

<u>No:</u>	BH2019/02700	<u>Ward:</u>	Hanover And Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	7A Southover Street Brighton BN2 9UA		
<u>Proposal:</u>	Change of use from dwellinghouse (C3) to four bedroom small house in multiple occupation (C4). (Retrospective)		
<u>Officer:</u>	Laura Hamlyn, tel: 292205	<u>Valid Date:</u>	10.09.2019
<u>Con Area:</u>	Valley Gardens	<u>Expiry Date:</u>	05.11.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	16.12.2019
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Alpha Projects (Sussex) Ltd C/O Lewis And Co Planning SE Ltd 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	2019/17	D	10 September 2019

2. The HMO unit hereby approved shall only be occupied by a maximum of four (4) 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 utility room, kitchen/diner, and study rooms as set out on drawing 2019/17 D, received 10 September 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. Within 3 months of the date of this permission, the layout of the utility room shall be implemented in accordance with drawing 2019/17 D, received 10 September 2019, and shall 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.

5. 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. Within 1 month of the approval of details, the facilities shall be fully implemented and made available for use 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.

6. 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. The approved scheme shall be implemented before occupation.
Reason: This condition is imposed in order 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.

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 6 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 relates to an end of terrace property on the corner of Southover Street and Hanover Street, within the Valley Gardens Conservation Area. There is a flat in the lower ground floor and a maisonette on the ground, first and second floors above.
- 2.2 The property has been intermittently in use as a House in Multiple Occupation (HMO), and as a single dwellinghouse. The established use is therefore as a single dwellinghouse. It is currently occupied as a HMO, and retrospective permission is sought for the conversion of the property from a dwellinghouse (C3) to a four bedroom HMO (C4).

3.1 RELEVANT HISTORY

BH2019/01474- Change of use from dwellinghouse (C3) to four bedroom small house in multiple occupation (C4). Refused 12/08/2019 for the following reason:

- The accommodation provided by the proposed use of this property, in particular, the kitchen accommodation would not be of an acceptable standard due to insufficient space, with a layout that would provide poor circulation which is compromised further by the access to the toilet. For these reasons the application is contrary to policy QD27 of the Brighton and Hove Local Plan.

3.2 Licensing
2019/03755/HMOADD/PS- received 09/07/2019.

4. REPRESENTATIONS

4.1 **Four (4)** representations have been received, objecting to the proposed development on the following grounds:

- noise, especially late at night
- refuse and recycling issues
- another HMO close by on Southover Street, and Phoenix Halls opposite
- air pollution
- increased traffic
- unsuitable for use as a HMO

4.2 **Cllr David Gibson, Cllr Steph Powell and Cllr Elaine Hills** object to the proposal, copies of the letters are attached.

5. CONSULTATIONS

5.1 **Sustainable Transport:** No comment.

5.2 **Private Sector Housing:** Comment.

A license for occupation by four (4) persons is likely to be granted shortly.

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
- CP15 Heritage
- 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
- HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents:

- SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

8.1 This application is a resubmission following the refusal of application BH2019/01474. The objection to the previous proposal was that the accommodation provided by the proposed use, in particular the kitchen which was considered to have insufficient space, and which would provide poor circulation due to the location of a WC. This application has been amended to include a kitchen in the main living space at the front of the property, and laying out the ground floor room at the rear as a utility room. The proposed communal study rooms on the first and second floors are unchanged relative to the previous application.

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 Planning Policy:

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 An updated mapping exercise has taken place, which indicates there have been no changes since the previous application. There are 49 neighbouring residential properties within a 50m radius of the application site. Two (2) other properties have been identified as being in HMO use. The percentage of neighbouring properties in HMO use within the radius area is thus 4.1%. Based on this percentage, the proposal would be in accordance with policy CP21.

8.4 With regard to the omission of Phoenix Halls from the above mapping exercise, the Use Classes Order 1987 (as amended) includes the following guidance on the interpretation of Class C4:

"For the purposes of Class C4 a "house in multiple occupation" does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004."

8.5 Section 254 of the Housing Act 2004:

"(5) But for any purposes of this Act (other than those of Part 1) a building or part of a building within subsection (1) is not a house in multiple occupation if it is listed in Schedule 14."

8.6 Schedule 14:

"4(1) Any building— (a) which is occupied solely or principally by persons who occupy it for the purpose of undertaking a full-time course of further or higher education at a specified educational establishment or at an educational establishment of a specified description, and (b) where the person managing or having control of it is the educational establishment in question or a specified person or a person of a specified description."

8.7 In this instance, Phoenix Halls is occupied principally by students at the University of Brighton, and the University of Brighton manages the property. Phoenix Halls is therefore neither counted as a neighbouring residential property nor as a HMO.

8.8 Standard of Accommodation

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.

The proposed HMO would comprise a utility room (6.3sqm), a combined kitchen/diner (12.6sqm) and two WCs on the ground floor, 2 bedrooms (7.8sqm, 8.0sqm), a study room and a shower room on the first and second floors.

At the site visit, it was confirmed that a kitchen has been installed in the ground floor room fronting Hanover Street. However the layout of the utility room as installed does not correspond to the proposed drawings. It is recommended that implementation of the proposed layout be secured by condition.

The rooms with windows to part of the bay fronting Hanover Street and the bay window fronting Southover Street has an awkward shape which limits their circulation space. These rooms are labelled as study rooms. This appropriately indicates that these rooms are intended as communal spaces providing a facility to all occupiers of the property. It is noted that there is no dedicated lounge area on the proposed drawings. It is considered that the overall provision of communal space is satisfactory with the provision of study rooms. It is recommended that the layout be secured by condition and that the utility room, kitchen/diner and study rooms not be used as bedrooms at any time.

While the bedrooms fronting Southover Street would have an awkward layout, this is outweighed by the provision of communal study rooms at first and second floor levels. It is considered that the proposal would provide an acceptable standard of accommodation for four (4) persons, in accordance with policy QD27. It is recommended that the maximum occupancy of four (4) persons be secured by condition.

8.9 Design and Appearance:

When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".

At the site visit it was confirmed that the subdivision of the first and second floor rooms fronting onto Hanover Street had been carried out. Whilst this subdivision is included on the "existing plans" it is considered that this subdivision is part of the development proposal. This has resulted in the bay window being split across the two rooms. Whilst this subdivision of the first and second floor front rooms in this way is not considered an appropriate alteration given the limited visibility of this partition from street level it is not considered that a refusal of the application solely on this basis could be sustained.

A front boundary wall has been erected under Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The applicant has indicated that the rendered wall will be painted white, which would match the neighbouring front boundary wall. It is considered that this wall improves the appearance of the property within the streetscene and is welcomed. While the application site is within the Valley Gardens

Conservation Area, there is no Article 4 Direction restricting demolition or erection of boundary treatments. It would therefore be unreasonable to secure the retention of the wall by condition.

8.10 Impact on Amenity:

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.

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. Given the presence of the purpose built student accommodation at Phoenix Halls, it is considered that the additional activity would not result in significant harm to the amenity of neighbouring occupiers.

8.11 Sustainable Transport:

It is considered that the proposed development would not result in a significant uplift in trips sufficient to warrant refusal of the application.

The property is located in an area which is covered by a Controlled Parking Zone, Zone V. 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. It is recommended that occupiers' access to parking permits be restricted by condition.

SPD14 requires two (2) cycle spaces for a development of this type and level of occupation. Cycle parking could be provided on the front hardstanding. While Highways would want the cycle parking to be covered, it is considered that this would have an adverse impact on the appearance of the streetscene. It is recommended that a Sheffield stand be installed, and that details be secured by condition.

The hardstanding has previously been used as a parking space, despite the lack of a dropped kerb to the pavement. This posed a hazard to other road users as motorists would have had to make multiple manoeuvres. The front boundary wall prevents any such parking going forward.

9. EQUALITIES

9.1 None identified.

