

<u>No:</u>	BH2016/05803	<u>Ward:</u>	Queen's Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	22 Freshfield Street Brighton BN2 9ZG		
<u>Proposal:</u>	Change of use from four bedroom maisonette (C3) to six bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	05.12.2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	30.01.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Dowsett Mayhew Planning Partnership Mr Anthony Foster, 63A Ship Street, Brighton, BN1 1AE		
<u>Applicant:</u>	C Houston C/O Dowsett Mayhew Planning Partnership, 63A Ship Street, Brighton, BN1 1AE		

Councillors Chapman and Barford have requested this application is determined by 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
Floor plans/elevations/sect proposed	P01	E	15 March 2017

2. Prior to first occupation of the development hereby permitted, cycle storage for 3 cycles shall be made available for use and shall thereafter be retained for use at all times.
Reason: To ensure satisfactory facilities for the storage of cycles and to comply with policy TR1 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 the upper maisonette within a two storey over basement mid-terrace house on the south side of Freshfield Street. The property has previously been enlarged with a rear dormer window, which provides additional accommodation in the roofspace. The property is subject to an Article Four Direction which restricts the change of use from C3 to C4 (small house in multiple occupation) in this location.
- 2.2 Planning permission is sought for the conversion of the four bedroom maisonette (C3) to a six bedroom small HMO (C4).

3. **RELEVANT HISTORY**

BH2016/02005 Conversion of existing property (C3) to 1no one bedroom flat and 1no four bedroom maisonette (C3) including alterations to fenestration.
Approved 31/05/2016

4. **REPRESENTATIONS**

- 4.1 **Fifty-six (56)** letters have been received objecting to the proposed development for the following reasons:

- There is no college or university nearby.
- HMO use would attract students, social housing and the homeless, who wouldn't be interested in the local community.
- Students/social housing/homeless tenants would increase noise and anti-social behaviours and would impact on house prices.
- Increased noise, particularly at night.
- Possible substance abuse.
- Lack of care for the property.
- Lack of parking.
- Loss of privacy.
- Possible anti-social behaviour.
- Increased rubbish.
- The proposed bedrooms would be extremely small.

- 4.2 **Councillors Chapman and Barford** object to the application. Comments attached.

5. **CONSULTATIONS**

- 5.1 **Sustainable Transport:** No objection

- The proposals may result in a small uplift in trips; however, it is not considered that this will have an adverse impact upon surrounding highway and transportation networks in this instance.
- No parking is proposed; however, it is not considered that likely levels of additional on-street parking demand resulting from the proposals could be deemed to amount to a severe impact on the highway in this location and as

such refusal would not be warranted on highways and transportation grounds under the National Planning Policy Framework (NPPF).

- The applicant is proposing cycle parking for the HMO in a tri-metals store in the back garden of the property. This space is not ideal as there is stepped access and it is at the rear of the property which means residents would have to wheel their cycles through the dwelling to gain access. It is noted though that there is no available space elsewhere on the site therefore the store is acceptable in this location in this instance.
- The applicant details 2 cycle parking spaces. For a HMO of this size Parking Standards SPD14 requires 3 cycle parking spaces (1 per 2 bed spaces). There is adequate space to accommodate 3 cycle parking spaces therefore it is requested that further details are submitted and the condition below is recommended to be attached. In order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be secure, convenient to access and, wherever possible, sheltered whilst the Highway Authority's preference is for a secure store or the use of Sheffield stands laid out in accordance with Manual for Streets paragraph 8.2.22.

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 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 `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

CP14 Housing density

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
HO5 Provision of private amenity space in residential development
HO8 Retaining housing
QD27 Protection of amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations
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, 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.

8.2 Principle of development:

The development is a change of use from a C3 dwelling to a use which would allow occupation of the property as a C4 HMO providing accommodation for up to 6 unrelated individuals (in this case 6 bedspaces) who share basic amenities.

8.3 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:

8.4 '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 taken place which indicates that there are 71 neighbouring residential properties within a 50m radius of the application property. One (1) of these neighbouring properties 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 1.41%, which is less than 10%. The proposal to change to a C4 HMO would be in accordance with policy CP21.

8.6 Standard of accommodation:

The layout provides kitchen/dining/living room and one bedroom to the ground floor, three bedrooms to the first floor and two within the roof space.

Ground floor bedroom measures: 9.8m².

First floor bedrooms measure: 12.9m², 8.5m² and 7.5m²

Second floor bedrooms measures: 12.5m² (8.5m² over 1.5m head room) and 7.5m²

- 8.7 All six bedrooms meet the minimum space standards for a single bedroom as established in the Nationally Described Space Standards provided by the Department for Communities and Local Government which states that a single bedroom should have a floor area measuring at least 7.5m². The bedrooms are therefore all considered to be of adequate size with good circulation space and levels of natural light and outlook.
- 8.8 The communal living space would be the ground floor kitchen/dining/living room (22m²). This is considered an adequate provision. The HMO would also have access to the rear garden which would provide some additional amenity space.
- 8.9 **Impact on Amenity:**
The occupancy would be restricted to 6 unrelated persons residing within the property. It is therefore not considered that any increased impact to adjoining occupiers in regards to noise and disturbance would be of a magnitude which would warrant the refusal of planning permission.
- 8.10 The overall percentage of HMO's within a 50m radius is 1.41 percent which is within the 10% limit specified within policy CP21. As such, the cumulative impact of the proposed HMO on the area is not considered to cause harm to local amenity.
- 8.11 **Sustainable Transport:**
The proposed change of use would not result in a significant increase in on-street parking pressure or uplift in trip generation. Storage for 2 bicycles is shown on the submitted plans. The provision and retention of 3 spaces is recommended to be secured by condition.

9. EQUALITIES

- 9.1 No issues identified.

