

<b><u>No:</u></b>	<b>BH2017/00690</b>	<b><u>Ward:</u></b>	<b>Moulsecoomb And Bevendean Ward</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>92 Southall Avenue Brighton BN2 4BB</b>		
<b><u>Proposal:</u></b>	<b>Change of use from a three bedroom single dwelling (C3) to a four bedroom small house in multiple occupation (C4).</b>		
<b><u>Officer:</u></b>	Helen Hobbs, tel: 293335	<b><u>Valid Date:</u></b>	28.02.2017
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	25.04.2017
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Dowsett Mayhew Planning Partnership Anthony Foster Dowsett Mayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		
<b><u>Applicant:</u></b>	Terry Mole C/O Agent Anthony Foster Dowsett Mayhew Planning Partnership 63A Ship Street Brighton BN1 1AE		

## 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Floor Plans/elevations/sect proposed	P.01		28 February 2017
Existing Floor Plans and Elevations	01		28 February 2017

- 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 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.

- 4 The development hereby approved shall be implemented in accordance with the proposed layout detailed on drawing no. P.01 received on 28 February 2017 and shall be retained as such thereafter. The ground floor rooms annotated as living room and kitchen as set out on drawing no. P.01 shall be retained as communal space and none of these rooms shall be used as bedrooms at any time.

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

5. No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and 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. SITE LOCATION & APPLICATION DESCRIPTION**

- 2.1 The application relates to a two storey semi-detached property on the east side of Southall Avenue.
- 2.2 The application seeks consent for the change of use from a three bedroom single dwelling (C4) to a four bedroom small house in multiple occupation (C4).

**3. RELEVANT HISTORY**

- 3.1 None.

**4. REPRESENTATIONS**

- 4.1 Ten (10) letters have been received objecting to the proposed development for the following reasons:
  - There is already more than 10% of properties in use as a HMO within the area
  - Increase in rubbish
  - Width of pavement for larger refuse bins

- Anti-social behaviour
- Noise and disturbance
- Increase in parking

4.2 Councillor Meadows Objects to the application (comments attached).

4.3 Councillor Yates objects to the application (comments attached).

4.4 Councillor Marsh objects to the application (comments attached).

## 5. CONSULTATIONS

### 5.1 Sustainable Transport: Comment

Recommended approval as the Highway Authority has no objections subject to inclusion of the necessary condition.

## 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 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 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

CP14 Housing density

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  
HO5 Provision of private amenity space in residential development  
HO8 Retaining housing  
QD27 Protection of amenity

Supplementary Planning Documents:

SPD12 Design Guide for Extensions and Alterations  
SPD14 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, transport issues and the impact upon the character and appearance of the property and the surrounding area.
- 8.2 Principle of development:  
The 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 4 unrelated individuals (in this case 4 bedspaces) who share basic amenities.
- 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:
- 8.4 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.'
- 8.5 A mapping exercise has taken place which indicates that there are 38 neighbouring residential properties within a 50m radius of the application property. Three (3) of these neighbouring properties 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 7.89%, which is less than 10%. The proposal to change to a C4 HMO would be in accordance with policy CP21.
- 8.6 Standard of accommodation:  
The layout provides kitchen/dining/living room and one bedroom to the ground floor, three bedrooms to the first floor.
- 8.7 Ground floor bedroom measures: 9.2m<sup>2</sup>.  
First floor bedrooms measure: 12.5m<sup>2</sup>, 8.5m<sup>2</sup> and 7.5m<sup>2</sup>

- 8.8 All four bedrooms meet the minimum space standards for a single bedroom as established in the Nationally Described Space Standards provided by the Department for Communities and Local Government which states that a single bedroom should have a floor area measuring at least 7.5m<sup>2</sup>. The bedrooms are therefore all considered to be of adequate size with good circulation space and levels of natural light and outlook.
- 8.9 The communal living space would be the ground floor kitchen/dining/living room (28.5m<sup>2</sup>). This is considered an adequate provision. The HMO would also have access to the rear garden which would provide some additional amenity space.
- 8.10 Impact on Amenity:  
The occupancy would be restricted to 4 unrelated persons residing within the property. It is therefore 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.
- 8.11 The overall percentage of HMO's within a 50m radius is 7.89 percent which is within the 10% limit specified within policy CP21. As such, the cumulative impact of the proposed HMO on the area is not considered to cause harm to local amenity.
- 8.12 Sustainable Transport:  
One off-street parking space is provided which is in accordance with the maximum of 0.25 per bedroom permitted for Houses in Multiple Occupation (HMO) by SPD14. Although there is potential for additional parking on-street, it is not considered that this would be of a level that could be deemed to amount to a severe impact and therefore not warrant refusal on transport grounds under the National Planning Policy Framework.
- 8.13 SPD14 requires a minimum of two cycle parking spaces for this HMO. A shed is provided in the rear garden which could serve this purpose and is considered acceptable for a single private residential dwelling. It is recommended that this be secured by condition.

## **9. EQUALITIES**

- 9.1 None identified.

