

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 12 APRIL 2017**

**HOVE TOWN HALL, COUNCIL CHAMBER - HTH**

**MINUTES**

**Present:** Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Littman, Miller, Morris, Russell-Moyle and Yates

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

**Officers in attendance:** Paul Vidler (Planning Manager), Liz Arnold (Principal Planning Officer), Steven Shaw (Development and Transport Assessment Manager), Gareth Giles (Principal Planning Officer), Alison Gatherer (Solicitor), and Cliona May (Democratic Services Officer).

**PART ONE**

**133 PROCEDURAL BUSINESS**

**a Declarations of substitutes**

133.1 Councillor Yates was present in substitution for Councillor Moonan.

**b Declarations of interests**

133.2 Councillor Gilbey noted that she had met with a Council Officer and Councillor Atkinson regarding Item A, Land Off Overdown Rise And Mile Oak Road, Portslade; however, had not expressed a view and had sought legal advice before attending the meeting.

133.2 Councillor Bennett declared a disposable pecuniary interest in Item C as her family member was the applicant. She was not present for the discussion and vote for this item.

133.3 The Chair stated that Planning Members had received emails from objectors regarding Item D, 22 Freshfield Street, Brighton.

133.4 Councillor Miller noted that Planning Members had received a letter and photographs from the applicant of Item E, 17 Denmark Villas, Hove.

133.5 Councillor Mac Cafferty noted that when the application for Item F was previous determined he had had correspondence with two local residents, who were in objection to the application; however, he remained of a neutral mind and would take part in the consideration and vote on the application.

**c Exclusion of the press and public**

133.6 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.

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

**d Use of mobile phones and tablets**

133.8 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 ‘aeroplane mode’.

**134 MINUTES OF THE PREVIOUS MEETINGS**

134.1 Councillor Mac Cafferty clarified that in the minutes of the meeting held on 8 March 2017, point 116.4, Procedural Business, that he had remained of a neutral mind.

134.2 **RESOLVED** – That the Chair be authorised to sign the minutes of the meetings held on 8 February 2017 and 8 March 2017 as correct records subject to the above amendment.

**135 CHAIR'S COMMUNICATIONS**

135.1 There were none.

**136 PUBLIC QUESTIONS**

136.1 There were none.

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

137.1 There were no further requests for site visits in relation to matters listed on the agenda.

**138 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2016/05908 - Land Off Overdown Rise and Mile Oak Road, Portslade - Outline Application Some Matter Reserved**

Outline application for the erection of up to 125 dwellings with associated access, landscaping and informal open space and approval of reserved matter for access only.

- 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 introduced the application and gave a presentation by reference to photographs, plans and indicative layouts. The application site related to an outline application for a maximum of 125 dwellings on an urban fringe site. It was explained that the site was divided and currently used for grazing and for informal recreation.
- 3) It was noted that 40% of the properties would be affordable housing units and there would be s106 contributions to mitigate the impact of the proposals. The application proposed ecological enhancements and these would be made at the north of the site.
- 4) The proposal would have 30 dwellings per hectare and this was lower than set out in the urban fringe assessment and in policy CP14; however, this lower density had been justified and considered acceptable. It was added that the issue regarding the impact on the South Downs National Park and the landscape surrounding the site with the lower density had been supported by the County Landscape Officer.
- 5) The main considerations were outlined to the Committee: the principle of development; landscape impact; ecology; archaeology; transport and highway safety; affordable housing; and neighbouring amenity.

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

- 6) Mr Roger Harper spoke in objection to the application in his capacity as a local resident. He stated that he had lived in Brighton and Hove for many years and appreciated that housing was needed in the city; however, was concerned that the services within the area could not provide for an additional 400 people. He noted that the NHS, GP services and local schools were strained and the services would not be able to support additional residents. There had been previous problems with flooding in the area and developing on the valley would add pressure to the existing drainage system and an assessment had not been completed on this. The development of the site would have a detrimental effect on the wildlife and he had concerns for the access roads and roundabouts.
- 7) Councillor Atkinson spoke in objection to the application in his capacity as a ward Councillor. He thanked the local residents who had contacted him and had made residents aware of the application and explained that he had received over 400 letters in objection and 2 in support of the application. He noted that the access to the site was via narrow interconnected roads, hence there being existing traffic problems, and an additional 200 cars in the area would cause deadlock at peak times that could be dangerous. Local residents had raised concern for the risk of flooding in the area, as there had been a previous history for flooding, and Southern Water had noted that

there would be an increased risk due to the development. He noted that the GP services in area would not be able to support the additional residents and that the bus services that run through Mile Oak and Portslade were often full before getting to Brighton.

- 8) Mr Peter Rainier and Mr Jon Callcutt spoke in support of the application in their capacity as the agent and applicant. They stated that the application site was part of the urban fringe and had been determined suitable for the development. It was a positive scheme that would provide additional family housing for the city and included 50 affordable units and improvements to the highway, including the widening of Fox Way roundabout. There would also be s106 contributions towards education and leisure facilities. The site currently had a lack of management and the scrub was overgrown; however, the development would improve this and the chalk ground was restored to benefit the wildlife. In addition to this the applicant noted that footpaths leading to the national park would be provided to benefit the residents in the area.
- 9) In response to Councillor Gilbey Mr Rainier explained that the scheme had been to a design panel, had pre-application discussions with the Planning Department and had addressed residents' concerns at a public exhibition.
- 10) Mr Rainier noted that he and the applicant had been in communication with Southern Water regarding drainage and they were content that they could meet the facilities needed. He clarified to Councillor Gilbey that there were two proposed retention ponds to collect and contain additional surface water to prevent flooding.

#### **Questions for Officers**

- 11) In response to Councillor Miller the Officer explained that there were two proposed conditions regarding surface and foul water drainage in addition to informatives. It was added that there was not a condition for water supply; however, it was standard practise to not condition this.
- 12) In response to Councillor Mac Cafferty the Officer explained that the County Ecologist had not mentioned a red listed species in their report and they would have stated if listed species were on the site. It was also explained that high level assessments had been undertaken and areas that could be developed were identified. During the high level assessments completed on the site, the development would not begin before being certain that there would not a conflict between the ecology of the site and the archaeology. If deposits were found on the site then development may not be suitable and the applicant and developer were aware of this.
- 13) The Development and Transport Assessment Manager explained to Councillor Mac Cafferty that a controlled parking zone would not be deemed appropriate for the development as it would not be producing an overspill of vehicles; therefore, the issue would not need to be addressed. He explained that there could be a potential for double yellow lines on the site access points and this could be discussed when the applicant submitted the scheme setting out the highway works to the Council for approval, as detailed in condition 25.

- 14) In response to Councillor C. Theobald it was noted that there had been an assessment of the local schools and this confirmed that there was currently capacity in the schools; however, a further assessment would be completed once further information had been received regarding the number and mix of units on the site.
- 15) In response to Councillor Gilbey the Development and Transport Assessment Manager explained that the width of Mile Oak Road was just less than 5 metres and the guidance stated that 4.1 metres was the minimum width for two cars. The access for the site was well located and had good visibility.
- 16) In response to Councillor Gilbey it was noted that condition 12 stated that the development should not exceed two storeys in height.

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

- 17) Councillor Hyde noted that she had attended the site visit and the area seemed to be enjoyed by local residents and she did not want greenfield sites being developed on when there were currently brownfield sites within the city. The urban fringe assessment stated that urban fringe sites may be developed on; however, the site had not been allocated. The site was located in a quiet neighbourhood with narrow access roads and there were current problems with traffic in the area. She raised concern for the ecology and stated that no amount of mitigation would protect the wildlife, some of which were protected, that were currently diminishing in numbers. The site also supported breeding birds due to the shortage of hedgerows. The development would change the character of the area and noted that she would not be supporting the Officer's recommendation.
- 18) Councillor C. Theobald agreed with Councillor Hyde and explained that there was a high amount of objections received. She noted concern for the loss of greenbelt, the additional pressure on the GP surgeries and schools and the increased traffic on the narrow access roads.
- 19) Councillor Russell-Moyle noted that the schools in the area did have places and could cope with additional students from the development. He explained that the additional pressure on the buses could result in Brighton & Hove Buses increasing the bus service in the area. He did not have an objection to the development on the site as it was poorly managed and was not used by the local residents and if the application was granted, the s106 money would enhance the ecology. He added that he would be supporting the Officer's recommendation; however, it was essential that the ecology of the site was retained through mitigation and handled carefully.
- 20) Councillor Morris noted that the South Downs needed to be managed and it was important to retain scrub land for adders to survive. He added that he had concerns for the protected corn bunting; however, he would be supporting the Officer's recommendation.
- 21) Councillor Bennett expressed concern for the traffic implications the development would have and the access to the site. She explained that there would be a high car ownership rate as the site was not located in the centre of the city and the traffic

surveys were taken through the school holidays and bank holiday weekends. She added that she would not be supporting the Officer's recommendation.

- 22) Councillor Littman explained that he did not like the idea of developing on urban fringe sites; however, there was a need for houses to be built and some of these would need to be built on urban fringe sites. The site was poorly managed Site of Nature Conservation Interest (SNCI) and needed to be improved. It was a good location for affordable housing and would therefore be supporting the Officer's recommendation.
- 23) Councillor Miller stated that he did not like the proposal for development on the urban fringe; however, the s106 money would positively enhance the area. He noted that housing was needed for the city and if the application was to be refused, it would be difficult for officers to defend at appeal stage. He explained that the proposed dwellings were not densely built; however, he did not agree with building on the urban fringe and he was therefore undecided if he would support the Officer's recommendation.
- 24) Councillor Gilbey noted that she welcomed new housing to the city and 40% affordable housing was positive. She explained that she had concerns regarding the flooding as there were existing problems in the area and did not believe that the two proposed retention ponds would handle the surface water. She added that the access to the site was not adequate and would not be supporting the Officer's recommendation.
- 25) Councillor Mac Cafferty explained that it was a greenfield site and the applicant had not explored a sustainable development. He was concerns that there could be a rare species on the site. He explained that he did not want development on any of the urban fringe; however, there was currently a housing crisis. He was therefore undecided if he would support the Officer's recommendation.
- 26) The Chair noted that she agreed with Councillor Miller and Mac Cafferty that homes were needed for the city. She explained that the proposal would be suitable for the area and the residents would not feel a loss of greenfield land as it was located closely to the South Downs National Park. She added that she would be supporting the Officer's recommendation.
- 27) The Chair then put the application to the vote and the Officer recommendation was **not carried** with 4 in support, 6 against and 1 abstention. Councillor Gilbey then proposed reasons to refuse the application and these were seconded by Councillor Hyde. A recorded vote was then taken, Councillors: Gilbey, C. Theobald, Mac Cafferty, Bennett, Hyde and Yates voted to refuse the application, Councillors: Littman, Morris, Russell-Moyle and Cattell voted to grant the application and Councillor Miller abstained.
- 138.1 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolved to **refuse** planning permission for the reasons subsequently agreed set out below:

1. Vehicular movements to and from the development using the access from Mile Oak Road, by virtue of the narrowness and layout of Mile Oak Road, would result in dangers to highway safety, contrary to policy TR7 of the Brighton & Hove Local Plan.

2. Increased traffic generation and displaced parking from the development would have an adverse impact on surrounding residential roads, contrary to policy CP9 of the Brighton & Hove City Plan Part One and policy TR7 of the Brighton & Hove Local Plan.
3. The proposed mitigation, compensation and enhancement measures would not satisfactorily address the harmful impacts of the development on the ecology and biodiversity of the Mile Oak Fields Site of Nature Conservation Importance, contrary to policy CP10 of the Brighton & Hove City Plan Part One and policies NC4 and QD18 of the Brighton & Hove Local Plan.
4. The applicant has failed to demonstrate that appropriate mitigation measures are proposed to manage and reduce flood risk in the locality, contrary to policy CP11 of the Brighton & Hove City Plan Part One.
5. The applicant has failed to demonstrate that appropriate sustainability measures have been incorporated into the development, contrary to policy CP8 of the Brighton & Hove City Plan Part One.

## **B BH2016/05099 - 25 Stonery Close, Portslade - Full Planning**

Erection of 1no detached two bedroom house (C3) to rear of existing house with associated car parking.

- 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 introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. He explained that there was a condition restricting the proposed dwelling to two bedrooms to secure the future residents amenity.
- 3) The main considerations for the Committee to consider were: the principle of development, the design and visual impact, the standard of accommodation, and the neighbouring amenity.

### **Questions for Officers**

- 4) In response to Councillor Russell-Moyle the Development and Transport Assessment Manager explained that the works to highways would be organised by the applicant rather than being subject to a contribution paid to the Highway Authority and this was the standard approach with minor developments. It was also explained to Councillor Russell-Moyle that a small car would not have a problem with the gradient of the turning point and it would not be appropriate to request for the area to be improved as it was not public highway and would not be used often.
- 5) In response to Councillor Gilbey it was noted that the site plan showed the access route to the site. It was also clarified that the Housing department were placing marked bays on the access route but the area located at the front of the garages would remain

clear to ensure access could be gained to the site. It was added that the mini bus at the site visit accessed the site; therefore, there would not be a problem for cars.

- 6) In response to Councillor C. Theobald it was clarified that the emergency services would make all the necessary measures to access the buildings. It was added that sprinklers were to be installed in the dwellings.

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

- 7) Councillor C. Theobald noted that she did not like the development and would not be supporting the Officer's recommendation.
- 8) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** by 8 votes in support and 2 against.

- 138.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

Note: Councillor Bennett was not present for the consideration and vote.

### **C BH2016/05379 - 30 Windmill Drive, Brighton - Householder Planning Consent**

Remodelling of existing dwelling including raising of roof height to create additional storey with dormer windows and rooflights, revised fenestration and any associated alterations.

#### **Officer Presentation**

- 1) The Principal Planning Officer introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application site was within close proximity to the South Downs National Park. The key considerations were the design, appearance and the impact on neighbouring amenity.
- 2) It was explained that a daylight and sunlight assessment on the impact of 28 Windmill Drive had been submitted as part of the application. The Planning Officers considered the impact the development would have on the neighbouring properties and concluded that there would not be harmful impacts on 28 Windmill Drive or 32 Windmill Drive.

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

- 3) Mr White addressed the Committee in his capacity as an objector and noted that the properties in the area that had been extended were sympathetic to the area and did not impact on the neighbours' amenity. The local residents had raised concern for the scale of the property and the appearance, which would be prominent from the street scene. He explained that the revised scheme had not been amended to resolve the queries raised by local residents and they had concerns that the application would set a new precedent to the neighbouring bungalows. The road currently consisted of a row of unique bungalows on the city skyline that faced the South Downs National Park and the appearance of the proposed scheme was not in keeping with this.

- 4) Councillor Taylor addressed the Committee in his capacity as a Ward Councillor and stated that he was representing the local residents who he had consulted closely with after the resubmission of the application. He explained that the new plan for the extension was welcomed; however, the residents remained concerned for the height of the proposal. The majority of the properties in the area were symmetrical and there was concern that if the proposal was granted, it would set a precedent for other properties in the area and would be detrimental to the appearance of the road. The aluminium windows and slate appearance would be out keeping with the predominant design of the neighbouring properties and street scene.
- 5) In response to Councillor Morris he noted that residents had concerns for the existing sewage pipes, as mentioned in his letter.
- 6) Mr Thompson addressed the Committee in his capacity as the agent and explained that he had a good working relationship with the Planning Officer and following discussions he had decided to set back the proposed storey on the garage. The existing bungalow had compromised available light and the removal of the conservatory would improve the natural light into the property. There was a history of applications for the neighbouring properties, to ensure the buildings were utilised, and therefore the street scene was not symmetrical. The footprint of the proposed extension would not exceed the existing property. Mr Thompson added that the extension and the proposed materials were suitable for the street scene.
- 7) In response to Councillor C. Theobald it was explained that the aluminium windows and slate tiles would be grey.
- 8) In response to Councillor Russell-Moyle it was stated that the property would be a similar colour to the bungalow next door; however, would be using slate rather than timber.

#### **Questions for Officers**

- 9) In response to Councillor Miller the Officer confirmed that the property next door to the site, number 32, was agreed in 2009 and was relevant to the determination of the application.
- 10) In response to Councillor Littman the Officer clarified that there was not any planning history on the neighbouring property, number 30.
- 11) In response to Councillor C. Theobald the Officer noted that the bathroom window of the proposed extension was likely to be obscure glazing.

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

- 12) Councillor Russell-Moyle noted that the development was sympathetic and similar applications had been agreed in other areas of the city. He added that the colour palette was the same as the neighbouring property.
- 13) Councillor Hyde agreed with Councillor Russell-Moyle and was pleased that the applicant had worked with the Planning Officers to improve the application.

- 14) Councillor Littman noted that he would be supporting the Officer's recommendation.
- 15) Councillor C. Theobald noted that the neighbouring property was also grey; however, the bungalows in the area were mostly brick with red roofs. She stated that she was undecided how she would vote.
- 16) Councillor Miller noted that he would be supporting the Officer's recommendation and welcomed the improvements that the developer had made and was pleased with the consultation with the Ward Councillors and local residents.
- 17) The Chair noted that she would be supporting the Officer's recommendation and explained that extending a property to get additional space was often the only option for residents as moving house would be costly.
- 18) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** by 9 votes in support and 1 abstention.
- 138.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

Note: Councillor Bennett was not present for the consideration and vote.

#### **D BH2016/05803 - 22 Freshfield Street, Brighton - Full Planning**

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

##### **Officer Presentation**

- 1) The Principal Planning Officer introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. He noted that the location plan in the report pack was incorrect and the property highlighted was the neighbouring site.
- 2) He explained that the house had been sub-divided under a previous application. Policy CP21 limited the amount of HMOs within the city and for not have more than 10% of HMO properties being in a 50m radius. There was one existing HMO within the radius of the proposed site; therefore, the change of use was deemed acceptable. The communal space on the ground floor was acceptable and there was a garden at the rear of the property. The rooms were mid conversion and the loft room had a sloped roof; however, this had sufficient head space when standing.

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

- 3) Mr Michael Jones spoke in objection to the application in his capacity as local resident. He noted that he was speaking on behalf of the local residents, including the residents at the neighbouring properties. He believed that the application has misled the local residents as the applicant had initially informed them that the property would be

converted into two units. The website of the agent stated that they specialised in HMOs and therefore; the residents believed this was their initial intention. The property was a three bedroom family house in a residential area near a school and would be unsuitable for an HMO as there would be noise nuisance and overlooking into the neighbouring properties. He noted that the residents would not have objected to an application for two, three or four units; however, the property was not suitable for six units due to its size and the lack of sound proofing.

- 4) In response to the Chair Mr Jones clarified that not all of the local residents were consulted. The Officer explained that the adjoining neighbours and residents directly opposite the property would be notified and the information would be published online.
- 5) In response to Councillor Morris Mr Jones stated that the neighbours were consulted on the application being for two units rather than six. The Officer clarified that there was a previous application to separate the property into two units and then a second application was submitted for six units. The original floor plans were consulted on with the residents; however, the new floor plans were not re-consulted on because they were minor amendments to the internal layout, making the communal living area larger.
- 6) Mr Anthony Foster spoke in support of the application on behalf of the applicant and explained that the property had previously been agreed for C34 use, suitable for up to six occupants. He noted that the bedrooms would vary in size and were in excess of the standard policy. It would not necessarily be occupied by students and due to the location of the property; it was likely to offer a home for young professionals. The application had been designed to ensure that the amenity of the residents living in the neighbouring properties was protected. The site would be managed and maintain well and if the Committee felt necessary the applicant welcomed a site management plan. Mr Foster added that the Planning Policy had been adopted to protect the neighbouring amenities and character of the local area and the application is in accordance with this policy.

### **Questions for Officers**

- 7) In response to Councillor Morris the Officer explained that if the property was to be converted back to two dwellings, this would be likely to require planning permission.
- 8) In response to Councillor Russell-Moyle the Officer clarified that policy CP21 ensured that there would be no more than 10 per cent of dwellings within a radius of 50 metres would be HMOs. The Officers monitored live applications when calculating these figures.
- 9) In response to Councillor Russell-Moyle the Officer noted that the head height should be a minimum of 1.5 meters. It was also clarified that the layout submitted by the applicant was indicative and depending on the residents chosen furniture it could mean that the layout would be different. The application was deemed acceptable by the Planning Officers due to the size of the rooms, communal space and the large rear garden.

- 10) In response to Councillor Miller it was explained that the layouts of the neighbouring properties had not been sought; however, there was an assumption that the majority of properties would have communal areas on a ground floor level and bedrooms on the upper stories.
- 11) In response to Councillor C. Theobald it was noted that the national minimum bedroom size was 7.5sqm and this would exclude en-suite bathrooms.
- 12) In response to Councillor Yates the Development and Transport Assessment Manager explained that there was not another potential location for cycle parking on site.
- 13) In response to Councillor Miller it was confirmed that the room size was measured from wall to wall.

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

- 14) Councillor Morris noted that he was concerned about the application. He explained that the location for the cycle parking was not ideal as it was at the rear of the property with step access and the planning policy noted that cycle parking should have easy access. He added that he had concern for the amenity space provided.
  - 15) Councillor Miller explained that he did not like the design of the application and had concern for the size of the community spaces and the head height in the attic room. He noted that it was a traditional three bedroom house that was being converted into a two bedroom flat and a six bed HMO and this was not acceptable.
  - 16) Councillor Yates agreed with Councillor Miller and noted that there could be more unregistered HMOs in the area which would result in the 50 metre radius exceeding 10 per cent.
  - 17) Councillor Russell-Moyle noted that he had concerns for overcrowding within the property and would not be supporting the Officers recommendation.
  - 18) Councillor Russell-Moyle proposed that the item was deferred to receive further information regarding the head height in the attic room and conditioning the management plans.
- 138.3 **RESOLVED** – That the Committee agreed to defer the item to receive further information.

### **E BH2017/00668 - 17 Denmark Villas, Hove - Householder Planning Consent**

Erection of single storey rear extension. (Part retrospective)

- 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 introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application site related to an extension that had been constructed. The previous application for the same extension was refused under delegated powers and it was then dismissed at appeal. The application was part-retrospective as there was proposed vegetative screening between the extension and the neighbouring property; however, there were not any material changes proposed.
- 3) There had been a previous conservatory on the site. The current conservatory would not have been permitted development as it was in the article 4 area and the eaves were over 3 meters high. The appeal decision for the previous application the planning inspector found that the impact on the conservation area was acceptable and impact on the neighbouring amenity in terms of privacy was acceptable; however, the scheme would harm the outlook on the boundary due to its dominance. After the appeal decision, the Planning officers suggested to the applicant to reduce the height of the conservatory.

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

- 4) Mr Anthony Foster spoke in objection to the application on behalf of the objector who lived at 15 Denmark Villas. He stated that the current application was to retain the structure that had been built which had been previously refused and dismissed at appeal. The patio doors were too close to the boundary and the height and depth of the structure would harm the neighbours' amenity. There was a 10cm width gap between the boundary wall and the structure; therefore, there would be problems growing the vegetation screening. The previous conservatory was a glazed feature and did not have an impact on the neighbouring amenity. The current conservatory was larger and protrudes further into the garden. The neighbours had significant concerns regarding the application as it was built without planning permission. The neighbours had expressed concern for if the application was granted, it would set a precedent.
- 5) In response to Councillor Russell-Moyle Mr Foster noted that the current conservatory was approximately one foot higher than the previous conservatory.
- 6) In response to Councillor Miller it was stated that the wooden fence was erected by the neighbouring property in 2015.
- 7) Mr Cook spoke in support of the application in his capacity as the applicant. He acknowledged that he had made a mistake not seeking planning permission before erecting the conservatory; however, he had sought advice from various agents and contractors who stated that he did not need permission. He did not want to replace the previous conservatory; however, it was unsafe due to the roof leaking, and it had to be demolished. He explained that they had consulted with the neighbours regarding the proposal and they had not raised any concerns. The conservatory was the same size and height as the previous conservatory and was more sympathetic to the residential area. The inspector had supported the design and noted that the amenity of the neighbours would not be breached; however, he had put an obscure film over the window that bordered the neighbours' property. He added that the conservatory respected the neighbours space and would not prevent natural light to their property.

- 8) In response to Councillor Miller Mr Cook stated that they would use a contractor, which was on the approved Council list, to ensure that the planting will survive.
- 9) In response to Councillor Morris it was explained that the previous application was withdrawn because the proposal was for a higher and larger conservatory and would prevent natural light into the property.
- 10) In response to Councillor Russell-Moyle the applicant explained that when the appeal was refused, he considered the possible options and sought professional advice. He had drawn up plans for a revised structure, which he had begun to submit, that complied with the measurement advice received from the Planning Department. After consideration; however, he withdrew the application as the structure would come below the existing features of the house and decided to focus on the issues raised regarding amenity.
- 11) In response to the Chair it was explained that a number of companies that he approached had stated that they would not need to seek planning permission as the extension would be erected on the existing footprint as the previous conservatory and would be the same scale and size.

#### **Questions for Officers**

- 12) In response to Councillor Miller the Officer explained that the total height of the extension was 4.2 meters to the top of the roof lantern and 3.4 meters to the top of the eaves. It was noted that he did not have the measurements of the previous conservatory; however, the main consideration was for the existing conservatory and the inspector's comments.
- 13) In response to Councillor Yates it was confirmed that the structure of the conservatory was the same as the dismissed application but with the addition of vegetation screening.
- 14) It was clarified to Councillor Russell-Moyle that the conservatory windows are clear glass and the applicant had added an obscure film over the window close to the neighbouring property. It was added that he was unaware if a daylight and sunlight assessment had been completed during the original consideration; however, it was not a determinable factor.
- 15) In response to Councillor Morris it was clarified that the windows were upvc timber effect; however, these could not be seen from the street scene.

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

- 16) Councillor Russell-Moyle explained that he respected the Planning Inspector's decision and was not convinced that the vegetation screening would be able to grow. He noted that the extension was aesthetically pleasing and would not have an impact on the neighbour's amenity. He added that he would most likely be voting against the Officer's recommendation.

- 17) Councillor Littman noted that the inspector's reasons for dismissal were clear and the application had not materially changed and would therefore be supporting the Officer's recommendation.
- 18) Councillor Mac Cafferty stated that the applicant did not apply for planning permission; however, he had come to the Planning Committee and acknowledged he had made a mistake because he received the wrong information. Councillor Mac Cafferty noted that it was an attractive extension; however, he did sympathise with the neighbours. He noted that he would not be supporting the Officer's recommendation.
- 19) Councillor Miller noted that the fence was slatted wood; therefore, the planting could grow. He explained that the applicants did not have the frosted film on the windows when the inspector made a decision and therefore, would not be supporting the Officer's recommendation.
- 20) Councillor Hyde noted that the site visit to the site and the neighbouring property was helpful and there was not a sense of enclosure from the neighbour's patio. It was a better design than the previous extension and the obscure glazing film on the windows resolved potential overlooking problems. She suggested that if the application was granted, a condition securing the obscure film would be welcomed.
- 21) Councillor C. Theobald stated that the conservatory appeared to be lower than the previous conservatory and was more in keeping with the house. She noted that she would not be supporting the Officer's recommendation.
- 22) Councillor Yates noted that it was an attractive conservatory; however, the vegetation screening would not change the issues raised by the inspector, therefore he would be abstaining.
- 23) Councillor Gilbey explained that she attended the site visit and if she had not known the issues raised by the inspector, she would have supported the application. There was not a problem with light restriction or overlooking; however, she was undecided if to support the Officer's recommendation.
- 24) The Chair then put the application to the vote and the Officer recommendation was **not carried** with 4 in support, 6 against and 1 abstention. Councillor Hyde then proposed reasons to grant the application and these were seconded by Councillor Miller. A recorded vote was then taken, Councillors: C. Theobald, Mac Cafferty, Bennett, Hyde, Miller and Russell-Moyle voted to grant the application and Councillors: Cattell, Gilbey, Littman and Morris voted to refuse the application and Councillor Yates abstained.
- 138.5 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolved to **grant** planning permission subject to the conditions subsequently agreed set out below:

1. The development hereby permitted shall be carried out in accordance with the approved drawings listed below.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. a) The landscaping/planting scheme detailed on the elevational drawings by Tori Lilley drawing nos. 1,2 and 3 received on 13 March 2017 shall be carried out within one month of the date of this permission.

b) Any trees or plants which within a period of 5 years from the completion of the above planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development in the interests of the living conditions of the neighbouring occupiers at 15 Denmark Villas and to comply with policies QD14, QD15 and QD27 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

3. The four windows in the south side elevation of the development facing 15 Denmark Villas hereby permitted shall be obscurely glazed and thereafter permanently retained as such.

Reason: To safeguard the privacy of the occupiers of the adjoining property and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

## **F BH2016/05550 - Amber Court, 38 Salisbury Road, Hove - Full Planning**

Creation of additional floor at fourth floor level to form 2no two bedroom flats with terraces to rear (part-retrospective).

### **Officer Presentation**

- 1) The Principal Planning Officer introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application site had planning permission, which was agreed in 2016, and the current application was for the same scheme but with an amended height of the privacy screens on the balconies to be adjusted. The agreed planning permission had the balustrade height at 1.8 metres; however, the applicant was applying for these to be adjusted to 1.5 metres. The Principal Planning Officer added that the Planning Inspector found that adjusting the height of the balustrade to 1.5 metres would not materially affect the neighbouring properties at the rear of the site.

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

- 2) Ms Carol Wilson spoke in objection to the application in her capacity as local resident. She stated residents in the Palmeira area strongly opposed the reduction of the privacy screen as the new buildings were physically opposing and overwhelming, especially with the additional floor. The previously agreed screens were to avoid overlooking and noise pollution and the reduction of these would result in direct overlooking into the gardens of the residents.
- 3) Mr James Boys spoke in objection to the application in his capacity as the agent. He stated that the application was the same as the previously approved scheme apart from the reduction in the privacy screens. He explained that the proposal was to have them lowered to 1.5 metres; however, they have been set back to prevent overlooking. He added that there would not be an issue with increased noise.

- 4) In response to Councillor Yates the agent explained that the reduction of height was considered as it would improve the view for the future residents.
- 5) In response to Councillor Bennett it was confirmed that the screens would still be made from obscure glazing.
- 6) In response to Councillor Hyde Mr Boys believed that the previously agreed screens were for 1.8 metres to address the problems raised by residents.
- 7) In response to Councillor Gilbey it was noted that residents were likely to be sitting on the balconies rather than standing and overlooking into residents gardens.

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

- 8) Councillor Yates noted that it was a difference of 30cm and the residents were most likely going to sit down on their balconies rather than stand.
  - 9) Councillor Russell-Moyle agreed with Councillor Yates and would be supporting the Officer's recommendation.
  - 10) Councillor Mac Cafferty noted that the lowering of the balconies would make the neighbours at the rear of the flats feel overlooked and would therefore not be supporting the Officer's recommendation.
  - 11) Councillor Littman noted that he sympathised with the objector and the local residents as the reduction would result in the privacy screens being below the majority of people's eye level. He added that he would not be supporting the Officer's recommendation.
  - 12) Councillor Morris agreed with Councillors Mac Cafferty and Littman and would not be supporting the Officer's recommendation.
  - 13) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** by 6 votes in support, 3 votes against and 2 abstentions.
- 138.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

### **G BH2016/06188 - 3 Meadow Close, Hove - Householder Planning Consent**

Remodelling of existing dwelling including creation of additional floor, side and rear extensions and associated roof alterations. (Revised roof materials and rear extension design).

### **Officer Presentation**

- 1) The Principal Planning Officer introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application site related to a standard sized bungalow that was neighboured by two larger houses.

**Questions for Officers**

- 2) In response to Councillor Hyde the Officer explained that there were two proposed balconies. One was shallow with the French doors to open inwards and the other balcony was a Juliet.
- 3) In response to Councillor C. Theobald it was explained that the roof was proposed to be grey; however, this was amended to be in keeping with the neighbouring properties.
- 4) In response to Councillor Miller it was noted that the cladding was to be weatherboard and white render.

**Decision Making**

- 5) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** unanimously.

138.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

Note: Councillors Mac Cafferty and Yates were not present for the consideration and vote.

**H BH2016/06040 - Former Portslade Community College, Mile Oak Road, Portslade - Removal Or Variation Of Condition**

Application for variation of condition 2 of application BH2016/01494 (Erection of two storey temporary modular classroom) to allow amendments to the approved drawings.

**Questions for Officers**

- 1) In response to Councillor Russell-Moyle it was explained that the structure would need to be removed by 12 August 2018 or further permission would be required.
- 2) The Chair put the application to the vote, and the Officer recommendation that the application be granted was **carried** unanimously.

138.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

Note: Councillors Mac Cafferty and Yates were not present for the consideration or vote.

**I BH2016/06407 - Land To Rear Of 62-64 Preston Road, Brighton - Full Planning**

Excavation and erection of four storey building to facilitate creation of 4no residential units (C3) with associated alterations.

### **Officer Introduction**

- 1) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. It was explained that site for the four proposed dwellings was located on the corner of Ditchling Rise and was located at the rear of the existing property and included the existing outrigger.
- 2) The proposal was three storeys, plus a basement level and a roof area. The main considerations for the Committee were the design and appearance, and the amenity of the neighbours, including current and future occupants of the area and the development.

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

- 3) Mr Richard Little addressed the Committee in his capacity as the applicant and explained that he had owned the building since 2014 and the YMCA had previously approached him to offer homes. The rear of the existing property was a brownfield site, which had been subject to antisocial behaviour and crime, and would help provide housing for the city. The flats would meet the minimum size requirements and would have multiple windows to ensure the flats received natural light. The proposal was for a pitched roof to be in keeping with the street scene and there would not be any alterations to the existing windows and fire escapes. He added that the Planning Officer had acknowledged that the proposal would not have a big impact on the current residents of Ditchling Rise.

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

- 4) Councillor Miller noted that the site was suitable for housing; however, he had concerns for the application. He explained that the roof design was not in keeping with the street scene and the two existing windows would overlook the new proposal and harm the neighbours' amenity. He added that if these areas of the application were amended then he would support the proposal.
- 5) Councillor Russell-Moyle agreed with Councillor Miller and explained that he would welcome the application if it continued with the street scene of Ditchling Rise. He added that it was a suitable site for additional housing.
- 6) Councillor Littman noted that the yard would be suitable for housing; however, he had concerns for the proposed windows. He added that a revised scheme would be welcomed.
- 7) Councillor Bennett agreed with the Councillors concerns for the windows and the style of the roof and welcomed an amended scheme.

- 8) Councillor Morris noted concern for the windows; however, would be voting to grant the application. He added that proposals with a similar style roof in the area had previously been agreed.
  - 9) The Chair encouraged the applicant to engage in pre-application advice with Officer's.
  - 10) A vote was taken by the 10 Members present and the Officer recommendation that the Committee refuse planning permission was carried with 9 votes for and 1 abstention.
- 138.9 **RESOLVED** – That the Committee resolves to **REFUSE** planning permission.

Note: Councillor Mac Cafferty was not present for the consideration and vote on the application.

#### **J BH2016/00320 - 67 Falmer Road, Brighton - Full Planning**

Demolition of existing house and garage and erection of 4no four bedroom and 5no three bedroom houses (C3).

#### **Officer Presentation**

- 1) The Planning Manager introduced the application and explained that it was an application agreed to be minded to grant at Committee on 11 January 2017. The Committee resolved to add an additional head of term to add a provision to review mechanism to reassess the viability of the affordable housing on the site at a later date. The Planning Officers considered the relevant guidance and discussed with the applicant; however, the applicant did not agreed to the inclusion requirement in the s106 and Officers did not feel appropriate to pursue as it was a minor development, being nine units, and there was an extant planning permission on the site and a similar review mechanism was not included in the s106. The viability assessment, according to the national planning guidance, would normally be based on current cost and values and a claw back mechanism would be provided on major schemes and would requiring phasing.

#### **Questions for Officers**

- 2) In response to Councillor Russell-Moyle the Planning Manager noted that he was unaware of a claw back mechanism on a minor development.

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

- 3) Councillor Russell-Moyle noted that he would not be supporting the Officer's recommendation as a claw back mechanism was required and necessary.
- 4) The Chair then put the application to the vote, and the Officer recommendation that the application be minded to grant was **carried** by 6 votes in support, 2 votes against and 1 abstention.

138.10 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to be **MINDED TO GRANT** permission for the reasons set out in the report.

Note: Councillors Mac Cafferty and Yates were not present for the consideration and vote.

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

139.1 There were no further requests for site visits in relation to matters listed on the agenda.

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

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

**141 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)**

141.1 This information was not included in the agenda.

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

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

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

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

**144 APPEAL DECISIONS**

144.1 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 8.40pm

Signed

Chair

Dated this

day of