

<u>No:</u>	BH2020/01691	<u>Ward:</u>	Hove Park Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	13 Landseer Road Hove BN3 7AF		
<u>Proposal:</u>	Change of use from residential dwelling (C3) to four bedroom small house in multiple occupation (C4). (Retrospective)		
<u>Officer:</u>	Jack Summers, tel: 296744	<u>Valid Date:</u>	06.07.2020
<u>Con Area:</u>		<u>Expiry Date:</u>	31.08.2020
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>			
<u>Applicant:</u>	Mr Richard Ladmore 72 Pine Grove London SW19 7HE		

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
Block Plan	-	-	6 July 2020
Proposed Drawing	15-01-01	-	6 July 2020
Location Plan	-	-	6 July 2020

2. Unless within 2 months of the date of this decision a scheme for bin storage is submitted in writing to the local planning authority for approval, and unless the approved scheme is implemented within one month of the local planning authority's approval, the use of the site as a small HMO shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented. Upon implementation of the approved bin storage provision in this condition, that provision shall thereafter be maintained.
- In the event of an appeal against this decision, the operation of the time limits specified in this condition will be suspended until that appeal has been determined.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling 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.

3. The kitchen/dining room and living room as detailed on the approved plans shall be retained as communal space at all times and shall not be used as one or more bedrooms.

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

4. The hereby approved development 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.

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. This application relates to a two-storey terraced dwellinghouse on the north side of Landseer Road. The site is not within a Conservation Area, but as of June 2020 is subject to the city-wide Article 4 Direction that has removed the right to change the use of a dwellinghouse(planning use class C3) to a small house in multiple occupation (planning use class C4) without a planning application being required.
- 2.2. Planning permission is thus sought retrospectively to change the use of the building from a dwellinghouse (planning use class C3) to a small house in multiple occupation (HMO; planning use class C4). It does not appear that any physical alterations have taken place as part of the change of use.

3. RELEVANT HISTORY

- 3.1. None relevant. No evidence has been found that suggests that restrictive planning conditions were applied at the time of construction.

4. CONSULTATIONS

- 4.1. Policy
Advised that no policy comments required.
- 4.2. Private Sector Housing
The applicant will need to apply for a HMO licence should planning permission be granted.

4.3. Transport

The site lies within Controlled Parking Zone R. The average uptake of residential parking permits for this zone between March 2019 and February 2020 was 90%. The most recent data taken in February 2020 also showed 90% uptake. Therefore it is requested that the development be made Car Free by condition.

4.4. It is not considered that the proposal will create any significant increase in trip generation.

4.5. Due to the constraints of the site it is not considered that policy-compliant cycle parking can be accommodated.

4.6. There are good public facilities in the vicinity, including at the end of Landseer Road at the junction with Sackville Road, there is a disabled bay, a car club bay and a motorcycle bay.

5. REPRESENTATIONS

5.1. Sixteen letters have been received from fifteen individuals, objecting to the proposal on the following grounds:

- Noise Nuisance
- There are already too many HMOs in the local area
- Harmful to the character of the neighbourhood
- Detrimental impact on property value
- Detrimental impact on on-street parking conditions
- The rooms in the property are not suitable for HMOs as they are too small
- Clarification on whether every tenant would require separate refuse and recycling provision
- New large-scale development in the local area that can provide additional accommodation
- The gardens of the property are overgrown
- Impacts from additional tenants*

5.2. **Multiple objections have included reference to up to as many as eight residents in the property, though the source of this information is unclear. It should be noted that planning permission is sought for planning use class C4, relating to a small house in multiple occupation. This use class would not allow for there to be more than six occupants at any one time.*

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);
 - Shoreham Harbour JAAP (adopted October 2019);
- 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 (CPP1)

SS1	Presumption in Favour of Sustainable Development
SA6	Sustainable Neighbourhoods
CP9	Sustainable transport
CP12	Urban design
CP13	Public streets and spaces
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove Local Plan (BHLP) (retained policies March 2016)

TR7	Safe development
TR14	Cycle access and parking
TR18	Parking for people with a mobility related disability
QD27	Protection of amenity

East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan (WMP)

WMP3	Implementing the Waste Hierarchy
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Brighton & Hove City Plan Part Two

Policies in the Proposed Submission City Plan Part 2 do not carry full statutory weight but are gathering weight as the Plan proceeds through its stages. They provide an indication of the direction of future policy. Since 23 April 2020, when the Plan was agreed for submission to the Secretary of State, it has gained weight for the determination of planning applications but any greater weight to be given to individual policies will need to await the outcome of the Regulation 19 consultation. The council will consider the best time to carry out the consultation after the coronavirus (Covid-19) restrictions are lifted.

Brighton & Hove City Plan Part Two (CPP2) (emerging)

DM1	Housing, Accommodation and Community
DM7	Houses in Multiple Occupation (HMOs)
DM20	Protection of Amenity
DM36	Parking and Servicing

8. CONSIDERATIONS & ASSESSMENT

8.1. The main considerations in the determination of this application relate to the principle of the development; its impact on amenity; the standard of accommodation provided; the impact on the highway; and biodiversity.

8.2. Planning Practice Guidance states that the Courts have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property, as raised in representations, is not a material consideration

Principle of Development

8.3. Policy CP21 stipulates that within a 50m radius of the application site no more than 10% of the total dwellings should be in a HMO use. A mapping survey has been undertaken and concluded that while there is a small number of HMOs in the wider area, of the 91 residential properties within 50m of the application site, none are in use as a HMO.

8.4. The proposal therefore accords with policy CP21 of the City Plan Part One.

Impact on Amenity

8.5. The use of a property as a small HMO can sometimes lead to an increase in noise output over the previous use as a (C3) dwellinghouse, as a group of independent adults may have more diverse schedules than a single family unit. The more occupants in a HMO when compared to the same property being occupied by a family group, the higher the potential for the disturbance.

8.6. In this instance it is noted that as a three bedroom dwellinghouse, the property could be occupied by four adults within the same family group. Therefore, its use as a HMO for four occupants would not necessarily result in additional disturbance to neighbours.

8.7. Although it is asserted in multiple letters of objection that tenants of the property have caused harm to residential amenities, records indicate that only one noise complaint was received by the Council's Environmental Service (in July 2020), with the most recent complaint prior to that dating from August 2018.

8.8. On this basis, it is difficult to sustain an objection based on impact on amenity.

8.9. Concerns have been raised that the garden area of the property is not maintained since the property has been let out to tenants. However, this is not a material consideration in relation to the present application.

Standard of Accommodation

8.10. As previously noted, no physical alterations have been included in the change of use and the internal layout is unchanged. All of the bedrooms are of a good size and layout (one bedroom has a floor area of 17m² and all are able to

accommodate bedroom furniture and provide sufficient space for each occupant to relax or undertake work/study. By way of comparison the rooms are all comfortably above the minimum room sizes set out in the Nationally Described Space Standards.

- 8.11. The internal communal space is all at ground floor level and constitutes a small living room and a separate kitchen/dining room. The living room has an area of just over 13m² and the kitchen/dining room has an area of approximately 14.5m².
- 8.12. The kitchen/dining room can accommodate sufficient kitchen facilities and a table and four chairs without blocking access to the garden or impeding use of the kitchen. Although there are likely to be some times of the day when the kitchen/dining room will be in demand, it is acknowledged that given the nature of the use there is no guarantee that all occupants will necessarily always want to dine together.
- 8.13. The lounge area can comfortably accommodate the occupants and allow the room to be used without feeling cramped.
- 8.14. Conditions are recommended limiting the number of residents to no more than four, and requiring that the living room and kitchen/dining room are retained as communal amenity space.

Impact on the Adopted Highway

- 8.15. The application site is within a Controlled Parking Zone that reportedly has a high level of uptake. The request of the Highway Authority to remove the rights of future occupants to parking permits is noted, but is not considered justified or reasonable, given that there is no increase in planning units proposed and the property has an existing entitlement to a parking permit. Any overspill parking can be controlled through enforcement of the CPZ, and the Highway Authority has control over who is issued a permit; it is not considered that such a condition is essential as the potential harm is insignificant and otherwise controllable.
- 8.16. It is not considered that policy-compliant cycle parking can be implemented on site given the stepped front access and lack of easy access to the rear garden without going through the house itself. In this instance, it is considered that a lack of cycle parking is acceptable for this reason, particularly as no increase in planning units is proposed.

Biodiversity

- 8.17. The Council has adopted the practice of securing minor design alterations to schemes with the aim of encouraging the biodiversity of a site, particularly with regards to protected species such as bumblebees. Given the nature of the application it is not considered appropriate to secure biodiversity improvement in this instance.

Other Considerations

- 8.18. Concerns have been raised that each occupant of the HMO would have their own separate refuse and recycling facilities and that these would be placed on the pavement. It is considered that this is unlikely, however details of recycling

and refuse facilities will be required by condition in order to ensure there is no resultant impediment to the footpath.

- 8.19. Concerns have been raised that the area is already 'threatened' by new residential development in the area, and that the accommodation offered by the HMO is unnecessary as the residents could all live in the new build flats under construction in the area. HMOs often offer necessary, more affordable accommodation and the creation of new build residential units in the area does not remove the need for a range of different residential accommodation.

9. EQUALITIES

- 9.1. The site does not currently offer level access which may impede those with a mobility-related difficulty but given that this is a pre-existing condition of the site and the steps are characterful of the wider streetscene it is not considered warranted to raise an objection in this instance.

