

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 21 JUNE 2017**

**COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 4AH**

**MINUTES**

**Present:** Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Cobb, Hamilton, Littman, Moonan, Morris and Taylor

**Co-opted Members:** Mr J Mustoe, CAG

**Officers in attendance:** Paul Vidler (Planning Manager), Jonathan Puplett (Principal Planning Officer), Steven Shaw (Development and Transport Assessment Manager), Gareth Giles (Principal Planning Officer), Chris Swain (Principal Planning Officer), Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer).

**PART ONE**

**1 PROCEDURAL BUSINESS**

**1a Declarations of substitutes**

1.1 Councillor Taylor was present in substitution for Councillor Hyde, Councillor Cobb was present in substitution for Councillor Miller and Councillor Hamilton was present in substitution for Councillor Russell-Moyle.

**1b Declarations of interests**

1.2 There were none although it was noted by the Chair, Councillor Cattell that all Members of the Committee had received correspondence from the applicants in respect of Application A, BH2016/02663, 1 - 3 Ellen Street, Hove.

**1c Exclusion of the press and public**

1.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

1.4 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

**1d Use of mobile phones and tablets**

1.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

**2 MINUTES OF MEETING HELD ON 12 APRIL 2017**

2.1 **RESOLVED** - That the Chair be authorised to sign the minutes of the meeting held on 12 April 2017 as a correct record.

**3 MINUTES OF THE PREVIOUS MEETING**

3.1 It was noted that the minutes of the meeting held on 10 May would be circulated for approval with the papers for the next scheduled meeting of the Committee on 12 July 2017.

**4 CHAIR'S COMMUNICATIONS**

4.1 The Chair, Councillor Cattell, explained that mandatory training had been arranged for all Members of the Committee on 4 July 2017 details about which would be forwarded shortly.

**5 PUBLIC QUESTIONS**

5.1 There were none.

**6 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

6.1 There were none.

**7 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**MAJOR APPLICATIONS**

**A BH2016/02663 -1-3 Ellen Street, Hove - Full Planning**

Demolition of existing commercial units (B8) and erection of buildings ranging from four storeys to seventeen storeys in height comprising a mixed use development of no.186 residential apartments (C3), 1,988 sqm of offices (B1) and 226sqm of retail (A1) with car parking at basement level.

(1) It was noted that this application had formed the subject of a site visit prior to the meeting.

**Officer Presentation**

- (2) It was noted that letters of objection had been received from Councillor Brown and that revised layout and fenestration drawings had been received which improved the levels of daylight to the residential units in the development.
- (3) The Principal Planning Officer, Chris Swain, introduced the report and gave a presentation by reference to site plans, photographs and elevational drawings delineating the proposed scheme. The site sat to the west of Hove Station to the south side of Conway Street and was currently occupied by single storey brick and metal clad industrial sheds with associated car parking. The Brighton & Hove Bus Company was located in the buildings/land to the north of the site and also owned the car park to the west end of the site which did not form part of the application site. There were three and four storey office buildings to the west with mixed commercial buildings beyond. To the south of the site there were ten storey residential blocks which formed part of the Clarendon Estate with low rise residential development at the base of the blocks along with garages and car parking. To the east of the site were the rear of properties which front Goldstone Villas the majority of which had single storey additions and garages fronting onto Ethel Street. A number of these had been converted to commercial uses some set out over two storeys. The east side of Ethel Street was occupied by open off street private car parking bays.
- (4) The application site lay immediately to the west of the Hove Station Conversation Area and adjoined the Denmark Villas Conservation Area to the east. To the north east of the site was the Grade II listed Hove Station, which formed an architecturally and historically important grouping with the adjacent public house at 100 Goldstone Villas, included on the council's local list. Each building was contained within the Hove Station Conservation Area and was also within the Conway Street Industrial Area Strategic Allocation, within the wider policy DA6 Hove Station Area of the Brighton & Hove City Plan Part One.
- (5) The principle of development on this site was fully supported and encouraged by planning policy, being located within the Conway Street Industrial Area Strategic Allocation. Officers had undertaken significant discussions and negotiations with the applicants to overcome concerns and to secure an acceptable scheme. The scheme was challenging in terms of the amount of development proposed, its form, appearance and impact on the locality. When its impact was weighed up against its positive benefits of kick-starting redevelopment of a Development Area Strategic Allocation and the provision of improved public realm it was supported. However, it had not been possible for the applicant to reach agreement with the District Valuer Service (DVS) on the amount of affordable housing within the scheme, taking into account the viability of the development. Whilst the proposals have been independently assessed by the DVS as being viable with 25% affordable housing to an appropriate tenure mix, this had not been agreed by the applicant who was offering 18.8%. Under those circumstances, the proposed scheme was contrary to policy CP20 of the City Plan. The level of affordable housing provision offered by the applicant was significantly below the 25% which had been independently assessed as being viable by the DVS and refusal was therefore recommended.

### **Consideration of Deferral**

- (5) Councillor Moonan referred to the recent publication of the viability information from the applicant and the DVS and the additional technical information which had been received from the applicants the previous day considering that in view of the late date at which it had been received it would be appropriate to defer consideration of the application until the next scheduled meeting of the Committee in order to enable it to be fully assessed. The Chair, Councillor Cattell was in agreement stating that she considered it regrettable that this information had been made available and submitted very late in the process. To hold consideration of the application over to the next meeting would be with the “open book” approach being adopted.
- (6) Councillor C Theobald stated that it was up to individual Members to decide whether they had sufficient information before them in order to make a decision asking whether officers considered that this represented a material change. Councillor Littman concurred, considering that if officers considered this represented a material change that they would have indicated that.
- (7) Councillor Mac Cafferty sought confirmation that officers were satisfied that Members had sufficient information before them to make a decision. Councillor Morris concurred, considering it regrettable that the information received had been received so late.
- (8) In answer to questions, the Planning Manager, Major Applications, explained that the information received had been made available to members at the earliest possible date, further advice had been sought from the District Valuer and the officer recommendation remained unchanged.
- (9) A vote was taken and on a vote of 6 to 5 Members agreed to consider the application at that meeting.

#### **Public Speaker(s) and Questions**

- (10) Ms Paynter spoke in her capacity as a local resident setting out her objections and those of other neighbouring residents to the scheme. In their view the scheme was overbearing and would have unacceptable impacts on the quality of life of the nearest residents and at 17 storeys the height would be too great and a development of that height should be resisted. The Design Access Statement had demonstrated how intrusive the development would be, it would be worse at night when lit and no assessment of that had been made, also, that the requirement for 40% affordable housing should be met.
- (11) Mr Gibson spoke in support of the scheme on behalf of the Hove Station Neighbourhood Forum. Overall subject to resolution of concerns especially in relation to the proposed public realm improvements the Forum was of the view that any harm to heritage assets would be substantially offset by a combination of improvements to the public realm immediately west of Hove Conservation Area and by the sustained investment in the historic buildings themselves.
- (12) Councillor O’Quinn spoke in her capacity as a Local Ward Councillor. Councillor O’Quinn stated that she had had been aware of the scheme from an early point. The proposals had a high level of support locally as it was considered that it would totally transform the area for the better, making it a far more pleasant place to live and would

also utilise a brownfield site. The development would also provide residential housing and office and retail space which was much needed in this badly neglected area of Hove.

- (13) Mr Lomax spoke on behalf of the applicant in support of their application. He explained that careful thought had been given to the way in which the scheme had been designed and put together. It would provide much needed improvement to an area of Hove which had been neglected, with a mixed use development which would provide both housing and commercial uses. The requirement for 40% affordable housing was unrealistic and the information provided by the DV was refuted as the applicant's own independent assessment had arrived at different conclusions.

### **Questions for Officers**

- (14) Councillor Bennett enquired regarding the level of amenity space proposed and the applicant's representative confirmed that it was proposed that all of the units would have their own balcony space.
- (15) Councillor Cobb enquired regarding the amount of amenity space being provided across the scheme as a whole and the distance between the development and the nearest residential dwellings.
- (16) Councillor Moonan referred to the variance between the level of affordable housing proposed by the applicants as against that suggested by the District Valuer Service (DVS), enquiring regarding the rationale for use of information provided by the DVS, the weight and validity given to that information. It was explained that the DVS was used by Local Authorities and gave independent advice on all applications where it was appropriate for such an assessment to be made. Each application was judged on its individual merits and in instances where the DVS considered the applicant's viability assessment justified a level of affordable housing below policy compliance this would be set out in the report and taken into account in the officer's recommendation. A consistent approach was used in that all applications subject to a viability assessment were considered by the DVS. There had been no instances where non-policy compliant levels of affordable housing had been accepted contrary to the advice of the DVS.
- (17) Councillor Bennett enquired about details of any anticipated additional traffic in the vicinity of the site.
- (18) Councillor Mac Cafferty referred to "demonstrable harm" which would result seeking further information and clarification of the details appertaining to this scheme. It was explained that the level of "harm" would largely be mitigated by the improvements which would result from the scheme. The principle of development was fully supported, however, the scheme was challenging in terms of the amount of development proposed, its form, appearance and impact on the locality. The proposals had been independently assessed by the DVS as being viable with 25% affordable housing as an appropriate tenure mix. The applicant had indicated that they were only prepared to offer 18.8% and it was on that basis that refusal was recommended.

### **Debate and Decision Making Process**

- (19) Councillor C Theobald stated that the scheme would provide significant improvements and would provide some affordable housing which would not be available otherwise. The scheme would be quite tall however and she would have preferred to see more on-site parking.
- (20) Councillor Taylor stated that the scheme for redevelopment of this site had taken a long time in coming to fruition and would provide much needed housing some of which would be affordable, he welcomed the scheme.
- (21) Councillor Moonan stated that although there was much to commend the scheme, she was concerned that the level of affordable housing was too low considering that the assessment of the DVS should be used as a benchmark as that approach was consistent with that used for other schemes. Councillors Gilbey and Morris concurred in that view.
- (22) Councillor Mac Cafferty stated that some elements of the scheme were fantastic, the current scheme had been a long time in preparation, however, the scheme should be fantastic for everyone and ultimately as it would deliver such a low level of affordable housing he was unable to support it in its present form. Councillor Littman was in agreement and considered that it was important to respect the views of the DVS as the independent expert used by the authority.
- (23) Councillor Hamilton welcomed the mix of residential and commercial uses provided by the scheme, but on balance considered the element of affordable housing proposed to be too low.
- (24) Councillor Bennett was in agreement with others that the scheme was too high, also that it would have a negative impact on traffic and parking, that the recreational space was too small and that the comments received from the Design Panel had not been taken on board.
- (25) The Chair, Councillor Cattell concluded the debate by stating that she was in agreement that whilst there were many positive elements to the scheme and whilst it was recognised that it would affect improvements to the area ultimately, it was contrary to Policy CP20 of the City Plan and she therefore supported the officer recommendation that the application be refused.
- (26) A vote was then taken and the 11 Members present at the meeting voted that planning permission be refused on a vote of 9 to 2.

7.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reason set out in the report.

**B BH2016/05312 -65 Orchard Gardens, Hove-Full Planning**

Demolition of existing buildings and erection of a 5no storey building and basement comprising a mixed use development of offices (B1) on the Ground floor and 23no one, two and three bedroom flats (C3) on the upper floors, 23no car parking spaces (including 3 Disability Spaces), cycle storage and associated landscaping.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.

### **Officer Presentation**

- (2) The Principal Planning Officer, Jonathan Puplett introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was also noted that Councillor Brown had submitted a letter of objection in respect of this scheme.
- (3) Permission was sought for clearance of the site, demolition of the existing buildings, and the erection of a 4/5 storey building comprising ground floor office space (B1(a)), ground floor double height car parking area, and the provision of 23 self-contained flats to the upper floors. Nine affordable units were proposed; five as affordable rent and four as shared ownership. 23 car parking spaces were proposed, three of which were suitable for disabled access. A landscaped communal garden area was proposed to the eastern side of the site atop the flat roof of the ground floor car park.
- (4) It was considered that although the proposed development would result in the loss of the existing employment use; the new building would deliver replacement employment floorspace and a potential net uplift in the number of staff which would be accommodated. The proposed residential units would provide a good standard of accommodation, 40% affordable units and an acceptable mix of unit sizes. The proposed building design would appear in contrast to the prevailing character of the Nevill Road street scene, but would relate well to the larger buildings fronting on to Old Shoreham Road, and overall was considered to represent a good standard of design which would have a positive impact upon the Nevill Road and Orchard Gardens street scenes. The scheme would provide for 40% affordable housing and conditions were recommended to secure 10% of affordable units overall wheelchair accessible; approval was therefore recommended.

### **Questions for Officers**

- (5) Councillor Moonan referred to the concerns expressed by the Police requesting clarification regarding measures taken to address those concerns, also regarding whether windows to the rear would be non-opening. It was confirmed that mitigation measures had been taken and that the windows would not be non-opening but would be vented so that there would be a fresh air source without the need to open the windows.
- (6) Councillor C Theobald asked to see plans relating to the previous scheme in order to see the differences between the two.
- (7) Councillor Cobb referred to the proposed transport contribution stating that she was aware that various traffic improvements were proposed in the vicinity of Old Shoreham Road seeking clarification of what was proposed, stating that she hoped that there would not be any duplication of work and that one scheme would not compromise another. It was explained that the area would be assessed in order to make improvements overall.

- (8) Councillor Morris enquired regarding the location of the lifts.
- (9) Councillor Bennett required regarding potential loss of light to neighbouring buildings and it was explained that although there would be some loss it fell well within BRE guidelines.

### **Debate and Decision Making Process**

- (10) Councillor Hamilton stated that he was pleased to note that the amended scheme had been reduced and that he supported the officer recommendations. Councillor Morris also welcomed the scheme.
  - (11) Councillor Littman stated that in his view the proposed scheme represented a good use of the site.
  - (12) Councillor Bennett stated that whilst generally supportive of the scheme she considered that in its present form it was too high and would be detrimental to neighbouring amenity. Councillor C Theobald concurred in that view.
  - (13) Councillor Cobb stated that it would be preferable for fewer cycle spaces to be provided and for some motor cycle bays to be provided in their stead. Overall, she considered the scheme to be too high and could not therefore support it.
  - (14) A vote was taken and the 10 Members present at the meeting voted that minded to grant planning permission be given on a vote of 6 to 4.
- 7.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a S106 agreement and to the Conditions and Informatives set out in the report.

Note: Councillor Mac Cafferty was not present at the meeting during consideration of or voting in respect of the above application.

- C BH2016/01766 - 76-79 and 80 Buckingham Road, Brighton - Full Planning**  
Conversion of nos 76-79 Buckingham Road to provide four residential dwellings (C3). Demolition of no 80 Buckingham Road and the erection of a five storey building to provide 20 residential units (C3) and a community use unit (D1). Associated car parking, cycle parking, landscaping and servicing provision.

### **Officer Presentation**

- (1) The Principal Planning Officer, Gareth Giles, gave a presentation by reference to site plans, photographs and elevational drawings. It was explained that at the meeting of the Committee which took place on 12 October 2016, Minded to Grant planning permission had been given subject to a Section 106 Agreement and a number of conditions. The affordable housing provision considered at the meeting was of 40% (9 units) of the net 22 new units being provided on-site. This complied with City Plan Part One Policy CP20 which requires the provision of 40% on-site affordable housing for sites of 15 or more net dwellings. Officers had requested that the applicant liaise with



the Council's panel of Registered Providers for affordable housing to confirm their willingness and ability to provide the proposed units. Four of the Registered Providers had responded saying the number of units was too small to currently consider and the fifth had responded saying they would only consider Shared Ownership units if they could acquire the freehold. The Council's Housing Strategy Team had independently confirmed the position of each Registered Provider.

- (2) As on-site affordable housing provision was not currently feasible given the ;lack of willingness from Registered Providers of affordable housing to take on the units, a fall-back position of financial contributions towards affordable housing in lieu of on-site provision in the form of a Commuted Sum was therefore relevant. In addition, an option should be included in the Section 106 Agreement to provide on-site affordable housing should the position of the Registered Providers change in the future.

### Questions for Officers

- (3) Councillor Littman sought clarification regarding the commuted sum being sought and how this would be applied if used off site.
- (4) Councillor Gilbey sought clarification as to whether the Committee were being requested to choose between either of the options and it was confirmed that the Committee were being requested to agree to both options in order that the most appropriate could be pursued.
- (5) Councillor Morris asked for clarification regarding configuration of the roofs.

### Debate and Decision Making Process

- (6) Councillor C Theobald considered that the scheme was acceptable, the options suggested provided a good compromise and asked whether it was intended that the blue plaques on site would be re-instated. It was explained that the applicants had agreed to reinstate the existing plaques on completion of the work.
- (7) Councillor Cobb concurred considering that the Council would need to determine the location of any off site provision.
- (8) A vote was taken and the 10 Members present at the meeting voted unanimously that minded to grant planning permission be given.

- 7.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Appendix 1 to the report as modified by this update report and resolves that it is **MINDED TO GRANT** planning permission subject to a S106 agreement and to the Conditions and Informatives also set out in the report.

**Note:** Councillor Mac Cafferty was not present at the meeting during consideration of or voting in respect of the above application.

### MINOR APPLICATIONS

- D BH2016/02797 -Patcham Service Station,Patcham By Pass,London Road,Brighton -Full Planning**  
Installation of two car wash bays.

### **Officer Presentation**

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application by reference to photographs, drawings and plans indicating the location of the car wash bays which it was proposed would be installed to the north of the petrol station forecourt.
- (2) It was explained that the main area of concern related to potential noise impact in view of the close proximity to residential dwellings. The Environmental Health Team had raised concerns regarding potential noise which could result from jet washing and in consequence an acoustic report had been required detailing the noise impact on residential dwellings. This had been assessed having regard to the equipment which would be used measuring noise emitted by the jet wash itself, the jet wash alarm and the vacuum, the loudest of these being the alarm. The report had demonstrated that due to the high traffic noise level produced by the London Road on which the petrol station was located noise from the car wash itself would have a "low impact" on neighbouring residents and Environmental Health had indicated that the submitted report was scientifically robust.
- (3) An additional condition was also recommended requesting full details of the drainage system proposed prior to commencement of the development and approval of the proposals was therefore recommended.

### **Questions for Officers**

- (4) Councillor Littman sought clarification of the potential impact of the appearance of these structures on neighbouring dwellings. It was explained that they would be lightweight screened structures which would not impact on local heritage assets.
- (5) Councillor Morris enquired regarding the purpose of the alarm system and it was explained that this was activated when the wash cycle entered its final phase.
- (6) Councillor C Theobald referred to the location of the proposed units and sought information regarding the distance between them and the nearest dwellings.

### **Debate and Decision Making Process**

- (7) Councillor C Theobald stated that she remained concerned that neighbouring properties would suffer noise disturbance as a result of the proposed car washes and also had concerns regarding water drainage, especially as the area was prone to surface water flooding. In consequence she did not feel able to support the application.
- (8) A vote was then taken and the 10 Members present voted that planning permission be granted on a vote of 7 to 3.

- 7.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report and the additional condition set out below:

**Additional Condition 4:**

No development shall take place until full details of the proposed drainage system, including silt traps, sump chamber and discharge, and a maintenance strategy for the drainage system, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure that waste water associated with the proposed development is suitably treated and discharged and to comply with policies SU3 and SU5 of the Brighton & Hove Local Plan.

**Note :** Councillor Mac Cafferty was not present at the meeting during consideration or voting in respect of the above application.

- E BH2017/00482 -Brighton College, Eastern Road, Brighton**  
Erection of a two storey temporary classroom with ancillary temporary two storey changing rooms, single storey temporary toilets and storage unit.

**Officer Presentation**

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, photographs and a satellite view showing the proposals in the context of the site as whole. The development site formed part of a multi games court area and was located at the north end of the site in close proximity to the listed boundary wall which ran along Walpole Terrace and College Terrace. The application sought consent for a two storey modular classroom and 4 temporary ancillary buildings including a two storey changing facility, two storey toilet/showers, single storey toilet and showers and a storage unit.
- (2) It was explained that the main considerations in determining the application related to the impact of the temporary classroom building on the appearance of the site, the setting of the adjacent listed buildings and boundary wall, the wider College Conservation Area and the amenities of adjacent occupiers. The facilities were required for a three year period to facilitate the construction of the recently approved sports and science building which it was envisaged would take approximately two years to complete.
- (3) Whilst it was acknowledged that the proposed buildings would not be an attractive addition to the school, they would however be set below the existing high boundary wall along College Terrace. As a permanent structure they would result in clear harm to the setting of the adjacent Grade II listed wall and the College Conservation Area.. The proposed temporary buildings were considered acceptable only as a temporary installation whilst works to implement the planning permission were carried out and approval was therefore recommended.

**Questions for Officers**

- (4) Councillor Morris referred to the ongoing works at the site and sought clarification regarding how the works would impact on access in the vicinity. Currently, for instance, a temporary crossing had been provided in Freshfield Road and had been removed subsequently, and he understood that further hoardings would be erected as the scheme progressed. In response it was explained that the proposed structures on site were considered minimal in the context of the overall scheme. Works to the highway would require the appropriate licenses which fell under the remit of licensing legislation.
- (5) Councillor Gilbey sought confirmation regarding the height of the proposed structures in relation to the adjacent listed boundary wall and it was confirmed that the gap between the proposed temporary structures and the wall was such that it was considered there would be no significant structural impact.
- (6) In answer to questions by Councillor C Theobald it was explained that if temporary structures would only be permitted for the duration of the other works being carried out. If those were completed ahead of schedule then the temporary structures would be removed at an earlier date.
- (7) Mr Mustoe, stated that CAG which he was representing that day had recently received details relating to another temporary structure at a recent meeting and enquired why it had not been possible for both applications, this one and that, to be considered together. It was explained that applications were processed in the order that they arrived and were submitted to Committee for decision once all necessary work had been completed.

#### **Debate and Decision Making Process**

- (8) Councillor Morris stated that he was grateful for the clarification received and confirmed that on the basis of the information provided he was able to support the officer recommendation.
  - (9) Councillor Taylor stated that he was familiar with the site which was surrounded by dwelling houses and blocks of flats. He was aware that trees on the site provided screening and considered that the proposals were modest as evidenced by the small number of objections and was able to support the officer recommendation.
  - (10) A vote was then taken and the 10 Members present voted unanimously that planning permission be granted.
- 7.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

**Note:** Councillor Mac Cafferty was not present during consideration or voting in respect of the above application.

**F BH2017/00690 -92 Southall Avenue, Brighton - Full Planning**

Change of use from a three bedroom single dwelling (C3) to a four bedroom small house in multiple occupation (C4).

### **Officer Presentation**

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans and drawings showing the existing and proposed layout. A mapping exercise had been undertaken to determine the percentage of HMO's within a 50m radius, and a diagram setting out this information was shown. The overall number of HMOs within that radius was 7.89 percent which was within the 10% limit specified within policy CP21. As such the cumulative impact of the proposed HMO on the area was not such that it was considered that it would cause harm to local amenity.
- (2) The main considerations in determining the application related to the principle of the change of use, impact on neighbouring amenity, the standard of accommodation which the use would provide, transport issues and the impact on the character and appearance of the property on the surrounding area. Occupancy would be restricted to a maximum of 5 unrelated persons residing in the property and it was proposed that an additional condition to that effect be added to any permission granted. It was not therefore considered that there would be any increased impact on adjoining occupiers in respect of noise and disturbance was such that it would warrant refusal of planning permission; approval was therefore recommended.

### **Public Speakers**

- (3) A letter was read out by the Penny Jennings, Democratic Services Officer, on behalf of Councillor Yates who was unable to attend the meeting. The letter detailed Councillor Yates' objections to the proposals and made reference to a recent Inspector's decision which had dismissed an appeal against refusal to grant 3 additional MHO bed spaces to an existing HMO in 25 Wheatfield Way, Brighton. Councillor Yates considered that this application should be considered in the same way given that a number of objections had been received citing similar concerns in relation to noise and disturbance.
- (4) It was noted that as objections had been received and were read out at the meeting the representatives on behalf of the applicant/agent had been invited to attend the meeting.

### **Questions for Officers**

- (5) In answer to questions relating to the appeal decision referred to by Councillor Yates it was explained that it was not germane to the consideration of this application.
- (6) Councillors C Theobald and Taylor sought further clarification regarding the number of HMO's within a 50m radius and it was confirmed only those HMO's which fell within the agreed radius could be considered. If approval of an application would take the percentage use above 10% that would not constitute sufficiently robust grounds for refusal but would be relevant in the event of subsequent applications being received.

**Debate and Decision Making Process**

(7) A vote was then taken and the 10 Members present at the meeting voted that planning permission be granted on a vote of 8 with 2 abstentions.

7.5 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informative also set out in the report and to the additional condition set out below:

**Additional Condition 6:**

The development hereby approved shall only be occupied by a maximum of five (5) persons.

**Reason:** To ensure the provision of satisfactory living space for occupants, and to comply with policy QD27 of the Brighton and Hove Local Plan.

**Note:** Councillor Mac Cafferty was not present at the meeting during consideration or voting in respect of the above application.

**8 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS**

8.1 There were none.

**9 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

9.1 The Committee noted the position regarding pre application presentations and requests as set out in the agenda.

**10 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

10.1 The Committee noted the new appeals that had been lodged as set out in the planning agenda.

**11 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

11.1 The Committee noted the information regarding informal hearings and public inquiries as set out in the planning agenda.

**12 APPEAL DECISIONS**

12.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 6.20pm

Signed

Chair

Dated this

day of