

<b><u>No:</u></b>	<b>BH2018/02532</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>95 Heath Hill Avenue Brighton BN2 4FH</b>		
<b><u>Proposal:</u></b>	<b>Change of use from single dwelling (C3) to six bedroom small house in multiple occupation (C4).</b>		
<b><u>Officer:</u></b>	James Kidger, tel: 292106	<b><u>Valid Date:</u></b>	13.08.2018
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	08.10.2018
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>EOT:</u></b>	
<b><u>Agent:</u></b>	Lewis And Co Planning SE Ltd Road Brighton BN1 5PD	Lewis & Co Planning	2 Port Hall Road Brighton BN1 5PD
<b><u>Applicant:</u></b>	Elandus 1 BN1 5PD	C/O Lewis & Co Planning	2 Port Hall Road Brighton BN1 5PD

Councillor Daniel 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.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Proposed Drawing	COU.01.A		22 October 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 permitted shall not be brought into use 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 use 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.

4. The development hereby permitted shall not be brought into use until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first use of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

**Reason:** To ensure the provision of satisfactory facilities for the storage of refuse 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.

5. The development hereby approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplan received on 22nd October 2018 and shall be retained as such thereafter. The rooms annotated as living room and kitchen/dining shall be retained as communal space and shall not be used as bedrooms at any time. The bedrooms shown shall be retained in the form shown on the plans and not subdivided.

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

6. No extension, enlargement or other alteration of the dwellinghouse or provision of buildings etc. incidental to the enjoyment of the dwellinghouse 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 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. Planning permission is sought to change the use of the property from a single dwellinghouse (use class C3) to a six bedroom small house in multiple

occupation (C4). Planning permission is required because the permitted development right for a change of use of this nature has been removed by way of an Article 4 Direction.

- 2.2. The site is on the north side of Heath Hill Avenue near to its westerly junction with Auckland Drive. It is one of a pair of semi-detached dwellings and similar such structures front the road on both sides.

### **3. RELEVANT HISTORY**

- 3.1. None

### **4. REPRESENTATIONS**

- 4.1. **Sixty-two (62)** representations have been received objecting to the proposed development for the following reasons:

- Too many HMOs in the vicinity;
- Loss of family accommodation;
- Lack of parking;
- Noise; and
- Would contribute to the loss of local facilities.

- 4.2. **Councillor Anne Meadows and Councillor Daniel Yates** object to the proposal. A copy of the objections are attached to this report.

### **5. CONSULTATIONS**

- 5.1. Private Sector Housing: No objection

- 5.2. **Planning Policy:** No objection

### **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)
- 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
- CP19 Housing mix
- 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
- SU10 Noise Nuisance
- QD27 Protection of amenity
- HO5 Provision of private amenity space in residential development

#### Supplementary Planning Guidance:

SPD14 Parking Standards

## 8. CONSIDERATIONS & ASSESSMENT

- 8.1. The main planning considerations material to this application are the principle of the change of use proposed, the standard of accommodation to be provided, the impact on the amenity of neighbouring properties and the impact on transport.
- 8.2. Principle of development  
The Council's approach to the provision of additional houses in multiple occupation (HMOs) is set out in policy CP21 of the Brighton and Hove City Plan Part One. The policy states:
- 8.3. "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 new build HMO, and 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. Within 50 metres of the site there are 17 dwellings, one of which (38 Heath Hill Avenue) is already in HMO use. This equates to a percentage of 5.9 and as such the development is acceptable in principle.
- 8.5. Standard of accommodation  
The proposed HMO would have six single bedrooms, all with en-suites. Each room would have a floor area in excess of the indicative 7.5 square metres set out in Government's Nationally Described Space Standards, and all would exceed 10 square metres when the en-suites are included. Each room would have a reasonable outlook and would be naturally lit.
- 8.6. The internal communal amenity space would constitute an open-plan kitchen-diner and a separate lounge, together totalling 38 square metres. This would be just over 6 square metres per person - adequate for accommodation of this type - and would ensure sufficient circulation space.
- 8.7. The outdoor amenity space would primarily comprise a rear garden area in excess of 150 square metres. This is considered sufficient for the proposed occupancy and in accordance with policy HO5.
- 8.8. Impact on neighbouring amenity  
No external works to the property are proposed and as such there would be no additional overbearing impact to, or overlooking of, neighbouring properties.
- 8.9. The existing property has five bedrooms, two of which are large enough to be considered doubles, and thus has the potential to be occupied by up to seven persons within its existing C3 use class. Given this, the proposed six person HMO is not considered a harmful intensification of residential use. Overall the development is not considered significantly harmful to neighbouring properties in terms of noise.
- 8.10. Transport  
The property would retain its existing single off-road parking space, which is within the maximum standard set out in SPD14 (0.25 spaces per bedroom). As discussed above, the proposed six person occupancy would not result in a significant intensification of use or trip generation, and there is some potential for overspill parking on-street given that the site is not within a Controlled Parking Zone (CPZ).
- 8.11. Four cycle parking spaces are proposed, which is in excess of the SPD14 standard (1 space per 2 bed spaces). The spaces are shown at the rear of the existing garage and a significant distance from the highway. There would also be the potential for their obstruction by a car parked in the driveway. A revised cycle parking scheme will therefore be requested by condition.
- 8.12. Summary  
The proposed development accords with the provisions of policy CP21, and the standard of accommodation and amenity space to be provided is considered acceptable. There would be no significant harm to neighbouring amenity and

satisfactory cycle parking can be secured by condition. The application is therefore recommended for approval.

## **9. EQUALITIES**

9.1. No implications identified.