

<u>No:</u>	BH2016/06421	<u>Ward:</u>	Woodingdean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 Baywood Gardens Brighton BN2 6BN		
<u>Proposal:</u>	Change of use from 6 bedroom small house in multiple occupation (C4) to 7 bedroom house in multiple occupation (Sui Generis).		
<u>Officer:</u>	Molly McLean, tel: 292097	<u>Valid Date:</u>	19.12.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	13.02.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	15.11.2017
Agent:			
Applicant:	Ms Alison Carriban Flat 2 36 Adelaide Crescent Hove BN3 2JL		

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 use 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			9 December 2016
Floor Plans Proposed			19 December 2016
Other	SECTIONAL DRAWINGS		6 October 2017

- 2 The use 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 layout of the kitchen/dining room, tv room and utility room as detailed on the proposed floorplans received on 19th December 2016 shall be retained as communal space at all times and shall not be used as bedrooms at any time.

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 eight persons.

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

- 5 No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

- 6 Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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.

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 relates to a detached chalet bungalow on Baywood Gardens. The property contains seven bedrooms, one living/dining/kitchen area and a rear garden. Planning permission is sought for a change of use from a 6 bedroom small house in multiple occupation (C4) to a 7 bedroom house in multiple occupation (sui generis).

3. **RELEVANT HISTORY**

BH2004/02826/FP: Side extension with roof conversion to include two dormer windows to front and one dormer window to rear. Approved 04/11/2004.

BH2004/01281/FP: Loft conversion with extended dormer window to front elevation and dormer windows to rear. Front extension with partial conversion of existing garage. Refused 16/06/2004.

4. **REPRESENTATIONS**

- 4.1 Eight (8) letters of objection have been received raising the following points:

- The change of use will significantly exacerbate parking problems along the road
- The increase in occupants will add to existing problems with noise nuisance
- The extra cars will restrict emergency services access
- The change of use will change the character and community of the road
- The property has been overdeveloped
- The previous external works to the building has resulted in overlooking

4.2 One (1) letter has been received commenting on the application as follows:

- The applicant has visited neighbouring properties to discuss the application.

5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection.

5.2 **Car Parking** Whilst there is the potential for a small level of additional demand to arise on-street as a result of the extra bedroom, it is not considered that this would be of a level which could be deemed to amount to a 'severe' impact and therefore warrant refusal on these grounds under the National Planning Policy Framework.

5.3 **Cycle Parking**

The applicant has indicated that seven cycle parking spaces will be provided to the rear of the property. This is welcomed; however, further details are requested by condition.

5.4 **Trip Generation**

Given the increase of one bedroom, it is not expected that there would be a substantial uplift in trips and associated impact on surrounding transport networks.

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
CP9	Sustainable transport
CP14	Housing density
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

TR14	Cycle access and parking
SU10	Noise Nuisance
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 The application site is situated within the Woodingdean ward, in which there are no Article Four directives restricting permitted development rights for the change of use from a single dwellinghouse (C3) to a house in multiple occupation (C4) for up to six people. At present the property is lawfully in use as a six bedroom HMO.
- 8.3 Planning permission is sought for the addition of an extra bedroom in the property at ground floor level, for a maximum of eight occupants, which would change the use of the property from a six bedroom house in multiple occupation (use class C4) to a seven bedroom house in multiple occupation (use class Sui Generis).
- 8.4 Policy CP21 of the Brighton and Hove City Plan Part One 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 A mapping exercise has been carried out showing that no other dwellings within 50m of the application site are currently in use as a HMO. The application therefore complies with Policy CP21 of the Brighton & Hove City Plan.

Standard of accommodation:

- 8.6 The property at present includes six bedrooms (three of which have en-suite bathrooms), two W.C/shower rooms, a store room, a kitchen/dining area and sitting room and a rear garden. The application seeks to convert the existing store room at ground floor level to a bedroom, resulting in a total of seven bedrooms. There would not be any significant changes to the internal layout of the property as a result of the proposal.

- 8.7 As annotated on the proposed floor plans, the floorspace of each bedroom above 1.5m head height (excluding en suite bathrooms) is as follows:

Bedroom one: 10.5m²
Bedroom two: 10.9m²
Bedroom three: 12m²
Bedroom four: 8.2m²
Bedroom five: 11.6m²
Bedroom six: 11.8m²
Bedroom seven: 11.9m²

- 8.8 The Local Planning Authority do not have an adopted policy on minimum room sizes, however the space standard as set out in Government's 'Nationally Described Space Standards' do provide a reasonable indication of minimum floor areas for single and double bedrooms. This document states that a single bedroom providing one bedspace should have a floor area of at least 7.5m² and a double bedroom providing two bedspaces should have a floor area of at least 11.5m². As proposed, three bedrooms exceed the standard for single bedrooms and four bedrooms exceed the standard for double bedrooms.

- 8.9 Each bedroom receives good levels of natural light and provides adequate outlook for occupants. The communal sitting room and kitchen/dining area has a floor area of 22m² and provides sufficient space for cooking, dining and socialising for eight occupants. This was evident during a site visit whereby a dining table and chairs proving eight spaces was evident, as well as additional seating in the sitting area. The rear garden area provides suitable private amenity space. It is considered necessary to restrict the number of occupants so that the impact of an additional number of occupants can be assessed.

- 8.10 Overall the property represents a good standard of accommodation for up to eight occupants in accordance with Policy QD27 of the Brighton & Hove Local Plan. A condition is recommended restricting the occupants of the property to a maximum of eight.

- 8.11 The benchmark floorspace for a double bedroom as laid out in nationally described space standards is 11.5m². There are three bedrooms that comply with this standard. Given that occupancy is restricted to eight persons by condition, only one bedroom could be occupied by two persons.

Impact on neighbouring amenity:

- 8.12 The property at present is lawfully in use as a six bedroom HMO as it complies with permitted development rights. It is acknowledged that use of the property as an HMO inevitably results in increased comings and goings from the plot and associated noise nuisance. In this instance however it is considered that the net increase of one bedroom, with a maximum of two occupants, is unlikely to significantly exacerbate the noise levels that exist at present and any potential increase in noise is not of a magnitude to warrant refusal of the application. The impact of the change of use is further mitigated by the fact that the property is detached and there is a suitable separation distance to neighbouring buildings.
- 8.13 There are no other HMOs within a 50m radius of the property therefore a mixed and balanced community would be retained in the area.
- 8.14 No external works are proposed in this application, therefore no physical harm to the amenity of neighbours would result in terms of overshadowing or overlooking.

Transport issues:

- 8.15 The concerns around increased pressure on parking are acknowledged. The applicant proposes three car parking spaces and the Transport Officer has confirmed that a net increase of one bedroom would not result in severe pressure on parking in the area, which is outside a controlled parking zone with on-street parking available for occupants. The potential issues with parking are therefore not of a magnitude to warrant refusal of the application.
- 8.16 Details of secure cycle parking are recommended to be secured by planning condition in order to comply with Brighton & Hove Local Plan policy TR14. Cycle parking should be secure, convenient to access and, wherever possible, covered. The Highway Authority's preference is for the use of Sheffield stands laid out in accordance with Manual for Streets paragraph 8.2.22.

9. EQUALITIES

- 9.1 None identified.