

<b><u>No:</u></b>	<b>BH2019/01687</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>25 Auckland Drive Brighton BN2 4JD</b>		
<b><u>Proposal:</u></b>	<b>Change of use from 4 bedroom dwellinghouse (C3) to 6 bedroom small house in multiple occupation (C4) with associated works including blocking of windows to side elevation and installation of cycle storage to front.</b>		
<b><u>Officer:</u></b>	Laura Hamlyn, tel: 292205	<b><u>Valid Date:</u></b>	06.06.2019
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	01.08.2019
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall
<b><u>Applicant:</u></b>	Rivers Birtwell BN1 5PD	Lewis & Co Planning	2 Port Hall Road Brighton

Councillor Dan Yates has requested 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	01	A	15 August 2019
Block Plan	02	B	15 August 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 rooms annotated as kitchen/dining, living room, and conservatory as set out on the proposed floor plans drawing 172 02, received 15 Aug 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. 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 relates to a semi-detached property on the north side of Auckland Drive.
- 2.2. Permission is sought for the conversion of the property from a dwellinghouse (C3) to a six bedroom House in Multiple Occupation (HMO) (C4), with associated works including alterations to the fenestration and installation of cycle storage.

## 3. **RELEVANT HISTORY**

No planning history.

## 4. **REPRESENTATIONS**

- 4.1. **Two (2)** representation has been received, objecting to the proposed development on the following grounds:
  - nature of the community has changed
  - school numbers affected
  - increased pressure on car parking
  - doctor's surgery overwhelmed
  - overflowing bins
  - overgrown gardens
  - first time buyers outbid by developers
- 4.2. **Cllr Dan Yates** objects to the proposal, a copy of the letter is attached.

## 5. **CONSULTATIONS**

- 5.1. **Sustainable Transport:** No objection subject to conditions requiring implementation of cycle parking.

- 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.

8.2. Amended drawings were received during the course of the application, changing the position of the cycle store and providing additional detail on the topography of the front garden.

**Planning Policy:**

8.3. 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.'*

8.4. A mapping exercise has taken place, which indicates that there are 11 neighbouring residential properties within a 50m radius of the application site. One (1) other property has been identified as being potentially in HMO use, however it appears that this may be an unauthorised use and is subject to an enforcement investigation. The percentage of neighbouring properties in HMO use within the radius area is thus 0%. Even if this HMO were to be included, the percentage would be 9.1%. Based on this assessment, the proposal would be in accordance with policy CP21.

**Standard of Accommodation**

8.5. 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.

8.6. The proposed HMO would comprise a kitchen/dining room (16.5sqm), a living room (11.5sqm), a conservatory (11sqm), a shower room, and two bedrooms (8sqm, 8.3sqm) on the ground floor, and a shower room and four bedrooms (7.5sqm, 7.5sqm, 7.9sqm, 8.2sqm) on the first floor.

8.7. While the dining space is awkwardly laid out, this is mitigated by the presence of the conservatory. Overall the communal space would be

adequate for occupation by 6 persons. The bedrooms, living room and kitchen would benefit from adequate circulation space, and the property overall would benefit from adequate natural light and ventilation. The standard of accommodation is considered to be acceptable.

**Design and Appearance:**

8.8. The conservatory to the rear appears to have been in place for more than 4 years.

8.9. Cycle parking and refuse storage are proposed to the front garden. Amended drawings were received during the course of the application to move the store away from the bedroom window. The cycle store would be positioned part way up the slope, addressing concerns around standard of accommodation to occupiers of that bedroom, but without forming a structure that would be overly prominent within the streetscene. The proposed timber shiplap cladding and corrugated roof as specified on the drawings are considered acceptable.

**Impact on Amenity:**

8.10. 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.

8.11. 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), it is considered that the impact would not amount to significant harm of a degree sufficient to warrant refusal of the application.

8.12. It is noted that the proposal includes soundproofing to the party wall with 23 Auckland Drive. It is considered that it is not necessary to require the implementation of soundproofing by condition.

**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 application site is not within a Controlled Parking Zone, and outside of CPZ's the Local Planning Authority is not usually in a position to control any overspill parking. It is considered that the proposed development would not result in a significant uplift in parking demand sufficient to warrant refusal of the application.

8.15. SPD14 requires three (3) cycle spaces for a development of this type and level of occupation. As submitted, the application proposed to erect a cycle store with three Sheffield stands to the front of the property on the east side. This has been amended such that users would need to navigate fewer steps,

and to provide two appropriately spaced Sheffield stands to provide four (4) cycle spaces. It is recommended that the implementation of these details be secured by condition.

**Conclusion:**

- 8.16. No demonstrable harm to amenity has been identified through an assessment of the proposal. The application is therefore considered to be in accordance with policy and approval is therefore recommended.

**9. EQUALITIES**

None identified.