

<u>No:</u>	BH2018/00095	<u>Ward:</u>	Moulsecoomb And Bevendean Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	166 Heath Hill Avenue Brighton BN2 4LS		
<u>Proposal:</u>	Change of use from dwelling house (C3) to six bedroom small house in multiple occupation (C4) incorporating conversion of garage into habitable space.		
<u>Officer:</u>	Molly McLean, tel: 292097	<u>Valid Date:</u>	11.01.2018
<u>Con Area:</u>		<u>Expiry Date:</u>	08.03.2018
<u>Listed Building Grade:</u>		<u>EOT:</u>	
<u>Agent:</u>	Lewis And Co Planning SE Ltd 2 Port Hall Road Brighton BN1 5PD		
<u>Applicant:</u>	Rivers Birtwell C/o Lewis & Co Planning 2 Port Hall Road Brighton BN1 5PD		

Councillor Yates has requested that this application is determined at 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
Location Plan	01		11 January 2018
Floor plans and elevations proposed	COU.01		11 January 2018
Detail	SOUNDPROOF WALL INSULATION		11 January 2018

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. COU.01

received on 11th January 2018, 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 to comply with policy QD27 of the Brighton & Hove Local Plan.

4. The development hereby approved shall only be occupied by a maximum of six 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. No extension, enlargement, alteration or provision within the curtilage 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.

6. 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.

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 terraced property situated in the Moulsecoomb and Bevendean ward. The application proposes a change of use from three bedroom dwellinghouse (use class C3) to six bedroom small House in Multiple Occupation (HMO) (use class C4) including the conversion of the existing side garage into habitable space with associated alterations.

2.2 The application site is located in the Moulsecoomb and Bevendean ward, for which there is an Article 4 direction which restricts permitted development rights for the change of use from a single dwellinghouse (C3) to a small HMO (C4). Planning permission is therefore required for the change of use to a six bedroom HMO.

3. RELEVANT HISTORY

None relevant.

4. REPRESENTATIONS

4.1 **Nine (9)** letters have been received objecting to the application for the following reasons:

- The change of use will further decrease the number of family homes in the area, causing imbalance to the community and a decline in local services
- The area is already overrun by students
- HMOs result in neglected garden areas and rubbish everywhere
- Loss of privacy
- Noise disturbance
- Building works will be disruptive
- Increased traffic
- The proposal may result in closure of the local school and a loss of jobs
- There is a more pressing need for affordable family homes, not student lets

4.2 **One (1)** letter has been received commenting on the application as follows:

- Permission has not yet been approved but extensive building work has commenced on the property, including the removal of internal walls and roof

4.3 **Councillor Meadows** objects to the application. A copy of the representation is attached to the report.

4.4 **Councillor Yates** objects to the application. A copy of the representation is attached to the report.

5. CONSULTATIONS

None received.

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

6.3 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.

6.4 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

CP21 Student housing and Housing in Multiple Occupation

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

TR7 Safe Development

TR14 Cycle access and parking

SU9 Pollution and nuisance control

SU10 Noise Nuisance

QD14 Extensions and alterations

QD27 Protection of amenity

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, 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 The application relates to a two-storey semi-detached property on Heath Hill Avenue, situated in the Moulsecomb and Bevendean ward. Planning permission is sought for the change of use of the property from a single dwellinghouse (use class C3) to a small House in Multiple Occupation (use class C4). Permission is also sought for the conversion of the existing side garage into habitable space.

8.3 **Principle of development:**

Policy CP21 of the Brighton and Hove City Plan Part One 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 been carried out showing that 0% of properties within a 50m radius of the application site are in use as a HMO. The application therefore complies with Policy CP21 of the Brighton & Hove City Plan.

8.5 Standard of accommodation:

The proposed ground floor layout would consist of a communal kitchen/dining/living area and two bedrooms. The first floor layout would feature four single bedrooms. There is a garden to the rear of the site.

As demonstrated in the proposed floor plans, the floorspace of each bedroom is as follows:

Bedroom 1: 7.5m²

Bedroom 2: 15m²

Bedroom 3: 7.5m²

Bedroom 4: 7.5m²

Bedroom 5: 7.5m²

Bedroom 6: 7.5m²

The Local Planning Authority does not have an adopted policy on minimum room sizes, however the space standard as set out in Government's 'Nationally Described Space Standards' do provide a reasonable indication of minimum floor areas for single and double bedrooms. This document states that a single bedroom providing one bedspace should have a floor area of at least 7.5m² and a double bedroom providing two bedspaces should have a floor area of at least 11.5m². As proposed, all of the bedrooms meet the standard for single bedrooms.

Each bedroom would receive good levels of natural light and would provide adequate outlook for occupants. The communal kitchen/dining/living area would have a floor area of 23m² and would provide sufficient space for cooking, dining and socialising for six occupants. The rear garden area would provide suitable private amenity space. It is considered necessary to restrict the number of occupants so that the impact of an additional number of occupants can be assessed by the Local Planning Authority. Retention of the kitchen/dining/living area as communal space is secured by condition.

Overall the property meets the necessary standards required to demonstrate an adequate standard of accommodation for six occupants, in accordance with Policy QD27 of the Brighton & Hove Local Plan. A condition is recommended restricting the occupants of the property to a maximum of six.

8.6 Impact on neighbouring amenity:

It is acknowledged that the change of use of the property to a six bedroom HMO would inevitably increase comings and goings from the plot. In this instance however, it is considered that the increased occupation to six individuals is unlikely to significantly increase noise nuisance to an extent that would warrant refusal of the application. Occupancy of the property by a maximum of six people is secured by condition.

There are no other properties in use as a HMO within a 50m radius, therefore a mixed and balanced community would be retained.

8.7 External works:

The application would involve the conversion of the side garage into habitable space, with the introduction of two windows on the front and rear elevations. The resultant appearance would have an acceptable impact on the host property and wider street scene, in accordance with Policy QD14 of the Brighton & Hove Local Plan.

8.8 Sustainable transport:

The proposed change of use would not result in an increase in trip generation to warrant refusal of the application. Whilst there is the potential for a small level of additional demand to arise on-street as a result of the development, it is not considered that this would be of a level which could be deemed to amount to a 'severe' impact and therefore warrant refusal on these grounds under the National Planning Policy Framework.

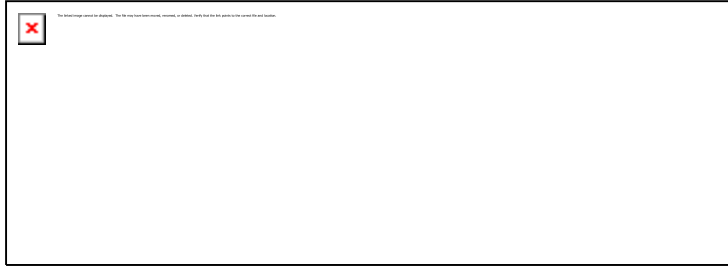
In order to comply with Policy TR14 of the Brighton & Hove Local Plan, the provision of secure cycle parking facilities is sought via condition.

8.9 Other Issues

This application has been considered under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations) for its potential impacts on the Natura 2000 (European) sites. A pre-screening exercise has been undertaken which has concluded that there is no potential for in-combination "likely significant effects" on European sites and therefore it is not necessary to carry out further appropriate assessment under the Habitats Regulations.

9.0 EQUALITIES

None identified.



Signature of Reviewing Officer:

Dated:

