

<b><u>No:</u></b>	<b>BH2017/03684</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>50 Chailey Road Brighton BN1 9JF</b>		
<b><u>Proposal:</u></b>	<b>Change of use from 3 bedroom single dwelling (C3) to a 5 bedroom House in Multiple Occupation (C4).</b>		
<b><u>Officer:</u></b>	Luke Austin, tel: 294495	<b><u>Valid Date:</u></b>	06.11.2017
<b><u>Con Area:</u></b>	N/A	<b><u>Expiry Date:</u></b>	01.01.2018
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>	<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
<b><u>Applicant:</u></b>	Rivers Birtwell Port Hall Road Brighton BN1 5PD	C/O Lewis & Co Planning Lewis & Co Planning	2

Councillor 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>
Floor plans and elevations proposed	COU.01	A	13 November 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. Prior to first occupation of the development hereby permitted, details of secure cycle parking facilities for the occupants of, and visitors to, the development shall 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.

- 4 The development hereby approved shall be implemented in accordance with the proposed layout detailed on drawing no. COU.01.A received on 13 November 2017 and shall be retained as such thereafter. The ground floor rooms marked as kitchen/dining room and living room as set out on drawing no. COU.01.A 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 The additional sound proofing to the party walls on the ground and first floor levels as detailed on drawing no. COU.01.A received on 13 November 2017 shall be installed prior to first occupation of the development hereby permitted and shall be retained as such thereafter.

**Reason:** To safeguard the amenity of the occupiers of the adjoining properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

- 6 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.

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 site relates to a two storey mid-terrace property to the north side of Chailey Road.
- 2.2 Permission is sought for the change of use from dwellinghouse (C3) to a small house in multiple occupation (C4).
- 2.3 The application site is located in Moulsecomb 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 five bedroom HMO.

### **3. RELEVANT HISTORY**

3.1 None identified.

### **4. REPRESENTATIONS**

4.1 **Councillor Yates** objects to the application and requests it is determined by the Planning Committee (Comments attached).

### **5. CONSULTATIONS**

5.1 **Sustainable Transport:** No comment 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

6.2 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

CP9 Sustainable transport

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

QD27 Protection of amenity

## **8. CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the principle of the change of use, the impact upon neighbouring amenity, the standard of accommodation which the use would provide in addition to transport issues and the impact upon the character and appearance of the property and the surrounding area.

### **8.2 Principle of development:**

The proposal would allow occupation of the property as a small HMO providing accommodation for 5 unrelated individuals who share basic amenities including a kitchen, living/dining room and bathroom.

8.3 Policy CP21 of the Brighton and Hove Draft 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 33 properties within a 50m radius. One other property has been identified as being in either Class C4, mixed C3/C4 or other types of HMO in a sui generis use within the 50m radius. The percentage of existing HMO's within the designated area is thus 3%.

8.5 Based upon this percentage, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.

### **8.6 Design and Appearance**

The majority of the works would be carried out internally including re-orientation of the stair case and removal / installation of partition walls. The external works would be confined to minor alterations to the fenestration to the rear elevation which is considered acceptable.

### **8.7 Standard of Accommodation**

The existing layout of the property would be amended significantly in order to allow for a new kitchen / dining room, a separate living room, WC and a single

bedroom at ground floor level. An additional four single bedrooms would be provided at first floor level.

- 8.8 The bedrooms would all be of an adequate size (7.5 sqm) to accommodate a single bed in line with the Nationally Described Space Standards. All of the bedrooms would benefit from sufficient levels of natural light and outlook and none have restricted headroom.
- 8.9 Whilst the provision of one bathroom for five occupiers is not ideal this is not considered significant enough to warrant refusal.
- 8.10 Overall the standard of accommodation provided is considered sufficient for five single occupiers. It is recommended the proposed floor layout and occupancy level shall be restricted by condition in order to ensure that all communal areas are retained.
- 8.11 **Impact on Amenity:**  
The proposed change of use would result in an increase in intensity of the use of the building due to more frequent comings and goings in addition to general movements and disturbance within the house. The applicant has proposed additional soundproofing to be installed on either party wall in order to alleviate some of the noise impact to neighbouring properties. The soundproofing measures are welcome and shall be secured by condition.
- 8.12 Given the low proportion of other HMO's within the immediate vicinity of the site the level of additional activity is considered to be acceptable and would not result in significant harm to the amenity of neighbouring occupiers.
- 8.13 **Sustainable Transport:**  
The applicant is not proposing any change to the non-existent access arrangements onto the adopted highway and for this development this is deemed acceptable.
- 8.14 The applicant does not appear to be providing any cycle parking facilities. SPD14 requires 2 cycle parking spaces for a development of this size and type. A scheme of cycle parking shall therefore be secured by condition.

## 9. EQUALITIES

- 9.1 None identified

