

<u>No:</u>	BH2017/02986	<u>Ward:</u>	Hanover And Elm Grove Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	19 Arnold Street Brighton BN2 9XS		
<u>Proposal:</u>	Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation (C4).		
<u>Officer:</u>	Molly McLean, tel: 292097	<u>Valid Date:</u>	16.10.2017
<u>Con Area:</u>	N/A	<u>Expiry Date:</u>	11.12.2017
<u>Listed Building Grade:</u>	N/A	<u>EOT:</u>	
<u>Agent:</u>	N/A		
<u>Applicant:</u>	Mr & Mrs Bayes 45 Cuckfield Road Hurstpierpoint Hassocks BN6 9RW		

Councillor Gibson 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.

Plan Type	Reference	Version	Date Received
Location Plan			4 September 2017
Floor Plans Proposed			4 September 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 approved shall be implemented in accordance with the proposed layout detailed on the proposed floorplans received on 4 September 2017 and shall be retained as such thereafter. The layout of the kitchen, living room and hall area shall be retained as commercial 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 four 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.

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 Hanover and Elm Grove ward. The application proposes the change of use from three bedroom dwellinghouse (use class C3) to three bedroom House in Multiple Occupation (HMO) (use class C4). No internal or external alterations are proposed.

- 2.2 The application site is located in Hanover and Elm Grove 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 three bedroom HMO.

3. RELEVANT HISTORY

- 3.1 None.

4. REPRESENTATIONS

- 4.1 One letter of objection has been received raising the following points:

- The house is already let out and results in noise nuisance
- There are too many HMOs in the area
- Increase in rubbish and mess
- Houses in the area offer little soundproofing

- 4.2 Councillor Gibson objects to the application and requests it is determined by the Planning Committee (comments attached).
- 4.3 Councillor Page objects to the application (comments attached).

5. CONSULTATIONS

- 5.1 Transport:
The trip generation is forecast to be similar to the existing permitted residential use. There will be a small increase in at least pedestrian trip generation associated with the site as there could be more adult people living within the HMO rather than the single dwelling. This level of trip generation would not be considered a reason for refusal.
- 5.2 The Highway Authority does not wish to request cycle parking (in line with parking standards SPD14) as the site appears to be constrained and unlikely to be able to accommodate policy compliant cycle parking spaces. It is also noted that there is secure cycle parking available to the general public on-street in the vicinity of the site.

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

Supplementary Planning Guidance:

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 The application relates to a two-storey terraced property on Arnold Street. The layout of the property consists of a kitchen, living room and bedroom at ground floor level and two further bedrooms and a bathroom at first floor level. There is a garden area to the rear. No internal or external alterations are proposed as part of this application.

8.3 The existing and proposed plans show an 'attic room'. For the avoidance of doubt, this room is uninhabitable and is not proposed as a bedroom or other habitable space.

8.4 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.'

8.5 A mapping exercise has been carried out showing that there are 101 properties within a 50m radius of the application site, two of which are in use as HMOs which results in a percentage of 1.9%. The application therefore complies with Policy CP21 of the Brighton & Hove City Plan.

8.6 Standard of accommodation:

The property at present includes a living room, kitchen, bathroom, three bedrooms and a rear garden. There would be no internal alterations to the property as a result of the proposal.

8.7 As demonstrated on the existing and proposed floor plans, the floorspace of each bedroom is as follows:

Bedroom one: 8m²
Bedroom two: 8.4m²
Bedroom three: 13.7m²

- 8.8 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, two of the bedrooms exceed the standard for single bedrooms and one bedroom exceeds the standard for double bedrooms.
- 8.9 Each bedroom receives good levels of natural light and provides adequate outlook for occupants. The communal sitting room and kitchen/dining area has a floor area of 26.75m² and provides sufficient space for cooking, dining and socialising for eight occupants. The rear garden area provides 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.
- 8.10 Overall the property represents a good standard of accommodation for up to four 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 four.
- 8.11 **Impact on neighbouring amenity:**
The property at present is lawfully in use as a single dwellinghouse let to two unrelated individuals, falling within a C3 use class. It is acknowledged that use of the property as an HMO inevitably results in increased comings and goings from the plot and associated noise nuisance. In this instance however it is considered that the net increased occupation of one bedroom, with a maximum of two occupants, is unlikely to significantly exacerbate the noise levels that exist at present and any potential increase in noise is not of a magnitude to warrant refusal of the application.
- 8.12 Only 1.9% of the properties within a 50m radius of the application site are in use as a HMO, therefore a mixed and balanced community would be retained in the area.
- 8.13 No external works are proposed in this application, therefore no physical harm to the amenity of neighbours would result in terms of overshadowing or overlooking.
- 8.14 **Sustainable Transport:**
The Transport Team has recommended that given the constraints of the site and the availability of on-street parking in the vicinity, cycle parking is not secured on site.

9. EQUALITIES

9.1 None identified.