

PLANNING COMMITTEE LIST – 14TH SEPTEMBER 2016

<u>No:</u>	BH2016/01847	<u>Ward:</u>	MOULSECOOMB & BEVENDEAN
<u>App Type:</u>	Full Planning		
<u>Address:</u>	51 Plymouth Avenue Brighton		
<u>Proposal:</u>	Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Chris Swain Tel 292178	<u>Valid Date:</u>	20/05/2016
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	15 July 2016
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Lewis and Co Planning SE Ltd, Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Mr George Birtwell, C/o Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

Councillor Yates has requested this application is determined by Planning Committee.

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 site relates to a two storey semi-detached property on the south western side of Plymouth Avenue.

3 RELEVANT HISTORY

- 3.1 None relevant.

4 THE APPLICATION

- 4.1 Planning permission is sought for the change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4). Planning permission is required because of the Article 4 Direction in this ward

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours: Twenty eight (28)** letters of representation have been received from **6, 10, 12, 20 (x2) 22, 34, 36, 40, 42, 45, 47, 49, 50, 52, 53, 54, 55, 61, 80 Plymouth Avenue, 10A, 12 Auckland Drive, 17 Durham Close, 15 Dartmouth Crescent, 17 Ashcroft, 27 Downsway, one unspecified address**

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and the **Bevendean Local Action Team** objecting to the application for the following reasons:

- Already student properties at No.2 Auckland Drive, the former surgery on Auckland Drive and 26 Plymouth Avenue,
- Additional parking stress,
- Pavements are blocked by vehicles preventing the movement of wheelchairs,
- The area is being to appear run down with large numbers of absent landlords,
- Additional refuse concerns,
- The increase in student properties is pricing out families,
- The local school is receiving less pupils and may end up closing in the future,
- The heart of the community is being destroyed,
- Increased noise and disturbance,
- Local nursery is now shut for half of the week due to a lack of numbers,
- Additional parking would increase problems with HGV's and buses finding it difficult to pass and result in highway safety problems,
- The decline of this peaceful and beautiful area is linked to the increase in student properties,
- Reduced use of facilities such as parks, playgroups and youth centres and there are concerns that these will be cut,
- Lower Bevendean is already a deprived area, increasing the student population will not help the situation,
- There are a number of illegal student houses in the local area,
- Families are being driven out,
- Increased HMO's is resulting in a serious lack of affordable family housing,
- Application purely for financial gain by greedy landlords at the expense of the community,
- Community facilities, such as the doctors surgery are closing due to increased HMO's,
- B&HCC are prioritising student housing over family homes,
- The LPA should look at a wider area when determining the density of HMO properties within an area,
- Family homes are being lost to a transient community with no long term investment in the structure of the community,
- Insufficient infrastructure and amenities in Bevendean for the increased population,
- Students are better suited to new and proposed developments in the Lewes Road area,
- There are a high number of other HMO applications sited in the immediate vicinity which will increase

5.2 **Cllr Daniel Yates** objects to the proposal. Representation attached.

Internal:

5.3 **Sustainable Transport:** Comment

Trip Generation

The proposals may result in a slight uplift in trips; however, it is not considered that this will have an adverse impact upon surrounding highway and transportation networks in this instance.

5.4 Car Parking

No parking is proposed; however, it is not considered that likely levels of additional on-street parking demand resulting from the proposals could be deemed to amount to a severe impact on the highway in this location and as such refusal would not be warranted on highways and transportation grounds under the National Planning Policy Framework (NPPF).

5.5 Cycle Parking

A secure and accessible cycle store for two bicycles will be provided at the rear of the site which is considered acceptable for this size and type of development. It is recommended that the necessary condition be attached to secure implementation.

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 (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 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) is a material consideration.

6.4 Due weight should be given to the relevant retained policies in the Brighton & Hove Local Plan 2005 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
- CP8 Sustainable buildings

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- CP9 Sustainable transport
- CP19 Housing mix
- CP21 Student housing and Housing in Multiple Occupation

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

- TR4 Travel plans
- TR7 Safe Development
- TR14 Cycle access and parking
- SU10 Noise Nuisance
- 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 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 The proposed development is a change of use from a C3 dwelling to a use which would allow occupation of the property as a C4 HMO providing accommodation for up to 6 unrelated individuals who share basic amenities including a kitchen and bathrooms.
- 8.3 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.'*

- 8.4 A mapping exercise has taken place which indicates that there are 25 neighbouring properties within a 50m radius of the application property. One other property has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 4%.
- 8.5 A number of local residents have made representations stating that No.26 Plymouth Avenue is an HMO use. The council is investigating the lawful use of this property. Notwithstanding the above, if 26 Plymouth Avenue were in such a

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use whilst the percentage of HMO's would increase to 8% it would still be below the 10% threshold and therefore would still comply with policy CP21.

- 8.6 Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.

Standard of accommodation:

- 8.7 The layout is unchanged from existing and provides a kitchen, living room, utility room and WC at ground floor level and three bedrooms and a bathroom at first floor level. The two rear bedrooms are considered to be of a reasonable size with good levels of natural light and outlook. Whilst the front bedroom is much smaller in size the communal areas are generous in size with good circulation space and overall the layout is considered to provide an acceptable standard of accommodation. There are concerns that the ground floor rooms could be converted to bedrooms thereby severely restricting the communal space within the dwelling to the detriment of occupiers. To overcome this, a condition is attached requiring the living room, kitchen and utility room to be retained as communal space to ensure a satisfactory standard of accommodation is maintained.

Impact on Amenity:

- 8.8 Whilst the development could result in additional persons residing within the property it is not considered that any increased impact to adjoining occupiers in regards to noise and disturbance would be of a magnitude which would warrant the refusal of planning permission.

Transport:

- 8.9 The proposed change of use would not result in a significant increase in on-street parking pressure or uplift in trip generation. Whilst the applicant has not proposed secure, covered cycle parking there appears to be sufficient space on site and as such suitable provision is sought via condition.

9 CONCLUSION

- 9.1 The change of use is considered to be acceptable in principle in this location and accords with the Council's emerging policy on HMO's. The development does not result in significant harm to neighbouring amenity and would not create a harmful demand for travel.

10 EQUALITIES

- 10.1 None identified.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

Regulatory Conditions:

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

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Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.

- 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
Site location plan, block plan and existing and proposed plans	1502/01	-	20 May 2016
Existing and proposed plans	1502/CU01	-	20 May 2016

- 2) 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.

- 3) The ground floor layout comprising of the living room, kitchen and utility room as detailed on drawing no.1502/CU01 received on 20 May 2016 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. 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 change of use is considered to be acceptable in principle in this location and accords with the Council's emerging policy on HMO's. The development does not result in significant harm to neighbouring amenity and would not create a harmful demand for travel.