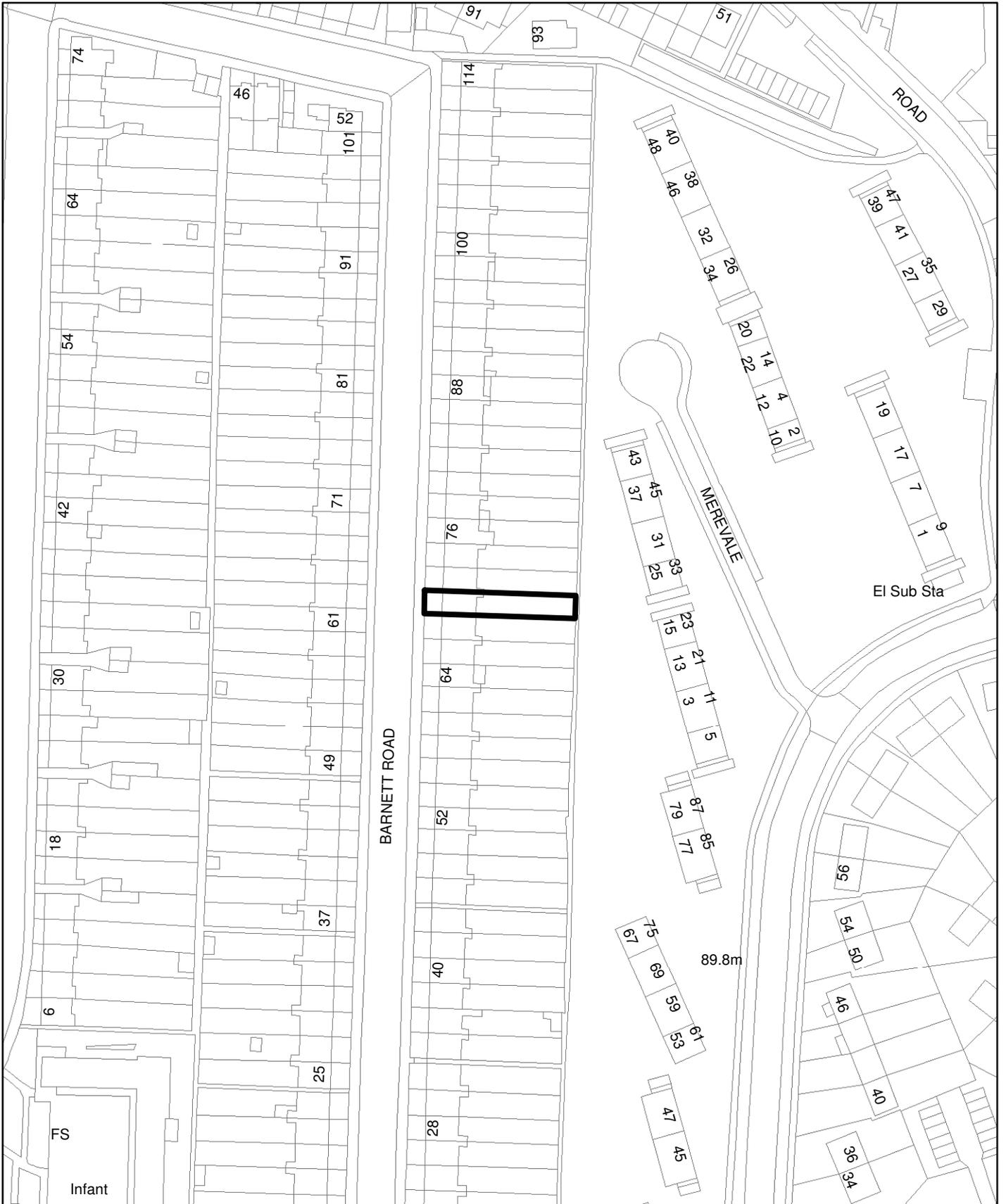


ITEM A

**70 Barnett Road, Hove
BH2015/01562
Full Planning**

30 March 2016

BH2015/01562 70 Barnett Road, Brighton



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2015/01562	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Full Planning		
<u>Address:</u>	70 Barnett Road Brighton		
<u>Proposal:</u>	Change of use from four bedroom single dwelling (C3) into five bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Helen Hobbs, tel: 293335	<u>Valid Date:</u>	03 June 2015
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	29 July 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr Lee Bolingbroke, 2 Withdean Close, Brighton BN1 5BN		

The application was deferred from the Committee Meetings held on 26th August 2015 and 17th February to allow for the investigation into the alleged unauthorised use of 55, 59 and 61 Barnett Road as an HMO. These investigations have taken place and the above properties are not in use as an HMO and are in use as a C3 dwelling house.

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 site is occupied by a two storey mid terrace dwelling house situated on eastern side of Barnett Road. The street is characterised by similar terrace properties arranged on a clear building line. The property is not Listed and it is not located in a Conservation Area.

3 RELEVANT HISTORY

- 3.1 **BH2009/01166** Certificate of Lawfulness for the proposed development of a loft conversion incorporating rear dormer. Approved 3/7/2009.

4 THE APPLICATION

- 4.1 The application seeks planning permission for a proposed change of use from dwellinghouse (C3) to a smaller House in Multiple Occupation (C4). Planning permission is required because the site is located in a ward where an Article 4 Direction applies, restricting the usually permitted change of use between Classes C3 and C4.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours: Twenty six (26) letters** have been received from the occupiers of **47, 49, 51, 52, 55, 56, 57, 60, 61, 62, 63, 64 x2, 66 x2, 68 x2, 69, 71, 74 x2, 78 x3, 80 and 82 Barnett Road** and **an unspecified address** objecting to the application on the following grounds:
- The development is contrary to policy
 - There is a high number of existing HMO's in the area
 - Increase in parking
 - Loss of privacy
 - Increase in rubbish
 - Loss of character of the area
- 5.2 **Councillor Tracey Hill** objects. Copy of representation attached.

Internal:

- 5.3 **Transport:** The provision of an additional bedroom may result in increased demand for on street parking, it is not considered that this would amount to a severe impact upon the highway. No details of cycle parking have been provided. Two spaces would be required.

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 (March 2016)
 - Brighton & Hove Local Plan 2005 (saved policies post 2007);
 - East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (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 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

CP9 Sustainable Transport

CP21 Student Accommodation and Houses in Multiple Occupation

Brighton & Hove Local Plan:

TR14 Cycle access and parking

QD27 Protection of Amenity

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 development; impact on neighbour amenity; and the impact on sustainable transport.

Principle of development:

- 8.2 Policy CP21(ii) of the City Plan Part One 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 or to a *Sui Generis* House in Multiple Occupation use (more than six people sharing) will not be permitted where:

- More than 10% of residences 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 There are 36 properties within a radius of 50 metres from the application site. Of these, three are in use as Houses in Multiple Occupation. This equates to 8.3%. As such the proposed change of use falls below the 10% threshold set out in policy CP21 and is considered acceptable in principle.

- 8.4 The letters of representation received from neighbours and Councillors are noted and have been taken fully into consideration. However, the evidence available to the Local Planning Authority demonstrates that within a radius of 50 metres from the application site the % of properties in HMO use is below the 10% threshold.

Impact on neighbour amenity:

- 8.5 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.

- 8.6 The change of use from a 4-bedroom house to a small 5-bed HMO under Use Class C4 (3 to 6 unrelated persons living together) would not, in view of the small number of other HMOs within a 50 metre radius of the site, give rise to an unacceptable impact on neighbour amenity.
- 8.7 Comments received by neighbours regarding noise, or other amenity issues such as extra litter are noted. Should noise, for example, become an issue in future, as with any residential properties including single dwellings, powers under Environmental Health legislation can be invoked to investigate cases of potential noise nuisance.

Sustainable Transport:

- 8.8 Policies TR1 and TR19 of the Local Plan require development to provide for the transport demand generated in accordance with the maximum car parking and minimum cycle parking standards set out in SPGBH4: Car Parking. Cycle parking should be secure, convenient to use, and sheltered, in line with policy TR14 of the Local Plan.
- 8.9 The Transport Officer has stated that although the provision of an additional bedroom may result in increased demand for on-street parking, it is not considered that this would amount to a severe impact upon the highway.
- 8.10 In line with SPGBH4 the development should provide a minimum of 1 off-street cycle parking space. The applicant has not submitted any details of cycle parking, but there is space in front of the property to provide it. As such it is considered appropriate to impose a condition requiring further details of cycle parking, which should ideally comprise a Sheffield stand so that both frame and wheels of bicycles can be secured.

9 CONCLUSION

- 9.1 The proposed change of use is acceptable in principle and would not have a significant adverse impact on neighbour amenity or highway network.

10 EQUALITIES

- 10.1 None identified.

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
Site Plan			3 rd June 2015
Existing layout	457/01		3 rd June 2015
Proposed layout	457/02		3 rd June 2015

3. The use hereby permitted shall not be implemented 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.

11.2 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 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 proposed change of use is acceptable in principle and would not have a significant adverse impact on neighbour amenity or highway network.



PLANNING COMMITTEE LIST
30 March 2016

COUNCILLOR REPRESENTATION

From: Tracey Hill
Sent: 02 July 2015 (updated 15 February 2016)
To: Helen Hobbs
Subject: RE: 70 Barnett Road BH2015/01562

Dear Helen

I would like to object to the planning application referenced above, for the conversion of 70 Barnett Road from a C3 to a C4 HMO.

There are already a number of HMOs in the immediate area. I'd like to draw attention to the fact that these are not necessarily on the HMO register. Number 51 was granted planning permission for conversion into an HMO recently. Number 58 is a registered HMO and number 53 is considered an HMO. It is possible that 55 is also an unregistered HMO.

Residents also suggested that 59 and 61 might be HMOs.

Please can I request that if the officer recommendation is to approve that this be referred to committee.

Kind regards,
Tracey Hill

Tracey Hill
Labour and Co-operative Councillor for Hollingdean and Stanmer ward
Deputy Chair of Housing & New Homes Committee
Lead Councillor for Private Rented Sector Housing
Brighton and Hove City Council