

<u>No:</u>	BH2018/01937	<u>Ward:</u>	Goldsmid Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	15 Osmond Gardens Osmond Road Hove BN3 1TE		
<u>Proposal:</u>	Change of Use from care home (C2) to 8no bedroom large house in multiple occupation. (Sui generis)		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	31.07.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	25.09.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Mr Tony Standing 4 Coombe Road Steyning BN44 3LF		
<u>Applicant:</u>	Mr Kumarasamy Ramadas 15 Osmond Gardens Osmond Road Hove BN3 1TE		

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	C901		14 June 2018
Location and block plan			14 June 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. 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.

4. The development hereby approved shall only be occupied by a maximum of nine 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. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplan received on 8th June 2018 and shall be retained as such thereafter. The room annotated as communal shall be retained as communal space and shall not be used as bedrooms at any time. The bedrooms shown shall be retained in the form shown on the plans and not subdivided.
Reason: To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.
6. The development hereby permitted shall not commence until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the new development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.
Reason: This pre-commencement 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 City Plan Part One.
7. Access to the flat roof over the existing single storey rear extension and attached to bedroom 6 on the approved plans shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area. Access to the flat roof from Bedroom six will be restricted and the doors shall be fixed shut prior to first occupation and thereafter permanently retained as such in order to secure the roof terrace from regular use.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and 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. 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 that the development is car-free.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site comprises a pair of three storey (including a room in a conjoined gabled front roof elevation), semi-detached properties, on the east side of Osmond Gardens. The property is painted brick on the ground floor, and painted pebbledash on the first floor. The roof is a concrete tile finish.
- 2.2. The application seeks to convert a former care home into a Sui Generis HMO with 8 bedrooms.

3. RELEVANT HISTORY

- 3.1. 3/91/0660F: Retrospective construction of balustrade to provide balcony over rear extension (Granted 25/11/91)
- 3.2. 3/88/1096: Rear Extension (Granted 3/2/89)
- 3.3. 3/81/0583: Change of use of dwelling house into rest home (Granted 6/11/81)
- 3.4. 3/81/0530: Conversion of single dwelling house into guest house (Granted 16/10/81)
- 3.5. M/9054/62: Conversion of dwellinghouse into 3 self-contained flats for domestic use (Granted 23/8/62)

4. REPRESENTATIONS

- 4.1. **Eight (8) letters** have been received objecting to the proposed development for the following reasons:
 - Too many HMO's in the area
 - Additional traffic
 - Impact on parking
 - Noise and disturbance
 - Impact on property prices
 - Loss of family housing
 - Loss of privacy due to balcony at rear first floor overlooking rooms on neighbouring properties.

5. CONSULTATIONS

- 5.1. Social Care and Health:
No objection
The care home is already closed so would have no impact on people placed there. There are too few bedrooms and unlikely to be profitable. There is no lift

and would not be able to meet the care needs of residents unless they are mobile and able to handle stairs safely.

5.2. Housing Strategy:

No objection

No comment on the application but the applicant will need to apply for an HMO licence.

5.3. Planning Policy:

Comment

There is a lack of information on the application to address the requirements of policy HO11 of the Brighton and Hove Local Plan. The application does not detail locations for the storage of waste and recycling.

Further comments were provided following feedback from Health and Adult Social Care which indicated that the property was not suitable for use as a care home and as no other identified use in line with the priorities under policy HO11 have been identified, the application can be allowed in line with that policy.

5.4. Sustainable Transport:

Comment

There are no details provided for cycle storage. This should be required of the applicant if possible on the site. The property is within Controlled Parking Zone O and there has been a 92% permit uptake in the last 12 months, so it is recommended that the development be made car free.

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
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
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
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HO11	Residential care and nursing homes

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 loss of the care home (C2) and whether allowing the use of the property as a large 8 bed HMO (sui generis) would be acceptable in the context of the policy requirement to prioritise meeting identified local need. The impact of the HMO in the area and the impact on amenity and transport are also considerations.
- 8.2. Planning Policy:
Policy HO11 "Residential care and nursing homes" of the Brighton and Hove Local Plan, states that:
"Where the loss of a residential / care home is considered acceptable, the priority will be to secure additional housing units or supported housing, for people with special needs."
- 8.3. The Council's Social Care and Commissioning Teams were consulted on the loss of the Residential Care Home, and identified that the standard of accommodation and development within the building would not be suitable for such a use due to issues with accessibility and functionality. Since the previous care home closed, any new operator would be expected to meet up to date and current standards and this could be difficult to meet given the works relate to an existing building and may require planning permission.
- 8.4. No alternative uses to meet specific needs relevant to the C2 use have been raised.

- 8.5. The policy requires that 'priority will be to secure additional housing units or supported housing, for people with special needs'. As no such alternative use has been identified, there are no objections to the loss of the C2 unit.
- 8.6. With regard to the use of the property as a large HMO with 8 bedrooms, the application needs to be assessed against Policy CP21 of the Brighton and Hove City Plan Part One.
- 8.7. Policy CP21 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:
- 8.8. '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.'*
- 8.9. A mapping exercise has been undertaken which indicates that there are 33 neighbouring properties within a 50m radius of the application property. One other 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 therefore 3%. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change of use to a 8 bed house in multiple occupation would not be in conflict with the aims of policy CP21.
- 8.10. Design and Appearance:
There are no external changes to the property, and therefore there are no considerations with regard to the design and appearance for this application.
- 8.11. Standard of Accommodation
HMO licensing seeks to secure minimum standards of accommodation fit for human habitation such as fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet. The Local Planning Authority's development plan has a wider remit to secure a good quality of accommodation which would ensure a good standard of amenity for future occupiers. It is therefore clear that the remit of the Planning regime allows the Local Planning Authority to consider a wider range of issues and to seek to secure a higher standard of accommodation than the bare minimum fit for human habitation secured by the licencing requirements.
- 8.12. Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards - National Described Space Standards March 2015 document states that "in

order to provide one bedspace, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide" and with respect of a double bed "has a floor area of at least 11.5m²" and "one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide".

- 8.13. The layout of the property as proposed is arranged over three floors. The ground floor has two bedrooms, a lounge/diner, and a kitchen. The first floor has four bedrooms, with a balcony off room 6. The second floor has a further two bedrooms. There are toilets and bathrooms on each floor.
- 8.14. The bedrooms vary in size between 10.3msq, to 20.7msq. two of the bedrooms (room a and room 3) are below 11.5msq, and would therefore be suitable as single rooms. All the others are above 11.5msq and would therefore be suitable for double rooms. This could potentially result in an occupancy level of up to 14 people. Clarification from the applicant has been provided to confirm that the intended maximum occupancy will be no more than 9 people. This level of occupancy is considered to be acceptable and a condition to secure this is recommended.
- 8.15. The level of communal space provided with this proposed use would constitute 35msq of living and dining space, and 12.6msq of kitchen, giving a total of 47msq communal space. This is considered an acceptable standard of communal space for the proposed maximum of 9 people.
- 8.16. On the basis of the issues addressed above, the property would be suitable for occupation by up to nine residents.
- 8.17. Impact on Amenity:
This application is not located in an area that currently has above 10% of properties within 50m of the application site being HMO's. While any additional HMO's have the potential for increasing the cumulative impact of such properties and the harm to amenity with which they are often associated, in this instance the existing numbers of HMO's in the area do not give cause to refuse the application on the grounds of potential amenity impact.
- 8.18. The property as previously used had a balcony/roof terrace over a ground floor extension. This was accessed from bedroom 6. The use of this roof terrace has the potential to cause harm to the amenity of neighbours as a result of overlooking and noise. The roof terrace is in close proximity to the rear first floor window of the neighbouring property which is likely to be used as a bedroom. The potential for overlooking into that room would cause real harm to the amenity through loss of privacy to the occupant of that room. In addition, there is a ground floor window in the neighbouring property that would be overlooked from the balcony and this would also result in harm to amenity through loss of privacy. A privacy screen would not be appropriate in this situation as the additional height would create an overbearing structure from the perspective of the ground floor window and would create an obscure barrier to the outlook from the first floor window.

8.19. In addition to the potential harm from overlooking the use of the roof terrace could also create a level of noise and disturbance to the occupants of the neighbouring property - in particular to the bedroom on the first floor - that would be harmful to the amenity of the neighbours. In light of the potential harm from overlooking and noise disturbance, it is considered that the use of the roof terrace cannot be supported. In this context, the applicant has agreed to secure and fix shut the door from room 6 onto the balcony, and to retain it as such thereafter. With no access to the balcony, the potential risk of harm to amenity would have been fully addressed and a condition is recommended to prevent its use as a roof terrace.

8.20. Sustainable Transport:

There is space for one car in front of the property and an existing crossover. This can be retained. No other parking provision is proposed. The Parking Standards set out in SPD14 set out a maximum of 0.25 parking spaces per bedroom in properties in this area, and the proposal of one space is in line with this guidance.

8.21. The property is located in an area which is covered by a Controlled Parking Zone, Zone O. 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. In lieu of such a survey, the council uses parking permit uptake data to assess parking occupancy levels in such areas. Where permit uptake exceeds 80% over the previous 12 months in a CPZ, no additional vehicles are permitted without a parking survey.

8.22. Permit uptake in CPZ/O has been 92% over the previous 12 months. Therefore a proposed change of use to large HMO will only be supported if the development would be car free. This will be secured by condition.

8.23. No cycle storage has been proposed as part of this application. The standards set out in SPD14 requires a minimum of storage for 1 cycle per 2 bed spaces. The application proposes a maximum occupancy of 9 people, and therefore a minimum of 5 cycle storage spaces would need to be provided. The provision of this will be secured by condition.

9. EQUALITIES

9.1. None identified