

<u>No:</u>	BH2019/03209	<u>Ward:</u>	St. Peter's And North Laine Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	55 Centurion Road Brighton BN1 3LN		
<u>Proposal:</u>	Change of use from dwellinghouse (C3) to flexible use as 5no bedroom small house in multiple occupation (C4) or single family dwellinghouse (C3).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	28.10.2019
<u>Con Area:</u>	West Hill	<u>Expiry Date:</u>	23.12.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	30.03.2020
<u>Agent:</u>	Whaleback Ltd Trinity Waterbeach Road Boxgrove Chichester PO18 0NW		
<u>Applicant:</u>	Eraut		

This application was deferred at the last meeting on 4th March. The report has been updated to refer to conservation area impact and other HMOs in the near vicinity.

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	01	-	28 October 2019
Proposed Drawing	02	-	14 February 2020

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 implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no 02, and shall be retained as such thereafter. The layout of the kitchen/dining and living room shall be retained as communal space at all times and shall not be used as bedrooms.

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

4. The HMO unit hereby approved shall only 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.
5. The development hereby permitted shall not be occupied until details of secure cycle parking facilities for the occupants of, and visitors to, the development have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be fully implemented and made available for use prior to the first occupation of the development 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 and SPD14: Parking Standards.
6. The dwellinghouse shall be occupied as either a dwellinghouse (C3) or as a small House in Multiple Occupation (C4) unless otherwise agreed in writing by the Local Planning Authority.
Reason: As this matter is fundamental to the acceptability of the permission hereby approved.

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 relates to an end of terrace three storey (including basement) property located on the western side of Centurion Road. The site is located within the West Hill Conservation Area.
- 2.2 There is an Article Four Direction in place restricting the conversion of single dwelling houses to houses of multiple occupation (C4 or sui generis use class).
- 2.3 This application seeks consent for the change of use from a 4no bedroom dwellinghouse (C3) to flexible use as 5no bedroom small house in multiple occupation (C4) or single family dwellinghouse (C3).

During the course of the application the scheme has been amended from a 6no bedroom small house in multiple occupation (C4) to a 5no bedroom small house in multiple occupation (C4) which includes changing the bedroom at basement level to a living room.

3. RELEVANT HISTORY

None.

4. REPRESENTATIONS

4.1 Eighteen (18) letters of representation have been received objecting to the proposal for the following reasons:

- Noise nuisance and anti-social behaviour
- Concern about increased footfall
- Concern about adequate soundproofing
- Drug related issues
- -Pressure on local amenities
- -Refuse and recycling issues
- -Short lets which don't contribute to the community
- Area needs more family homes
- Create more HMO's
- Inadequate standard of accommodation
- -Destroy the family atmosphere
- Devalue properties
- Traffic and parking issues
- Negative impact on area
- Appears to be a change of use to a hostel or air bnb
- Profit making
- Only certain residents received notification

4.2 One (1) letter has been received from Farrer & Co on behalf of a resident objecting to the proposal for the following reasons:

- Contrary to City Plan Policy CP21
- Noise nuisance
- Substandard quality of accommodation
- Increased on street parking

4.3 Councillor Deane and West object to the proposal, a copy of the letter is attached.

5. CONSULTATIONS

5.1 Transport:

No comment.

5.2 Private Sector Housing:

The HMO licencing standards should be adhered to.

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);
- The East Sussex, South Downs and Brighton & Hove Waste and Minerals Sites Plan (adopted February 2017);
- Shoreham Harbour Joint Action Area Plan (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.

7.0 POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
 CP9 Sustainable transport
 CP15 Heritage
 CP19 Housing mix
 CP21 Student housing and Housing in Multiple Occupation

Brighton & 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
 HE6 Development within or affecting the setting of conservation areas

Supplementary Planning Documents

SPD14 Parking Standards

8. CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relates to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide and transport impacts of the proposal.
- 8.2 When considering whether to grant planning permission for development in a conservation area the council has a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
- 8.3 Case law has held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight".

8.4 Principle of Development:

The application seeks consent for the change of use from a dwellinghouse (C3) to a dwellinghouse or small house in multiple occupation (C3/C4). This would allow the use to change back and forth between C3 and C4 for up to 10 years, (as permitted) under Class V of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Given that the property as existing is already in C3 use and the granting of planning permission for the change of use to a flexible C3/C4 use is considered acceptable (as set out below), a condition has been attached to allow the dwelling to be occupied as either a dwellinghouse (C3) or as a small House in Multiple Occupation (C4).

The site is located within an Article 4 Direction area (effective from 5th April 2013) which removes permitted development rights under Class L (b) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015, to change from a C3 (dwellinghouses) use to a C4 (houses in multiple occupation) use. As a result of the Article 4 Direction planning permission is required for the use of the properties in this location as HMOs.

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:

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 82 neighbouring properties within a 50m radius of the application property; 5 properties have been identified as being in use as a HMO. On this basis the percentage of HMOs within the designated area is thus 6.06%. Based upon this percentage, which is less than 10%, the proposal to change to a HMO would be in accordance with policy CP21.

It is noted that a representation has been received raising concerns in regards to the number of properties within the 50m radius that they consider to be occupied as a C4 Use. Officers have looked into these addresses and the properties have either been included in the mapping exercise or are outside the 50 metre radius. A representation has identified 46 St Nicholas Road identified on the HMO mapping system in November 2019 as a HMO. The current HMO mapping system does not identify this as a C4 Use. Council Tax records show that this property was in a C4 Use up until 30th August 2019, and since this date and up until the present time has been in a C3 Use. Therefore, this property has not been identified within the mapping exercise as a HMO. If however this property was included within the mapping exercise (this would equate to 6 HMO

properties within the 50 metre radius which would equate to 7.3% of HMOs within the designated area) which is still less than 10%.

8.5 Design and Appearance:

No external alterations are proposed and it is also considered that the proposed use would not impact the character or appearance of the West Hill Conservation Area.

Permitted development rights for extensions and alterations are not proposed to be removed as part of this application as the layout is to be secured by condition in the event of an approval meaning that further alterations would require formal planning permission in any event. Further to this the natural constraints of the site mean that major extensions and alterations would not be possible to achieve due to the highway running adjacent and to the rear of the site.

8.6 Standard of Accommodation:

The 'Nationally Described Space Standards' (NDSS) 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 7.5sqm, and a double bedroom should measure at least 11.5sqm.

The changes to the internal layout comprise the following; kitchen/diner and separate living room at basement level, 2no bedrooms and 2no shower rooms at ground floor level and 3no bedrooms and a shower room at first floor level. (The application has been amended since submission by amending the scheme from a 6no bedroom house in multiple occupation to a 5no bedroom house in multiple occupation by changing the bedroom at basement level to a living room to ensure additional communal space for the occupants.)

The bedrooms meet the government's minimum nationally described space standards and with good levels of natural light and outlook to all rooms. The fenestration within the basement receives adequate light and outlook to serve the communal areas.

The communal area, consisting of separate kitchen/ diner and living room, measuring 26.54sqm approximately in total is considered to be sufficient for a 5 person property. The space would be functional with good levels of circulation space, light and outlook and would therefore provide an acceptable standard of accommodation.

If however the communal space was converted to a bedroom in the future, this would restrict the level of shared space available to occupants. Therefore, a condition is recommended restricting the use of the communal areas to ensure that alterations to the layout are not made at a later date that reduces the

amount of communal space provided for the occupiers. Given the single nature (small size) of the bedrooms proposed a condition has also been recommended restricting the overall property to 5 people.

The accommodation proposed is considered acceptable, in accordance with policy QD27 of the Brighton and Hove Local Plan.

8.7 Impact on Amenity:

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.

The proposed change of use from a C3 dwellinghouse to a five bedroom C4 HMO would result in a more intensive use of the property however it is not considered that the proposal would cause noise/disturbance to neighbouring properties beyond the existing C3 use sufficient to warrant refusal of the application.

Policy CP21 of the Brighton and Hove City Plan Part One supports the change of use of dwellings (Use Class C3) to a small HMO use (C4), provided that there is not an excessive proportion of neighbouring dwellings in HMO use (over 10% within a 50 metre radius). The application accords with policy CP21 in this regard and any increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm to neighbouring amenity.

8.8 Sustainable Transport:

The proposed development would not result in a significant increase in trip generation and any impact on the highway would be considered to be minimal.

The application site is located within a Controlled Parking Zone (CPZ) and therefore there could be concern with regards the localised impact from overspill parking on the highway network and the availability of car parking spaces in the surrounding Controlled Parking Zone. According to the City Council's data for this site's CPZ (Y) from January to September 2018, there has been 98% uptake of parking permits. The Highway Authority may have concern if uptake of parking permits within a site's CPZ is above an average of 80%. The higher percentage of 98% does suggest that there is a much greater possibility of parking difficulty occurring in the area. However, given that the scheme relates to an existing C3 use to change to a flexible C3/C4 use, it is not considered necessary to impose a condition to restrict parking permits as the proposal would not materially alter the existing situation.

No cycle parking is proposed and there does appear to be opportunities for this on site; this will be secured via condition.

8.9 Other Matters:

It is noted that concerns have been raised regarding neighbour consultations. These matters have been investigated and it is confirmed that these neighbours were notified as part of the consultation process.

- 9. EQUALITIES**
- 9.1 None identified.