

<u>No:</u>	BH2019/03232	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	34 Park Road Brighton BN1 9AB		
<u>Proposal:</u>	Change of use from 3 bedroom dwelling house (C3) to 6 bedroom small House in Multiple Occupation (C4). The proposal also incorporates fenestration alterations, and associated works.		
<u>Officer:</u>	Mark Thomas, tel: 292336	<u>Valid Date:</u>	29.10.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	24.12.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr Oliver Dorman C/O Lewis And Co Planning 2 Port Hall Road Brighton BN1 5PD		

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
Detail	Acoustic fence NBS/0212/V3		29 October 2019
Proposed Drawing	Acoustic fence		29 October 2019
Proposed Drawing	Soundproof wall insulation	V1 and V2	29 October 2019
Proposed Drawing	Soundproof wall insulation	V5	29 October 2019
Proposed Drawing	0216.01		29 October 2019

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 development hereby permitted shall not be occupied until the cycle parking facilities shown on the approved plans 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 TR14 of the Brighton & Hove Local Plan and SPD14: Parking Standards.

4. The use hereby permitted shall not come into use until the soundproofing measures (internal and external) shown on the approved drawings have been implemented. The soundproofing shall be retained thereafter.

Reason: To safeguard the amenities of occupiers of no. 65 Park Road and to comply with policy QD27 of the Brighton and Hove Local Plan.

5. The kitchen/dining/lounge areas as detailed on drawing no. 01 received on 29 October 2019 shall be retained as communal space at all times and shall not 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.

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. The application relates to a two storey semi-detached house on Park Road. The house has been extended with a single storey rear extension.
- 2.2. The application seeks permission for a change of use from a three bedroom house (C3) to a six bedroom house in multiple occupation (C4 use class).
- 2.3. The property is situated within Hollingdean and Stanmer Ward, which is covered by an Article 4 Direction, which restricts the proposed change of use which would otherwise be Permitted Development.

3. RELEVANT HISTORY

- 3.1. **BH2019/01615 (No. 55 Park Road)** Change of use from single dwellinghouse (C3) to four bedroom small house in multiple occupation (C4) (Retrospective). Refused 12/08/2019 Appeal Allowed 17/01/2020

4. REPRESENTATIONS

- 4.1. Fifteen (15) representations have been received Objecting to the proposed development for the following reasons:
 - Noise and disturbance
 - Anti-social behaviour
 - Increased traffic/ parking congestion
 - The proposal is an overdevelopment of the property

- Increased rubbish/litter on pavements
- Impact on house values
- Already too many HMOs in Coldean
- Impact on local communities due to too many students/ HMOs
- The developer has other properties which are not well managed

5. CONSULTATIONS

5.1. Sustainable Transport: No objection

- The likely impact of the loss of the garage for parking of motor vehicles is unlikely to be significant enough to warrant a reason for refusal.
- The provision of cycle parking is in line with SPD14 and is acceptable. The provision and retention should be secured by condition.
- Trips associated with the new use are unlikely to be significantly different from the existing residential use.

5.2. Private Sector Housing: Comment

- The applicant will need to apply for a HMO licence should the application be approved, and should refer to the HMO standards.

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);

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. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1	Presumption in Favour of Sustainable Development
CP9	Sustainable transport
CP21	Student housing and Housing in Multiple Occupation

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

TR14	Cycle access and parking
SU9	Pollution and nuisance control
SU10	Noise Nuisance
QD14	Extensions and Alterations
QD27	Protection of amenity

Supplementary Planning Documents:

SPD14	Parking Standards
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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 and transport issues.

Principle of Development:

- 8.2. Policy CP21 of the Brighton and 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:
- 8.3. '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:
- 8.4. 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. A mapping exercise has taken place which indicates that there are 32 neighbouring properties within a 50m radius of the application property. Two neighbouring properties have been identified as being in HMO use within the 50m radius. A further HMO has been identified by a resident who has commented on the application, no. 55 Park Road. This property has recently been granted permission for use as a four bedroom HMO at appeal. The percentage of neighbouring properties in HMO use within the radius area is thus 9.3%, including no. 55. There are no extant planning permissions for the change of use of any property other than no. 55 within the 50m radius to an HMO.
- 8.6. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a small HMO would be in accordance with policy CP21.

Standard of accommodation:

- 8.7. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers.

Accommodation should therefore provide suitable circulation space within bedrooms once the standard furniture for an adult has been installed (such as a bed, wardrobe and desk), as well as good access to natural light and adequate outlook in each bedroom. The communal facilities should be of a sufficient size to allow unrelated adults to independently cook their meals at the same time, sit around a dining room table together, and have sufficient space and seating to relax in a communal lounge.

- 8.8. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan and relate to new build developments, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m².
- 8.9. The ground floor accommodation would comprise 2 bedrooms (7.7m² and 7.7m²), an open-plan kitchen/living/dining room, (26m²) and a shower room. The first floor accommodation would comprise 4 bedrooms (7.5m², 7.6m², 7.7m² and 8.2m²) and a second shower room.
- 8.10. The proposed floor plans show indicative furniture layouts, which for the bedrooms show how a bed, storage furniture and desk could be accommodated. The proposed layout would allow for all rooms to have adequate natural light and circulation space. The communal space is laid out in such a way that it could adequately function for 6 occupants.
- 8.11. The two ground floor bedrooms would share internal walls with the communal space. The rear bedroom, where it adjoins the kitchen area, shares what was originally the outside wall and therefore this is significantly more robust than a new internal wall. In recognition of the relationship between the rooms, the new internal walls would be insulated to 42 Db. This is the amount of sound lost across the partition wall. Thus a typical level of speech of 65 Db in the communal area would be 23 Db in the bedrooms which is barely audible.
- 8.12. Overall, the proposed change of use would not result in substandard living conditions for future occupiers.

Impact on Amenity:

- 8.13. 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.
- 8.14. The increased occupation of the building is not considered likely to result in significantly increased activity which would cause noise/disturbance to

neighbouring properties beyond the existing residential use. It is further noted that sound insulation is proposed to the party wall with the adjoining property at no. 32 Park Road to a level of 60 Db. An acoustic fence along the boundary with this neighbour is also proposed. These details will be secured by condition. Significant harm to neighbour amenity is therefore not foreseen.

Sustainable Transport:

- 8.15. The change of use is not considered to result in a significant increase in on street parking pressure. The proposed scheme is not considered to result in a significant increase in trip generation. The application proposes cycle storage within the garage. This provision shall be secured by condition

External Alterations:

- 8.16. Only minor external alterations are proposed, involving the blocking up of 2 side elevation windows, the alteration of a rear ground floor window by reducing its size/ raising the sill level, and the installation of a skylight to the flat roof of the single storey rear extension. These alterations would not have any significant impact on the character and appearance of the recipient property or on the amenity of occupiers of neighbouring properties.

9. EQUALITIES

No issues identified.