

<u>No:</u>	BH2019/01462	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	83 Centurion Road Brighton BN1 3LN		
<u>Proposal:</u>	Change of use from 5 bedroom dwelling house (C3) to 4 bedroom small House in Multiple Occupation (C4).		
<u>Officer:</u>	Rebecca Smith, 291075	tel: <u>Valid Date:</u>	20.05.2019
<u>Con Area:</u>	West Hill	<u>Expiry Date:</u>	15.07.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
Agent:			
Applicant:	Mrs Fei Peng 46 Upper Lewes Road Brighton BN2 3FH		

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	EXISTING/PROPOSED FLOOR PLANS		20 May 2019
Location Plan	SITE LOCATION PLAN		20 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 ground floor annotated at as a kitchen/diner and sitting room set out on the floor plan, received 20th May 2019, shall be retained as communal spaces and shall not be used as a bedroom at any time. In addition the 'Loft Room' on the second floor is not be used as a bedroom at any time. This layout should be retained as such thereafter.

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 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.

5. Within 6 months of commencement of the development hereby permitted or prior to occupation, whichever is the sooner, 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. The approved scheme shall be implemented before occupation.

Reason: This condition is imposed in order to allow the Traffic Regulation Order to be amended in a timely manner prior to first occupation 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. The applicant is advised that the scheme required to be submitted by Condition 5 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers of the restrictions upon the issuing of resident parking permits.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is a three storey terraced house with converted loft room and roof lights to the front roof slope. The property is located within the West Hill Conservation Area and falls 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 5 bedroom dwelling house (C3) to a 4 bedroom small house in multiple occupation (C4). This application was originally proposing a five bedroom HMO, however at the site visit the applicant confirmed they only wanted 4 bedrooms. This change to the proposed number of bedrooms was confirmed in writing by the applicant on 16th July 2019. Consideration of the proposed change of use to small house in multiple occupation has therefore been undertaken on the basis that there will be four bedrooms.

3. RELEVANT HISTORY

None.

4. REPRESENTATIONS

- 4.1. **Nine (9)** letters have been received, objecting to the proposed development for the following reasons:
- Property is within Article 4 area restricting HMOs
 - Additional traffic and parking
 - Potential for noise and/or antisocial behaviour
 - Impact on adjoining houses
 - Too many HMOs
 - Overdevelopment
 - Decimation of local family housing stock
 - Detrimental effect on property value
 - Additional pressure on refuse and recycling services
 - Adverse impact on conservation area

5. CONSULTATIONS

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

Private Sector Housing advised that the property would require a HMO licence if the use as a HMO is approved. They also set out that only floor area where the ceiling is 1.5m or higher will be counted as adequate useable living space.

5.2. **Planning Policy:** No Comment

5.3. **Sustainable Transport:** No objection

Car Parking:

- 5.4. Regarding on-street parking permits and car-free housing, Centurion Road is located in Controlled Parking Zone (CPZ) Y. The proposed level of car parking (zero spaces) is in line with the maximum standards and is therefore deemed acceptable in this case. Suggest attaching car free condition.

Cycle Parking:

- 5.5. The Highway Authority does not wish to request cycle parking (in line with parking standards SPD14) 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 adjacent to/in the vicinity of the site.

Trip Generation:

- 5.6. 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
QD27	Protection of amenity
HO5	Provision of private amenity space in residential development

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 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 must be taken 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 105 neighbouring properties within a 50m radius of the application property. Eight other properties have 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 7.62%.
- 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. This application is relating to a change of use only with no external alterations or extensions proposed.

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 small house in multiple occupation would comprise of a kitchen/diner (15.4sqm), sitting room (14.3sqm), a conservatory (6.21sqm), a bathroom and separate WC and 4 bedrooms:
- Ground floor front room - 12.67sqm
 - Ground floor rear bedroom - 12sqm
 - First floor front bedroom - 9.23sqm
 - First floor rear bedroom - 12sqm

- 8.9. All the bedrooms have reasonable outlook and access to natural light. Similarly, they are laid out so that they provide usable and convenient space. The second floor room, described as 'Loft Room' on the plan, does not have sufficient head height to be counted as communal space or as a bedroom. The second floor loft room has not been assessed as part of the standard of accommodation. A condition has been attached to ensure that the second floor is not used as an additional bedroom.
- 8.10. Similarly, the communal living/dining/kitchen area provides appropriate space for sitting/eating and cooking. Although the communal areas are in the basement they do offer a reasonable amount of natural light from the conservatory and the light well in the pavement, although the light well is not shown on the plans it was seen on the site visit. The basement is somewhat open plan and has natural light at both ends.
- 8.11. The basement does provide a conservatory, which has been included as part of the assessment in terms of communal space provision, however it is not essential in order for it to be acceptable as without the conservatory there is still over 7sqm of communal space per occupant and the bedrooms are all good sizes for sleeping, studying, socialising in. The property also benefits from a small rear courtyard garden.
- 8.12. Given the above, it is considered reasonable and necessary to attach conditions ensuring that the layout as approved is retained and that the accommodation is limited to a maximum of 4 individuals.

Impact on Amenity:

- 8.13. 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.
- 8.14. The change of use would result in occupancy by unrelated individuals compared to the existing family dwelling, which represents a change in character for the use of the property.
- 8.15. Although the property retains residential character, the nature of a HMO can result in more comings and goings as well as an uplift of activity within the property itself. The magnitude of such activity from a 4 person HMO is not considered to be detrimental to the amenity of adjoining occupiers.
- 8.16. Therefore, as a small HMO, it is considered that the impact on neighbouring amenity in terms of noise and disturbance would not amount to significant harm of a degree sufficient to warrant refusal of the application.

Sustainable Transport:

- 8.17. The site is located in central Brighton, close to Queens Road and Brighton Station. 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.

- 8.18. No on site car parking provision has been proposed as part of the development. In the absence of a parking survey and as the site is in a CPZ with an indicative average uptake of permits to be 97%, a condition restricting parking permits for future occupiers is deemed necessary.
- 8.19. The site is constrained and it is not possible to provide policy compliant cycle parking. However, it is also noted that there is secure cycle parking available to the general public on-street adjacent to/in the vicinity of the site.

Other Considerations:

- 8.20. The proposal is seeking permission for a 4 bedroom HMO to be occupied by up to 4 persons. The maximum occupancy permitted within Class C4 is 6 persons. However, although the communal areas are large enough to facilitate an increased occupancy of up to 6 persons (through double occupancy), this would place unacceptable pressure on the bathroom and separate WC. Therefore it is not considered that the property as existing would be suitable for the increased occupancy as it would represent an unacceptable standard of accommodation in terms of bathroom amenities. Occupancy is therefore restricted to 4 people via a condition.
- 8.21. It is not considered necessary to remove permitted development rights in this instance. This is because the other proposed conditions (occupancy and layout) would mean that any attempt to increase occupancy would require further planning permission.

9. EQUALITIES
None identified

