

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 7 FEBRUARY 2018

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Cattell (Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Daniel, Hyde, Inkpin-Leissner, Littman, Miller, Moonan and Morris.

Officers in attendance: Paul Vidler, Planning Manager, Major Applications; Wayne Nee, Planning Officer (Major Applications); Jonathan Puplett; Principal Planning Officer; Andrew Renault, Head of Transport Policy and Strategy; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer.

PART ONE

92 PROCEDURAL BUSINESS

92a Declarations of substitutes

92.1 There were none.

92b Declarations of interests

92.2 There were none.

92c Exclusion of the press and public

92.3 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

92.4 **RESOLVED** - That the public are be excluded from the meeting during consideration of item 130 on the agenda, Land South of Ovingdean Road, Public Inquiry - Exempt Category - 5.

92d Use of mobile phones and tablets

92.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

93 MINUTES OF THE PREVIOUS MEETING

93.1 The Chair, Councillor Cattell, explained that Cliona May was leaving to work for the London Borough of Croydon having started with this authority as an apprentice. It was heartening when young people who had been trained chose to make their career within local government and she wanted to place on record her thanks to Cliona for her dedicated work for the Committee and to send her best wishes and those of the committee for her future career. The Committee voted unanimously in support of the Chair's proposal.

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

94 CHAIR'S COMMUNICATIONS

94.1 There were none.

95 PUBLIC QUESTIONS

95.1 There were none.

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

96.1 There were none.

97 TO DETERMINE PLANNING APPLICATIONS**A BH2017/02333, 113-115 Trafalgar Road, Portslade - Outline Application - Reserved Matters**

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

Officers Introduction

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer Wayne Nee, introduced the application and gave a presentation by reference to plans, elevational drawings and floor plans. Reference was also made to comments received from the Housing Department which were set out in the Late/Additional Representations List. It was noted that the design and layout shown was indicative and that this was an outline application with all matters reserved.

- (3) It was explained that as the application was for outline permission with all matters reserved for further approval, the main considerations in determining the application related to the principle of constructing 8 no one bedroom flats and 4 studio flats on the site. An indicative scheme had been shown in the submitted drawings, this scheme was indicative only as detailed consent was not being sought. The principle of the development proposed had been accepted previously at appeal; this was a primary matter for consideration under the outline application submitted.
- (4) It was noted that the previous appeal was dismissed as the issue of affordable housing provision had not been resolved in the applicant's submissions. Under the current application the submitted application form stated that of the twelve units proposed four would be affordable rent units comprising two one-bedroom flats and two studio flats. Policy CP20 required that schemes of 10-14 units provided 30% onsite affordable housing provision or an equivalent financial contribution. In this case a net increase of ten units was proposed and therefore onsite provision of three units would satisfy the requirements of CP20. There was however also a requirement to provide an appropriate mix of tenures; and in this case only affordable rent units were proposed, no intermediate housing was proposed. This concern was however counterbalanced by the fact that four affordable units were proposed and overall it was considered that the proposed provision of affordable housing could be supported provided it was secured through legal agreement. Approval was therefore recommended subject to the completion of a legal agreement to secure affordable housing provision and the necessary contributions. All detailed matters would be secured by condition and at the reserved matters stage.

Questions for Officers

- (5) Councillor Morris sought clarification regarding whether the precise element towards sport from the Open Space and Indoor Sport allocation had been determined as yet and it was explained that this would be set out in the "Heads of Terms" and was also set out in paragraph 11.2 of the report.
- (6) Councillor Moonan referred to the number of units proposed and to the fact that they were undersized seeking clarification as to whether a different number of units could be required. It was explained that the detailed layouts were not a subject for consideration under the outline application submitted but that as the indicative scheme would provide a poor standard of accommodation appropriate unit layouts would need to be secured at the reserved matters stage.
- (7) Councillor Miller sought confirmation that at this stage the principle of the development was being requested with all other matters being reserved and to be secured by condition at the reserved matters stage and it was confirmed that was the case.
- (8) Councillor Moonan also referred to the plot at the rear of the application site shown on the indicative drawings stating that the access arrangements as currently shown appeared to be too narrow. It was confirmed that this access would be too narrow for cars but was wide enough for pedestrians, cycles and motorcycles.

Debate and Decision Making Process

- (9) Councillor C Theobald stated that she had concerns that the proposals would change the character of the area and that it would be difficult to achieve the number of units proposed given the constraints of the site.
- (10) Councillor Littman stated that given the constraints of the site and its close proximity to a busy road it was important to ensure that appropriate air quality standards were achieved.
- (11) Councillor Morris asked for confirmation that the reserved matters application would come back to the Committee and it was confirmed that it would.
- (12) A vote was taken and the 10 Members of the Committee who were present when the vote was taken voted unanimously that minded to grant planning permission be agreed.
- 97.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the conditions and informatives also set out in the report.

Note: Councillor Gilbey had given her apologies for the meeting due to sickness and therefore was not present at the meeting during consideration or voting in respect of the above application. Councillor Bennett was not present at the meeting during consideration or voting in respect of the above application.

MINOR APPLICATIONS**B BH2017/03751, 83 Beaconsfield Villas, Brighton - Full Planning**

Installation of a single storey outbuilding to the rear garden (C2). Installation of guarding and roof canopy to south elevation external staircase. Installation of additional fence panels and gates to front garden.

Officers Introduction

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, photographs, elevational drawings and floor plans.
- (2) It was explained that the main considerations in determining this application related to the impact of the proposed development on the character and appearance of the building, surrounding street scene and wider Preston Park Conservation Area and the amenity of neighbouring properties. It was acknowledged that the potential occupant of the building had special needs and that therefore equality impacts also formed a material consideration in determination of this application.
- (3) It was noted that the original scheme included the erection of new fencing with security roll barriers to the rear garden. A number of objections had been received at that time raising concerns in terms of loss of light and outlook regarding the new fencing

proposed. These concerns had been taken into consideration and amendments had been sought throughout the course of the application. Following amendments all the fencing associated with the scheme including the anti-climb rollers would measure 2m in height and would therefore constitute permitted development, this needed to be taken into account when determining the application.

- (4) It was considered that the proposal would have an acceptable impact on the character and appearance of the building, wider street scene and conservation area. The proposed works represented a negotiation between the Planning and Conservation Officers and the Adult Social Housing team, the resulting application was considered to provide an acceptable balance which would have a limited impact on the conservation area and approval was therefore recommended.

Questions for Officers

- (5) Councillor Miller sought clarification on whether or not the front gates were existing and it was confirmed that they were.
- (6) Councillor Hyde sought clarification in respect of the canvas roof covering above the side entrance steps.
- (7) Councillor Morris sought clarification on the anti-climb rollers to the new fencing.
- (8) Councillor C Theobald referred to the previous application. It was confirmed that this had been withdrawn by the applicant.

Debate and Decision Making Process

- (9) Councillor Littman welcomed the proposals and Councillors Morris and Inkpin-Leissner also concurred in that view.
- (10) A vote was taken and the 10 Members of the Committee who were present when the vote was taken voted unanimously that planning permission be granted.

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

Note: Councillor Gilbey had given her apologies for the meeting due to sickness and therefore was not present at the meeting during consideration or voting in respect of the above. Councillor Bennett was not present at the meeting during consideration or voting in respect of the above application.

C BH2017/03684, 50 Chailey Road, Brighton - Full Planning

Change of use from 3 bedroom single dwelling (C3) to a 5 bedroom house in Multiple Occupation (C4).

- (1) It was explained that consideration of this application was to be deferred to enable the outcome of further consultation being undertaken in relation to external works to the

property to be incorporated in the report to Committee. It was anticipated that the application would now be considered at the next scheduled meeting for 7 March.

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

D BH2017/03683, 8 Willingdon Road, Brighton - Full Planning

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

Officers Introduction

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, photographs, elevational drawings and floor plans. Reference was also made to the request that the application be determined by Committee and letter of objection received from Councillor Yates.
- (2) The main considerations in determining the application related to the principle of the change of use, the impact on neighbouring amenity, the standard of accommodation which the use would provide in addition to transport issues and the impact upon the character and appearance of the property and the surrounding areas. The proposal would allow occupation of the property as a small HMO providing accommodation for 6 unrelated individuals who would share basic amenities including a kitchen, living/dining room and bathroom. It was explained that the mapping exercise which had taken place indicated that there were 33 properties within a 50m radius. No other properties had been identified as being in either Class C4, mixed C3/4 or other types of HMO, thus the percentage of existing HMOs within the designated area was 0%. Based upon that percentage, which was less than 10%, the proposal to change to a C4 HMO would therefore be accordance with policy.
- (3) Minor amendments had been made to the drawings originally submitted during the course of the application and overall the standard of accommodation was considered sufficient for six occupiers and approval was therefore recommended. It was also recommended that the proposed floor layout be restricted by condition in order to ensure that all communal areas were retained.

Questions for Officers

- (4) The Chair, Councillor Cattell, referred to the mapping exercise which had been carried out. In answer to questions it was noted that although the property would result in an increase in occupancy and intensity in comparison to the existing use of the building, given the low proportion of other HMO's within the immediate vicinity of the site and the level of activity the proposed use was considered acceptable and would not result in significant harm to the amenity of neighbouring occupiers.

Debate and Decision Making Process

- (5) A vote was taken and the 11 Members present when the vote was taken voted unanimously that planning permission be granted.

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

Note: Councillor Gilbey had given her apologies for the meeting due to sickness and was therefore not present at the meeting during consideration or voting in respect of the above application. Councillor Bennett was not present at the meeting during consideration or voting in respect of the above application.

E BH2017/02986, 19 Arnold Street, Brighton - Full Planning

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

Officers Introduction

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, photographs, elevational drawings and floor plans. Reference was also made to the request received from Councillor Gibson that the application be determined by the Committee and to the letters of objection received from Councillors Gibson and Page.
- (2) The main considerations in determining the application related to the principle of the change of use, the impact on neighbouring amenity, the standard of accommodation which the use would provide in addition to transport issues and the impact upon the character and appearance of the property and the surrounding areas. The property was at present in lawful use as a single dwelling house let to two individuals, falling within a C3 use class. The layout of the property consisted of a kitchen, living room and a bedroom at ground floor level and two further bedrooms and a bathroom at first floor level and a garden area to the rear of the property. No internal or external alterations were proposed as part of this application. The existing and proposed plans showed an “attic room” which was uninhabitable and it was not proposed that it would be used as a bedroom or other habitable space.
- (3) It was explained that the mapping exercise which had taken place indicated that there were 10 properties within a 50m radius, and that the percentage of existing HMO’s within the designated area was 1.9%. Based upon that percentage, which was less than 10%, the proposal was in accordance with policy. Overall it was considered that the property provided a good standard of accommodation for up to four occupants in accordance with Policy QD27 of the Brighton & Hove Local Plan and approval was therefore recommended subject to conditions restricting the number of occupants at the property to a maximum of 4.

Questions for Officers

- (4) In answer to questions by Councillor Bennett it was explained that the application site was a mid-terrace property and that the mapping exercise carried out had indicated that there were very few HMOs within the immediate vicinity of the site.

Debate and Decision Making Process

(5) A vote was then taken and the 11 Members of the Committee who were present when the vote was taken voted unanimously that planning permission be granted.

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

Note: Councillor Gilbey had given her apologies for the meeting due to sickness and therefore was not present during consideration or voting in respect of the above application.

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

98.1 There were none.

99 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

100 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

101 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

102 APPEAL DECISIONS

102.1 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.

103 PART TWO

103A LAND SOUTH OF OIVINGDEAN ROAD : PUBLIC INQUIRY - EXEMPT CATEGORY 5

103.1 The Committee considered a report of the Executive Lead Officer, Strategy, Governance and Law relating to Land South of Ovingdean Road, Brighton, Public Inquiry (Planning Application ref: BH2016/05530). The report relating to the planning application originally considered by the Committee at its meeting on 10 May 2017 had been considered in the public domain and as such was not restricted, and formed a

background document to the exempt matter. As such it had been circulated and had also been placed on the Council website as an addenda.

- 103.2 The Committee resolved that the public be excluded from the meeting during consideration of the further report before it that day as it contained exempt information as defined in paragraph 5 of Schedule 12A, Part 1 of the Local Government Act 1972 as amended.

The meeting concluded at 6.00pm

Signed

Chair

Dated this

day of