

<u>No:</u>	BH2019/01615	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	55 Park Road Brighton BN1 9AA		
<u>Proposal:</u>	Change of use from single dwellinghouse (C3) to four bedroom small house in multiple occupation (C4) (Retrospective).		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	31.05.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	26.07.2019
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Michael Chang C/o Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

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
Proposed Drawing			17 July 2019
Proposed Drawing			31 May 2019
Block Plan			31 May 2019
Location Plan			31 May 2019

2. The HMO unit hereby approved shall only be occupied by a maximum of five (5) persons.

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

3. The rooms annotated as kitchen, and lounge/dining as set out on drawing of the existing and proposed floor plans, received 31 May 2019, 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.

4. Within 3 months of the date of this permission, 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 3 months of the approval 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 and SPD14: Parking Standards.

5. Within 3 months of the date of this permission, a scheme shall be submitted to the Local Planning Authority for approval to provide that the residents of the development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended to ensure that the development does not result in overspill parking and to comply with policies TR7 & QD27 of the Brighton & Hove Local Plan and CP9 of the Brighton & Hove City Plan Part One 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 semi-detached property on the south side of Park Road.
- 2.2. Retrospective permission is sought for the conversion of the property from a dwellinghouse (C3) to a four bedroom House in Multiple Occupation (HMO) (C4) to be occupied by up to five persons.

3. RELEVANT HISTORY

- 3.1. **BH2013/00818** Change of Use from dwelling house (C3) to either dwelling house (C3) or House in Multiple Occupation (C4). Refused 16/05/2013 for the following reason:
 - The proposed change of use from dwellinghouse (Class C3) to a small house in multiple occupation (Class C4) would fail to support a mixed and balanced community and result in the area becoming further imbalanced by the level of similar such uses. The proposal is therefore contrary to policy CP21 of the Brighton & Hove City Plan Part One (submission document).

Council tax

- Sep 2018 - present: 3 occupiers
- Sep 2017 - Sep 2018: 1 occupier
- Sep 2016 - Aug 2017: 4 occupiers

- Nov 1999 - Aug 2016: 2 occupiers

Licensing

There is no licensing history for the application site.

4. REPRESENTATIONS

4.1. **Five (5)** representation has been received, objecting to the proposed development on the following grounds:

- noise, including music, shouting, and doors slamming
- there are at least two existing HMOs in the vicinity, 10% threshold should be checked
- stagnant property market
- loss of family homes
- issues with refuse and recycling
- it is difficult to know how many occupy the property at one time
- additional parking demand
- the front garden is unkempt

5. CONSULTATIONS

5.1. **Sustainable Transport:** No objection.

Verbal comment: No objection, subject to conditions requiring details of cycle parking and the restriction of occupiers' access to parking permits.

5.2. **Private Sector Housing:** No objection.

Should the application be granted, the HMO licensing standards will need to be considered.

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
CP1	Housing delivery
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
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8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the change of use, its impact on neighbouring amenity and transport issues

Planning Policy:

- 8.2. 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.'
- 8.3. A mapping exercise has taken place again, which indicates that there are 22 neighbouring residential properties within a 50m radius of the application site. Two (2) other properties have been identified as being potentially in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 9.1%. Based on this percentage, the proposal would be in accordance with policy CP21.
- 8.4. Under the previous application BH2013/00818, twenty three (23) properties were assessed, including the application site and 4 potential HMOs within a

50m radius of the site were identified. Current methodology excludes the application site. The two HMOs identified during the current mapping exercise were identified previously. Upon closer examination of HMO licensing and council tax records, the other two properties identified previously do not appear to be in use as HMOs at the current time.

- 8.5. Whilst the previous application was refused due to a conflict with CP21 the current application, due to the cessation of two properties as HMO's is not in conflict with this policy.
- 8.6. (It is noted that the previous application counted 23 properties whilst the current application has considered 22. The additional property calculated is debatable in its inclusion, however, should the additional property be included the resulting % would be 8.16%. The proposal would remain compliant with policy CP21).

Standard of Accommodation

- 8.7. The 'Nationally Described Space Standards' (NDSS) 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, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5sqm, and a double bedroom should measure at least 11.5sqm. The minimum floor space requires a head height of above 1.5m.
- 8.8. The proposed HMO would comprise a kitchen (8.7sqm), a lounge/dining room (16.5sqm), a WC and two bedrooms (7.9sqm, 11.7sqm) on the ground floor, and a shower and two further bedrooms (8.2sqm, 10.4sqm) on the first floor. The headroom of the space within the dormers is approx. 2.0m with a beam across the rooms restricting the height to approx. 1.9m. It is considered that the matter of headroom to the first floor bedrooms does not result in significant harm to the standard of accommodation of a degree sufficient to warrant refusal of the application.
- 8.9. The communal space would be adequate for occupation by 5 persons, and therefore it is recommended that occupancy be restricted to 5 persons. All of the rooms would benefit from adequate circulation space, as well as natural light and ventilation.

Design and Appearance:

- 8.10. No external alterations are proposed. The terrace to the rear appears to have been in place for more than 4 years and is therefore considered an existing feature.

Impact on Amenity:

- 8.11. 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 proposed change of use would result in an increase in occupancy and intensity in comparison to the existing use, due to more frequent comings and goings in addition to general movements and disturbance within the dwelling, however as a small HMO (C4) and given the compliance of the proposal with policy CP21, it is considered that the impact would not amount to significant harm of a degree sufficient to warrant refusal of the application.

Sustainable Transport:

- 8.13. It is considered that the proposed development would not result in a significant uplift in trips sufficient to warrant refusal of the application.
- 8.14. The property is located in an area which is covered by a Controlled Parking Zone, Zone B. The proposed development has the potential to generate some additional on-street parking demand. The impact of this has not been assessed by a parking survey as part of the applicant's submission for this application. If the application were acceptable in all other respects, occupiers' access to parking permits would be restricted by condition.
- 8.15. SPD14 requires three (3) cycle spaces for a development of this type and level of occupation. Cycle parking could be provided on the hardstanding to the side of the property. It is recommended that details of secure, covered cycle parking be secured by condition.
- 8.16. It may be possible for two cars to park on the hardstanding, which would exceed the maximum set out in SPD14, however, as the hardstanding is existing, and the required cycle parking will reduce the space available for car parking, this is considered to be acceptable in this instance.

9. EQUALITIES

None identified.