

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 4 DECEMBER 2019

COUNCIL CHAMBER, BRIGHTON TOWN HALL

MINUTES

Present: Councillors Hill (Chair), Childs, Littman (Opposition Spokesperson), C Theobald (Group Spokesperson), Bagaeen, Fishleigh, Janio, Mac Cafferty, Shanks and Yates

Co-opted Members: Mr Roger Amerena (Conservation Advisory Group)

Officers in attendance: : Paul Vidler, Planning Manager; Matthew Gest, Principal Planning Officer; Sonia Gillam, Senior Planning Officer; Laura Hamlyn, Planning Officer; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

PART ONE

60 PROCEDURAL BUSINESS

60a Declarations of substitutes

60.1 Councillor Bagaeen declared that he was in attendance in substitution for Councillor Miller.

60b Declarations of interests

60.2 Councillor Yates referred to Application declared F, BH2019/02436, 19 Jevington Drive, Brighton confirming that as he had made representations in objection to the application in his capacity as a Local Ward Councillor that he would withdraw from the meeting during its consideration and determination.

60c Exclusion of the press and public

60.3 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.

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

60d Use of mobile phones and tablets

60.5 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 in switched to 'silent' mode.

61 MINUTES OF THE PREVIOUS MEETING

61.1 It was explained that due to staff sickness these had yet to be finalised, but would be circulated shortly and would be agreed formally at the January meeting of Committee.

61.2 **RESOLVED** – That the position be noted.

62 CHAIR'S COMMUNICATIONS

62.1 There were none.

63 PUBLIC QUESTIONS

63.1 There were none.

64 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

64.1 There were none.

65 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

65.a The Democratic Services Officer, read out items 65A-G and it was note that there were no major applications to be considered that afternoon and that any minor applications on which there were speakers were automatically reserved for discussion.

65.b 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 applications.

65.c It was noted that the following item was not called for discussion and it was therefore deemed that the officer recommendation was agreed including the proposed Conditions and Informatives:

- Item B: BH2019/02548 – Rear of Cornwall Court, 56 Wilbury Avenue, Hove – Full Planning

65d **RESOLVED** – That the position be noted.

A BH2019/02619 - Avalon, West Street, Brighton - Full Planning

Erection of additional storey to the North block to create 4 no residential units (C3), comprising 3no one-bedroom flats and 1 no 2 bedroom flat.

Officer Presentation

- (1) The Senior Planning Officer, Sonia Gillam, introduced the scheme and gave a detailed presentation by reference to aerial views, plans, floor plans, elevational drawings and photographs showing the site from locations in the neighbouring street scene. The main considerations in determining the application related to the principle of the development, design and appearance and impact on the conservation area and nearby listed buildings, impact on neighbouring amenity and highway issues. Objections received relating to the impact on property values, rental income and inconvenience during the building works whilst noted were not material planning considerations.
- (2) Notwithstanding the tight urban grain of the surrounding streets and the need to respect listed buildings or their setting it was considered that there was scope for providing an additional storey to the north wing of the existing building. It was not considered that the proposals would have a detrimental impact on the nearby listed buildings. The proposed additional storey would be flush with the existing frontage on the south elevation and the top floor of the existing north elevation was set in slightly from the lower floors and the development would also be similarly set back. Whilst the development would be partially visible from West Street through the gap to the open courtyard it was not considered that it would impact significantly on the street scene approach from the north and only to a limited degree in the approach from the south. The increase in height of the north wing over the south wing would also reflect the rising topography of the land as it slopes up from the sea. The Council's Heritage Officer was satisfied that there would be no harmful impact in views towards the site. The scheme was considered acceptable, also that it would preserve the character and appearance of the neighbouring conservation area. Approval was therefore recommended.

Questions of Officers

- (3) Councillor Mac Cafferty cited the problems that had been experienced in the past in relation to upkeep and maintenance of privately rented accommodation asking regarding the type of tenure proposed in this instance. It was explained that information was not available
- (4) Councillor Fishleigh whether it would be possible to include conditions which would prevent the units being let on short tenancies which could result in them being used as "party" houses. It was confirmed that would not be possible.
- (5) Councillor Bagaeen expressed concern regarding the rendered finish proposed, as its appearance might sit at variance with that of the existing building. It was explained that it was understood that a grey finish was proposed which would blend with that of the existing host building.
- (6) Councillor Theobald sought confirmation regarding the proposed set back to the upper floor of the north block and whether the resulting roof heights would be comparable with that of neighbouring buildings and it was confirmed that they would.

Debate and Decision Making Process

- (7) A vote was taken and on a vote of 9 with 1 abstention planning permission was granted.
- 65.1 **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 set out in the report.
- B BH2019/02548 - Rear of Cornwall Court, 56 Wilbury Avenue, Hove - Full Planning**
Demolition of existing garages and erection of 2no two storey three-bedroom dwellings (C3) with habitable roofspace, landscaping, car parking and associated works.
- (1) It was noted that this application site had formed the subject of a site visit prior to the meeting.
- (2) This application was not called for discussion, the officer recommendation to GRANT was therefore taken as having been agreed unanimously.
- 65.2 **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.
- C BH2019/01049 Land to the Rear and Side of 146 Mackie Avenue, Brighton - Full Planning**
Demolition of existing garages and erection of 2 no two three-bedroom dwellings (C3) with habitable roofspace, landscaping, car parking and associated works.
- (1) It was noted that this application site had formed the subject of a site visit prior to the meeting.
- Officer Presentation**
- (2) The Senior Planning Officer, Russell Brown, introduced the application and gave a detailed presentation by reference to photographs, plans, floor plans, site plans and elevational drawings setting out the proposed scheme. It was explained that permission was sought for the demolition of four existing garages and a front boundary wall to provide the number of dwelling units proposed. The application site was located to the southern side of Mackie Avenue and was bounded to the south west by mixed use commercial with residential flats above and the north east by residential semi-detached properties. The application site comprised land currently used for garaging separated from the highway by a brick wall and recycling facilities and included a group of Ash trees subject to a Tree Protection Order (TPO) and vegetation to the rear as well as a green access route which ran to the rear of the neighbouring terrace immediately to the south of the site. The area was predominantly residential with semi-detached houses interspersed with bungalows.
- (3) It was noted that the main planning considerations in determining this application were the principle of the development, the design of the dwelling houses, their impact on trees and on neighbouring amenity, the standard of accommodation created and impact on the highways network. It was considered that the current proposal had sufficiently overcome the reasons for refusal in respect of an earlier scheme. The

weight given to the dwellings making a small, but vital contribution to the city's housing supply was considered to outweigh any potential harm and it was considered that the proposed conditions would satisfactorily address any outstanding matters. The height, width, form and overall appearance of the properties would complement the immediate neighbouring development. Approval was therefore recommended.

Questions of Officers

- (4) Councillor Littman referred to the site visit which had taken place the previous afternoon. A number of recycling bins had been observed at that time and he sought clarification regarding arrangements for their relocation in the event of planning permission being granted. It was explained that a one month notice period would be given and that they would need to be relocated.
- (5) Councillor Theobald referred to the existing garage use and it was explained that notice would also be served on the existing users. It was understood that the garages were currently used for storage rather than for vehicles.

Debate and Decision Making Process

- (6) Councillor Bagaeen referred to the current climate emergency, considering that the highest quality design and use of sustainable materials were integral to that, considering that higher standards should be sought from those bringing applications for approval. He considered the proposed scheme to be of a good design but as a general point considered that more challenging standards should be set.
- (7) Councillor Theobald stated that whilst the proposed scheme would tidy up a messy back-land area, she did nonetheless have some concerns. She considered that the number of trees to be retained in one of the gardens was too many for the plot in her view and could result in overshadowing or loss of amenity.
- (8) Councillor Littman considered that whilst it was possible some overshadowing could result from the trees to be retained, he was of the view that the proposed scheme represented a good use of the space and had successfully overcome the previous reasons for refusal.
- (9) Councillor Shanks was in agreement that the scheme represented a good use of this space and was of an acceptable design.
- (10) Councillor Childs stated that there was a need for quality family homes and that this scheme would provide a modest development in keeping with the neighbouring dwelling houses.
- (11) A vote was taken and on a vote of 8 with 2 abstentions planning permission was granted.

65.3 **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.

D BH019/02589 -Land adjacent to 44 Hythe Road, Brighton- Full Planning

Erection of 5no bedroom small house in multiple occupation (C4)

Officer Presentation

- (1) The Principal Planning Officer, Matthew Gest, introduced the application by reference to photographs, plans, site plans and floor plans indicating the differences between the previous scheme and that for which approval was now sought. It was noted that during the course of the application the design of the rear elevation had been amended and the rear balconies removed and amendments made to provide cycle provision. Hythe Road was residential in character and featured dwellings of differing scales, type and detailing although the majority were terraced with extensive roof extensions. The main considerations in determining this application related to the principle of the change of use, impact on neighbouring amenity, the standard of accommodation proposed and transport issues.
- (2) The new dwelling would be positioned between no. 44 Hythe Road and 48 Hythe Road and would be built on a similar building line to both neighbouring properties. The rear building line would be shallower than no. 44 to the west and as such no impact is envisaged to the windows serving the rear rooms of this property in terms of loss of light or outlook. The rear building line would project beyond the rear building line of numbers 48 and 50 to the east; the projection would be at basement level as the main body of the house would be in line with numbers 48 and 50. No. 48 had been subdivided into flats; at basement level the fenestration closest to the application site is a window and door. There would be no change to the existing rear boundary treatment and therefore no loss of amenity would result. Views to the rear would be similar to the existing arrangement from neighbouring properties and although the erection of a five-bedroom house in multiple occupation would result in more intensive use of the site it was not considered that it would be such that it would cause demonstrable harm to neighbouring amenity and would warrant refusal of planning permission. In view of the size of the rooms which equated to five double bedrooms it was proposed that a condition be included in any planning permission granted to restrict the number of occupants to 6 and to remove permitted development rights to avoid any adverse impact on the surrounding area or neighbouring amenity. On that basis approval was recommended.

Public Speakers

- (3) Councillor Hugh-Jones spoke in her capacity as a Local Ward Councillor setting out her objections and those of local residents in respect of the proposed scheme. There were concerns that there was an application for change of use before the house for which permission had been sought had even been built, which appeared highly unusual. The plot was extremely small for the 5-bedroom property proposed and it was considered that it would have a detrimental impact on neighbouring amenity. There were also concerns that the existing dropped kerb could be used in future to create additional parking spaces.
- (4) Mr Loveridge spoke on behalf of the applicants in support of their application. He explained that the needs of the applicants who were a young married couple had changed since the original permission for which they had applied, although they might

occupy it as a dwelling house in the future. The development which would not be used as student accommodation had been sensitively designed and would have rental prices which would attract young single professional people.

Questions of Officers

- 5) Councillor Littman sought further clarification of the differences between the previously approved scheme and that for which permission was now requested, especially in relation to the internal layout and any potential increase in impact on neighbouring amenity.
- 6) Councillor Theobald referred to the large number of objections received and enquiring whether they were from local residents, also as to proposed use of the roof space which appeared to be unusual as well. It was explained that use of the roof dormers was a feature of dwellings in the local street scene and followed the existing roof slope, the building would be of the same width as its neighbours.
- 7) Councillor Shanks enquired whether it was proposed to soundproof the party walls. It was confirmed that this had not been requested.
- 8) Councillor Childs enquired regarding the location of the proposed cycle storage and rubbish/recycling bins and it was confirmed that these would be located in the front courtyard.
- 9) Councillor Bagaeen asked whether there were any other student houses located in the immediate vicinity. It was explained that the mapping exercise had not been carried out in that way, any property managed directly by any of the university's would not be included. Three other properties had been identified within a 50m radius of the application site which equated to 4%, below 10%, and therefore in accordance with policy CP21.
- 10) Councillor Bagaeen also referred to the need to require the highest possible standards in view of the fact that this site represented a blank canvas in that it had yet to be built. The urban grain at that location was dense and there was an identified need for family homes. He did not see how the proposed specification would meet that. The Chair, Councillor Hill, considered that the comments made whilst noted, Members needed to focus on the application before them and to add conditions if that was considered appropriate. The Planning Manager, Paul Vidler stated that it was important for Members to consider the application before them on its merits, it was separate from the previously approved scheme.
- 11) Councillor Bagaeen also enquired regarding the dimensions of the proposed bedrooms and it was confirmed that they all met or were above minimum standards.
- 12) In answer to questions of Councillor Littman it was confirmed that the shared kitchen/diner was the only shared communal living space.

Debate and Decision Making Process

- (13) Councillor Bagaeen stated that he was unable to envisage the scheme from the available plans or the quality of the resulting accommodation. His preference would have been for a 4-bedroom family home as originally agreed constructed to a higher standard. Councillor Yates stated that the communal space was substantially bigger than in a number of other HMOs for which permission had been granted.
- (14) Councillor Littman stated that his preference would also have been for a family home, although he recognised that it would fit in within the prevailing street scene and that the number of residents would be restricted by condition. He noted that the amenity space to be provided would be very limited. The Chair, Councillor Hill, disagreed and read out the reference in the report which indicated that in fact it was quite generous
- (15) Councillor Theobald stated that there had been an unusually high number of objections to this application. She did not consider that a 5-bedroom HMO was acceptable in place of the 4-bedroom family home previously proposed, it represented overdevelopment of a small site.
- (16) Councillor Yates stated that it was necessary to consider the scheme before them on its planning merits. The number of people who could live there would be restricted by condition and the size of the bedroom units and the number of en-suites to be provided was greater than at a number of other properties where permission had been granted. Whilst not necessarily the preferred option, this scheme was acceptable in his view.
- (17) Councillor Janio concurred, noting that the resulting property would be capable of conversion back into a family dwelling house in future should a subsequent applicant wish to do so. Whilst the requirement for student accommodation appeared to be reducing there was still clearly a need for some HMO accommodation.
- (18) Councillor Childs considered that the erection of another HMO was regrettable, such schemes added little to the city's housing offer, he considered that the scheme was acceptable, noting that the rooms would accommodate no more than 6 unconnected adults living together, they would not necessarily be students.
- (19) A vote was taken and on a vote of 7 to 2 with 1 abstention planning permission was granted.

65.4 **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.

E BH2019/02674 - 12 Standean Close, Brighton - Full Planning

Change of use from three-bedroom residential dwelling (C3) to six-bedroom small house in multiple occupation (C4), incorporating conversion of garage into habitable space and associated alterations (Part Retrospective)

Officer Presentation

- (2) The Principal Planning Officer, Matthew Gest, introduced the application by reference to plans, floor plans, elevational drawings and site plans detailing the scheme. The site related to a two-storey terrace property located on the north-east side of Standean

Close. The property was not located in a conservation area and there was an Article Four Direction in place to limit the number of HMO's. HMO Licensing records, Council Tax records and a site visit had identified the property was being in HMO use and therefore the application description had been amended to part-retrospective. No external or internal works had been undertaken to date.

- (2) 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 which would be provided and transport issues. A mapping exercise had indicated that there are 34 neighbouring properties within a 50m radius of the application property; 2 other properties have been identified as being in use as a HMO. On that basis, with 2 other properties being identified as being in use as a HMO the percentage of HMOs within the designated area was 5.8%. The changes to the internal layout of the property, including the conversion of the garage to habitable space would result in 4no bedrooms and bathroom at first floor level, 2no communal areas, a bedroom and shower and wc at ground floor level and a bedroom at lower ground floor level. The bedrooms met the government minimum national space standards and were adequate in terms of size, circulation space and layout to cater for the furniture needed and with good levels of natural light and outlook. The communal areas, which were not labelled, could adequately accommodate a kitchen/dining area and separate living room and measuring approximately 24.9sqm combined would be sufficient for a 6 person property. The space would be functional with good levels of circulation space, light and outlook and would provide an acceptable standard of accommodation. Notwithstanding this, a condition was recommended restricting the use of the communal areas for communal use. The accommodation proposed was considered acceptable, and to be in accordance with policy QD27 of the Brighton and Hove Local Plan and approval was therefore recommended.

Questions of Officers

- (3) Councillor Theobald sought clarification of the number of HMO's in the area as it appeared to be higher than suggested by the mapping exercise.
- (4) Councillor Fishleigh sought clarification on the same matter asking whether there had been a change in Council policy. It was explained that the type of accommodation which could be classified as an HMO was prescribed by Housing Act Legislation.
- (5) Councillor Yates sought clarification of the wording of Policy CP21, in that reference was made to other sui-generis use classes. There were other such uses in the immediate vicinity of this site, these were not included, if they had been, the figure would have been higher than 10%. Councillor Yates considered that this was relevant. It was explained that was not the case and that all of the properties which were eligible for inclusion in the mapping exercise had been.
- (6) Councillor Theobald also sought confirmation in respect of the proposed conversion of the garage in order to provide accommodation, asking whether/where the displaced parking would be re-provided.
- (7) Councillor Hill, the Chair, referred to properties located at 12A and 15 Standean Close, 41 Hawkhurst Road and 68 Wolseley Road respectively which were in use as shared

homes. It was explained that as two of these properties were head leased by the University of Sussex, they fell within use class C3 rather than a C4 HMO and therefore it had not been possible to include them in the mapping exercise. This was regrettable and the Chair wished to know whether/what constraints could be used to seek to prevent noise nuisance and other detriment to neighbouring residents. It was clarified that all four of these properties plus the application address if approved could house up to six occupants each without any further planning permissions being necessary, resulting in up to 30 students living within a 50m radius.

Debate and Decision Making Process

- (8) Councillor Yates cited other instances e.g., 25 Wheatfield Way where planning permission had been refused on the grounds that the increased noise and activity as a result of an intensification of an existing use would have a negative impact. The Planning Manager, Paul Vidler, stated that Members needed to weigh the grounds for any refusal very carefully. The number of HMO's in the area which could be included was below 10% and QD27 was intended to protect immediate neighbouring amenity rather than to be applied more broadly to an area as a whole.
- (9) Councillor Bagaeen referred to the number of properties used by the university in the area and whether that would be impacted by the number of additional units they were providing on campus. It was confirmed that information was not available and that anyone seeking to apply for HMO use now or in the future would need to apply for permission.
- (10) Councillor Littman stated that whilst the existence of what appeared to be a technical loophole was unfortunate he could not see that there were sufficiently sound grounds to refuse this application.
- (11) Councillor Janio concurred on that view stating that whilst the demand for student housing appeared to be waning there still appeared to be a demand for HMO's and this scheme was policy compliant.
- (12) Councillor Theobald stated that she was struggling to see that the level of additional accommodation to be provided was necessary, considering that it would be detrimental to neighbouring amenity. Councillor Bagaeen concurred in that view.
- (13) Councillor Shanks stated that the proposed scheme would result in additional activity in a small close which represented over development and would have a negative impact on neighbours. As such it should be rejected. Councillor Childs was in agreement with that view.
- (14) A vote was taken on the officer recommendation to grant the application and this was lost on a vote of 5 to 4 with 1 abstention. Councillor Shanks then proposed that the application be refused on the grounds of the need to protect amenity in the light of similar uses in the area and the potential for noise nuisance. Councillor Shanks expressed concern regarding the potential impact on neighbours as this was a small close and the impact would therefore be greater. The application was considered to be contrary to policy QD27 of the Brighton & Hove City Plan. The proposal was seconded by Councillor Childs and it was agreed that that the final wording of the proposed

reasons for refusal be agreed by the Planning Manager in consultation with Councillors Shanks and Childs.

- (15) A recorded vote was then taken and Councillors Childs, Fishleigh, Bagaeen, Shanks and Theobald voted that the application be refused. Councillors Hill, the Chair, Littman, Janio and Mac Cafferty voted that the application be granted. Councillor Yates abstained. Therefore planning permission was refused on a vote of 5 to 4 with 1 abstention.

65.5 **RESOLVED** – That the Committee has taken into account the report recommendations but resolves to **REFUSE** planning permission on the grounds proposed by Councillor Shanks. The final wording to be used in the decision letter to be agreed by the Planning Manager in consultation with the proposer and seconder.

F BH2019/02436 - 19 Jevington Drive - Full Planning

Change of use from 3no bedroom single dwelling (C3) to a 6no bedroom residential dwelling or small house in multiple occupation (C3/C4) With the insertion of front and rear rooflights. (Retrospective)

Officer Presentation

- (1) The Planning Officer, Laura Hamlyn, introduced the application and gave a detailed presentation by reference to site plans, floor plans, elevational drawings and photographs. The application related to a semi-detached property on the south side of Jevington Drive and permission was sought for conversion of the property from a dwelling house (C3) to flexible use six-bedroom House in Multiple Occupation (HMO) (C4) or dwelling house (C3) with insertion of front and rear rooflights. A site visit had confirmed that the property was currently occupied as an HMO. An appeal had been lodged against non-determination of the application. Overall the scheme and standard of accommodation was considered to be acceptable, the communal space would be adequate for occupation by 6 persons. The bedrooms and communal areas would benefit space from adequate circulation and would benefit from adequate natural light and ventilation; the existing rear extension appeared to have been in place for more than four years.
- (2) Whilst the proposed change of use would result in an increase in occupancy and in, comparison to the existing use, more frequent comings and goings it was not considered that this would amount to significant harm to a degree sufficient to warrant refusal of the application and it was therefore recommended that the council would have granted planning permission.

Questions of Officers

- (3) Councillor Childs sought clarification as to whether the communal dining area was enclosed, i.e., it was not located in a conservatory area which could result in increased potential for noise nuisance. It was confirmed it was not so located.
- (4) Councillor Theobald referred to the dimensions of two of the rooms as they appeared to be very small. It was clarified, however, that these were considered to be of an acceptable size.

Debate and Decision Making

- (5) A vote was taken and on a vote of 8 to 1 the Committee voted that had the Council determined the application prior to an appeal being lodged, the decision of the Council would have been **TO GRANT** planning permission.

- 65.6 **RESOLVED** – That had the Council determined the application prior to an appeal being lodged, the decision of the Council would have been **TO GRANT** planning permission subject to the Conditions and Informatives set out in the report.

Note: Having declared a prejudicial interest in respect of the above application Councillor Yates left the meeting and was not present during consideration or voting in respect of the above application.

G BH2019/02700 - 7A Southover Street, Brighton

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

Officer Presentation

- (1) The Planning Officer, Laura Hamlyn, introduced the application and gave a detailed presentation in respect of the scheme by reference to site plans, floor plans, elevational drawings and photographs. The application related to an end of terrace property on the corner of Southover Street and Hanover Street which had been in use intermittently as an HMO and as a single dwelling house. As its established use was as a single dwelling house retrospective permission was being sought for a four-bedroom HMO.
- (2) This application was a resubmission following the previous refusal by Committee that the proposed use, in particular, the kitchen, would provide insufficient circulation space due to the location of a WC. This application had been amended to include a kitchen in the main living space at the front of the property and laying out the ground floor room at the rear as a utility room. Proposed communal study rooms on the first and second floors were unchanged. The main considerations in determining the application related to the principle of the change of use, its impact on neighbouring amenity and transport issues.
- (3) Whilst it was noted that there was no dedicated lounge the overall provision of communal space was considered satisfactory with the provision of the study rooms. It was recommended that the layout be secured by condition and that the utility room, kitchen/diner and study rooms not be used as bedrooms at any time. It was considered that overall the proposal would provide an acceptable standard of accommodation for four persons and that a maximum occupancy of four persons be secured by condition.

Public Speakers

- (4) Councillor Hills spoke in her capacity as a Local Ward Councillor setting out her objections in respect of the above application. Councillor Hills stated that the application site was located in an area where there was already a large concentration

of HMO's. In reality well above the 10% cap which was intended to achieve a workable balance between long and short term residents. The property was situated opposite the Phoenix student halls so would increase the existing imbalance between temporary and more long-term residents, would impact negatively on the amenity of those already living in the area and potentially serve to exacerbate existing late night noise and nuisance problems.

- (5) Mr Pearson spoke on behalf of the applicants in support of their application. Mr Pearson explained that the applicants had sought to address and overcome the previous reasons for refusal, in particular that the kitchen accommodation would not be of an acceptable standard due to insufficient space, with a layout which would provide circulation which was compromised further by access arrangements to the toilet.

Questions of Officers

- (6) Councillor Childs sought confirmation of the number of HMO's in the vicinity as anecdotally it appeared far higher than the number stated and included significant numbers of units of student accommodation which already gave rise to significant levels of late-night noise and disturbance. Councillor Fishleigh requested whether it would be possible to defer consideration of the application in order to allow an up to date count of the number of HMO's to take place.
- (7) It was explained that an updated mapping exercise had taken place which indicted that there had been no changes since the previous application. There were 49 neighbouring residential properties within a 50m radius of the application site with two other properties identified as being in HMO use. In consequence the percentage of HMO properties within the radius area was 4.1% which was in accordance with Policy CP21.
- (8) In response to references made to the Phoenix Halls, the Legal Adviser to the Committee, Hilary Woodward, explained that Section 254 of the Housing Act 2004 gave a clear definition as to HMOs which the Council did not have the powers to amend or change. As Phoenix Halls was occupied principally by students at the University of Brighton and was managed by the University of Brighton it could not be counted either as a neighbouring residential property or as an HMO.
- (9) Councillor Bagaeen enquired whether complete refurbishment of the property would be required or whether it was proposed simply to refurbish the kitchen. If major renovation was required he was of the view that it could provide the opportunity require a higher specification than that currently proposed. It was explained that minor internal works only were likely to be required.

Debate and Decision Making Process

- (10) Having sought clarification regarding any works proposed other than those to the kitchen/dining space and in order to provide a utility area, Councillor Littman stated that he considered that the previous reasons for refusal had been addressed.
- (11) Councillor Yates stated that reference had been made to the close proximity of the Phoenix Halls asking whether it would be possible to a management plan in place in

order to seek to manage/control any potential noise or other nuisance which could result. It was explained that in view of the size of the property that would not be considered reasonable.

(12) Councillor Theobald also referred to the concerns expressed in relation to potential noise nuisance and enquired whether it would be possible to add an informative to any permission granted seeking to control that. It was confirmed that could be done.

(13) A vote was taken and on a vote of 7 to 3 planning permission was granted to include an informative in relation to noise control measures as set out below.

65.7 **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 and an informative regarding the control of noise nuisance.

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

66.1 There were none.

67 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

68 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

68.1 There was no new information for the Committee to note in respect of this matter.

69 APPEAL DECISIONS

69.1 **RESOLVED** - The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been received.

A Ends

The meeting concluded at 4.25pm

Signed

Chair

Dated this

day of