

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 8 NOVEMBER 2017

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 4AH

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Daniel, Hyde, Littman, Miller, Moonan and Robins

Co-opted Members: Roger Amerena (CAG Representative)

Officers in attendance: Nicola Hurley (Planning Manager), Hilary Woodward (Senior Solicitor), Chris Swain (Principal Planning Officer), Stewart Glassar (Principal Planning Officer), Gareth Giles (Principal Planning Officer), Jonathan Puplett (Principal Planning Officer) Wayne Nee (Planning Officer), Steven Shaw (Development and Transport Assessment Manager) and Cliona May (Democratic Services Officer)

PART ONE

65 PROCEDURAL BUSINESS

a Declarations of substitutes

65.1 Councillor Daniel was present in substitution for Councillor Morris.

65.2 Councillor Robins was present in substitution for Councillor Russell-Moyle.

b Declarations of interests

65.3 The Chair declared a direct personal interest in relation to Item K BH2017/02176 - 1 Furzedene, Furze Hill, Hove, because her close friends were neighbours who had objected to the application. The Chair explained that she would vacate the Chair which would be taken by the Deputy Chair, Councillor Gilbey, would leave the meeting during consideration of this application and would take no part in the discussion or voting thereon. The Chair also declared a non-pecuniary interested in respect of Item A BH2017/01108 - Site Of Sackville Hotel, Kingsway, Hove and explained that she was the agent on a historic planning application for the Sackville Hotel; however, had not acted on the current application. She noted that she remained of a neutral mind and would take part in the consideration and vote on the application.

65.4 Councillor Hyde declared a non-pecuniary interested in respect of Item J BH2016/06421 - 9 Baywood Gardens, Brighton, as her daughter currently lived on

Baywood Gardens, Brighton. She noted that she remained of a neutral mind and would take part in the consideration and vote on the application.

- 65.5 Councillor Miller declared a non-pecuniary interested in respect of Item B BH2017/02583 Victoria Gardens North And South, Grand Parade, St Peter's Church, York Place (Valley Gardens), Brighton and noted that he was present as a substitute at the Environment, Transport & Sustainability Committee when the highways element of the application was agreed. He explained that it was not part of the current planning application and remained of a neutral mind and would take part in the consideration and vote on the application.
- 65.6 Councillor Daniel declared a non-pecuniary interested in respect of Item B BH2017/02583 Victoria Gardens North And South, Grand Parade, St Peter's Church, York Place (Valley Gardens), Brighton and explained that she was a Member on the Environment, Transport & Sustainability Committee and had considered a very early version on the scheme. She explained that it was not the same application and remained of a neutral mind and would take part in the consideration and vote on the application.
- 65.7 Councillors Littman and Robins explained that they had been on the Environment, Transport & Sustainability Committee on 27 June 2017 and had considered and voted on the Valley Gardens Proposed Green Space Design report. The Senior Solicitor explained that the report was similar to the current planning application and, therefore; Councillors Littman and Robins would have pre-determined the application. It was agreed that Councillors Littman and Robins would leave the meeting during consideration and vote of the application.

c Exclusion of the press and public

- 65.8 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.
- 65.9 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

d Use of mobile phones and tablets

- 65.10 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'.

66 MINUTES OF THE PREVIOUS MEETING

- 66.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 11 October 2017 as a correct record.

67 MINUTES OF MEETING: 27 SEPTEMBER 2017

67.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 27 September 2017 as a correct record.

68 MINUTES OF MEETING: 13 SEPTEMBER 2017

68.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 13 September 2017 as a correct record.

69 CHAIR'S COMMUNICATIONS

69.1 The Chair noted that it was Steven Shaw's, the Development and Transport Assessment Manager, last Planning Committee and thanked him for all his hard work.

70 PUBLIC QUESTIONS

70.1 There were none.

71 BRITISH AIRWAYS I360, LAND AT AND ADJACENT TO WEST PIER AND 62-73 KINGS ROAD ARCHES, KINGS ROAD, BRIGHTON

71.1 The Committee considered a report of the Executive Director Economy, Environment & Culture in relation to a request to vary the Heads of Terms of the Section 106 Agreement for the British Airways i360, Land at and adjacent to West Pier and 62-73 Kings Road Arches, Kings Road, Brighton. The Principal Planning Officer explained that the contribution secured for vehicle signage was not required and the request was to reallocate it for additional pedestrian signage.

71.2 In response to Councillor Littman the Development and Transport Assessment Manager explained that it would not be appropriate for the contribution towards pedestrian signage to be used for cycle lanes; however, he would seek the repainting of the cycle lane lines to improve the visibility.

71.3 Councillor C. Theobald noted that the request from the applicant was sensible and was glad the money was not being used on something that was not necessary for the city.

71.4 The Chair put the recommendation to the vote.

71.5 **RESOLVED** – That the Committee agreed that the S106 Head of Terms with regard to Sustainable Transport be varied as follows:

- a) To allow the unspent Vehicular Signage Contribution of £48,049.80 to be reallocated and added to the Pedestrian Signage contribution of £5,000, to provide a total of £53,049.80 to be spent towards pedestrian signage.

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

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

73 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**Major Applications****A BH2017/01108 - Site Of Sackville Hotel, 189 Kingsway, Hove - Full Planning**

Erection of 5 to 8 storey building to provide 60no residential dwellings (C3) (mix of one, two, and three bedroom units) incorporating balconies and terraces with associated access from Sackville Gardens, 21no basement car parking spaces, 6no ground floor car parking spaces, cycle parking, plant and associated works.

Officers Introduction

- 1) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and explained that the application had been previously deferred at the Planning Committee on 13 September 2017. The proposal was for 60 units and these would be: 40 one bedroom and studio flats, 19 two bedroom flats and one three bedroom flat.
- 2) The corner of the south elevation would be curved and this had been agreed after consultation at a Design Panel. The four proposed flats on the top storey would be set back. The proposed materials were not traditional within the conservation area; however, the development had traditional elements and was deemed acceptable as a new build. The applicant had submitted further images that showed the brick work would be light to be in keeping with the properties on Sackville Gardens, Hove.
- 3) It was explained to the Committee that the units complied with the national space standards and the majority of units had a small, external balcony area. It was added that there would not be additional harm of overlooking on the neighbouring properties.
- 4) The development would step down from eight storeys to five on Sackville Gardens and there would be a gap between the proposal and existing property on Sackville Gardens. This would provide the entrance to the underground car park.
- 5) The applicant had submitted further images showing the brick detailing on the proposed north elevation and potential public art options. One of the possible options was a brick mural on the north elevation; however, something large and significant may require planning permission.

Questions for Officers

- 6) In response to Councillor Miller the Principal Planning Officer noted that there were 12 studio flats and 28 one-bedroom flats proposed and these all met the national space standards. The national space requirement for a studio flat was 39m² and for a one-bedroom flat it was 50sq².
- 7) In response to Councillor Moonan it was explained that the Members had requested at the Planning Committee on 13 September 2017 that the District Valuer Service (DVS) was re-consulted regarding the viability of the scheme. Throughout this process the applicant submitted further evidence to the DVS and the final figure of 16% affordable housing units was agreed.

- 8) The Principal Planning Officer explained to Councillor Hyde that the applicant had applied for 21 underground parking spaces and six ground floor parking spaces and this had not changed throughout the application process.
- 9) In response to Councillor Mac Cafferty it was explained that there were conditions securing the sustainability of the units and this was policy compliant. It was noted that additional measures were discussed at the pre-application stage.
- 10) In response to Councillor C. Theobald it was explained that the city wide target was to secure more 2-3 bedroom units; however, a development with the majority of one-bedroom units was not unusual for the area the site was in.

Debate and Decision Making Process

- 11) Councillor Miller explained that he was supporting the Officer's recommendation and was pleased that the Committee had agreed to defer the application and secure more affordable units. He noted that the DVS report published online had stated that 31% of shared ownership could have been secured; however, the City Plan Part One suggested a mix of 45% affordable rented and 55% shared ownership.
- 12) Councillor C. Theobald explained that she was pleased with the additional five shared ownership units secured. She noted that the development would have been more in keeping with the area if the top two storeys had been set back or if the development was a storey lower. Additional parking would have been beneficial as it was currently difficult to park in the area. She noted that she would be supporting the Officer's recommendation as it was a good development for the site and she liked the potential public art improvements.
- 13) Councillor Littman agreed with Councillor C. Theobald and the Heritage Officers regarding the height of the building; however, added that the development and housing was needed for the city so would be supporting the Officer's recommendation.
- 14) Councillor Hyde noted that she liked the public art proposals. The lighter brick was more in keeping with the area and the design of the building, including the rounded edge on the south east elevation, was aesthetically pleasing. She added that she would be supporting the Officer's recommendation.
- 15) Councillor Robins noted that the design of the development was an improvement on the current site; however, the design could have been more iconic with a variation of materials. He added that the provision of housing with affordable units was positive.
- 16) Councillor Moonan noted that it was a good scheme for the site and was pleased with the additional affordable housing units secured. She explained that the application may have been presented to Planning Committee too early and the negotiation should be pushed harder by the DVS. She added she would be supporting the Officer's recommendation.
- 17) Councillor Gilbey noted that the scheme was improved from the previous application and would be supporting the Officer's recommendation.

- 18) The Chair explained that she liked the design and was pleased with the materials. She thanked the applicant and the Officer's for working on the application.
- 19) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** unanimously.

73.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to be **MINDED TO GRANT** planning permission subject to a s106 and the conditions and informatives as set out in the report and the amended condition below:

Amend wording of condition 4:

Part (i) Prior to commencement, a full asbestos survey of the site, undertaken by a suitably qualified specialist shall be submitted in writing to the local planning authority for approval. And if any asbestos containing materials are found, which present significant risk/s to the end user/s then

Part (ii) A report shall be submitted to the local planning authority in writing, containing evidence to show that all asbestos containing materials have been removed from the premises and taken to a suitably licensed waste deposit site.

Reason: As this matter is fundamental to the acceptable delivery of the permission to safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.

B BH2017/02583 - Victoria Gardens North And South, Grand Parade, St Peter's Church, York Place (Valley Gardens), Brighton - Full Planning

Hard and soft landscaping works to Victoria Gardens North and South and grounds of St Peters Church, including creation of public square to front of St Peter's Church, relocation of car parking spaces to North of church, new cycle routes and pedestrian paths, lighting and associated works.

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

Officer Presentation

- 2) The Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and explained that Valley Gardens was within the Valley Gardens Conservation Area. The application proposed the improvement of cycle and pedestrian links within the site, new tree planting and landscaping and the creation of a public square. It was noted that the applicant had consulted with the local residents and businesses, especially regarding the location and connectivity of the footpath links.
- 3) It was explained to the Committee that the application included the creation of a public square located in front of St Peter's Church which resulted in the existing car park being relocated to the rear of the church. St Peter's Church was a Grade II listed building and the proposed public square in the foreground of the church would

enhance the area and would provide a seating area that could be used by the church users. A representation had been made by St Peter's Church and it stated that the majority of the application was supported; however, there were concerns for the reduction of parking spaces and the landscaping materials.

- 4) It was explained that the footways and cycle paths would be ground gravel of various shades and the Planning Manager showed the Councillors a sample. The two listed monuments and the Mazda Fountain on the site would be retained. The proposal included the planting of 175 new trees, a meadow fringe and rain garden planting and a lawn area that could be used for temporary events.

Questions for Officers

- 5) In response to Councillor C. Theobald the Development and Transport Assessment Manager explained that there were currently 24 parking spaces in the car park outside the church; however, these were not all independently accessible. Currently only 16 spaces were able to be used and there were 12 proposed parking spaces in replacement; therefore, there was a loss of four parking spaces. There was disabled parking proposed and the church could use permits if they felt the need for the remaining parking spaces. The freehold of the land belonged to Brighton & Hove City Council but they allowed the church to use it. He added that there was public parking available in the area.
- 6) In response to Councillor Hyde the Planning Manager explained that the representation from St Peter's Church was received on 7 November 2017 and noted that it was not an objection but raised concerns regarding the changes to the car park.
- 7) In response to Councillor Moonan the Development and Transport Assessment Manager stated that the access to St Peter's Church was at the eastern side and there was not a difference in distance from the church to the existing car park and proposed car park.
- 8) In response to Councillor C. Theobald the Planning Officer explained that there was proposed separate planting between the cycle paths and the lawn. The west of the site was to be planted with wild flowers and wild grasses. There was not a proposal to remove any trees and the Arboricultural comments received were focussed on the protection of existing trees during the construction work. The applicant intended for the scheme to be low maintenance and would be maintained by City Parks. It was added that the maintenance cost would not be significantly higher than the current costs.
- 9) In response to Councillor Miller it was explained that the casing of the existing trees had not been detailed; however, this would be covered in conditions 10 and 13 which ensured existing trees were protected. It was noted that the ages of the new trees were required at condition stage as this was not stated in the application.
- 10) In response to concerns raised by Councillor Mac Cafferty it was explained that the developer must provide details on the existing trees before, during and after the construction has taken place.

- 11) It was explained to Councillor Miller that the Mazda Fountain was to be retained, including the red slabs around the fountain. The quality of the street furniture was secured by condition 20 and condition 6 would ensure there was appropriate lighting. The majority of the existing lighting on site would be retained and there was further lighting proposed which were likely to be lanterns.
- 12) In response to Councillor Mac Cafferty it was noted that comments were received from the internal Heritage Team and they had recommended approval as the visual impact would improve the area and views towards St Peter's Church. Comments had not been received from Historic England; however, the Planning Manager explained that as they were not statutory consultees in relation to this application they weren't consulted. The Planning Officer explained that there had not been a further update on advertising or the retention of the fountain and listed structures.
- 13) In response to Councillor Moonan it was explained that there was proposed event space on the plans and this could extend over the proposed footpaths for larger events. As there was a dedicated space this would minimise the impact as there was currently a detrimental impact on the site from events.
- 14) In response to the CAG representative it was explained that the proposed scheme would not include the removal of any trees on site and the Mazda Fountain control box would be retained. It was also explained that comments had been received from the Heritage Officers regarding the lighting and lantern design and further information was required from the applicant.

Debate and Decision Making Process

- 15) Councillor Mac Cafferty explained that he had concerns regarding the maintenance of the site and stated that it would need to be maintained to the highest standard. He explained that there were missing elements of the drinking fountain and noted that it would have been positive for this to be incorporated into the scheme. The site would provide a new park for residents living in the city centre who did not have gardens; therefore, he welcomed the application and explained he would be supporting the Officer's recommendation.
- 16) Councillor Miller explained that he would be supporting the Officer's recommendation. He noted that the street furniture, lighting and the public realm needed to be of the highest standard and suggested a similar brick to what was used at the roundabout improvements at Seven Dials. He was glad to see the area regenerated and have an improved access route to the level.
- 17) Councillor Hyde noted concern for the maintenance of the site.
- 18) Councillor C. Theobald explained that she was pleased with the diagonal pathways; however, had concern for the car parking for St Peter's Church and the maintenance of the site. She noted that the scheme would enhance the area and, therefore; she would be supporting the Officer's recommendation.
- 19) 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 1 abstention.

- 73.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report, and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report and the amended condition below:

Amend wording of condition 13:

Notwithstanding the submitted drawings, no development shall commence until a full scheme for landscaping of trees and plants, including numbers, species, details of size and planting method of any trees, and details of the boxing around the trees, has been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, 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 interest of the visual amenities of the area and to comply with policies QD15 of the Brighton & Hove Local Plan and CP12 of the City Plan Part One.

Note: Councillors Robins and Littman were not present for the consideration and vote on the application.

- C BH2017/01665 - Whitehawk Clinic, Whitehawk Road, Brighton - Full Planning**
Demolition of Clinic building (D1) and erection of a 5 storey building over basement containing 38no dwellings (C3), 18no parking spaces, cycle parking and associated landscaping.

Officer Presentation

- 1) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and explained that there was currently an empty building that was partially single storey and partially three storeys on site. The existing building was set within soft landscaping and trees and it was noted that the trees were to be retained. The building was previously a clinic and the services had been relocated with the loss of community use provided elsewhere within the city. The neighbouring properties consisted of two houses and a block of flats and eight letters of objection had been received within close proximity of the site.
- 2) The proposal comprised of four storeys and a setback fifth storey with underground parking. The rear elevation would be partially screened by the existing trees and the proposed soft landscaping would cover parts of the front development. The basement car park would provide car parking and cycle parking and would be accessed by a ramp and would have gated access.
- 3) It was explained that the proposal included 40% affordable housing and the mix of units was close to being policy compliant. The materials would be a brick finish and

white concrete balconies, similar to Kite Place which was within close proximity to the site.

Questions for Officers

- 4) In response to Councillor Moonan the Principal Planning Officer explained that the full details of the balcony treatments were secured through condition and Officers would suggest obscure glazing.
- 5) In response to Councillor Hyde it was confirmed that the balconies being half obscured glazing to ensure there was no overlooking could be considered.
- 6) In response to Councillor Daniel it was explained that the visuals were indicative and samples would be submitted at condition stage; however, the applicant was indicating a lighter finish.
- 7) In response to Councillor C. Theobald it was explained that condition 17 secured the details on lighting. The proposal would not include lighting of the public routes; however, the developer would be lighting the entrance to the building and this would be need to be assessed due to the impact it could have on the neighbouring properties.
- 8) In response to Councillor C. Theobald it was explained that there was an 8.6 metre distance from the proposal to the closest neighbouring properties. The majority of proposed windows that could overlook were secondary windows and the development had been designed to align some of the sensitive windows with the stairwell of the neighbouring building.
- 9) In response to Councillor Miller it was explained that the contribution for open space would be spent or partially spent on Whitehawk Green, St Cuthman's, Manor Road or East Brighton Park. The natural and semi natural contribution would be invested in the Whitehawk Hill Nature Reserve. The sport facilities contribution would be spent on either Whitehawk Green, Stanley Deason Leisure Centre or East Brighton Park. The allotment contribution would be spent on Whitehawk Hill Road, the Racehill, Walpole Road or Craven Vale allotments.
- 10) In response to Councillor Miller it was explained that the security measures raised within the comments received by Sussex Police were also raised by Highways and the access to the car park was secured by condition to discuss this further with the applicant.
- 11) In response to Councillor Bennett it was noted that the landscaping was secured by condition; however, the applicant had implicated through the visuals submitted that the planting on the boundary would be smaller planting, such as, small trees or hedging.
- 12) In response to Councillor Mac Cafferty the Development and Transport Assessment Manager explained that the volume of traffic near the vehicle access was assessed as part of the application and no concerns had been raised. The access was set back from the junction of Whitehawk Way and the access gates were setback to ensure there was clear visibility of the oncoming traffic.

- 13) In response to Councillor C. Theobald it was explained that nine of the one-bedroom units and one of the two-bedroom units were below the national space standards. This had been assessed as part of the application process and the units had been reconfigured twice. It was noted that there was a concern regarding this; however, it had been reconfigured to get the best out of the site and anymore would have impacted on the number of units and the viability of the scheme.
- 14) In response to Councillor Gilbey the Principal Planning Officer explained that there was a proposed communal garden at the rear of the development and this would provide enough informal play space for children. The Senior Solicitor added that provided the proposal was policy compliant further play space could not be provided.
- 15) In response to Councillor Moonan it was explained that the s106 contribution towards education would be used for secondary education. The comments raised were that the majority of the primary schools within the area had capacity and would not be full in the near future.
- 16) In response to Councillor Robins the Development and Transport Assessment Manager clarified that the bus passes would be issued to the first occupants.

Debate and Decision Making Process

- 17) Councillor C. Theobald noted that the design was aesthetically pleasing and she preferred the light brick for the area. She stated that she was pleased with the underground parking and the level of affordable housing that had been secured. She noted concern for the units that were below the national space standards but added that there was a good mix of units.
 - 18) Councillor Miller explained that the 38 units were much needed within the city and the s106 contribution and mix that had been secured was positive. He added that the balconies should be obscure glazing.
 - 19) Councillor Hyde noted that she preferred the lighter coloured stock brick.
 - 20) Councillor Daniel stated that a red brick design would be more in keeping with the area and this was supported by the community comments. She added that she would be supporting the Officer's recommendation.
 - 21) The Chair noted that she was pleased that the scheme was policy compliant and would be offering 40% affordable housing.
 - 22) The Chair then put the application to the vote, and the Officer recommendation that the application be minded to granted was **carried** unanimously.
- 73.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to be **MINDED TO GRANT** planning permission subject to a s106 Agreement and the conditions and informatives as set out in the report.

D BH2016/05107 - Car Park and The Bridge Community Education Centre, Former Falmer High School, Lucraft Road, Brighton - Full Planning

Use of existing car park in connection with events taking place at the American Express Community Stadium and retention of existing building accommodating The Bridge Community Education Centre for a temporary period of 4 years.

Questions for Officers

- 1) In response to Councillor Miller the Principal Planning Officer explained that the site had been identified for different potential uses and they were hoping for some proposed schemes in the near future.
- 2) In response to Councillor Mac Cafferty it was explained that the site allocation in the City Plan had identified that the community use would need to be provided on the site with a certain level of car parking.

Decision Making Process

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

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

E BH2017/01817 - Lansdowne Place Hotel, Lansdowne Place, Hove - Removal Or Variation Of Condition

Variation of condition 3 of application BH2014/00093 (Part demolition, change of use and alteration and extensions, including creation of additional penthouse floor to convert existing hotel (C1) to 47no residential units (C3), creation of car parking and secure cycle parking at lower ground floor level, landscaping and other associated works. (Revised Design)) to allow amendments to approved drawings.

Officer Presentation

- 1) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and explained that the application would increase the depth of the penthouse level. It was explained that CAG had objected on the basis that the application did not improve the current scheme and had noted that the penthouse level should be painted grey. It was explained that the colour of the penthouse level could be considered as the materials were secured by condition.
- 2) It was explained that a BRE Daylight and Sunlight Assessment had been submitted and it was found that there would be a very slight reduction of daylight for the neighbouring properties.

Questions for Officers

- 3) In response to Councillor Mac Cafferty it was clarified that the majority of the representations received were objecting to an additional storey; however, this currently had planning permission and had not yet been developed. The application would increase the depth of the penthouse level.
- 4) In response to the CAG representative the Principal Planning Officer explained that the penthouse level would be painted render and the details were secured by condition. The applicant were required to apply for the colour and further details and this application would be discussed with the Heritage Officers before being considered at the Chair's Briefing session. The Officer noted that he would feedback the comments made by CAG.

Decision Making Process

- 5) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** unanimously.
- 73.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report.

Minor Applications

- F BH2017/02273 - 85 Rotherfield Crescent, Brighton - Full Planning**
Erection of 1no three bedroom dwelling (C3) adjoining existing property including creation of new crossovers and associated alterations.

- 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 with reference to plans, photographs and elevational drawings and explained that there was a previously refused application that was dismissed at appeal for a semi-detached dwelling on the site. The Planning Inspector had noted that the position of the dwelling was acceptable but there was not enough proposed outside amenity space for the dwellings.
- 3) The proposed single dwelling would replace the existing garages on site and the design was in keeping with the street scene. There were no concerns for overlooking the neighbouring properties as the concerned window would be obscurely glazed. It was noted that the rooms were above national space standards for a three bedroom dwelling.

Questions for Officers

- 4) In response to Councillor C. Theobald the Principal Planning Officer noted that one parking space was proposed and the existing garages would be demolished. The patio size would be approximately 30m² and this could be turfed.

Debate and Decision Making Process

- 5) Councillor C. Theobald explained that the patio area was too small and the proposed bedroom in the roof was not in keeping with the area.
- 6) Councillor Gilbey noted that she welcomed the scheme as the area could accommodate an additional dwelling and it would be an additional family home for the city.
- 7) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** by 10 votes in support and 1 refusal.

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

G BH2017/02137 - Land To Rear Of 62-64 Preston Road, Brighton - Full Planning
Excavation and erection of four storey building comprising 4no residential units (C3) with associated alterations.

Officer Presentation

- 1) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and noted that there were a number of amendments to the report and these were noted in the Late Representations List. There was an application for the site that was previously refused at the Planning Committee on 12 April 2017.
- 2) The Officer's recommendation was for refusal due to the design and impact and overlooking of the neighbouring properties. The site was located between 10 Ditchling Rise and 62-64 Preston Road and there was currently a 1.5-2 storey outrigger on site. The development would fill the existing rear courtyard area. The rear facing windows on the host dwelling would be relocated and there were not windows on 10 Ditching Rise on the lower elevation. The windows on the south elevation would be a mix of obscure and non-obscured glazing.
- 3) The previous application had been refused due to the effect on the amenity of the existing neighbouring properties and the future occupiers of the development and the overlooking from the two existing windows on the outrigger. The two windows of concern had been relocated as part of the current application.
- 4) One below ground level maisonette with a rear garden and three one- bedroom flats on the first, second and third floor were proposed . The third floor proposed flat was 8m² below the national space standards for a one bedroom unit.

Public Speaker(s) and Questions

- 5) Mr Little spoke in support of the application in his capacity as the applicant and explained that he had taken on board all the feedback from the previous Planning Committee when the application was refused. He had redesigned the application to improve the scheme and had moved the proposed windows of concern that overlooked the neighbouring properties and increased their size to improve the light into the unit. The south facing windows would be obscurely glazed. He explained that the roof had been set back and taken a more modern approach to the scheme to overcome the previously raised issues. The top floor unit was smaller but he explained that 42m² was still a desirable size and the Planning Committee had agreed, at the current meeting, two applications where units were below the national space standards. Councillor Miller had noted at the previous Committee that there was not an issue developing on the current site and Mr Little explained that it was currently derelict and the development would provide an additional four dwellings for the city.
- 6) In response to Councillor Robins the applicant explained that since the previously refused application the bedroom wall of the first floor unit had been knocked through to create a larger room and the windows of concern had been relocated.

Questions for Officers

- 7) In response to Councillor Daniel the Principal Planning Officer explained that the officer's view was that the development was too large for an extension of a building and it would exceed the eaves line. The neighbouring properties were three storeys; however, the proposal was three storeys with a fourth storey accommodation in the roof.
- 8) In response to Councillor Bennett it was explained that the national space standard for a studio was 38m². The third storey was a one bedroom unit and it was too small for two occupants; however, if the wall between the bedroom and living space was removed then it would meet the national space standards for a studio flat.
- 9) In response to Councillor Miller it was explained that if the application was granted permission then the Councillors could agree to obscurely glaze the windows that overlooked Preston Road if this was felt necessary.
- 10) In response to Councillor Hyde it was explained that the principle concern for the officers was the overlooking from the south elevation as the development would be on the boundary of the neighbouring property and the gardens would be overlooked due to the close proximity. It was noted that these concerns could be mitigated by obscured glazing; however, it would not be recommended due to the height and depth of the proposed development.

Debate and Decision Making Process

- 11) Councillor Miller explained that he would not be supporting the Officer's recommendation as the concerns raised at the previous Committee had been addressed and the overlooking could be mitigated by obscure glazing. He noted that

the development would provide four dwellings for the city and if the development was reduced in size then this would not be in keeping with the street scene. He explained that it was a good use of the site and the neighbouring properties were currently overlooked.

- 12) Councillor Bennett explained that she agreed with Councillor Miller and the application had been improved since the previously refused application.
- 13) The Chair then put the application to the vote, and the Officer recommendation that the application be refused was **carried** on the Chair's casting vote by 5 votes in support, 5 in refusal and 1 abstention.

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

H BH2017/02434 - 110 Auckland Drive, Brighton - Full Planning

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

Questions for Officers

- 1) In response to Councillor Hyde the Principal Planning Officer confirmed that the Permitted Development Rights had been removed as part of the application.

Decision Making Process

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

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

I BH2017/02836 - 150 Heath Hill Avenue, Brighton - Full Planning

Change of use from four bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4), with associated erection of a single storey rear extension.

Decision Making Process

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

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

J BH2016/06421 - 9 Baywood Gardens, Brighton - Full Planning

Change of use from 6 bedroom small house in multiple occupation (C4) to 7 bedroom house in multiple occupation (Sui Generis).

Officer Presentation

- 1) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and explained the proposed occupancy was eight as some of the rooms were large enough for double occupancy. The proposal was for the store room to be converted into a bedroom and there was a condition ensuring the kitchen/dining room, tv room and utility room were retained as communal space. The application included the removal of Permitted Development Rights and an added condition for the supply of cycle parking on site.

Questions for Officers

- 2) In response to Councillor Miller it was explained that there was 22m² of communal space. The national space standards for dwellings did not include HMOs and Licensing worked on guidelines, rather than fixed standards. It was explained that the Planning Authority tried to gain a reasonable amount of communal space within an HMO and calculated approximately 4-5m² per occupant. This premises would be 3m² per occupant and would be deemed unacceptable; however, the bedrooms were large.
- 3) In response to Councillor C. Theobald the Principal Planning Officer explained that there were three en-suite bathrooms and two communal bathrooms.
- 4) In response to Councillor Moonan it was noted that there was outside space and this would provide additional amenity space to the communal area.

Decision Making Process

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

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

K BH2017/02176 - 1 Furzedene, Furze Hill, Hove - Full Planning

Erection of 1no three storey house (C3) adjoining existing house.

- 1) The Chair vacated the Chair during consideration of this application and Councillor Gilbey, the Deputy Chair, took the Chair.

Officer Presentation

- 2) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and explained that the application was for the development of a three storey dwelling on a private road. The appearance of the dwelling would match the existing properties in regards to the

design and materials. The boundary line of the garden between the proposed and neighbouring property had been moved to ensure both dwellings had outside space. It was explained that the first and second floor windows would be obscurely glazed to prevent overlooking and harming the neighbours' amenity.

Questions for Officers

- 3) In response to Councillor C. Theobald it was explained that the previously refused application was for an extension rather than a new dwelling.
- 4) In response to Councillor Daniel it was noted that the proposed dwelling would have a carport below the terraced area. It was further explained that the development was on a private road and was not adopted highway.
- 5) In response to Councillor Gilbey the Development and Transport Assessment Manager explained that if off street parking was preventing access to the carport then this would be for the residents to come to an agreement.

Decision Making Process

- 6) The Deputy Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** unanimously.
- 73.11 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report.

Note: Councillor Cattell was not present for the consideration and vote of the application.

- L BH2017/02732 - 9 Hillside Way, Brighton - Removal or Variation Of Condition**
Application for variation of condition 1 of application BH2016/06527 (Creation of roof extension with raised ridge height and rear dormers.) to allow amendments to the approved drawings.

Officer Presentation

- 1) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and explained that a number of objections had been received; however, these were focussing on the scheme that already had planning permission. The application was for a variation for permission to allow a roof light at the front elevation and two roof lights on the flat roof. It was noted that the Planning Officers had deemed that the proposal would not have a harmful impact on the amenity of the area.

Questions for Officers

- 2) In response to Councillor Moonan the Principal Planning Officer noted that the roof light on the front elevation would overlook the road and would not harm the amenity of the neighbouring properties.

- 3) In response to Councillor Daniel the Principal Planning Officer confirmed that other neighbouring properties had roof lights so it would not be out of character for the area.

Decision Making Process

- 4) The Chair put the application to the vote, and the Officer recommendation that the application be granted was **carried** unanimously.
- 73.12 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** planning permission subject to the conditions and informatives set out in the report.

M BH2017/02736 - 9 Dyke Close, Hove - Householder Planning Consent

Erection of single storey rear extension with rooflights, first floor side extension, roof alterations incorporating front and side rooflights and rear dormer.

- 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 with reference to plans, photographs and elevational drawings and explained that the proposed two storey extension was considered an appropriate design and would not harm the appearance or character of the street scene. The proposed single extension at the rear of the property was large; however, this was hidden from the public domain. A representation had been received from the neighbouring property regarding the proposed rear extension and the impact; however, there was screening and vegetation on the boundary between the site and neighbouring property.

Public Speaker(s) and Questions

- 3) Mr Woodhams spoke in objection to the application on behalf of Mrs Conway, a local resident, and explained that the proposed extension was a single storey that would be on the boundary of her property, 10 Dyke Close, Hove. He noted that the application was not policy compliant and he displayed a drawing that showed the maximum size the extension could be without infringing the neighbours' amenity. The drawing showed the 45° rule line and Mr Woodhams explained that the proposed extension was 1.25 metres larger than what would be supported by SPD12. He added that he wished for the Planning Committee to invite the applicant to redesign the proposal to be policy compliant and reapply.
- 4) In response to Councillor Robins Mr Woodhams explained that the 45° line should be drawn from the middle of the effected window.
- 5) Mr Woodhams explained to Councillor Daniel that the affected window at 10 Dyke Close was not covered by foliage and the proposed extension would be one metre from the boundary and would cause overlooking.

- 6) In response to the Chair it was noted that the fence was approximately 1.8 metres high and the proposed extension would be 3.2 metres high and the daylight to the window was already compromised by the boundary fence.
- 7) Mr Barker spoke in support of the application in his capacity as the agent and explained that the property needed a significant upgrade and the applicant had proposed sympathetic alterations and extensions with full regards to the street scene. The proposed extension at the rear of the property would not overlook the neighbouring property and would improve the current impact by the removal of the three windows on the ground floor level. There would not be an overbearing impact due to the high fence and vegetation and the ground level was significantly lower than 10 Dyke Close.
- 8) In response to Councillor Bennett Mr Barker noted that the applicant would consider planting additional vegetation to ensure the proposed extension would not harm the neighbouring property.

Questions for Officers

- 9) In response to Councillor Robins the Principal Planning Officer explained that the 45° angle line was set out in the SPD and this had been looked at by officers; however, the guidance varied if there was screening on the boundary line.
- 10) In response to Councillor Hyde it was noted that there was approximately three metres between the proposed extension and the neighbouring property.
- 11) In response to Councillor C. Theobald it was clarified that the proposed rear extension was 3.2 metres above floor level; however this was on a sloped level and would be significantly lower than the ground floor of the neighbouring property. It was added that the boundary fence was approximately 1.8 metres and the proposed extension would appear as 2.2 metres from the ground level of the neighbouring property.
- 12) In response to Councillor Moonan the Planning Manager clarified that the two objections had been received from the current occupier and the owner of 10 Dyke Road Close, Hove. The application was discussed at Planning Committee as Councillor Brown had requested it due to concerns regarding the swimming pool at 10 Dyke Road Close being overlooked.
- 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.

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

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

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

75 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

76.1 This information was not provided in the agenda.

77 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

78 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

79 APPEAL DECISIONS

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

The meeting concluded at 6.48pm

Signed

Chair

Dated this day of