

<u>No:</u>	BH2020/02027	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	61 Ashurst Road Brighton BN2 4PJ		
<u>Proposal:</u>	Change of use from four bedroom dwelling (C3) to four bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	06.08.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	01.10.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr & Mrs Corbett C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

RECOMMENDATION

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	7046/001		24 July 2020
Proposed Drawing	7046/010	A	19 October 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 development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

4 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 provided on site 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

5 The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed drawing 7046/010A, received on the 14th October 2020 and shall be retained as such thereafter. The layout of the kitchen and dining room shall be retained as communal space at all times and shall not be used as bedrooms.

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

6 The development 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.

SITE LOCATION & APPLICATION DESCRIPTION

The application site is part of a semi-detached pair of properties on the north side of Ashurst Road. It is a two storey brick built property with a large area of hardstanding in front of the house for vehicle parking, and a rear garden.

The application seeks to convert the property from a dwelling house (planning use class C3) to a House in Multiple Occupation (planning use class C4). An Article 4 Direction in the city removes the permitted development rights for properties to change use from C3 to C4 without a planning application. No external alterations are proposed.

RELEVANT HISTORY

2015/0497: Enforcement - unauthorised HMO. (Case Closed 9/12/16 - Evidence shows that the property was operating as an HMO prior to the establishment of the Article Four Direction in 2013)

REPRESENTATIONS

Three (3) letters have been received from neighbours, objecting to the proposed development for the following reasons:

- o Noise
- o Waste and refuse
- o Too many HMOs in the area.
- o Parking pressure
- o Need more family homes

Cllr Yates objects to the proposed development. A copy of his representation is attached to this report.

CONSULTATIONS

Housing:

Comment

Ground floor bedroom exits through high risk area (kitchen). First floor room has no door. Other first floor room appears to small for licencing standards. HMO licence will be needed.

Planning Policy:

No comment

Sustainable Transport:

Comment (verbal comment)

Cycle parking proposed for the garage but no details attached. Secure by condition - a minimum of 2 spaces, not to be blocked by car parking. Trip generation unlikely to be significantly higher than at present. The property is within CPZ D which has matchday only restrictions and therefore no restriction of the right to apply for parking permits is required.

MATERIAL CONSIDERATIONS

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

The development plan is:

- o Brighton & Hove City Plan Part One (adopted March 2016)
- o Brighton & Hove Local Plan 2005 (retained policies March 2016);
- o East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013);
- o East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- o Shoreham Harbour JAAP (adopted October 2019).

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.

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 which is currently underway until 30 October 2020.

Brighton & Hove City Plan Part One

- SS1 Presumption in Favour of Sustainable Development
- CP1 Housing delivery
- CP9 Sustainable transport
- CP10 Biodiversity
- CP12 Urban design
- CP14 Housing density
- CP19 Housing mix
- 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
- SU10 Noise Nuisance
- QD5 Design - street frontages
- QD27 Protection of amenity

Supplementary Planning Documents:

- SPD14 Parking Standards

CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate to the principle of the change of use, the standard of accommodation, the amenity impacts of the proposal and transport implications of the use.

No site visit was carried out as a part of the consideration of this application due to restrictions in place during the Covid-19 pandemic. However an assessment of the site and property was made through Streetview and through photos supplied by the agent during consideration of the details. As a result the absence of a site visit did not adversely impact on the ability to determine this application, and a full assessment of the pertinent issues was carried out.

Principle of Development:

The applicant has set out the history of the property as a rental unit in the Planning Statement, and states that the property was in use as an HMO prior to the establishment of the Article Four Direction in 2013. However, the property has subsequently been in use as a property managed under a headlease to the University of Sussex, and this is considered to be the established use of the property. Properties managed under headlease terms are not considered to be HMOs.

The definition of an HMO as set out in Section 254 of the Housing Act 2004, and excludes buildings occupied by students at specified educational establishments, including University of Sussex, which are managed by their establishment. In this case, the headlease arrangement constitutes the management arrangement that places the University in control of the management.

As a result of the above, the use of the property is most recently considered to be used as falling within planning use class C3(c), which allows for groups of people (up to six) living together as a single household, but not falling with a HMO definition.

Consequently, notwithstanding the earlier history of the property as an HMO, the most recent use is considered to be C3(c) and as such since the establishment of the article Four Direction in 2013, any proposal to use the property as an HMO requires permission. The previous use as an HMO prior to the headlease arrangement does not establish a right to use the property now in this way.

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:

'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.'

A mapping exercise was undertaken which indicates that there are twentyone (21) properties within a 50m radius of the application property. Two other properties have been identified as being in HMO use within the 50m radius. A further property, at 74 Ashurst Road, was formerly in use as an HMO, but Council Tax records for the property indicate that this has been in occupation under sole tenancies or occupied by related people since August 2018. The licence for this property lapsed in 2017. As such it is considered that the current authorised use of 74 Ashurst Road is as a C3 dwellinghouse.

Therefore there are two qualifying properties out of the 21 properties within 50m which gives a result of 9.5% HMOs within 50m.

Based upon the existing percentage of neighbouring properties in HMO use, which is not greater than 10%, the proposal to change of use to a four-bed house in multiple occupation would not be in conflict with the aims of policy CP21.

Design and Appearance:

There are no external alterations proposed with this application.

Standard of Accommodation:

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, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5msq, and a double bedroom should measure at least 11.5msq. The minimum floor space requires a head height of above 1.5m.

The internal layout of the property would remain largely unaltered from the existing arrangement, other than an alteration to the floor areas of the rear bedrooms on the first floor, and relocation of the door to the ground floor bedroom. The proposed layout would include four bedrooms, one on the ground floor and three on the first floor. The floor areas of the first floor rooms would be 7.8msq 9.4msq and 13.2msq and the ground floor room would provide 15.1msq. The plans as originally submitted showed one of the first floor rooms offering only 6.8msq and following feedback to the applicant this was amended to the current arrangement. The resultant shape of the smallest room takes on an 'L' shaped form. Although this is the smallest room, and notwithstanding the atypical shape, it is considered that the arrangement of the room would allow for the inclusion of furniture with enough room to circulate and that this would provide a suitable standard of accommodation. The other rooms all provide ample room and are considered acceptable in terms of layout.

With regard to the ground floor bedroom, the plans as originally submitted showed a doorway linking the bedroom to the dining room. It was considered that this close relationship between the bedroom and the main communal area would result in amenity impacts through noise and disturbance to the occupant of that bedroom that

would not be acceptable. The amended plans submitted have repositioned this door so that the access to the ground floor room would be from the hallway.

All bedrooms would have windows providing natural light and a good outlook, and would have floorspaces and layout that provide a suitable standard of accommodation.

The communal space would consist of a kitchen of 9.2msq, a 'dining room' of 9.6msq allowing almost 19msq for the occupants of the property. It is considered that the space and layout of these rooms would be suitable for use by four occupants. There is an additional area in the form of a conservatory that would allow some 'overspill' use but while this enhances the communal space that is otherwise available, being of a lightweight glazed construction, it is not considered as a main communal area as it is not likely to be warm enough for constant use throughout the year, and therefore does not form part of the consideration of the suitability of the communal space.

While some of the bedrooms are of sufficient size to accommodate two people sharing, the level of occupancy that could result were all rooms to be fully occupied would be greater than the amount of communal space could support while still providing a suitable standard of accommodation in the property as a whole. Some of the bedrooms are relatively small and occupants of these rooms would be likely to make greater use of the communal space, increasing the demands on the space available. Consequently it is considered that the maximum occupancy for the property, while providing a suitable standard of accommodation would be four people. A condition is recommended, limiting occupancy to this level.

The property also has a rear garden which would enhance the standard of accommodation.

For the reasons set out above, it is considered that the proposal would provide an acceptable standard of accommodation for occupation by four people.

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.

This application is not located in an area that currently has above 10% of properties within 50m of the application site being HMOs. 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.

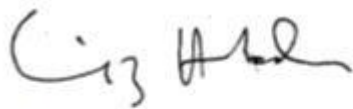
Sustainable Transport:

Cycle parking has been proposed for the garage, but no details have been provided for this so this will be secured by condition, providing secure storage for a minimum of two bicycles, which can be accessed at all times with no possibility for being blocked in by a parked car.

The application site is within Controlled Parking Zone D, which has matchday and event restrictions only and as such it is not considered necessary to require that the development be restricted from being able to apply for parking permits.

EQUALITIES

None identified



Liz Hobden
Head of Planning
City Development and Regeneration

Signature of Reviewing Officer: Jane Moseley
Dated: 16 October 2020