

**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 5 AUGUST 2020****VIRTUAL VIA SKYPE:****MINUTES**

**Present:** Councillors Littman (Chair), Osborne (Deputy Chair), Childs (Opposition Spokesperson), Miller (Group Spokesperson), Fishleigh, Henry, Shanks, C Theobald and Yates

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

**Officers in attendance:** Nicola Hurley, Planning Manager, David Farnham, Development and Transport Assessment Manager, Matt Gest, Planning Team Leader, Stewart Glassar, Planning Team Leader, Russell Brown, Senior Planning Officer, Mark Thomas, Senior Planning Officer, Michael Tucker, Planning Officer, Rebecca Smith, Planning Officer, Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

**PART ONE****22 PROCEDURAL BUSINESS****22a Declarations of substitutes**

22.1 There were none, it was noted that apologies had been received from Councillor Janio.

**22b Declarations of interests**

22.2 Councillor Theobald stated in respect of Application B, BH2020/00727, Hove Manor, Hove Street, Hove, that she had occasionally been a customer of a business located on the ground floor of the building. However, she remained of a neutral mind and would therefore remain present during the debate and decision making process.

22.3 Councillor Osborne declared a personal and prejudicial interest in Application A BH2020/00018, 19 Hollingdean Terrace, Brighton. He had written in objection to the application in his capacity as a Local Ward Councillor and would be speaking in objection after which he would leave the meeting and would take no part in the debate and decision making process.

**Exclusion of the press and public**

22.4 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.

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

**22d Use of mobile phones and tablets**

22.6 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 ‘airplane mode’.

**23 MINUTES OF PREVIOUS MEETINGS****23a Minutes of meeting, 10 June 2020**

23.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 10 June 2020 as a correct record.

**23b Minutes of meeting, 8 July 2020**

23.2 Councillor Theobald referred to Application BH2019/01820, 19-24 Melbourne Street, Brighton (Paragraph 5) stating that she had expressed concern regarding the lack of on-site “amenity space” rather than facilities.

23.3 **RESOLVED** – That subject to the amendment referred to above the Chair be authorised to sign the minutes of meeting held on 8 July 2020 as a correct record.

**24 CHAIR'S COMMUNICATIONS**

24.1 The newly appointed Chair, Councillor Littman, welcomed everyone to the meeting stating that he felt genuinely honoured to be Chairing Planning Committee for the first time notwithstanding his experience having Chaired various meetings and Committees and having sat on the Planning Committee for seven years. The Chair paid tribute to his predecessor Councillor Tracey Hill, who had Chaired the committee for the last 14-months and had done so admirably being clear, even-handed, and firm where necessary.

24.2 The Chair then proceeded to a run through of the protocol that was being used whilst meetings were being held virtually. It was explained that in order to enable the meeting to run smoothly, all presentations, together

with questions submitted in advance, and answers to those questions, had been circulated, were available online, and could be referenced by all attending the meeting. Presentations took into account the fact that, following Covid19 guidelines, no site visits had been arranged, and enhanced visuals had been provided to show the context of the area under discussion. The reports had also been published in advance as usual. Arrangements for consideration of reports and for public speaking were also outlined and for regular breaks to be taken during the course of the proceedings.

## **25 PUBLIC QUESTIONS**

25.1 There were none.

## **26 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

26.1 The Chair explained that in line with current Central Government guidance in relation to the Covid 19 pandemic, formal site visits had not been arranged. To reflect that in depth presentation material and visuals had been circulated in advance of the meeting and had also been appended to the agenda papers published on the council website. If, however, Members considered that they required more detailed information in order to determine any application a site visit could be requested either at this point on the agenda or at any point in the proceedings.

## **27 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

27.1 The Democratic Services Officer read out Items 27A to J. It was noted that all Major applications and any Minor applications with speakers were automatically reserved for discussion. There were no major applications for consideration at this meeting.

27.2 It was noted that the following item(s) were not called for discussion and it was therefore deemed that the officer recommendation(s) were agreed including the proposed Conditions and Informatives and any additions / amendments set out in the Additional / Late Representations List:

- **Item D:** BH2020/01365 – 55 Baden Road, Brighton – Householder Planning Consent
- **Item G:** BH2020/01081 – Park Manor, London Road, Brighton - Full Planning

### **A BH2020/00018, 19 Hollingdean Terrace, Brighton - Full Planning**

Demolition of the existing buildings (Sui Generis) and dwellinghouse and erection of buildings containing flexible floor space (B1 a/b/c) and four residential dwellings comprising 3, two bedroom two storey houses and a two bedroom flat with landscaping.

(1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by

reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the principle of the development, density, the design of the proposal, landscaping and biodiversity, its impact on neighbouring amenity and on highways as well as the standard of accommodation created. There was no objection to loss of the existing residential studio which was undersized and offered a poor standard of accommodation.

- (2) It was considered overall that the scheme made a welcome contribution to the Council's housing targets and the city's supply of B1 floorspace the standard of which would be of much compared to the existing. The scheme had successfully addressed the issues raised during the pre-application process and represented effective use of the site, without compromising on design, neighbouring amenity, standard of accommodation, highways safety and sustainability and as such was recommended for approval subject to the conditions set out in the report.

### Public Speakers

- (3) Ms Entwistle?—spoke in her capacity as a local objector and by virtue of her involvement with the existing Coachwerks facility on site. She stated the site was currently home to a thriving community hub which would be lost as a consequence of the proposed development, it would also have a detrimental impact on neighbouring amenity.
- (4) Councillor Osborne spoke in his capacity as a Local Ward Councillor setting out his objections to the proposed scheme and those of neighbouring residents. He objected for a number of reasons, on the grounds of additional traffic, overdevelopment and detrimental impact on neighbouring amenity. The proposal would result in loss of a valuable community hub and took no account of the existing free-lance office space use or the fact that the site was in active use in the evenings and at weekends. There would be no on-site parking and that would result in overspill parking which would exacerbate existing problems. The valued wholefoods grocery which was widely used locally would also be lost. Having spoken Councillor Osborne left the meeting and did not return until the application had been determined.
- (5) The Democratic Services Officer, Penny Jennings, read out a statement submitted by Councillor Fowler in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme. Councillor Fowler stated that it would be overdevelopment in an area which already suffered from parking problems. The community space on site was regularly used by the community and loss of the wholefood shop would be a great loss as many local people enjoyed shopping there. It was important to support local shops and to encourage people to shop locally. During lockdown many people had said how good it had been to have such a local shop on their doorstep.
- (6) Mr Giles spoke on behalf of the applicants in support of their application stating that the application as put forward had been the result of a detailed pre-application process and had been subject to amendment in order to seek to provide the most appropriate on-site development. The existing buildings provided a very poor standard of accommodation, were in a poor state of repair and had reached the end of serviceable

and safe life. The proposed scheme would provide a flexible up to date space and multiple conditions would be attached to any permission granted.

- (7) Councillor Theobald asked why it had not been possible to provide any parking on site and Mr Giles explained that although that option had been explored that had not ultimately been considered to be a practical or safe option in view of the narrow frontage of the site and the need to cross the existing pedestrian walkway and the way that it could impinge on existing site lines. Support for sustainable transport modes had been pursued as a preferable option.

### Questions of Officers

- (8) Councillor Shanks referred to the objections of the local ward councillors and local residents in respect of loss of the existing community use, asking what protection would be afforded to existing tenants. In answer to further questions it was explained that the public did not have access to most of the existing site.
- (9) Councillor Fishleigh sought clarification of statements contained in the Additional/Late Representations List, as they seemed to indicate that the proposed site density would be too great, also in relation to proposed highways arrangements. It was explained that the amount of units per hectare proposed was considered acceptable, and that conditions to ensure that a suitable travel plan was in place were considered to be acceptable.

### Debate and Decision Making Process

- (10) Councillor Theobald stated that notwithstanding that the proposal would improve the appearance of this run-down site, she considered that the number of housing units proposed was too great and would be cramped in view of the size of the site.
- (11) No further matters were raised and the Committee proceeded to the vote. A vote was taken and the 8 Members present voted by 6 to 2 that planning permission be granted.
- 27.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

**Note:** Having declared a prejudicial interest in the above application and having spoken in his capacity as a Local Ward Councillor, Councillor Osborne left the meeting during consideration of the above application and took no part in the decision making process.

### **B BH2020/00727, Hove Manor, Hove Street, Hove -Full Planning**

Erection of a single storey extension at roof level to create 2no two bedroom dwellings & 1no three bedroom dwelling (C3) with front terraces.

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main

considerations in determining the application related to the principle of the development, design of the proposal and its impact on the character and appearance of the existing building and the Old Hove Conservation Area and the Pembroke and Princes Conservation Area, impact on neighbouring amenity and the nearby listed buildings, standard of accommodation to be provided, sustainability and transport matters.

- (2) It was considered that the provision of three dwellings would make a contribution to the housing supply of the city and in view of the guidance within Paragraphs 122 and 123 of the NPF and the Inspector's comments in the previous application this proposal was considered to be acceptable in principle as was its design and appearance. The reduced scale and change in materials to be used had overcome the previous reasons for refusal. The impact on neighbouring amenity had been reduced and was not considered sufficient to warrant refusal. Transport, ecology and sustainability implications could be addressed by conditions and approval was therefore recommended.

### Questions of Officers

- (3) Councillor Miller sought confirmation of the location and dimensions of the proposed balustrading and regarding the extent to which it would project forward from the building. It was explained that these would align with the front of the building and would be set back to the rear and sides. Obscure glazing would be provided and further details regarding this treatment had been requested.

### Debate and Decision Making Process

- (4) Councillor Miller stated that he was perplexed by the application considering in his view that very few changes had been made following the previous refused application. He did not feel that the previous concerns or comments of the Planning Inspectorate had been taken on board.
- (5) Councillor Theobald stated that although accepting that the balcony areas had been set back slightly she considered that the overall appearance of building was overly dominant in the street scene and was a poor design.
- (6) Councillor Osborne stated on balance he considered that the level of set back of the fenestration was acceptable and that the requirements of the Planning Inspectorate had been met, he would be voting in support of the application.
- (7) A vote was taken and the 8 Members who were present when the vote was taken voted by 6 to 2 that planning permission be granted.
- 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 to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

**Note:** Councillor Childs was not present at the meeting during consideration of the above application.

### C BH2020/00867, 12 Sussex Road, Hove- Householder Planning Consent

Erection of a single storey side extension and the installation of 3 no. rooflights.

- (1) It was noted that an in depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the design and appearance of the extension, its impact on the wider conservation area and the impact on neighbouring amenity.
- (2) It was considered on balance that the proposed form of development would not result in a significant increase in overshadowing towards the neighbouring property at 13 Sussex Road or additional overlooking of properties on Sussex Road and Victoria Cottages. The impact on adjacent properties had been fully considered and no significant harm had been identified. Although concerns had been expressed regarding potential use of the site as a short-term let, change of use had not been applied for and as such that was not a material consideration. Overall the scheme was considered to be acceptable and approval was recommended.

### **Public Speakers**

- (3) Mr Branagh spoke in his capacity as a neighbouring objector. He did not consider that the proposed scheme was modest it would result in a significant increase to the existing envelope, there was an error in the submitted plans and it would be located very close to the boundary wall and would directly overlook their daughter's bedroom and their kitchen and garden. Removal of the tree would remove screening and this would not be adequately compensated by providing a bee brick. The scheme would result in overshadowing, overlooking and loss of amenity. The applicant did not live at the property which also gave rise to concerns that it would operate as an Airbnb.
- (4) The Democratic Services Officer, Penny Jennings, read out a statement on behalf of the applicant/agent in support of their application, stating that the proposed extension was modest, intended to improve the proportions of the existing room at the rear and in accordance with planning policies, no alterations were proposed to the front elevation in order to maintain the character of the fisherman's cottages. Concerns had been expressed regarding loss of the tree, but this was only visible from the immediately adjoining properties and from the upper storeys. The arboriculturist had confirmed the tree was inappropriately planted and was likely to damage pipework below ground. The applicants were happy to provide a bee brick as suggested and could confirm that there was no intention to operate an Airbnb.

### **Questions of Officers**

- (5) Councillor Theobald, considered that loss of the tree was to be regretted and enquired regarding what species it was. The Planning Team Leader, Stewart Glasser, confirmed that it was believed to be an ornamental cherry, confirming however that it had not been considered worthy of a TPO and that there were concerns that it was likely to cause damage to underground pipework should it remain in situ.

- (6) Councillor Osborne also asked for clarification regarding the tree and also in respect of its proximity to the boundary wall and regarding how the assessment had been made. It was explained that having visited the site officers had made their assessment. Issues relating to the boundary wall would be subject to a party wall agreement which was covered by separate legislation and did not form part of the planning considerations.
- (7) Councillor Fishleigh sought confirmation regarding whether the adjoining passageway would be filled in as? this did not appear to be the case with any of the other properties.

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

- (8) Councillor Theobald stated that she was of the view that the tree to be removed would impact directly on the neighbouring property and would create a greater sense of overlooking and enclosure.
- (9) Councillor Fishleigh concurred in that view stating that it was to be regretted having bought a property of this type in a conservation area such far reaching changes were then sought which were detrimental to neighbouring amenity.
- (10) Councillor Childs considered that the proposed scheme would result in an unacceptable degree of overlooking to the neighbouring properties. In consequence he was unable to support the officer recommendation.
- (11) Councillor Osborne stated that having considered the submitted report and matters raised in response to it, on balance he considered that the proposal was acceptable notwithstanding that loss of the tree was to be regretted.
- (12) No further matters were raised and a vote was therefore taken. The 9 Members present voted by 5 to 4 that planning permission should not be granted. Councillor Fishleigh then formally proposed that the application be refused on the grounds that the proposed scheme would result in overlooking, loss of privacy, loss of outlook and adverse effect on trees and that was seconded by Councillor Henry. Following a brief adjournment a recorded vote was taken in respect of the alternative recommendation that the application be refused. Councillors Childs, Fishleigh, Henry Theobald and Yates voted that planning permission be refused. Councillors Littman, the Chair, Osborne Miller and Shanks voted that planning permission be granted, therefore the application was refused on a vote of 5 to 4.

- 27.2 **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 development would result in overlooking, loss of privacy loss of outlook and adverse effect on trees. The final wording of the refusal to be agreed by the Planning Manager in consultation with the proposer and seconder.

### **D BH2020/01365, 55 Baden Road, Brighton - Householder Planning Consent**

Erection of a two storey side extension with extension of roof above.



- (1) Following additional information which was given by the Planning Officer, this application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

27.4 **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 Conditions and Informatives also set out in the report.

**E BH2020/01399, 7 Barrowfield Drive, Hove - Full Planning**

Erection of 1no. two bedroom two storey house (C3)

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the principle of the development, the design and appearance of the proposed dwelling and the impact on neighbouring amenity, the standard of accommodation to be provided, arboriculture, transport implications and sustainability.
- (2) In view of the extant permission for the site, the proposal was considered to be acceptable in principle and the design and appearance of the proposed dwelling was considered to be acceptable as would the standard of accommodation to be provided nor would there be a detrimental impact on neighbouring amenity. It was considered that arboriculture concerns and potential transport implications could be addressed by appropriately worded conditions and approval was therefore recommended.

**Questions of Officers**

- (3) Councillor Theobald asked whether the floor area was smaller than on the last occasion when the application had been considered, also regarding the consultation process which had occurred expressing surprise that none of the objectors had indicated that they wished to speak. It was regrettable that apparently there had been no consultation with neighbours on the previous application. It was explained that the overall floor area was larger than previously, that all necessary statutory requirements had been met and that the same statutory process had taken place as previously.
- (4) Councillor Fishleigh referred to the potential impact on tree 9 but it was confirmed that this would not be affected by the current scheme.

**Debate and Decision Making Process**

- (5) Councillor Theobald stated that she considered that the proposed scheme would change the existing attractive wooded character of the area.
- (--) There was no further discussion and a vote was then taken. The 8 Members who were present voted by 6 to 1 with 1 abstention planning permission was granted.

- 27.5 **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 Childs was not present during consideration of the above application.

**F BH2020/00239, 186-187 Lewes Road, Brighton - Full Planning**

Demolition of existing 3no. storey commercial and residential building. Erection of a 4no. storey mixed use development consisting of 9no. two bed flats (C3) over the four floors and 1no. commercial unit with A1-A5 use on the ground floor, with associated works.

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the principle of the proposed development, the suitability of the site to accommodate the proposed development having regard to the amenity requirements of the dwellings, affordable housing, the affect upon character of the area and neighbouring residential amenity, traffic impact and sustainability. In view of the decision of the Planning Inspectorate relating to an earlier application and the extant permission it was recommended that minded to grant planning approval be given.

**Questions of Officers**

- (2) Councillor Shanks referred to the level of affordable housing to be provided asking whether it would be possible for the council to have allocation rights for one of the units.
- (3) Councillor Fisheigh queried the level of contribution being sought from the developers in respect of the affordable housing contribution. The level of contribution being sought appeared to be very low. It was explained that the level of contribution sought was in line with the formula agreed by the TECC Committee. Councillor Fisheigh asked whether it would be possible for a greater level of contribution to be sought from the developer but it was explained that would not be appropriate as level of contributions being sought were policy compliant in line with the scale of the development.

**Debate and Decision Making Process**

- (4) Councillor Yates stated that he considered that the scheme as proposed represented an improvement.
- (5) Councillor Theobald agreed stating that what was proposed would be an improvement to the existing building and would improve the appearance of the site.
- (6) Councillor Miller stated that whilst he supported the officer recommendation he considered that the materials and finishes to be used were crucial referring to nearby development where the materials used had not weathered well. As Member briefing meetings were not taking place in the traditional manner currently, he considered it

important to flag this up and to seek to ensure that Members were able to see and approve the materials to be used and asked whether to that end an informative to that effect could be added to any permission granted. Councillor Shanks concurred in that view.

- (7) It was confirmed that officers could put arrangements in place to enable that to occur.
- (8) Councillor Miller proposed formally proposed that an informative be added requiring that Members be consulted of the materials to be used and that was seconded by Councillor Shanks. A vote was taken and the 9 Members present voted unanimously that an informative be added to ensure that Members were consulted on the materials in the manner deemed most appropriate by officers. A further vote was then taken on the substantive recommendation to include reference to consultation on materials. The 9 Members present voted unanimously that planning permission be granted in those terms.

27.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives also set out in the report and the additional informative referred to above **SAVE THAT** should the s106 Planning Obligation not be completed on or before 2 October 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9.1 of the report.

**G BH2020/01081, Park Manor, London Road, Brighton - Removal or Variation of a Condition**

Application for variation of conditions, 2, 4, 7., 8., 9, 11 & 12 of application BH2013/01800 (roof extension to form 4no one bedroom flats and 2 no 2 bedroom flats with private roof gardens and creation of 4no car parking spaces, 1 no disabled car parking space and new cycle store) to include changes in housing units to 2no 1 bedroom flats and 4no. 2 bedroom flats (C3), increase in floorspace, alterations to elevations and fenestration.

- (1) This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

27.7 **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.

**H BH2020/01476, 19 Hill Drive, Hove - Full Planning**

Demolition of existing garage and erection of two storey side extension, single storey rear extension and revised rear balcony, 2 no. rear dormers, revised front entrance and access, widening of existing crossover with associated alterations

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by

reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. It was also noted that minor amendments had been sought throughout the course of the application. The main considerations in determining the application related to the impact and appearance of the proposed development on the building itself, on the wider street scene and the amenities of adjacent occupiers. Concerns had been raised regarding noise disturbance and associated rubbish and debris resulting from the construction works, however they were not material planning considerations.

- (2) It was not considered that the scheme would be significantly harmful in terms of overlooking or loss of privacy and loss of the existing garage, revised front access and widened crossover and secure and accessible cycle parking were welcomed. Overall the scheme was considered to be acceptable and was recommended for grant.

### Questions of Officers

- (3) Councillor Theobald referred to the proposed fenestration and enquired whether the proposed scheme would result in overlooking or overshadowing of neighbouring dwellings. It was explained that the windows at first floor level would be set back and would be obscurely glazed. There would be no direct overlooking in consequence of the development and the levels of mutual partial overlooking of neighbouring gardens would remain unchanged.

### Debate and Decision Making Process

- (4) There were no further questions and Members then proceeded directly to the vote.
- (5) A vote was taken and on a vote of 7 to 2 planning permission was granted.

27.8 **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.

## I **BH2020/01533, 89 Valley Drive, Brighton - Full Planning**

Erection of detached single storey outbuilding in rear garden and associated landscaping.

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The application site related to a single storey detached dwelling located to the south side of Valley Drive and was located on a spacious plot with a generously sized rear garden.

- (2) Amendments had been received throughout the course of the application which had resulted in a reduced scale to the outbuilding and revised floor plans included an open-plan kitchen/living/dining area, bathroom, storage, study and gym area. Although the proposed annex would provide separate living accommodation from the main building, no bedrooms were proposed, it would share the rear garden and site access with the main building and would be ancillary living accommodation. It was considered to be a suitable addition to the site which would not harm its appearance or that of the wider area, nor result in significant harm to neighbouring amenity and therefore approval was recommended.

### **Questions of Officers**

- (3) Councillor Theobald sought clarification regarding the manner in which the building would be configured as it appeared that it was proposed that another dwelling house was proposed. It was explained that the building would operate as an annexe to the main dwelling house and would be set well into the site and would be well below the level of the boundary fencing with the neighbouring properties.
- (4) Councillor Osborne referred to the on-site excavation works which would need to be undertaken enquiring regarding the arrangements which would be put into place for its removal and disposal. It was explained in answer to further questions that the nature of the works was not considered to be such that additional conditions over and above those usually applied to works at a domestic dwelling should be applied.
- (5) Councillor Childs expressed concern that the building could potentially be used as an Airbnb, it was explained however that this would operate ancillary to the dwelling house.
- (6) It was confirmed in response to questions of Councillor Yates that as the building was not attached to the main dwelling house it could be used separately.

### **Debate and Decision Making Meeting**

- (7) Councillor Theobald asked whether it would be possible for a condition to be added to ensure that the building could only be used by other family members and could not be used as an Airbnb.
- (8) Councillor Yates stated that as the building was a garden structure he assumed that those residing in the main house were unlikely to let it for rowdy parties and was therefore minded to support the application.
- (9) Councillor Osborne was in agreement stating that he also considered that the design was acceptable and therefore on balance was minded to vote in favour of the application.
- (10) A vote was taken and on a vote of 8 with 1 abstention planning permission was granted.

27.9 **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.

**J BH2020/01366, 71 Albion Hill, Brighton**

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

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application related to the principle of the proposed development, the effects of the proposed change of use on neighbouring amenity, the standard of accommodation for future occupiers and transport matters. A mapping exercise had been undertaken indicating that there were 79 properties within a 50m radius of the application property, 7 of which had been identified as being in HMO use which amounted to 8.86%.
- (2) The use of the property as a small HMO with a maximum of 5 occupiers would not be too dissimilar to that of a family dwelling. The pattern of movement within the dwelling and to and from the dwelling might be different due to the individual lives being led rather than as a family unit. This was not however considered to be of such magnitude that it would cause significant harm. The proposed change of use of the dwelling was not considered such that it would have a significant impact on the local transport network. The site was too constrained to provide on-site cycle parking and as the site fell within CPZ V which was currently over capacity future occupiers would be restricted from applying for parking permits and this would be secured by condition. On that basis the proposal was considered to be acceptable and it was recommended that planning permission be granted.

**Public Speakers**

- (3) The Democratic Services Officer, Penny Jennings read out statements on behalf of the Local Ward Councillors, Councillors, Gibson and Powell who had submitted letters of objection to the proposed change of use setting out their concerns and those neighbouring residents. Both were in agreement that the increasing number of student developments and HMO's in the area were having a detrimental impact on the character of the area, it was being changed as a result of the transient population which was changing the residential balance. They did not agree that the current percentage of HMO's was not? already greater than 10%. The increase in the number of such units was also detrimental in terms of additional comings and goings and created greater stress on the existing road network and on overspill parking beyond the CPZ. They were strongly of the view that further proliferation of such uses should be resisted.

**Questions of Officers**

- (4) Councillor Fishleigh asked whether the Electoral Roll was used when checking to ascertain whether a dwelling was an HMO. The Planning Manager, Nicola Hurley, explained that although the electoral Register was not used a number of checks were used when seeking to determine whether a dwelling was in use as an HMO, including, checks made against council tax records. If exemptions were in place further checks were made against licensing records. Councillor Fishleigh also asked whether increased waste generation was a material planning consideration and it was confirmed that it was not.

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

- (5) Councillor Shanks stated that she considered that going forward it might be appropriate for the criteria used when assessing HMO's to be revisited, perhaps when approving the City Plan Part 2. It appeared that the number of such uses was creeping upwards in certain areas of the city.
- (6) Councillor Osborne stated that he considered that the definition of what constituted an HMO could be open to interpretation, noting that in this instance most of the units were above national space standards, although the living/dining area fell slightly below that. On balance he considered that there were insufficient grounds for refusal in this instance but was in agreement that the growing trend towards HMO's in certain parts of the city needed to be monitored.
- (7) Councillor Childs stated that he was unable to support the application considering that the further proliferation of such uses in an area had a negative impact on local residents.
- (8) A vote was taken and on a vote of 7 to 1 with one abstention planning permission was granted.

27.10 **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.

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

28.1 Please refer to the note set out at Item 26 above.

### **29 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

### **30 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**31 APPEAL DECISIONS**

- 31.1 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 4.40pm

Signed

Chair

Dated this

day of