

<b><u>No:</u></b>	<b>BH2017/03299</b>	<b><u>Ward:</u></b>	<b>Hanover And Elm Grove Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>82 Southover Street Brighton BN2 9UE</b>		
<b><u>Proposal:</u></b>	<b>Change of use from three bedroom dwelling (C3) to five bedroom small house in multiple occupation (C4) (Retrospective).</b>		
<b><u>Officer:</u></b>	Charlotte Bush, tel: 292193	<b><u>Valid Date:</u></b>	29.09.2017
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	24.11.2017
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Dowsettmayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<b><u>Applicant:</u></b>	John Glare C/O Dowsettmayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		

Councillor Gibson has requested this application is determined by the 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 and block plan	01R		29 September 2017
Existing Floor Plans	01R		29 September 2017

2. The ground floor rooms annotated as living room and kitchen as set out on plan 01R submitted on the 29 September 2017 shall be retained as communal space and none of these rooms shall be used as bedrooms 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.
3. The development hereby approved shall only be occupied by a maximum of five 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. 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 two storey terraced house located on the southern side of Southover Street.
- 2.2 The property is not located in a conservation area but there is an Article Four Direction present which restricts the change of use from C3 single dwellinghouse to C4 small house of multiple occupation.
- 2.3 The application is for retrospective change of use from a C3 single dwelling house to a C4 small house of multiple occupation for five individual occupants.

**3. RELEVANT HISTORY**

- 3.1 No relevant planning history.

**4. REPRESENTATIONS**

- 4.1 One (1) letter has been received objecting to the proposed development for the following reasons:
- 4.2 The proposal does not comply with Part 2 of Policy CP21, concerning HMO properties as over 10% of the properties in a 50m radius are in use as HMOs.
- 4.3 **Councillors David Gibson and Dick Page** object to the application (comments attached)

**5. CONSULTATIONS**

- 5.2 **Planning Policy:** No comment

- 5.3 **Sustainable Transport:** No objection  
The applicant is not proposing changes to pedestrian access arrangements onto the adopted (public) highway.
- 5.4 The pedestrian and vehicle trip generation is forecast to be similar to the existing permitted residential use.
- 5.5 The Highway Authority does not wish to request cycle parking as the site appears to be constrained and unlikely to be able to accommodate policy compliant cycle parking spaces. It is also noted that there is secure cycle parking available to the general public on-street in the vicinity of the site.
- 5.6 There are opportunities in the form of free on-street disabled parking bays in the vicinity of the site and Blue Badge holders are also able to park, where it is safe to do so, on double yellow lines for up to 3 hours in the vicinity of the site. The lack of dedicated disabled parking is therefore considered acceptable in this instance.
- 5.7 The applicant is not proposing any significant alteration to their current servicing and delivery arrangements.
- 5.8 For this development of 5 bedrooms the maximum car parking standard is 2 spaces when rounded up (0.25 spaces per bedroom). Therefore the proposed level of car parking (zero space) is in line with the maximum standards and is therefore deemed acceptable in this case. The site is located within the recently created Controlled Parking Zone V and the site should not be made "car free" by restriction of parking permits.

## 6. 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

- 6.1 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);
- 6.2 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
- CP9 Sustainable transport
- 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
- SU9 Pollution and nuisance control
- SU10 Noise Nuisance
- QD14 Extensions and alterations
- QD27 Protection of amenity

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 which the use would provide, the impact upon neighbouring amenity, and transport issues.

**8.2 Principle of Development:**

The application relates to a retrospective 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 5 unrelated individuals (in this case 5 bedspaces) who share basic amenities including a kitchen and bathrooms.

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, 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.

8.4 A mapping exercise has taken place which indicates that there are 96 neighbouring residential properties within a 50m radius of the application property. Five (5) neighbouring properties have been identified as being in HMO use within the 50m radius i.e. 5.2%. During the lifespan of the application

another five (5) houses were identified in representations received as possibly being in use as unauthorised HMO's. These properties are being investigated by the Planning Enforcement team, but it is noted that one of the identified houses, if it was in use as an HMO, has already returned to use as a single dwelling house. Even if the remaining four HMO's were subsequently found to be immune from enforcement action and the overall number of HMO's within a 50m radius of the application site were 9 (nine), the percentage of neighbouring properties in HMO use within the radius area would be 9.37% and therefore below the 10% threshold.

8.5 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.

8.6 **Standard of Accommodation:**

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 air 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 the communal lounge.

8.7 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. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m<sup>2</sup>, and a double bedroom should measure at least 11.5m<sup>2</sup>.

8.8 The layout is comprised of:

Ground floor:

Bedroom measuring 10.6m<sup>2</sup>

Bedroom measuring 8m<sup>2</sup>

Kitchen measuring 5.4m<sup>2</sup>

Livingroom measuring 14.3m<sup>2</sup>

Courtyard measuring 6.9m<sup>2</sup>

First floor:

Bedroom measuring 9.3m<sup>2</sup>

Bedroom measuring 8.3m<sup>2</sup>

Bedroom measuring 14m<sup>2</sup>

Bathroom

Separate w.c

- 8.9 The bedrooms are all considered to be of adequate size with good circulation space and levels of natural light and outlook.
- 8.10 The kitchen would not be large enough to accommodate more than 1 or 2 people at any one time, and the lounge leads directly off the kitchen and provides the only communal living space for the occupants. The lounge could accommodate the occupants, although the circulation space is limited.
- 8.11 **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.
- 8.12 The occupancy will be restricted to 5 unrelated persons residing within the property. It is therefore considered that any increased impact to adjoining occupiers in regards to noise and disturbance would not be of a magnitude which would warrant the refusal of planning permission.
- 8.13 It is also noted that the property has been in use as a small HMO since 2009, and there are no records of noise complaints made to the Environmental Health Department.
- 8.14 The overall percentage of HMO's within a 50m radius is 9.37% 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.
- 8.15 **Sustainable Transport:**  
The proposal is not considered to result in a significant uplift in trips or on-street parking. Due to the constraints of the site, it would not be possible to install secure cycle storage facilities.

## 9. EQUALITIES

- 9.1 None identified