

<u>No:</u>	BH2025/02981	<u>Ward:</u>	Moulsecoomb & Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	15 Auckland Drive Brighton BN2 4JD		
<u>Proposal:</u>	Change of use of from a small house in multiple occupation (C4) to a large house in multiple occupation (sui generis) for eight occupants with erection of single storey rear extension (approved under BH2025/02133), and associated works to include hip to gable roof extension, front rooflights and rear dormer.		
<u>Officer:</u>	Steven Dover, tel:	<u>Valid Date:</u>	08.12.2025
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	02.02.2026
<u>Listed Building Grade:</u>		<u>EOT:</u>	08.04.2026
<u>Agent:</u>	Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Rivers Birtwell Unit 30 The Waterfront Brighton Marina Village Brighton BN2 5WA		

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
Location Plan	01		08-Dec-25
Proposed Drawing	03		08-Dec-25

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 eight-bedroom HMO hereby approved shall only be occupied by a maximum of eight (8) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with Policies DM1 and DM20 of the Brighton & Hove City Plan Part Two.

4. The eight-bedroom HMO hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans 03 and shall be retained as such thereafter. The kitchen/living/dining room shall be retained as communal space at all times and shall not be used as a bedroom(s).
Reason: To ensure a suitable standard of accommodation for occupiers and to comply with Policy DM1 of the Brighton & Hove City Plan Part Two.
5. Notwithstanding the approved plans, no part of any flat roof of the development hereby permitted shall be used as a roof terrace. Access to the flat roof over the extensions hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.
Reason: In order to protect adjoining properties from overlooking and noise disturbance and to comply with Policies DM20 and DM21 of Brighton & Hove City Plan Part 2.
6. Prior to first use of the development proposed, the cycle parking facilities shown on the approved plans shall 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 DM33 of Brighton & Hove City Plan Part 2, and SPD14: Parking Standards.
7. The development hereby permitted shall incorporate at least 3 swift bricks within the external walls of the development and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
8. At least one bee brick shall be incorporated within the external wall of the development hereby approved and shall be retained thereafter.
Reason: To enhance the biodiversity of the site and to comply with Policy DM37 of Brighton & Hove City Plan Part 2, Policy CP10 of the Brighton & Hove City Plan Part One and Supplementary Planning Document SPD11 Nature Conservation and Development.
9. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies DM18 of Brighton & Hove City Plan Part 2 and CP12 of the Brighton & Hove City Plan Part One.
10. Prior to first occupation of the eight-bedroom HMO use hereby approved, the soft closers to all doors, sound deadening underlay to stairs, and wall soundproofing specification details annotated as V1 and V2 on drawing

number 03, shall be implemented and shall be retained for the lifetime of the development.

Reason: To ensure a suitable standard of accommodation for occupiers and to protect the amenity of neighbours to comply with Policies DM1, DM7 and DM20 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. Swift bricks/boxes can be placed on any elevation, but ideally under shade-casting eaves. They should be installed in groups of at least three, at a height of approximately 5 metres above ground level, and preferably with a 5m clearance between the host building and other buildings or obstructions. Where possible avoid siting them above windows or doors. Swift bricks should be used unless these are not practical due to the nature of construction, in which case alternative designs of suitable swift boxes should be provided in their place where appropriate.
3. Where possible, bee bricks should be placed in a south facing wall in a sunny location at least 1 metre above ground level.

Biodiversity Net Gain

Based on the information available, this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply. These can be found in the Environment Act 2021.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that, unless an exception or a transitional arrangement applies, the planning permission granted for the development of land in England is deemed to have been granted subject to the condition (the biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

2. SITE LOCATION

- 2.1. The application site is located on the northern side of Auckland Road, opposite The Hyde industrial site within Bevendean. The relevant property is a two-storey, semi-detached hipped roof dwelling, which is set significantly lower than the road. The dwelling forms part of a larger housing estate of similarly designed properties. The property has a modest rear garden with a garage court to the rear.

- 2.2. The site is subject to the Article 4 Direction that removes the right to change the use class of any (C3) residential unit to a (C4) small house in multiple occupation, which came into force for this on 5th April 2013 and has now been superseded by the City Wide Article 4 Direction which has the same effect. However, as set out in the history section below, the application benefits from a certificate of lawfulness that confirms that the property is lawfully in use as a C4 HMO.

3. RELEVANT HISTORY

- 3.1. **BH2025/02133:** Certificate of lawfulness for proposed erection of single storey rear extension and cycle store and alterations to fenestration. Approved 22.10.2025
- 3.2. **BH2025/02048:** Certificate of lawfulness for existing use as a small house in multiple occupation (C4). Approved 13.10.2025
- 3.3. **BH2015/00099:** Change of use from a 5 bedroom small House in Multiple Occupation (C4) to a 7 bedroom House in Multiple Occupation (Sui Generis) with erection of single storey rear extension and hip to gable roof extension with front rooflights and rear dormer. Refused 05.05.2015
1. *The proposed change of use to provide seven bedrooms as a Sui Generis House in Multiple Occupation would provide an attic bedroom with limited head height and therefore limited useable space and would not provide adequate communal living space. Therefore it is considered that the proposal would result in a cramped form of accommodation which would fail to provide an acceptable standard of accommodation. Therefore the proposal would be detrimental to the residential amenity of future occupiers and is contrary to policy QD27 of the Brighton and Hove Local Plan.*
 2. *The proposed hip to gable roof extension and the scale of the rear dormer, would result in roof additions which would appear incongruous and would unbalance the appearance of the pair of semi-detached properties. As such the proposal would be detrimental to the character and appearance of the existing building and the surrounding area. The development is therefore contrary to policy QD14 of the Brighton and Hove Local Plan and Supplementary Planning Document 12 'Design Guide for Extensions and Alterations'.*
 3. *The proposed rear/side extension, by virtue of its design, size and bulk would result in an overly large and awkward addition to the property, which is unsympathetic to the design of the existing dwelling. As such the extension would appear as an incongruous addition and would be of detriment to the character and appearance of the existing building and the surrounding area. The development is therefore contrary to policy QD14 of the Brighton and Hove Local Plan and Supplementary Planning Document 12 'Design Guide for Extensions and Alterations'.*

4. APPLICATION DESCRIPTION

- 4.1. The application is seeking to change the use of the property from a small house in multiple occupation (C4) to a large house in multiple occupation (sui generis) for eight occupants, along with the erection of a single storey rear extension (as approved under BH2025/02133), and associated works to include hip to gable roof extension, front rooflights and a rear dormer.
- 4.2. As noted within the history above, the site already benefits from a lawful development certificate for the proposed rear extension, which also included internal revisions to create 6 bedrooms (which would retain the C4 use Class of the existing HMO if occupied by up to 6 persons). This extension is however included in the current application as it is material to the proposed form of development now proposed, forming part of the revised communal space for future occupants. The rear extension and associated development approved has not been built currently.
- 4.3. Also of note is that the application has been altered to include the rear extension in the description. It was not considered necessary to readvertise or reconsult on this amendment as the rear extension proposed has already been deemed permitted development under application BH2025/02133, and therefore implementable.

5. REPRESENTATIONS

- 5.1. Objections from twenty seven (27) parties including The Governing Board of Bevendean Primary School & Nursery raising the following issues:
- Increase HMO applications in future
 - Detrimental impact on character of area
 - Detrimental effect on property value
 - Inappropriate Height of Development
 - Noise
 - Overdevelopment
 - Overshadowing
 - Restriction of view
 - Traffic or highways issues
 - Rubbish
 - Residential amenity
 - Adversely affects Conservation Area (note: site is not a Conservation Area)
 - Adverse effect on listed building (note: site is not a listed building)
 - No.25 Auckland Drive is an HMO and should be included in density calculations
 - Loss of housing stock
 - Community balance
 - No demand for extra HMO's
 - Impact on school places through lack of family housing
- 5.2. **Councillor Jacob Taylor** has objected to the development. A copy of this representation is appended to the report.

Full details of all representations are publicly available on the planning register.

6. CONSULTATIONS

Internal:

6.1. **Policy:** No comment to make

6.2. **Private Sector Housing:** Comment

If approved an application will need to be made to vary the existing HMO licence to reflect the increase in occupancy.

6.3. **Sustainable Transport:** No Objection

There is likely to be a slight increase in trips to and from the site. There may also be an increase in parking demand if the additional residents choose to travel to and from the site by car. However, this is unlikely to have a significant enough impact on the public highway to warrant reason for refusal. The site is not within a Controlled Parking Zone.

6.4. Parking Standards SPD14 states a maximum of 1 on-site car parking space for this development. None are proposed, which is below the maximum and acceptable. SPD14 also states a minimum of 4 cycle parking spaces for this development. 4 are proposed, which meets the minimum required, in a cycle store in the rear garden that was previously consented under application BH2025/02133. This is also acceptable.

6.5. Full details of consultation responses received can be found online on the planning register.

7. MATERIAL CONSIDERATIONS

7.1. 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.

7.2. The development plan is:

- Brighton & Hove City Plan Part One (adopted March 2016);
- Brighton & Hove City Plan Part Two (adopted October 2022);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (adopted February 2013; revised October 2024);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour JAAP (adopted October 2019).

8. RELEVANT POLICIES & GUIDANCE

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
CP10	Biodiversity
CP12	Urban design
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

Brighton & Hove City Plan Part Two:

DM1	Housing Quality, Choice and Mix
DM7	Houses in Multiple Occupation
DM18	High quality design and places
DM20	Protection of Amenity
DM21	Extensions and alterations
DM33	Safe, sustainable and active travel
DM36	Parking and servicing
DM37	Green Infrastructure and Nature Conservation
DM40	Protection of the Environment and Health - Pollution and Nuisance

Supplementary Planning Documents:

SPD03	Construction & Demolition Waste (2006)
SPD11	Nature Conservation & Development
SPD12	Design Guide for Extensions and Alterations
SPD14	Parking Standards
SPD17	Urban Design Framework

9. CONSIDERATIONS & ASSESSMENT

- 9.1. The main considerations in the determination of this application relate to whether the change of use is compliant with policy, design and appearance, the standard of accommodation which the use would provide, impact upon neighbouring amenity and transport issues.

Principle of Proposed Change of Use:

- 9.2. The application seeks consent for the change of use from an existing 4no. bedroom (5 person) house of multiple occupation (C4 use) to an 8no. bedroom (8 person) large house in multiple occupation (Sui Generis use).
- 9.3. Policy CP21 of the Brighton and Hove City Plan Part One specifically addresses the issue of changes of use to planning use class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation (HMO) 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, 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."*

- 9.4. A mapping exercise has been undertaken (March 2026) which indicates that there are 10 properties within a 50m radius of the application property, 0 of which have been identified as being in HMO use or which have extant planning permission to become a HMO. The percentage of neighbouring properties in HMO use within the radius area is thus 0%.
- 9.5. It is noted in comments that No.25 Auckland Drive is in use as HMO, as approved under BH2019/01687 and appears on council mapping as currently in HMO use. It is however located outside of the 50m radius of the application property as measured by the LPA in respect of Policy CP21.
- 9.6. Based on the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change of use to an eight-bedroom HMO (Sui Generis use) would not conflict with the aims of policy CP21.
- 9.7. Policy DM7 of CPP2 includes additional criteria to those set out in Policy CP21, and states the following:
"Applications for new build HMOs, and applications for the change of use to a C4 use, a mixed C3/C4 use or to a sui generis HMO use, will be permitted where the proposal complies with City Plan Part One Policy CP21 and all of the following criteria are met:
- a) *fewer than 20% of dwellings in the wider neighbourhood area are already in use as HMOs;*
 - b) *the proposal does not result in a non-HMO dwelling being sandwiched between two existing HMOs in a continuous frontage;*
 - c) *the proposal does not lead to a continuous frontage of three or more HMOs;*
 - d) *the internal and private outdoor space standards provided comply with Policy DM1 Housing Quality, Choice and Mix;*
 - e) *communal living space and cooking and bathroom facilities are provided appropriate in size to the expected number of occupants."*
- 9.8. Criterion a) has been assessed and the percentage of dwellings in the wider neighbourhood area has been calculated at 8.2% so it has been met (March 2026: 1599 Total Dwellings and 131 HMO's). In relation to criterion b), the area has been assessed and it is confirmed that the proposal would not 'sandwich' a non-HMO between two existing HMOs; and would not lead to a continuous frontage of three or more HMOs so also accords with criterion (c). Considerations regarding amenity space and communal living (criteria d and e) are set out below.
- 9.9. On this basis, the scheme is considered to accord with Policy DM7 of CPP2 and CP21 of the CPP1 and the change of use to an eight-bedroom HMO (Sui Generis use) is acceptable in principle.

Standard of Accommodation:

- 9.10. The proposed standard of accommodation is being considered against Policy DM1 of CPP2 which incorporates the minimum space standards within the Nationally Described Space Standard (NDSS) into the development plan. The requirement to meet this standard is further emphasised within d) and e) of Policy DM7 of CPP2.
- 9.11. The maximum occupation would be eight persons as all eight bedrooms are suitable for single occupation only. If the occupation level was desired to increase, a new application for a larger HMO (Sui Generis) would need to be made and considered on its merits, with any alterations to rooms.
- 9.12. The eight single bedrooms are all suitable for single occupancy given their size and widths (7.5sqm or larger) and have suitable layouts. The bedrooms all have windows and allow for natural light, suitable outlook and ventilation to each. Bedrooms and the communal spaces are served by three bathrooms (one per floor with W/C to each). The plans show that the proposed bedroom on the ground floor adjacent to the communal area would have increased soundproofing to the party wall to ensure minimal disturbance to the occupiers of this bedroom.
- 9.13. The kitchen and living room combined would provide 32 sqm of communal living space, which meets the 4sqm required per occupier (32sqm total for eight residents) and allows for communal spaces which, although at the very minimum size, are of sufficient spatial quantity and quality for future occupiers of the HMO, also allowing rear access to the private outdoor amenity space.
- 9.14. The ceiling heights, from the existing elevations are circa 2.2m or higher and considering they are for predominantly for an existing property, are considered acceptable. The new second floor roof bedrooms are measured at 2.29m and considering the scale of the plans with a small margin for error, although not meeting a required head height of 2.3m are again considered acceptable on balance, with the 2.29m height achieved across the whole floorspace of the new roof bedrooms.
- 9.15. Overall, and on balance, it is considered that the proposed layout of the property, as a Sui Generis Large HMO (eight persons) would provide suitable standard of accommodation for the number of occupants proposed and is therefore in accordance with policies DM1 and DM7 of the City Plan Part Two.
- 9.16. As the property is only suitable to accommodate eight persons, it is considered necessary to condition that the property has a maximum occupancy of Eight (8) persons.
- 9.17. A condition for the proposed soundproofing detailed on the proposed floor plans, to be installed prior to first use as a Sui Generis HMO, would also be imposed.

Design and Appearance:

- 9.18. As existing, the house has not been extended substantially and only has what appears a small side extension currently. There is no roof accommodation currently within the property. Some properties in the area have extended; there are limited examples of altered roofs in the immediate locality.
- 9.19. SPD12: Design guide for extensions and alterations states that dormer windows should generally have limited impact on the streetscene however, they should be a subordinate addition to the roof and property as a whole.
- 9.20. The hip to gable roof extension is to allow for the provision of a full width and height rear dormer. It is acknowledged that the dormer would be somewhat large and bulky and would consume almost the entire rear roof slope. The dormer would be set down from the ridge and set up from the eaves, which is welcomed, however it would extend almost the full width towards No.17. It would cause a degree of visual harm and 'top-heavy' appearance to the property. Whilst the rear dormer and gable extension would be of matching materials to the main property, this addition would have a prominent appearance within views from Auckland Drive due to the amount of separation between buildings. Given the overall scale of this addition, it cannot be said to have a subservient appearance as advised within SPD12 and it would also have an unbalancing effect on the associated semi-detached pair.
- 9.21. However, notwithstanding the design and appearance of the rear dormer and hip to gable roof extension, weight is given to the permitted development rights available to the applicant under the schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), and that a very similar form of dormer and gable extension would be achievable through the exercise of these rights. It remains however that any external works, to facilitate an increase in the number of occupiers for a Sui Generis HMO use, would still require planning permission as part and parcel of the proposed change of use development. It is noted that a similar form of rear dormer and hip to gable was refused under application BH2015/00099. This was refused under previous Brighton and Hove Local Plan policies and the now superseded SPD12 guidance. The current SPD12 is now more flexible and accepting of hip to gable extensions and larger rear dormers, and weight is given in this application to the fact that a similar, if not identical, form of proposed extension could be constructed under permitted development rights.
- 9.22. Therefore, whilst the proposed rear dormer and gable extension are not considered particularly sympathetic additions to the property, on balance, any harm to the property and wider streetscene would not be so significant to justify a refusal of permission on design grounds, particularly when weight is given the permitted development 'fallback' situation.
- 9.23. The proposed single storey rear extension at ground level would extend for 3 meters from the rear elevation for the majority of the property and have a height of circa 2.7m. The rear extension already benefits from a Lawful Development Certificate confirming it meets permitted development rights criteria under BH2025/02133. Therefore, the rear extension is considered

acceptable in design terms as it can already be implementable under permitted development. In any event, as located to the rear, it would not cause any significant harm to the appearance of the wider area, due to a low visibility in the public realm.

- 9.24. The proposed rooflights, to be inserted in the front roofslope, would be appropriately located in the roofslope and suitable in size and appearance, causing no significant visual harm to the host property, pair of semi-detached properties or the wider area.
- 9.25. The proposal materials are considered acceptable and would match existing materials within the building, which will be secured by condition.
- 9.26. Overall, on balance, the design and appearance of the external alterations are considered acceptable and would not unduly conflict with policies CP12, DM18 and DM21 of the City Plans.

Impact on Amenity:

- 9.27. Policy DM20 of City Plan Part Two 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. Policy DM40 also seeks to protect amenity from noise, pollution etc.
- 9.28. The proposed change of use from a small C4 HMO (3-6 individuals) to a large Sui Generis HMO (eight persons) would be a more intensive use and create more comings and goings from the property, and potentially in a different pattern to the existing small C4 HMO use. In this case the uplift of activity and increase in noise and disturbances from the property would increase from 5 persons to 8 persons.
- 9.29. The concerns raised by residents are noted, and it is recognised that the increase would result in an intensification of noise and disturbance levels, particularly for the attached neighbour. However, considering that the main entrances for the property are located away from the attached neighbour, the separation between the application site and other dwellings, and that new sound insulation is proposed to the party walls and staircases, on balance, the impacts from the intensification would be mitigated and are considered acceptable.
- 9.30. As noted above, the application site is not in an area which currently has more than 10% of properties within 50m radius being in HMO use or 20% of the wider neighbourhood area. While any additional HMOs may have the potential to increase the cumulative impact and harm to amenity with which they are often associated, in this instance the existing numbers of HMOs in the area is not enough to warrant refusal of the application on the grounds of potential amenity impact.

- 9.31. Furthermore, it is noted that a HMO of this size would require licensing by the Council's Private Sector Housing team and thus be required to comply with management standards, amongst other requirements. Additionally, the granting of this planning permission would not prohibit the Environmental Health team acting against 'statutory nuisance' under the Environmental Protection Act 1990 if this was required in the future.
- 9.32. The proposed rear dormer would not result in an unacceptable amenity impacts, such as increased overlooking and loss of privacy, given views from the dormer would be very similar to those possible from existing upper floor windows in the host property and adjacent properties. Additionally, no significant overshadowing is anticipated.
- 9.33. The proposed rear extension, which is single storey in nature and of limited height and scale, and adjacent to the neighbours extension, is not considered to raise any significant amenity concerns in respect of overlooking, loss of outlook or and privacy. It is noted that it has also been confirmed as permitted development.
- 9.34. Accordingly, the development would be considered acceptable in terms of any impacts on neighbouring amenity, subject to conditions in respect of occupancy, and soundproofing. It is also noted that the proposal complies with policies DM20 and DM40 of the City Plan Part Two.

Sustainable Transport:

- 9.35. Given the relatively small uplift in persons at the property, the change of use is unlikely to significantly increase trips or parking to/from the site over that of the C4 HMO.
- 9.36. The application site is located in an area with unrestricted on street parking. The site does not provide off-street car parking and is therefore policy compliant with SPD14.
- 9.37. The plans show cycle parking and the amount is sufficient. Such provision would be secured by condition.
- 9.38. Transport officers have also been consulted raise no objection the development.
- 9.39. Accordingly, the proposal is considered to comply with polices CP9 of the City Plan Part One and polices DM33 and DM36 of the City Plan Part Two.

Other Considerations:

- 9.40. The proposed change of use still results in an HMO use, the property is not used as a C3 dwelling currently, nor has been used as such for well over a decade. Therefore, it is considered that the development would not have an impact on the school places and funding, as no existing family is displaced. The same applies in respect of community balance, for which polices CP21 and DM7 provide protection to ensure there is not an over provision of HMO uses in one area.

9.41. It is noted objectors have raised concerns that the development as a larger HMO could affect property values. The planning system does not exist to protect private interests such as the value of land or property, and as such the affect the proposed development could have upon property values does not hold weight in the determination of this application.

9.42. Objectors have also raised concerns regarding the potential for antisocial behaviour and amount of rubbish. These are matters covered by other regimes separate to planning, such as criminal law, civil law, building regulations, or environmental health regulations and again do not hold weight in the determination of this application.

Biodiversity Net Gain (BNG) and Ecology:

9.43. This scheme was considered exempt from the need to secure mandatory biodiversity net gain under Schedule 7A of the TCPA because it does not impact a priority habitat or habitat of more than 25sqm or 5m of linear habitat.

9.44. 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 bees and swifts and suitable bricks/boxes for these are recommended to be secured by condition.

10. EQUALITIES

10.1. Section 149(1) of the Equality Act 2010 provides:

- 1) A public authority must, in the exercise of its functions, have due regard to the need to—
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2. Officers considered the information provided by the applicant, together with the responses from consultees and determined that the proposal would not give rise to unacceptable material impact on individuals or identifiable groups with protected characteristics.

