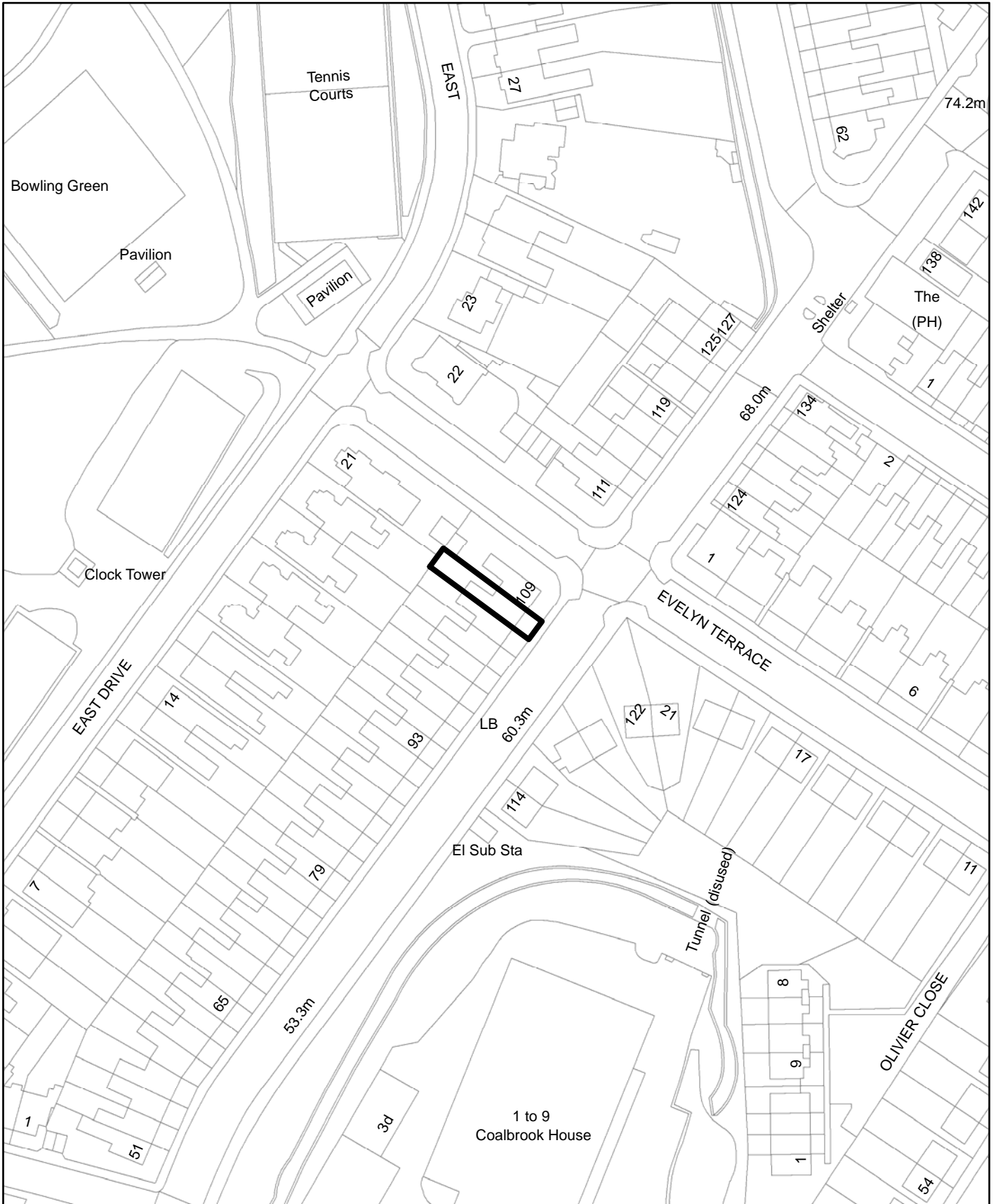


ITEM E

**107 Freshfield Road
BH2016 / 00302
Full Planning**

13 July 2016

BH2016/00302 107 Freshfield Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2016/00302	<u>Ward:</u>	QUEEN'S PARK
<u>App Type:</u>	Full Planning		
<u>Address:</u>	107 Freshfield Road Brighton		
<u>Proposal:</u>	Change of use from five bedroom single dwelling (C3) to five bedroom small house in multiple occupation (C4). (Part retrospective)		
<u>Officer:</u>	Chris Swain Tel 292178	<u>Valid Date:</u>	28/01/2016
<u>Con Area:</u>	Adjoining Queens Park CA	<u>E.O.T</u>	13/06/2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Ms Claire Johnson, 23 De Montfort Road Brighton BN2 3AW		

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site relates to a two storey terraced property with accommodation within the roofspace on the western side of Freshfield Road.

3 RELEVANT HISTORY

None relevant.

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use from five bedroom single dwelling (C3) to five bedroom small house in multiple occupation (C4). (Part retrospective).

5 PUBLICITY & CONSULTATIONS

External

5.1 Neighbours:

Twenty Five (25) letters of representation have been received from **39, 45, 51, 57, 59, 61(x2), 63, 69(x2), 73, 85, 89, 91(x2), 93, 95, 97, 101, 103, 105 Freshfield Road, 17, 18, 20 East Drive and 17 Quebec Street** objecting to the application for the following reasons:

- Proposed HMO use is unsuitable for this family area,
- The proposed use will increase noise and disturbance,

- Increased parking stress,
- Potential highway danger,
- May set a precedent for further HMO conversions,
- Queens Park area is not suited to high turnover tenants be they students or professionals,
- If the application is granted it is likely that the property will be extended in the future to form a large HMO,
- The HMO use would erode the existing family character of the area,
- Loss of privacy,
- Increased refuse and recycling,
- Untidy gardens,
- No disabled access,
- The change of use is driven by profit and not to the benefit of the local community,
- Increased air pollution from increased traffic,
- Housing stock has little sound insulation and unsuited to multiple occupancy and potentially increased noise and disturbance,
- Would be contrary to the aims of the Article 4 direction.

5.2 **Thirty (30)** letters of representation have been received from **107(x3) 134 and 188 Freshfield Road, 11 Woodside Avenue, 81 Osborne Road, 20 Canning Street, 27 St. Helens Road, 15 (Flat 6) Buckingham Road, 11 Windmill Street, 17 Upper Wellington Road, 10 (Flat 2) College Terrace, 25 De Montfort Road, 2 Nesbitt Road, 33 Seville Street** and **14(x4) Cuthbert Road, 12(x5) Monk Close** and **11(x5) Nanson Road** supporting the application for the following reasons:

- The proposal would provide much needed affordable housing in the area,
- The landlord is considerate to its tenants,
- There is a lack of housing available in the area for professional sharers,
- The applicant would only let rooms to professional and responsible individuals,
- The house will be maintained to a high standard with no mess or noise.
- Cycle parking will be provided to the rear,
- The proposal would help to alleviate the housing shortage,
- The Article 4 direction is reducing the availability of homes for sharers, this application will help to elevate this.
- The Article 4 is contrary to the council's principles of creating a diverse, inclusive and economically stable population,
- Due to the housing shortage in Brighton more people will be compelled to live in shared houses,
- The property is well sited, close to local shops and amenities, the seafront public open space,
- There is no issues with parking within the immediate area,
- The area has good public transport links,
- High quality standard of accommodation and internal layout,
- Policies are biased towards existing home owners to the detriment of younger, poorer more transient occupiers,
- The property would encourage a mixed, diverse community,

- The existing family residing in the application property intend to remain in the property with lodgers rather than let the property out in its entirety to a group of unrelated individuals.

Internal:

5.3 Sustainable Transport: No objection:

Whilst the change of use could result in an uplift in trip generation it is not considered that this would result in a significant impact upon the surrounding transportation and highway networks.

- 5.4 No car parking is proposed, however, the site is located within a Controlled Parking Zone which will limit opportunities for overspill parking. The applicant has not proposed secure, covered cycle parking, in accordance with SPGBH4. There appears to be space on site and as such an appropriate condition should be attached.

6 MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”

- 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 and Brighton & Hove Waste Local Plan (February 2006); Saved Policies WLP 7 and WLP8 only – site allocations at Sackville Coalyard and Hangleton Bottom and Hollingdean Depot.

- 6.3 The National Planning Policy Framework (NPPF) is a material consideration.

- 6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 according to their degree of consistency with the NPPF.

- 6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

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
CP19	Housing mix

CP21 Student Accommodation and Houses in Multiple Occupation

Brighton & Hove Local Plan: (retained policies)

TR7 Safe Development
TR14 Cycle access and parking
SU10 Noise Nuisance
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO14 Houses of multiple occupancy

Supplementary Planning Guidance

SPGBH4: Parking Standards

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide, transport issues and the impact upon the character and appearance of the property and the surrounding area.

Principle of development

8.2 The development is a change of use from a C3 dwelling to a use which would allow occupation of the property as a C4 HMO providing accommodation for up to 6 unrelated individuals (in this case 5 bedspaces) who share basic amenities including a kitchen and bathrooms.

8.3 Policy CP21 of the Brighton & Hove 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:

8.4 *'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.'*
- A mapping exercise has taken place which indicates that there are 36 neighbouring properties within a 50m radius of the application property. One neighbouring property has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 2.77%.

8.5 Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the change to a C4 HMO would be in accordance with policy CP21.

Standard of accommodation:

- 8.6 The internal layout is unchanged, with kitchen, dining room, lounge and WC to the ground floor, three bedrooms and a shower room at first floor level and two bedrooms and a shower room within the loft space. There is also a cellar below the front lounge.
- 8.7 The first floor bedrooms are all relatively spacious with good levels of natural light and outlook. The bedrooms within the loft space are much smaller, with restricted headroom in parts of these rooms.
- 8.8 The floor plans for the loft rooms show an indicative layout with beds, desks and storage shown whilst a sectional drawing indicates the usable headroom. It is considered that these rooms are of adequate size for their function with acceptable circulation space and headroom.
- 8.9 The communal space provided at ground floor level would provide satisfactory amenity space for future occupants and overall the proposal is considered to represent an acceptable standard of accommodation in accordance with policy QD27.

Impact on Amenity:

- 8.10 Whilst the development could result in up to 6 unrelated persons residing within the property it is not considered that any increased impact to adjoining occupiers in regards to noise and disturbance would be of a magnitude which would warrant the refusal of planning permission.

Transport:

- 8.11 Though the change of use could result in an uplift in trip generation, it is not considered that this would result in a significant detrimental impact upon the surrounding transportation and highway networks.
- 8.12 No car parking is proposed; however, the site is located within a Controlled Parking Zone which will limit opportunities for overspill parking.
- 8.13 Due to existing site constraints it is not considered that easily accessible secure cycle storage of an acceptable design could likely be provided to the front of the property. As such the lack of provision is considered to be acceptable in this instance.

9 CONCLUSION

- 9.1 The change of use is considered to be acceptable in principle in this location and accords with the Council's policy on HMOs. The development does not result in significant harm to neighbouring amenity and would not create a harmful demand for travel.

10 EQUALITIES

None identified.

11 CONDITIONS / INFORMATIVES

11.1 Regulatory 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
Site location plan	001	-	28 January 2016
Existing and proposed floor plans	010	-	1 February 2016
Existing and proposed second floor plan and section	130	Rev A	6 June 2016

- 2) The lounge, kitchen and cellar as detailed on drawing No.010 received on 1 February 2016 shall be retained as communal space at all times and none of these rooms shall be used as a bedroom. **Reason:** To ensure a suitable standard of accommodation for occupiers to comply with policy QD27 of the Brighton & Hove Local Plan.

11.2 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. This decision to grant Planning Permission has been taken:

- (i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:
(Please see section 7 of the report for the full list); and

- (ii) for the following reasons:-

The change of use is considered to be acceptable in principle in this location and accords with the Council's policy on HMOs. The development does not result in significant harm to neighbouring amenity and would not create a harmful demand for travel.