

<b><u>No:</u></b>	<b>BH2016/06305</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>152 Birdham Road Brighton BN2 4RR</b>		
<b><u>Proposal:</u></b>	<b>Change of use from single dwelling (C3) to six bedroom small house in multiple occupation (C4). (Retrospective)</b>		
<b><u>Officer:</u></b>	Charlotte Bush, 292193	tel:	<b><u>Valid Date:</u></b> 08.12.2016
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	02.02.2017
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	15.03.2017
<b><u>Agent:</u></b>			
<b><u>Applicant:</u></b>	Ms Guiling Guo, 3 Adams Close, Brighton, BN1 7HU		

Councillor Yates and Marsh have requested this application is determined by Planning Committee

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	555(PL)2		30 November 2016
Floor plans/elevations/sections proposed	555(PL)IF		30 November 2016

2. Within three (3) months of the date of this approval, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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 within one (1) month of the agreement of details 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.

3. The kitchen/dining/lounge areas as detailed on drawing no. 555 (PL)IF received on 30 November 2016 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. No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development 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. **SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application relates to a semi-detached house located on the eastern side of Birdham Road.
- 2.2 The property is not located in a Conservation Area. However, there is an Article Four Direction present which restricts the change of use from C3 single dwelling house to C4 small house of multiple occupation.
- 2.3 The conversion to a six bedroom HMO has already been implemented, and the application description has therefore been amended to a retrospective application. However, the proposed layout is different from the existing layout which was refused under planning application **BH2016/02999** due to the poor standard of communal space.

## 3. **RELEVANT HISTORY**

**BH2016/02999** - Change of use from four bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4). (Retrospective). Refused 21/10/2016

Reason for refusal:

The retained shared communal space, comprising a small kitchen and sitting room/corridor to bedroom 6, due to their layout and limited size, results in the provision of cramped living conditions which fail to provide an acceptable standard of accommodation, detrimental to the residential amenity of occupiers of the property and contrary to policy QD27 of the Brighton and Hove Local Plan.

#### **4. REPRESENTATIONS**

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

- The Article 4 area is already saturated with HMOs.
- Brighton is in crisis due to lack of family housing.
- If each person living there has 2 guests then there will be 18 people in the house.
- The number of people in the house creates significant noise, even though if they are not being noisy.
- The loss of another family home has an impact on community and facilities. Students, quite naturally, do not have a commitment to the area.
- Potential for noise and other environmental disturbance including waste management issues
- Inadequate provision of parking and consequential impact to on street parking.
- Impact on community resources such as schools and health facilities due to the loss of family accommodation.
- Although the layout has been modified from that previously considered in October, still feel that the communal amenity space is limited and the bedroom space especially so.

4.2 **Councillors Daniel Yates and Mo Marsh** have also written in objecting to the application. Copies their representation are attached to the report.

#### **5. CONSULTATIONS**

5.1 **Housing:** No objection

Confirm that the property currently has a draft HMO Licence dated 29 November 2016 for a maximum of 6 people and it will be converted into a full HMO licence shortly with an expiry date of 1 September 2021. The proposal plans put forward will improve the fire safety at the property by eradicating two of the three inner rooms which exist at the moment.

5.2 **Sustainable Transport:** No objection

5.3 **Car Parking**

No car parking is proposed meaning it is possible demand for on-street parking will be generated.

5.4 2011 Census data indicate that of student HMOs within the Moulsecomb and Bevendean ward, 46% had no car, 28% had one car and 26% had two or more

cars. For non-student HMOs, 29% had no car, 40% had one car and 31% had two or more cars. This compares to a ward average of 38% with no car, 42% with one car and 21% with two or more cars.

5.5 The level of on-street parking demand would therefore not be expected to increase above the existing situation to a level which could be deemed to amount to a severe impact upon surrounding streets. Refusal would therefore not be considered to be warranted on these grounds under the National Planning Policy Framework.

5.6 Cycle Parking

The applicant does not appear to be proposing cycle parking. It is therefore requested that further details be secured by condition on any consent granted. SPD14 requires a minimum of one space per two bedrooms, equal to three spaces for the proposed development. In order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be secure, convenient to access and, wherever possible, covered.

5.7 Trip Generation

It is not expected that person trips will increase substantially above the existing use whilst the site benefits from being in close proximity to bus routes and the Lewes Road corridor providing frequent public transport services and good quality cycle routes.

**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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only - site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

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  
CP19 Housing mix  
CP21 Student housing and Housing in Multiple Occupation

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

TR4 Travel plans  
TR14 Cycle access and parking  
SU10 Noise Nuisance  
QD27 Protection of amenity  
HO5 Provision of private amenity space in residential development

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, impact upon neighbouring amenity, the standard of accommodation which the use would provide, transport issues and the impact upon the character and appearance of the property and the surrounding area.
- 8.2 This application has been amended from the previous application **BH2016/02999**. The alterations include the removal of one of the bedrooms on the ground floor to create an open plan kitchen/diner and sitting room measuring 23m<sup>2</sup>.
- 8.3 **Principle of development**  
The development is a change of use from a C3 dwelling to a use which would allow occupation of the property as a C4 HMO providing accommodation for up to 6 unrelated individuals (in this case 6 bedspaces) who share basic amenities including a kitchen and bathrooms.
- 8.4 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:
- 8.5 '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.'
- 8.6 A mapping exercise has taken place which indicates that there are 31 neighbouring properties within a 50m radius of the application property. Three (3) neighbouring property 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 9.6%.

- 8.7 Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.

**8.8 Standard of accommodation**

The accommodation layout for 6 unrelated adults would comprise:

Ground Floor

Bedroom 1 measuring 10.5m<sup>2</sup>

Bedroom 2 measuring 11m<sup>2</sup>

Kitchen/diner sitting room measuring 23m<sup>2</sup>

Shower room.

First Floor

Bedroom 3 measuring 8.9m<sup>2</sup>

Bedroom 4 measuring 13.5m<sup>2</sup>

Bedroom 5 measuring 11.3m<sup>2</sup>

Second Floor

Bedroom 6 measuring 14m<sup>2</sup> but with restricted headroom. The useable floorspace with a ceiling height of 1.8m and above is 8.68m<sup>2</sup>. This room also has a built in cupboard.

- 8.9 The open plan kitchen/diner/siting room would accommodate two sofas, a dining table as well as kitchen space, and is considered to provide sufficient circulation space for 6 unrelated adults.
- 8.10 The bedrooms are all considered to be of adequate size and meet the minimum space standards for a single bedroom as specified by the Nationally Described Space Standards, which states that a single bedroom should have a floor area measuring at least 7.5m<sup>2</sup>. All bedrooms have a good outlook with good levels of natural light.
- 8.11 Bedrooms 1 and 2 on the first floor would be positioned either side of the front entrance and the corridor leading to the main communal space and providing access to the staircase to the other floors. This could potentially result in noise disturbance to the occupants of these rooms. Bedroom 6 on the second floor has restricted headroom in part of the room due to the roof slope. However, the room measures 14m<sup>2</sup>, and consequently the useable floorspace with a ceiling height of 1.8m and above is 8.68m<sup>2</sup> which is considered to provide an adequate standard of accommodation.
- 8.12 On balance, the standard of accommodation is considered acceptable for 6 unrelated individuals, but given the limited communal space the maximum occupancy should be limited to six.

- 8.13 **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.
- 8.14 The occupancy will be restricted to 6 unrelated persons residing within the property. It is therefore not considered that any increased impact to adjoining occupiers in regards to noise and disturbance would be of a magnitude which would warrant the refusal of planning permission.
- 8.15 The overall percentage of HMO's within a 50m radius is 9.6% which is within the 10% limit specified within policy CP21. As such, the cumulative impact of the proposed HMO on the area is not considered to cause harm to local amenity.
- 8.16 **Sustainable Transport:**  
The proposed change of use would not result in a significant increase in on-street parking pressure or uplift in trip generation. Secure, covered cycle parking shall be secured by condition.

## 9. EQUALITIES

- 9.1 None identified.

