

<u>No:</u>	BH2016/01740	<u>Ward:</u>	Moulsecomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	4 Plymouth Avenue, Brighton, BN2 4JB		
<u>Proposal:</u>	Change of use from three bedroom dwelling (C3) to four bedroom house in multiple occupation (C4).		
<u>Officer:</u>	Chris Swain, tel: 292178	<u>Valid Date:</u>	27.05.2016
<u>Con Area:</u>		<u>Expiry Date:</u>	08.07.2016
<u>Listed Building Grade:</u>			
<u>Agent:</u>	DPS Sussex Ltd	19 Turner Dumbrell	North End Ditchling Hassocks BN6 8GT
<u>Applicant:</u>	Mr W Mackintosh	49 Tivoli Crescent	Brighton BN1 5NB

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	BWP.001 (EXISTING PLANS)	C	5 September 2016
Location/block/floor plans and elev prop	BWP.002	A	5 September 2016

- 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 approved shall not be occupied until cycle parking facilities for a minimum of two cycles have been fully implemented and made available for use to the side or rear of the property. 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.

- 4 The development hereby approved shall be implemented in accordance with the proposed layout detailed on drawing no.BWP.002A received on 5 September 2016 and shall be retained as such thereafter. The ground floor room annotated as kitchen/living area as set out on drawing no. BWP.002A shall be retained as communal space and this room shall not be used as a bedroom at any time.
Reason: to ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.
- 5 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.

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 site relates to an L-shaped pitched roofed bungalow to the southern side of Plymouth Avenue with accommodation at lower ground floor level. Most of the rear garden has been lost to create a plot for another dwelling which fronts Auckland Drive.
- 2.2 Planning permission is sought for a change of use from three bedroom single dwelling (C3) to four bedroom house in multiple occupation (C4).
- 2.3 It is noted that revised plans were received during the life of the application. All proposed external works have been removed from the scheme. The creation of a self-contained studio flat has also been removed.

3 **RELEVANT HISTORY**

BH2008/01681 - Construction of two-storey, two bedroom house in new plot fronting Auckland Drive, formed from subdivision of rear garden of 4 Plymouth Avenue with re-levelling of rear garden. (Resubmission of refused application BH2007/00355). Approved 19 September 2009.

4 **REPRESENTATIONS**

4.1 **External:**

Neighbours:

32 letters of representation have been received from **10A, 12, 17 Auckland Drive, 12 Taunton Road, 4, 6, 10, 12, 16, 21, 22, 23, 25, 27, 29, 34, 35, 40, 42, 46, 47, 49, 50, 52(x2), 54, 61, 72, 74, 80 Plymouth Avenue, one unspecified address and the Bevendean Local Action Team** objecting to the application for the following reasons:

- The raising of the ridge height and extension of the roof would result in overshadowing to the adjoining property at No.6 Auckland Drive.
- Overlooking from proposed rooflights to No.6 Auckland Drive.
- Excessive height of the building would be out of character with the area,
- Already student properties at No.2 Auckland Drive (unauthorised), the former surgery on Auckland Drive and 26 Plymouth Avenue,
- Additional parking stress - particularly on Plymouth Avenue which only has parking on one side of the road.
- Pavements are blocked by vehicles preventing the movement of wheelchairs,
- Additional vehicular parking on the road is a significant highway safety risk.
- The area is beginning to appear run down with large numbers of absent landlords,
- Additional refuse concerns,
- The increase in student properties is pricing out families,
- The local school is receiving less pupils and may end up closing in the future,
- The heart of the community is being destroyed,
- Increased noise and disturbance of development,
- Noise and disturbance during construction,
- Additional parking would increase problems with HGV's and buses finding it difficult to pass and result in highway safety problems,
- The decline of this peaceful and beautiful area is linked to the increase in student properties,
- Reduced use of facilities such as parks, playgroups and youth centres and there are concerns that these will be cut,
- Lower Bevendean is already a deprived area, increasing the student population will not help the situation,
- There are a number of illegal student houses in the local area,
- Families are being driven out,
- Increased HMO's is resulting in a serious lack of affordable family housing,
- Application purely for financial gain by greedy landlords at the expense of the community,
- Community facilities, such as the doctors surgery are closing due to increased HMO's,
- B&HCC are prioritising student housing over family homes,
- The LPA should look at a wider area when determining the density of HMO properties within an area,
- Family homes are being lost to a transient community with no long term investment in the structure of the community,
- Insufficient infrastructure and amenities in Bevendean for the increased population,
- Students are better suited to new and proposed developments in the Lewes Road area,
- There are a high number of other HMO applications sited in the immediate vicinity which will increase the studentification of the area,
- Why is Brighton council letting this happen?
- Highway comment is out of date,

- Emergency vehicles are unable to access properties because of the parking stress,
- The proposal would be over the 10% of HMO's allowed within the 50m radius area,
- Due to the location of Bevendean close to the university all the HMO's are used as student lets and not shared houses for local people.

5 CONSULTATIONS

5.1 Sustainable Transport: No objection

Car Parking

No car parking is proposed which could result in additional demand for on-street parking. Although there is currently demand for parking within the immediate vicinity of the site, it is not considered that the additional demand would be substantial or of a level that could be deemed to amount to a severe impact on the highway in this location. The application would not therefore warrant refusal on transport grounds under the National Planning Policy Framework (NPPF).

In terms of the likely level of additional on-street parking demand, it is noted that the average car ownership per dwelling for the Moulsecoomb & Bevendean ward is 0.9 per household (2011 Census). This would suggest that one additional vehicle may be expected for the proposed flat.

At the 2011 Census, student houses in multiple occupation (HMO) within the 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.

Whilst it is noted that the proposal is for an HMO, the above data would not suggest that car ownership will be substantially greater than the ward average. Whilst it is more likely than the ward average that the household will be associated with 2+ cars, it is not considered that what is forecast to be a marginal additional demand from one dwelling would warrant a reason for refusal in this instance.

5.2 Cycle Parking

No cycle parking appears to be proposed. SPG4 would require a minimum of one space per three rooms for the house in multiple occupation (three spaces) and one space for the studio flat. It is recommended that further details be secured by condition. In order to comply with Brighton & Hove Local Plan Policy TR14, cycle parking should be secure, convenient to access and, wherever possible, sheltered. Where cycle parking is communal, the Highway Authority's preference is for the use of Sheffield stands laid out in accordance with Manual for Streets paragraph 8.2.22.

5.3 Trip Generation

It is considered that any uplift in trip generation as a result of the proposals will be minor. Therefore there is expected to be a limited impact on surrounding highway and transportation networks and no objections are raised in this respect.

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);
 - o 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.

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

CP8 Sustainable buildings

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

TR7 Safe Development

TR14 Cycle access and parking

SU10 Noise Nuisance

QD27 Protection of amenity

Supplementary Planning Document:

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, design and appearance, impact upon neighbouring amenity, the standard of accommodation which the use would provide and transport issues.

8.2 The City Plan Part 1 Inspector's Report was received February 2016. This supports a housing provision target of 13,200 new homes for the city to 2030. It

is against this housing requirement that the five year housing land supply position is assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector indicates support for the Council's approach to assessing the 5 year housing land supply and has found the Plan sound in this respect. The five year housing land supply position will be updated on an annual basis.

8.3 Principle of the change of use:

The proposal would allow occupation of the ground and first floors of the property as a small HMO (C4) providing accommodation by up to 6 unrelated individuals (in this case four bed spaces) 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:

'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:

8.5 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 27 neighbouring properties within a 50m radius of the application property. Two other properties 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 7.4%. It is noted that a representation has been received stating that there is an unauthorised HMO at No.2. A retrospective change of use to C4 was granted for this property in February 2016 (BH2015/04017) and this property has been counted in the calculations.

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

8.8 Impact on Amenity:

Whilst the development could result in additional persons residing within the property it is 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.

8.9 Standard of accommodation:

The layout has been altered to provide a kitchen / living area and an additional ground floor bedroom. The basement would provide a bedroom with en-suite and would be linked to the ground floor by an internal staircase.

- 8.10 In order to better demonstrate the usability of the bedrooms it would have been helpful to show a complete indicative layout in each bedroom. Whilst beds have been depicted, other basic items of furniture required; i.e. a wardrobe and desk have not been shown. This would have demonstrated whether such items could be sited within the bedrooms whilst still providing adequate circulation space.
- 8.11 Notwithstanding the above, the ground floor bedrooms are considered to be of a reasonable size with good levels of natural light and outlook.
- 8.12 Whilst the basement bedroom is somewhat restricted in regards to circulation space due to the two access doors it is an adequate size and it is considered to provide an acceptable standard of accommodation.
- 8.13 The communal area is adequate in size and overall the layout is considered to provide an acceptable standard of accommodation.
- 8.14 There are concerns that the kitchen / living area could be divided to form a further bedroom thereby severely restricting the communal space within the dwelling to the detriment of occupiers. To overcome this, a condition is recommended requiring this area to be retained as communal space to ensure a satisfactory standard of accommodation is maintained.
- 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. Whilst the applicant has not proposed secure, covered cycle parking there appears to be sufficient space on site and as such suitable provision could be sought via a carefully worded condition if the proposal was otherwise acceptable.

9 EQUALITIES

- 9.1 None identified

