

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 7 AUGUST 2019**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hill (Chair), C Theobald (Group Spokesperson), Fowler, Hugh-Jones, Osborne, Shanks, Simson and Yates

**Co-opted Members:** Jim Gowans (Conservation Advisory Group)

**Officers in attendance:** Nicola Hurley, Planning Manager; Matt Gest, Principal Planning Officer; Laura Hamlyn, Planning Officer; David Farnham, Traffic and Transport Engineer; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

**PART ONE**

**20 PROCEDURAL BUSINESS**

**20a Declarations of substitutes**

20.1 Councillor Fowler stated that she was in attendance in place of Councillor Williams. Councillor Hugh-Jones stated that she was in attendance in place of Councillor Littman and Councillor Osborne was in attendance in place of Councillor Mac Cafferty. Councillor Miller had sent his apologies as he was unable to attend the meeting.

**20b Declarations of interests**

20.2 Councillor Hill referred to Application A, BH2019/01050, 26 Brentwood Crescent, Brighton, on which she declared a prejudicial interest, she had sent in a written representation (included with the agenda papers) in her capacity as a Local Ward Councillor prior to her appointment to this Committee. Councillor Hill explained that she would vacate the Chair during consideration of the application and that she would take no part in consideration or determination of the application.

20.3 Councillor Fowler referred to Application A, BH2019/01050, 26 Brentwood Crescent, Brighton, on which she declared a prejudicial interest, she had sent in a written representation (included with the agenda papers) in her capacity as a Local Ward Councillor. Councillor Fowler explained that she would leave the meeting and would take no part in consideration or determination of the application.

20.4 Councillor Osborne referred to Application A, BH2019/01050, 26 Brentwood Crescent, Brighton, on which he declared a prejudicial interest, he had sent in a written

representation (included with the agenda papers) in his capacity as a Local Ward Councillor. Councillor Osborne explained that having spoken in his capacity as a Local Ward Councillor he would leave the meeting and would take no part in consideration or determination of the application.

## 20c Exclusion of the press and public

20.3 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.

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

## 20d Use of mobile phones and tablets

20.5 The Chair requested Members ensure that their mobile phones were switched to ‘silent’ mode.

## 21 MINUTES OF PREVIOUS MEETINGS

21.1 The Democratic Services Officer, Penny Jennings stated that the following discussion with the Chair, the following amendments had been made to the copy for her signature and to the version of the minutes published on-line. These were highlighted as follows:

Paragraph 1.1 – “Councillor Simson stated **she** was attending that days meeting...”

Paragraph 1.2 – (an addition) “**Councillor Hill also stated that she had been lobbied as had all other Members of the Committee in respect of Application D, BH2018/03912, Gingerbread Day Nursery, Arundel Drive West, Saltdean, including correspondence from Councillor Fishleigh.**”

It was noted that it was understood that tablet devices were not capable of being switched to aeroplane mode and as reference had not been made to doing so the superfluous wording had been removed from the minutes.

21.2 **RESOLVED** – That the subject to the amendments set out above the Chair be authorised to sign the minutes of the meeting held on 12 June 2019 as a correct record.

## 22 CHAIR'S COMMUNICATIONS

22.1 There Chair explained that this meeting although being webcast would not available to watch live, although once uploaded would be available for repeated future viewing. Those present were reminded to switch their mobile devices to aeroplane mode.

## 23 PUBLIC QUESTIONS

23.1 There were none.

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

24.1 There were none.

**25 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**CALLOVER**

25a The Democratic Services Officer, read out items 25C and F as it was noted that Major applications and in this case any minor applications on which there were speakers were automatically reserved for discussion.

25b The Chair, Councillor Hill, explained that this measure was intended to expedite the business of Committee and to avoid the necessity of those who had an interest in applications on which there were no speakers spending hours waiting for the Committee to get to their application(s). She wished to re-assure the public however, that in any instances where an application was not called for discussion members had read the officer report and any supporting information in advance of the meeting. However, having given the officer recommendations their due consideration they had no questions nor required further clarification on any aspect of the application before moving to their decision.

25c All applications appearing on the agenda were called for discussion.

25d **RESOLVED** – That the position be noted.

**MINOR APPLICATIONS**

**A BH2019/01050 -26 Brentwood Crescent, Brighton- Full Planning**

Change of use from (C3) dwelling house to (C4) small house in multiple occupation.

(1) As the Chair had declared a prejudicial interest in respect of the above application and would be vacating the Chair and leaving the meeting during its consideration and determination the Democratic Services Officer requested that a Chair be formally appointed. Councillor Theobald was proposed by Councillor Simson and seconded by Councillor Yates and was duly appointed. Councillor Theobald in the Chair.

**Officer Presentation**

(2) The Principal Planning Officer, Matt Gest, introduced the report and gave a detailed presentation by reference to site plans, photographs and elevational drawings. It was noted that the main considerations in determining the application related to the principle of the change of use, impact on neighbouring amenity, the standard of accommodation to be provided, transport issues and the impact on the character and appearance of the property and the surrounding area. Overall, the scheme was considered to be acceptable and approval was recommended. Attention was drawn to

the additional letter of objection received the amendment to the officer report in Paragraph 8.8 and an additional condition all of which were set out in the were set out in the Late/Additional Representations List.

### **Public Speakers**

- (3) Ms Banks spoke on behalf of both neighbouring objectors setting out their concerns in respect of the proposal. Ms Banks had circulated a set of proposed conditions which she considered would be appropriate to address the concerns of one neighbour and should be applied in the event the Committee were minded to grant the application. These related primarily to preventing parking of vehicles on the shared driveway which separated the application property and the neighbouring dwelling and to limiting the number of residents and to controlling noise and disturbance. In this instance both sets of immediate neighbours had particular sensitivities which needed to be respected.
- (4) Councillor Osborne spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme and those of his fellow ward councillors. These related to noise nuisance, overdevelopment and the negative impact on neighbouring residential amenity. Having spoken Councillor Osborne left the meeting and took no part in the debate or decision making process.
- (5) Mr Dorman, spoke on behalf of the applicants in support of their proposal. He stated that he had a number of similar units across the city all of which were well managed and operated in a manner which respected neighbours. Residents were provided with the landlord's contact details in the event of any problems. The scheme had been well designed for the benefit of those living there and so that it would not have a detrimental impact on neighbours. Mr Dorman had stated his willingness to enter into a good landlord scheme but had to date received no response from the Council and he hoped that this was something which could be taken forward with the new Committee.
- (6) In answer to questions of the objectors representative it was confirmed that there was a restrictive covenant which stipulated that the driveway could only be used for vehicles to pass and that no parking was permitted. Advice was sought of the Legal Adviser to the Committee, Hilary Woodward and it was explained that the restrictive covenant would of itself control use of the driveway and so a condition relating to the same would be unnecessary. The Principal Planning Officer, Matt Gest advised that the conditions proposed would cover the other issues raised by the objector's representative. Officers also clarified that enforcement action could be taken against any infringement of any planning permission granted.

### **Questions of Officers**

- (7) Councillor Shanks enquired whether the number/use of cars accessing the property could be limited by condition and it was confirmed they could not.
- (8) Councillor Simson enquired whether it was known whether the end users of the scheme would be students or working professionals. It was confirmed that it was anticipated that they would be students. Councillor Simson also asked whether permission would be required to convert the property back into a house and it was confirmed that it would not.

- (9) Councillors Simson and Shanks also referred to the mapping exercise of HMO's in the area asking for clarification of how that assessment was made. Reference had been made to other uses in the area which appeared to be potential HMO's. It was explained that checks were made of the electoral roll, council tax records and records relating to HMO use. Unless it had been established that a property was a lawful then it would not be included. An Article 4 Direction sought to control numbers and once the agreed percentage had been reached this would impact on any future applications.
- (10) Councillor Shanks referred to measures to be undertaken to ensure control of noise. It was confirmed that the applicants had indicated they would be undertaking appropriate measures although these had not been set out in detail as this was over and above what we would normally require.
- (11) Councillor Yates referred to the fact the ultimately although landlords might provide a good-tenants guide and encourage good behaviour this was not guaranteed. Councillor Yates also sought confirmation that any further building works to the property which would increase occupancy beyond six would require planning permission and could come back to committee and it was confirmed that they could.
- (12) It was confirmed in answer to questions by Councillor Hugh-Jones that no external works were proposed to the property and that internal works had already been carried out.

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

- (13) Councillor Simson stated that she was concerned that the proposed development would have a detrimental impact in this area which was characterised by family homes. Noise would also represent an issue particularly externally in view of the additional comings and goings from the property due to intensification of the existing use.
- (14) Councillor Shanks concurred in that view.
- (15) Councillor Theobald stated that she considered that the proposed scheme would be un-neighbourly and she did not support it.
- (16) Councillor Yates considered that the restrictive covenant and proposed conditions would limit use of the property which would not lead to more intensive use of the site than might be the case if a family were to live there. In his view what was proposed was policy compliant.
- (17) A vote was taken on the officer recommendation to grant the application and this was lost on a vote of 4 to 1. Councillor Simson then proposed that the application be refused on the ground of impact on neighbouring amenity by reason of noise nuisance. This proposal was seconded by Councillor Shanks and it was agreed that the final form of wording of the proposed reason for refusal be agreed by the Planning Manager in consultation with Councillors Simson and Shanks.

- (18) A recorded vote was then taken and Councillors Hugh-Jones, Shanks, Simson and Theobald voted that planning permission be refused. Councillor Yates voted that planning permission be granted. Therefore planning permission was refused.'
- 25.1 **RESOLVED** - That the Committee has taken into consideration the reasons for the recommendation set out in the report but resolves to **REFUSE** planning permission on the grounds that the proposed change of use to a HMO would result in increased noise disturbance and nuisance that would be detrimental to the amenity of neighbouring occupiers. For these reasons the application is contrary to policies CP21 of the Brighton and Hove City Plan Part One and QD27 of the Brighton and Hove Local Plan. The final wording to be used in the decision letter to be agreed by the Planning Manager in consultation with the proposer and seconder.

**Note:** Councillor Fishleigh and Miller had given their apologies and were not present at the meeting. Having declared a prejudicial interest Councillors Hill, the Chair, Fowler and Osborne left the meeting and took no part in the consideration of, or decision making process in respect of the above application.

## **B BH2019/01551- 38A Upper Gardner Street, Brighton - Full Planning**

Demolition of existing storage unit (B8) and erection of 3no 2 storey dwelling-houses (C3) and 1no 2 storey office building (B1) and additional two storey bridged extension between the existing properties fronting Upper Gardner Street.

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

### **Officer Presentation**

- (2) The Planning Officer, Laura Hamlyn, introduced the scheme and gave a detailed presentation by reference to site plans, photographs and elevational drawings. It was noted that the main considerations in determining the application related to the principle of the proposed change of use to residential, the impact of the design on the character and appearance on the North Laine Conservation Area, the standard of accommodation for future occupiers, the impact on neighbouring amenity and transport and sustainability issues.
- (2) It was explained that amended drawings had been received to widen the access to the residential units, although this affected units 1 and 2 both still met the nationally described space standard and was considered acceptable. The condition relating to plans would be updated to reflect this. It was also recommended that a condition be added to ensure that the east boundary wall was made good. Although not explicitly stated in the officer report, in arriving at their recommendation officers had been guided by the requirement that when considering whether to grant planning permission for development in a conservation area the council had a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. Case law held that the desirability of preserving a listed building or its setting or the character or appearance of a conservation area must be given "considerable importance and weight."

- (3) It was considered that the proposed dwellings would be of an adequate size with sufficient storage and circulation space, that the scheme was acceptable overall and approval was therefore recommended.

### **Public Speakers**

- (4) Mr Jones spoke on behalf of neighbouring objectors setting out their objections to the proposed scheme. He stated that this application followed the rejection of two earlier schemes and in his view was still inappropriate for such a constrained site. It would be a cramped and unneighbourly form of development. It had not been shown that the commercial use was redundant, the scheme had many shortcomings which had been downplayed.
- (5) Ms Sheath spoke on behalf of the applicants in support of their scheme. The applicants had in their view addressed the previous reasons for refusal and this represented good use of a brown field site. Notwithstanding reduction of office floor space the employment density was improved and additionally three dwelling units were being provided.

### **Questions of Officers**

- (6) Councillor Yates sought clarification regarding the current commercial use and it was confirmed by the applicant's agent that it had been used for storage of building materials.
- (7) Councillor Simson sought clarification of the access arrangements in respect of the commercial and residential elements of the scheme.
- (8) Councillor Shanks asked for confirmation regarding whether the existing cobbled surfaces would remain visible from outside the site, it was confirmed they would and in relation to works to make good the wall to the eastern boundary of the site.
- (9) Councillor Yates enquired regarding removal of the existing dropped kerb and the and whether that would compromise wheelchair access to the site and also regarding on-site parking arrangements and provision of waste storage facilities. The Development and Transport Assessment Manager confirmed that the scheme met all minimum requirements and that if further changes were required they would be subject to further discussion and approval. No waste storage was required on-site as there were communal on-street bins.
- (10) Mr Gowans, CAG enquired regarding changes to the window alignment and these were shown. In answer to further questions it was confirmed that building control requirements would need to be met in addition to any planning permission granted.

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

- (11) Mr Gowans, CAG, referred to the objections they had put forward stating that in their view their concerns relating to the fenestration which would be clearly visible from the highway and the appearance of the proposed gate had not been addressed.

- (12) Councillor Theobald stated that her preference would have been for two rather than three units to be provided. Councillor Simson expressed concern in relation to the width of the access arrangements.
- (13) A vote was taken and the 8 Members present voted by 6 to 2 that planning permission be granted.

25.2 **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 and the additional condition set out below. Condition 1 to be amended to reflect the latest amended plans.

Additional condition 22:

Prior to first occupation of the residential units, the boundary wall along the eastern part of the site will be re-instated and made good.

Reason: To ensure the satisfactory appearance to the development and to comply with policies CP12 and CP15 of the Brighton and Hove City Plan Part One and policies HE6 of the Brighton and Hove Local Plan.

**Note:** Councillors Fishleigh and Miller had given their apologies and were not present at the meeting.

**C BH2019/01089 -Medina House, 9 King's Esplanade, Hove - Removal or Variation of a Condition**

Application for variation of condition 1 of BH2016/05893 (Demolition of existing building and erection of a single residential dwelling (C3) with associated hard and soft landscaping) to permit alterations to approved drawings to allow changes to elevation finishes, windows and internal layout.

**Officer Presentation**

- (1) The Principal Planning Officer, Matt Gest, introduced the report and gave a detailed presentation by reference to plans, including roof plans, elevational drawings and photographs and including digital plans showing the differences between the previous and current applications and the application site in the context of the neighbouring Victorian cottages. The following amendments set out in the Late/Additional Representations List were highlighted:

References to attached conditions in the officer report were not correct:

- Paragraph 8.12 should refer to Condition 7.
- Paragraph 8.14 should refer to Condition 18.
- Paragraph 8.16 should refer to Condition 13 (energy efficiency),
- Condition 14 (water efficiency) and Condition 17 (nature conservation).

- (2) It was noted that the principle of developing this site for a new residential dwelling had already been established. The main considerations in the determining of this

application related to the proposed alterations to the scheme approved under application BH2016/05893. The internal layout of the building had been modified and dividing walls had been shifted and those changes had not had a detrimental effect on the standard of accommodation provided and approval was recommended.

### Questions of Officers

- (3) Councillor Yates referred to the provision of air conditioning plant in place of the photovoltaic treatment proposed by the earlier scheme, querying whether as in his view this would undoubtedly result in increased energy consumption the current proposal remained policy compliant. It was confirmed that it would, and that those elements of the scheme were considered acceptable as they remained well above the minimum standards required.
- (4) Councillor Shanks sought confirmation that notwithstanding references which had been made to the previous scheme the application before the Committee needed to be determined on its planning merits and it was confirmed that it did.
- (5) Councillor Theobald sought confirmation regarding the location of plant and machinery, including the air conditioning units at roof level and whether this would be visible from street level. It was confirmed that it would not, also the Environmental Health team considered the proposals acceptable.

### Debate and Decision Making Process

- (7) Whilst Councillor Yates considered the scheme acceptable overall, it was inferior to that previously put forward which was regrettable.
- (6) Councillor Simson stated that she considered the scheme was acceptable. Councillor Theobald concurred stating that she would have preferred greater use of brick.
- (7) Councillor Hugh-Jones also stated that she supported the officer recommendation.
- (8) A vote was taken and the 8 Members present voted by 7 to 1 that planning permission be granted.

25.3 **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:** Councillors Fishleigh and Miller had given their apologies and were not present at the meeting.

### D BH2018/02136 - 22-24 St George's Road - Brighton - Full Planning

Removal of doors, revised window layout and enlargement of entrance to shop, and infill of courtyard to create new floorspace on basement and ground floors.

- (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, Matt Gest, introduced the application and gave a detailed presentation by reference to plans, elevational drawings and photographs. The application site is formed of two premises on the northern side of St George's Road, in Kemptown - the existing Co-operative store on the corner of College Place, and a vacant restaurant (formerly known as '24') to the east of the Co-op. The buildings were three storey properties, with basements below, and residential above the ground floor shopfronts. The application sought to incorporate the empty restaurant into the existing Co-operative store, making alterations to the internal layout of the two properties at basement and ground floor level, including alterations to the roof behind the stores.
- (3) It was noted that the main considerations in determining the application related to:
  - the suitability of the proposed change of use of the former restaurant (A3) to retail (A1);
  - the impact of combining the two units into one;
  - the impact of the works to the rear of the combined premises on the appearance of the building and the amenity of neighbours resident above the shop premises;
  - the amenity impact of the operation of the enlarged A1 unit and; the impact of the proposed works on the design and appearance of the property on the street scene and in the context of the East Cliff Conservation Area in which it is located.
- (4) Overall the scheme was considered acceptable and approval was recommended.

### **Public Speakers**

- (5) Councillor Platts spoke in her capacity as a Local Ward Councillor setting out her objections and those of local residents in respect of the proposed scheme. These were lack of consultation, potential negative structural impact due to lowering of walls and removal of load bearing walls, increased noise from the cooling plant and deliveries unsocial hours, increased vehicle movements, increased parking, negative impact on viability of local traders and increase in unsightly storage racks etc.
- (6) Mr Edge spoke on behalf of the applicants in support of their application. He explained that the existing retail unit was too cramped and the proposal would improve the existing frontage and access arrangements. The scheme as put forward had also sought to address any concerns raised by residents including reduction of any existing on-street "clutter". No additional deliveries were proposed.

### **Questions of Officers**

- (7) Councillor Shanks referred to the servicing, parking, delivery arrangements proposed and to the concerns raised by residents asking for the rationale for the arrangements proposed. It was explained that they represented the most appropriate option.

- (8) Councillor Simson asked regarding arrangements in respect of the Delivery and Service Management Plan referred to in proposed Condition 5 and it was confirmed that no additional deliveries would take place and on-street delivery/parking loading arrangements already existed. Councillor Simson also enquired regarding provision of bins storage. It was confirmed that this would be via the basement area.
- (9) Councillor Theobald enquired about why the option of servicing the site from College Place had not been used and it was confirmed that this option had not been considered appropriate by the Heritage Team.

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

- (10) Councillor Yates stated that he considered the scheme would bring the adjacent empty building into good use and would improve the existing space without having a negative impact as the current hours of operation and delivery arrangements would remain unchanged. He did not consider in-fill work would be detrimental.
- (11) Councillor Simson concurred stating that she considered that the proposed in-fill would be an improvement. The fact that an empty unit would be returned to use was also welcome. She supported the officer recommendation notwithstanding that she would have preferred it if servicing of the bin storage area had not been from the rear.
- (12) Councillor Theobald agreed considering that the proposal represented a good use of the site.
- (13) A vote was taken and the 8 Members who were present at the meeting voted unanimously that planning permission be granted.

25.4 **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 also set out in the report.

**Note:** Councillors Fishleigh and Miller had given their apologies and were not present at the meeting.

### **E BH2019/01573 - 105 Norwich Drive, Brighton- Full Planning**

Change of use from 5 bedroom dwelling house (C3) to 6 bedroom small House in Multiple Occupation (C4). Proposals also incorporate: a replacement roof to an existing lean-to; the provision of cycle storage; and associated works.

### **Officer Presentation**

- (1) The Principal Planning Officer, Matt Gest, introduced the report and gave a detailed presentation by reference to site plans, photographs and elevational drawings. It was noted that the main considerations in determining the application related to the principle of the proposed change of use from a dwelling house (C3) to a small House in Multiple Occupation (HMO) (C4). Additionally, any wider amenity impacts of the change or any impact of the proposed external alterations also needed to be taken into account. The standard of bedroom accommodation was considered acceptable for all

applicants and the layout of the property overall offered an acceptable standard of accommodation and approval was therefore recommended.

### Questions of Officers

- (2) Councillor Osborne referred to the mapping exercise which had been undertaken and enquiring whether there were any other HMO's in the immediate vicinity of the area covered by the mapping exercise. It was confirmed that there were not.

### Debate and Decision Making Process

- (3) Councillor Shanks stated that it appeared that a number of homes were becoming HMO's by default.
- (4) Councillor Simson stated that she was concerned at the impact on a neighbourhood when there were a number of HMO's in the vicinity particularly when it was characterised by family homes. In this instance she was concerned by the loss of another family home.
- (5) A vote was taken and the 7 Members present when the vote was taken voted by 3 to 3 with 1 abstention that planning permission be granted. As the vote was tied, in line with established protocol the Chair exercised her casting vote, she remained of the view that overall the scheme was acceptable in that it was policy compliant and planning permission was therefore granted.

- 25.5 **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.

**Note1:** Having declared a prejudicial interest in the above application Councillor Yates withdrew from the meeting and took no part in the debate or decision making process.

**Note2:** Councillors Fishleigh and Miller had given their apologies and were not present at the meeting.

## F **BH2019/01615 - 55 Park Road, Brighton- Full Planning**

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

### Officer Presentation

- (1) The Planning Officer, Laura Hamlyn, introduced the report and gave a detailed presentation by reference to plans, elevational drawings and photographs. The main considerations in determining the application related to the principle of the change of use, its impact on neighbouring amenity and transport issues. No external alterations were proposed and it was considered that there was adequate circulation space as well as natural light and ventilation. Although the proposed change of use would result in increased occupancy it was not considered such that it would amount to significant harm sufficient to warrant refusal. Approval was recommended.

**Questions of Officers**

- (2) Councillor Theobald sought confirmation regarding the length of time the property had been in operation as a HMO. Also, regarding unauthorised works to the property. It was explained that the property had been in use since 2013 and that as the existing wrap around extension appeared to have been in place for more than four years it was exempt from formal enforcement action.
- (3) Councillor Simson sought clarification whether the property had originally been in use illegally and whether a licence/permission had been sought subsequently in order to regularise that situation. It was explained that not all HMO's required registration but that the information used when "mapping" an area was generally reliable.
- (4) Councillor Yates asked whether consideration had been given to removing permitted development rights and it was explained that was not considered necessary as in this instance the internal layout of the property and room sizes restricted the number of individuals who could reside there.
- (5) Councillor Osborne sought clarification regarding how the requirement that no more than 10% of the properties within the area (50m) could be HMO's was applied as the previous assessment was now considered to be in error.

**Debate and Decision Making Process**

- (6) Councillor Yates stated that he was familiar with the site location and as the garden areas were elevated above these properties and their neighbours any noise generated would carry. Given the topography of the site it would have a greater impact on the neighbouring dwellings and the vicinity.
- (7) Councillor Simson stated that she also had concerns that in this location loss of a family home and potential intensification of the current use would impact negatively and could also give rise to noise and disturbance. It was noted that the area was already very close to the 10% level permitted.
- (8) Councillor Hill, the Chair considered that the potential impact on neighbours was a germane consideration.
- (9) A vote was taken on the officer recommendation to grant the application and this was lost on a vote of 7 against with 1 abstention. Councillor Yates then proposed that the application be refused on the ground of impact on the amenity of neighbours by reason of noise nuisance. This proposal was seconded by Councillor Simson and it was agreed that the final form of wording of the proposed reason for refusal be agreed by the Planning Manager in consultation with Councillors Yates and Simson.
- (10) A recorded vote was then taken and Councillors Hill, Chair; Fowler, Osborne Shanks, Simson Theobald and Yates voted that planning permission be refused. Councillor Hugh- Jones abstained. Therefore planning permission was refused.

- 25.6 **RESOLVED** - That the Committee has taken into consideration the reasons for the recommendation set out in the report but resolves to **REFUSE** planning permission on the grounds that proposed by Councillor Yates. The final wording to be used in the decision letter to be agreed by the Planning Manager in consultation with the proposer and seconder.

**Note:** Councillor Fishleigh and Miller had given their apologies and were not present at the meeting.

**G BH2019/01474- 7A Southover Street, Brighton - Full Planning**

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

**Officer Presentation**

- (1) The Planning Officer, Laura Hamlyn, introduced the application and gave a detailed presentation by reference to plans, elevational drawings and photographs. The main considerations in determining the application related to the principle of the change of use, its impact on neighbouring amenity and transport issues. Whilst the bedrooms fronting Southover Street would have an awkward layout, given the additional benefit of a study room to share at first and second floor level, it is considered that the proposal would provide an acceptable standard of accommodation.
- (2) Whilst the subdivision of the first and second floor rooms fronting Hanover Street was not considered an appropriate alteration, given the limited visibility of that partition from street level it was not considered that refusal of the application solely on that basis could be sustained. The proposed use would result in an increase in occupancy but it was not considered such that it would result in significant harm to the amenity of neighbouring occupiers. Overall the scheme was considered acceptable and approval was recommended.

**Public Speakers**

- (3) Councillor Powell spoke in her capacity as a Local Ward Councillor setting out her objections and those of local residents, stating that she considered that the creation of another HMO represented an unneighbourly overdevelopment. There was concern that the proposed study areas could be converted into additional bedrooms in future which would lead to more intensive use of the site in terms both of occupancy and trip generation. Located directly opposite purpose built student accommodation it was considered that this would impact negatively on neighbouring amenity.

**Questions of Officers**

- (4) Councillor Yates referred to the internal layout proposed querying whether the circulation space in the kitchen would be sufficient, particularly as the toilet led directly off it, also whether the study areas could be converted into bedrooms.

- (5) It confirmed that the accommodation provided overall was considered to be adequate. Proposed conditions 3 and 4 would restrict use of the proposed study and any other use would be a breach of planning conditions and could give rise to enforcement action being taken.

**Debate and Decision Making Process**

- (6) Councillor Yates stated that he considered that the circulation space available in the kitchen would be insufficient for the number of occupants and would not therefore be of an acceptable standard. This would be exacerbated by the fact that the toilet facilities needed to be accessed from the kitchen.
- (7) Councillor Theobald agreed considering that it would also be more appropriate if a bathroom rather than a shower room was provided.
- (8) Councillor Hill, the Chair concurred with all that had said stating the she too would be voting that the application be refused.
- (9) A vote was taken on the officer recommendation to grant the application and this was lost on a vote of none in favour and eight against. Councillor Yates then proposed that the application be refused on the grounds of the standard of accommodation, specifically the kitchen, having regard to the proposed number of occupants and the nature of the kitchen being a corridor to the toilet facilities. This proposal was seconded by Councillor Simson and it was agreed that the final form of wording of the proposed reason for refusal be agreed by the Planning Manager in consultation with Councillors Yates and Simson.
- (10) A recorded vote was then taken and Councillors Hill, Chair; Fowler, Hugh- Jones, Osborne Shanks, Simson Theobald and Yates voted unanimously that planning permission be refused. Therefore planning permission was refused.

25.7 **RESOLVED** - That the Committee has taken into consideration the reasons for the recommendation set out in the report but resolves to **REFUSE** planning permission on the grounds proposed by Councillor Yates. The final wording to be used in the decision letter to be agreed by the Planning Manager in consultation with the proposer and seconder.

**Note** : Councillors Fishleigh and Miller had given their apologies and were not present at the meeting.

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

26.1 There were none.

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

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

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

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

The meeting concluded at 5.20pm

Signed

Chair

Dated this

day of