

# PLANNING COMMITTEE ADDENDUM

**2.00PM, WEDNESDAY, 2 DECEMBER 2020**

**VIRTUAL VIA MICROSOFT TEAMS**

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# ADDENDUM

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**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 4 NOVEMBER 2020****VIRTUALLY VIA MICROSOFT TEAMS****MINUTES**

**Present:** Councillors Littman (Chair), Osborne (Deputy Chair), Bagaeen, Henry, Fishleigh, Shanks, C Theobald, Williams and Yates

**Officers in attendance:** Jane Moseley (Planning Manager), Hilary Woodward (Senior Solicitor), Rebecca Smith (Planning Officer), Sven Rufus (Planning Officer), Russell Brown (Senior Planning Officer), Michael Tucker (Planning Officer), Russell Brown (Planning Officer); Chris Swain (Principal Planning Officer); Liz Arnold (Principal Planning Officer) David Farnham (Development and Transport Assessment Manager), Jack Summers (Planning Officer), Emily Stanbridge (Senior Planning Officer) and Penny Jennings (Democratic Services Officer).

**PART ONE****64 PROCEDURAL BUSINESS****64a Declarations of substitutes**

64.1 Councillor Bagaeen was present in substitution for Councillor Miller. Apologies had been received from Councillor Janio.

**64b Declarations of interests**

64.2 Councillor Bagaeen declared a prejudicial interest in Application C, BH2020/02524, Top Floor Maisonette, 20 Bloomsbury Place, Brighton. He had submitted a letter of objection in respect of this application and would therefore withdraw from the meeting and take no part in consideration of the application.

64.3 Councillor Yates declared a prejudicial interest in Applications B, BH2020/01834, 85 Hornby Road, Brighton and Application G, BH2020/02027, 61 Ashurst Road, Brighton as he had made representations in objection to both. He would not address the Committee on either but would withdraw from the meeting and would take no part in consideration of either application.

**64c Exclusion of the press and public**

64.4 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.

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

**64d Use of mobile phones and tablets**

64.6 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’.

**65 MINUTES OF PREVIOUS MEETINGS****65a Minutes of Meeting, 2 September 2020**

65.1 It was noted that an amendment had been requested by the legal advisor to the Committee in relation to the Dubarry House application to reflect the resolution that the Committee **would have** granted planning permission **rather** than the Committee **did** grant planning permission.

65.2 It was also noted that Councillor Theobald had also stated (14, Page 11):

“that she wanted it noted that the development would affect 21 Shirley Drive and the houses behind in Rigden Road”

65.3 **RESOLVED** – That the subject to the amendments set out above the Chair be authorised to sign the minutes of the meeting held on 2 September 2020 as a correct record.

**65b Minutes of Meeting, 17 September 2020**

65.4 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 17 September 2020 as a correct record.

**65c Minutes of Meeting, 30 September 2020**

65.5 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 30 September 2020 (circulated separately) as a correct record.

**66 CHAIR'S COMMUNICATIONS**

66.1 It was noted that this meeting was being recorded and would be capable of repeated viewing via the online webcast.

66.2 The Chair welcomed Committee Members and members of the public to the virtual meeting and advised that to enable the meeting to run smoothly, all presentations, questions and answers had been circulated in advance and were available online for members of the public and could be referenced by all attending the meeting. Presentations took into account that no site visits were arranged following Covid19 guidelines and had enhanced visuals showing the context of the area. The reports had also been published in advance as usual.

## **67 PUBLIC QUESTIONS**

67.1 There were none.

## **68 REQUEST FOR DEED OF VARIATION, CITY COLLEGE, 87 PRESTON ROAD, BRIGHTON**

68.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture requesting to vary the Heads of Terms of a Section 106 Agreement signed in connection with planning application BH2017/01083, in order to amend the affordable housing requirements.

68.2 It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme and proposed amendment, to provide a commuted sum instead of on site affordable housing. The developer had requested this in response to a lack of interest in the affordable units from the Council's list of preferred Registered Social Landlord's due to the small number of units; the current climate caused by Covid 19; and a lack of confidence in the market. The only interested Registered Provider had subsequently confirmed that they would not be proceeding with the sale for these reasons. It was considered that implementation of the development would deliver planning and economic benefits, including much needed housing in a sustainable location and that the developer had provided sufficient justification and evidence that affordable housing units could not be provided on site.

68.3 The Housing Team had indicated that it agreed with these conclusions, and was willing to accept the payment of an in lieu commuted sum to the Council that would ensure a set contribution would be used to provide affordable housing elsewhere in the city.

68.4 Councillor Theobald asked whether refurbishment works to the site had been completed and the date from which the current permission had been extant.

68.5 Councillor Fishleigh stated that marketing for units at the site indicated that they were on the market for in excess of £550,000 each. The sum being requested was far too low. It was explained that the commuted sum being sought was in accordance with an agreed formula set out in Technical Guidance approved by the Council.

68.6 Councillor Yates stated that this approach seemed very short term and enquired what that would provide in terms of the council's own supply.

- 68.7 Councillor Bagaeen enquired whether this indicated a lack of confidence in the market and concern by the developer that units would remain unsold. It was noted that the developer had provided sufficient justification and evidence that affordable housing units could not be provided on site. The Housing Officer present, Emma Kumar explained in answer to further points raised that the ability to provide units did not mean that they would be viable as affordable housing. Where a small number of units was to be provided that might not be economically viable for a registered provider to manage, or for the Council for the same reasons.
- 68.8 Councillor Shanks stated that she was concerned that determination of this request should be deferred as in her view insufficient evidence had been provided that all options had been pursued. Councillor Fishleigh concurred in that view and other members echoed those concerns. Councillor Shanks proposed that the application be deferred in order to enable the Housing Strategy Team to revisit this application and to ensure that all options had been considered in concert with registered providers. Councillor Fishleigh seconded the proposal and it was put to the vote.
- 68.9 A vote was taken and the Committee voted by 7 with 2 abstentions that consideration of the application be deferred in order to allow the Housing Strategy Team to reconsider the options on avoiding the move to a commuted sum and to explore the number of Registered Housing Providers being considered.
- 68.10 **RESOLVED** – That consideration of this Deed of Variation application be deferred for the reasons set out in paragraph 68.9 above.
- 69 REQUEST FOR DEED OF VARIATION, FORMER PORTSLADE BREWERY, SOUTH STREET, PORTSLADE**
- 69.1 The Committee considered a report of Head of Planning requesting that they consider and determine a request to vary the Heads of Terms of the Deed of Variation to the Section 106 Agreement dated 3 November 2017 in connection with the planning permission BH2018/02373 (original application BH2016/02459) to vary the clause requiring that two shared ownership dwellings are to be provided to instead provide a financial contribution for offsite affordable units in lieu of the on-site provision.
- 69.2 It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans and the proposed amendment. It was explained that the main considerations in determining this application related to the principle of varying the legal agreement to allow for the payment of a commuted sum in lieu of the on-site provision of two three-bedroom dwellings in shared ownership. The Housing Strategy Team had not been able to make a viable case to take on two affordable units and as such had agreed a commuted sum could be made in lieu of the on-site provision. The commuted sum would be put towards the council's affordable housing programme which was considered to have the benefit of providing homes with greater levels of affordability than the two shared ownership units which would have been provided on site. Under those circumstances the applicant's proposal to vary the legal agreement was considered to be acceptable and approval was therefore recommended.

**Submission by the Applicant's Agent**

- 69.3 Mr Ramikrishnan and Mr Albay spoke in support of their request explaining that they had been unable to find a registered provider to take on the two affordable units. The Housing Strategy Team had indicated that they were satisfied that every effort had been made to achieve the sale of the two shared ownership units on this occasion. A number of avenues had been explored and no registered provider had expressed any interest in taking on these units.
- 69.4 Emma Kumar of the Housing Strategy Team stated that as a viable case had not been made to take on these two units, provision of a commuted sum in accordance with the agreed formula was considered acceptable. The sum offered by the applicant was in accordance with the approved guidance.
- 69.5 Councillor Fishleigh stated that the units to be provided for sale would be expensive and based on that and the marketing being undertaken on behalf of the developer she did not consider that the commuted sum was acceptable and considered that this and the options explored with registered providers should be revisited.
- 69.6 Councillor Shanks was in agreement that the application should be deferred in order to enable housing strategy to revisit and reconsider options which would avoid a commuted sum option and to explore the number of registered housing providers being considered. Councillor Osborne agreed stating that there were similar concerns to those expressed in respect of the Deed of Variation application which preceded this one, for consistency this application should be deferred too. Councillors Bagaeen, Theobald and Williams concurred in that view.
- 69.7 The Chair, Councillor Littman concurred that as Members had expressed concerns regarding the level of supporting information provided in respect of both Deed of Variation reports, a case could be made for deferring consideration of both in order to enable more detailed information to be provided in support
- 69.8 A vote was taken and the Committee voted by 4 with 5 abstentions that consideration of the application be deferred in order to allow the Housing Strategy Team to reconsider the options on avoiding the move to a commuted sum and to explore the number of registered housing providers being considered.
- 69.9 **RESOLVED** – That consideration of the Deed of Variation request be deferred for the reasons set out in paragraph 69.8 above.

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

- 70.1 The Chair explained that in line with current Central Government guidance in relation to the Covid 19 pandemic, formal site visits had not been arranged. To reflect that in-depth presentation material and visuals had been circulated in advance of the meeting and had also been appended to the agenda papers published on the council website. If, however, Members considered that they required more detailed information in order to determine any application a site visit could be requested either at this point on the

agenda or at any point in the proceedings. No site visits were requested at this point in the meeting.

## 71 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

71.1 The Democratic Services Officer read out Items on the agenda. It was noted that all Major applications and any Minor applications with speakers were automatically reserved for discussion.

71.2 It was noted that the following items were not called for discussion and it was therefore deemed that the officer recommendation(s) were agreed including the proposed Conditions and Informatives and any additions / amendments set out in the Additional/Late Representations List:

A, BH2020/00171 – Queen’s Park Tennis Club, Tennis Pavilion, Queen’s Park East Drive, Brighton;

E, BH2020/02417 – Flat 2, 159 Ditchling Rise, Brighton;

F, BH2020/02316 – 83 Mile Oak Road, Portslade

### A BH2020/00171- Queen's Park Tennis Club, Tennis Pavilion, Queen's Park East Drive, Brighton - Full Planning

Erection of 10no lighting columns with LED luminaries to illuminate courts 1–4.

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

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

### B BH2020/01834 - 85 Hornby Road, Brighton - Full Planning

Erection of single storey rear extension and covered cycle store. Change of use from single dwelling house (C3) to 6no bedroom small house in multiple occupation (C4) (Retrospective)

(1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development.

(2) It was noted that the main considerations in determining this application related to the principle of the proposed change of use, the design and appearance of the rear extension and bike storage, the effects of the proposed change of use on neighbouring amenity, the standard of accommodation to be provided for future occupiers and transport matters. Due to the on-going pandemic a physical site visit had not taken place, however a desktop assessment had been made using up to date photographs and street view imagery and was considered sufficient to assess the acceptability of the proposal. The development was considered acceptable in terms of impact on

amenity with no more than 10% of dwellings within 50m being in HMO use, including the application site, and soundproofing had been installed. It was also considered that the change of use from C3 to C4 small HMO was unlikely to have a significant effect on the local highway network nor in terms of overspill parking as the property was not located within a CPZ so there were no restrictions on on-street parking. In answer to a question posed by Councillor Bagaeen the Planning Officer advised that condition 2, relating to cycle parking, should be amended to require retention of the facilities rather than provision and retention to reflect the retrospective nature of the application.. Approval was therefore recommended.

### Debate and Decision Making Process

- (3) Councillor Fishleigh stated that the site was located very close to Norwich Drive where there were a number of student houses which gave rise to noise and nuisance complaints. A large number of residents had objected and she shared their concerns and would not support the application. It would also in her view add to an increase in traffic, on street parking and would result in the loss of a family home.
- (4) Councillor Shanks stated that whilst generally supportive of the application she had concerns regarding the proposed cycle store. The Legal Adviser to the Committee explained that it was rare to vote against one element of a scheme, it needed to be considered on and voted on in its totality. The Planning Manager, Jane Moseley stated that if issues arose enforcement action could be undertaken. The property would operate as an HMO and would not necessarily provide student accommodation.
- (5) Councillor Theobald referred to the fact that fire safety requirements had not been referred to. It was explained that all necessary requirements would need to be met, however they fell within Building Control Regulations rather than under the planning regime.
- (6) Councillor Osborne stated that he was of the view that generally an HMO was likely to generate more activity and noise than a family home but considered that there were insufficient grounds to refuse the application. The rear extension would also generate more activity.
- (7) Councillor Bagaeen stated that he was unhappy about the retrospective nature of the application and the fact that there appeared to be a number of similar uses (although below the threshold) relatively nearby.
- (8) In answer to further points raised the legal adviser to the Committee, the Legal Advisor to the Committee stated that in the event of an appeal in respect of any application, the grounds for any refusal had to be reasonable and sustainable.
- (9) A vote was taken and the 7 Members present when the a vote was taken voted by 4 to 1 with 2 Abstentions that Planning Permission be granted.

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

**Note:** Councillor Williams was not present during consideration of the above application. Having declared a prejudicial interest Councillor Yates withdrew from the meeting and took no part in consideration of the application.

**C BH2020/02524 -Top Floor Maisonette, 20 Bloomsbury Place, Brighton- Full Planning**

Change of use from a three bedroom maisonette (C3) to a three bedroom small House in Multiple Occupation (HMO) (C4)

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in determining this application related to the principle of the change of use, the standard of accommodation to be provided, the impact on neighbouring properties and transport issues. Due to the current pandemic although it had not been possible to undertake a physical site visit an assessment had been made based on the submitted documents and Streetview imagery of the site which was considered sufficient to assess the suitability of the proposal.
- (2) The application site was not in an area which currently had more than 10% of properties within a 50m radius in HMO use, including the application site. Whilst any additional HMO could have the potential to increase the cumulative impact and harm to amenity in this instance the existing number of HMOs in the area was not enough to warrant refusal of the application.

**Speakers**

- (3) Ms Mullally spoke as a neighbour and on behalf of local objectors stating that the street was very narrow and acted as a channel for noise. A number of residents worked from home, this had increased during the pandemic and were already adversely affected by any noise from HMOs nearby. This use would exacerbate that.
- (4) Councillor Platts spoke in her capacity as a Local Ward Councillor. There were already a number of HMOs in the vicinity some of which gave rise to noise and other nuisance. This would reduce the availability of family homes in the area and could cause noise nuisance due to lack of soundproofing. Traditionally noise nuisance had occurred due to noise breakout between buildings which had not been intended as flats. One of the bedrooms did not appear to meet the appropriate space standards and overall it was considered that the application would be contrary to the Article 4 Direction.
- (5) Mr Giles spoke on behalf of the applicant in support of their application stating that the proposed scheme was modest, it was not anticipated that it would give rise to greater noise nuisance than if used as a family home and had been carefully designed to mitigate any adverse impact on neighbouring dwellings
- (6) Councillor Fishleigh asked the objector whether the bathroom had been converted into a bedroom and she confirmed she believed that it had.

### Questions of Officers

- (6) Councillor Theobald enquired regarding the dimensions of the third bedroom, regarding the location of the bathroom and whether/what soundproofing arrangements had been put into place. It was explained that in this instance sound proofing was not appropriate on a Listed Building, and a slightly smaller bedroom was considered to be outweighed by a larger communal living space.
- (7) Councillor Williams also enquired regarding bath/shower room arrangements and other internal reconfiguration which had taken place and it was explained that the proposed layout was considered to make the most effective use of the space. The planning history of the space was also explained. The units would be advertised as single bedrooms with shared amenity space.

### Debate and Decision Making Process

- (8) Councillor Theobald stated that she considered that the third bedroom would be very small with limited circulation space.
- (9) Councillor Fishleigh stated that in her view conversion of a bathroom into a bedroom was unacceptable as was the scheme overall.
- (10) Councillor Williams stated that in her view the proposed scheme bordered on packing them in like sardines and the fact that 10% HMOs were permitted in any given area did not mean that they had to be.
- (11) Councillor Yates concurred in that view and considered that the changes being made to the layout would impact on the character of the unit in any event
- (12) Councillor Shanks stated that she could not see any reasonable grounds for refusal.
- (13) Councillor Osborne stated that he could see arguments for and against grant of planning permission and remained undecided.
- (14) Councillor Littman, the Chair, stated that national space standards were intended as a guide rather than being absolute, that all schemes had to be judged on their individual merits and that in this instance he considered the scheme to be acceptable.
- (15) A vote was taken on the officer recommendation and this was not carried on a vote of 2 to 3 with 3 abstentions. Councillor Fishleigh then proposed that the application be refused on the grounds of noise, disturbance, loss of privacy and effect on the conservation area and this was seconded by Councillor Williams. A vote was then taken to refuse the application on the proposed grounds but that not carried on a vote of 3 to 3 with 2 abstentions. A vote was then taken on the substantive officer recommendation and this was carried on a vote of 4 to 3 with 1 abstention.

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

**D BH2020/02557- 13 Pembroke Crescent, Hove - Householder Planning Consent**

Erection of a single storey detached garden room outbuilding to rear (Part-retrospective)

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs and aerial photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in determining this application related to the design and appearance of the development, the potential impacts on the amenities of local residents, on the character or appearance of the conservation area, on the smooth running of the adopted highway and on the health of the large tree in the neighbouring garden. The proposed use of the outbuilding was as a modest home office by persons living in the main dwellinghouse and that if this changed, planning permission would be required. It was not considered that the scale of the development would add any level of additional activity that could be considered harmful to the amenities of local residents. The council would retain the authority to investigate under the Environmental Protection Act 1990, should any noise complaints be received. It was also not considered that the proposed use would result in significant footfall and approval was therefore recommended.

**Questions of Officers**

- (2) Councillor Theobald sought clarification regarding the excavation which had taken place in the rear garden as it seemed excessive in view of the modest structure proposed. Also asking whether the site was subject to flooding. It was confirmed that much of the excavation which had taken place was historic and had resulted in the garden being levelled. Councillor Theobald also sought clarification of the size of the structure proposed which was provided.

**Debate and Decision Making**

- (3) Councillor Bagaeen stated that had concerns that the site could be prone to flooding due to its swampy nature and was also concerned that the apparent lack on landscaping would be detrimental to neighbouring amenity. He did not feel able to support the application.
- (4) Councillor Henry stated that he considered the proposal was modest and as such was acceptable. He supported the officer recommendation.
- (5) Councillor Yates concurred stating that it appeared that the proposed use would be subsidiary to the main dwelling.
- (6-) A vote was taken and the 8 Members present when the vote was taken voted by 7 to 1 that Planning Permission be granted.

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

**E BH2020/02417 - Flat 2, 159 Ditchling Rise- Full Planning**

Change of use from single dwelling (C3) to flexible/dual C3/C4 use as single dwelling (C3) or a three 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.

- 71.5 **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 informative set out in the report.

**F BH2020/02316-83 Mile Oak Road, Portslade - Outline Application**

Outline application with all matters reserved for demolition of existing dwelling and erection of 2 no two storey, three bedroom dwelling houses (C3)

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

- 71.6 **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.

**G BH2020/02027 -61 Ashurst Road, Brighton - Full Planning**

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

- (1) It was noted that an in depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in determining this application related to the principle of the change of use, the standard of accommodation, amenity impacts and transport implications of the proposed use. Whilst a site visit had not be possible in consequence of the current pandemic an assessment had been made using up to date photographs of the site and using Streetview. All bedrooms would provide natural light and a good outlook and would have floorspace and layout that would provide a suitable standard of accommodation. The property also had a rear garden which would enhance the standard of accommodation. There were no transport issues which required the development to require those living there from being able to apply for parking permits. For these reasons approval was recommended.

**Questions of Officers**

- (2) Councillor Bagaeen asked whether there would be any change to the external appearance of the building; it was confirmed that there would not.

**Debate and Decision Making**

- (3) Councillor Fishleigh stated that she did not support the application as it would result in the loss of a family home and would result in the further studentification of the area.
- (4) Councillor Shanks stated that as an HMO the unit would not necessarily be occupied by students nor should there be a presumption that it would give rise to anti-social behaviour. Councillor Osborne concurred with that view.
- (5) A vote was taken and the 6 Members present when the vote was taken voted 5 to 1 that Planning Permission be granted.

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

**Note:** Councillors Bagaeen and Williams were not present during consideration of the above application. Having declared a prejudicial interest in respect of the above application Councillor Yates withdrew from the meeting and took no part in consideration of this application.

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**H BH2020/02305 -Dental Surgery, 4 New Barn Road, Rottingdean, Brighton - Full Planning**

Erection of first floor extension.

- (1) It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development.
- (2) The main considerations in determining this application related to the impact of the proposed development on the character and appearance of the building and the wider streetscape and the amenities of neighbouring properties including the amenities of no.4 New Barn Road. The previous planning history of the site was set out in the report and overall it was considered that the proposal would have a substantial detrimental impact to outlook and to be overbearing to the occupants of No. 4 New Barn Road by reason of its projection and increased bulk beyond the rear elevation of the host property. This would result in an unneighbourly development contrary to policy QD27 of the Brighton and Hove Local Plan and therefore refusal was recommended.

**Public Speakers**

- (3) Councillor Mears spoke in her capacity as a Local Ward Councillor, in support of the application. There had been a significant loss to the infrastructure of the area and this was the only dentist in the area which residents were able to access easily and safely. This application would allow the practice to increase their floorspace and to provide an improved offer to their patients. Neighbouring residents had not objected to the proposed scheme and as there were a variety of building styles in the vicinity this was not considered out of keeping.
- (6) Mr Burgess spoke on behalf of the applicants in support of their application. The proposed scheme responded to an identified need in the area, which was supported by the local community and had been significantly modified in order not to have a detrimental impact and was set 2.4m back from the neighbouring property who had not objected.

(4)

(5)

**Questions of Officers**

- (7) Councillor Bagaeen sought clarification regarding reduction to the massing and set back of the proposed extension, also the roof and render treatments proposed. It was explained that whilst it was acknowledged that amendments had been made to the scheme and it did provide benefits it was considered that these were not sufficient to outweigh the harm that would result from its design, bulk and form.

**Debate and Decision Making Process**

- (8) Councillor Shanks sought clarification regarding use of the current garden building and whether the neighbouring building was in occupation by one of the dentists, stating that in this instance she considered the proposed use to be acceptable.
- (9) Councillor Bagaeen stated that he noted that there were a number of other red brick buildings in the vicinity and a number of varied styles in the street. The proposed form of the building had been scaled back from that refused on appeal, and he considered that was such it would have a modest impact and would deliver a much needed local service.
- (10) Councillor Yates was in agreement stating that he did not consider that the proposed development would have a detrimental impact which was sufficient to warrant refusal. He considered that the scheme was acceptable.
- (11) The Chair, Councillor Littman stated that on balance he considered the proposal was acceptable
- (12) A vote was taken on the officer recommendation but this was not carried on a vote of 0 to 8. Councillor Theobald proposed that the application be approved for the reasons

that it was not detrimental, was not a problem to the streetscene and was not contrary to policies QD27 and CP12. This was seconded by Councillor Yates. A recorded vote was then taken. Councillors Littman (Chair), Osborne, Bagaeen, Fishleigh, Henry Shanks Theobald and Yates voted that planning permission be granted.

- 71.8 **RESOLVED** – That the Committee has taken into consideration the reasons for the recommendation set out in the report but agrees to grant planning permission for the reasons set out above. The final reasons for approval to be agreed by the Planning Manager in consultation with the proposer and seconder.

**Note:** Councillor Williams was not present during consideration of the above application.

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

- 72.1 There were none.

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

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

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

- 74.1 The Committee noted that there was nothing to report to this meeting.

**75 APPEAL DECISIONS**

- 75.1 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 5.20pm

Signed

Chair

Dated this

day of