

<u>No:</u>	BH2017/03214	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	33 Baker Street Brighton BN1 4JN		
<u>Proposal:</u>	Change of Use from residential dwelling (C3) to 4no bedroom Small House in Multiple Occupation (C4). (Retrospective)		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	22.09.2017
<u>Con Area:</u>	n/a	<u>Expiry Date:</u>	17.11.2017
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<u>Applicant:</u>	Liberty Hall Management ltd C/o DowsettMayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		

This application has been referred to Planning Committee for determination by Councillors West, Deane and Greenbaum.

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
Floor Plans Proposed	02		22 September 2017

2. Within three months of the date of this decision the approved layout shown on drawing no. 02 submitted on the 22nd September 2017 shall be fully implemented. The kitchen and living rooms shown on this drawing 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 and to comply with policy QD27 of the Brighton & Hove Local Plan.

3. The development hereby approved shall only be occupied by a maximum of four (4) persons.

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

4. Within 3 months of the date of this decision the cycle parking facilities shown on the approved plans should be fully implemented and made available for use.

The cycle parking facilities shall thereafter be retained for use by the occupants of, and visitors to, the development 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application relates to a first floor flat located above a retail unit on the ground floor on the south side of Baker Street. The flat is accessed from a separate entrance to the commercial unit and is shared with the flat on the second floor of the building.

3. RELEVANT HISTORY

BH2017/00645 Change of use from two bedroom single dwelling (C3) to five bedroom small house in multiple occupation (C4). (Retrospective). Refused for the following reasons;

1. The change of use to provide a 5 bedroom House of Multiple Occupation due to the limited size and usability of the shared communal space would fail to provide an acceptable standard of accommodation for the intended use, detrimental to the residential amenity of the future occupiers of the property and contrary to policy QD27 of the Brighton and Hove Local Plan.
2. The use of the roof terrace by the potential number of occupiers (5) is likely to result in a significant increase in noise and disturbance, and would adversely affect the amenity of neighbouring residential properties, contrary to policy QD27 of the Brighton and Hove Local Plan.

4. REPRESENTATIONS

- 4.1 None received.
- 4.2 A letter has been received from Councillors West, Deane and Greenbaum objecting to the proposal. A copy of the letter is attached to this report.

5. CONSULTATIONS

- 5.1 **Sustainable Transport:** Comment
The Highway Authority has no objections to the scheme subject to the inclusion of conditions relating to cycle parking.

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 One

SS1 Presumption in Favour of Sustainable Development
CP14 Housing density
CP19 Housing mix
CP21 Student housing and Housing in Multiple Occupation

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

TR7 Safe Development
TR14 Cycle access and parking
SU10 Noise nuisance
HO5 Provision of private amenity space in residential development
HO8 Retaining housing
QD27 Protection of amenity

Supplementary Planning Documents:

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 **Planning Policy:**

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 4 unrelated individuals (in this case 4 bedspaces) who share basic amenities.

- 8.3 The site visit revealed that the property is currently occupied as a 5 bed HMO, providing accommodation for five unrelated individuals, with only a kitchen being provided as communal living space. The use of the flat as a 5 bed HMO was refused under application BH2017/00645 for the reasons outlined above.
- 8.4 The amended scheme being considered as part of this current application shows a revised layout of 4 bedrooms and with the provision of a separate communal kitchen and living room.
- 8.5 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:
- 8.6 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.'
- 8.7 A mapping exercise has taken place which indicates that there are 116 neighbouring residential properties within a 50m radius of the application property. Eight (8) of these neighbouring properties has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is 6.89%, which is less than 10%. The proposal to change to a C4 HMO would be in accordance with policy CP21.
- 8.8 It is noted that a block of purpose built student flats is located within the 50m radius. The flats located within this building have not been included in the above calculation as the building is classed as purpose built accommodation within a Sui Generis Use and is not classed as a HMO. The flats themselves have not been included in the overall number of residential properties, however were they to have been included, the percentage of HMOs in the radius would be reduced and the application would still be compliant with policy CP21.
- 8.9 The overall percentage of HMO's within a 50m radius is 6.89 percent 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.
- 8.10 Standard of accommodation:

The layout provides kitchen/dining room which measures 11.1 sqm, a living room which measures 6.8m and five bedrooms ranging between 8 sqm and 9.2sqm.

- 8.11 The reduction in occupiers from the previously proposed 5 to the current proposal of 4 occupiers and the increase in communal living space is considered to have addressed the previous concerns. The layout and room sizes are considered acceptable and the development would provide a satisfactory standard of accommodation.
- 8.12 **Impact on Amenity:**
It is not considered that the change of use of the flat would increase any existing impacts to the adjoining occupiers in regards to noise and disturbance and therefore would not warrant the refusal of planning permission on these grounds.
- 8.13 The property has an existing rear terrace. The previous application considered the use of this terrace as having the potential to cause harm to the amenity of adjoining properties due to the proposed increase in the number of occupants.
- 8.14 The pre-existing use of the unit is as a two bed flat. The proposed reduction in the number of occupiers could therefore result in the same level of occupancy as the pre-existing use. It is therefore considered that the use of the terrace by the proposed number of occupiers would not significantly intensify the use of the terrace area.
- 8.15 It is also considered that the increase of communal space internally would allow occupiers to spread out throughout the unit which could on some occasions minimise the need to use the terrace and any resulting noise.
- 8.16 The proposal is therefore not considered to result in an adverse impact on the amenity of the adjoining properties.
- 8.17 **Sustainable Transport:**
No car parking is provided on-site; however, any additional parking demand that does arise would be managed in this location by the surrounding Controlled Parking Zone. No objections are therefore raised on this basis.
- 8.18 SPD14 requires one cycle parking space per two bedrooms or three spaces in this instance. The applicant has shown cycle parking under the stairs at ground and first floor levels. The area is constrained and not necessarily convenient to access as required by Brighton & Hove Local Plan policy TR14. However, the limitations of the site are recognised and as such no further details are requested in this instance. The parking areas shown on the plans will be secured by condition.

9. EQUALITIES

- 9.1 None identified.

