

<u>No:</u>	BH2019/03529	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	77 Rushlake Road Brighton BN1 9AG		
<u>Proposal:</u>	Change of use from residential dwelling (C3) to four bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Sven Rufus, tel: 292454	<u>Valid Date:</u>	27.11.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	22.01.2020
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Core Connections Ltd 38 Guildford Grove London SE10 8JT		
<u>Applicant:</u>	Mr Alastair Mackinnon 77 Rushlake Road Brighton BN1 9AG		

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			27 November 2019
Proposed Drawing		REV A	27 November 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 approved shall be occupied by a maximum of five (5) persons.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The area annotated as 'Living - 29.1msq' on the approved drawings for this application and received 27 November 2019 shall be retained as communal space at all times and shall not be used as bedrooms at any time.

Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

5. 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.

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 site is a two storey, brick built mid terrace house, on the west side of Rushlake Road.
- 2.2. The application seeks to change the authorised use of the building from a residential dwelling house (C3) to a small House in Multiple Occupation for up to six people (C4).

3. RELEVANT HISTORY

- 3.1. **BH2019/02443:** Change of use from residential dwelling (C3) to four bedroom small house in multiple occupation (C4). (28/10/19)
- 3.2. **BN77/2515:** Erection of Front Porch (Approved 17/1/78)

4. REPRESENTATIONS

- 4.1. **Seven (7)** letters have been received from neighbours, objecting to the proposed development for the following reasons:
 - Too many HMO's in the area already
 - Anti-social behaviour
 - Impacts on parking in the area.
 - Impact on community
- 4.2. **Cllr Fowler** objected to the proposal, comments attached to this report.

5. CONSULTATIONS

5.1. Private Sector Housing:

Comment

Should the application be granted, HMO licensing standards need be adhered to.

5.2. Planning Policy:

No comment provided

5.3. **Sustainable Transport:**

No objection

Cycle parking for 2 spaces minimum can be located in front garden. Matchday parking zone, applicant will need to apply for permit. Car parking, off road parking already in situ for one space, which is SPD maximum. No objections.

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);
- Shoreham Harbour JAAP (Adopted October 2019)

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
CP1	Housing delivery
CP9	Sustainable transport
CP14	Housing density
CP15	Heritage
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

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

Supplementary Planning Documents:

8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main considerations in the determination of this application relate to the principle of the change of use, its impacts on neighbouring amenity, the standard of accommodation which the HMO use would provide and the transport impacts.

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:
- 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.'
- 8.4. A mapping exercise has been undertaken which indicates that there are 31 (31) neighbouring properties within a fifty meter radius of the application property. Three of these are identified as being in HMO use. The percentage of neighbouring properties in HMO use within a 50m radius is therefore 9.7%.
- 8.5. Based upon the existing percentage of neighbouring properties in HMO use, which is not greater than 10%, the proposal to change of use to a four bed house in multiple occupation would not be in conflict with the aims of policy CP21.

Design and Appearance:

- 8.6. No external alterations are proposed as a result of the change of use, therefore there are no design issues to address.

Standard of Accommodation:

- 8.7. HMO licensing seeks to secure minimum standards of accommodation fit for human habitation such as fire safety standards and access to basic facilities such as a kitchen, bathroom and toilet. The Local Planning Authority's development plan has a wider remit to secure a good quality of accommodation which would ensure a good standard of amenity for future occupiers. It is therefore clear that the remit of the Planning regime allows the Local Planning Authority to consider a wider range of issues and to seek to secure a higher standard of accommodation than the bare minimum fit for human habitation secured by the licencing requirements.
- 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, Draft City Plan Part 2 proposes to adopt them and indicates a direction of travel on behalf of the LPA. The NDSS provide a useful guideline on acceptable room sizes that would offer occupants useable floor space once the usual furniture has been installed. The NDSS identifies a minimum floor space that should be achieved for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m². The minimum floor space requires a head height of above 1.5m.

- 8.9. The existing and proposed layout of the property are the same. This provides three bedrooms on the first floor, and a further bedroom on the ground floor. The communal space on the ground floor is an open plan area with kitchen and living space together. There is a toilet and utility room on the ground floor and a bathroom and a separate shower room on the first floor.
- 8.10. The three bedrooms on the first floor provide a suitable standard of accommodation, with bedroom one being 15.8msq, and suitable for occupation by two people, and bedrooms two and three being 8.3msq and 10.7msq, and suitable for single occupancy. All of these rooms have adequate natural light and outlook from the windows.
- 8.11. The previous application (BH2019/02443) for the change of use of the property to a small house in multiple occupation, was refused due to standard of accommodation in bedroom four, which was shown on the plans supplied as having a floor area of only 6.9msq. This would have been below the amount of space set out as being the minimum acceptable in the NDSS. Furthermore, it was felt that the room, by being situated on the ground floor, with areas of communal space around some of its walls, would result in harm to the amenity of any future occupant of bedroom four due to noise and disturbance. On that basis it was considered that the room was not suitable for occupation.
- 8.12. Following the refusal, this application was submitted with amended drawings which it was stated corrected errors in the drafting of the plans from the refused scheme. It was also highlighted that the walls between the ground floor bedroom and the areas of communal space are solid brick and therefore the amount of noise and disturbance that would travel through the wall would be minimal.
- 8.13. A further site visit was conducted during which the measurements of the ground floor bedroom were verified as being consistent with the revised plans submitted as part of this application. On that basis, bedroom four would provide 7.5msq, which would meet the standard set out in the guidance of the NDSS. Further assessment of the site was carried out with regard to the degree to which noise transfer between the proposed bedroom and the communal space would occur. As stated by the applicant, the walls around bedroom 4 are solid rather than studwork, and while no noise monitoring equipment was used for quantifiable measures, these walls were observed to minimise noise transfer. Notwithstanding the degree of the noise reduction due to the walls, the bedroom could still experience some harmful impacts

due to noise in the communal spaces due to its proximity to these areas. However, it is noted that the bedroom is separated from the communal space by two doors, and has its own access off the common hallway. Due to these factors, it is not considered that any impacts of noise from the use of the communal space would result in harm to occupants sufficient to warrant refusal in this case.

- 8.14. Based on an assessment of the standard of accommodation provided by the bedrooms, the property would be suitable for up to five people. The area of floorspace and the layout of the communal areas would be sufficient to provide a satisfactory standard of accommodation for up to five people.

Impact on Amenity:

- 8.15. This application is not located in an area that currently has above 10% of properties within 50m of the application site being HMO's. While any additional HMO's have the potential for increasing the cumulative impact of such properties and the harm to amenity with which they are often associated, in this instance the existing numbers of HMO's in the area do not give cause to refuse the application on the grounds of potential amenity impact.

Sustainable Transport:

- 8.16. The property has off street parking for one vehicle and this is considered to be acceptable. The property is within the Coldean Matchday Controlled Parking Zone and it is not considered appropriate to limit access to permits by condition.
- 8.17. No details of cycle parking have been proposed but there is adequate room for secure covered cycle storage to be placed in the front garden of the property. The guidance provided by SPD14 sets out that a minimum of two cycle storage spaces should be provided. These details can be secured by condition.

9. EQUALITIES

None identified.