

<u>No:</u>	BH2017/03683	<u>Ward:</u>	Moulsecomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	8 Willingdon Road Brighton BN2 4DF		
<u>Proposal:</u>	Change of use from five bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Luke Austin, tel: 294495	<u>Valid Date:</u>	15.11.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	10.01.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>			
<u>Applicant:</u>	Mr Michael Jones 8 Willingdon Road Brighton BN2 4DF		

Councillor Yates has requested this application is determined by the Planning Committee.

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
Location Plan	-	-	6 November 2017
Floor Plans Proposed	-	-	10 January 2018

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. 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.

- 4 No extension, enlargement, alteration or provision within the curtilage of the 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.

- 5 The development hereby approved shall be implemented in accordance with the proposed layout plan received 10 January 2018 and shall be retained as such thereafter. The ground floor rooms marked as kitchen, dining room and conservatory shall be retained as communal space and none of these rooms shall be used as bedrooms at any time.

Reason: to ensure a suitable standard of accommodation and sufficient communal space for occupiers to comply with policy QD27 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 two storey semi-detached property located to the south of Willingdon Road close to the junction with Jevington Drive. The property is set higher than street level with a front terrace. The property also includes a lower ground level garage set at street level and a rear conservatory in addition to a rear projection including a utility room. The property is currently in use as a 5 bedroom dwellinghouse (C3).
- 2.2 The application seeks consent for the change of use from dwellinghouse (C3) to a six bedroom HMO (C4). Amendments have been sought during the consideration of the application including the relocation of one of the partition walls in order to increase the size of one of the bedrooms.
- 2.3 The application site is located in Moulsecoomb and Bevendean ward, for which there is an Article 4 direction which restricts permitted development rights for the change of use from a single dwellinghouse (C3) to a small HMO (C4). Planning permission is therefore required for the change of use to a six bedroom HMO.

3. RELEVANT HISTORY

3.1 None identified.

4. REPRESENTATIONS

4.1 **One (1)** letter has been received from, objecting to the proposed development for the following reasons:

- Concerns regarding noise, high concentration of HMOs locally, availability of parking places.

4.2 **Councillor Yates** objects to the application and requests it is determined by the Planning Committee. (Comments attached)

5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection

No objection subject to conditions securing cycle parking details.

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

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
QD27 Protection of amenity

Supplementary Planning Documents:
SPD14 Parking

8. CONSIDERATIONS & ASSESSMENT

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

8.2 Principle of development:

The proposal would allow occupation of the property as a small HMO providing accommodation for 6 unrelated individuals who share basic amenities including a kitchen, living/dining room and bathroom.

8.3 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.'

8.4 A mapping exercise has taken place which indicates that there are 33 properties within a 50m radius. No other properties have been identified as being in either Class C4, mixed C3/C4 or other types of HMO in a sui generis use within the 50m radius. The percentage of existing HMO's within the designated area is thus 0%.

8.5 Based upon this percentage, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.

8.6 Design and Appearance:

No external works are proposed.

8.7 Standard of Accommodation

The majority of the existing layout would be retained as part of the conversion. The five bedrooms on the first and second floors would be retained and the existing living room would form a sixth bedroom on the ground floor. The

existing dining area, kitchen, utility room and conservatory would form the communal area for occupiers.

- 8.8 Although the communal area would be reduced it is considered that the resultant kitchen / dining in addition to the seating area within the conservatory would be sufficient to provide for six occupiers.
- 8.9 Although the council do not have any formally adopted space standards the Government's Nationally Described Space Standards are referred to for comparative purposes. The standards advise that a room must have a minimum floor area of 7.5m² in order to qualify for one bedspace.
- 8.10 The new bedroom on the ground floor in addition to the larger two bedrooms on the first floor and further bedroom on the second floor would all provide a floor area of above 11.5m². The larger bedroom on the second floor would have partially restricted headroom due to the pitch of the roof however it would have an area of approximately 12.9m².
- 8.11 Following minor amendments to the drawings during the course of the application (including the relocation of a stud wall) the two bedrooms on the second floor measure approximately 9.5m² and 7.8m² over 1.5m² in height.
- 8.12 Overall the standard of accommodation provided is considered sufficient for six occupiers. It is recommended the proposed floor layout be restricted by condition in order to ensure that all communal areas are retained.
- 8.13 **Impact on Amenity:**
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.
- 8.14 The proposed change of use would result in an increase in occupancy and intensity in comparison to the existing use of the building due to more frequent comings and goings in addition to general movements and disturbance within the house.
- 8.15 Given the low proportion of other HMO's within the immediate vicinity of the site the level of additional activity is considered to be acceptable and would not result in significant harm to the amenity of neighbouring occupiers.
- 8.16 **Sustainable Transport:**
The applicant is not proposing any change to the non-existent access arrangements onto the adopted highway and for this development this is deemed acceptable.
- 8.17 The applicant does not appear to be providing any cycle parking facilities. SPD14 requires 2 cycle parking spaces for a development of this size and type. A scheme of cycle parking shall therefore be secured by condition.

- 9. EQUALITIES**
9.1 None identified.