

<u>No:</u>	BH2019/02564	<u>Ward:</u>	Moulsecomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	52 Stonecross Road Brighton BN2 4PQ		
<u>Proposal:</u>	Change of use from 2no bedroom residential dwelling (C3) to 4no bedroom small house in multiple occupation (C4) with associated external alterations. (Retrospective).		
<u>Officer:</u>	Joanne Doyle, tel: 292198	<u>Valid Date:</u>	28.08.2019
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	23.10.2019
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	Darby Architectural Ltd	5 Derek Road	Lancing West Sussex BN15 0NU
<u>Applicant:</u>	J P Bryant Rentals Ltd	C/O Darby Architectural Ltd	5 Derek Road Lancing West Sussex BN15 0NU

Councillor yates has requested this application is determined by the Planning Committee.

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
Proposed Drawing	P.01		28 August 2019

2. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans, drawing no. P.01 and shall be retained as such thereafter. The layout of the kitchen/dining/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.
3. The HMO unit hereby approved shall only be occupied by a maximum of four (4) 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 external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.
Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

5. Within 2 months of the date of this permission hereby approved 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. Within 2 months of the date of this permission hereby approved refuse and recycling storage facilities shall have been installed to the side of the building and made available for use. These facilities shall thereafter be retained for use at all times.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with policy QD27 of the Brighton & Hove Local Plan, policy CP8 of the Brighton & Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals 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 an existing semi-detached dwelling house on the south east of Stonecross Road on the corner with Moulsecoomb Way.

 - 2.2 The site lies within Moulsecoomb & Bevendean Ward which is one of the five electoral wards in Brighton to which an Article 4 Direction applies. The Article 4 Direction, introduced by the Council on 5th April 2013, removes the permitted development rights of C3 dwellinghouses to change to C4 small HMOs.

 - 2.3 Planning permission is sought for the change of use of a two bedroom dwellinghouse (C3) to a small house in multiple occupation (C4) for four (4) occupiers. External alterations are proposed for the rear elevation.

- 2.4 A site visit has identified the property as being in HMO use and therefore the application description has been amended to retrospective. The external works have been undertaken.

3. RELEVANT HISTORY

None.

4. REPRESENTATIONS

- 4.1 **Councillor Yates and Councillor Grimshaw** object to the proposal. A copy of the letters are attached to this report.

5. CONSULTATIONS

5.1 Private Sector Housing: Comment

1. The applicant will need to apply for a HMO licence should the application be approved.
2. The applicant should refer to our HMO standards for guidance:
<https://www.brightonhove.gov.uk/sites/brighton-hove.gov.uk/files/HMO%20Standards%20online%20version%2031.1.18.pdf>

5.2 Planning Policy: No Comment

5.3 Sustainable Transport: No Comment

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 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. POLICIES

The National Planning Policy Framework (NPPF)

Brighton & Hove City Plan Part One

SS1 Presumption in Favour of Sustainable Development
CP9 Sustainable transport
CP12 Urban Design
CP21 Student housing and Housing in Multiple Occupation

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

TR7 Safe Development
SU9 Pollution and nuisance control
SU10 Noise Nuisance
QD14 Extensions and alterations
QD27 Protection of amenity
HO5 Provision of private amenity space in residential development
HO13 Accessible housing and lifetime homes

Supplementary Planning Guidance:

SPD14 Parking Standards

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations

8. CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to the principle of the change of use including the impact on the surrounding area, standard of accommodation, the impact on neighbouring amenity, and transport issues.

8.2 Principle of Development :

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 no HMO properties within a 50m radius of the application site. Therefore the proposal to change of use would be in accordance with policy CP21. The development is not considered to result in a concentration of HMO use in the immediate area.

In regard to meeting the Council's housing targets, this application does not result in a net gain or loss in residential units. There remains the need to provide

a range of housing types for our communities as identified by development plan policies.

8.3 Standard of Accommodation

In regard to the standard of accommodation proposed, 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.

Whilst the Local Planning Authority does not have adopted space standards, for comparative purposes the Government's Technical Housing Standards - National Described Space Standards March 2015 document states that "in order to provide one bed space, a single bedroom has a floor area of at least 7.5m² and is at least 2.15m wide". The minimum floor space requires a head height of above 1.5m.

The proposed layout shows that all 4 of the proposed single bedrooms would be over the suggested 7.5m² Gross Internal Area. The ground floor bedroom would be 8.5m², the first floor bedrooms would be 8.4m², 8.9m², and 9.0m². All bedrooms are served with good natural light, and outlook and are of a functional shape which would allow for the occupants necessary furniture.

The kitchen/dining space provides 17m² of communal space and the indicative layout shows adequate kitchen space and a siting area. Access to the garden is from this space. No separate living room is proposed and such spaces are important to allow for relaxation / socialising away from the kitchen area. However the shape and layout of the kitchen dining area does lend itself to a cooking and food preparation in one side of the room and siting area in the other. This is depicted on the plans. On balance therefore, it is considered that amenity layout is acceptable.

The proposed arrangement will provide two shower rooms with WCs between the 4 occupiers.

No refuse or recycling facilities are identified but there would be ample space on site for these facilities, including within the existing side passageway.

Overall the size, layout and amenity space of the property is considered suitable for a small HMO of up to 4 occupiers. Given the amenity space, and given that the bedrooms are single occupancy a condition to restrict the occupancy to 4 is required as is a condition to control the floor plan layout.

8.4 Design and Appearance:

The proposal includes the removal of an existing window on rear elevation which will be replaced by door. This would provide access from the kitchen/living space to the rear garden.

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.

8.5 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.

Four single-occupancy bedrooms are proposed where the existing C3 house only has 2 bedrooms. There would therefore be a small increase in the amount of activity associated with the change of use, but not to a significant level compared to the existing use.

It is acknowledged that the change in the occupancy from a single dwelling to HMO occupation may result likely change to the demographic residing at the property, but within the mix of dwelling types in the area a small HMO use would not be incongruous, nor as compliance with policy CP21 has indicated, would it result in an overconcentration of this use.

8.6 Sustainable Transport:

A small uplift in the number of trips could be expected as a result of the proposals. However, it is not considered that this would be substantial or amount to a severe impact upon surrounding highway and transport networks.

Cycle parking has not been proposed and the site does benefit from space to provide this and therefore a condition will be attached requiring details of this to be submitted for approval.

9. EQUALITIES

9.1 None identified.