

ITEM C

51 Barnett Road, Brighton

BH2014/03354
Full planning

18 FEBRUARY 2015

BH2014/03354 51 Barnett Road, Brighton.



**Brighton & Hove
City Council**



Scale: 1:1,250

<u>No:</u>	BH2014/03354	<u>Ward:</u>	HOLLINGDEAN & STANMER
<u>App Type:</u>	Full Planning		
<u>Address:</u>	51 Barnett Road Brighton		
<u>Proposal:</u>	Change of use from three bedroom single dwelling (C3) to four bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Christopher Wright Tel 292097	<u>Valid Date:</u>	18 November 2014
<u>Con Area:</u>		<u>Expiry Date:</u>	13 January 2015
<u>Listed Building Grade:</u>			
Agent:	N/A		
Applicant:	Mr Lee Bolingbroke, 2 Withdean Close Brighton BN1 5BN		

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 application site is occupied by a two storey mid-terrace dwellinghouse situated on the western side of Barnett Road. The street is characterised by similar terrace properties arranged on a clear building line. The property is not Listed and it is not located in a Conservation Area.

3 RELEVANT HISTORY

- 3.1 There is no relevant planning history.

4 THE APPLICATION

- 4.1 The application seeks planning permission for a proposed change of use from dwellinghouse (C3) to a small House in Multiple Occupation (C4). Planning permission is required because the site is located in a ward where an Article 4 Direction applies, restricting the usually permitted change of use between Classes C3 and C4.

5 PUBLICITY & CONSULTATIONS

External:

5.1 Neighbours:

Two (2) letters of representation have been received from the occupiers of **51 and 53 Barnett Road**, objecting to the application for the following reasons:-

- Noisy student house
- Student ghetto
- Current occupier would not have moved in had they known it would be a short term tenancy.
- No protection from landlords and unregulated letting agents
- Financial gain.
- Devoid of social responsibility.

5.2 **Councillor Sven Rufus:** Objects to the proposal. Letter Attached.

5.3 **Councillor Bill Randall:** Objects to the proposal. Letter Attached.

5.4 **Councillor Jeane Lepper:** Objects to the proposal. Letter Attached.

Internal:

5.5 **Private Sector Housing:** No objection

An HMO Licence has been granted for the property.

5.6 **Sustainable Transport:** No objection

The proposals could increase the total number of trips associated with this development as more people may live within a house in multiple occupation. However, the development is not considered to cause a negative highway impact or warrant a refusal of planning permission.

5.7 The applicant is not proposing any on-site car parking spaces, which is the same as the existing arrangement. Given the location and the potential overspill car parking the proposed car parking levels are deemed acceptable.

5.8 Parking Standards SPGBH4 requires a minimum of 1 cycle parking space per 3 bed sits for a house of multiple occupation. Further details of cycle parking should be secured by condition.

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 Local Plan 2005 (saved policies post 2007);
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan (Adopted February 2013);
- East Sussex and Brighton & Hove Minerals Local Plan (November 1999); Saved policies 3,4,32 and 36 – all outside of Brighton & Hove;
- 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 relevant policies in the development plan according to their degree of consistency with the NPPF.
- 6.5 The Brighton & Hove City Plan Part One (submission document) is an emerging development plan. The NPPF advises that weight may be given to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies to the policies in the NPPF.
- 6.6 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 Local Plan:

TR1 Development and the demand for travel
TR14 Cycle access and parking
TR19 Parking standards
QD27 Protection of Amenity

Supplementary Planning Guidance:

SPGBH4 Parking Standards

Brighton & Hove City Plan Part One (submission document)

SS1 Presumption in Favour of Sustainable Development
CP21 Student Accommodation and Houses in Multiple Occupation

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to the principle of development; impact on neighbour amenity; and the impact on sustainable transport.
- 8.2 **Principle of development:**
Policy CP21 of the City Plan Part One is at an advanced stage of adoption and can be given significant weight in determining the application. Policy CP21 (ii) 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 or to a *Sui Generis* House in Multiple Occupation use (more than six people sharing) will not be permitted where:
- More than 10% of residences 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.

- 8.3 There are 46 properties within a radius of 50 metres from the application site. Of these, two are in use as Houses in Multiple Occupation. This equates to 4.5%. The proposed change of use at 51 Barnett Road, the application site, would raise the level to 6.5%. As such the proposed change of use falls below the 10% threshold set out in policy CP21 and is considered acceptable in principle.
- 8.4 The letters of representation received from neighbours and Councillors are noted and have been taken into consideration. However, the evidence available to the Local Planning Authority indicates that within a radius of 50 metres from the application site there is not an excessive amount of properties being used as HMOs.
- 8.5 **Impact on neighbour 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.
- 8.6 The change of use from a 3-bedroom house to a small HMO under Use Class C4 (3 to 6 unrelated persons living together) would not, in view of the small number of other HMOs within a 50 metre radius of the site, give rise to an unacceptable impact on neighbour amenity.
- 8.7 There is no certainty that an HMO use will automatically lead to excessive noise, or other amenity issues such as extra litter. Should noise become an issue in future, as with any residential properties including single dwellings, powers under Environmental Health legislation can be invoked to investigate cases of potential noise nuisance.
- 8.8 **Sustainable Transport:**
Policies TR1 and TR19 of the Local Plan require development to provide for the transport demand generated in accordance with the maximum car parking and minimum cycle parking standards set out in SPGBH4: Car Parking. Cycle parking should be secure, convenient to use, and sheltered, in line with policy TR14 of the Local Plan.
- 8.9 The maximum car parking level that could be provided within the site as a dwelling would be one parking space, whereas a maximum of one car parking space could be provided for every 2 rooms in an HMO. In this case 4 rooms are proposed, so the maximum parking provision that could be accepted is 2 spaces. However, the property is a mid-terrace dwelling with a shallow front garden at a lower level to the street and the provision of off-street car parking would not be practicable due to these site constraints. On-street parking is free and is not controlled by permit. The absence of any off-street car parking is compliant with SPGBH4 and as on street car parking is not controlled by permit, the development cannot be made car-free. The Sustainable Transport team does not raise an objection and considers that the additional trips to and from the site would not be detrimental to the operation of the highway or highway safety.

- 8.10 In line with SPGBH4 the development should provide a minimum of 1 off-street cycle parking space. The applicant has not submitted any details of cycle parking, but there is space in front of the property to provide it. As such it is considered appropriate to impose a condition requiring further details of cycle parking, which should ideally comprise a Sheffield stand so that both frame and wheels of bicycles can be secured.

9 CONCLUSION

- 9.1 The proposed change of use is acceptable in principle and would not have a significant adverse impact on neighbour amenity or sustainable transport. For the reason outlined the application is recommended for approval.

10 EQUALITIES

- 10.1 The entrance to the property is lower than street level.

11 PLANNING OBLIGATION / CONDITIONS / INFORMATIVES

11.1 Regulatory Conditions:

1. 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.
2. 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 Plan			18 Nov 2014
Existing and Proposed Floor Plans	477/01		18 Nov 2014

3. The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted 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.

11.2 Informatives:

1. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the

PLANNING COMMITTEE LIST- 18 FEBRUARY 2015

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 proposed change of use is acceptable in principle and would not have a significant adverse impact on neighbour amenity or sustainable transport.

From: Sven Rufus
Sent: 11 December 2014 11:15
To: Christopher Wright
Subject: Re Planning application number BH2014/03354 - 51 Barnett Road

Dear Christopher

I am writing to lodge my objection to the above planning application for conversion of a three bedroom house for use as an HMO. Barnett Road in particular, and this area of Hollingdean more generally already has many HMO's and is constantly under pressure from landlords seeking to convert more houses in this way. This is an issue of great concern to me and the residents of the area due to the impact that the use of housing in this way has on neighbours and the wider community. I feel that the Article 4 directive should be used to prevent this property being converted in this way.

Yours sincerely

Cllr Sven Rufus
Hollingdean and Stanmer

Planning application BH201/03354

51 Barnett Road BN1 7GJ

I am formally objecting to this application to convert this family home (51 Barnett Road) into an HMO. As you will see from the HMO mapping there are already several HMOs in the road, and I feel that Article 4 should be used to stop the increase of HMOs in Bennett Road before it becomes saturated with HMOs like Bernard Road and other roads in my own ward.

I have to declare a personal interest: the tenant is my son Luke Randall. However, I would take this action who ever the tenant was in my role as Chair of Housing.

Luke Randall explained the cynical behaviour of the landlord and letting agent. Leaving that aside, I believe we should use planning powers to preserve the domestic nature of this neighbourhood before it becomes yet another scruffy dormitory for the universities with the loss of much-needed family homes.

Cllr Bill Randall

Chair of Housing Brighton and Hove City Council

Christopher Wright
Planning Officer
Brighton and Hove City Council
Hove Town Hall
Norton Road
Hove

**Planning Application BH 2014 03354 51 Barnett Road, Brighton
Change of use from (C3) 3 bedroom house single dwelling house
to (C4) 4 bedroom small house in multiple occupation.**

I am writing to ask the Planning Committee to consider whether or not there are grounds to reject this planning application.

Members will be aware that Hollingdean and Stanmer Ward is one of those areas where, because of the increasing number of HMOs, the Council has introduced licensing for smaller HMOs such as this. Hollingdean is just one part of the Ward where residents frequently express concerns to me about the loss of single dwelling houses as they are converted to HMOs.

Numbers 53 and 58 Barnett Road are already registered as HMOs and some residents have expressed concerns to me about the advisability of allowing another HMO so close to those which are already there.

I would ask members of the Committee to consider what powers they have to reject this application and would like to attend the Committee meeting when the application is considered.

Yours sincerely,
Councillor Jeane Lepper

**Labour and Co-operative
Hollingdean and Stanmer
Brighton and Hove City Council**

