

<u>No:</u>	BH2022/00947	<u>Ward:</u>	Hanover And Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	16 And 16A Gladstone Terrace Brighton BN2 3LB		
<u>Proposal:</u>	Change of use of 2no two bedroom flats (C3) to a three bedroom small house in multiple occupation (C4) and a four bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	21.03.2022
<u>Con Area:</u>		<u>Expiry Date:</u>	16.05.2022
<u>Listed Building Grade:</u>		<u>EOT:</u>	24.05.2022
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr P Louis 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	1838-EX-001		21 March 2022
Proposed Drawing	1830-PA-030		21 March 2022
Proposed Drawing	1830-PA-031		21 March 2022
Proposed Drawing	1830-PA-032		21 March 2022
Proposed Drawing	1830-PA-033		21 March 2022

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 small three bedroom HMO (planning use class C4) located on the lower ground and ground floor hereby approved shall only be occupied by a maximum of five (5) 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 small four bedroom HMO (planning use class C4) located on the first and second floors hereby approved shall only be occupied by a maximum of five (5) 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 strict accordance with the proposed layout detailed on the proposed floorplans, 1838-PA-030 and 1838-PA-031, received on the 21st March 2022 and shall be retained as such thereafter. The layout of the kitchen/dining and living spaces shall be retained as communal space at all times and shall not be used as bedrooms. The roof space shall be retained for storage purposes only and not used as bedrooms or living areas at any time.

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

6. Notwithstanding the approved plans, 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.

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 a door should be provided in the open plan hallway of the proposed 3Bed HMO, for fire safety.

2. SITE LOCATION

- 2.1. The application relates to a terraced four-storey period property, including a semi-basement lower ground floor. Located on the eastern side of Gladstone Terrace (the A270, becoming Lewes Road immediately north), it has been subdivided into two separate two-bedroom maisonettes. The 'permitted development' rights afforded to single dwellings do not therefore apply.
- 2.2. The property is directly opposite (east of) the Grade II* Listed St Martin's Church, separated from it by the carriageway so forming part of its setting.

- 2.3. The entire city is now covered by an Article 4 Direction to remove permitted development rights regarding the change of use from a single dwellinghouse (C3) to small HMO (C4). The application site is not a listed building and is not sited in a conservation area.

3. RELEVANT HISTORY

- 3.1. **BH2021/03058** - Erection of rear/side extension to ground floor, side extensions to lower ground and first floor and rear extension to second floor. Installation of rear patio and steps to garden, with associated alterations. Withdrawn
- 3.2. **BH2021/01258** - Erection of rear/side extensions to ground and lower ground floor and second floor rear extension, with installation of rear patio and steps to garden and associated alterations. Approved
- 3.3. **PRE2021/00086** - First floor rear extension, ground floor rear/side extension and lower ground floor side extension. Advice issued

4. APPLICATION DESCRIPTION

- 4.1. This application seeks planning permission for the change of use from 2no. two-bedroom flats (Use Class C3) to a three-bedroom small house in multiple occupation (HMO, Use Class C4), and a four-bedroom small house in multiple occupation (Use Class C4).

5. REPRESENTATIONS

- 5.1. **One (1) letter** has been received objecting to the proposed development from **Councillor David Gibson** for the following reasons:
- High concentration of HMO's in the area.
 - Unbalancing to local Community.
- 5.2. **Councillor Gibson** requested that the application is determined by Planning Committee if Officers are minded to approve.
A copy of the Councillor's representation is appended to this report.

6. CONSULTATIONS

- 6.1. **Housing Strategy:** No comment received
- 6.2. **Private Sector Housing:** Comment
A door should be provided in the open plan hallway of the proposed 3 Bed HMO, for fire safety.
- 6.3. Advised If the application is approved than the applicant would require an HMO licence for both properties.

6.4. **Sustainable Transport - Verbal Comment:** No objection subject to a condition regarding cycle parking

The change of use unlikely to significantly increase trips to/from the site or increase on-street parking demand in the vicinity over the existing uses. Cycle parking storage should be secured by condition if the application is approved, although it is recognised that the proposed layout of the building may make this difficult to achieve.

7. MATERIAL CONSIDERATIONS

7.1. 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

7.2. 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 JAAP (adopted October 2019).

7.3. 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.

8. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP1	Housing Delivery
CP9	Sustainable transport
CP15	Heritage
CP21	Student housing and Housing in Multiple Occupation

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

TR14	Cycle access and parking
SU10	Noise Nuisance
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

Brighton & Hove City Plan Part Two

Policies in this Plan 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. Some policies have gained further weight following the CPP2 examination hearings and publication of the Post Hearing Action points by the Inspector (INSP09) and Main Modifications for consultation March 17th (BHCC44 Schedule of Main Modifications).

DM1	Housing Quality, Choice and Mix
DM7	Houses of Multiple Occupation (HMOs)
DM20	Protection of Amenity
DM33	Safe, Sustainable and Active Travel
DM36	Parking and Servicing
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD12	Design guidance for extensions and alterations
SPD14	Parking Standards

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to the principle of the proposed change of use, the standard of accommodation provided for future occupiers, the impact of the development on neighbouring amenity and transport matters.

Principle of Proposed Change of Use:

- 9.2. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use 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, 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."
- 9.3. A mapping exercise has been undertaken (May 2022) which indicates that there are 65 properties within a 50m radius of the application property, 5 of which have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 7.69%. Even taking account of one of the HMOs the subject of this application potentially coming into use before the other, this would increase HMOs within 50m to 9.23% (6 HMOs of 65 properties) and would still not, therefore, conflict with Policy CP21. .

Standard of Accommodation:

- 9.4. The 'Nationally Described Space Standards' (NDSS) 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, Policy DM1 of Draft City Plan Part 2 proposes to adopt them and can now be given significant weight. Additionally, the proposals are considered against DM7 which sets the standard for HMOs (including what is expected of communal areas), this emerging policy can also be given significant weight.

Three bedroom Small HMO:

- 9.5. The proposed three-bedroom HMO accommodation would comprise a living/dining room (14 sqm), a kitchen (12 sqm) and bedroom (Bedroom 01 - 16 sqm) at lower ground level, with two further bedrooms at ground floor level (Bedroom 02 - 10sqm; and Bedroom 03 - 17 sqm). All of the bedrooms would be relatively large and would comfortably accommodate standard bedroom furniture (bed, desk, chair and storage furniture) while maintaining a good amount of circulation space for an adult to move around easily.
- 9.6. The kitchen and dining space would allow for sufficient space for occupants to cook and dine together. The proposed HMO would be served in terms of bathroom facilities with bedroom 3 having an ensuite shower room with WC, and the main bathroom for the property on the ground floor with a bath basin and WC.
- 9.7. The space would be functional with sufficient levels of circulation space, light and outlook and would therefore provide an acceptable standard of accommodation. All the bedrooms proposed meet the government's minimum space standards and would have good or reasonable levels of natural light and outlook.
- 9.8. It is noted that the living areas and one of the bedrooms are at lower ground floor level, but this is similar to the existing layout of the property, and whilst light is restricted to a degree it is considered to provide adequate living conditions.
- 9.9. To the rear of the property, accessed from the lower ground kitchen and ground floor bedroom 02, is a long garden more than sufficient for the proposed level of occupation of the three-bedroom, five person HMO, in accordance with policy HO5 and emerging policy DM1.
- 9.10. The above assessment has been made on the property as a three-bedroom, five-person HMO. The communal spaces and the indicative layout demonstrate that a higher level of occupation would likely result in a cramped living experience for more than five occupants, with insufficient circulating space within the communal areas in particular. Conditions would therefore be imposed to secure a maximum occupation of five persons and three bedrooms, with communal areas safeguarded.

Four Bedroom Small HMO:

- 9.11. The proposed four-bedroom HMO accommodation would comprise a living/dining/kitchen room (22sqm) and two bedrooms, (Bedroom 01 - 11sqm; and Bedroom 02 - 11sqm) at first floor, with two further bedrooms at second floor level (Bedroom 03 - 10sqm; and Bedroom 04 -15 sqm). All of the bedrooms

would be relatively large and would comfortably accommodate standard bedroom furniture (bed, desk, chair and storage furniture) while maintaining a good amount of circulation space for an adult to move around easily.

- 9.12. The kitchen and living space would allow for sufficient area for the occupants to cook and dine together. There would be a WC on the first floor, and the a main bathroom on the second floor with a bath, basin and WC.
- 9.13. The communal space would be functional with sufficient levels of circulation space, light and outlook and would therefore provide an acceptable standard of accommodation. All the bedrooms proposed meet the government's minimum space standards and would have good levels of natural light and outlook.
- 9.14. The above assessment has been made on the property as a four-bedroom, five-person HMO. The communal spaces and the indicative layout demonstrate that a higher level of occupation would likely result in a cramped living experience for more than five occupants, particularly in terms of the communal areas. Therefore, to ensure that the property is not overcrowded in the future, conditions are recommended to secure a maximum occupation of five persons and four bedrooms with communal areas safeguarded.
- 9.15. The proposed four-bedroom, five person HMO does not have any dedicated outdoor private amenity space for use of all the occupants, with access to the shared garden only available from Bedroom 01. While outdoor space is beneficial to all homes, given the location of the property within the densely populated area of the city where properties generally have little, if any outside space, it is not considered that lack of outside space would be harmful to the future occupiers of the HMO. In reaching this assessment it is noted that the property is close to Park Crescent Gardens and The Level which are the nearest green and open spaces.
- 9.16. Overall, it is considered that the conversion of the property to create a four bed HMO and a three bed HMO would provide a suitable standard of accommodation for the number of occupants proposed and is therefore in accordance with to policy QD27 of the Brighton and Hove Local Plan and emerging policies DM1 and DM7 of the City Plan Part Two which can be afforded significant weight.

Impact on Amenity:

- 9.17. Policy QD27 of the Brighton & Hove Local Plan and emerging Policy DM20 of City Plan Part 2 (which can be given significant weight) state 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.
- 9.18. The proposed change of use from 2no two bedroom flats (Use Class C3) to a three bedroom small house in multiple occupation (HMO, Use Class C4) and a four bedroom small house in multiple occupation (HMO, Use Class C4) would result in a more intensive use of the property. However, it is not considered that

the increased noise/disturbance would be sufficient to warrant refusal of the application.

- 9.19. As already noted, Policy CP21 of the Brighton and Hove City Plan Part One supports the change of use to a sui generis House in Multiple Occupation, provided that there is not an excessive proportion of neighbouring dwellings in HMO use (over 10% within a 50 metre radius). The application accords with Policy CP21 in this regard and any increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm.
- 9.20. Furthermore, it is noted that HMOs of this size would require licensing by the Council's Private Sector Housing team and thus be required to comply with management standards, amongst other requirements. Additionally, the granting of this planning permission would not prohibit the Environmental Health team acting against 'statutory nuisance' under the Environmental Protection Act 1990 if this was required in the future.
- 9.21. Accordingly, the proposed use of the property to a three bedroom small house in multiple occupation (HMO, Use Class C4) and a four bedroom small house in multiple occupation (HMO, Use Class C4) is not detrimental to neighbouring amenity or the amenity of the area. Therefore, the proposal is considered in accordance with policies CP21 of the City plan part One, QD27 of the Local plan and emerging policies DM7 and DM20 of the City Plan Part Two.

Sustainable Transport:

- 9.22. The existing dwelling is in a central and sustainable location with access to local buses and Brighton Railway Station, and many daily amenities within easy reach of the site. It is not considered that the change from 2, two bedroom flats to a three bedroom small house in multiple occupation and a four bedroom small house in multiple, would adversely affect the local highway network in terms of the number of trips generated.
- 9.23. It is acknowledged that the property does not provide any off-street car parking and that this is unchanged from the existing residential arrangement. There may be a resulting uplift in parking demand from the change in occupation type of this residential address, but this is not expected to be significant, particularly as Gladstone Terrace is subject to parking restrictions, and neighbouring streets are within a Controlled Parking Zone. Any future occupiers would therefore need a resident's parking permit to enable on-street car parking, with the number of permits issued being within the Council's control.
- 9.24. Transport Officers have requested the provision of secure cycle storage by condition as none is proposed on the submitted plans. Due to the lack of easy rear access any covered facility would have to be located in the front garden and of such a large size to accommodate at least 5 bikes securely. Any such structure would be very visible in the street scene and public realm and considered to be visually harmful as out of keeping with relatively open and uniform front garden areas, with potential impacts on the Grade II* Listed St Martin's Church opposite a consideration. It would also likely affect the outlook and light to the lower ground floor bedroom of the property.

9.25. Therefore it is considered that the provision of secure cycle parking by way of Sheffield stands or similar to the front garden, which still maintain the openness of the area, with no adverse impacts on the host property and streetscene due to much lower visibility in the public realm would be the best solution. The provision of secure cycle parking storage would be secured by condition.

9.26. Accordingly, the development is considered acceptable in relation to transport matters.

Conclusion:

9.27. Planning permission is sought to provide two small HMOs on the site which is currently in use as two dwellings. There are no more than 10% of residential properties within a 50m radius in HMO use, so the scheme would comply with policy CP21 which supports mixed communities. The proposed standard of accommodation for the occupiers of both proposed HMOs is considered acceptable, and the likely impact on neighbouring amenity would be acceptable. No significant transport concerns have been identified.

9.28. Accordingly, the application is recommended for approval, subject to conditions restricting any of the communal area being lost to bedrooms and the overall number of occupiers restricted to five for each separate HMO.

10. EQUALITIES

None identified.

11. CLIMATE CHANGE & BIODIVERSITY

11.1. The scheme would provide two HMO properties in a sustainable location close to amenities and public transport.

