

<u>No:</u>	BH2020/00235	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Flat At 39 Guildford Road Brighton BN1 3LW		
<u>Proposal:</u>	Change of use from existing 3no bedroom flat (C3) to a 4no bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	24.01.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	20.03.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall Road Brighton BN1 5PD
<u>Applicant:</u>	Mr Kelmend Murataj Brighton BN1 5PD	C/o 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
Location and block plan	A-01		24 January 2020
Proposed Drawing	A-03		16 March 2020

- 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 kitchen/dining/lounge area as detailed on drawing no. A03 received on 16 March 2020 shall be retained as communal space at all times and shall not be used as a bedroom.
Reason: To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.
- 4 The House in Multiple Occupation 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.

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 three-storey terraced house on the north side of Guildford Road. At ground floor is a vacant commercial unit, most recently occupied as a fish-and-chip shop. The upper floors are a residential maisonette.
- 2.2. The application seeks permission for a change of use from a three-bedroom maisonette (C3 use class) to a four bedroom small house in multiple occupation (C4 use class). Originally the application included an additional bedroom within the roofspace and the installation of rooflights. This aspect of the scheme has been removed by the applicant during the consideration of the application.

3. RELEVANT HISTORY

No relevant planning history.

4. REPRESENTATIONS

- 4.1. Thirteen (13) representations have been received, objecting to the proposed development for the following reasons:
 - Loss of fish-and-chip shop
 - Increased noise
 - Increased domestic waste
 - More parking permit applications and increased parking stress
 - HMOs mean loss of Council Tax revenue
 - No fire exit proposed
 - Area to suited to HMOs
 - There are HMOs close by at nos. 35 and 39 Guildford Road

5. CONSULTATIONS

- 5.1. **Sustainable Transport:** Verbal Comment
 - The property is situated within a CPZ, so consideration should be given to making the development car free.
 - No cycle parking is proposed, but there is no opportunity to provide this due to the constraints of the site. Parking standards SPD14 requires 3

spaces, however due to site constraints there is no objection on lack of cycle parking.

- Trip generation is unlikely to be significantly increased from the current C3 use.

5.2. **Private Sector Housing:**

- It is important there is a minimum 60 minutes of fire resistance (ceiling and walls) between the commercial premises and residential parts including removing the shared entrance from takeaway to ground floor hallway in residential parts with materials providing 60 minutes of fire resistance.
- We would expect to find AFD mains wired and linked coverage between the commercial unit and residential parts (Grade D LD2) with heat alarms located in ground floor commercial premises linked to floors above. All issues can be addressed through licensing process.

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 Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

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):

TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD27	Protection of amenity

Supplementary Planning Documents:

SPD14	Parking Standards
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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 and transport issues.

Principle of Development:

- 8.2. 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:
- 8.3. '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:
- 8.4. 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 69 neighbouring residential properties within a 50m radius of the application property. 5 neighbouring properties have been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 7.25%.
- 8.6. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a small HMO would be in accordance with policy CP21.

Standard of accommodation:

- 8.7. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers. Accommodation should therefore provide suitable circulation space within

bedrooms once the standard furniture for an adult has been installed (such as a bed, wardrobe and desk), as well as good access to natural light and adequate outlook in each bedroom. The communal facilities should be of a sufficient size to allow unrelated adults to independently cook their meals at the same time, sit around a dining room table together, and have sufficient space and seating to relax in a communal lounge.

- 8.8. The 'Nationally Described Space Standards' 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 and relate to new build developments, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m².
- 8.9. The first-floor accommodation would comprise 2 bedrooms (7.9m² and 8.6m²), a communal living room/Kitchen/Diner (16.2m²) and a shower room. The second-floor accommodation would comprise 2 further bedrooms (8.7m² and 10.7m²) and a shower room.
- 8.10. The proposed layout would allow for all rooms to have adequate natural light and circulation space. The communal spaces are considered of an appropriate size for 4 occupiers. The proposed floor plans show indicative furniture layouts for the bedrooms, which show how a bed and storage furniture could be accommodated.
- 8.11. The application originally proposed an additional bedroom within the roofspace. It was considered that occupation by 5 people would have resulted in the communal areas feeling more cramped. There was further concern that the bedroom in the loft would have had restricted headroom. It is welcomed that the applicant agreed to remove this additional bedroom from the proposals during consideration of the application.
- 8.12. Overall, the proposed change of use would not result in substandard living conditions for future occupiers.

Impact on Amenity:

- 8.13. 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 increased occupation of the building is not considered likely to result in significantly increased activity which would cause noise/disturbance to occupiers of neighbouring properties beyond the existing residential use.

Sustainable Transport:

- 8.15. The change of use is not considered to result in a significant increase in on street parking pressure. The proposed scheme is not considered to result in a significant increase in trip generation.
- 8.16. No cycle parking is proposed by reason of site constraints (the garden is within the demise of the ground floor use). Given the sustainable location of the site for public transport, and the constraints of the site, refusal is not recommended on the grounds of insufficient cycle parking.
- 8.17. Whilst the site is in a controlled parking zone, the small increase in occupancy is unlikely to result in a trip generation or demand for parking permits than would have been available for the occupiers of the property as a three-bedroom maisonette.

Other Issues:

- 8.18. Letters of representation have been received referring to the loss of the ground floor fish-and-chip shop. The ground floor does not form part of the current application nor part of the proposed floor space for the HMO use. When the planning officer visited the property, the ground floor was vacant, and there was no evidence that any works or change of use requiring planning permission had been carried out.

9. EQUALITIES

No issues identified.