



**Brighton & Hove  
City Council**

# **PLANNING COMMITTEE ADDENDUM**

**2.00PM, WEDNESDAY, 9 JANUARY 2019**

**COUNCIL CHAMBER, HOVE TOWN HALL**



# ADDENDUM

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**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 5 DECEMBER 2018**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Inkpin-Leissner, Littman, Miller, Moonan, Morgan and O'Quinn

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

**Officers in attendance:** Nicola Hurley, Planning Manager, Stewart Glassar, Principal Planning Officer; Sarah Collins, Principal Planning Officer; Liz Arnold, Principal Planning Officer; Maria Seale, Principal Planning Officer; David Farnham, Development and Transport Assessment Manager; Lesley Johnston, Principal Planning Officer, Policy, Projects and Heritage; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

**PART ONE**

**71 PROCEDURAL BUSINESS**

**71a Declarations of substitutes**

71.1 There were none, it was noted however that Councillor Inkpin- Leissner was not present.

**71b Declarations of interests**

71.2 Councillor Morgan referred to Applications A, BH2018/02607, Greater Brighton Metropolitan College, Pelham Street Brighton and B, BH2018/01973, Former Peter Pan Playground, Madeira Drive, Brighton and explained that he had sat at meetings of the Policy, Resources and Growth and Economic Development and Tourism Committees at which Landlord and Tenant issues in respect of this site (A) had been determined. As Chair of the E D & C Committee and as a Member of the P, R & G Committee when a different iteration of the scheme had been before and at the Local Economic Partnership meeting at which funding had been agreed. He was of a neutral mind in respect of the detail of both applications and would therefore remain present during the debate and decision making process.

71.3 Councillor Mac Cafferty, referred to Application B, BH2018/01973, Former Peter Pan Playground, Madeira Drive, Brighton stating that he had also been a Member of the

Policy, Resources and Growth Committee when Landlord's consent had been granted. He also remained of a neutral mind in respect of this application and would therefore remain present during the debate and decision making process.

71.4 Councillor Cattell, the Chair referred to Application A, BH2018/02607, Greater Brighton Metropolitan College, Pelham Street Brighton stating that she had acted as agent in relation to an earlier application a number of years previously, but had no involvement in respect of the current scheme about which she remained of a neutral mind in and would therefore remain present during the debate and decision making process.

71.5 The Chair, Councillor Cattell, also referred to the fact that she had received e mail correspondence from the applicant in respect of Application B, BH2018/01973, Former Peter Pan Playground, Madeira Drive, Brighton, she had not responded to it and remained of a neutral mind. She was aware that other members of the Committee had received the same e. mail's and that they had also not responded.

### **71c Exclusion of the press and public**

71.6 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.

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

### **71d Use of mobile phones and tablets**

71.8 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'.

## **72 MINUTES OF THE PREVIOUS MEETING**

72.1 Councillor MacCafferty referred to paragraph 60.3 of the minutes stating that he had "distributed" the correspondence referred to, rather than received it as noted in the minutes.

72.2 **RESOLVED** – That subject to the amendment set out above the Chair be authorised to sign the minutes of the meeting held on 7November 2018 as a correct record.

## **73 CHAIR'S COMMUNICATIONS**

73.1 The Chair confirmed that as agreed at a recent members working party meeting a "Callover" arrangement would be put into place for reports on the agenda which were for decision (excluding major applications) to be called. As Members had received and had the opportunity to read the officer reports in advance of the meeting it was hoped that this would facilitate the effective running of the meeting and 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 item(s).

- 73.2 The Democratic Services Officer, Penny Jennings, referred to all of the reports on the agenda and all were called for discussion except:

Item 75 – Protocol for Public Representations at Planning Committee on which a short presentation was given but which was agreed without discussion.

**74 PUBLIC QUESTIONS**

- 74.1 There were none.

**75 PROTOCOL FOR PUBLIC REPRESENTATIONS AT PLANNING COMMITTEE**

- 75.1 The Committee considered a report of the Executive Lead for Strategy, Governance and Law which requested that they agree the developers seeking to vary or discharge completed s106 planning obligations should be given the opportunity to address the Committee when the request or application came before the Committee for determination. That would require an amendment to the Protocol for Public Representations at Planning Committee.

- 75.2 **RESOLVED** - That the Committee agrees that the Protocol for Public Representations at Planning Committee is amended as per the Appendix attached to the report to allow developers or their agents to address the Committee when their request or application to vary or discharge a completed s106 planning obligation is before the Committee for determination.

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

- 76.1 There were none.

**77 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2018/02607 -Greater Brighton Metropolitan College, Pelham Street, Brighton - Full Planning**

Hybrid planning application comprising: Full Planning application Site A (West of Pelham Street): External alterations and internal refurbishment to the existing college building and redevelopment of the existing car park to provide 3 storey extensions to the existing college (D1 use), disabled parking spaces with new vehicular access, cycle parking spaces, open space and landscaping. Outline Application Site B (East of Pelham Street): Demolition of York, Trafalgar and Cheapside Buildings and the erection of up to 135 residential units (C3 use) at maximum 6 storeys with associated new and relocated vehicular accesses, car and cycle parking (with all matters reserved except access, external layout and scale).

- (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, Sarah Collins, introduced the application and gave a detailed presentation by reference to site plans, floor plans, elevational drawings, photographs and photomontages in relation to the proposed scheme. It was noted that that an updated and amended report had been circulated to Members and had also been posted on the council website. Reference was also made to the submissions included in the Late/Additional Representations List.
- (3) It was explained that the application site comprised a 1.18 hectare site which contains Pelham Tower and car park on the west side of Pelham St (Site A) and Cheapside, York, and Trafalgar buildings on the east side of Pelham St (Site B). The site was in use by Greater Brighton Metropolitan College (GBMET) for educational purposes. Pelham Tower was a 1960's block of 12 storeys and had a surrounding three storey podium which measured approximately 51 metres by 56 metres. Pelham Tower was accessed through a glazed entrance directly from Pelham Street. The materials were brick with steel window frames with the surface car park to the south accessed from Whitecross Street surrounded by metal fencing. It accommodated 118 car parking spaces which were allocated to staff. The buildings on Site B varied in height up to 3 or 4 storeys, more akin to 5 or 6 storeys residential because of the large floor to ceiling heights. They were mostly faced in red brick and a glazed entrance connected the Cheapside and Trafalgar buildings on the Pelham Street frontage. There was vehicular access from Cheapside through an undercroft. The three significant buildings on this site, Trafalgar, Cheapside and York were developed between 1893 and 1938 as part of the school which occupied the site and had been supplemented by workshops, halls, 'temporary' classrooms and storage sheds.
- (4) Site A was bounded by Whitecross Street to the west, Cheapside to the north, Pelham Street to the east and Redcross Street, 1 and 2 Whitecross Street, 87-97 Trafalgar Street, and 1 and 2 Pelham Street to the south. Site B was bounded by Pelham Street and The Sanctuary and The Foyer residential blocks to the southwest, Cheapside to the north, 8-31 York Place and St. Peter's House to the east, and the college's Gloucester building, no.5 Trafalgar Ct, and Trafalgar Ct to the south. An arched entranceway of brick with limestone spacers was present at 15 York Place, close to the eastern boundary of Site B and had three sections in the crenelated cornice, separated by brick buttresses and with a stone moulding above the arch. The site was in a highly accessible sustainable location, approximately 350 metres walking distance from Brighton Station, immediately to the north of the North Laine shopping centre and within 100m of the London Road shopping centre which lay to the northeast. The site was also close to some main bus routes including the Lewes Road and Preston Road bus routes from York Place and City Centre bus routes from Trafalgar Street and Brighton Station. The site lay within Development Area 4 (DA4) of the City Plan Part One (CPP1). Valley Gardens Conservation Area bounded Site B to the east and North Laine Conservation Area bounded both sites to the south. The application submissions provided a summary of the College's estates strategy and the purpose of the application, which was relevant in terms of viability considerations and to understand the need for the sale of Site B to enable the development of Site A, and what the development of Site A was intended to deliver and Site B and what that was intended to deliver. The application was a hybrid application (full application for Site A

and an outline application for Site B and full details in respect of both were set out in the report.

- (5) The main considerations in the determining this application related to the principle of the net loss of the D1 college floor space, the absence of purpose-built student accommodation within the development, the design of the college building extensions and open space on Site A, the residential development of Site B and its scale, layout and access, affordable housing and viability considerations. In addition, the impact of the development on the character and appearance of the adjoining conservation areas and the setting of nearby listed buildings, impact on the street scene and wider views, neighbouring amenity, noise and anti-social behaviour/security considerations, pedestrian permeability, sustainable transport impacts including cycle parking demand, bus services and highway safety, sustainable energy and air quality considerations, impact on existing trees, and contribution to other objectives of the development plan.
- (6) The principle of the redevelopment of the college buildings on Site B for housing, to enable the improvement and consolidation of the college campus facilities onto Site A, and the overall net loss of college floor space, was assessed in terms of the wider estates plan for the MET College and its financial position, and in terms of the College's aspirations and needs for the campus, to modernise the facilities and continue to attract students. It was accepted that the existing buildings on Site B were not fit for purpose, and the Heritage Officer did not object to the demolition of the existing buildings on this site, subject to a high quality design for the replacement buildings. The development of this site for housing was considered necessary in order to fund the improvements to the campus facilities on Site A which the District Valuation Service had concurred with, and the economic and community benefits that this investment into the MET college would bring were acknowledged, and therefore an exception to policies HO20 and CP21 was considered to be justified in this instance. The principle of new housing development on this site was also supported by the Development Plan.
- (7) The proposed college extensions on Site A were considered to be of a high quality design which respected the architecture and scale of the existing tower and plinth, and although the Heritage Officer had raised concerns over the lack of glazing on the eastern wing, it was accepted that the College had specific daylight, heating and privacy requirements for the intended uses within the building and the extensions would nevertheless strengthen the building line and street scene in Pelham Street and Whitecross Street. The proposed extensions and open space to the south would greatly improve the existing surface staff car park in terms of townscape and would improve the permeability and visual amenities of the local area, allowing public access into and through the open space daily from 7am until 10pm. The Local Highway Authority (LHA), whilst generally supportive of the removal of the majority of the car parking spaces and supportive of the number of accessible spaces to be retained on Site A, was not satisfied with the design of the accessible parking spaces due to the gradient of the parking area, which the LHA considered should be level. The applicant had sought to reduce the gradient but this caused problems with damage to the protected sycamore tree roots and with connecting the car park to the open space and college building given the level changes across the site. On balance it was considered that the car park and open space should comply with the Building Control standards for 'Access to and Use of Buildings other than Dwellings' which the applicant considered

was an acceptable requirement and detailed drawings would be required by condition to demonstrate this.

- (8) The application had also been assessed in terms of the matters to be considered in this outline application, namely the pedestrian and vehicular accesses, the external layout (building footprints and position of buildings and external areas), and the scale of the development. The assessment included the potential impact on daylight/sunlight to neighbouring properties, outlook, amenity and privacy of future occupiers and neighbours, trip generation and car and cycle parking provision, servicing and deliveries, vehicular accesses, and potential impact on the highway and infrastructure improvement and mitigation requirements including highway improvement works, and education, economic development, and open space contributions. The proposed development of Site B was considered to be acceptable subject to compliance with the recommended conditions and s106 obligations. The reserved matters of internal layout, landscaping and appearance would need to conform to the parameters set by the outline proposals, and an accompanying assessment of daylight/sunlight to internal and external areas should be submitted in support of the application. For all of these reasons the application was therefore recommended for minded to grant approval.

### **Public Speakers**

- (9) Mr Bromberg spoke in relation to the application setting out his objections and concerns. His property was immediately adjacent to the proposed integrated public seating areas and he was concerned that this would be detrimental to his amenity as its location could attract street drinkers and result in noise nuisance/anti-social behaviour in close proximity to his home and neighbouring residential dwellings. Ideally, there should be a buffer between this area and the nearby housing. It was confirmed that this could be controlled through a site management plan. Councillor Hyde asked Mr Bromberg to indicate the precise location of his property. Councillor Moonan stated that in her view the hours of access and arrangements for control/closure and lighting of public areas after dark was important and asked for confirmation that this could be incorporated into a management plan and it was confirmed that it could.
- (10) Councillor Deane spoke in her capacity as a Local Ward Councillor setting out her concerns in respect of some elements of the scheme. Whilst acknowledging that the applicants had gone to considerable lengths to address concerns in respect of the scheme and being generally supportive of it she also had concerns regarding some elements of management of the site considering that it was important to design out/control the site so that it did not attract or encourage the problems that Mr Bromberg had alluded to.
- (11) Ms Tipper spoke on behalf of the applicants in support of the scheme and was accompanied by Mr James (Deputy Principal) in order to answer any questions by Members of the Committee on which he was better placed to respond. It was explained that the applicants had needed to make significant changes from previously submitted schemes due to reductions in funding but had however sought to provide improved facilities for existing and future students as well as public realm improvements whilst being sympathetic to the neighbouring residential dwellings.

- (12) Councillor Mac Cafferty asked the applicants to explain the rationale for the level of affordable housing to be provided on site and it was explained that a that a balance had needed to be struck in order to provide for the college's needs, and an appropriate level of enabling development which would ensure the viability of the scheme. The viability assessment had been independently verified by the District Valuer. Councillor Mac Cafferty also enquired regarding the relatively low BREEAM rating which would be achieved asking why the applicants had not sought to achieve an excellent rating. It was further explained that it had not been possible to achieve this within the constraints of the current scheme. The council's sustainability officer had accepted however, that this design decision had benefits elsewhere (e.g. daylight) and had indicated that they could accept BREEAM Very Good in this instance. The external alterations to the existing building although modest, would improve the corner façade on Cheapside/Whitecross Street and the extensions and fully glazed atrium would greatly improve the southern elevations of the building.
- (13) Councillor Moonan also sought further information in relation to viability and in relation to proposed Condition 28 in relation to noise control measures and to ensure protection of neighbouring amenity.
- (14) Councillor C Theobald asked regarding the level of parking proposed and it was explained that notwithstanding the matters which were to be addressed in relation to configuration of the car park the level of parking provided was considered to be acceptable and took account of the site location which meant that it was easy to walk to or travel to by public transport and there was also the opportunity for car share arrangements.
- (15) Councillor Miller referred to the sports facilities available on site enquiring whether it was intended that they would be available to the local community. It was explained that that could be given consideration.
- (16) Mr Gowans, CAG, referred to and enquired regarding access arrangements to be put into place.
- (17) Councillor Cattell, the Chair, referred for the need for students to be reminded that they needed to act as good neighbours bearing in the mind the close proximity of residential dwellings asking whether the management plan included arrangements to ensure that was conveyed and that appropriate action could be taken in the event of any complaints. It was confirmed that there were.

### **Questions of Officers**

- (18) Councillor Miller referred to the conditions proposed in relation to site B seeking details regarding the landscaping proposed and to the relative heights of the constituent elements of the development, also referring to the fact that details set out in the "Heads of Terms" for site A should also be included for Site B; it was confirmed that they should and requesting that materials be brought back to a Chair's meeting for Member approval.
- (19) Councillor Mac Cafferty referred to the earlier scheme(s) for which permission had been granted seeking confirmation as to whether they represented a material

consideration and regarding the weight which could be attached to them. The Legal Adviser to the Committee, Hilary Woodward explained that they were material, although this application needed to be determined on its individual planning merits.

- (20) Councillor Mac Cafferty also referred to the proposed boundary treatments in relation to the proposed housing and the design out elements which could give rise to anti-social behaviour/crime. Councillor Mac Cafferty referred to the viability information provided with the application, seeking re-assurance that the applicants had been required to provide a robust case in support of the level of affordable housing. The Legal Adviser to the Committee, Hilary Woodward stated that as the information provided had been assessed and was considered to be reasonable by the District Valuer, it would not be appropriate to seek a greater number of units in this instance.
- (21) Councillor C Theobald sought confirmation regarding the existing buildings to be demolished and clarification of the rationale for doing so.
- (22) Councillor Littman stated that whilst the scheme had much to commend it in general terms he had some concerns in relation to the overall loss of educational floor space and why that was considered to be acceptable. The Principal Planning Officer, Sarah Collins, explained that the space to be replaced was out dated and no longer fit for purpose and would be replaced by modern higher spec teaching space. Councillor Littman also stated that it was disappointing that an excellent BREEAM rating had not been achieved but it was confirmed that the rating which would be achieved was considered to be the optimum which could be achieved without compromising the overall viability of the scheme. It was also confirmed that the archway fronting London Road was not to be demolished.
- (23) In answer to queries regarding access and parking arrangements the Development and Transport Assessment Manager, David Farnham, explained that a number of complex issues had been considered and the Highway Authority's concerns were set out in the report. Notwithstanding those it was considered that they could be addressed by condition and subject to agreement of final details as set out in the report.
- (24) Councillor Hyde sought confirmation regarding the precise location and height of the flats proposed.
- (25) Councillor Gilbey referred to the existing Gloucester building and it was confirmed that it fell outside the area covered by this application but had been included for viability purposes.

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

- (26) Councillor Mac Cafferty stated that there were a number of issues on which he would have preferred greater clarity enquiring regarding the feasibility of deferring determination. It was explained that the application was time limited in terms of the college's ability to apply for the necessary funding and that additional information could be sought from the applicant or from officers.
- (27) Councillor C Theobald stated that she was disappointed that the existing tower block would be retained and that although there were some aspects of the scheme which

she considered to be improved on overall it was acceptable particularly as it would provide improved facilities for students at the college and housing.

- (28) Councillor Miller stated that he would be voting in support of the scheme which would tidy up the existing car park area and provide enhanced facilities and housing.
- (29) Councillor Hyde concurred, stating that she would be voting in support of the application.
- (30) Councillor Mac Cafferty stated that whilst he considered that there were a number of missed opportunities in terms of the number of affordable housing units to be provided and in terms of the environmental aspects on balance he would be voting in support.
- (31) Councillor Morgan stated that he knew the site well and whilst the scheme was not perfect and some issues remained to be addressed he was confident that these could be dealt with by imposing the proposed conditions.
- (32) Councillor Moonan concurred with all that had been said confirming that she would be voting in support of the scheme.
- (33) Councillor Cattell, the Chair, stated that she would be voting in support of the scheme which although not perfect would effect improvements to the area.
- (34) A vote was taken and the 11 Members who were present when the vote was taken voted unanimously that Minded to Grant Planning Permission be given

78.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and in the Late/Additional Representation List and as part of the verbal update given at Committee resolves that it is **Minded to Grant** planning permission subject to a s106 Planning Obligation and the Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 27th March 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.8 of the report:

**B BH2018/01973 -Former Peter Pan Playground, Madeira Drive, Brighton - Full Planning**

Erection of outdoor swimming pool (25m x 12.5m) and changing/plant rooms (D2 use), flexible events space (D2 use) and 1-3 storey relocatable modular buildings with first floor deck to provide mixed leisure/retail/food/drink/office uses (D2/A1/A3/A4/A5/B1 uses) including second floor place markers and lifeguard observation unit, with associated cycle parking, refuse storage, landscaping, boundary treatment and retractable beach mat. Temporary (meanwhile use) for 5 years.

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, Maria Seale introduced the application and gave a detailed presentation by reference to site plans, elevational drawings, photographs and photomontages setting out the site as currently and as envisaged should planning permission be granted for the proposed scheme. Reference was also made to representations set out in the Late/Additional Representations List.
- (3) It was explained that the site was in the council’s ownership and formed part of the former Peter Pan amusement site between Madeira Drive and the Volks Railway, just west of the Yellowwave volleyball facility. The site comprised an area of hardstanding north of the Volks Railway and also part of the beach to the south of the railway and had had several temporary uses. The site lay in the East Cliff Conservation Area and within the setting of the Grade II Listed Madeira Terraces, Lift and Shelter Hall (Concorde 2). The site was also partly located within the Volks Railway Site of Nature Conservation Interest (SNCI). This application proposed the temporary uses set out in the report including an outdoor heated swimming pool with retractable cover, associated plant and changing facilities directly on the beach envisaging 7 users per hour for a temporary period of 5 years from date of first use. Whilst the application information suggested that a future application may be submitted for a permanent scheme, with an extended 50m pool, no further information relating to this had been submitted and this did not form part of the current application.

- (4) The main considerations in the determining this application were:

- The principle of developing the open shingle beach
- The impact to ecology and biodiversity
- The principle of locating the proposed uses in this location
- The impact to local retail centres
- The impact to the setting of the special character and appearance of the East Cliff Conservation Area and nearby listed buildings
- The impact to tourism and the economy
- The contribution the development will make to sports provision in the city
- The demand for travel created by the development
- The impact to amenity

The relevant policies under which the application had been considered were also set out and referred to in the report. Comments and concerns expressed by Historic England, the council’s own Heritage Team and local heritage societies were set out. Since the pre-application stage, the applicant had sought to reduce the overall scale and density and the amount of second/third floor levels and to introduce some gaps through the site all of which was seen as positive. The structures south of the railway had been kept to the minimum needed for the pool to operate in order to maintain a degree of openness, officers had also secured amendments to ensure the structures and pool were located as far north as possible in order to lessen their impact.

- (5) The proposal and its “temporary” nature and appearance would not be considered acceptable as a permanent form of development given that it would prove counter-productive to the long term aspirations for the area. It was considered however, that in this exceptional case, significant weight should be given to the wider regenerative benefits of the scheme and the benefits of providing the sporting facility in particular, and to the fact that it was temporary only (and thus harm would be minimised and

ultimately reversible). It was considered that there was clear and convincing justification for the scheme, as required by para 194 of the NPPF. It was also considered that the degree of harm caused would be less than substantial and that the positive public benefits of the scheme would outweigh the harm caused, as required by para 196 of the NPPF.

- (6) On balance the proposed development was considered to bring significant benefits to an area which was in decline. It would help regenerate the area and boost tourism and the wider economy. There was also an identified shortage of pool space in the city and the scheme would promote swimming and healthier life styles. The principle of locating the proposed 'enabling' commercial and sporting uses on this part of seafront was considered acceptable. There was a general presumption against development directly on the beach, outside of the previously developed site, however there were other such examples like Yellowwave adjacent and on balance the wider benefits of the scheme were considered to outweigh the harm and loss of open space. The scheme would be built in an area of rare vegetated shingle habitat but would include satisfactory ecological mitigation and enhancement. Whilst there were concerns regarding the overall scale/density and appearance of the scheme the amount of development proposed was necessary to make the pool viable, and provision of this sporting facility was given significant weight. The scheme would cause harm to the special setting of listed buildings and the East Cliff Conservation Area, but this harm was exceptionally considered to be outweighed by the public benefits of the scheme and the fact any impacts will be only temporary. The developer was trying to do something different and exciting here and, on balance, therefore, approval was recommended.

### Questions of Officers

- (7) Councillor Miller sought clarification regarding the figure proposed for sustainable transport and in respect of the overall figure required by the Section 106 Obligation. It was explained that the sum being sought reflected the mitigation measures included by the applicant and in order that the viability of the scheme would not be compromised.
- (8) Councillor C Theobald sought clarification regarding the size of the pool, the total number of units to be provided and the timeframe for provision of the pool facility. It was explained the pool would need to be provided within 12 months of any permission granted in order to avoid being in breach of planning conditions.
- (9) Councillor Hyde requested to see photographs of the existing buildings immediately adjacent to the site and sought further detail regarding the structures proposed which appeared to look like shipping containers. It was confirmed that they would not be shipping containers. Councillor Littman sought further clarification on this matter however, citing that in the report they were referred to as "modern container type structures."
- (10) Councillor Littman also referred to the fact that the proposed scheme would involve building out onto the shingle which formed part of the SNCI. He expressed concern regarding the level of mitigation measures proposed in relation to avoid destruction of what was acknowledged recognised as important habitat and to avoid encroaching onto a public beach. It was explained that the existing shingle mound would be capable

of better management as a result of the proposed scheme and that it would provide better public orientation along that stretch of the beach.

- (11) Councillor Bennett asked regarding the size of the units to be provided and it was confirmed that they would be of differing sizes.
- (12) Councillor O'Quinn enquired in respect of arrangements for management of the site bearing in mind that there could be additional units providing alcohol close to/the licensing SSA. In the city centre and adjacent area the number of units supplying alcohol was already at saturation point and the Police already experienced difficulty on occasion in managing crime and violent or anti-social behaviour which could result from excessive alcohol consumption. She had concerns about the negative impact which could result from these proposals.
- (13) Councillor Hyde asked whether the timber would be painted a traditional "Brighton Blue" and it was confirmed that it would.
- (14) Councillor Mac Cafferty asked whether and where else elements of this scheme had been discussed, for example had it been discussed at Policy, Resources and Growth Committee, whether it had been considered in the context of a Master Plan for the area, its history and what negotiations/consultation process had been undertaken. He considered that a holistic approach was needed apropos anything proposed in this sensitive location; it was very important to avoid piece-meal development.
- (15) Councillor Mac Cafferty also referred to the robust comments made by Historic England and to the palette of materials and scale of other buildings along the seafront and to advice provided by the council's own officers which did not appear to have been headed. Whilst noting that a number of conditions would be attached to any permission granted, that this would be a temporary permission, and that applicant had tried to adopt a bold approach, thought needed to be given to longer term use of the site.
- (16) Councillor Moonan referred to the fragility of the site considering that any conditions applied would need to be strenuous in protecting the existing marine plants etc., and ensuring that any additional planting provided would be sufficiently robust. Councillor Moonan also enquired whether it would be possible to offer the pool for wider community use. Councillor Gilbey concurred stating that use by 7 individuals an hour seemed very low, bearing in mind the potential harm and disruption and level of enabling development necessary. Councillor C Theobald asked whether the pool would provide a facility which would be capable of wider community use. It was explained that some of the areas referred to fell outside the boundaries of the site and that use of the pool could not be controlled.
- (17) Councillor Miller sought clarification regarding the precise area of beach to be used and the distances between the proposed structures and the nearest adjacent buildings.

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

- (18) Councillor Morgan stated that the site fell within his ward, citing the importance of this part of the city as a tourist attraction and destination for a number of visitors. This site had been dilapidated and decaying for some time and this would provide the

opportunity to return it to use and to enliven the surrounding area; he supported the scheme.

- (19) Councillor Moonan stated that she had listened very carefully to all that had been said and on balance was in agreement that this scheme could help to kick-start regeneration of this area of the seafront.
- (20) Councillor C Theobald was in agreement that the site had been empty for a long time and that a boost to that part of the seafront was needed and therefore supported the officer recommendation.
- (21) Councillor O'Quinn acknowledged that a number of benefits would accrue from the scheme but considered that the proposed pop up buildings would be garish and she remained to be convinced that they would encourage re-invigoration of the area as envisaged.
- (22) Councillor Miller stated that whilst acknowledging that revitalisation of the site was needed, he considered that much of the enabling development being provided in advance of delivery of the swimming pool did not stack up in his view. The level of harm to the heritage asset and neighbouring buildings would be too great and he considered the comments received from Heritage England were damning.
- (23) Councillor Littman concurred saying the amount of damage and harm which would be caused in order to provide temporary facilities was too high. The council had a responsibility to act as custodians of the natural and built environment.
- (24) Councillor Hyde agreed with all that had been said by Councillor Miller. She recognised that the arguments were finely balanced and that benefits would accrue, but in her view the damage which would result to the environment, character, setting of the listed buildings and detrimental visual impact would be too great and would be contrary to a number of local plan policies.
- (25) Mr Gowans, CAG referred to the comments submitted by CAG re-iterating their view that the proposed scheme was wholly unacceptable.
- (26) Councillor Mac Cafferty stated that he considered that a fully worked up Master Plan for the whole area was essential. Whilst there was much he liked about the scheme there was also much he did not. Any development in this location should contribute to a strong sense of place and not sure that this did. The comments received from Historic England expressed their concerns and objections in very strong terms.
- (27) Councillor Cattell, the Chair acknowledged that the scheme was finely balanced and was of the view that in some cases temporary permissions were necessary in order to project schemes forward and to secure longer term protection of the site. She considered the scheme was acceptable and would be voting in support of it.
- (28) A vote was taken and on a vote of 7 to 4- the application was not approved. Alternative recommendations were then sought and Councillor Littman proposed and Councillor

Hyde seconded the proposal that the application be refused. The reasons put forward for refusal were that the proposed scheme conflicted with plan policies in relation to building on the beach, ecological impact, harm to a heritage asset, design, density, height, colour and scale of the proposed form of development. The mitigation measures proposed by the applicant were considered to be insufficient/inappropriate. It was agreed that the final wording of the grounds of refusal would be prepared by officers in consultation with the proposer and seconder and that should the refusal be appealed the Committee agreed a s106 planning obligation on the heads of terms set out in the report

- (29) A recorded vote was then taken and Councillors, Gilbey, Mac Cafferty, Bennett, Hyde, Littman, Miller and O'Quinn voted that the application be refused. Councillors, Cattell, the Chair, C Theobald, Moonan and Morgan voted that Planning Permission be granted. Therefore on a vote of 7 to 4 Planning Permission was refused.

- 78.2 **RESOLVED** - That the Committee has taken into consideration the reasons for the recommendation set out in the report but resolves to **REFUSE** planning permission for the reasons set out above and authorises that should the refusal subsequently be appealed that a s106 obligation be entered into on the heads of terms set out in the report.

### MINOR APPLICATIONS

#### C BH2018/01894 - 1A Marmion Road, Hove - Variation of Conditions

Application under S73a for variation of condition 2 of BH2015/01278 (Demolition of existing warehouse (B8) and erection of 4no two/ three storey residential dwellings (C3) and offices (B1).) (allowed on appeal) to allow amendments to the approved drawings.

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

#### Officer Presentation

- (1) It was noted that consideration of this application had been deferred at the previous meeting of the Committee following concerns expressed by Councillor Nemeth who had spoken and had indicated that the development had not been built in accordance with the extant permission and in order to enable a site visit to take place. The applicant/agent had also been invited to address the Committee, they did not however attend in order to do so.
- (2) The Principal Planning Officer, Liz Arnold presented the application by reference to the site plans and drawings and referred to the issues raised at the previous meeting of the Committee. It was confirmed that the application had been agreed on appeal and that the conditions set by the Planning Inspector had been met, but ultimately it had not been possible to provide tree planting which was sustainable on site, that had not proved practicable given the constraints of the site but it was not considered however

that the differences between the agreed plans and development as built were sufficient to warrant refusal.

### Questions of Officers

- (3) Councillor Miller commended the contribution made by Councillor Nemeth in drawing this matter to Members' attention. Whilst understanding that it was not possible to plant trees on site, he enquired whether it would be possible either to provide trees in pots or to provide climbing plants which would soften the appearance of the building. The Legal adviser to the Committee confirmed in answer to questions that the elevational treatment and materials had been approved and it had been established trees could not be provided as they would not survive. The Planning Manager, Nicola Hurley confirmed however that were members sufficiently concerned an additional condition requiring wall climbing plants could be added.
- (4) Councillor Littman noted that it was intended that 7 trees would be provided off site stating that he hoped that arrangements would be made to ensure that they were maintained/replaced for 5 years in accordance with standard conditions applied in order to secure their longer term survival.

### Debate and Decision Making Process

- (5) Councillor C Theobald stated that having driven past the site, she considered that the development was cramped onto the site and that the brickwork was out of keeping with the neighbouring street scene. Notwithstanding that it was disappointing that permission had been granted on appeal, any further action which could be taken by the Committee was limited.
- (6) Councillor Miller re-iterated his earlier comments in relation to planting treatment on site requesting that a condition be added requiring climbing plants to be provided. This was seconded by Councillor Hyde and the Members of the Committee present were in unanimous agreement that such a condition be included in any permission granted.
- (7) A vote was taken and the 11 Members who were present when the vote was taken voted unanimously that Planning Permission be granted to include the additional condition suggested.

77.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a s106 agreement and to the Conditions and Informatives also set out in the report.

### D BH2018/02918 -Portslade Sports Centre, Chalky Road, Portslade -Full Planning

Replacement of existing artificial grass surface and associated works including replacement floodlights, fencing, hard standing areas and installation of equipment storage.

### Officer Presentation

- (1) The Principal Planning Officer, Maria Seale, introduced the application and gave a presentation by reference to photographs, site plans and elevational drawings detailing the proposed scheme. It was noted that confirmation had been received that Sport England had not objected to the proposed development.
- (2) It was noted that the main material planning considerations in respect of this application were the principle of the development proposed, its design and appearance and the impact on the amenity of neighbouring properties. Impact from the proposed floodlights had been considered in detail as part of the applicant's Design and Access Statement and a separate lighting report. Light spillage would be kept to a minimum, would be below the threshold for an Environmental Zone E2 (a village or relatively dark outer suburban location) and the proposal was therefore in accordance with policy QD26, subject to conditions controlling its installation and hours of use. The proposed replacement pitch would be unsuitable for hockey, but in view of the fact that an excess of hockey pitches had been identified this loss was considered acceptable, particularly when set against the gain in footballing provision which would result. Overall, the proposed development was considered to be acceptable and approval was recommended.

### Questions of Officers

- (3) Councillor Littman sought confirmation regarding the location of the three other hockey pitches in the area and it was explained that one was located near Horsham, in Southwick and at the University of Sussex.
- (4) Councillor Morgan enquired whether it was possible to determine the materials to be used for surfacing the pitch. It was explained that they could not, it was understood that all Football Association technical requirements had been met and that no objections had been raised by the relevant technical officers.
- (5) Councillor Gilbey stated that she was not aware that the existing hockey pitch was used by local groups, those using the current facility travelled some distance in order to do so, whereas improved football facilities would answer a local need.
- (6) The Chair, Councillor Cattell, noted that 107 letters of support had been received welcoming improved footballing facilities stating that she was in agreement with the officer recommendation.

### Debate and Decision Making Process

- (7) The Committee then moved directly to the vote and the 10 Members present voted unanimously that planning permission be granted.

77.4 **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:** Councillor Hyde was not present at the meeting during consideration or determination of the above application.

**E BH2018/02525 - 2 Sackville Gardens, Hove - Full Planning**

Demolition of existing garage and erection of 1no semi-detached three storey dwelling house (C3).

- (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, Maria Seale, introduced the application and gave a presentation by reference to photographs, site plans and elevational drawings detailing the proposed scheme. It was noted that in addition to the letter of support received from Councillor Cobb that a letter of support had also been received from Councillor Bewick, attached to the Late/Additional Representations List.
- (3) It was noted that the main considerations in determining the application related to the principle of the development, the impact of the proposal on the Sackville Gardens Conservation Area and the standard of accommodation the proposed dwelling would provide; the impact on neighbouring amenity, transport and sustainability were also material considerations. The existing buildings on the application site formed a uniform semi-detached pair of buff coloured brick dwelling houses with large projecting gables, modest dormers, projecting bays and central entrances underneath a portico and made a positive contribution to the street and conservation areas with their retention of original architectural features. Due to its height, design and narrow footprint compared to other buildings in Sackville Gardens, the proposed dwelling would appear as a large side extension and would interrupt the important uniformity and rhythm of the semi-detached pairs in the street and in consequence would cause significant harm to the streetscape and surrounding conservation area. The proposed form of development was contrary to the Local Plan and therefore by reason of its height and constrained footprint, was considered to represent an incongruous addition to the street scene which would cause unacceptable harm to the Sackville Gardens conservation area and refusal was therefore recommended.

**Public Speakers**

- (4) Mr Henderson, the applicant, spoke in support of his application stating that he disagreed with the officer view that the proposed development was at variance with the street scene. Whilst there were blocks of semi-detached buildings to one side, the proposed development would be at the end of the row, the buildings on the other side of the highway were taller and of a differing scale and on that basis he contended that the development would not be out of keeping. Thought had been given to its scale and design to seek to ensure that it was sympathetic.

**Questions of Officers**

- (5) Councillor Littman sought confirmation as to whether the proposed development would be of two or three storeys in height and it was confirmed that it would be two storeys with a bedroom located in the roof space.

- (6) Councillor Moonan referred to the fact that the development would provide another dwelling seeking confirmation regarding what could be acceptable at that location. It was confirmed that a development which did not unbalance the uniformity of the street scene could be considered acceptable.

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

- (7) Councillor Miller stated that he considered the proposal to be acceptable in that was a modest modern building which in his view did not compromise the street scene.
- (8) Councillor C Theobald stated that she considered that “harm” had already occurred in consequence of the large neighbouring development
- (9) Councillor Hyde stated that she considered the proposed development would be totally out of place and was far too narrow when viewed in the context of the neighbouring dwellings. It reminded her of a similar development in Saltdean which she had also considered was unacceptable.
- (10) Councillor Littman also agreed that this addition, at variance with the neighbouring mirror pairs of dwellings would be out of keeping.
- (11) Councillor Morgan was in agreement that the proposed dwelling was very narrow when viewed in relation to its neighbours. Councillor Gilbey concurred in that view considering that the proposal would be too cramped and that the proposed fenestration would also be inappropriate.
- (12) Councillor Mac Cafferty was of the view that damage had already occurred due to development which had already been permitted, he did not consider that this would result in any greater harm and on that basis he considered the proposal was acceptable.
- (13) Councillor Moonan stated that on balance she considered the scheme was acceptable as did Councillor O’Quinn who considered that this would represent an improvement on the existing garage.
- (14) The Chair, Councillor Cattell stated that she considered the appearance of the proposed scheme was dreadful and would spoil the rhythm of the existing building line and would be out of character with the neighbouring street scene.
- (15) A vote was taken and the 11 Members of the Committee - who were present when the vote was taken voted on a vote of 6 to 5 with no abstentions that Planning Permission be refused.

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

**F BH2018/02219 -Media House, 26 North Road, Brighton- Variation of Conditions**

Variation of condition 1 of application BH2017/01596 (Change of use of the Coach House from office (B1) to 1no three bedroom residential dwelling (C3) with associated erection of a single storey side extension and revised fenestration) to allow amendments to approved drawings.

### **Officer Presentation**

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a presentation by reference to photographs, site plans and elevational drawings detailing the proposed scheme.
- (2) It was noted that the main considerations in considering the application were the standard of accommodation to be provided and the impact of the proposed changes on the character of the area. It was noted that the size of the bedrooms and the total floor area of the proposed dwelling were both in excess of the level prescribed in the Government's Nationally Described Space Standards. Although the Council had not yet adopted these standards as policy they nonetheless gave an indication that the standard of accommodation to be provided would be adequate and approval was therefore recommended.

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

- (3) Councillor C Theobald requested to see additional photographs of the site following which the Committee moved directly to the vote.
- (4) The 10 Members of the Committee who were present when the vote was taken voted unanimously that planning permission be granted.

77.6 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

**Note:** Councillors Bennett and Hyde were not present at the meeting during consideration or determination of the above application.

### **G BH218/01884, 97 Hornby Road, Brighton -Full Planning**

Change of use from three bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4) with alterations to fenestration and provision of cycle storage.

### **Officer Presentation**

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a presentation by reference to drawings, elevational drawings floorplans and photographs. The application site was a semi-detached, two-storey property on the northern side of Hornby Road and the application sought planning permission to change the use of the property from a residential dwelling (C3) to a six-bedroom small House in Multiple Occupation (C4).

- (2) It was noted that the main considerations in determining the application related to the principle of the proposed change of use, the visual impact of the proposed external alterations, the impact of the proposal on neighbouring amenity and the standard of accommodation the proposed HMO would provide. Sustainable transport was also a material consideration. The applicant was seeking to alter the internal layout of the property to create 2no ground floor bedrooms, with one bathroom on each floor. The proposed bedrooms met the minimum national space standards and were adequate in terms of size, circulation space and layout, providing good levels of natural light and outlook. The standard of accommodation the proposal would afford to future occupants was considered to be acceptable. If, however, the communal space was converted to a bedroom in future, this would severely restrict the level of shared space available to the occupants. Therefore, a condition would be applied to any permission granted restricting the use of this room to communal use only to ensure an acceptable layout and level of communal space was retained.
- (3) There appeared to be parking onsite for several vehicles and the site was not in a CPZ so on-street parking was available. The proposed change of use was therefore not considered to have a significant or negative impact on the highway and for these reasons approval was recommended.

#### **Questions of Officers**

- (4) Councillor Gilbey queried whether the letter of objection received from Councillor Meadows related to the most recent application in respect of this site and it was confirmed that it did.
- (5) Councillor Miller sought clarification regarding the number of properties in HMO use within close proximity to the site as this had been referenced in Councillor Yates' letter of objection. Also, whether the number of occupants could be limited by condition. It was confirmed that this was addressed by proposed Condition 4 which would be attached to any planning permission granted. Councillor C Theobald also sought confirmation regarding the number of HMO's and it was confirmed that those referred to by the local ward councillors in their letters of objection fell outside the radius to be considered.

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

- (6) Councillor O'Quinn noted all that had been set out in the report regarding the distance from other HMO's in the neighbourhood and in respect of the removal of permitted development rights which meant that planning permission would be required in order for any further works to be carried out to the property. Whilst recognising that not all HMO's were students lets a number were and where there was a concentration of them as was the case in some areas of the city it could impact negatively on other residents and they had genuine and founded concerns in relation to such a proliferation of use. Residents often expressed the view that their concerns were not taken seriously and it was not clear to them that often Members' hands were tied in terms of refusal in the absence of planning grounds on which to do so, or that when refused permission could be granted by a Planning Inspector following an appeal by the applicants. Councillor O'Quinn stated that she wanted to raise this matter to give it a higher profile for residents and to urge that by whatever means could practically be

used in line with existing legislation that further thought could be given to how these issues might best be addressed.

- (7) A vote was taken and the 10 Members present when the vote was taken voted by 9 with one abstention that Planning Permission be granted.

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

**Note:** Councillors Bennett and Hyde were not present at the meeting during consideration or determination of the above application.

## H **BH2018/01160, 10 Selham Close, Brighton - Full Planning**

Change of use from residential dwelling to 6no bedroom small House in Multiple Occupation (C4) incorporating revised fenestration, sound proofing, cycle stands and associated works

### **Officer Presentation**

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a presentation by reference to drawings, elevational drawings, block plans, floorplans and photographs. It was noted that the main considerations in the determining this application related to the principle of the change of use, the design of the external works, the standard of accommodation which the use would provide, impact upon neighbouring amenity and transport issues.
- (2) The proposed bedrooms would meet the 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 within the unit. The communal area, consisting of an open planned kitchen, lounge and dining area, measuring approximately 20sqm, would be fairly tight for a 6 person property, with the plans only detailing space for a 4 person sofa. However, the communal space did have a functioning layout, the property benefitted from a large rear garden space and the bedroom sizes were adequate in terms of size and circulation space. On that basis, with access to a large rear garden, a functional communal space and bedrooms with adequate amounts of useable floor space, the future occupants would likely benefit from an acceptable standard of accommodation and the application could be supported on that basis. If however the communal space was converted to a bedroom in future, this would severely restrict the level of shared space available to the occupants and, therefore, a condition would be applied to any permission granted restricting the use of that room to communal use only to ensure an acceptable layout and level of communal space was retained. The proposed change of use would result in a more intensive use of the property including the number of trips made to/from the property and a greater impact on the immediate and surrounding area. It was not considered however that this would be of such magnitude to warrant refusal of planning permission and approval was therefore recommended.

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

- (3) The Committee then moved straight to the vote. A vote was taken and the 10 Members present when the vote was taken voted 9 to 1 that Planning Permission be granted.

77.8 **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:

Note: Councillors Hyde and Bennett were not present at the meeting during consideration or determination of the above application.

#### **I BH2018/01118- 103 Norwich Drive, Brighton - Full Planning**

Change of use from three bedroom dwelling house (C3) to six bedroom small house in multiple occupation (C4) with alterations to fenestration. (Part-Retrospective)

#### **Officer Presentation**

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a presentation by reference to drawings, elevational drawings, block plans, floorplans and photographs. It was noted that the main considerations in the determining this application related to the principle of the change of use, the design of the external works, the standard of accommodation which the use would provide, impact upon neighbouring amenity and transport issues. The application site was a two-storey semi-detached property located in a residential area on the south west side of Norwich Drive; an Article 4 Direction was in place restricting the conversion of single dwelling houses to small HMO's (C4).
- (2) The proposed changes to the internal layout of the property would result in 2no bedrooms at ground floor level with an open planned kitchen living and dining area and shower room and 4no bedrooms and 1no shower room at first floor level. The communal area, consisting of an open planned kitchen, lounge and dining area, measuring approximately 21sqm, would be fairly tight for a 6 person property. However, the communal space did have a functioning layout, the property benefited from a large rear garden space and the bedroom sizes were adequate in terms of size and circulation space. On that basis, with access to a large rear garden, a functional communal space and bedrooms with adequate amounts of useable floor space, the future occupants would likely benefit from an acceptable standard of accommodation and the application could be supported on that basis. If however the communal space was converted to a bedroom in future, this would severely restrict the level of shared space available to the occupants. Therefore, a condition would be applied to any planning permission granted restricting the use of this room to communal use only to ensure an acceptable layout and level of communal space was retained.
- (3) The proposed change of use from a C3 dwelling house to six bedroom C4 HMO would result in a more intensive use of the property including trips to/from the property and would have a greater impact on the immediate and surrounding area. It was considered that the increased impact likely to be caused in this case would not be of a magnitude which would cause demonstrable harm to neighbouring amenity and would

not warrant the refusal of planning permission and planning approval was therefore recommended.

**Questions of Officers**

- (4) Councillor C Theobald sought clarification regarding the number and location of the bathrooms/shower rooms to be provided.
- (5) Councillor Gilbey referred to the concerns which had been expressed regarding additional noise which could arise from a more intensive use of the property enquiring whether these could be considered as a material planning consideration. It was confirmed that they could but would need to be deemed such that they would constitute a demonstrable harm. They were not considered to be such in this case to justify grounds for refusal of planning permission.

**Debate and Decision Making Process**

- (6) Councillor O’Quinn noted all that had been said but re-iterated her concerns that there was apparently little leeway in refusing applications expressing concern that there could be a number of unlicensed HMO’s in any given area and the differing nature of the planning and licensing regimes in respect of this matter. This concerned her a lot.
- (7) Councillor Cattell, the Chair, concurred with Councillor O’Quinn stating that the need for greater integration of licensing and planning was recognised and the practicalities of strengthening the existing Article 4 Direction were being assessed. The number of HMO’s was being monitored but if the grounds on which an application was refused were not sufficiently rigorous the reality was that an permission was likely to be granted on appeal and the Council could be exposed to an application for costs.
- (8) A vote was taken and the 9 Members who were present when the vote was taken voted 7 to 2 that planning permission be granted.

77.9 **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:

**Note:** Councillors Bennett, Hyde and C Theobald were not present at the meeting during consideration or determination of the above application.

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

86.1 There were none.

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

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

**80 NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

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

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

**82 APPEAL DECISIONS**

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

The meeting concluded at 6.45pm

Signed

Chair

Dated this

day of