

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 6 MARCH 2019

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor Cattell (Chair) Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Hyde, Littman, Miller, Moonan, O'Quinn, Page and Wealls

Co-opted Members: Mr R Amerena, CAG

Officers in Attendance: Paul Vidler, Planning Manager; Chris Swain, Principal Planning Officer; Liz Arnold, Principal Planning Officer; Sonia Gillam, Senior Planning Officer; Laura Hamlyn Planning Officer; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

PART ONE

107 PROCEDURAL BUSINESS

107a Declarations of substitutes

107.1 Councillor Wealls declared that he was in attendance in substitution for Councillor Bennett and Councillor Page declared that he was in attendance in substitution for Councillor Mac Cafferty.

107b Declarations of interests

107.2 The Chair, Councillor Cattell, declared a prejudicial interest in applications B, BH2017/03676, land at Varndean College, Surrenden Road, Brighton and F, 2017/04102, Varndean College, Surrenden Road, Brighton stating that as the objectors were known to her that she would vacate the Chair and leave the meeting during consideration of both applications and would take no part in the decision making process. The Chair would be taken by Councillor Gilbey, the Deputy Chair during their consideration.

107.3 Councillor O'Quinn referred to Application A, BH2018/01738, Land to rear of Lyon Close, Hove, confirming that she had submitted a letter of objection (circulated with the Committee papers). Having spoken to her letter she would then withdraw from the

meeting during consideration of the application and would take no part in the debate and decision making process.

- 107.4 Councillor Page declared a prejudicial interest in Application K, BH2018/02120, 238 Elm Grove, Brighton referring to the letter of objection which he had submitted in his capacity as a Local Ward Councillor. Councillor Hyde declared a non-prejudicial interest in Applications BH2017/03676, Land at Varndean College, Surrenden Road, Brighton and BH2017/04102, Varndean College, Surrenden Road, Brighton by virtue of the fact that her grandson was a student at the college, confirming that she remained of a neutral mind and would remain present at the meeting during consideration and determination of both applications.
- 107.5 Councillors Hyde, Miller and Moonan stated that they had been lobbied in respect of Application A, BH2018/01738, Land to the rear of Lyons Close, Hove, Application B, BH2017/03676, Land at Varndean College, Surrenden Road, Brighton; Application E, BH2018/01336, Land at Rear of 1-45 Wanderdown Road, Brighton; Application F, BH2017/04102, Varndean College, Surrenden Road, Brighton; Application G, BH218/02558, 106, 108 and 110 Downs Valley Road, Woodindean, Brighton and Application N, BH2018/01937, 15 Osmond Gardens, Hove. All confirmed that they remained of a neutral mind and would remain present during consideration and determination of those applications.

107c Exclusion of the press and public

- 107.6 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.
- 107.7 **RESOLVED** - That the public are not excluded from any item of business **on** the agenda.

107d Use of mobile phones and tablets

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

108 MINUTES OF THE PREVIOUS MEETING

- 108.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 6 February 2019 as a correct record.

109 CHAIR'S COMMUNICATIONS

- 109.1 There were none.

110 PUBLIC QUESTIONS

Written Question, Plaques, The Drive, Hove

110.1 It was noted that the following question had been received from Mr Hawtree. The Chair invited Mr Hawtree forward to put his question: Mr Hawtree confirmed that his question related to properties located in The Drive and not Grand Avenue as set out in his question as originally submitted.

“Would Councillor Cattell please tell us what enforcement measures are in place about 20 the Drive, where a plaque bears testimony that this was the early home of Ivy Compton-Burnet – a plaque long out of sight owing to apparent building works and also what enforcement measures are about the being taken about the buildings opposite – numbers 15 and 17 – which have, similarly, being shrouded by boards with no work completed.”

110.2 The Chair, Councillor Cattell, gave the following response:

“I understand that your question relates to properties in The Drive, rather than Grand Avenue. There are no on-going enforcement investigations relating to 15, 17 and 20 The Drive. Generally, site hoardings are erected while a site is under development don't require planning permission as they are not considered permanent and are necessary for the security and safety of the public and the site and, indeed, may be permitted development. However, we will investigate the matters you have raised and will let you know the outcome in due course.”

110.3 Mr Hawtree was invited to ask one supplementary question. He did not ask a further question but explained that in the case of each of these properties, the hoardings had been in situ for in excess of 5 years. He had first raised this matter some time ago and would very much appreciate if this could be expedited.

110.4 The Chair, Councillor Cattell, confirmed that Officers would be instructed to open investigations as a matter of urgency and to advise Mr Hawtree direct on the results of their investigations.

110.5 **RESOLVED** – That the question and response given by the Chair be noted and received.

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

111.1 **RESOLVED** – There were none.

112 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**CALLOVER**

112a The Democratic Services Officer, read out items 112A – O. It was noted that Major applications and any on which there were speakers were automatically reserved for discussion.

112b The Chair, Councillor Cattell explained that this measure was intended to expedite the business of Committee and to avoid the necessity of those who had an interest in applications on which there were no speakers spending hours waiting for the Committee to get to their application(s). She wished to re-assure the public however, that in any instances where an application was not called for discussion members had read the officer report and any supporting information in advance of the meeting. However, having given the officer recommendations their due consideration they had no questions nor required further clarification on any aspect of the application before moving to their decision.

112c The following applications were not called for discussion and it was therefore deemed that the officer recommendations were agreed including the proposed Conditions and Informatives:

Application J, BH2018/02805, 23 Maldon Road, Brighton;
 Application K, BH2018/01120, 238 Elm Grove, Brighton;
 Application L, BH2018/03479, 2 Belle Vue Cottages, Brighton;
 Application O, BH2018/02532, 95 Heath Hill Avenue, Brighton

RESOLVED – That the position be noted.

BH2018/01738- LAND TO REAR OF LYON CLOSE, HOVE-FULL PLANNING

Demolition of existing buildings (B8) to facilitate a mixed use development comprising of the erection of 4no buildings between 6 and 8 storeys to provide 152 dwellings (C3), 2 live/work units (sui generis) and 697sqm of office accommodation (B1) with associated car and cycle parking, landscaping and other related facilities.

(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, Chris Swain, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed scheme. Reference was made to additional representations received which had been referred to in the Late/Additional Representations List, this did not introduce any new issues which were not covered in the report.

(3) It was noted that the main considerations in determining this application related to the principle of the use including the loss of employment floor space, financial viability and affordable housing provision, the impacts of the proposed development on the visual amenities of the site and surrounding area; the proposed access arrangements and related traffic implications, impacts upon amenity of neighbouring properties, standard of accommodation, housing mix and density, ecology, sustainable drainage, arboriculture and sustainability impacts. Notwithstanding that there would be a significant change to the existing built form as this would be seen in the context of the higher density development to the south it was not therefore considered harmful to the character of the area. Although of a very different scale, form, and massing to the traditional terraced housing to the north it is considered that there is sufficient visual

separation provided by the railway line and embankment to ensure that the proposal does not significantly jar with or visually overwhelm the existing properties. The staggered siting of the four blocks and the predominantly north south orientation ensure that there is a degree of permeability of light and outlook through the scheme and reduced the sense of massing from the north. The variation in heights of the blocks provided further visual interest to the scheme especially when seen in longer views. The scheme was therefore considered to be acceptable and was recommended minded to grant subject to the conditions and informatives set out and completion of a S106 Planning Obligation.

Public Speakers

- (4) Mr Linn and Mr Goult spoke on behalf of neighbouring objectors setting out their objections to the proposed scheme which would in their view have a significant detrimental impact on neighbouring amenity and would be overly dominant in an area which was not designated for tall buildings. The aims of the scheme could be achieved with less impact by building to a lower height and could include more affordable units.
- (5) Councillor O'Quinn spoke in her capacity as a Local Ward Councillor re-iterating her concerns set out in her letter of objection which had been circulated with the agenda. Whilst some of the points raised during the pre-application/consultation process had been addressed, many had not. The height of the blocks would be overwhelming and an overdevelopment of the site, would result in loss of light to neighbours and would be seriously out of character with the prevailing street scene. There was a lack of parking which would exacerbate existing problems and additional pressure on the overstretched local GP surgeries. Councillor O'Quinn also referred to the Workshop Document Produced in relation to the draft policy in the City Plan Part Two. The proposed development appeared to be contrary to that. It was clarified by officers that the document referred to by Councillor O'Quinn was not actually a formal submission to the City Plan Part 2 but something which had been adapted for a training workshop.
- (6) Mr Dixon was in attendance accompanied by other members of the applicant's team who were available to answer questions. He explained that the proposed scheme was considered to represent the most effective use of this brownfield site, there had been a significant level of pre-application consultation and although a high density scheme it, it was appropriate to the site, well designed in accordance with its typography and had taken account of the emerging City Plan, Part Two.
- (7) Councillor Wealls referred to the loss of light which had been alluded to by objectors and sought clarification regarding the calculations which had been used. The Chair, Councillor Cattell, also sought clarification regarding how the assessments referred to had been made. Different calculations were used to arrive at sunlight and daylight calculations. It was also important to know the status of the policy document referred to in order to establish what weight if any should be attached to it. It was explained that this document was to be tested and consulted upon further and was to be re-submitted in the Autumn of 2019 and was not therefore current policy.
- (8) Councillor Miller stated that he had concerns regarding the height and impact of some of the blocks and asked the applicants representatives why they had not located the tallest of the proposed blocks at a greater distance from the neighbouring dwellings;

also in relation to remedial measures proposed to address noise emanating from the nearby railway line. Councillor Moonan expressed the same concerns.

- (9) The applicant's representatives explained that blocks had been located throughout the site in order to take account of the changing levels across it and the adjacent railway line.
- (10) Councillor Littman referred to the significant reduction in the proposed level of affordable housing and it was explained that the current uncertain market had impacted on the viability of the scheme as originally conceived. As amended it had however sought to retain its original concept.
- (11) Councillor Miller asked regarding phasing of the scheme and how/ whether s106 funding would be released sequentially during construction of the scheme.

Questions of Officers

- (12) Councillor Wealls expressed concern regarding impact of the scheme on neighbouring dwellings and sought information regarding compliance with BRE Guidelines, whether it was at the margins of acceptability or fell well within them. Also, the configuration of the blocks across the site in relation to each other and the neighbouring dwellings. It was noted that the position of windows and location of some rooms had been reconfigured to address concerns regarding neighbouring amenity.
- (13) Councillor Gilbey sought confirmation of the height of the blocks proposed along the Holland Road frontage.
- (14) Councillor C Theobald stated that one of the tallest blocks appeared to be located in close proximity to the railway line asking whether any special measures had been required to any potential damage which could occur due to noise vibration. It was confirmed that these buildings would be at a greater distance from the boundary than the commercial units and that enhanced glazing was to be provided to mitigate any potential nuisance.

Debate and Decision Making Process

- (15) Councillor Miller stated that he considered that the locations of Blocks C and D should be juxtaposed. He also sought confirmation that materials could be brought back to a Chair's meeting for final approval and that ,materials used for the balcony treatments could be conditioned. He considered that slatted balconies or those with clear glass should be avoided as they impacted detrimentally on the appearance of the blocks themselves and on neighbouring amenity. Whilst the loss of employment space was to be regretted he supported the scheme overall.
- (16) Councillor C Theobald stated that she was unhappy that the level of affordable units had reduced from 40% to 10 %, and that the scheme was of too great density too tall and provided insufficient parking. The nearby Artisan flats by the same developer remained largely unsold and she was concerned that could be the case in respect of this development.

- (17) Councillor Moonan stated that whilst supporting the principle of development she considered that the current scheme was too high, too dense and that the loss of employment/office space/jobs was too great. The proposals would impact on the infrastructure of the area and would result in loss of amenity. On balance she could not support this scheme.
- (18) Councillor Littman noted that mitigation measures had been undertaken, but in his view that would not be enough, there would be overlooking and loss of privacy. He was in agreement with Councillor Moonan that the buildings would be too high and too dense; the external treatments were also lacking in interest. If the application was refused the applicant would have the opportunity to address the concerns expressed and to come back with a better scheme.
- (19) Councillor Page noted concerns raised relating to the perceived deficiencies of the scheme. He was of the view however, that although not perfect the scheme was acceptable noting that the applicant had indicated that 10% of the housing to be provided on site would be affordable, notwithstanding that the District Valuer had indicated that 0% would be acceptable.
- (20) The Chair, Councillor Cattell, stated that the scheme as now presented had gone through several iterations and was of a good design. The employment space provided would be flexible and provide for current needs. She considered that this was a good scheme citing that it would be necessary to build upwards in order address the city's housing needs where it was appropriate to do so.
- (21) A vote was taken and the 9 Members who were present when the vote was taken voted that Minded to Grant planning permission be given on a vote of 5 to 3 with 1 abstention.

112.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 Planning Obligation and the Conditions and Informatives as set out hereunder, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 26th June 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of the report subject to the Amendments to Conditions and Informatives and the s106 Heads of Terms set out on the Additional/Late Representations List and as set out below:

Amend Condition 17:

17. Prior to first occupation of the development hereby permitted, a scheme shall have been submitted to and approved in writing by the Local Planning Authority to provide that (1) the residents of the development have no entitlement to a resident's parking permit; and (2) that the annual entitlement of each dwelling to a visitor parking permit shall be reduced to 25 permits.

Reason: To ensure that the development does not result in overspill parking and to comply with policies TR7 and QD 7 of the Brighton & Hove Local Plan and CP9 of the City Plan Part One.

Additional Informative:

Condition 11 requiring the approval of samples of external materials will be determined by the Head of Planning following consultation with Member's attending Planning Chair's Meeting.

Note 1: Having declared a prejudicial interest in respect of the above application and having spoken in her capacity as a Local Ward Councillor, Councillor O'Quinn withdrew from the meeting during consideration of the application and took no part in the discussion or voting thereon.

Note 2: Councillors Inkpin-Leissner and organ were not present at the meeting.

BH2017/03676-LAND AT VARNDEAN COLLEGE, SURRENDEN ROAD, BRIGHTON -OUTLINE APPLICATION

Outline application with some matters reserved for erection of 10no residential units (C3), comprising 1no two bedroom, 6no three bedroom and 3no four bedroom houses, with new access from Surrenden Road, associated car and cycle parking and approval of reserved matters for access and layout.

- (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, Sonia Gillam, introduced the application and gave a detailed presentation by reference to site plans, elevation drawings and photographs detailing the proposed scheme. It was noted that matters of appearance, landscaping and scale were reserved and therefore the main considerations in determining this application related to the principle of the proposed development, access and layout in relation to constructing 10 dwellings with associated parking on the site. It was considered that the proposed housing provision on site would contribute towards the city's housing target, loss of this small part of the college campus would have little impact on the students with regard to their studies, was supported by sport England and the enhanced biodiversity measures proposed were considered to mitigate for loss of habitat on the application site. It was considered that the lower density proposed for the site was acceptable as it would fit with the general pattern and character of the area.
- (3) It was noted that since the Committee papers had been published 3 further letters of objection had been received, however they did not raise any new matters which had not been addressed in the officer report.
- (4) Overall, it was considered that the development would make a positive contribution to the City's housing needs, including policy compliant much needed affordable family housing, on a section of open space which was not used for sports, recreation or education purposes. There would be no harm caused to the living conditions of the occupants of surrounding properties and the creation of an on-site enhanced biodiversity area would mitigate for the loss of habitat on the application site. It was acknowledged that the open nature of the site and the strategic views to the sea would be impacted by the proposal; however given the above benefits it was considered that,

on balance, the loss of the under-utilised open space was acceptable and residential development on the site could be supported in principle and minded to grant approval was therefore recommended.

Public Speakers

- (5) Ms Dibb spoke on behalf of neighbouring objectors and “ Keep Varndean Green” and was accompanied by colleagues in order to respond to any questions which they were better placed to answer. Ms Dibb stated that Members of the Committee had been provided with supporting information. On the basis of that information it was hoped the application could be either deferred or refused. The proposed scheme would ruin the uninterrupted views across the site and would be detrimental to the existing butterfly habitat which could not be moved. The existing space was an important community facility and would be lost. The ten luxury properties proposed would make a minimal contribution to the city’s housing supply but the impact on the amenity of the area would be permanent and irreparable. This scheme was flawed and represented overdevelopment and there were significant gaps in information which should be available in order for a decision to be made.
- (6) Councillor Moonan sought clarification regarding use of the space. It was explained that there was no direct public access. However the whole area provided a green lung where people could exercise, walk their dogs and also provided a valuable amenity space and community asset which was also beneficial to students at the college. It was unclear what access arrangements would be put into place were the development to proceed and whether students would have access on a timed basis.
- (7) Councillor Littman referred to the habitat which had been created by the college in 2012 and provided a haven for blue butterflies enquiring regarding arrangements to secure/move them in order to ensure that they were protected. It was explained that there was a separate wildlife corridor currently undisturbed which would be compromised.
- (8) Councillor O’Quinn sought clarification regarding the biodiversity corridor its precise location in relation to the application site. The Legal Adviser to the Committee stated that questions to public speakers were to seek clarification on matters which had been raised by them and this question should be directed more appropriately to the applicants or officers.
- (9) Councillor Taylor spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme. He was in agreement with the concerns of objectors that the proposed form of development would be detrimental to the character of this open space and would have a permanent impact on it. Strategic views across the site would be lost, these were enjoyed by many people currently both in the immediate vicinity and beyond. This scheme was profit led and did not respect the open space overall. There were also concerns about the impact on the biodiversity of the site and on butterflies and other protected wildlife.
- (10) Mr Hoskins was accompanied by the Principal of the College, Mr Harland and spoke in support of the application. It was explained that the proposed scheme was not a speculative venture but would utilise an unused part of the site to generate money

which would enhance facilities available to students and improve the offer available going forward which would enable the college to avoid any prospect of a hostile takeover. The scheme sought to respect the site with the resultant dwellings set down into the slope of the site and with adequate spacing between them. Whilst views across the site would not be uninterrupted it would still be possible to look across the site from strategic points.

- (11) Councillor Miller referred to the creation of the Stem building and other state of the art facilities which had been the subject of recent applications and asked whether those developments and the improved sporting facilities would be compromised should this development not proceed. It was explained that financing was an on-going issue for the college which was looking to continue to enhance the offer available for students in a competitive market place and to seek to secure the financial future of the college.
- (12) Councillors Moonan and Page sought clarification regarding where the biodiversity was to be relocated to. Councillor Moonan also enquired regarding the specific arrangements to be put into place to ensure that the biodiversity of the site was protected during the course of any building works and in future.
- (13) Councillor O'Quinn referred to enhancement works which she was aware had been undertaken at BHASVIC and other sixth form colleges in the city asking whether it was intended that these works would result in additional numbers of students. It was explained that works proposed to the college would update and modernise its facilities rather than to increase numbers.

Questions of Officers

- (14) Councillor Hyde asked to see perspectives showing the gaps which would exist and it was confirmed that some strategic views would remain.
- (15) Councillor Moonan sought information as to whether the number of dwellings proposed could change between this and a full planning application and regarding the mitigation measures to be controlled by condition should permission be granted, especially in relation to biodiversity to respect the existing butterfly bank and apropos bat activity although it was recognised that this was low. Also measures to respect woodland flowers on site and whether the existing elm hedgerow was to be retained and the potential impact of lighting/floodlighting.
- (16) The Planning Manager, Paul Vidler, confirmed that the scheme put forward was policy compliant and viable and that any changes to it would need to be considered on their merit.
- (17) Councillor Miller asked whether it was proposed that green roofs be provided and in relation to the strategic views referred to. It was confirmed that account had been taken of the impact on the site. It was confirmed that Nature England had not commented on this application.
- (18) Councillor Littman referred to the fact that the application site had been referred to as a non-functioning space which was no longer in use by the college and the criteria used

when determining this. It appeared that the space and its use were being measured under two different sets of policies.

- (19) Councillor C Theobald sought clarification as to whether the site was enclosed as on plans it appeared to be open.
- (20) Councillor Miller enquired regarding the status of the open space as it had been referred to in correspondence as an Asset of Community Value. The Legal Adviser to the Committee, Hilary Woodward, stated that such a listing did not of itself give access to the community.

Debate and Decision Making Process

- (21) Councillor Hyde had attended the site visit the previous day and stated that whilst understanding the concerns put forward by objectors she recognised the need to improve student facilities and noted the mitigation measures proposed and therefore felt able to support the officer recommendation.
- (22) In answer to further questions, the Planning Manager, Paul Vidler, confirmed that this application was a stand-alone and did not relate to any other applications including BH2017/04102 which would be considered elsewhere on the agenda.
- (23) Councillor C Theobald stated that she was concerned regarding detriment to the green open space which would result and could not therefore support approval of this scheme.
- (24) Councillor O'Quinn stated that whilst appreciating the needs of the college and their desire to improve the offer available to students and to replace the existing temporary classrooms she considered that building on college land in this way could set an unfortunate precedent. She was also concerned at the potential impact on biodiversity at the site and to the potential precedent which could be set.
- (25) Councillor Littman noted the mitigation measures proposed but was concerned that over time the site was being nibbled away which did impact on it as green lung which provided important views across the city.
- (26) Councillor Page stated that he could not support the development as it would impact detrimentally on the amenity provided.
- (27) Councillor Moonan stated that it whilst it was clear some disruption would result she was satisfied that the mitigation measures proposed were sufficiently robust. Although there would be some interruption to existing views, there would be gaps in the building line and a large amount of space would remain.
- (28) Councillor Gilbey stated that having listened to all of the debate on balance she did not feel able to support the application.
- (29) A vote was taken and on a vote of 5 to 4 by the 9 Members present at the meeting when the vote was taken planning permission was not approved An alternative recommendation was then sought and Councillor Page proposed and Councillor

O'Quinn seconded the proposal that the application be refused. The reasons put forward for refusal were that the proposed form of development would result in breaking up of the existing open space, loss of amenity, loss of views across the site and would have a serious impact on biodiversity, butterflies and other protected insects; it would be contrary to Plan Policies CP10 and CP16.

- (30) A recorded vote was then taken and Councillors, Gilbey, Littman, O'Quinn, Page and C Theobald voted that the application be refused. Councillors Hyde, Miller, Moonan and Wealls voted that the application be granted. Therefore on a vote of 5 to 4 planning permission was refused. It was agreed that the final wording of the grounds for refusal would be prepared by officers in consultation with the proposer and seconder and that should the refusal be appealed the Committee agreed a s106 planning obligation could be entered into on the heads of terms as set out in the report.

- 112.2 **RESOLVED** – That the Committee has taken into consideration the reasons for the recommendation set out in the report but resolves to **REFUSE** planning permission for the reasons set out above and authorises that should the refusal as subsequently agreed with be appealed that a s106 obligation be entered into on the heads of terms set out in the report.

Note(1): Having declared a prejudicial interest in this application, Councillor Cattell stepped down from the Chair and withdrew from the meeting during consideration of the above application and took no part in the debate or decision making process.

Note 2: Councillors Inkipin-Leissner and Morgan were not present at the meeting during consideration or determination of the above application.

BH2018/02583-WESTERMAN COMPLEX, SCHOOL ROAD, HOVE - REMOVAL OR VARIATION OF CONDITION

Application for variation of condition 1 of BH2016/02535 (Outline application for demolition of existing mixed use buildings and erection of 104 dwellings (C3) and 572sqm of office space (B1) and approval of reserved matters for access, layout and scale) to allow amendments to the approved drawings including alterations to the car parking layout and internal layouts. Variation of condition 4 regarding the layout of the units to provide one additional one-bed unit, and one less two-bed unit and condition 6 regarding the maximum building heights to state that other than lift overruns the maximum buildings heights shall be as stated in the condition.

- (1) It was noted that items C and D would be introduced together.

Officer Presentation

- (2) The Senior Planning Officer, Eimear Murphy, introduced the application and informed the committee that the principle of development had been approved and that the 572sqm should read as 527sqm. She confirmed the number of units as 104 and alterations to the scheme had been submitted resulting from the retention of the onsite electricity sub-station, the removal of the undercroft office car parking, the closure of the access to Stoneham Road, the removal of the pathway running along the rear of the dwellings and the relocation of the bicycle store and refuse bins. The officer confirmed the total number of parking spaces to be 77; comprising of 6 disabled, 4

motorcycle bays, 14 on-street spaces and a car club space to be negotiated under S106 agreement. 40% affordable housing was also confirmed.

Public Speakers

- (3) Ms Allen spoke as an objector and represented local residents. Ms Allen commented that residents were confused over what is the current application. It was also noted that residents felt that the on-street parking in the immediate vicinity was congested and that the proposed 77 car parking spaces were not enough, and the offices would add to the issue. The local school also adds to the impact at drop off and pickup times and the area could become gridlocked. Residents are interested in how the S106 will be spent. The removal of trees and the height of the proposals were considered to have an impact on neighbours from overlooking. It was also felt that the headlights of residents leaving the new dwellings would have an impact on existing neighbours.
- (4) Councillor Nemeth spoke as a Local Ward Councillor. The Member felt that the scheme was hard to follow, and this raised concerns. It was noted that residents did not want the pedestrian link to Stoneham Road or the proposed alleyway. It was felt that the parking plan was not ideal and that trees were an issue and overlooking from proposed balconies would have a negative impact. The Member asked that the materials should be conditioned.
- (5) Mr Bareham, the Applicant's Agent, spoke on behalf of the applicants in support of the proposed scheme. The agent stated that the access to Stoneham Road and alleyway had been removed from the scheme, along with the balconies to the southern elevation. Opaque glazing has been introduced to the western elevation and the rendering removed in favour of softer materials. It was also noted that the originally proposed trees along Church Street are not a viable option due to utility services.

Questions of Officers

- (6) Councillor Hyde asked if balconies were still included in the scheme and would this lead to overlooking to other properties.
- (7) It was confirmed that balconies were to be attached to the North West elevation. It was noted that this was not considered unusual to have some overlooking in a dense urban area such as this location.
- (8) Councillor Miller asked if materials would come to committee for approval.
- (9) It was confirmed that this would be the case and would include materials for the balconies.
- (10) Councillor Moonan requested if there were any changes to the S106 agreement.
- (11) It was confirmed that there were no changes to the S106 agreement as set out previously.
- (12) Councillor Gilbey asked if the balconies would have any screening.

- (13) It was confirmed that materials, including those for the balconies were to be approved by condition.

Debate and Decision Making Process

- (14) Councillor Theobald felt disappointed at the number of parking spaces in the scheme, that the overall design was good and the inclusion of some trees into the development was a positive.
- (15) Councillor Hyde agreed with Councillor Theobald and stated support for the scheme.
- (16) The Chair, Councillor Cattell, stated support for the scheme and was pleased that materials would be agreed at Planning Committee.

- 112.3 RESOLVED** - That the Committee has taken into consideration and agrees 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.

BH2018/02561-WESTERMAN COMPLEX, SCHOOL ROAD, HOVE- RESERVED MATTERS

Erection of 3 no. residential dwellings comprising of 2 no. four bedroom dwellings and 1 no. three bedroom dwelling incorporating parking, landscaping and associated works.

Officer Presentation

- (1) The Senior Planning Officer, Eimear Murphy, introduced the application at the same time as the previous item (c). The officer confirmed that materials had been submitted and these were shown to the committee. It was confirmed that the balconies would have metal railings and the not glass panels are previously submitted. The bicycle parking has been moved away from car parking and the number of trees has been reduced with no trees to be planted on the existing street due to existing utilities. Extra landscaping has been introduced to compensate for the reduced number of trees in the scheme. The officer recommended approval subject to a S106 agreement relating to trees and landscaping.

Decision Making Process

- 112.4 RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO APPROVE** the reserved matters subject to the Conditions and Informatives and a Deed of Variation to the existing S106 Agreement dated 01 August 2016 to secure the provision of:

10 off-site tree planting in the immediate area.

BH2018/01336, LAND AT REAR OF 1-45 WANDERDOWN ROAD, BRIGHTON -FULL PLANNING

Erection of 3no residential dwellings comprising of 2no four bedroom dwellings and 1no three bedroom dwelling incorporating parking, landscaping and associated works.

Officer Presentation

- (1) The Head of Planning, Policy and Major Projects, Liz Hobden, explained that for the reasons set out in section 3 of the report, the Committee was being asked to review its decision, made on February 6, 2019, to refuse planning application BH2018/01336: Land rear of 1-45 Wanderdown Road (“the application) and to determine either the decision of the Committee to refuse the application be upheld or that the officer “Minded to Grant” recommendation set out in the report to that Committee be agreed.
- (2) The application was considered by Planning Committee on 6 February 2019. The officer report from that meeting had been updated to include the items on the Additional Representations list, as appended as Appendix 1 to this report. Members resolved to refuse the application contrary to the recommendation on the grounds set out and the wording of the reasons for refusal had been drafted and was awaiting final agreement. A decision had not been formally issued on the application. On the day following the committee meeting, the applicant’s agent wrote to the council setting out their concerns about the decision. Based on the conclusion of the Planning Inspector at the appeal for the previous scheme that 9 dwellings would not have a harmful ecological impact, the applicant considered the grounds of refusal were very weak and could not be substantiated at appeal. The applicant had requested that the application be taken back to the next available Planning Committee for reconsideration and that if the application was refused the decision will be appealed and an award of costs against the Council sought. Further correspondence had also been received setting out their opinion that the committee had not paid due regard to the detailed application submissions on ecological matters, the comments of the County Ecologist or the recommendations of officers in endorsing approval of this scheme and that undue weight had been given to anecdotal information on site habitat/ecological conditions and representations made by non-statutory consultees. Whilst this represented an unusual set of circumstances which had not occurred previously the county ecologist and county arboriculturist respectively were in attendance at this meeting neither having been available at the previous meeting of the Committee and would be able to answer any questions which Members might have.
- (3) In answer to questions it was explained that it had been considered appropriate for Members to consider the additional information provided and to have the opportunity to ask questions of the relevant expert officers. The Committees decision making was not fettered and having done so Members were able to re-affirm their decision that the application be refused. It was however considered important for them to be given the opportunity to do so.
- (4) For the benefit of all Members a brief presentation was given detailing the proposed scheme and setting out the rationale for the officer recommendation.
- (5) It was noted that neither Councillors Moonan nor Wealls had been present at the previous meeting of the Committee but that both had watched the webcast of the

proceedings in order to familiarise themselves with the points raised and the decision taken.

Questions of Officers

- (6) Councillor O'Quinn cited her concerns in relation to the impact of the proposed form of development on the wildlife corridor across the site and in particular their impact on the badger setts. The County Ecologist confirmed that arrangements would need to be put into place by the applicants in order to address this and to meet DEFRA requirements. There were specific procedures that needed to be met and which were used routinely used when dealing specifically with successfully trans-locating badgers but also in relation to the protection of other wildlife.
- (7) Councillor Littman requested information in relation to the measures to be put into place to preserve the surrounding chalk-grassland habitat and stated that the additional information provided was helpful considering that it was unfortunate that this clarification had not been available previously.
- (8) Councillor Hyde sought reassurance that detriment would not occur to the badger setts in consequence of heavy duty vehicles accessing the site in connection with on-site building works, she was anxious that the applicants did not simply engage in a tick box exercise. It was explained that all of the preparatory works would need to be carried out and verified as having been adequately completed pre-commencement.
- (9) Councillor C Theobald referred to the protected trees on site and to measures to be undertaken to ensure that they were suitably protected, particularly those in close proximity to access road. It was confirmed that a full road safety audit of the site had taken place and that this would be controlled by condition. Any issues arising would require adequate resolution.
- (10) Councillor Wealls referred to the findings of the Inspector in relation to the previous decision and it was explained that it was a matter of planning balance that, weight did need to be given to that decision which had related to a larger scheme, also the potential for loosing at appeal. The Legal Adviser to the Committee, Hilary Woodward, stated should the applicant appeal as they had indicated that they would the considerations of the Committee and the fact that they had given further measured consideration to the issues raised and the expert advice given would be included as part of the Council's submission.
- (12) The County Ecologist, explained in answer to further questions that whilst all protected species needed to one taken account works to trees would need to be carried out outside of the nesting season and that all of the proposed conditions set out were considered to be suitably robust.

Debate and Decision Making Process

- (13) Councillor Hyde stated that having heard all that had been said she was concerned that this application was being revisited in this way and was concerned that it could open the floodgates going forward of . She also remained concerned that detriment to wildlife could occur.

- (14) Councillor Theobald stated that she remained concerned regarding impact on the prevailing landscape.
- (15) Councillor Miller considered that it had been helpful to hear the additional information provided and to have the opportunity to ask further questions. Whilst it was a very difficult situation it was important that Members were aware of potential risk to the council and to make a decision having had the possibility to consider all germane factors.
- (16) Having heard all that had been said, Councillor Page stated that he was aware that robust mitigation measures would be put into place and the need to provide housing, on balance he supported the officer recommendation.
- (17) Councillor Littman stated that he remained concerned about the impact of the scheme on the scale proposed albeit that the number of units had been reduced.
- (18) Councillor O'Quinn concurred stating that the site was in her view of strategic importance she remained to be convinced that the complexities of such a diverse site could be adequately managed and as a custodian of the site she could not support this scheme.
- (19) Councillor Gilbey stated that she remained conflicted and whilst was concerned regarding the level to which the scheme could be overseen and what enforcement could be undertaken.
- (20) Councillor Cattell stated that she was of the view that it was important for Members to have had the opportunity to be updated and to have the opportunity to ask questions of the expert officers in order that a decision was made in the light of all relevant information.
- (21) A vote was taken and it was agreed that each of the constituent recommendations be voted on separately. The 10 Members of the Committee who were present when the vote was taken voted on a vote of 3 to 5 with 2 abstentions that having reviewed their original decision to refuse the Committee were no longer minded to do so. The decision to refuse was therefore lost and the Committee then proceeded to vote on the remaining substantive recommendation that the officer recommendation set out in the report to the 6 February 2019 that the Committee be Minded to Grant planning permission was voted on. It was agreed on a vote of 5 to 3 with 2 abstentions. It was also agreed that the appropriate
- 113.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report of 6 February 2019 and resolved that it is **MINDED TO GRANT** planning permission subject to the Conditions and Informatives set out in that report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before 29 May 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10 of the report.

BH2017/04102-VARNDEAN COLLEGE, SURRENDEN ROAD, BRIGHTON -FULL PLANNING

Installation of an artificial turf pitch with 4.5 metre perimeter fencing and installation of 8no. 15 metre floodlights, alterations to existing adjacent grass playing pitch.

- (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, Sonia Gillam, introduced the application and gave a detailed presentation by reference to site plans, aerial photographs showing the changes in level across the site and drawings detailing the location of the artificial turf pitch to be installed, the perimeter fencing and proposed floodlights.
- (3) It was noted that the site was covered by a Tree Preservation Order and that the proposed changes would require the loss of a small hawthorn, plus a horse chestnut tree to the west of the site covered by the order. There would also be some changes to soil levels close to three other trees on the south boundary, this would not however be significant and those trees were not protected by the existing TPO. Overall, the impact of the scheme on the local tree scape was minimal, was supported by Sport England and it was not considered that it would have a detrimental impact. The proposed development was adjacent to the Dorothy Stringer Wildlife Area but would not encroach onto it and the county Ecologist had advised that the scheme could be supported from an ecological perspective; a recommendation to grant approval was now recommended.

Public Speakers

- (4) Mr Skinner spoke on behalf of neighbouring objectors setting out their objections to the proposed scheme. Explained that locally the proposals were very unpopular and represented an un-neighbourly form of development which would result in significant light pollution to nearby dwellings, until a late hour. The proposed screening was not considered adequate and there were also concerns regarding the impact on wildlife and biodiversity of the area. There would also be an impact on residents arising from the proposed access arrangements, overflow parking and traffic and road safety. To date there had been 7 near miss accidents in the vicinity and this scheme would exacerbate that.
- (5) Councillor Taylor spoke in his capacity as a Local Ward Councillor stating that he was in agreement that the proposals would result in loss of amenity and light pollution. There would also be loss of aspect as the current open aspect would be compromised by the screening and lights. He shared objectors concerns in respect of road safety given that access to the site would be via a single metalled trackway which ran past a nursery school. The impact of the proposals would change the character of the site irreparably.

Questions of Officers

- (6) Councillor Hyde had attended the site visits the previous day and sought clarification regarding the location of Mr Skinner's property and the location of the bank and fence

to the rear. Also, whether the room most impacted a bedroom, would be affected significantly, as when the lights were in operation in the evening the curtains would be closed and the distance to the pitch. Mr Skinner expressed the view that the light would percolate the entire building.

- (7) Councillor Taylor spoke in his capacity as a Local Ward Councillor. An earlier application had been refused and he was in agreement that the proposed scheme would result in loss of amenity, light pollution to all neighbouring properties and would result in significant additional stress on parking which already over-spilled from the area adjacent to the pitches onto the neighbouring residential streets, especially Draxmont Way and Varndean Holt. The pitches would be accessed from a single trackway which ran past a nursery and would represent an additional hazard. The cumulative impact would change the existing character of the site.
- (8) The applicant's representative confirmed that they had nothing further to add in support of their application but were happy to answer any questions regarding their scheme.

Questions of Officers

- (9) In answer to questions it was confirmed that the lighting would be in use outside core college hours and it was not considered that it would generate any significant additional traffic movements and the traffic team were satisfied that this could be effectively controlled by the proposed conditions.
- (10) Councillor Miller enquired regarding whether the site would be available for community use. It was explained by the applicant's representative that significant funding had been made available to the college by the Russell Martin Football Academy in order to support local students in pursuing academic and sports studies in tandem. These facilities would replace update and enhance those currently available but would also be used by some local teams
- (11) In answer to questions by Councillor Wealls it was explained that it was not anticipated that there would be any additional traffic movements during the college day, there were 86 parking spaces available on site, which were considered sufficient to accommodate those using these facilities. The fencing proposed would block noise and light generated and the lighting would only be in use as conditioned. The pitches would be in use occasionally for workshops at weekends. It was noted that these pitches would also address an identified lack of sporting provision
- (12) Councillor Page asked whether it was considered that the floodlighting proposed would impact of butterflies and moths on site and it was confirmed that it was not anticipated that this would occur at the lighting and fencing proposed would be sited away from the biodiversity area and wildlife corridors.
- (13) Councillor O'Quinn asked questions regarding the distance from the pitches to the nearest dwelling houses. It was confirmed in answer to further questions that as a consequence of improved technology there would be a reduction in the level of light penetration, lighting would also be angled away from the neighbouring dwellings. The fencing would provide a barrier which would prevent balls from leaving the site.

Debate and Decision Making Process

- (14) Councillor Hyde stated that the proposed scheme was acceptable, was necessary in order to improve existing facilities and had been designed to minimise any impact on local residents and to respect the biodiversity corridor.
- (15) Councillor C Theobald recognised the concerns of residents but cited the similar facilities provided recently at Patcham School and the need to provide enhanced facilities for students.
- (16) Councillor Page concurred considering that as the neighbouring biodiversity corridor had been respected the scheme was acceptable.
- (17) Councillor O'Quinn noted the measures put into place by the college in order to mitigate any potential nuisance and therefore considered the proposed scheme was acceptable.
- (18) Councillor Moonan stated that she supported the officer recommendation referring to similar arrangements which were in operation at Brighton College which was located in a more densely built up area and had not given rise to any nuisance.
- (19) Councillor Gilbey supported the officer recommendation stating that she was familiar with the application site and did not consider that the proposed use would be detrimental to neighbouring amenity. Similar floodlighting arrangements were in place in respect of pitches located in her ward. The screening prevented balls from landing outside the site and as the lighting was angled away from residential properties located close to the site no complaints of light pollution had been received.
- (20) A vote was taken and the 9 members of the Committee who were present at the meeting voted to grant planning permission.

112.6 **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 set out in the report and to the Additional Informatives 9, 10 and 11 as set out in the Late/Additional Representations List.

Note(1): Having declared a prejudicial interest in this application, Councillor Cattell stepped down from the Chair and withdrew from the meeting during consideration of the above application and took no part in the debate or decision making process.

Note 2: Councillors Inkpin-Leissner and Morgan were not present at the meeting during consideration or determination of the above application.

BH2018/02558-106, 108 & 110 DOWNS VALLEY ROAD, WOODINGDEAN, BRIGHTON-FULL PLANNING

Construction of four detached family houses (C3) together with associated parking, cycle parking and landscaping.

It was noted that this application had previously formed the subject of a site visit and that the application had been deferred by the Committee at its meeting on 9 January 2019 to enable additional information to be obtained and clarified in relation to access and egress arrangements to the site.

Officer Presentation

- (1) The Planning Officer, Laura Hamlyn, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the scheme. Details were provided regarding the precise width of the access way to the site and the distances between the proposed scheme and the neighbouring plots and the habitable dwelling rooms in those houses. Similar neighbouring development had been referred to but it was not considered to be comparable. Notwithstanding amendments made to the scheme as originally submitted these did not adequately address the previous reasons for refusal. The current proposal, by reason of the limited plot size, width, height, form, detailing and proximity of the houses would represent a cramped overdevelopment of the site and the officer's recommendation remained that it should be refused.

Questions of Officers

- (2) Councillor Miller sought clarification regarding the distance between the proposed access way and the adjacent property at 110. It was confirmed that a kitchen and conservatory windows faced towards the development site. Councillor Page raised similar queries and it was confirmed that the view of officers, notwithstanding amendments that had been made, remained that harmful overlooking, noise and additional vehicular movements in close proximity to the neighbouring dwellings would result from the proposed form of development.
- (3) Councillor Hyde sought clarification regarding the distances between the front of the site and the new dwellings proposed to the rear and between them and the existing buildings to the rear and the properties located in Batemans Road.

Debate and Decision Making Process

- (4) Councillor C Theobald stated that she considered that the proposed form of development would represent a very poor back land development which in her view represented over development.
- (5) Councillor Miller was pleased to note that the access issues had been resolved. He considered that the proposed form of development was of a good design and would be acceptable.
- (6) Councillor Page stated that he thought the proposed scheme amounted to town cramming and that too many dwellings were proposed on the site.
- (7) Councillor Hyde stated that she considered the garden space on which the new dwellings were proposed was a large space which could accommodate the proposed development and would retain an acceptable space between it and the neighbouring properties. At the nearest point the access would be in close proximity to a kitchen and

bathroom which she considered was acceptable, in her view it would not result an unacceptable increase in vehicular movements or noise. Councillor Hyde stated that she would be voting in support of the application.

- (8) Councillor Gilbey stated that she supported the officer recommendation that the application be refused, considering that the access way would be located too close to neighbouring dwellings.
 - (9) Councillor Moonan stated that whilst not opposed to a scheme on the site in principle she considered that three rather than 4 would be more acceptable and would provide each property with a larger garden space. Councillor O'Quinn concurred in that view.
 - (10) Councillor Cattell, the Chair, stated that the scheme sought to cram too much onto the site and represented a contrived form of overdevelopment which would result in overlooking. She was unable to support the scheme in its present form.
 - (11) A vote was taken and on a vote of 7 to 3 by the 10 Members who were present at the meeting Planning Permission was refused.
- 123.7 **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 for the reasons also set out in the report.

BH2018/03780-38A UPPER GARDNER STREET, BRIGHTON -FULL PLANNING

Demolition of existing boundary wall and reconstruction of replacement wall.

Officer Presentation

- (1) Planning Officer, Laura Hamlyn, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the scheme. The Members were informed that part of the wall had been demolished on the advice of the Brighton & Hove City Council Building Control team for safety reasons. The applicant proposes to demolish the remainder of the boundary wall between the application site and the neighbouring properties fronting Queens Gardens, and to erect a replacement hollow brick wall along the same line and to the same height as the existing wall.
- (2) The main considerations in the determination of this application related to the principle of the proposed demolition, the impact of the proposed replacement wall on the character and appearance of the North Laine Conservation Area, and the impact on the neighbouring amenities.

Public Speakers

- (3) Councillor Deane spoke as Ward Member for St Peter's & North Laine. The Member highlighted that the application was in a Conservation Area and had proved divisive amongst residents. It was noted that the wall was a bungaroosh construction. The Member felt that the replacement wall should be the same or possibly flint, to be in-keeping with the area.

- (4) The agent, Ms Sheath spoke to the committee. The agent informed the committee that the wall had been partially demolished for Health & Safety reasons and the remaining wall was not stable. The new wall would be finished in painted render and would have limited views in this back land position. The impact is considered to be small with the new wall being safer than the existing.

Questions

- (5) Councillor Littman asked if flint was included in the existing wall.
- (6) It was confirmed that the current bungaroosh wall included flint.
- (7) Councillor Moonan asked how accessible the proposal site was.
- (8) It was noted that there are 5/7 houses backing onto the site.
- (9) Councillor Miller asked what the impact was on the neighbouring properties.
- (10) It was noted that the residents mostly felt the wall was 'sound' until this application on what is a narrow site.
- (11) Councillor Hyde who would see the replacement wall.
- (12) It was confirmed that the site was only visible to the neighbours.
- (13) Councillor Moonan asked if any flint would be involved in the construction from the old wall.
- (14) It was noted that not enough flint remained from the removed wall to include in the replacement.
- (15) Councillor Page asked if the wall was a Party Wall or shared ownership.
- (16) The Member was informed that it was a party wall.

Decision Making Process

- (17) The Committee voted: The 9 Members of the Committee who were present when the vote was taken voted 8 to 1 that planning permission e granted.

112.8 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 Conditions and Informatives also set out in the report and the additional information contained in the addendum including:

Delete condition no.2 – The standard time condition is removed as the application is part retrospective, description amended to include part retrospective.

BH2018/01172-31 RIDGESIDE AVENUE, BRIGHTON-FULL PLANNING

Erection of 1 no. three bedroom detached house.

Officer Presentation

- (1) Senior Planning Officer, Joanne Doyle, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the scheme. The Members were informed that the application site relates to the garden of 31 Ridgeside Avenue, a detached bungalow located on the North side of Ridgeside Avenue on the corner with Old Mill Close with the plot located to the west of the existing property.
- (2) Planning permission is sought for the erection of 1no. three bedroom detached dwelling (C3). To accommodate the development the existing garage at 31 is to be demolished.
- (3) The main considerations in the determination of this application relate to the principle of development on the site, the design of the new dwelling and the impact on the character and appearance of the streetscene and wider area, the impact on the amenities of adjacent occupiers, the standard of accommodation to be provided and any traffic issues.

Debate and Decision Making Process

- (4) Councillor Theobald felt that the development would reduce the donor dwelling garden and affect the neighbours.
- (5) Councillor Page felt the proposal looked cramped on the site and asked if the new build was too close to the existing garage and was not harmonise with other dwellings.
- (6) The Member was informed that the bulk and position of the proposal were considered acceptable, and the area supported a variety of dwellings and the design was acceptable.

The Committee voted: For: 8, Against: 2, that planning permission be granted.

- 112.9 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** planning permission subject to Conditions and Informatives also set out in the report.

BH2018/02805-23 MALDON ROAD, BRIGHTON-FULL PLANNING

Demolition of existing bungalow and erection of 2no. three storey four bedroom dwellings (C3).

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

- (1) This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

112.10 **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.

BH2018/02120-238 ELM GROVE, BRIGHTON -FULL PLANNING

Demolition of existing garage and erection of 1no. one bedroom single storey dwelling.

(1) This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

112.11 **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.

BH2018/03479-2 BELLE VUE COTTAGES, BRIGHTON- HOUSEHOLDER PLANNING CONSENT

Erection of two storey side extension, single storey rear extension, single storey rear extension, revised fenestration, roof extension incorporating rear dormer and front and rear rooflights.

(1) This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

112.12 **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 also set out in the report.

BH2018/03198-LANTERNS, THE GREEN, ROTTINGDEAN, BRIGHTON- HOUSEHOLDER PLANNING CONSENT

Conversion of attic with dormers to front roof slope and roof lights to rear.

(1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a detailed presentation by reference to site plans, elevational drawings and site plans detailing the proposed scheme. The site was a single dwelling which was part of a complex of converted farm buildings and was covered by an Article 4 Direction, which removed permitted development and was adjacent to Grade II listed properties and a locally listed property and was a resubmission of a previously refused scheme which had been dismissed by a Planning Inspector on appeal who had concluded that the proposed dormers did not preserve or enhance the character and appearance of the conservation area and were contrary to policy.

(2) It was noted that although Lanterns was not a listed building it was within the Rottingdean Conservation Area and was considered to contribute positively to its appearance and character. The uninterrupted tiled roof was considered its most significant and visible feature and the least altered feature in a much altered building. It was considered that significant alteration to its roof would harm the character of the

building and the conservation area and that the main considerations in determining the application related to the impact of the proposed development on the appearance and character of the host building the wider street scene and the amenities of adjacent occupiers.

- (3) Whilst the impact on neighbouring properties was not considered such to harm their amenity or to warrant refusal, the proposed dormers although fewer in number were still considered detrimental to the character of the conservation area and would disrupt the roof form of the building and refusal was therefore recommended.

Public Speakers

- (4) Councillor Mears spoke in her capacity as a Local Ward Councillor in support of the scheme. Councillor Mears referred to the fact that the Appeal Inspector when refusing the earlier application had indicated that if a new/revised application was submitted there should be a more flexible approach to dormers citing that the Council's SPD2013 also indicated that a flexible approach seeking to accommodate development including roof extensions should be used in conservation areas whilst maintaining the heritage credentials of buildings. In her view this had been done, the site was also well set back from the road, the dormers would not be visible from the road and would not therefore affect the street scene.
- (5) Ms Hall spoke one of the applicants spoke in support of the application stating that they had affected significant improvements to the property which respected its character. They had made amendments to the scheme as originally submitted in order to overcome the reasons for refusal and were desperately in need of this additional space for their grown up children. The roof was not the original and had been designed to be sympathetic to the building, similar works had been carried out to properties in the general vicinity.

Questions of Officers

- (6) Councillor Page requested to see photographs of the other houses in the vicinity and information regarding whether or not the skylights on those buildings complied with planning/building control requirements.
- (7) Councillor C Theobald, asked to see elevational drawings showing the current and proposed schemes, with particular reference to the proposed treatments at roof level and also the distance of the property on site from the road and it was explained that was approximately 52m.
- (8) Councillor Miller sought clarification regarding the materials proposed and it was confirmed that these remained the same as in the earlier application.
- (9) Councillor Hyde referred to the fact that the Planning Inspector had indicated that a flexible approach was recommended seeking clarification regarding interpretation of that statement. The Principal Planning Officer, Policy, Projects and Heritage, Tim Jefferies, explained that the Inspector was of the view that a "one size fits all" approach should be used and it had not been in this instance. Although amendments had been

made to the scheme they had not been sufficient to overcome the previous reasons for refusal.

- (10) Councillor Moonan sought clarification regarding any dialogue which had taken place with the applicants and it was confirmed that clear advice had been given and that pre-application advice would also have been available to them.

Debate and Decision Making Process

- (11) Councillor Miller, stated that he was of the view that although located in the Conservation Area the application site was not visible from the road and would therefore in his view have little impact upon it. The applicant had sought to mitigate against any potential harm and he considered that the scheme was acceptable. Councillor C Theobald also concurred in that view.
- (12) Councillor O'Quinn was in agreement that the applicants had made adjustments in order to make the scheme acceptable and was in agreement that in view of the distance from neighbouring dwellings and the roadway the scheme would not be detrimental.
- (13) Councillor Page demurred from that view considering that the integrity of the existing roof scape should be respected.
- (14) Councillor Gilbey concurred and was of the view that policy guidance was clear, as the scheme retained many of the features of the previously refused scheme she did not consider that the current scheme was acceptable.
- (15) The Chair, Councillor Cattell, stated that she was in agreement with the officer and did not consider that it was appropriate to introduce dormers into the roof of a farm building. Whilst it would have been helpful if section drawings had been provided it was clear to her that very little additional space would be created as a result, and were insufficient to justify a departure from policy.
- (16) A vote was taken and the 10 Members present when the vote was taken voted by 6 to 4 that planning permission be refused.

- 112.3 **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 for the reasons also set out in the report.

BH2018/01937- 15 OSMOND GARDENS, HOVE-FULL PLANNING

Change of use from care home (C2) to 8no bedroom large house in multiple occupation (Sui generis)

Officer Presentation

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a detailed presentation by reference to site plans, floor plans, photographs and elevational drawings. It was explained that the application site comprised a pair of

three storey (including a room in a conjoined gabled front roof elevation), semi-detached properties, on the east side of Osmond Gardens and sought to convert a former care home into a Sui Generis HMO with 8 bedrooms.

- (2) It was noted that the main considerations in determining the application related to the loss of the care home (C2) and whether allowing the use of the property as a large 8 bed HMO (sui generis) would be acceptable in the context of the policy requirement to prioritise meeting identified local need. The impact of the HMO in the area and the impact on amenity and transport are also considerations. The standard of accommodation and development were no longer acceptable for use as a care home due to issues with accessibility and functionality, no alternative uses to meet specific needs relevant to C2 had been identified and the proposed use was considered acceptable although use of the existing roof terrace could not be supported as it would be detrimental to neighbouring amenity, it had therefore been agreed to secure and fix the door connecting to the balcony shut and to retain as such thereafter and approval was therefore recommended.

Debate and Decision Making Process

- (3) Councillor O'Quinn stated that although not germane to this application specifically, she was concerned as a wider issue that there appeared to be a number of unlicensed HMO's in that area of the city and she was of the view that needed to be addressed. Conditions which would prevent the roof terrace from being used and to limit the number of residents and removal of permitted development rights were welcomed. As details had not been provided in relation to storage and waste recycling she asked if that could be made a condition of grant and that was agreed.
- (4) Councillor Page referred to the loss of the care home and asked whether consideration had been given to use of the site to provide additional/supported units for people with special needs. It was confirmed that the building would not be suitable for such use due to lack of accessibility and other deficiencies.
- (5) Members then moved directly to the vote. A vote was taken and the 9 Members who were present when the vote was taken voted unanimously that planning permission be granted.

112.14 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report to the additional condition set out the Late/Additional Representations List and to the further additional condition set out below:

Additional Condition:

The development hereby permitted shall not be occupied until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out and provided in full in accordance with the approved details prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times.

Reason: to ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton and Hove Local Plan, policy CP8 of the Brighton and Hove City Plan Part One and Policy WMP3e of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan Waste and Minerals Plan.

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

- (1) This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

112.15 **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.

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

113.1 **RESOLVED** – There were none.

114 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

115 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

116 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

117 APPEAL DECISIONS

117.1 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 9.58pm

Signed

Chair

Dated this

day of