

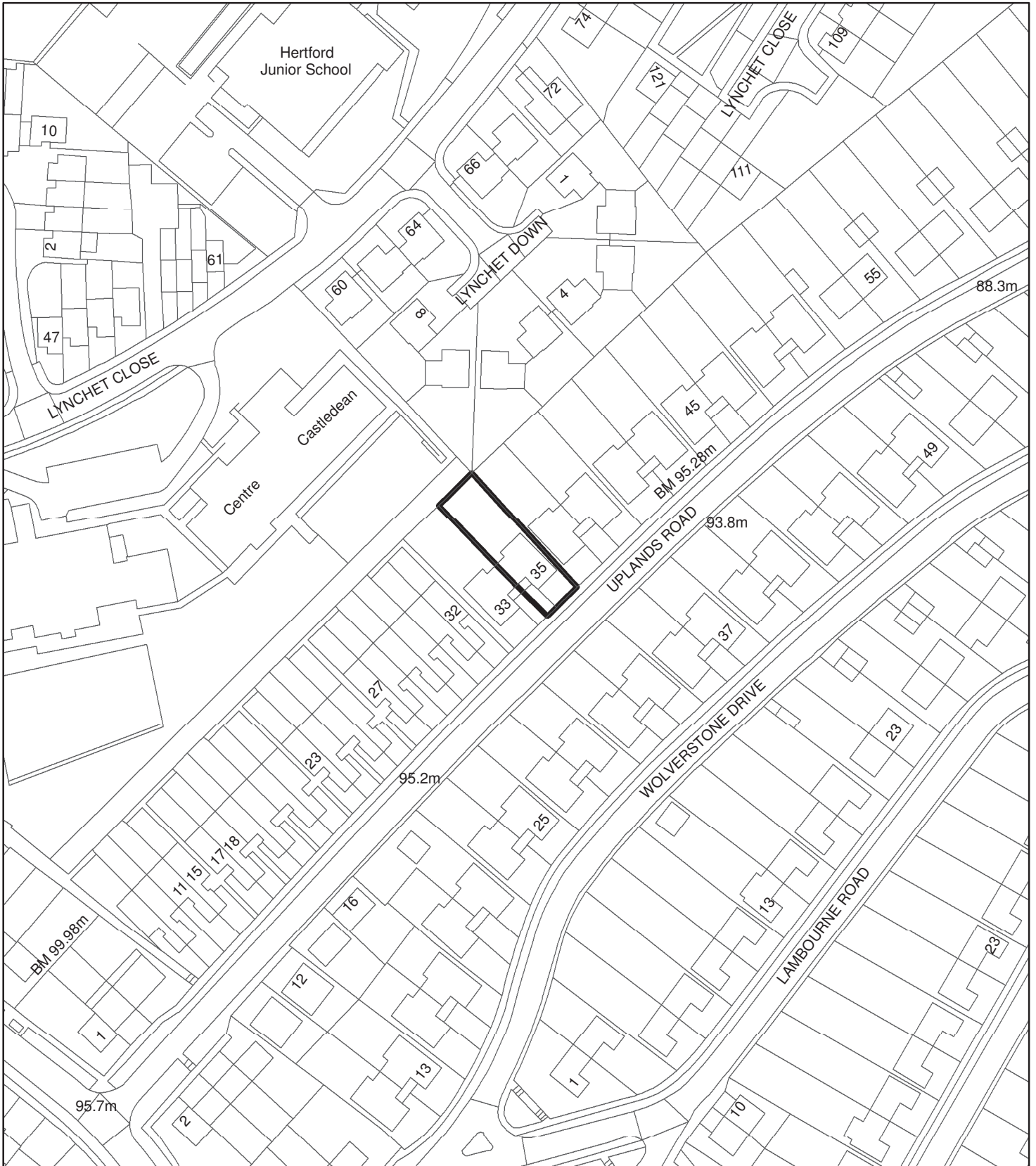
**PLANS LIST
ITEM D**

35 Uplands Road, Brighton

**BH2013/01366
Full planning**

26 JUNE 2013

BH2013/01366 35 Uplands Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2013/01366	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Full Planning		
<u>Address:</u>	35 Uplands Road Brighton		
<u>Proposal:</u>	Change of use from single dwelling (C3) to House in Multiple Occupation (C4).		
<u>Officer:</u>	Jonathan Puplett, tel: 292525	<u>Valid Date:</u>	13/05/2013
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	08 July 2013
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr David Tamplin, 50 Honey Croft, Hove.		

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 application relates to a semi-detached property situated on the western side of Uplands Road. The property is a split level dwelling set up from the road, with a driveway and integral garage.

3 RELEVANT HISTORY

BH1997/01817/FP: Extension at first floor level forming two bedrooms and bathroom. Refused 11 December 1997.

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use of the property from a dwelling (Use Class C3) to a six-bedroom small House in Multiple Occupation (HMO) (Use Class C4).

5 PUBLICITY & CONSULTATIONS

- 5.1 **External:**
Neighbours: Seventeen (17) letters have been received from the occupiers of **nos. 30, 31, 33, 37, 41 and 51 Uplands Road and nos. 23, 25, 29, 31, 33, 35, 37, 39, 41, 43 and 47 Wolverstone Drive** objecting to the proposed development for the following reasons:
- The proposed use is unsuitable for the area. The area is currently primarily occupied by families and retirees.
 - The proposed new building is too big and inappropriate for the area.
 - Neighbouring residents will suffer overshadowing and loss of privacy.
 - The proposed use will result in increased comings and goings, noise, disturbance, pollution, rubbish and traffic.
 - The proposed use could result in additional on-street parking; the driveway can only accommodate one car. Parking is already very limited as the road is narrow so cars can only park one side of the road.
 - The current occupiers of the application property cause noise disturbance to the occupiers of the adjoining semi-detached property, the

proposed use would result in increased noise and disturbance.

- The area to be considered includes a school and park, therefore the number of existing HMO's will be lower than in an area which is all housing. This should be taken in to account.
- The application property should be kept as a family dwelling; there is a shortage of such properties in the city.
- Who will attend the gardens of the property?

Internal

- 5.2 **Transport:** The proposal would not result in significantly increased trip generation. It is proposed that the existing off-street parking (garage and driveway) be retained which is considered acceptable. Recommend that details of cycle storage provision be secured by planning condition.

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 Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
 - East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
 - 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) was published on 27 March 2012 and is a material consideration which applies with immediate effect.
- 6.4 Due weight should be given to relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 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 Local Plan:

TR1	Development and the demand for travel
TR7	Safe development
TR14	Cycle access and parking
TR19	Parking standards
SU2	Efficiency of development in the use of energy, water and materials
SU13	Minimisation and re-use of construction industry waste
QD27	Protection of amenity
HO3	Dwelling type and size
HO4	Dwelling densities
HO5	Provision of private amenity space in residential development
HO8	Retaining housing
HO14	Houses in multiple occupation (HMOs)

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Supplementary Planning Documents:

SPD08 Sustainable Building Design

Brighton & Hove City Plan Part One (submission document)

CP21 Student Accommodation and Houses in Multiple Occupation

8 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the proposed change of use, neighbouring amenity, the standard of accommodation which the proposed use would provide, transport issues and environmental sustainability.

8.2 **Principle of development:**

The proposed development is for a C4 small HMO use providing bed spaces for up to six unrelated individuals, who share basic amenities including a kitchen and bathroom.

8.3 The Brighton and Hove Local Plan pre-dates the formulation of the C4 use class, but does make specific reference to houses in multiple occupation. The sub-text of policy HO14 details that:

'It is recognised that in some areas of the city, a concentration of HMOs can cause various problems arising from heavy concentrations of people living within a small geographical area. Appropriate policies elsewhere in the Plan aimed at protecting amenities will also be important factors in assessing new proposals in respect of new HMOs and the loss of existing

HMOs. Particularly important in this respect are policies QD27 and HO4.'

- 8.4 Policy CP21 of the Brighton and Hove Draft City Plan Part One specifically addresses the issue of changes of use between use classes C3 and C4/Sui Generis HMO's 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.'*

- 8.5 This policy at present has significant weight as the adopted Local Plan is silent on the issue. The site is located within an area covered by the recently introduced Article 4 Direction which removes permitted development rights under Class I (b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, to change from a C3 (dwellinghouses) Use to a C4 (small houses in multiple occupation) Use, which came into effect from 5 April 2013.

- 8.6 A mapping exercise has taken place which indicates that there are 25 separate neighbouring residential properties which fall within a 50 metre radius of the site. Of these 25 residential properties, 2 have been identified as being in Class C4, mixed C3/C4 or other types of HMO in a sui generis use. This represents a percentage of 8%. Were the proposed change of use to be carried out this would result in a percentage of 12%; the wording of policy CP21 however relates to the existing situation only; the fact that the resulting percentage would be in excess of the 10% figure is not itself contrary to the policy as worded in the Draft City Plan Part One.

- 8.7 The proposed C4 use would therefore not be contrary to emerging policy CP21. The proposed use, in principle, is not contrary to the policies of the Local Plan and City Plan Part One (submission document) and is considered acceptable in this case. Detailed considerations are addressed below.

Standard of accommodation:

- 8.8 The proposed dwelling layout would provide a garage at road level, a dining room / living room, a kitchen, four bedrooms, a bathroom and a W.C. at ground floor level. At first floor level a further two bedrooms and a bathroom are proposed.
- 8.9 It is considered that the proposed layout would provide an acceptable standard of accommodation.

- 8.10 It is considered that the intensified use is likely to require greater provision for refuse and recycling and cycle storage, details of which could be secured by planning condition.

Neighbouring Amenity:

- 8.11 It is acknowledged that a change to a C4 House in Multiple Occupation may result in a more intensive use of the property and a greater impact upon the immediate and surrounding area, and upon neighbouring amenity. Due to the limited amount of HMOs within the vicinity it is considered that the increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm to neighbouring amenity to an extent that would warrant the refusal of planning permission.

- 8.12 It is considered appropriate to remove permitted development rights to protect against further additions being made to the property under permitted development, if it were to revert back to a C3 dwelling from a C4 HMO. The extensions may result in a further intensification of use of the site which could then have a permitted change to an intensified C4 use which has not been considered under this application. This change could have a detrimental impact upon the amenity of the adjoining occupiers.

Transport:

- 8.13 The proposed C4 use would potentially create greater trip generation than a C3 use. In some cases the Council would seek to secure financial contributions towards sustainable transport infrastructure to address this increased travel demand to ensure accordance with policy TR1 of the Brighton and Hove Local Plan. In this case, due to current short-term recession measures and the scale of the development proposed, such contributions are not sought.

- 8.14 Off street parking is proposed to be retained in the form of a garage and driveway. The proposed use could result in some on-street parking and it is noted that parking is only available on one side of Uplands Road due to its width. The demand for on-street parking in the vicinity of the site does not however appear to be at a level which would warrant the refusal of planning permission for the proposed development. The site is not within a Controlled Parking Zone (CPZ).

- 8.15 Policy TR14 requires that all developments provide cycle storage for occupiers of the development and visitors to the development, full details of which would be secured by planning condition.

Environmental sustainability:

- 8.16 Due to the scale of development proposed and the amount of physical works proposed it would not be reasonable to require that measures be carried out to improve the environmental sustainability of the property.

9 CONCLUSION

9.1 The proposed change of use is considered to be acceptable in this location. No significant harm to neighbouring amenity would result and adequate refuse and recycling and cycle storage is secured by planning condition.

10 EQUALITIES

10.1 The proposed dwelling would not provide full compliance with Lifetime Homes Standards, a flexible approach is however required as the development relates to the conversion of an existing building rather than a new-build.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

- 1) 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.
- 2) 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			13/05/2013
EXISTING FLOORPLANS			13/05/2013
PROPOSED FLOORPLANS			13/05/2013

11.2 Pre-Commencement Conditions:

- 3) Cycle parking details to be submitted
The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted 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.
- 4) Satisfactory refuse and recycling storage
No development shall take place 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 in full as approved 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.

11.3 Informatives:

- 1) In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) 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 Brighton & Hove Local 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 proposed change of use is considered to be acceptable in this location. No significant harm to neighbouring amenity would result and adequate refuse and recycling and cycle storage would be secured by planning condition.
- 3) The applicant is advised that the (C4 use class) permission hereby granted allows a maximum of 6 individuals to occupy the property. Were any more than 6 occupants to be proposed in the future a further application for planning permission for a change of use would be required.
- 4) The permission hereby granted relates only to the proposed change of use and does not grant permission for any external alterations which are proposed, for which additional planning permission may be required.
- 5) The approval hereby granted relates to planning permission only. The proposed use may also require a licence under private sector Housing legislation.

I have considered and agree with the reasoning in this report and authorise the grant of planning permission, subject to the Conditions and Informatives set out in Section 11 above.

Signed:
Martin Randall
Head of Service



Planning and Public Protection

Signature of Reviewing Officer:

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Dated:

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