

<u>No:</u>	BH2018/01093	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	96 Auckland Drive Brighton BN2 4JG		
<u>Proposal:</u>	Change of use from three bedroom dwelling (C3) to four bedroom house in multiple occupation (C4).		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	26.04.2018
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	21.06.2018
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Dr Paul Evans C/O Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

Councillors Yates, Meadows and Marsh have requested that 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.

Plan Type	Reference	Version	Date Received
Floor plans/elevations/sect proposed	1818 01	A	11 June 2018
Block Plan			09 April 2018
Location Plan			09 April 2018

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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

4. No extension, enlargement, alteration or provision within the curtilage of the 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.

5. The HMO unit hereby approved shall only be occupied by a maximum of four persons.

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

6. The ground floor rooms annotated as lounge and kitchen as set out on drawing 1818 01 A, received 11 Jun 2018, shall be retained as communal space and shall not be used as a bedroom 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.

7. 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. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1 The application site relates to a two storey semi-detached property located to the south of Auckland Drive.

2.2 Permission is sought for the conversion of the property from a three bedroom dwellinghouse to a four bedroom HMO. A small infill extension is proposed at the rear.

3. RELEVANT HISTORY

BH2016/06187- Change of use from three-bedroom dwelling (C3) to four-bedroom house in multiple occupation (C4). Refused 04/01/2018 for the following reason:

- By virtue of the limited size of two of the bedrooms on the first floor together with the ground floor bedroom being accessed directly off the kitchen and being positioned between the two communal areas, it is considered that the proposal would result in a cramped and poor standard of accommodation for future occupants. Accordingly, the development is considered to be contrary to policy QD27 of the Brighton and Hove Local Plan.

4. REPRESENTATIONS

4.1 **Three (3)** letter has been received, objecting the proposed development for the following reasons:

- loss of family housing, impact on community resources
- too many HMOs in the area
- increase in anti-social behaviours

4.2 **Councillor Yates** objects to the proposed development. Comments are attached.

4.3 **Councillor Meadows** objects to the proposed development. Comments are attached.

4.4 **Councillor Marsh** objects to the proposed development. Comments are attached.

5. CONSULTATIONS

5.1 **Sustainable Transport:** No objection.

Verbal comment: The proposed scheme is not considered to result in a significant increase in on street parking. No cycle parking is proposed but this could be secured by condition in accordance with policy TR14. It is not considered that the proposals would result in a substantial uplift in trip generation and associated impact on surrounding highway and transport networks.

6. MATERIAL CONSIDERATIONS

6.2 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

- 6.3 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);
- 6.4 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
CP12 Urban design
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
QD14 Extensions and alterations
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, the impact upon neighbouring amenity, the standard of accommodation which the use would provide in addition to transport issues and the impact upon the character and appearance of the property and the surrounding area.
- 8.2 This application is a resubmission following the refusal of application BH2016/06187 which was refused based on the standard of accommodation. Amended drawings were received during the course of this application, slightly increasing the size of two of the first floor bedrooms, and reducing the size of the hallway.
- 8.3 **Principle of development:**
The proposal would allow occupation of the property as a small HMO providing accommodation for 4 unrelated individuals who share basic amenities including a kitchen, living/dining room and bathroom.

- 8.4 Policy CP21 of the Brighton and Hove Draft 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.'*

- 8.5 A mapping exercise has taken place which indicates that there are 22 neighbouring residential properties within a 50m radius of the application property. Zero (0) 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 0%.

Based upon this percentage, which is not more than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.

8.6 Standard of Accommodation for Future Occupiers

The proposed unit would comprise a kitchen / dining / living room and a bedroom at ground floor level in addition to three further bedrooms and a bathroom at first floor level. The layout at both ground and first floor was changed in order to address the previous reason for refusal.

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 once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5sqm. Notwithstanding the annotated floor area, the floor areas for the bedrooms appear to be 7.5sqm, 8.1sqm, 7.7sqm and 13.1sqm, meeting or exceeding the 7.5sqm minimum floor area for single occupancy. Furthermore the amount of community space is considered acceptable for the level of occupancy proposed. While the circulation space around the dining area is tight, it appears to be workable for a dwelling occupied by up to four (4) persons. It is recommended that the maximum occupation be secured by condition.

- 8.7 It is considered that the previous reason for refusal has been adequately addressed. Overall the standard of accommodation is considered acceptable for four occupants.

8.8 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.

The proposed change of use would result in an increase in occupancy and intensity in comparison to the existing use of the building due to more frequent comings and goings in addition to general movements and disturbance within the house.

Given the low proportion of other HMO's within the immediate vicinity of the site and that only four occupants are reside at the property, the level of additional activity is considered to be acceptable and would not result in significant harm to the amenity of neighbouring occupiers.

The proposed rear infill extension would not impact neighbouring amenity.

8.9 Sustainable Transport:

SPD14 requires 2 cycle parking spaces for a development of this type and level of occupation. Details and subsequent implementation of cycle parking shall be secured by condition.

8.10 Design and Appearance:

The rear porch to the existing store would be infilled to form the kitchen. The proposed alteration would not harm the appearance of the building or that of the wider area, in accordance with policy QD14 of the Brighton & Hove Local Plan and SPD12 guidance.

9. EQUALITIES

9.1 None identified.