

<u>No:</u>	BH2017/01795	<u>Ward:</u>	Hollingdean And Stanmer Ward
<u>App Type:</u>	Full Planning		
<u>Address:</u>	17 Shenfield Way Brighton BN1 7EX		
<u>Proposal:</u>	Change of use from residential dwelling (C3) to three bedroom small house in multiple occupation. (C4) (Retrospective)		
<u>Officer:</u>	Charlotte Bush, 292193	tel: <u>Valid Date:</u>	25.05.2017
<u>Con Area:</u>		<u>Expiry Date:</u>	20.07.2017
<u>Listed Building Grade:</u>		<u>EOT:</u>	
Agent:			
Applicant:	Mr Preetesh Shah 132 Osborne Road Brighton BN1 6LU		

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			25 May 2017
Proposed Drawing	GROUND FLOOR PLAN - NO ALTERATIONS		25 May 2017
Proposed Drawing	FIRST FLOOR PLAN - NO ALTERATIONS		25 May 2017

2. The development hereby approved shall only be occupied by a maximum of four (4) persons.
Reason: To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan
3. No extension, enlargement, alteration or provision within the curtilage of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A, B and C 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.

4. 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.

5. The lounge and kitchen/diner as detailed on plan 'ground floor plan - no alterations' received on the 25/05/2017 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.

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 middle terrace house on the western side of Shenfield Way which is a small cul-de-sac.
- 2.2. The property is not located in a conservation area. However, there is an Article Four Direction present which removes permitted development rights to change from C3 single dwelling house to C4 small house of multiple occupation and Sui Generis (large HMO) without planning permission.
- 2.3. The application is for a retrospective change of use from a 3 bedroom residential dwelling (C3) to three bedroom small house in multiple occupation. (C4).

3. RELEVANT HISTORY

- 3.1. 2018/01399/HMOADD/PS - 01.03.2018 Additional Licence
- 3.2. Enforcement enquiry ENF2017/00181 - Unauthorised HMO C4

3.3. 2016/03247/HMOADD/PS - 16.06.2016 Additional Licence

4. REPRESENTATIONS

4.1. Thirteen (13) letters have been received objecting to the proposed development for the following reasons:

- Increased noise
- Increased volume of cars and existing lack of parking
- Antisocial behaviour
- Family house not suitable for a HMO as it only has one bathroom and toilet
- Additional refuse
- Too many students in the area
- Students don't look after the houses
- Family houses becoming unaffordable
- Local facilities, such as the primary school are suffering as families can't afford to live in the area anymore
- There is plenty of student accommodation being built on campus and elsewhere in the city

4.2. One (1) letter has been received supporting the proposed development for the following reasons:

- The house has 3 large bedrooms which each fit double beds.
- The kitchen and communal space is very spacious.
- Multiple occupancy doesn't necessarily mean loud students or antisocial tenants

5. CONSULTATIONS

Planning Policy: Comment

5.1. Policy comments not required

Sustainable Transport: No objection

5.2. No car parking is shown as part of this planning application. 2011 Census data for the ward does not indicate that car ownership amongst residents of Houses in Multiple Occupation (HMO) is substantially higher than the general population or that every occupant is likely to own a car. On this basis, it is not considered that on-street parking demand generated by the proposed 3 bedroom HMO would be significantly above the permitted use or amount to a severe impact upon surrounding streets. Refusal would therefore not be deemed to be warranted on these grounds under the National Planning Policy Framework.

5.3. No cycle parking is indicated as part of this planning application. For a small house in multiple occupancy, SPD14 requires cycle parking to be provided at

a rate of 1 space per 2 bed spaces; therefore, a minimum of 2 cycle parking spaces should be provided for this property. It is recommended that this be secured by condition.

- 5.4. In order to comply with Brighton & Hove Local Plan policy TR14, cycle parking should be secure, convenient to access and, wherever possible, covered.
- 5.5. It is not anticipated that the development will generate a significant uplift in trips and the Highway Authority has no objection in this regard.

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
CP8	Sustainable buildings
CP9	Sustainable transport
CP19	Housing mix
CP21	Student housing and Housing in Multiple Occupation

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

TR4	Travel plans
TR7	Safe Development
TR14	Cycle access and parking
SU9	Pollution and nuisance control
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, impact upon neighbouring amenity, the standard of accommodation which the use would provide, and transport issues.

8.2. The applicant has provided further information regarding the property:

- The property has been let to 2 professional couples since June 2016 without issue.
- We sought to let the property out to a family however there was no interest for two months so we applied for HMO a licence (and planning permission).
- The property does have 3 double bedrooms and has been occupied without issue by 4 people.
- There are stipulations in the tenancy agreement that ensures the tenants respect neighbours and the local environment and care for the property both inside and outside.

Principle Of Development:

8.3. The application is for change of use from a 3 bedroom single dwellinghouse to a three bedroom C4 small HMO for up to 4 individuals who share basic amenities including a kitchen and bathroom.

8.4. 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:

8.5. '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:

8.6. 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.'

8.7. A mapping exercise has taken place which indicates that there are 18 neighbouring residential properties within a 50m radius of the application property. One (1) neighbouring property 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 thus 5.55%.

- 8.8. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21.

Design and Appearance:

- 8.9. No external alterations are proposed.

Standard of Accommodation:

- 8.10. Policy QD27 of the Brighton and Hove Local Plan aims to secure a good standard of living accommodation for current and future occupiers. Accommodation should therefore provide suitable circulation space within bedrooms once the standard furniture for an adult has been installed (such as a bed, wardrobe and desk), as well as good access to natural light and air in each bedroom. The communal facilities should be of a sufficient size to allow unrelated adults to independently cook their meals at the same time, sit around a dining room table together, and have sufficient space and seating to relax in the communal lounge.
- 8.11. The 'Nationally Described Space Standards' were introduced by the Department for Communities and Local Government in 2015 to establish acceptable minimum floor space for new build developments. Although these space standards have not been formally adopted into the Brighton and Hove City Plan and relate to new build developments, they provide a useful guideline on acceptable room sizes that would offer occupants useable floor space. The 'Nationally Described Space Standards' establishes the minimum floor space for a single bedroom as measuring at least 7.5m², and a double bedroom should measure at least 11.5m².
- 8.12. The ground floor accommodation comprises:
Kitchen measuring 18.1m²
Lounge measuring 18.8m²
Storage cupboard
- 8.13. The first floor accommodation comprises:
Bedroom measuring 11.3m² (including built in wardrobe)
Bedroom measuring 8.2m²
Bedroom measuring 9.6m²
- 8.14. The communal space is considered adequate for the occupants to comfortably relax, dine and socialise in.
- 8.15. Two bedrooms would be of a sufficient size for single occupancy only. The main bedroom, measuring 11.3m², is marginally below the minimum space standards for a double bedroom by 0.2m². Given that this is a very small amount and the overall space provided by the property is considered to be a good standard, and this bedroom would provide a reasonable standard of accommodation for two people, it is considered acceptable.
- 8.16. Due to the limited size of the other two bedrooms, the maximum occupancy could be limited to four persons which could be secured by condition to

ensure a good standard of living accommodation and compliance with policy QD27 of the Brighton & Hove Local Plan.

Impact on Amenity:

- 8.17. Policy QD27 of the Brighton & Hove Local Plan states that planning permission for any development or change of use will not be granted where it would cause material nuisance and loss of amenity to the proposed, existing and/or adjacent users, residents, occupiers or where it is liable to be detrimental to human health.
- 8.18. Whilst the development could result in up to 4 unrelated persons residing within the property, any direct increased impact to adjoining occupiers in regards to noise and disturbance is unlikely to be of a magnitude which would warrant the refusal of planning permission.

Sustainable Transport:

- 8.19. No car parking is shown as part of this planning application. However, it is not considered that on-street parking demand generated by the proposed 3 bedroom HMO would be significantly above the permitted use or amount to a severe impact upon surrounding streets.
- 8.20. A minimum of 2 cycle parking spaces should be provided for this proposal. This can be secured by condition.
- 8.21. It is not anticipated that the development will generate a significant uplift in trips.

9. EQUALITIES

None identified

