

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 7 NOVEMBER 2018**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

**Co-opted Members:** Mr Roger Amerena (Conservation Advisory Group)

**Officers in attendance:** Nicola Hurley, Planning Manager, Stewart Glassar, Principal Planning Officer; Jonathan Puplett, Principal Planning Officer; Luke Austin, Senior Planning Officer; David Farnham, Development and Transport Assessment Manager; Lesley Johnston, Principal Planning Officer, Policy, Projects and Heritage; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

**PART ONE**

**60 PROCEDURAL BUSINESS**

**60a Declarations of substitutes**

60.1 Councillor Daniel declared that she was present in substitution for Councillor Moonan. Councillor Robins declared that he was present in substitution for Councillor Morgan.

**60b Declarations of interests**

60.2 Councillor Cattell, the Chair, referred to Applications A & B, BH2018/00868 and BH2018/00869, King's House, Grand Avenue, Hove explaining that one of the speakers was known to her however, she remained of a neutral mind and would therefore remain present during consideration and determination of the application. Councillor Cattell stated that she had also received e mail correspondence in respect of applications D, BH2018/01894, 1A Marmion Road, Hove and E BH2018/00433, 28A Crescent Road, Brighton stating that she had not expressed any opinion in respect of either of those applications, remained of a neutral mind and would remain present during consideration and determination of both of those applications.

60.3 Councillor Mac Cafferty also referred to applications A & B, BH2018/00868 and BH2018/00869, King's House, Grand Avenue, Hove stating that he had received correspondence in his capacity as neighbouring Ward Councillor. He had expressed no view in respect of the applications before the Committee for determination,

remained of a neutral mind and would therefore remain present during consideration and determination of the application.

- 60.4 Councillor Littman stated that he had held responsibility for the Council's property portfolio when the decision had been made to sell King's House, applications A & B, BH2018/00868 and BH2018/00869, King's House, Grand Avenue, Hove. He had had no involvement with, nor expressed an opinion in respect of either application, remained of a neutral mind and would therefore remain present during consideration and determination of the applications.
- 60.5 Councillor Hyde referred to application C, BH2018/02404, Varndean College, Surrenden Road, Brighton by virtue of the fact that her grandson attended the Sixth Form there. She had not expressed any view in respect of the application, remained of a neutral mind and would therefore remain present during consideration and determination of the application.
- 60.6 Councillor Daniel referred to, applications A & B, BH2018/00868 and BH2018/00869, King's House, Grand Avenue, Hove stating that one of the speakers was known to her. Also, to application C, BH2018/02404, Varndean College, Brighton explaining that her stepson was a student at the college. She had not however discussed any of the applications, nor expressed an opinion in respect of either of them, remained of a neutral mind and would therefore remain present during consideration and determination of those applications.
- 60.7 Councillors O'Quinn and Robins also referred to applications A & B, BH2018/00868 and BH2018/00869, King's House, Grand Avenue, Hove, also confirming that one of the speakers was known to them, neither had discussed the applications with her, both remained of a neutral mind, and would therefore remain present during consideration and determination of those applications. It was also noted that Members of the Committee had received lobbying e mails in relation to application BH2018/02638, 4 The Park, Rottingdean.

#### **60c Exclusion of the press and public**

- 60.8 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.
- 60.9 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

#### **60d Use of mobile phones and tablets**

- 60.10 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'.

**61 MINUTES OF THE PREVIOUS MEETING**

- 61.1 Councillor Hyde had notified the Democratic Services Officer of amendments she wanted to be made to the minutes in respect of comments attributed to her. These corrections had been made to the published minutes and to the set for signature by the Chair. The corrections were as follows:

Paragraph (27): (reference to Stanley Deason Leisure Centre to be removed, first line now to read: "Councillor Hyde stated her preference would be for money to be provided to a local charity PARC which provided play equipment locally and improvements at St Margaret's, which...")

Paragraph (29): First line to be deleted: Paragraph to begin "Councillor Hyde also referred to the provision of "live time" boards..."

Paragraph (35): Third sentence should read "The scheme would provide much needed housing for local people *on the free market* and would provide..."

- 61.2 Notification had been received from CAG that they wished Paragraph (30) on page 10 of the minutes to read as follows:

Paragraph (30): Mr Gowans CAG suggested that the proposed bin store in front of the south wing of the listed school building could be better designed and that some relief to the proposed blank wall fronting the High Street could be introduced. The Principal Planning Officer, Policy, Projects and Heritage, Tim Jefferies, suggested that an additional condition be added requiring larger scale details of the proposed store to be approved by officers and noted that the proposed store was slightly smaller than the existing garage.

- 61.3 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 10 October 2018 as a correct record subject to the additions and amendments set out above.

**62 CHAIR'S COMMUNICATIONS**

- 62.1 Councillor Cattell, the Chair, referred to application BH2017/02680, St Aubyn's School, 76 High Street, Rottingdean which had been considered and determined at the meeting of the Committee held on 10 October 2018. The application had been approved **Minded to Grant** subject to the Secretary of State deciding not to call the application in for determination. Confirmation had been received subsequently that the Secretary of State would not be calling the application in as it did not fall within the criteria for doing so.

- 62.2 **RESOLVED** – That the position be noted.

**63 PUBLIC QUESTIONS**

- 63.1 There were none.

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

64.1 There were none.

## 65 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

### A BH2018/00868 - King's House, Grand Avenue, Hove-Full Planning

Demolition of existing office building (B1) fronting Grand Avenue. Conversion of existing (B1) building fronting Queens Gardens to 69no dwellings (C3) with associated alterations and extensions. Erection of a 10 storey building over basement carpark comprising of 72 flats on Grand Avenue and erection of a 6 storey building comprising of 28 flats on Second Avenue. Associated underground parking, landscaping, cycle storage, bins and recycling points. (Amended Description)

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

#### Officer Presentation

- (1) The officer presentation covered the planning and listed building applications. Reference was also made to the proposed amended report wording, additional representations received and alterations to conditions which were set out in Late/Additional Representations List.
- (2) The Principal Planning Officer, Jonathan Puplett and Senior Planning Officer, Luke Austin introduced the application and gave a detailed presentation by reference to drawings, elevational drawings, site plans, floor plans, photographs and visuals showing the proposals from various aspects in order to show its context within the neighbouring street scheme, also by use of aerial views showing the site in its broader context.
- (3) It was noted it that the building had originally been built as a terrace of 7 houses between 1871 and 1874 with the westernmost houses converted soon after to the Princes Hotel and latterly as the Headquarters of the South Eastern Electricity Board; and then the City Council. The modern northern extension to Kings House had been built in the 1980s. While of significant townscape merit within The Avenues Conservation Area, in more recent years the building had been further eroded of original features, most notably windows, entrances, balconies and a 2 storey wing formerly fronting Grand Avenue, all of which affect the significance of the building.
- (4) The application site is 0.53 hectares and currently contained Kings House to the south part fronting onto Queens Gardens with Kingsway beyond and Kings Lawns beyond that; the modern 1980s extension to the west part fronting onto Grand Avenue with its open gardens; ground-level open car park to the east part fronting onto Second Avenue. The design of the application scheme had evolved during pre-application discussions and during the course of the application, in light of the response from the Design Review Panel, officer advice, pre-application advice from Members, and as a result of various consultee responses especially the Heritage Officer. The application proposed demolition of the modern northern extension and link building, conversion of the main building of Kings House to residential dwellings, alterations to the listed

building including upward extensions of the three historic outriggers, and the erection of two new blocks of flats. This represented a site-wide change of use from B1 office use to C3 residential for the provision of 169 dwellings. The proposed 10-storey building fronting Grand Avenue would contain 72 dwellings. The proposed 6-storey building fronting Second Avenue would contain 28 dwellings. Both buildings would be of similar in style making use of locally distinct yellow gault brick for the main elevations with more contemporary grey panel accents. Balconies would be formed of steel and glass balustrades. To Kings House, two additional storeys (plus roof terraces) were proposed to each of the three rear outriggers. Only visible from Second Avenue, the first level of each additional storey would be of matching brickwork with the second additional storey formed of dark grey metal cladding in a mansard-roof form. Small dormers are proposed to the rear main roof slope with conservation rooflights to the front. All fenestration would be returned to historically appropriate timber sash format. The existing below ground car park was proposed to be extended to provide a total of 80 car parking spaces including 11 disabled spaces accessed via the existing basement ramp. The basement would also provide access to cycle spaces for residents (the final number and location of which to be secured by condition), refuse and recycling storage. Cycle spaces are proposed to the front and rear of the development which would provide visitor cycle parking. A new low level glazed link building would provide a public entrance to the development on Grand Avenue. Landscape areas to the rear of Kings House and between the proposed two new buildings would form a communal garden and courtyard area incorporating areas of coastal planting, seating and hard landscape circulation.

- (5) Amended drawings had been received in August 2018 and a new public consultation had been undertaken which had expired on the 2 November 2018. New balcony details had been proposed as well as other details to address initial objections by the Heritage Officer. In regard to affordable housing, the original application submission stated that no affordable housing could be provided. However, following discussions with the applicant, and an independent viability assessment, it had been determined that the development could provide affordable housing in the form of 15 rent units and 13 shared ownership, and a contribution of £265,492 towards off-site provision, without threatening the viability of the scheme. This is now proposed; the affordable units would be delivered in the proposed Second Avenue block.
- (6) The main considerations in determining this application related to the principle of the development including the total loss of the B1 office use, the proposed market and affordable housing units, the impact of the conversion of the listed King's House on its significance the impact of the design on the character and appearance of the conservation area and setting of surrounding listed buildings, impact on the street scene and wider views, neighbouring amenity, impacts on the street scene and wider views, sustainable transport impacts including parking demand, landscaping, ecology/biodiversity and the contribution made in respect of other objectives of the development plan.
- (7) The proposed development would provide 169 residential units including a provision of 28 affordable units with a policy compliant tenure mix. The standard of accommodation the proposed units would provide would be good in most cases and acceptable in all cases. The majority of the units would benefit from external amenity space, a communal garden area, basement car parking and cycle parking. The proposed

building and associated landscaping were considered to represent an appropriate redevelopment of the site which would introduce a contemporary building into the street scene and would have a positive visual impact whilst paying respect to the Grade II Listed Building.

- (8) The proposed development considered acceptable in transport, sustainability and ecological terms, and conditions / s106 requirements were recommended to secure
- Disabled parking and cycle parking provision, and travel plan measures;
  - Details / method statements of the refurbishment of the listed building;
  - Compliance with energy and water consumption standards and access standards;
  - Solar photovoltaic panel array and solar thermal heating system;
  - Ecological improvements;
  - Contributions towards educational provision, open space/sports provision, and the Council's Local Employment Scheme.
- (9) Whilst the office use of the site would be lost, which was regrettable, the potential of the site for ongoing employment use was limited by the costs involved in refurbishment of the buildings to an appropriate standard, the implications of the historic layout of the listed building for modern office and a lack of interest from potential occupiers as an employment use. It was recognised that the proposed new buildings would cause some harm to the setting of the historic listed building, although substantial heritage benefits would also be delivered. The proposed new buildings would have some negative impact upon neighbouring amenity, however the resultant scenario would be in keeping with the pattern of development in the immediate area and overall the harm which would be caused did not warrant the refusal of planning permission.
- (10) Overall, whilst the proposed scheme would result in some harm, and the loss of office space was of concern in the current climate, it was considered that the scheme would deliver substantial benefits including; a significant delivery of housing including on site affordable housing, in addition to significant public realm improvements and restoration of the Grade II Listed Building. Overall, therefore approval of planning permission was recommended subject to the conditions and s106 requirements set out in the report and as amended in the Late/Additional Representations List.

### **Public Speakers**

- (11) Ms Robinson and Ms Barrett spoke on behalf of objectors to the scheme detailing their representations. Ms Robinson spoke representing residents of 2 Second Avenue and Ms Barrett spoke representing residents of 1 Grand Avenue. It was explained that two well attended public meetings had taken place and whilst the proposed use was welcomed in principle this scheme was considered unacceptable as it was too high and not in keeping with the neighbouring villas and would have a detrimental impact on the closest neighbouring dwellings. The potential loss of light to some of the existing neighbouring properties infringed their rights to light, would result in overlooking, loss of amenity and noise disturbance due to the location of some of the balconies and loss of views. Whilst there was no legal right to a view, there were rights to light and the proposals as put forward would have a serious impact by virtue of their height and bulk and their very close proximity to some of the adjacent buildings. The impact of this scheme would be far greater than when the building was in use as an office building.

- (12) Councillor Robins enquired regarding references which had been made to “Rights to Light” and the Legal Adviser to the Committee, Hilary Woodward, responded explaining that this was a private matter between neighbours. As it was a private matter, the existence of a right to light was not a consideration that could be taken into account by the Planning Committee. A right to light was separate to an assessment of the impact of any loss of light which could be taken into account as part of determining a planning application.
- (13) Councillors Moonan and Wealls spoke in their capacity as Local Ward Councillors setting out their objections to the proposed scheme. Both referred to the several detailed letters of objection which they had submitted and were in agreement that whilst they supported conversion of the site to residential use the scheme as currently devised was in their view too high and would be overbearing on neighbouring buildings and overly dominant in the street scene by virtue of its scale, height and massing. The scale of the new blocks to be constructed to the north of the original listed building and their impact on the amenity of the neighbouring properties at One Grand Avenue and in Second Avenue was of concern. There would be significant negative impact on access to light and it was considered that the proposed new buildings had little architectural merit on such a key site in a conservation area. The 10 storey block proposed on Grand Avenue would be significantly higher than the norther tower of the retained listed building and would therefore have a significant negative impact on the retained listed building and the amenity of neighbouring residents. The six storey block in Second Avenue was also not in keeping with the existing villas in the conservation area which had been reduced in height the nearer they were to the sea. It was considered that this block should be two storeys lower and should be set further back from the street. There were also concerns regarding the level of parking which notwithstanding that there would be on site provision was considered to be inadequate. The proposed development was situated in Zone N and it was suggested that a condition be imposed to prevent residents of the new development from being entitled to on-street CPZ parking permits. Access to the on-site parking from Second Avenue would also increase traffic flow along a residential street, this would also have a negative impact on the amenity of neighbouring residents.
- (14) Mr Dowsett and Mr Wagner were in attendance on behalf of the applicants and spoke in support of the application and responded to Members in relation to questions on which it was more appropriate for them to provide clarification. It was explained that the application before the Committee that day was the result of months of intense work with officers following the initial pre-application process to come forward with a scheme which was viable and would provide an active frontage.
- (15) In answer to questions by Councillor Miller regarding the building line at the pre-application stage and currently it was explained that this had been set back in response to discussions which had taken place and to address some of the issues of concern which had been raised. Councillor Miller also referred to the number of 1 and 2 bedroom units to be provided, there was an identified need for 3 bedroom units. It was explained that the type of units put forward had guided by the viability assessments carried out including the configuration of mix of affordable units to be provided. In answer to further questions it was explained that a number of issues had been taken into account including the views of the District Valuer and the discussions which had taken place in December 2017, the application being submitted in March

2018 and the work which had taken place subsequently in order to bring it to Committee.

- (16) Councillor Mac Cafferty referred to the fact that the basement area of King's House had been subject to flash flooding in July 2014. He wished to know whether a full risk assessment had been carried out in that respect and what mitigation measures if any were to be put in place. It was explained that a series of improvements were proposed to address this issue. Councillor Mac Cafferty also referred to the landscaping/planting treatments proposed enquiring whether species had been chosen which were suited to survival in a marine environment. Councillor Mac Cafferty also referred to the fact that a condition had been applied to other applications where the developer had undertaken to replace trees/planting provided if it did not flourish, for a period of 5 years following completion of a development, enquiring whether a similar condition could be applied in this instance. Councillor Mac Cafferty referred to the proposed parking arrangements and to the concerns expressed by residents and the Local Ward Councillors at the impact which could arise as a result of additional vehicles and vehicular movements, and, whether consideration could be given to making the development car free or converting some of the existing bays to "Pay and Display". It was explained that the proposed development did not meet the criteria for being car free or for "Pay and Display" to be invoked. It had been assessed that if a maximum of 15 residents were to be issued with permits that a harmful situation would not result and it was recommended that a condition be applied to any permission granted to ensure that was the case.
- (17) Councillor Mac Cafferty enquired regarding the materials and finishes proposed which would be associated with a prominent development within the conservation area. It was explained that as a result of the discussions which had taken place it had been considered to provide a building which was complimentary to rather than a pastiche of its neighbours.
- (18) Councillor Hyde referred to the height of the proposed buildings, as this appeared to be one of the main issues of concern, she sought clarification regarding whether if the number of units were to be reduced the scheme would remain viable. The Legal Adviser to the Committee, Hilary Woodward, stated that the application needed to be determined as put forward.

### **Questions of Officers**

- (19) Councillor Daniel also asked regarding the mix of units and access arrangements to the site and whether it would be possible to provide all of the parking on-site. It was confirmed that the scheme before the Committee had been prepared following detailed discussions and was considered to present the best mix of what could be provided overall.
- (20) Councillor Littman referred to the external amenity space (communal garden) asking whether that would be exclusively for use by those living in the development and it was confirmed that was so. Councillor Littman stated that it was clear that a number of challenging issues had needed to be addressed in order to bring the application forward.



- (21) Councillor Robins referred to the lightwell which had been referred to seeking further clarification. It was confirmed that this was a scenario which was common across the city and that the depth of the light wells was considered sufficient to allow acceptable light and outlook and would provide external amenity space for the future occupiers. In respect of cycle storage arrangements revised details were required to ensure that an adequate standard was required
- (22) Mr Amarena, CAG, referred to the objections which had been put forward by CA, detailed comments had been submitted regarding the sensitive and significant character of this part of the seafront, not all of which appeared to have been taken up in the officer report He was concerned that the Conservation Officer may not have considered the Impact on Second avenue as it was not included in the officer summary. He sought confirmation regarding the issues considered. The Planning Manager, Applications, Nicola Hurley, responded explaining that whilst details of the areas considered were summarised in the report issues were looked in depth including the responses received from the consultation process.
- (23) Councillor C Theobald asked to see drawings and plans indicating the location of the frontage of the building and the degree of set back and the gaps between them in relation to the neighbouring dwellings. Councillor Theobald also referred to the open spaces and works proposed to the railings asking for clarification of how the s106 monies would be spent. The Legal Adviser to the Committee, Hilary Woodward, confirmed that the criteria for allocation of s106 monies and the amounts which could be used were set out in the s106 Technical Guidance but would be allocated following the appropriate consultations.
- (24) Councillor O'Quinn sought more information regarding the potential impact of overlooking from balconies and the materials proposed including those for rails and balustrades and the location of obscure glazing if any was to be provided.
- (26) Councillor Mac Cafferty referred to the viability of the scheme and sought confirmation regarding why energy efficiency/energy saving measures had not been maximised. It was explained that as that would need to be taken up under the maintenance charging arrangements, this had not been considered appropriate especially in relation to the affordable units.
- (27) Councillor Mac Cafferty referred to the open space arrangements/planting, referring to the wind tunnel effect which could occur in that location asking that full consideration be given to the impact that could have. Councillor Mac Cafferty asked if that could be revisited to ensure that it was suitably robust.
- (28) Councillor Mac Cafferty reiterated his concerns regarding the level of parking to be provided by the scheme, enquiring whether this issue could be revisited in future, stating that his preference would be for the development to be car free and residents to be unable to hold parking permits as he was aware that had been used in connection with other schemes. The Legal Adviser to the Committee, Hilary Woodward, stated that it was not possible to do so and that the development did not meet the test for being car free and that the requirement that eligibility would be limited to 15 permits had been recommended as a condition of grant. The Development Transport Assessment

Manager, David Farnham, also confirmed in relation to the removal of pay and display arrangements that none of the thresholds had been met.

- (29) Councillor Miller sought clarification of how the parking would be allocated and whether/how that would be allocated between the affordable and market units.
- (30) Councillor Mac Cafferty also referred to the conditions relating to glazing particularly in relation to the balconies which would be located closest to the neighbouring residential properties; details of this and the proposed finishes were provided and it was confirmed that Condition 12 could be amended should Members wish to do so.
- (32) Councillor Gilbey asked whether as the percent of affordable housing proposed was lower than would usually be required whether a commuted sum could be sought and it was confirmed it could not. Councillor Gilbey also asked whether the block fronting Second Avenue would be at an angle to its neighbours and it was confirmed it followed the building line.
- (33) It was confirmed that the expenditure of the s106 contributions would be agreed in consultation with the relevant Ward Councillors and relevant officers.

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

- (34) Councillor Miller stated that whilst loss of the office was regretted he was persuaded on balance that this would represent a good use of the site which would provide much needed housing and he supported it; subject to amendments to Condition 12 which would ensure that materials were agreed in consultation with the Chair, Deputy Chair and Opposition Spokespersons, to include the balcony treatments.
- (35) Councillor C Theobald concurred in that view, whilst she would have preferred more on-site parking, overall the scheme was acceptable and would provide much needed housing.
- (36) Councillor Littman considered that on balance the benefits of the scheme outweighed any potential harm and although he would have preferred the blocks to be lower in height he would support the officer recommendation.
- (37) Councillor Mac Cafferty stated that it was clear that a lot of work had been undertaken in bringing the scheme to its current point and that officers had pushed very hard. He was disappointed in respect of some elements of scheme which he regarded as a missed opportunity but provided that the amendments suggested were agreed he was willing to support the proposal.
- (38) Councillor Hyde agreed with all that had been said, not least that she would have preferred the buildings to be lower in height but was prepared to support the officer recommendation.
- (39) Councillors Gilbey and Robins confirmed that they would be voting in support. Councillor Gilbey stated that the scheme brought to Committee now was significantly improved on that which had originally been put forward at the pre-application stage.

- (40) Councillor O'Quinn stated that she supported the application, although she had some reservations regarding the close proximity to neighbouring blocks of some elements of the scheme which would result in a degree of overshadowing. She also had doubts regarding how "affordable" the affordable element of the scheme would be.
- (41) Councillor Bennett, whilst concurring with much of what had been said, had concerns regarding the height of the blocks and the potential for overlooking and loss of light to some of the existing properties stating that she would therefore abstain.
- (42) Councillor Cattell, the Chair, commended the scheme and the hard work which had been put in by officers in helping to progress the scheme. There were a number of constraints and challenges and it was pleasing to see that there was now an affordable element to the scheme where originally there had been none; she would be voting in support of the officer recommendation.
- (43) A vote was taken and on a vote of 10 with 1 abstention the 11 Members present when the vote was taken voted that minded to grant planning approval be given in the terms set out below.

65.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **Minded to Grant** planning permission subject to a s106 Planning Obligation and to the conditions and informatives also set out in the report and to the amended and additional conditions set out in the Late/Additional Representations List; save that should the s106 Planning Obligation not be completed on before 27 February 2019, the Head of Planning is authorised to refuse planning permission for the reasons set out in section 9 of the report. This included the requirement that officers be required to consult with Members at a Chair's meeting on material including those to be used for the balcony treatments.

**B BH2018/00869 - King's House, Grand Avenue, Hove - Listed Building Consent**

Demolition of existing office building (B1) fronting Grand Avenue. Conversion of existing (B1) building fronting Queens Gardens to 69no dwellings (C3) with associated alterations and extensions. Erection of a 10 storey building over basement carpark comprising of 72 flats on Grand Avenue and erection of a 6 storey building comprising of 28 flats on Second Avenue. Associated underground parking, landscaping, cycle storage, bins and recycling points. (Amended Description)

- (2) A vote was taken and the 11 Members who were present when the vote was taken voted unanimously that listed building consent be granted.

65.2 **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** Listed Building Consent subject to the Conditions and Informatives also set out in the report.

**C BH2018/02404- Varndean College, Surrenden Road, Brighton- Full Planning**

Relocation of 2no modular classroom blocks and erection of a two storey Science, Technology, Engineering and Mathematics (STEM) centre with associated cycle parking and landscaping alterations (part retrospective).

### **Officer Presentation**

- (1) The Planning Officer, Stewart Glassar, introduced the application and gave a detailed presentation by reference to photographs, site plans and elevational drawings detailing the proposed scheme. It was noted that the application was seeking permission for the relocation of 2no modular classroom blocks and the erection of a specialist two storey Science, Technology, Engineering and Mathematics (STEM) building including 4 science labs and 6 teaching classrooms, with associated cycle parking and landscaping alterations. The objective was to provide fit for purpose permanent teaching space.
- (2) The main considerations in determining this application related to the principle of the scheme, design and visual impact, impact on neighbouring amenity, highways and ecology issues. In terms of visual impact there was no objection to the relocation of the temporary classrooms to the east of the site. As the potential increase in student numbers was up to 20 it was not considered that the development would result in significant noise disturbance above that already existing, nor was it considered that the fact that the relocated temporary classrooms would be slightly closer to properties in Friar Walk and Friar Crescent that that would cause significant nuisance in terms of increased activity and noise. The proposed STEM building represented the first phase in the delivery of a wider masterplan proposal to provide improved permanent teaching accommodation, enabling the removal of the existing cluster of temporary teaching space on site, much of which was now coming to the end of its functional life. Longer term masterplan proposals on site would seek the provision of a new 'horseshoe-shaped' building to complete the masterplan and enable the removal of temporary buildings from the site. However it is uncertain when this application will be forthcoming as it is dependent on future funding.
- (3) The main considerations in determining this application related to the principal of the scheme, design and visual impact, impact on neighbour amenity, highways, sustainability and ecology issues. Whilst generally, loss of open space was to be resisted, due to its typography the area which would be lost comprised as well as the clusters of temporary classrooms, a grassed area which due to its sloping nature was at a lower level than the adjoining playing field. This area of the school grounds also appeared predominantly to consist of pathways between the main building and the temporary classrooms themselves. The relocated temporary classrooms would bring the temporary buildings slightly closer to the properties in Friar Walk and Friar Crescent. However, given that they were still in excess of 40m from the boundary of the rear gardens of these properties, it was not considered that they would cause a significant nuisance in terms of increased activity and noise. A minimal (potentially up to 20) increase in student numbers was proposed; therefore it was considered that the development should not result in significant noise disturbance above that already existing.
- (4) The Council's Highways team had no objections to the scheme in principle. Access to the site would remain unchanged; no additional car parking spaces had been included;

and extra cycle parking provision was proposed, all of which is deemed acceptable. The Highways team had recommended however that a trip generation assessment was resubmitted based on the increase in floor space, to accommodate potential future increases in students; This had been requested and additionally the report recommended that an updated travel plan was requested as a condition of permission being granted. Also, that there needed to be a financial contribution for transport. Overall, the proposals were considered to be acceptable and approval was therefore recommended.

### **Public Speakers**

- (5) Mr J Davies of “Keep Varndean Green” and Mr Muzio spoke on behalf of neighbouring residents setting out their objections to the scheme. In the view of objectors the proposed STEM building would encroach on the area for which Asset of Community Value status had been applied. No decision on this application should be taken until that had been decided. It was not considered that sufficient information had been provided in that the Design and Access Statement was not sufficiently detailed and that no further applications should be determined until the college had submitted a Masterplan which stakeholders could comment upon. They were in agreement that the application was contrary to the city plan and did not agree that the space on which the temporary structures had been located was unusable space, that notification of the application had not been sent to adjoining residences as it should have been and that it represented unnecessary expansion by the college.
- (6) The Democratic Services Officer, Penny Jennings, read out a statement on behalf of Councillor Taylor one of the Local Ward Councillors for Withdean who was unable to be present setting out his objections to the scheme. Councillor Taylor stated that whilst recognising the important contribution made by the college he considered that the strategic importance of the college needed to be carefully balanced with the needs and concerns of the local community. The green space provided was very important and for many months the local community had led an application for parts of the field to be listed as an Asset of Community Value. This development was just one part of the jigsaw and needed to be carefully considered in a full strategic way. The huts this space replaced would otherwise have been green space, this would now be permanently lost. As there were two other applications being made in respect of the site he considered that they needed to be considered in a more holistic way. He considered that the application should be refused due to loss of open space CP10 and CP16 and due to the ridge height of the proposed building.
- (7) Mr Harland, the Principal of Varndean College, spoke on behalf of the applicants in support of their application. He explained that the proposals were the next stage in the college’s plans to improve its facilities and that they were intended particularly in relation to the new STEM block to update and improve the current outdated facilities but would not result in significant increases to current student numbers nor would they generate additional numbers.
- (8) Councillor Hyde sought clarification regarding use of the of public access to the space and it was confirmed that the area adjacent to the college was not public space but that the public were permitted access to it. The location of the proposed new structures and their distance from the nearest residential dwellings was confirmed. It was also

confirmed that when the college building works had been completed all temporary structures would be removed.

### **Questions of Officers**

- (9) Clarification was sought of the area of the application site which could be impacted by the application site of the Asset of Community Value Status. The Legal Adviser to the Committee, Hilary Woodward, explained that the ACV nomination had not yet been determined so was not capable of being a material planning consideration. In any event it was noted that that part of the application needed to be considered on its planning merits and it would not be appropriate for it to be delayed pending any future decision on the ACV nomination.
- (10) In answer to questions by Councillor Littman it was confirmed that no trees in residential roads nearby and the accompanying planning application confirmed that no trees on site would be effected by works to the roadway which was located to the north of the site.
- (11) In answer to further questions of the Chair regarding the status of the green space at the college it was confirmed that it was open space in the ownership of the college to which the community were permitted access.

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

- (12) Councillor Miller stated that the proposals which would improve the facilities available to students attending the college were welcomed. He did not consider in view of the gradient of the site that they would have a detrimental impact on neighbouring residential properties. He hoped that further funding would be forthcoming in order to enable all of the intended works to be completed.
- (13) Councillor C Theobald expressed her support for the scheme which would enhance the facilities currently available to students.
- (14) Councillor Hyde, supported the scheme considering that it might be appropriate for public access to be revisited.
- (15) Councillor O'Quinn supported the scheme but hoped that it would be possible for the public to continue to have use of the green space surrounding the college.
- (16) Councillor Gilbey, welcomed the scheme stating that she considered that it was vitally important that the existing facilities and STEM building were updated as proposed.
- (17) Councillor Cattell, the Chair, welcomed the scheme stating that there was an identified need for the improvements proposed. Given the location of the proposed building and the fact that it would be located in a dip she did not consider that it would have a detrimental impact, including in respect of the open space; noting that it was intended that all of the temporary buildings on site were eventually to be removed.

(18) 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 granted.

65.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and are **MINDED TO GRANT** planning permission subject to the completion of a s106 planning obligation to secure a transport contribution of £19, 522 and to the conditions and Informatives also set out in the report.

**Note:** Councillor Mac Cafferty was not present at the meeting during consideration or determination of the above application.

#### **D BH2018/01894- 1A Marmion Road, Hove- Full Planning**

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

#### **Officer Presentation**

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation by reference to photographs, site plans and elevational drawings detailing the proposed scheme.
- (2) It was noted that this represented an application under S73 a for variation of condition 2 of BH2015/0278 (allowed on appeal) to allow amendments to the approved drawings (part retrospective). The development had been constructed with various deviations from the approved plans. Following a Planning Enforcement investigation, the applicant was seeking to regularise those amendments. It had been explained by the applicant that there appeared to be a discrepancy between the Ordnance Survey and the topographical survey drawings in relation to the neighbouring property 1a Marmion Road in that the 1:200 block plan as taken from the O.S. map did not show the canopy or projecting bay window and rather, showed the house frontage flat on the forward line following its gable roof. This was considered to be a reasonable explanation and that any slight deviation (if any) was very minor and did not impact on the acceptability of the scheme in general and approval was therefore recommended.

#### **Public Speakers**

- (5) Councillor Nemeth spoke in his capacity as a Local Ward Councillor setting out his objections to the proposed amendments to the scheme. Councillor Nemeth displayed photographs which in his view indicated that the development had not been built in compliance with the permission, and that what was now on site extended beyond the agreed footprint. In consequence the development was cramped and in consequence of that the trees originally proposed could not be accommodated and would not have survived. The development had been permitted on appeal and he did not feel that the requirements imposed by the Planning Inspector as a condition of grant of planning permission had been respected, which was very disappointing. For example use of

yellow brick had been stipulated but the dwellings erected on site had been constructed of red brick.

- (6) The Democratic Services Officer, Penny Jennings had received a statement submitted on behalf of the applicants in support of their scheme. However, this was not read out to the Committee as Members decided to defer consideration of the application in the absence of the applicant/agent who having been unable to attend were unable to answer any questions they had relating to the present form of the development now erected on site.

### **Questions of Officers**

- (7) Councillor Bennett sought confirmation whether the dwellings were now occupied and Councillor Nemeth confirmed that he was aware that some of them were.
- (8) Councillor Littman, considered that it appeared that the buildings erected on site may have been located in too close proximity to the site boundaries and that the driveways were too long; it would be helpful for those matters to be clarified.
- (9) Councillor Miller stated that if the situation was as indicated it was regrettable that this had not been picked up an earlier stage. He was of the view that there would be merit in deferring further consideration of the application in order to assess whether what had been built on site complied with or contravened the conditions imposed by the Planning Inspector and whether/how any errors could be addressed.
- (10) Councillor Cattell, the Chair, stated that she was also minded to recommend that consideration of the application be deferred in order to ascertain whether the development had been built in accordance with the agreed plans and for members to have the opportunity to ask questions of the applicant/agent. The Legal Adviser to the Committee, Hilary Woodward, advised that if Members were of the view that they required additional information or for issues to be clarified in order to determine an application then it was appropriate for it to be deferred. It appeared that Members required clarification that what had been built accorded with the submitted plans. Councillor Cattell stated that in her view it would be beneficial to establish whether the footprint of the building had "shifted" and whether it had been erected in the correct position. It was important for the enforcement team to establish what had been approved by the Planning Inspector and to what extent the Ward Councillors assertions were correct regarding the scheme as built.

### **Decision to Defer Consideration of Application**

- (11) Members had further discussions in consequence of which Members were in agreement that consideration of the application be deferred in order for a site visit to take place and for the Committee to be provided with greater clarity on whether the buildings have been built correctly.
- (12) Members also requested greater clarity regarding why the previous application had been refused and what the Inspector said in upholding the application on appeal with conditions. Also, greater detail regarding possible differences between what had been approved and what had been built, details of distances from edge of the pavement to



the buildings (distance of car park area), the total length of the building and the total site length. Input by the Principal Planning Officer with responsibility for enforcement would also be beneficial.

- (13) A vote was taken and the 10 Members present when the vote was taken voted unanimously that consideration of the application be deferred pending resolution of the matters they had raised.

65.4 **RESOLVED** – That consideration of the above application be deferred in order to enable the matters raised and information sought by the Committee to be clarified and confirmed as set out above.

**Note:** Councillors Inkpin – Leissner (who did not attend the Committee) and Mac Cafferty were not present at the meeting during consideration or voting in respect of the above application.

## **E BH2018/00433 -28A Crescent Road, Brighton - Full Planning**

Variation of condition 1 of application BH2016/00862 (Part demolition and conversion of existing commercial buildings and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping) to allow amendments to approved drawings

### **Officer Presentation**

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to drawings, plans and elevational drawings which detailed the proposed scheme. Plans and drawings were shown highlighting the differences between the scheme for which there was extant permission and the amended scheme as now proposed.
- (2) It was noted that the principle of part demolition and conversion of the existing commercial building and erection of two new buildings to provide 4no two bedroom houses (C3) with associated landscaping on the site had already been established by the previous consent BH2016/00862. The main considerations in determining this application related to the acceptability of the variation of condition 1 of application BH2016/00862 to allow amendments to the approved drawings. Additionally, it was necessary to take into account any changes since the approved scheme in respect of policy or other material considerations. The revisions proposed were considered acceptable overall and it was not considered that they would result in loss of amenity, overlooking or loss of privacy due to the boundary treatment proposed. It was not considered that the proposal to add additional bedrooms to create 4no 3 bedroom dwellings would result in an excessive increase in noise or disturbance or an over intensification of the site. The proposed changes would not alter the comments and recommended conditions made with the original application and approval was therefore recommended.

### **Questions of Officers**

- (3) Councillor Hyde sought clarification of the location of the proposed window openings and sought confirmation regarding any overlooking of neighbouring buildings which might occur. The differences between the previous and proposed scheme were explained and it was confirmed that there would be no harmful impact to neighbouring properties and no significant changes to the exterior appearance of the proposed buildings overall. The aspect onto Belton Road remained unchanged, three windows had been removed and relocated elsewhere within the scheme.
- (4) Councillor Cattell, the Chair, sought clarification that the bathrooms, which would be smaller than under the previously approved scheme would meet building control regulations. The Chair stated that she was pleased to note that the proposals would result in three-bedroom units of which it was acknowledged that there needed to be greater provision.
- (5) Councillor Littman referred to the conditions of the extant permission and it was confirmed that a number of these had already been discharged, including Condition 12. Councillor Littman also sought confirmation as to whether if the proposed scheme had been submitted as a new application it would have been considered acceptable and it was confirmed that it would.

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

- (6) Councillor Miller stated that whilst he was concerned that some of the bedrooms would fall below recommended minimum standards, overall he considered that the proposed scheme was acceptable. He accepted that there were limitations to the access arrangements which could be put in place in view of the gradient of the site.
- (7) A vote was taken and the 5 Members of the Committee who were present when the vote was taken voted unanimously that planning permission be granted.

65.5 **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 the Conditions and Informatives also set out in the report.

**Note:** Councillors Bennett, Daniel, Gilbey, Inkpin-Leissner (who did not attend the meeting), Mac Cafferty, O'Quinn and Robins were not present at the meeting during consideration of the above application and during the voting thereon.

#### **F BH2018/01687- Garage North East of 28 Holland Mews, Hove- Full Planning**

Demolition of existing garage and erection of 1 no two bedroom dwelling.

#### **Officer Presentation**

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a detailed presentation by reference to photographs, site plans and elevational drawings detailing the proposed scheme. It was noted that the application site related to a single storey garage in a predominantly residential street within the Brunswick Town Conservation Area. Although the building was not listed within its own right, it lay to the rear of 29 Lansdowne Place (listed grade II). The application sought planning

permission for demolition of the existing garage and the erection of a two bedroom, three-storey dwelling with two rear dormers in the loft space. Although the roof space was indicated as use for storage it would be reasonable to assume that the addition of two rear dormers would enable its use as an additional bedroom, resulting in a three bedroom dwelling.

- (2) It was noted that the main considerations in determining this application related to the loss of the existing garage, the design of the proposed building and its impact on the character and appearance of the Brunswick Town Conservation Area, on neighbouring amenity, the standard of accommodation provided by the proposal and sustainability. The principle of redevelopment of the site had already been accepted by the Local Planning Authority when permission to erect a new building had been granted in 2016. There had been no changes in circumstance since that previous approval to indicate that the principle of a dwelling was no longer acceptable. The Heritage Team had confirmed that in their view the original historic fabric of the building had been lost when it had been converted to a garage in the 1920's/30's and that the historic significance of the garage had been negatively impacted as a result.
- (3) The proposal would result in replacement of a single storey building with a two storey building. However, it was not considered that the additional height of the building would result in any significant harm in terms of loss of light, outlook or an overbearing impact as it would adjoin buildings of a similar height and depth. The rear addition would be sufficiently screened from the properties to the south by the boundary wall. Given the height of the boundary as well as the fact that the bulk of the dwelling had been set back from the shared boundary, it was considered that any impact would not be significant, nor lead to loss of amenity. Whilst there would be some overlooking as some mutual overlooking already occurred within the immediate vicinity it was considered that there would no significant harm to the amenity of neighbouring properties, in addition, permitted development rights had been removed to protect neighbouring amenity/privacy and approval was therefore recommended.

#### **Questions of Officers**

- (4) Councillor C Theobald asked if the proposed development would be located in the garden of the neighbouring house, also asking to see photographs of the neighbouring street scene in order to ascertain the appearance of those buildings with particular reference to the roof scape. In answer to further questions it was confirmed that although 29 Lansdowne Place was grade two listed this was not and fell outside its curtilage. Whilst it was understood that the existing building had once formed part of 29 Lansdown Place it had become separated from it some time ago and the parcel of land on which it stood was now completely detached from it.
- (5) Councillor Hyde asked for confirmation that approval was already in place for demolition of the existing building and it was confirmed that it was.
- (6) Mr Amarena, CAG, asked for clarification that this was the last remaining building of its period located in the Mews, asking to see photographs of it and the brickwork used in its the construction in the context of the other buildings located in Holland Mews. The Principal Planning Officer, Stewart Glassar, explained that as this building had become detached from the host building to which it had originally been subservient some time ago and had also been much altered a number of years previously it was not

considered of sufficient merit to be retained as those earlier modifications had altered it such that its original appearance had been lost.

- (7) Councillor Miller sought further clarification in regard to the sub-division of the original plot with which the application site had been associated, enquiring whether the listing of the original host building could also include this one. The Legal Adviser to the Committee, Hilary Woodward, stated that was not the case as the application site was not within the building's curtilage.

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

- (8) Mr Amarena, CAG, re-iterated the objections received from CAG that this was the last remaining original coach house in Holland Mews which served to illustrate how this mews had once looked. Considering that it was unacceptable that there had been no effort to convert this fine example of equestrian architecture which would now be lost.
- (9) Councillor C Theobald stated that she considered the loss of this building was regrettable and that proposed to replace it was less in keeping with the neighbouring street scene.
- (10) Councillor Hyde was of the view that loss of the existing building had already been established by the earlier planning permission. Councillor Miller concurred in that view.
- (11) A vote was taken and the 5 Members who were present when the vote was taken voted 4 to 1 that planning permission be granted.

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

**Note:** Councillors, Bennett, Daniel, Gilbey, Inkpin-Leissner (who did not attend the meeting), Mac Cafferty, O'Quinn and Robins were not present during discussion or voting in respect of the above application.

### **G BH2018/02638- 4 The Park, Rottingdean, Brighton- Householder Planning Consent**

Remodelling of existing property incorporating a single storey side extension and creation of a first floor.

- (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, Jonathan Puplett, introduced the report and gave a presentation by reference to photographs, site plans, drawings and elevational drawings detailing the proposed scheme and its constituent elements, views across the site and showing the immediate vicinity were also shown.

- (3) It was noted that several previous submissions had been made in respect of the application site. Under BH2018/00474 a scheme had been proposed which was similar in nature to the current proposal. A two storey appearance with curved features and full height glazing to the rear at ground and first floor was proposed. This scheme was refused on the grounds that the bulk and flat roof form of the dwelling would be out of keeping with the character of the street scene. Furthermore the bulk was considered to cause a harmful impact upon neighbouring amenity along with increased overlooking from the proposed full height glazing. Following that decision, a duplicate application had been submitted, ref. BH2018/01360 which the council had declined to determine as the council had already set out their position in the refusal of the first application, and the applicant had the right of appeal.
- (4) Following that decision, the applicant had engaged in pre-application discussions on a revised proposal which was an improvement over the previous scheme in that it did retain an element of a pitched roof form; however side gables were proposed along with large flat roof block forms at first floor level to front and rear. The concerns raised at the time of the previous application regarding loss of spacing to the side boundaries of the site and impacts upon neighbouring amenity had not therefore been successfully addressed. That advice had not been followed, as the current application returned to the design style of the original proposal, of flat roof two storey form, a design which the council has previously confirmed is not appropriate due to the relationship of the site with neighbouring properties to either side and the character of the wider street scene. Furthermore a significant increase in bulk was still proposed along with full height glazing to the rear of the property which the council had previously confirmed would cause harm to the amenity of neighbouring properties to either side. The rear elevation included large areas of new full height glazing at first floor level and it was considered that the outlook from the full height windows would result in an unacceptable potential for overlooking and consequent loss of privacy to neighbouring properties on The Park, and to a lesser extent properties on Grand Crescent and Lehman Road West. That impact would be increased by the elevated position of the application property relative to the rear gardens of neighbouring houses, and to the houses to the rear.
- (5) The main considerations in determining the application related of the appearance of the proposed development and its impact on the amenity of neighbours. For the reasons set out in the report it was recommended therefore that the application be refused.

### **Public Speakers**

- (6) Councillor Mears spoke in her capacity as a Local Ward Councillor detailing her support for the scheme as set out in her letter which had been circulated with the officer report. Councillor Mears stated that she believed that the proposed development was suitable for the site in terms of size, and that it was in keeping with the surrounding areas, from the green in The Park a mix of different properties could be observed, family homes and bungalows with roof extensions. The application was supported by residents living nearby and she did not consider that it would be out of keeping with developments already given permission in the area which had an art-deco feel. Planning permission was being sought for this development and she considered that works which could be executed under permitted development could have a far more detrimental impact.

- (7) Mr Knight, the applicant spoke in support of his application. Mr Knight explained that he had lived at the property with his family for some three years and that they had now outgrown the existing space but wished to stay in the area. Having looked at various design options, which included re-modelling of the existing building they considered that the option put forward using a modern art deco style would enhance the open space in front of the dwelling houses in The Park, was a positive enhancement and was less intrusive than similar treatments which could be seen in the locality (slides indicating where these were located were shown). There were a number of other two-storey buildings and therefore a degree of mutual overlooking. The proposed development would be set forward from its neighbours in order to address this and advice provided by officers had been heeded and with the height and depth of the balcony reduced to address concerns raised. The proposed design had received a lot of support and praise locally.
- (8) Councillor Hyde asked whether given that a pitched roof seemed to be one of the main areas of contention how the applicant had sought to address that. Mr Knight stated that various options had been pursued which would provide his family with the additional space that they required included a gable rather than a flat roof. This had been rejected and so the current scheme had been devised.
- (9) Councillor Miller asked whether the option of constructing a shallow pitched roof had also been considered. Mr Knight confirmed that it had, but however, that had also been considered unacceptable. Councillor Miller also enquired regarding the differences between what could have been achieved as permitted development and by seeking planning permission. Mr Knight explained that various options had been considered during the application process.
- (10) Councillor Bennett asked whether discussions had taken place with the Planning Department and it was confirmed that they had.
- (11) Councillor Cattell, the Chair, stated that Members were required to consider whether the reasons for refusal attached to the previous application had been overcome, including consideration of how the proposed form of development would sit at this location. This was very similar to the previous refused application and in order for the reasons for refusal to set aside it should be demonstrated that they had been addressed.

### **Questions of Officers**

- (11) Councillor Hyde sought further clarification regarding discussions which had taken place regarding the proposed form of development, the planning history, differences between this scheme and the one which had previously been refused and what would be permitted under permitted development. It was explained that what would be allowed as permitted development was difficult to ascertain as this had not been sought, permitted development would however have applied to a more modest scheme which would have a less significant impact on the neighbouring dwellings than would result from this scheme.
- (12) Councillor Littman also sought confirmation regarding the differences between the current and previous schemes, stating that he was concerned that the differences

between this and the previously refused application appeared to be minimal; the development would be situated very close to the boundaries with the neighbouring properties.

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

- (13) Councillor's Hyde and Miller stated that in their view the proposals were acceptable given the diverse building styles within the area and did not consider it to out of keeping with the neighbouring street scene where there was no prevailing style as variety of family homes and extended bungalows could be seen. There was a degree of mutual overlooking already and they did not consider that the proposal would worsen that.
- (14) Councillor O'Quinn stated that a similar situation could be observed in parts of her own ward where a variety of building styles could be observed. She did not consider the proposed scheme was unacceptable and would be voting that planning permission be granted.
- (15) Councillor Daniel stated that she had looked at the varied building heights and styles in the vicinity. A number had a similar bulk and height to that proposed and she did not consider that it would have a detrimental impact.
- (16) Councillor Littman stated that whilst sympathetic to the needs of the applicant's growing family he concurred with the view of officers and the parish council that the resulting development would sit too close to the neighbouring properties and that he could not therefore support it.
- (17) Councillor C Theobald stated that she was of the view that the proposed development would be far too cramped on the site and was unacceptable as it would be too close to the boundaries of the neighbouring properties.
- (18) Councillor Gilbey, stated that having carefully considered the proposed development in the context of other developments nearby, on balance she would be voting that planning permission be refused. app
- (19) Councillor Cattell, the Chair, stated that in her view regrettably she did not consider that the previous reasons for refusal had been addressed. Notwithstanding that the proposed development was attractive and of a good design in her view it was not appropriate in its proposed location and would be located far too close to the neighbouring residential developments and would therefore be supporting the officer recommendation that the application be refused.
- (20) A vote was taken and on a vote of 5 to 5, (of the 10 Members present when the vote was taken), the Chair then used her casting vote, stating that she remained of the view that the proposed form of development was unacceptable. Planning permission was therefore refused on the Chair's Casting Vote.
- 65.7 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to refuse planning permission also for the reasons set out in the report.

**Note1:** Councillors Bennett, Daniel, Hyde, Miller and O'Quinn voted that planning permission be granted. Councillors Cattell (Chair), Gilbey, Littman, Robins and C Theobald voted that the application be refused. The Chair used her casting vote and on her casting vote planning permission was refused.

**Note 2:** Councillor Mac Cafferty was not present at the meeting during consideration of the above application or when the vote was taken.

## **H BH2018/00133 - Land Rear of 1-3 Clarendon Terrace, Brighton- Full Planning**

Erection of 1 no single storey two bedroom dwelling (C3), lowering of ground level and associated works.

### **Officer Presentation**

- (1) The Planning Officer, Stewart Glassar, introduced the scheme and gave a detailed presentation by reference to photographs, site plans and elevational drawings. The officer presentation covered the planning and listed building applications. It was explained that the site related to a narrow strip of land situated behind 1-3 Clarendon Terrace which was a Grade II listed building located in the East Cliff Conservation Area. The plot, a grassed area was currently vacant and not in use. Historically it was likely that this area would have formed the garden area associated with the lower ground floor flats at 1-3 Clarendon Terrace, although now separated from those properties by the existing boundary fence. The site was surrounded by six-storey terraced properties and was predominantly residential in character.
- (2) The main considerations in determining the application related to the principle of the development, the visual impact of the development on the character and appearance of the East Cliff Conservation Area and on the wider street scene, the impact upon the adjacent listed building, the standard of accommodation to be provided, any potential impact on the amenities of neighbouring properties, transport and sustainability issues. The current revised scheme had sought to address previous concerns and would be a single storey in height and would be sunken into the site. The height of the dwelling would not exceed the height of the existing boundary fence between the application site and 1-3 Clarendon Terrace. As such the scheme would not result in loss of outlook for 1-3 Clarendon Terrace and had overcome the previous reasons for refusal, the dwelling had also been designed to avoid loss of privacy or overlooking to the adjoining occupants nor, given the height of the existing boundary fence would it result in loss of light to the rear of the adjacent properties; approval was therefore recommended.

### **Questions of Officers**

- (3) Councillor C Theobald enquired regarding the time that it had taken to bring the application forward and regarding the height of the development as currently proposed, notwithstanding that it would be sunk down into the site. Clarification was also sought regarding whether any element of it would be located closer to the site boundary.
- (4) Councillor Miller enquired regarding the materials and finishes proposed and it was confirmed that these were the subject of conditions 10, 11 and 12 as proposed.



- (5) Mr Amarena, CAG, sought details of the fenestration proposed and its location in relation to the neighbouring sites. Elevational drawings were shown indicating their location and that of the sliding doors to the outside patio area.

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

- (6) There were no further questions and Members indicated that they wished to move straight to the vote.
- (7) A vote was taken and the 5 Members who were present when the vote was taken voted unanimously that planning permission be granted.

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

**Note:** Councillors, Bennett, Daniel, Gilbey, Inkpin-Lessner (who did not attend the meeting), Mac Cafferty, O’Quinn and Robins were not present during consideration of the above application or when the vote was taken.

### **I BH2018/00134 - Land Rear of 1-3 Clarendon Terrace, Brighton - Listed Building Consent**

Erection of 1no single storey two bedroom dwelling (C3), lowering of ground level and associated works.

- (1) A vote was taken and the 5 Members who were present when the vote was taken voted unanimously that listed building consent be granted.

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

**Note:** Councillors, Bennett, Daniel, Gilbey, Inkpin-Leissner (who dd nt attend the meeting), Mac Cafferty, O’Quinn and Robins were not present during consideration of the above application or when the vote was taken.

### **J BH2018/00659- Blocks E & F Kingsmere, London Road, Brighton - Removal or Variation of Condition**

Variation of condition 2, 3 and 6 of application BH2016/00254 (Application for removal of condition 6 of application BH2015/02713 (Roof extension to Blocks E & F to provide 8no flats each with own private roof garden) which states that the development shall not be occupied until Building Regulations Optional Requirement M4(2) has been obtained.) to allow amendments to approved drawings.

### **Officer Presentation**

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application by reference to site plans, elevational drawings and photographs detailing the proposals. It was noted that the application sought permission to amend the approved scheme for an additional storey on the blocks. It was proposed to increase the footprint of the roof extension, alter the fenestration and for the extension to be finished in render. In addition to amending the list of drawings (condition 2 of the previous permission), this would also necessitate amending conditions 3 which related to the materials to be used and condition 6 which referred to a previously approved floorplan. The main issues in determining the application were the planning history of the site, the appropriateness of allowing amendments to the approved drawings and the subsequent impact of those amendments on the design and appearance of the host building and wider area as well as the amenity of neighbouring properties. Overall, the proposals were considered acceptable and it was recommended that permission be granted.
- (2) The Committee moved straight to the vote and the 5 Members present when the vote was taken voted 4 to 1 that planning permission be granted.
- 65.11 **RESOLVED** – That the Committee has taken into account 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. Condition 7 to be amended as set out in the Additional/Late Representations List.

**Note:** Councillors, Bennett, Daniel, Gilbey, Inkpin-Leissner (who did not attend the meeting), Mac Cafferty, O’Quinn and Robins were not present at the meeting during consideration of the above item or when voting in respect of it took place.

**K BH2018/00149 - Block B, The Priory, London Road, Patcham, Brighton- Full Planning**

Erection of additional single storey extension on top of existing building to form 4 no two bedroom flats (C3) with associated roof garden, cycle store and parking spaces.

**Officer Presentation**

- (1) The Senior Planning Officer, Luke Austin, introduced the report and detailed the scheme by reference to plans, drawings, photographs and elevational drawings. It was noted that the application sought consent for the erection of an additional storey to Block B in order to provide four flats each containing two bedrooms and external amenity space. The principle of creating additional residential units through the creation of an additional storey had already been established by earlier extant permissions; overall therefore the scheme was considered acceptable and approval was recommended.

**Debate and Decision Making Process**

- (2) Councillor C Theobald stated that she did not like the design or appearance of this scheme which sought to build an additional floor on top of an existing block and would be voting against it.
- (3) Councillor Miller concurred in that view but considered that as the principle of development was already established that reluctantly he would be voting to approve the application.
- (4) Councillor Cattell, the Chair, agreed with all that had been said, stating that she too did not like the design proposed but would also be voting reluctantly that approval be granted.
- (5) A vote was taken and the 5 Members present when the vote was taken voted by 4 to 1 that planning permission be granted.

65.12 **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.

**L BH2018/02296 - Wish Court, Muriel House, Sanders House and Jordan Court, Ingram Crescent West, Hove - Full Planning**

Replacement of existing timber and metal balcony balustrading with metal balustrading.

**Officer Presentation**

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a detailed presentation by reference to photographs, site plans and elevational drawings. It was noted that the application site related to several blocks of flats situated on Ingram Crescent West. The main considerations in determining the application related to the impact of the proposal on the character and appearance of the host buildings and wider street scene, as well as the impact on the amenities of local residents.
- (2) The proposal did not include any additional balconies and as such was not considered to have a detrimental impact on the privacy of residents. A site visit had revealed that some of the existing balconies were and it was considered that replacement with robust metal units would return them to a safe standard of use. Aerial views were shown which indicated the location of all of the various blocks located across the site. The height, 1.1m, of the balustrading was acceptable and in accordance with national safety standards. Photographs were also displayed showing the works which had already been carried out at Jordan Court, to illustrate the finished appearance of the proposed treatment. It was explained that it was not considered that use of metal as a material would cause significant light nuisance (through reflection of sunlight or vehicle headlights), and it was considered to be in accordance with policy and approval was therefore recommended.

**Public Speakers**

- (3) Councillor Nemeth addressed the Committee in his capacity as a Local Ward Councillor for Wish Ward in respect of the proposed balcony/balustrade treatment proposed to Ingram Crescent. He was accompanied by Mr Gage, the Major Projects Manager, Housing Programme Team who was on hand to answer questions.
- (4) Councillor Nemeth explained that extensive consultation had taken place with the residents who had supported the original proposals that a galvanised finish be used, they had not responded further as they had not been aware that conditions had been included subsequently which had required a painted finish to be provided. Those living on the estate had confirmed that their preference would be for the original proposal of a no-painted finish to be used. Councillor Nemeth stated that it had been indicated that by using this material as was without further paint treatment could save £2m over the projected life of the product.
- (5) Mr Gage explained that use of the finish proposed by conditions 1, 2 and 3 to be attached to any permission granted was considered onerous and would have additional cost implications, also that the manufacturers had given assurances that the life of treatment being used to replace the existing balconies had a life of 40-50 years without the need for them to be painted.
- (6) Councillor Robins asked whether the applicants had received confirmation in writing from the Institute of Corrosion that this was the case, stating that with the benefit of his expert knowledge he was very dubious that this would be the case or that use of galvanised material although robust would require no further painting or maintenance, particularly given the city's marine environment.
- (7) Councillor C Theobald asked regarding the frequency of maintenance and re-painting required previously when more traditional materials were used, also whether colour applied would change over time and it was explained that was generally programmed in on a five year cycle.
- (8) Mr Gage responded that the treatment being used had been verified by the Galvanisation Association. Councillor Robins stated that whilst he was willing to support the treatment and finish now proposed he disagreed that it would have the lifespan indicated, nor that it removed the need for it be re-galvanised or painted, nor therefore, that the level of savings indicated were realistic or achievable.
- (9) Councillor Miller referred to the observations made by Councillor Robins and enquired why notwithstanding the claims which had been made why non-rusting stainless steel fixings were not proposed. It was explained that such treatment was not considered to be necessary, also that the cost of doing so was considered to be prohibitive.
- (10) Councillor Hyde enquired whether and how the materials used were to be sealed as she was aware that if the edges abutting the building were unsealed this could be problematic. It was confirmed that this would not be the case and that the balconies were purpose made.

### **Questions of Officers**

- (11) Councillor Hyde enquired regarding proposed conditions 1 and 2 and 3 it was confirmed that these had been put forward by officers as they were considered more appropriate than a galvanised, un-painted solution and the applicant had agreed to the imposition of the conditions.
- (12) Councillor Cattell, the Chair, sought clarification regarding the level of consultation which had taken place and it was confirmed that the residents association and groups representing the individual residential blocks had been extensively involved.
- (13) Councillor Miller enquired regarding the status of the works being carried out and it was confirmed that they were part-retrospective as some works had already commenced on site. Photographs of the work carried out at Jordan Court were shown.

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

- (14) Councillor Cattell, the Chair, stated that it was very unfortunate that the works had commenced without proper advice and guidance having been sought from the Council's own Planning Department first. In planning terms consideration needed to be given to use of the most appropriate design/town planning considerations.
- (15) Councillor Littman considered that there were three potential options: to grant with the conditions proposed, to grant but without the proposed conditions or to refuse the application.
- (16) Councillor Gilbey sought clarification of when the decision to apply brown paintwork had been made and it was confirmed that paintwork of that colour had been deemed the most appropriate at an early stage in the process.
- (17) There was brief discussion regarding whether to defer consideration of the application but it was considered that would not be appropriate.
- (18) The Legal Adviser to the Committee, Hilary Woodward, stated the Committee needed to make a decision based on planning rather than financial considerations. Members needed to consider whether a condition requiring a painted finish was necessary or not. If Members were of the view that it was not necessary to impose it those conditions could be removed and planning permission granted without them.
- (19) In consequence of the discussion which had taken place Councillor Hyde proposed that the planning permission be granted subject to removal of conditions 2 and 3 from any permission granted and that was seconded by Councillor Miller. A vote was then taken and the 7 Members of the Committee who were present when the vote was taken voted unanimously that planning permission be granted.

65.13 **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 Condition1 and Informatives set out in the report.

**Note:** Councillors Bennett, Daniel, Inkpin-Leissner (who did not attend the meeting, Mac Cafferty and O'Quinn were not present at the meeting during consideration or voting in respect of the above application.

**M BH2018/02359 - 3 Meadow Close, Hove - Full Planning**

Demolition of existing three bedroom bungalow (C3) and erection of 4 bedroom two storey dwelling (C30)

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

**Officer Presentation**

- (2) The Senior Planning Officer, Laura Hamlyn, introduced the application and gave a presentation by reference to photographs, site plans and elevational drawings detailing the proposed scheme.
- (3) It was noted that the main considerations in determining the application related to the impact of the proposed development on the appearance and character of the wider street scene and the amenities of adjacent occupiers. The current application was a resubmission following approval of BH2016/06188 which had been granted permission for remodelling of the existing bungalow which had included the creation of an additional floor, side and rear extensions and associated roof extensions and associated alterations. The bulk and massing of the previously approved scheme was broadly similar to the current proposal, except that a two storey rear extension was now proposed. The differences between the previously approved scheme and that for which permission was now requested were highlighted.
- (4) The impact on neighbouring dwellings had been assessed with regard to the potential to harm amenity, including daylight, sunlight, outlook and privacy. Two Meadow Close was situated adjacent to the application site to the west and at a lower ground level. The previous scheme had no significant impact on that property. This application would by virtue of its increased height have some impact on the existing conservatory at 2 Meadow Close. Whilst there would be some loss of light to the glazed roof there was sufficient glazing to the rear and side that the impact would not be so harmful as to warrant refusal. A daylight and sunlight report had been submitted during the course of the application which had identified no significant impacts on daylight location within the adjoining property. Overall, it was considered that the size, design and layout of the proposed dwelling would provide adequate levels of accommodation, circulation, storage, light, sunlight ventilation and outlook and therefore approval was recommended.

**Public Speakers**

- (5) Dr Evans spoke as a neighbouring objector setting out his objections to the proposed scheme. Dr Evans explained that the proposed development would have a negative impact on his amenity and quality of life. The proposed development would tower over their conservatory and would overlook their patio and garden area and result in a significant loss of privacy. They had no objection to the principle of development but considered that it would have been possible to design the proposed development in a manner which did impact so negatively on their dwelling.

- (6) Mrs Peters, the applicant, spoke in support of her application stating that they had liaised closely with the planning department and had sought to design a high quality sustainable lifetime home. It was considered that their proposal to demolish the existing building would less impact than if they had built extensions to the existing building in line with the extant permission. The roof slope of the proposal would be lower and in their view the design and appearance of the proposed form of development was in keeping with the neighbouring street scene.
- (7) Councillor Miller noted that it appeared that the number of balconies to the front of the property had increased from that associated with the previous scheme and asked for clarification as to the rationale for that; also whether consideration had been given to utilising the roof space. It was explained that it was not intended that these balconies (one of which was a juliet balcony), would be used as amenity space, notwithstanding that it would provide uninterrupted views to the sea. It was explained the solution proposed was considered to be more suitable.

### **Questions of Officers**

- (8) Councillor Miller referred to the proposed balconies and sought confirmation as to whether a condition could be added requiring the proposed balconies to be obscure glazed if the Committee were minded to approve the application. It was confirmed that it could.
- (9) Councillor C Theobald asked to see photographs indicating the height and proximity of the upper storey to the neighbouring conservatory.

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

- (10) Councillor Miller stated that whilst having no objection to the principle the proposed development he was unable to support the application as presented as he considered that there would be a significant and detrimental impact on the neighbouring dwelling. He considered that the views from the development would be achieved at the expense of no 2 Meadow Close and that amendments could and should have been found which addressed the applicants' needs without a negative impact
- (11) Councillor C Theobald agreed considering that the proposed form of development would be located very close to the boundary with the neighbouring property.
- (12) Councillor Hyde considered that in its present form the application was unneighbourly, full height ceilings would be achieved at the sacrifice of neighbouring amenity.
- (13) Councillor Littman concurred with all that had been said considering that the proposed scheme would be overbearing on the neighbouring conservatory and would be negative.
- (14) Councillor Robins concurred wholeheartedly with all that had been said and that he would not be voting in support of the application.
- (15) Councillor Cattell, the Chair, stated that as views would be angled towards the applicant's garden she did not consider that the proposed scheme would be

unneighbourly and would therefore be voting in support of the officer's recommendations.

(16) A vote was taken and on a vote of 5 to 1 by the 6 Members of the Committee who were present when the vote was taken the officer recommendation was overturned and planning permission was refused. A further vote was then taken and reasons for refusal to be drafted subsequently were put forward. On a recorded vote was then taken and Councillors Hyde, Littman, Miller, Robins and C Theobald voted that planning permission be refused for the reasons set out below (subsequently drafted and agreed with officers). Councillor Cattell, the Chair, voted that planning permission be granted; therefore planning permission was refused.

65.14 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to **REFUSE** planning permission on the grounds that the proposed rear projection would result in an overbearing and over-dominant feature that would have an un-neighbourly impact on the conservatory and rear garden to no 2 Meadow Close. The proposal is therefore contrary to Policy QD 27 of the Brighton & Hove Local Plan 2005.

**Note:** Councillors Bennett, Daniel, Gilbey, Inkpin-Leissner, Mac Cafferty and O'Quinn were not present during consideration of the above application or when the vote was taken.

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

66.1 There were none.

## **67 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

## **68 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

## **69 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

## **70 APPEAL DECISIONS**

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



The meeting concluded at 8.30pm

Signed

Chair

Dated this

day of