

<u>No:</u>	BH2019/01986	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	22 Crescent Road Brighton BN2 3RP		
<u>Proposal:</u>	Change of use from single dwellinghouse (C3) to 5no bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Jack Summers, 296744	tel: <u>Valid Date:</u>	26.07.2019
<u>Con Area:</u>	Round Hill	<u>Expiry Date:</u>	20.09.2019
<u>Listed Building Grade:</u>	n/a	<u>EOT:</u>	
<u>Agent:</u>	Lewis _ Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Chris Townsend 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	02	-	4 July 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 development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

4. 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.

5. The kitchen/dining room and study as detailed on the approved plans shall be retained as communal space at all times and shall not be used as bedrooms.

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

6. The hereby approved development 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.

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 4 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.
3. The applicant should be aware that whilst the requisite planning permission may be granted, this does not preclude the department from carrying out an investigation under the Environmental Protection Act 1990, should any complaints be received.

2. SITE LOCATION & APPLICATION DESCRIPTION

- 2.1. The application site is a maisonette (set over the first and second floors) of a historic terraced property on the west side of Crescent Road within the Round Hill conservation area.
- 2.2. Planning permission is sought to change the use class of the property from (C3) dwellinghouse to (C4) small house in multiple occupation (HMO). No external alterations are proposed as part of this application.

- 2.3. The presence of a rear balcony and the use of the property as a HMO are the subjects of an ongoing enforcement investigation (Ref: ENF2019/00518).

3. RELEVANT HISTORY

- 3.1. **88/1685/F** Alterations and change of use to convert existing dwellinghouse into two self-contained flats including the installation of front velux windows, rear roof extension and rear roof terrace over existing two-storey rear extension. Approved

4. CONSULTATIONS

Private Sector Housing

- 4.1. Two of the first floor bedrooms are inner rooms and one would have to travel through a high risk room (kitchen/diner) to escape should there be a fire. There should either be a means of escape from the bedrooms without going through the high risk room (a partition could be created to make a hallway from the bedrooms) or there should be escape windows in the bedrooms as long as they are not more than 4.5m above ground level and lead to an open area of safety.
The applicant will need to apply for a HMO licence should planning permission be granted.

Transport

- 4.2. No car parking is available on site, however, the site is within a central location with good public transport links therefore the inclusion of the car free condition is recommended. Site is within a CPZ - zone J - permit uptake data suggests that parking stress is high in the area.
As the site is constrained, policy-compliant cycle parking is not likely to be possible.
Trip generation is unlikely to become significantly greater as a result of the proposal.

5. REPRESENTATIONS

- 5.1. **Twenty-five (25)** letters have been received, objecting to the proposal on the following grounds:
- Large number of HMOs in the area, impacting on:
 - Noise nuisance
 - Littering
 - Detracting from character of the conservation area
 - Availability of on-street parking
 - Antisocial behaviour
 - Roof terrace causing harm to amenities of neighbours
 - Loss of a family home
 - The submitted HMO map does not take flats into account and has a flawed methodology
 - Detrimental impact on property value

- External alterations have taken place that should be considered as part and parcel of the change of use
- Poor standard of accommodation offered with regards to the area of amenity space
- Lack of proposed cycle parking
- The existing curtilage has been overdeveloped
- Unsafe internal arrangement as two bedrooms are accessible via the kitchen and several bedrooms lack means of escape
- The room marked as 'Study' is currently in use as a bedroom and will likely continue to be used to house further students
- Lack of submitted external elevations or cross-sectional elevations showing neighbouring, habitable rooms.
- New purpose-built student accommodation should curtail the need for further conversions of family homes.
- The proposal represents a diminution in quality of accommodation

5.2. A letter has also been received from **Councillors West** and **Deane**, objecting to the proposal. A copy of the letter is attached to this report.

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. RELEVANT POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP8	Sustainable buildings
CP9	Sustainable transport
CP12	Urban design
CP15	Heritage

CP21 Student housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (retained policies March 2016)

TR7 Safe Development
TR14 Cycle access and parking
QD27 Protection of amenity
HE6 Development within or affecting the setting of conservation areas

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the impact of the change of use on the host building and wider Round Hill conservation area, as well as the impact on the amenities of local residents.

Principle of Development:

8.2. Policy CP21 of the City Plan Part One seeks to ensure that mixed and balanced communities are retained, and that a range of housing needs can be provided throughout the city. Changes of use to a house in multiple occupation - whether that be a small HMO (C4) or large HMO (Suit Generis) - will only be permitted where the number of residential properties in use as HMOs within 50m of the application site makes up less than 10% of the total number of residential units.

8.3. A mapping survey of the surrounding area (independent of that submitted as part of the application) has been carried out and eighty-four separate properties (including the application site) have been noted within 50m of the application site. Seven authorised HMOs currently exist within this group - one on Belton Road and six on Crescent Road. To grant planning permission in this instance would raise the total number to eight, which is still less than 10% of the total number of properties. The principle of the change of use is, therefore, acceptable, and a balanced mix of dwellings would still exist within the local area.

8.4. It is noted that purpose-built student accommodation has been constructed, or is under construction, in the area, that could curtail the need for additional dwellinghouses to be converted. However, it should be considered that HMOs are not occupied exclusively by students and such accommodation can also be occupied by young professionals, therefore the principle of the change of use is not rendered unacceptable by the creation of student accommodation elsewhere.

8.5. Concerns have been raised that further creation of HMOs in the area is contrary to the aims of the Round Hill Society. This has been noted however given that less than 10% of properties within a 50m radius of the application site have been identified as HMOs, the character of the area will be maintained. Paragraph 11 of The National Planning Policy Framework states that Local Planning Authorities should make assessments with a presumption in favour of sustainable development and should grant planning permissions that accord with an up-to-date development plan. The compliance of the

scheme with policy CP21 of the City Plan Part One should therefore be given great weight in the assessment of this application.

Design and Appearance

- 8.6. There are no external alterations proposed as part of this application. It is noted that the application site has been previously altered with a large two-storey structure at the rear of the property, which appears to operate as a separate residence. The top of the original two-storey outrigger has been converted into a terrace, and a rear roof-slope has been enlarged with a dormer which features access to the aforementioned terrace. It was noted during the site visit that this existing terrace offers compromising views into the rear amenity space of the adjoining property to the north, demonstrably harmful to the amenities of the residents of said property. This terrace was granted planning permission in the late 80s, and the local development plan has changed in the years since.
- 8.7. Given the historic nature of this terrace and accompanying roof enlargement, these alterations are not considered to have been created with a mind of converting the property into a HMO and are not 'part and parcel' of the current change of use, as asserted by one letter of objection.
- 8.8. As the external non-original alterations to the dwellinghouse are pre-existing and appear to have been in place for a substantial period of time, it is not considered that the change of use itself leads the plot to be overdeveloped, and the pre-existing state of the plot will not be weighed against the application in this instance as many of the works are historic and likely outside the control of the applicant.

Impact on Amenity:

- 8.9. The proposal includes an increase in the number of bedrooms from four to five and it is expected that this will lead to an increase in the number of occupants. The change in operation from a family dwellinghouse to a HMO occupied by unrelated individuals is also likely to lead to an increase in comings and goings from the property. It is therefore acknowledged that the change in use and increase in occupation has the potential to cause harm to the amenities of local residents through an increase in noise. It is not considered, however, that the severity of the potential harm is great enough to warrant refusal of the application in and of itself in this instance.

Standard of Accommodation

- 8.10. The proposal includes four bedrooms on the first floor of the property and one on the second floor. All the bedrooms are acceptable in terms of size and layout, the smallest two both being 7.5m² and the largest 10.2m². A shower-room and separate toilet are sited on the first floor, with a second shower room on the second floor. This is also considered acceptable provision for the proposed number of occupants.
- 8.11. The main usable communal space identified within the scheme is considered to be the kitchen/dining room on the first floor and the study on the second floor. These contribute approximately 16.3m² (when the corridor element is

discounted due to its limited usability as amenity floor-space) and 9.6m² of floor space respectively.

- 8.12. The second-floor gallery has also been suggested in the submitted Planning Statement as possible amenity space, but it is considered that due to its small floor area (approximately 1.2m²) its practical use would be very limited.
- 8.13. Another potential amenity space is the existing external rear roof terrace, which offers approximately 14.5m², however it should be noted that this would not be suitable as it is only accessible via one of the bedrooms which would presumably be private space, and it would also only be suitable weather-permitting.
- 8.14. At the time of the site visit, the upper floor room on the north end of the property was in use as a bedroom, as per the 'existing' floor plans. Due to its sloping ceiling height and the only outlook being provided by rooflights, its use as a bedroom within a HMO is not considered suitable as it would fail to provide high quality accommodation. Its proposed use as communal study space is supported and will be controlled by condition, as will the total number of occupants.
- 8.15. Concerns have been raised regarding the safety of the proposed layout, as occupants of two of the first floor bedrooms would have to evacuate (in the event of a fire or similar emergency) past the kitchen, which would likely be the cause of any such fire. This is a matter that would be controlled through the Building Regulations and is an arrangement that can be permissible with the appropriate alarm/sprinkler systems.

Other Considerations:

- 8.16. To seek planning permission retrospectively is a valid course of action in the development process and has not been weighed against the developer in the assessment of the propriety of this proposal.
- 8.17. The potential impact of development on the value of nearby properties is a private matter and not a material planning consideration to be given any weight in the assessment of the propriety of this proposal.
- 8.18. Concerns have been raised with regards to refuse and recycling facilities and whether they would be stored on the adopted highway. Although no details have been submitted with regards to this matter, these can be secured by condition and need not warrant refusal of the application. Such a scheme for refuse and recycling would need to be positioned off the public highway so as not to impact on pedestrian traffic. It has been observed that such facilities have previously been positioned on the access route to the rear garden and cause no impediment to pedestrians on the pavement.
- 8.19. Concerns have been raised regarding the potential impact the change of use could have on the adopted highway with regards to increased vehicular traffic and parking provision. This identified potential harm could be mitigated with

the inclusion of a condition removing the right of occupants of the property to apply for parking permits.

- 8.20. It is also considered that due to the constraints of the development site (in particular the large two-storey structure that occupies where a rear garden could be expected to be on a similar property), the potential for policy-compliant secure cycle parking may not exist. It is not considered, however, that this minor harm is significant enough to warrant refusal of the entire scheme.

9. EQUALITIES
None identified