

<u>No:</u>	BH2020/02524	<u>Ward:</u>	East Brighton Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Top Floor Maisonette 20 Bloomsbury Place Brighton BN2 1DB		
<u>Proposal:</u>	Change of use from a three bedroom maisonette (C3) to a three bedroom small House in Multiple Occupation (HMO) (C4).		
<u>Officer:</u>	Emily Stanbridge, 293311	tel: <u>Valid Date:</u>	14.09.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	09.11.2020
<u>Listed Building Grade:</u>	Listed	<u>EOT:</u>	
	Building Grade II		
<u>Agent:</u>	Whaleback Ltd. The Old Bank 257 New Church Road Hove BN3 4EE		
<u>Applicant:</u>	Mr M Ives C/o Whaleback Ltd. The Old Bank 257 New Church Road Hove BN3 4EE		

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	01		8 September 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 C4 HMO hereby approved shall only be occupied by a maximum of three (3) persons.

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

4. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplan received on 8th September 2020 and shall be retained as such thereafter. The rooms annotated as the communal kitchen/living space 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.

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. This application relates to a maisonette located on the second and third floor of 20 Bloomsbury Place. The property is grade II listed and located within the East Cliff Conservation Area.
- 2.2. Planning permission is sought to change the use of the maisonette from a dwelling (planning use class C3) to a three-bedroom house in multiple occupation (HMO)(planning use class C4).
- 2.3. The site is subject to a city-wide Article 4 direction removing the 'permitted development' rights which would allow a change from a dwelling to a HMO, so a planning application is required to do so.

3. RELEVANT HISTORY

- 3.1. **BH2020/01724:** Internal alterations to flat. Approved 05/08/20.
- 3.2. **BH2020/00463:** Internal alterations to layout of flat. Refused 03/06/20.
- 3.3. **BH2004/03377/LB:** Insertion of a partition and door (Retrospective). Approved 20/12/04.

4. REPRESENTATIONS

- 4.1. Seven (7) letters of representation have been received objecting to the development on the following grounds:
 - Shared hallway on first floor would result in loss of privacy and security;
 - Increased noise, particularly when more people are working from home
 - Two HMOs in close proximity
 - Property not designed for multiple occupancy - poor standard of living
 - Only a single shower room is proposed
 - Limited parking is available
 - Overdevelopment of a historic building
 - Fire safety issues
 - No cycle parking provisions

- Overlooking of rear garden
- Increased number of people using shared access.

4.2. **Councillor Platts** objects to the development. A copy of their representation is attached to this report.

4.3. **Councillor Bagaen** objects to the development on the grounds it is contrary to the existing article 4 direction and there is insufficient justification to override it. It is not in his ward.

5. CONSULTATIONS

5.1. **Sustainable Transport:** Verbal comment 07.10.2020

No objection subject to the future occupiers not being eligible to obtain parking permits.

5.2. **Policy** No comment

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);
- Shoreham Harbour Joint Area Action Plan (adopted October 2019).

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 2

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 which is currently being undertaken until 30 October 2020.

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP21	Student housing and Housing in Multiple Occupation

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

TR7	Safe Development
TR14	Cycle access and parking
QD14	Extensions and alterations
QD15	Landscape design
QD27	Protection of amenity
SU9	Pollution and nuisance control
SU10	Noise nuisance

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, the standard of accommodation provided, the impact on neighbouring properties and transport issues.
- 8.2. Due to the coronavirus pandemic it has not been possible to undertake a physical site visit due to social distancing and alternative working arrangements. The assessment detailed below has been made based on the documents submitted as part of the application, photographs provided by the planning agent during consideration, and recent GoogleEarth and Streetview imagery of the site. It is considered this is sufficient to assess the acceptability of the proposal.

Principle of development

- 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 (small HMO), a mixed C3/C4 use, or to a larger sui generis House in Multiple Occupation, including those in an existing C4 use 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. The over-concentration of HMOs in certain parts of Brighton & Hove, as expressed through the Council's Student Housing Strategy, led to the issuing of article 4 directions in five of the city's electoral wards.
- 8.5. Policy CP21 seeks to address the potential impact of concentrations of HMOs upon their surroundings and to ensure that healthy and inclusive communities are maintained across the city.
- 8.6. A mapping exercise has taken place which indicates that there are 117 neighbouring residential properties within a 50m radius of the application property, of which five have been identified as being in an HMO use, with an additional property benefiting from an extant HMO permission. With a total of six HMO uses, the percentage of neighbouring properties in HMO use within the radius area is thus 5.13%.
- 8.7. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal for a C4 use would be in accordance with policy CP21.

Design and Appearance:

- 8.8. In considering whether to grant planning permission which affects a listed building or its setting the Council has a statutory duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 8.9. Further, when considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.10. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "*considerable importance and weight*".
- 8.11. In this instance no external or internal alterations are proposed as part of this application and therefore the proposals are not deemed to cause harm to the preservation of this listed building or wider conservation area.
- 8.12. An earlier application (BH2020/01724) for internal works to the property was approved in August 2020. This listed building consent approved alterations to the existing layout of the property to enable to conversion of a large bathroom to a bedroom and the replacement of a modern cupboard on the top landing to a shower room.
- 8.13. Information provided as part of this application states that these internal works are nearing completion. An update provided by the agent on the 13th of October 2020 confirms that the internal works are substantially complete and the final stages of the refurbishment are due to be finished in the next couple of weeks.

From the photos provided by the agent it is evident that the structural works to the layout have been completed.

Standard of Accommodation

- 8.14. 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.
- 8.15. 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.
- 8.16. The proposed living accommodation comprises communal living areas on the second floor with the three proposed bedrooms and shared shower room on the third floor.
- 8.17. The communal living space consists of a kitchen and separate living area, these rooms combined would provide approximately 31sqm of shared living space. The agent has provided photos as part of the application submission. These photographs indicate how the communal space is laid out and demonstrate that the communal areas are laid out in such a way that they could adequately function for the level of occupation proposed. The proposed occupancy level of three is derived from the size of each of the bedrooms being for single occupancy, and the agent indicating this level of occupancy in their submission.
- 8.18. The three bedrooms on the third floor vary in size between 7.4sqm and 11.1sqm. Whilst the smallest front bedroom has a floor area marginally below the standards stated within the NDSS on balance this bedroom is considered acceptable given its rectangular shape which could still allow for likely furniture items and retain circulation space. Furthermore, the communal living space is generous and as such on balance the standard of accommodation for a future occupier remains acceptable.
- 8.19. Conditions are recommended to retain the floor plan shown on the approved plans and to restrict occupancy of the building to three occupants to ensure that a suitable standard of accommodation is had for all occupiers.

Impact on Amenity:

- 8.20. 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.
- 8.21. The proposed change of use would result in an increase in occupancy and intensity in comparison to a C3 use, due to more frequent comings and goings in addition to general movements and disturbance within the dwelling. However, the level of additional activity is considered to be acceptable and would not result in significant harm to the amenity of neighbouring occupiers.
- 8.22. Whilst the development could result in up to three unrelated persons residing within the property, any direct increased impact on adjoining occupiers in regard to noise and disturbance is unlikely to be of a magnitude beyond the use of the property as a three-bedroom single dwellinghouse. The pattern of movement within the dwelling and to and from the dwelling may be different owing to the individual lives being led rather than a family unit, but without impacts such as to warrant the refusal of planning permission. A condition to secure the number of occupants to three is additionally sought to protect the amenity of neighbouring occupiers and to prevent any further intensified use of the property.
- 8.23. The application site is not in an area which currently has more than 10% of properties within 50m radius being in HMO use. While any additional HMOs may have the potential to increase the cumulative impact and harm to amenity with which they are often associated, in this instance the existing numbers of HMOs in the area is not enough to warrant refusal of the application on the grounds of potential amenity impact.

Sustainable Transport:

Cycle Parking

- 8.24. Due to site constraints; namely a lack of outside space, small communal hallway and stepped access, policy compliant cycle parking is not achievable and therefore not sought by condition.

Car parking

- 8.25. The property is located within Controlled Parking Zone H where the average permit uptake is 90%. The Highway Authority considers that these levels of uptake demonstrate that the CPZ is likely to be over-capacity (80% uptake being a typical threshold - noting the potential for actual values to be higher on some streets given that the value represents an average across each zone). This leads to a concern that there is insufficient spare capacity below the Transport Planning industry standard 85% bay occupancy threshold (as opposed to permit uptake) on local streets in the vicinity of the development to accommodate the amount of overspill that the development will generate and this will lead to circulating traffic and higher road safety risks.
- 8.26. However as no further bedrooms are being created, it is not considered necessary or justified to impose a condition to restrict parking permits as the proposal would not materially alter the existing situation. Further, the number of

parking permits within the CPZ issued is already restricted in number by measures outside the planning process.

Trip generation

- 8.27. Whilst it is acknowledged that there may be a small increase in trips this is not considered significant enough to warrant the refusal of this application.

9. EQUALITIES

None identified