

<u>No:</u>	BH2019/01573	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	105 Norwich Drive Brighton BN2 4LG		
<u>Proposal:</u>	Change of use from 5 bedroom dwelling house (C3) to 6 bedroom small House in Multiple Occupation (C4). Proposals also incorporate: a replacement roof to an existing lean-to; the provision of cycle storage; and associated works.		
<u>Officer:</u>	Rebecca Smith, 291075	tel: <u>Valid Date:</u>	28.05.2019
<u>Con Area:</u>		<u>Expiry Date:</u>	23.07.2019
<u>Listed Building Grade:</u>	<u>EOT:</u>		
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Oliver Dorman C/O Lewis And 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
Existing Drawing	0155-01		28 May 2019
Proposed Drawing	0155-02	A	11 July 2019
Report/Statement	CP21 ASSESSMENT		28 May 2019
Report/Statement	PLANNING STATEMENT		28 May 2019

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 room annotated as kitchen/dining/living as set out on drawing 0155-02A, received 11th July 2019, shall be retained as communal spaces 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. The development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans have been 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 site is a two storey semi-detached house with a single storey extension to the side and rear. The property is not located within a conservation area but does fall within the boundary of the Article 4 direction that restricts the permitted development right of a property to change from a dwellinghouse (C3) to a small house in multiple occupation (C4).
- 2.2. The proposal is for the change of use of the dwelling from a dwelling house (C3) to a small house in multiple occupation (C4) and external works to the rear of the property and the provision of cycle parking at the front.

3. RELEVANT HISTORY

- 3.1. The existing wrap around extension has been in place for over 4 years, and although it appears to be unauthorised, it is therefore exempt from formal enforcement action.

4. REPRESENTATIONS

- 4.1. **Four (4) objections** have been received on the following grounds:
 - Noise
 - Overdevelopment
 - Increased traffic/paring issues
 - Potential for waste management issues
 - Possible impact on community resources (schools and health facilities) due to loss of family housing.
- 4.2. **Councillor Yates** has objected to the scheme and has called the item for a committee decision. A copy of the correspondence is attached to this report.

5. CONSULTATIONS

5.1. **Planning Policy:** No Comment

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

5.3. **Sustainable Transport:** No Objection

Car Parking:

The property is not located within a Controlled Parking Zone (CPZ). The property provides one off-street parking space. This is in line with SPD14.

Cycle parking:

5.4. The application includes a cycle parking shelter at the front of the property. The cycle shelter has capacity for 6 cycles and therefore exceeds the minimum requirement of 3 cycle parking spaces for a development of this size as detailed in SPD14.

Trip Generation:

5.5. There is not forecast to be a significant increase in vehicle trip generation as a result of these proposals therefore any impact on carriageways will be minimal and within their capacity so the application is deemed acceptable and developer contributions for carriageway related improvements will not be sought.

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
CP14	Housing density
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU10	Noise Nuisance
QD5	Design - street frontages
QD14	Extensions and alterations
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

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 proposed change of use from a dwelling house (C3) to a small House in Multiple Occupation (HMO) (C4). Additionally any wider amenity impacts of the change or any impact of the proposed external alterations must be taking into account.

Planning Policy:

- 8.2. 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:
- 8.3. *"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 been undertaken which indicates that there are 17 neighbouring properties within a 50m radius of the application property. One other property has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the 50m radius area is therefore 5.88%.
- 8.5. Based on the existing percentage of neighbouring properties in HMO use, which is below 10%, the proposal to change use to a house in multiple

occupation is consistent with policy CP21 of the Brighton and Hove City Plan Part One.

Design and Appearance:

- 8.6. The external alterations to the property are considered to be relatively small scale. A cycle shelter is proposed in the front garden which will be the same design as the existing shelter at 103 Norwich Drive and will be positioned in line with that shelter. Therefore the shelter would not add more visual clutter to the street scene.
- 8.7. There is an existing lean-to structure to the rear which is to be replaced with a smaller lean-to. The lean-to currently provides an area of covered outdoor amenity space. Its reduction in size moves it further away from the window of the ground floor rear bedroom. This will improve the standard of accommodation in this bedroom and increase the amount of natural light into the room. The new structure will have a polycarbonate roof with timber supports and will not harm the overall appearance of the rear elevation.

Standard of Accommodation:

- 8.8. 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.
- 8.9. The proposed accommodation would comprise of a kitchen/lounge/diner (27sqm), two shower rooms and 6 bedrooms:
- Ground floor front left bedroom (8.2sqm)
 - Ground floor front right bedroom (8.15sqm)
 - Ground floor rear bedroom (8.3sqm)
 - First floor front left (9sqm).
 - First floor front right (8.2sqm)
 - First floor rear bedroom (8.3sqm)
- 8.10. All bedroom sizes only include floor space where there is headroom of more than 1.5m. The bedrooms all have windows with reasonable outlook and access to natural light. The proposal is considered to offer an acceptable standard of bedroom accommodation for all occupants.
- 8.11. The layout of the property overall offers an acceptable standard of accommodation. All of the communal space is downstairs with a bathroom on each floor. The communal space is considered sufficiently sized for 6 people to cook, eat and socialise together.

Impact on Amenity:

- 8.12. 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.
- 8.13. The property is semi-detached with the main communal living space located away from the party wall. All the occupants have good access to the communal areas. The property has a reasonably sized garden. Therefore, there is nothing to suggest that as a small HMO the impact on neighbours or the wider area would be greater than that of a large family occupying the property.

Sustainable Transport:

- 8.14. The proposed development would result in an increase in trip generation. However, this increase would not be of a magnitude which would cause a highway safety risk or warrant securing a financial contribution towards sustainable transport infrastructure in the vicinity of the site.
- 8.15. The property already provides off street parking for one vehicle and this is not proposed to change for the new use. Therefore the car parking provision is in accordance with SPD14.
- 8.16. Cycle parking has been included in the scheme and exceeds the requirements, in terms of provision, set out in SPD14.

Other Considerations:

- 8.17. The proposal is seeking permission for a 6 bedroom HMO to be occupied by 6 people. This is the maximum permitted within Class C4, therefore any increase in the number of residents would require planning permission. Therefore on this occasion a condition limiting the number of occupants is not necessary.
- 8.18. The property has already been subject to a previous extension and therefore further extension works are likely to require planning permission. Whilst the installation of dormers could be undertaken without the benefit of planning permission, this work is only likely to be undertaken to increase the occupancy of the property, which would similarly require a separate application for planning permission. Accordingly, in this instance a removal of permitted development rights for roof works is considered unnecessary.

9. EQUALITIES

None identified.