

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 8 MARCH 2017**

**COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ**

**MINUTES**

**Present:** Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Inkpin-Leissner, Littman, Miller, Moonan, Morris, Russell-Moyle and Simson

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

**Officers in attendance:** Paul Vidler (Planning Manager – Major Applications), Liz Arnold (Principal Planning Officer), Stewart Glassar (Principal Planning Officer), Wayne Nee (Planning Officer), Steven Shaw (Development & Transport Assessment Manager), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Manager).

**PART ONE**

**116 PROCEDURAL BUSINESS**

**(A) Declarations of substitutes**

- 116.1 Councillor Simson was presented in substitution for Councillor Hyde, and Councillor Allen was present in substitution for Councillor Inkpin-Leissner.
- 116.2 Councillor Bennett was not present at the meeting.

**(B) Declarations of interests**

- 116.3 Councillor Miller disclosed an instance of lobbying in respect of Application J) BH2016/06251 – Land at Roedean Path, Brighton as the applicant had attended his, and his fellow Ward Councillor's surgery; however, he remained of a neutral mind and would take part in the consideration and vote on the application.
- 116.4 Councillor Mac Cafferty declared an instance of lobbying in respect of Application C) Medina House, 9 Kings Esplanade Hove, as he had been emailed information by the applicant; however, Councillor Miller had advised on the matter of process only, remained of a neutral mind and would take part in the consideration and vote on the application.

**(C) Exclusion of the press and public**

116.5 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.

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

**(D) Use of mobile phones and tablets**

116.7 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’.

**117 MINUTES OF THE PREVIOUS MEETING**

117.1 It was noted that minutes from the previous meetings would be brought to the next meeting for signing.

**118 CHAIR'S COMMUNICATIONS**

118.1 The Chair wished to extend the Committee’s best wishes to the two regular clerks as they had both been very unwell.

**119 PUBLIC QUESTIONS**

119.1 There were none.

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

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

**121 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2016/01784 - 113 Trafalgar Road, Portslade - Outline Application All Matters Reserved**

Outline application with some matters reserved for the demolition of existing bungalows and erection of 8no one bedroom flats and 4no studio flats (C3) with associated landscaping.

**Officer Presentation**

1) The Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings; attention was also drawn to matters on the Late List, including the correct site address as 113-115 Trafalgar Road. The application proposed the demolition of the existing bungalows and the erection of eight, 1 bedroom flats and four studio flats. The application was before the Committee with a recommendation of ‘would have refused’ as the applicant had lodged an appeal for

non-determination within the 13 week statutory deadline. The Committee were being asked to consider the Officer's recommended refusal and, if agreed, these would form the reasons at appeal. In relation to the determination of the application an extension to the time limit had been agreed with the applicant to allow further discussions to take place, an agreement had not been reached and the appeal was then lodged; it was also noted that no pre-application advice had been given.

- 2) The two bungalows that comprised the site were the only two of their type in the area; outline permission had been previously approved for their demolition with design, materials and landscaping matters reserved. This application was for demolition and the erection of the new building, but the details on the plans were indicative only. The site would have a gabled roof, with private amenity space to the rear and private parking at the front. Officers would have recommended refusal; firstly due to the proposed mix of units, Officers had requested a revision, but this had not been forthcoming. The second reason related to the provision of developer contributions including affordable housing; the LPA was seeking 30% which could be delivered on site, or as a commuted sum. However, the applicant had not offered any affordable housing, nor had any viability assessment been undertaken. Concerns had also been raised in relation to the design and detailing; however, these were part of the reserved matters. The Committee were asked to agree with that Officer position that they would have refused the application were it determined by the LPA.

#### Questions for Officers

- 3) In response to Councillor Russell-Moyle it was clarified that the applicant had agreed to the extension of time; they had not objected to the principle of affordable housing, but felt the level proposed by the LPA was too high; they had not offered any viability assessment.
- 4) In response to Councillor C. Theobald it was clarified that the extension of the time limit had been agreed with the applicant to allow them to make amendments for a more acceptable scheme. However, the applicant had not been able to make sufficient changes to overcome the likely reasons for refusal, when this had become apparent negotiations ceased and the appeal was submitted.

#### Debate and Decision Making Process

- 5) Councillor Moonan stated that the application was overdevelopment; it did not look in-keeping with the area and she was disappointed no agreement had been reached on affordable housing. She would support the Officer recommendation.
  - 6) Councillor C. Theobald noted that houses would be a much better use of the plot; she agreed the application was overdevelopment and would support the Officer recommendation.
  - 7) The Chair then put the application to the vote and the Officer recommendation that the application would have been refused was **carried** by the 11 Members unanimously.
- 121.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves that it **WOULD HAVE REFUSED** planning

permission, had an appeal against non-determination not been made, for the following reasons:

- i) The proposed provision of 8 no. 1 bed and 4no. studio flats on this site would not reflect the urban grain of the area or the surrounding context, therefore failing to emphasise and enhance the positive qualities of the local neighbourhood, and would represent overdevelopment. The proposal is thereby contrary to Brighton & Hove City Plan Part One policies CP12, CP19 and SA6.
- ii) The applicant has not committed to complying with the requested developer contributions, towards affordable housing, open space and indoor sport, sustainable transport, and the Council's local employment scheme, and has not justified this through a financial viability assessment of the scheme, contrary to Brighton & Hove City Plan Part One policies SA6, CP2, CP7, CP9, CP16 and CP20.

Informatives:

- i) In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
- ii) This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Floor plans and elevations proposed	340.12.03	A	20 June 2016

**B BH2016/05687 - 23A Third Avenue, Hove - Full Planning**

121.2 This application was withdrawn.

**C BH2016/05893 - Medina House, 9 Kings Esplanade, Hove - Full Planning**

Demolition of existing building and erection of a single residential dwelling (C3) with associated hard and soft landscaping.

- 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; attention was also drawn to matters on the Late List and a further letter of support that had not raised any new material planning considerations. The application site related to Medina House, which formed the remaining part of the wider baths complex. The building was locally listed, and had been vacant since 1993; the women’s pool had been demolished in 2003. The

proposal was for the demolition of the existing building and the construction of a single residential property. There had been a series of previous refusals at this site largely relating to the loss of the building; however, due to the existing state of the building and the work required to restore it, demolition and redevelopment was considered a more realistic option.

- 3) Part of the proposed development had been influenced by the original building, in particular retaining features such as the window forms and Dutch gables, to give a link to the history of the site. The ridge of the building would be 2.2 metres higher than the existing Medina House; this was partly to accommodate a raised ground floor to mitigate water egress. The palette would be white bricks, grey timber, timber framed windows, dark clay roof tiles and the retention of the original swimming pool tiles where possible.
- 4) It was noted that the previous refused scheme had proposed a similar increase in height; however, the height had not formed one of the reasons for refusal. Daylight and sunlight assessments had been submitted. It was noted that the advice given in the BRE Guide was not mandatory and there were only a small percentage of affected windows that would be below the recommended daylight and sunlight levels. There had been some concern with the proposed materials; however, this was outweighed by the benefits of bringing the site back into use with links to the history of the former building. The application was recommended to be minded to grant for the reasons set out in the report.

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

- 5) Neil Williams spoke in objection to the application in his capacity as a local resident. He stated his objection letter to the Case Officer had made reference to the height of the building creating an unneighbourly form, and the changes proposed in the height were only for cosmetic purposes. Some of the Committee had visited his property on the site visit and seen the extent of the impact that the development would have on his property. The height would be in breach of local policy which sought to protect neighbour amenity. The planning brief for the site was published to enshrine good practice and it was felt that this was being largely ignored through the Officer recommendation. Further revisions to the scheme could be made, in particular to reduce the scale of the proposed new building and the number of rooms.
- 6) The Architect, Keb Garavito Bruhn, spoke in support of the application and stated that he had been appointed over a year ago to assist in redeveloping the site as a single family home. Initially the scheme had tried to retain the original structure; however, the building had fallen into disrepair – an alternative proposal had been put forward, but the scheme would try to save as many of the original tiles as possible. The new building retained the form and features of the original Medina House. The increased height in the building allowed the scheme to work as a residential, rather than civic, building and create a privacy buffer as well as protecting against flood risk. The site also included a wing to the east which would be set in from the boundary.
- 7) The Architect explained, in response to Mr Gowans, that the original building had been red brick, but this material have proven not fit for purpose within 20 years of the original

construction. Since then the context had changed significantly and the white brick had been chosen to reference the nearby buildings in the conservation area.

- 8) The Architect explained, in response to Councillor Miller, the poor state of the building, and noted there was little left of the original building that could not be preserved. The reasons to raise the building had related to flooding and to create a buffer for privacy.
- 9) The Architect explained, in response to Councillor Russell-Moyle that the new wing had been included when it was clear the original could not be retained.

### **Questions for Officers**

- 10) In response to Councillor Miller it was explained that Officers were of the view that retention of the original building would require such extensive works and addition of new materials that the building would lose its historic integrity. It was also noted that the LPA were satisfied with the information received from the applicant and were of the view that demolition was the appropriate course of action.
- 11) The Principal Planning Officer Conservation confirmed that it was her view the evidence pointed to the building originally being finished in exposed red brick.
- 12) In response to Councillor Russell-Moyle it was explained that Officers were of the view that the evidence submitted by the applicant outweighed the retention of the original building, and any renovation would need to be so invasive that the original historic fabric would be permanently undermined. By way of further clarification the Senior Solicitor noted that the development plan was a material planning consideration and should be followed unless material planning considerations indicated otherwise and in this instance planning officers' opinion that retention and repair would result in a different building to that existing was a material planning consideration.
- 13) In response to Councillor Mac Cafferty the following was explained. The rear windows were high level and would have obscure glazing. A landscaping scheme would have to be submitted, and this would require details of species to be assessed by the arboriculturalist. Were the site to be demolished and not developed this would be considered harmful to the wider area. The proposed brick material was frost proof, and the applicant had been mindful of the need to use a durable material. The tiles that were on the northern boundary were those that the scheme intended to restore as far as possible.
- 14) In response to Councillor Moonan it was clarified that Officers were of the view that refusal on the grounds of harm to neighbouring amenity was not warranted, and this had been weighed against the benefits of the scheme. In relation to the first floor terrace, it was explained that there was screening providing by the shutters.
- 15) In response to Councillor Gilbey it was explained that the engineer's report did propose solutions to enable the retention of the original building; however, the extent of new material required would undermine the historic building significantly.
- 16) In response to Councillor Simson it was clarified that Officers considered all matters and took a balanced judgement in relation to applications. In this instance the site had

a history of refusal, where the decisions of the LPA were upheld at appeal; Officers had acknowledged that harm would be caused, but felt this was outweighed by the site being brought back into use, restoration and the link the scheme would provide to the historic building.

- 17) In response to Councillor Mac Cafferty it was explained there had not been any discussion since the previous application to have the site made the subject of a statutory listing; however, the local list had been reviewed and it was noticed that Medina House remained on the list as a building of civic and historic interest, but not for architectural merit.
- 18) In response to Councillor Miller it was explained that regardless of the increase in height to mitigate flooding, the degradation of the masonry would be of such extent that it would undermine the integrity of the original building.

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

- 19) Councillor Littman stated that he liked both the design and look of the building; in particular the references to the original building. He noted that he was currently more of a mind to support the Officer recommendation, but was open to be persuaded by colleagues during the debate.
- 20) Councillor Moonan noted that she welcomed the redevelopment of the site, and accepted the arguments in relation to demolition. Her concerns related to the height and the eastern extension; the latter she felt would detrimentally impact the neighbouring properties, because of this she would not be supporting the Officer recommendation.
- 21) Councillor Morris noted that he agreed with the comments made by Councillor Moonan. For reasons relating to the materials, the treatment of the frontage and the height of the eastern element he would not be supporting the Officer recommendation.
- 22) Councillor C. Theobald agreed with the reasoning for raising the height, and highlighted the history of refusals relating to the site noting this application was favourable to previous ones. The scheme would be a significant improvement to the site and was supported by both the Civic Society and the Conservation Advisory Group, and it would benefit the neighbourhood and city. She stated it was attractive and she would support the Officer recommendation.
- 23) Councillor Russell-Moyle stated that he agreed that the detail on the frontage was positive, and he felt the additional height on the main building was less harmful than the eastern extension. He went on to add that the extension would harm the 'roofscape' of the conservation area, and he was not convinced of the case in relation to demolition. He felt that the application could be more acceptable with a revised eastern element, and noted he was leaning towards voting against the Officer recommendation.
- 24) Councillor Miller noted that he had concerns in relation to the demolition of the building, and felt this was not justified by the applicant. He stated that the preferable option was

to retain the original building, or provide more information on economic viability as well as revising the eastern elevation.

- 25) Councillor Simson stated she was convinced sufficient argument had been made around the viability matters to justify demolition of the original building. She went on to add that the eastern block was too high, and a scheme with less impact should be sought in this part of the city.
- 26) Councillor Mac Cafferty noted his concern in relation to the amenity issues for neighbours; however, he noted the conservation area sought buildings that would preserve and enhance, and the building had not been successful in being designated with a statutory listing; therefore it was difficult to justify protecting the original building. There was a history of unsuccessful applications, and these applications had failed to overcome the complications of the site and the original building. For these reasons he would support the Officer recommendation.
- 27) The Chair stated that she was of the view the design was excellent, and she was not convinced by the extent of the amenity issues as only two rooms in one property were affected – both of which were served by a second window. She would support the Officer recommendation.
- 28) The Chair then put the application to the vote, which was tied with 5 in support, 5 against and 1 abstention; the Chair then exercised her casting vote and the Officer recommendation that the application be minded to grant was **carried**.

121.3 **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.

#### **D BH2016/02812 - Flat 4, 18 Lewes Crescent, Brighton - Listed Building Consent**

Internal alterations to layout of flat.

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

#### **E BH2016/06305 - 152 Birdham Road, Brighton - Full Planning**

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

- 1) The Planning Officer introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application was for retrospective change of use from C3 to C4. In relation to Policy CP21 the mapping exercise had been undertaken, which highlighted three other HMOs – the density percentage was 9.6% and therefore did not breach CP21. The application was not considered likely to adversely impact neighbouring amenity, and was recommended for approval for the reasons set out in the report.



**Public Speaker(s) and Questions**

- 2) Councillor Marsh spoke in objection to the application in her capacity as a local Ward Councillor. She highlighted the letter submitted by her colleague, Councillor Yates, noting that he stated permitted development rights should be removed if the Committee were minded to approve the application. She noted that the percentage was close to 10% threshold in the policy and expressed concern in relation to head height in the loft bedroom. The Committee were asked to refuse the application.
- 3) Guiling Guo spoke in support of the application in her capacity as the applicant. She stated that she had taken advice before submitting the application, and she had been of the view that the concentration of HMOs would be below 10% in the area. She noted that she already had her HMO licence. Advice had been sought and the plans changed to make the scheme more acceptable; she was also happy to accept the removal of permitted development rights and there had been no objections from immediate neighbours.

**Questions for Officers**

- 4) In response to Councillor Simson it was highlighted that there was no minimum requirement for the ratio of bathrooms to bedrooms.
- 5) In response to Councillor C. Theobald it was confirmed that both the proposed bathrooms shown in the plans had only showers.
- 6) In response to Councillor Russell-Moyle it was explained that the communal space in the scheme as applied for was larger than that shown in the plans before the work was undertaken.
- 7) In response to Councillor Gilbey it was noted were the application to be refused based on the size of the loft space and an appeal lodged, the Planning Inspector would likely look to the decision of the Housing Department to grant the HMO licence, and potentially take direction from that regime having deemed it satisfactory. The height of the loft-room was also confirmed for Councillor Russell-Moyle.
- 8) It was confirmed for Councillor Mac Cafferty that the Officer report already recommended the removal of permitted development rights.

**Debate and Decision Making Process**

- 9) Councillor Simson highlighted her concern with the number of HMOs in the city, and she was also not satisfied with the size of the communal space.
- 10) Councillor Littman noted that he sympathised with the position of the local Ward Councillors; however, he felt policy was clear on the matter and there was no reason to refuse the application.
- 11) Councillor Russell-Moyle noted he would like to see more communal space; however, he welcomed the condition in relation to the removal of permitted development rights. He would support the Officer recommendation.

- 12) Councillor C. Theobald noted there was a report being considered by the Economic Development & Culture Committee the following day that would look at issues raised by Members in relation to HMOs.
- 13) 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 2 abstentions.
- 121.5 **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.

**F BH2016/05889 - 161 Elm Drive, Hove - Full Planning**

Demolition of outbuildings and erection of 1no two bedroom dwelling (C3) incorporating new crossover.

- 1) The Principal Planning Officer gave a presentation by reference to plans, photographs and elevational drawings. The application sought permission for a new property involving the division of an existing plot. The proposed dwelling would have a very small garden, look cramped and contrived and be out of keeping with the area. A previous application had been refused for a similar scheme; although changes had been made with this application they were minor and did not overcome the principle objection. The application was recommended for refusal for the reasons set out in the report.

**Questions for Officers, Debate and Decision Making Process**

- 2) In response to Councillor Russell-Moyle it was explained that the principle problem with the development was the size of the plot, the sub-division would also be out of keeping with the wider area.
- 3) Councillor Simson noted that the site was too cramped.
- 4) Councillor Mac Cafferty stated that the area was not uniform in terms of size or space; he would be voting against the Officer recommendation.
- 5) Councillor Morris stated that he would not support the Officer recommendation.
- 6) Councillor Miller noted that the design was not appropriate, and he would be supporting the Officer recommendation.
- 7) Councillor Russell-Moyle noted that the design was not in keeping with the area, and he would be supporting the Officer recommendation.
- 8) Councillor Moonan highlighted the housing demand in the city, and stated that she would not support the Officer recommendation.
- 9) The Chair highlighted her concern that to grant the application would potentially undermine key policy.

10) The Chair then put the recommendation to the vote and the Officer recommendation that the application be refused was **carried** with 6 in support, 3 against and 2 abstentions.

121.6 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **REFUSE** planning permission for the following reasons:

- i) The proposed dwelling is considered an inappropriate and cramped form of development by reason of its size and plot coverage that would result in an uncharacteristic subdivision of the existing plot and represents an over-development of the site to the detriment of the character of the area. The proposal is therefore contrary policy CP12 of the Brighton and Hove City Plan Part One.

Informatives:

- i) In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
- ii) This decision is based on the drawings received listed below:

Plan Type	Reference	Version	Date Received
Location and block plan	100 PS		27 October 2016
Floor Plans Proposed	104		27 October 2016
Elevations Proposed	105		27 October 2016
Other	16/ED/120		2 November 2016

**G BH2016/05739 - 57 Tongdean Avenue, Hove - Full Planning**

Erection of 1no five bedroom single dwelling (C3) with double garage associated landscaping, replacement of boundary walls and gate.

- 1) The Principle Planning Officer gave a presentation with reference to photographs, plans and elevational drawings, and also noted proposed amendments to the basement floor that would not require further consultation with neighbours. The scheme was also no longer proposing the loss of some of the trees, and as such reason for refusal no. 2 had been withdrawn. The application sought permission for a single dwelling on a sub-divided plot. Outline permission had been granted in 2013, therefore the principle of the sub-division of the plot had been established. An application for full planning permission had been refused in 2016, and this new scheme proposed some revisions. However, there remained concern with the overall appearance, in particular that it would be overly dominant in the street scene. The application was recommended for refusal for the reason set out in the report.

**Public Speaker(s) and Questions**

- 2) Farshid Moussavi spoke in support of the application in her capacity as the architect. She noted that she had designed the scheme as a property for her parents to live in. The Committee report acknowledged the diverse range of properties and materials in the conservation area. The proposed roof design would fit sensitively, and there were many other examples of white buildings in the area. The number of objections was now only four in relation to this scheme and none were immediately adjacent to the site. The Committee were invited to approve the application.
- 3) In response to Councillor Morris, the speaker explained that the roof was designed to establish a dialogue with the wider context.
- 4) In response to Councillor Miller, the speaker explained the fenestration was true to the layout inside which was split level.

### **Questions for Officers**

- 5) In response to Councillor Mac Cafferty it was explained the LPA had to be informed of any intention to fell a tree that was in a conservation area, the LPA could then make the tree the subject of a TPO if they wished to protect it. It was also noted that there had been pre-application advice given with the previously refused scheme, but not this one.
- 6) It was confirmed for Councillor C. Theobald that the scheme now proposed to fell 14 trees on the site.
- 7) It was confirmed for Councillor Morris that the site was located in the Conservation Area.
- 8) In response to Councillor Moonan it was explained that Officers were recommending refusal for reasons in relation to the conservation area; such that the scheme would be dominant and overbearing.

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

- 9) Councillor Morris noted that the roof form was not acceptable and he would support the Officer recommendation.
- 10) Councillor Russell-Moyle noted that there was a diverse range of roof materials and forms in the area, and he was minded to not support the Officer recommendation
- 11) Councillor Allen noted there was no uniform style in the area, and he welcomed the diversity in the street scene.
- 12) Councillor Mac Cafferty highlighted that the character statement made reference to the variety of designs and styles in the area, and he felt the decision was a matter of taste. Were the Committee minded to grant the application then the approval of materials condition could be delegated to Officers in consultation with Members.

- 13) Councillor C. Theobald noted that she agreed with the principle of a dwelling in this location, but she felt the roof form was out of character.
  - 14) Councillor Miller noted that the street scene was varied, and he felt the decision was a subjective matter of taste.
  - 15) Councillor Littman noted that the street scene was very varied, and he was minded to not support the Officer recommendation.
  - 16) Councillor Moonan noted the application was one of taste and she would take her reasoning from the immediate neighbours, whom had not objected to the scheme.
  - 17) The Chair noted that the recommendation evidenced consistency in the recommendations made by Officers. The character statement was clear, and this application would not enhance the conservation area.
  - 18) The Chair then put the application to the vote and the Officer recommendation was **not carried** with 3 in support, and 8 against. Councillor Miller then proposed reasons to grant the application and these were seconded by Councillor Mac Cafferty. A recorded vote was then taken, Councillors: Gilbey, Mac Cafferty, Simson, Allen, Littman, Miller, Moonan and Russell- Moyle voted to grant the application and Councillors: Cattell, C. Theobald and Morris voted to refuse the application.
- 121.7 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **grant** planning permission for the reasons set out below:
- i) The proposed development, by reason of its appropriate design and detailing, including the roof form, fenestration detailing and materials, would not result in a development which would fail to emphasise and enhance the positive qualities and characteristics of the area. As such the development would not appear unduly dominant and incongruous within the streetscene and would not be detrimental to the character and appearance of Tongdean Avenue streetscene and the wider Conservation Area, and is thereby in accordance with policies CP12 and CP15 of the Brighton and Hove City Plan Part One and HE6 of the Brighton & Hove Local Plan.

#### **H BH2016/02841 - Block C, Kingsmere, London Road, Brighton - Full Planning**

Erection of roof extension to from four 2no bedroom flats with balustraded terrace gardens, cycle store and associated works.

- 1) The Principal Planning Officer introduced the application and gave a presentation by reference to plans, photographs and elevational drawings, the site related to four purpose built blocks of flats, and sought permission for a roof extension to provide 4 two-bedroom flats. The scheme was considered acceptable in terms scale, height and details and it would not have any adverse impact on the nearby conservation area. The application was recommended for approval for the reasons set out in the report.

- 2) In response to Councillor C. Theobald it was confirmed that none of the other permissions on other blocks on the site had been implemented.
- 3) The Chair then put the application to the vote, and the Officer recommendation was **carried** with 10 in support and 1 abstention.

121.7 **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.

**I BH2016/02846 - 17 Bampfield Street, Portslade - Full Planning**

Demolition of existing (sui generis) mixed use garden machinery shop, servicing and repairs including workshop with offices (A1 / B1) and erection of part two, part three storey building comprising of one studio flat, two 1no bedroom flats and three 2no bedroom houses including cycle store and associated works.

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

**Questions for Officers, Debate and Decision Making Process**

- 2) In response to Councillor Russell-Moyle it was agreed that a condition could be added to ensure the shared access gate was replaced.
- 3) In response to Councillor Gilbey it was confirmed that the s106 funds would be used for transport improvements.
- 4) In response to Councillor Moonan it was confirmed that the scheme would provide the level of affordable housing in line with policy for a development of this size.
- 5) The Chair then put the application to the vote and the Officer recommendation that the Committee be **MINDED TO GRANT** the application was carried unanimously.

121.9 **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 and the additional condition set out below:

- i) No development above ground floor slab level of any part of the development hereby permitted shall take place until details of all boundary treatments, including a gate to the rear pedestrian access from Bampfield Street, have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to deter crime and to comply with policy CP12 of the Brighton & Hove City Plan Part One.

**J BH2016/06251 - Land At Roedean Path, Brighton - Full Planning**

Erection of a 2 storey plus basement dwelling (C3) with associated garden and parking.

- 1) It was noted that the application had been 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 proposed a new single dwelling on a slim parcel of land, which was adjacent to the pavement. The application proposed a three storey building with a basement, lower ground floor and upper ground floor. A previous application had been refused in relation to the impact on neighbouring amenity; although there was no significant impact raised in relation to this application. Concerns still remained with the size of the site, and this was evidenced by the need to sink two floors below ground level to accommodate the development. The character of the wider area was large houses on big plots, which the site could not replicate. The application was recommended for refusal for the reasons set out in the report.

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

- 3) Andrea Bennett spoke in objection to the scheme in her capacity as a local resident, she invited the Committee to refuse the scheme stating that the site was not suitable as a building plot.
- 4) Stephen Rowlin spoke in support of the application in his capacity as the applicant. He noted that the report did not identify overshadowing, and the design, architectural merits, sustainability and room sizes had all been reported upon positively. The windows would be orientated away from the outlook, and building into the slope was evidence of innovation. The subterranean basement added functionality, and letters of support had been received as well as support from Councillor Mears. A local residents' association had also balloted its members and had not objected.

### **Questions for Officers**

- 5) In response to Councillor Morris it was explained that part of the proposed development would abut the pavement due to the constraints of the site.
- 6) In response to Councillor Miller it was confirmed that the site had no permitted development rights as it was a separate piece of land.

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

- 7) Councillor Mac Cafferty noted that the street itself had no character or form; the scheme was a clever use of the land, and there was no overlooking or overshadowing. He would not be supporting the Officer recommendation.
- 8) Councillor Littman welcomed the clever use of the site, and noted that other sites nearby were as narrow. The sunken design was thoughtful and intelligent and an example of the type of creative approach to housing needed in the city.

- 9) Councillor C. Theobald noted that she disagreed with the other speakers, and felt the plot needed to be wider to accommodate the scheme.
  - 10) Councillor Morris stated he would not support the Officer recommendation.
  - 11) Councillor Allen noted the scheme was imaginative and he would not be supporting the Officer recommendation.
  - 12) Councillor Russell-Moyle noted that the wall would improve the street scene.
  - 13) Councillor Miller noted that the road was not heavily used, and restoring the wall would improve the street scene. He stated he would not support the Officer recommendation.
  - 14) Councillor Simson felt the site was too cramped; she did not think building up the wall line was appropriate and would be supporting the Officer recommendation.
  - 15) The Chair noted that she agreed with the Officer recommendation; the scheme was overdevelopment, contrived and the site was not suitable for a dwelling.
  - 16) The Chair then put the application to the vote and the Officer recommendation was **not carried** with 5 in support, and 6 against. Councillor Littman then proposed reasons to grant the application and these were seconded by Councillor Mac Cafferty. A recorded vote was then taken, Councillors: Mac Cafferty, Allen, Littman, Miller, Morris and Russell-Moyle voted to grant the application and Councillors: Cattell, Gilbey C. Theobald, Simson, and Moonan voted to refuse the application.
- 121.10 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **grant** planning permission for the reasons set out below:
- i) The proposal would enhance the positive qualities of the local area.

**K BH2016/05662 - Russell House, Russell Mews, Brighton - Full Planning**

External alterations and additions to fenestration, including access doors to existing balconies, following prior approval application BH2016/05439 for change of use from offices (B1) to 52no flats (C3).

- 1) The Planning Officer introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application site related to a part four/five storey building in Regency Mews and Russell Mews, it had previously been occupied as an office, and the application followed prior approval of a change of use from office to residential. The application sought permission for external alterations including: new timber doors, Juliet balconies and the replacement of the some of the windows. Objections had been raised in relation to the proposed windows, but Officers were of the view the windows would not lead to significant overlooking or loss of privacy. The application was recommended for approval for the reasons set out in the report.



- 2) In response to Councillor C. Theobald it was confirmed that the applicant was not obliged to pay s106 contributions with this type of prior approval application.
- 3) The Chair then put the application to the vote and the Officer recommendation that was **carried** unanimously.

121.11 **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, and the additional condition set out below:

- i) Prior to first occupation of the building, the central panes of the bay windows in the south elevation of the development hereby permitted shall be obscure glazed and non-opening, unless the parts of the window/s which can be opened are more than 1.7 metres above the floor of the room in which the window is installed, 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.

#### **L BH2016/02957 - First Floor Flat, 84 New Church Road, Hove - Full Planning**

Conversion of semi-detached residential rear garage into study with toilet/shower room and replacement of garage door with glazed doors. (Retrospective).

- 1) The Principal Planning Officer introduced the application and gave a presentation by reference to photographs, plans, and elevational drawings. The application sought permission for external alterations in the form of the replacement of the garage doors with folding doors. The garage would be converted into a study, with occasional business use for counselling sessions. The application was recommended for approval for the reasons set out in the report.
- 2) In response to Councillor Moonan it was explained that a change of use for full business use would require permission; however, the application was considered no different than home owners using their properties to work from home.
- 3) In response to Councillor Morris it was confirmed that conditioning the business use was considered unreasonable and unenforceable.
- 4) The Chair then put the application to the vote and the Officer recommendation was **carried** unanimously.

121.12 **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.

#### **M BH2016/05330 - Flat 2, 11 Sillwood Place, Brighton - Full Planning**

Erection of single storey rear extension to replace conservatory and internal alterations to layout of flat.

1) The Chair put the application to the vote and the Officer recommendation was **carried** unanimously.

121.13 **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.

**N BH2016/05331 - Flat 2, 11 Sillwood Place, Brighton - Listed Building Consent**

Erection of single storey rear extension to replace conservatory and internal alterations to layout of flat.

1) The Chair put the application to the vote and the Officer recommendation was **carried** unanimously.

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

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

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

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

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

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

124.1 That the Committee notes the details of applications determined by the Executive Director Economy, Environment & Culture under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Economy, Environment & Culture. The register complies with legislative requirements.]

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chair and Deputy Chair and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

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

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

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

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

**127 APPEAL DECISIONS**

127.1 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 7.05pm

Signed

Chair

Dated this

day of