMO unit hereby approved shall only be occupied by a maximum of four (4) persons.

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

4. The rooms annotated as kitchen, lounge/diner, and study rooms as set out on drawing 2019/17 C, received 09 July 2019, shall be retained as communal spaces 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.

5. 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 and SPD14: Parking Standards.

6. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, 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.

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. The applicant is advised that the scheme required to be submitted by Condition 6 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 of the restrictions upon the issuing of resident parking permits.

**2. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1. The application relates to an end of terrace property on the corner of Southover Street and Hanover Street. There is a flat in in the lower ground floor and a maisonette on the ground, first and second floors above.
- 2.2. The property has been intermittently in use as a House in Multiple Occupation (HMO), but most recently appears to have been in use as a single dwellinghouse.
- 2.3. Amended drawings were received during the course of the application, changing the 6 bed HMO first to a 5 bed HMO, then to a 4 bed HMO. The agent confirmed by email dated 12 July that the proposed occupancy would be four (4) persons.

- 2.4. Permission is sought for the conversion of the property from a dwellinghouse (C3) to a four bedroom House in Multiple Occupation (HMO) (C4).

### 3. RELEVANT HISTORY

None relevant.

#### Council tax

Apr 2017 - Jan 2019: 2 occupiers  
Jan 2016 - Apr 2017: 1 occupier  
Nov 2015 - Dec 2015: 2 occupiers  
Feb 2015 - Nov 2015: 2 occupiers  
Aug 2014 - Jan 2015: 4 occupiers  
Jan 2014 - Aug 2014: 1 occupier  
Jul 2013 - Jan 2014: 2 occupiers  
Jul 2012 - Jul 2013: 3 occupiers

#### Licensing

There is no licensing history for the application site.

### 4. REPRESENTATIONS

- 4.1. **Six (6)** representation has been received, objecting to the proposed development on the following grounds:

- detrimental effect on property value
- noise, especially late at night
- additional parking demand and traffic
- there is another HMO close by on Southover Street
- a six bed HMO is not small
- air pollution
- continued unravelling of the sense of community in Hanover

- 4.2. **Councillor Powell** objects to the proposal, a copy of the letter is attached to the report.

### 5. CONSULTATIONS

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

Verbal comment: No objection, subject to conditions requiring details of cycle parking, and the restriction of occupiers' access to parking permits.

### 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. POLICIES

### The National Planning Policy Framework (NPPF)

#### Brighton & Hove City Plan Part One

|      |  |
|------|--|
| SS1  | Presumption in Favour of Sustainable Development   |
| CP1  | Housing delivery                                   |
| 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      |

#### Supplementary Planning Documents:

|       |                   |
|-------|-------------------|
| SPD14 | Parking Standards |
|-------|-------------------|

## 8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the principle of the change of use, its impact on neighbouring amenity and transport issues

### **Planning Policy:**

8.2. Policy CP21 of the Brighton and Hove Draft 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:  
*'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.'*

8.3. A mapping exercise has taken place again, which indicates that there are forty nine (49) neighbouring residential properties within a 50m radius of the application site. Two (2) other properties have been identified as being potentially in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 4.1%. Based on this percentage, the proposal would be in accordance with policy CP21.

#### **Standard of Accommodation**

- 8.4. 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, and a double bedroom should measure at least 11.5sqm. The minimum floor space requires a head height of above 1.5m.
- 8.5. Amended drawings were received during the course of the application labelling the rooms with the bay window fronting Southover Street as a study at both first and second floor level. The agent confirmed by email dated 12 July that the proposed occupancy would be four (4) persons.
- 8.6. The proposed HMO would comprise a kitchen (6.3sqm), a lounge (12.6sqm) and two WCs on the ground floor, 2 bedrooms (7.8sqm, 8.0sqm), a study room and a shower room on the first and second floors.
- 8.7. The kitchen at 6.3sqm falls slightly short of the HMO standard for 3 or 4 occupiers (6.5sqm), and the circulation space in the kitchen is further limited by the presence of a WC which is accessed through the kitchen. The lounge/diner measures 12.6sqm and could accommodate both facilities for dining and relaxing/socialising for the group. On balance the facilities are considered an appropriate amount of communal space.
- 8.8. The first and second floor front rooms with windows to part of the bay fronting Hanover Street and the bay window fronting Southover Street have an awkward shape which limits their circulation space. These rooms are labelled as study rooms. This appropriately indicates that these rooms are intended as communal spaces providing a facility to all occupiers of the property. It is recommended that the layout be secured by condition and that the kitchen, lounge/diner and study rooms not be used as bedrooms at any time.

- 8.9. Whilst the bedrooms fronting Southover Street would have an awkward layout, given the additional benefit of a study room to share at first and second floor level, it is considered that the proposal would provide an acceptable standard of accommodation for four (4) persons, in accordance with policy QD27.

**Design and Appearance:**

- 8.10. At the site visit it was confirmed that the subdivision of the first and second floor rooms fronting onto Hanover Street had been carried out. Whilst this subdivision is included on the "existing plans" it is considered that this subdivision is part of the development proposal. This has resulted in the bay window being split across the two rooms. Whilst this subdivision of the first and second floor front rooms in this way is not considered an appropriate alteration given the limited visibility of this partition from street level it is not considered that a refusal of the application solely on this basis could be sustained.

**Impact on Amenity:**

- 8.11. 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.
- 8.12. 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 presence of the purpose built student accommodation at Phoenix Brewery Halls, it is considered that the additional activity together with the level of occupants proposed would not result in significant harm to the amenity of neighbouring occupiers.

**Sustainable Transport:**

- 8.13. It is considered that the proposed development would not result in a significant uplift in trips sufficient to warrant refusal of the application.
- 8.14. The property is located in an area which is covered by a Controlled Parking Zone, Zone V. The proposed development has the potential to generate some additional on-street parking demand. The impact of this has not been assessed by a parking survey as part of the applicant's submission for this application. It is recommended that occupiers' access to parking permits be restricted by condition.
- 8.15. SPD14 requires two (2) cycle spaces for a development of this type and level of occupation. Cycle parking could be provided on the front hardstanding. While Highways would want the cycle parking to be covered, it is considered that this would have an adverse impact on the appearance of the streetscene. It is recommended that a Sheffield stand be installed, and that details be secured by condition.

- 8.16. The hardstanding has previously been used as a parking space, despite the lack of a dropped kerb to the pavement. This poses a hazard to other road users as motorists may have to make multiple manoeuvres. The Sheffield stand should be positioned so as to prevent cars parking on the hardstanding.

**9. EQUALITIES**  
None identified.

