

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 18 FEBRUARY 2015**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, Hamilton, Littman, Phillips, C Theobald and Wells

**Co-opted Members:** Jim Gowans (Conservation Advisory Group)

**Officers in attendance:** Jeanette Walsh (Planning & Building Control Applications Manager); Jon Puplett (Principal Planning Officer); Guy Everest (Principal Planning Officer); Pete Tolson (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Manager).

**PART ONE**

**134 PROCEDURAL BUSINESS**

**134a Declarations of substitutes**

134.1 There were none.

**134b Declarations of interests**

134.2 Councillor Hyde declared an interest in respect of Application D, BH2014/03268 – King’s School Lower School, Mile Oak Road, Portslade as her grandson attended the school. She stated that she remained of an open mind, and would take part in the debate and decision in relation to the application.

**134c Exclusion of the press and public**

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

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

**134d Use of mobile phones and tablets**

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

**135 MINUTES OF THE PREVIOUS MEETING**

135.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 28 January 2015 as a correct record.

**136 CHAIR'S COMMUNICATIONS**

136.1 By way of polite notice the Chair highlighted that the proceedings of the Committee were being viewed both by members of the public at the meeting and those watching on the webcast; the Committee were reminded that they should be seen to be attentive and engaged whilst applications were presented and discussed.

136.2 The Chair highlighted that during the works to Hove Town Hall the Committee would be relocated to Portslade Town Hall from 1 April 2015.

**137 PUBLIC QUESTIONS**

137.1 There were none.

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

138.1 **RESOLVED** – There were no additional requests for site visits in relation to matters listed on the agenda.

**139 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2014/03300 - 119 Lewes Road, Brighton - Full Planning** - Demolition of existing buildings and erection of a 5 storey building (plus basement) comprising 65 self-contained studio flats for student occupation, plant room, communal areas, cycle parking, recycling/refuse facilities and associated works.

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

(2) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. Attention was drawn to late amendments to the report: reason for refusal 1 had been deleted and there was a minor amendment to reason for refusal 4 to include a reference to CP21 as well as QD27. The site was located on the eastern side of Lewes Road and currently was in use as a hand car wash; immediately to the north there was vehicular access to the cemetery, and the site at 112-113 Lewes Road was currently being developed for student accommodation. The site was located within the DA3 area as set out in the emerging City Plan; this was a strategic area and the main thrust of the

policy was to promote and enhance the area for further education. The policy also recognised there was some poor development in the area, and new development needed to improve and enhance the public realm. In terms of HMO mapping the site was located within the Article 4 area, and there was a high concentration of HMOs in the immediate vicinity.

- (3) The application sought the demolition of the existing buildings on the site and the erection of purpose built student accommodation; the built form would run close to the boundary at the front of the site and be slightly more stepped in at the sides. The building stopped at the rear and stepped down to a two-storey element in line with the height of the properties on Gladstone Place; the fifth floor of the development was set back at roof level. There had been a late representation from the University of Brighton stating they supported the accommodation and would seek to use it for their students. Whilst there was no formal agreement this did address the concerns and reason for refusal 1 outlined in the report.
- (4) In relation to reasons for refusal 2 & 3 it was considered that the development did not address the principle of Policy DA3. The development was considered excessive, and the built form on the line of the pavement did not allow the opportunity for public realm improvements which a smaller building could deliver. In relation to reason 4 – neighbouring amenity – 14 objections had been received from Gladstone Place with concerns in relation to design and the nature of the development, and there were already problems with intensive car use in the street. HMO mapping had evidenced the concentration locally, and it was considered the development would worsen the situation for residents creating increased demands for parking. For the reasons outlined in the report the application was recommended for refusal.

### **Public Speakers and Questions**

- (5) Mr Jim Tarzey spoke on behalf of the applicant and stated that this was a part of the city where high quality, high density development was encouraged – it was also a location where students wanted to live. The application had evolved during the pre-application stage, and the building needed to work whilst fitting in with the local area and wider context. The application proposed a 5-storey building where the fifth storey would be set back and it would respect the amenity of neighbouring properties. The site was located in a tall building corridor where there were nearby buildings of up to 6 storeys. The building stepped down at Gladstone Terrace, and this gave the scope for a greater frontage on the building. In terms of the operation of the building there was full written support from the University of Brighton, and the development would help to meet the current and future projected housing needs of the city. Work would be undertaken with the University management team to manage student behaviour appropriately and introduce control measures to prevent students parking vehicles in the surrounding streets. This type of accommodation was in demand; would free up existing HMOs and was in compliance with guidance.
- (6) In response to Councillor Davey the applicant confirmed they had experience of these types of schemes both nationally and elsewhere in the city, and the concerns and issues were often common. The accommodation would be let on the agreement that students were not allowed to bring cars with them, and this was enforced through the

tenancy agreement. A system would also be in place to allow residents to liaise with the management.

- (7) In response to Councillor Hyde the applicant explained there was a partnership between the universities and the local authority which allowed for ongoing dialogue; whilst there nothing formally agreed at the site this would form part of ongoing negotiations as a scheme emerged.

**Questions for Officers**

- (8) In response to Councillor Davey the different policy context that had allowed the approval of the site at 112-113 Lewes Road was outlined, and it was highlighted that the policy position in terms of the emerging City Plan now placed significant weight on DA3 in terms of design. The objective of DA3 was to improve the street scene in the area, and provided a remit to push for high standards on all sites coming forward to achieve significant improvements.
- (9) In response to a further question from Councillor Davey it was explained that the article 4 direction had been considered by Officers due to the high number of representations, and the existing problems on Gladstone Road.
- (10) In response to Councillor Hyde it as confirmed that the site at Preston Barracks had been allocated in the City Plan to deliver student housing. Whilst the Presenting Officer did not have the detailed mapping around the recently granted site at Hollingdean Road he was of the view that the streets surrounding the application site had a higher density of HMOs.
- (11) In response to Councillor Cox it was confirmed that each reason for refusal had to stand in its own right, and they were not numbered in terms of importance or significance.
- (12) In response to Councillor Gilbey the Presenting Officer explained that there was no detailed management plan in relation to the accommodation as the interest from the University had been expressed late in the application. The normal expectation would be to secure this through the S106 agreement, and this kind of detail would be sought if the application were being recommended for approval.
- (13) In response to a further question from Councillor Gilbey it was explained that any windows overlooking the rear gardens of Gladstone Place would be obscurely glazed and controlled through a condition were the Committee minded to approve the application. It was also confirmed that the roof terraces were the only usable areas of outside space.
- (14) In was confirmed for Councillor Mac Cafferty that the height of the building was below the threshold to be considered a tall building, and the height of the building did not form a reason for refusal.

**Debate and Decision Making Process**

- (15) Councillor Hyde explained that she had initially been surprised at the Officer recommendation in the report, but this had become much clearer from detail in the report and the site visit. She noted the Officer comments that a block of reduced scale and bulk could deliver more in terms of public realm improvements. She noted the proposed building scale was significantly greater than Gladstone Place; she was also conscious of the nearby HMO density and the potential harm to nearby properties. For these reasons she would support the Officer recommendation.
- (16) Councillor Davey echoed the remarks made by Councillor Hyde and in particular he agreed about the importance of the street scene and the public realm elements of any scheme coming forward. He also added that good management of the scheme under construction at 112-113 Lewes Road would help to ease resident's concerns.
- (17) Councillor C. Theobald stated that she was not against the principle of the scheme, but she felt the height and bulk were excessive for this location.
- (18) Councillor Hamilton stated that he had concerns in relation to the size of the rooms in the development; as well as concerns about overdevelopment at the site; for these reasons he would support the Officer recommendation.
- (19) A vote was taken and the Officer recommendation that the Committee refuse the application was carried unanimously by the 12 Members present at the meeting.

139.1 **RESOLVED** –That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **REFUSE** permission for the reasons set out below:

Reasons for Refusal:

- i. The proposed development would be of an excessive scale and bulk. Due to this scale and the footprint of the proposed building the development would have an excessive prominence, would not relate well to the existing development in the immediate vicinity of the site, and would result in an incongruous appearance. The design includes large areas of blank wall, and it has not been demonstrated that the materials proposed would result in an appropriate appearance. The proposal is contrary to policies QD1, QD2 and QD3 of the Brighton and Hove Local Plan and policy CP12 of the Brighton and Hove City Plan Part 1 submission document.
- ii. Policy DA3 of the Brighton and Hove City Plan Part One (submission document) sets out a strategy for the development and enhancement of the Lewes Road area, which includes the objective to secure improvements to the townscape and public realm. As identified above, the proposed development would not enhance or improve the townscape or public realm and would therefore be directly contrary to the strategic objectives set out in Policy DA3.
- iii. The area surrounding the site contains a concentration of properties in multiple occupation which as set out in policy CP21 can impact negatively upon neighbouring amenity. The proposed development, which would result in an intensive occupation of the site, would worsen this situation and therefore has the potential to harm neighbouring amenity by way of increased activity and disturbance, and in this case an

increased demand for on street parking where demand is already particularly high. The proposed development is therefore contrary to policy QD27 of the Brighton and Hove Local Plan and policy CP21 of the Brighton and Hove City Plan Part 1 Submission Document.

Informatives:

- i. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.
- ii. This decision is based on the drawings listed below:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
LOCATION PLAN	101	A	17/10/2014
BLOCK PLAN	102		01/10/2014
PROPOSED SITE PLAN	104		01/10/2014
EXISTING SITE PLAN	103		01/10/2014
BASEMENT PLAN	110		01/10/2014
PROPOSED GROUND FLOOR PLAN	111		01/10/2014
PROPOSED FIRST FLOOR PLAN	112		01/10/2014
PROPOSED SECOND FLOOR PLAN	113		01/10/2014
PROPOSED THIRD FLOOR PLAN	114		01/10/2014
PROPOSED FOURTH FLOOR PLAN	115		01/10/2014
PROPOSED ROOF PLAN	116		01/10/2014
PROPOSED ELEVATIONS	120		01/10/2014
PROPOSED ELEVATIONS	121		01/10/2014
CONTEXTUAL ELEVATIONS	122		01/10/2014
EXISTING ELEVATIONS	125		17/10/2014

- iii. The applicants attention is drawn to the fact that the visuals in the submitted Design and Access Statement are not consistent with the submitted drawings as the visuals show that all walls would be of white render finish, the submitted drawings however contradict this and show brick faced elements.

iv. The applicant is advised that the application site will be considered for inclusion in the Council's SHLAA at the time of its next annual review.

**B BH2014/03742 - Hove Business Centre, Fonthill Road, Hove - Full Planning -** Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works.

139.2 This item was withdrawn from the agenda.

**C BH2014/03354 - 51 Barnett Road, Brighton - Full Planning -** Change of use from three bedroom single dwelling (C3) to four bedroom small house in multiple occupation (C4).

1) The Principal Planning Officer, Jon Puplett, introduced the scheme with reference to photographs, plans and elevational drawings; there was also an additional condition in respect of refuse storage. The application sought change of use to a small HMO in C4 use, and permission was sought due to the article 4 direction affecting the ward. It was clarified that the scheme sought to turn the existing living room into a fourth bedroom, and HMO mapping showed that 4.5% of properties within the policy radius were in HMO use – this was below the 10% threshold and compliant with policy. The application was recommended for approval for the reasons set out in the report.

**Debate and Decision Making Process**

2) Councillor C. Theobald noted that she agreed with the comments of the three ward Councillors in the report, and she felt the HMO concentration was already too high.

3) Councillor Carden noted that the application fell within policy and could not see any reason to refuse. Officers also clarified how the article 4 direction operated.

4) Councillor Jones stated his view that the property should remain a family home, but in policy terms he could see no reason to refuse the application.

5) Councillor Cox stated that students had to be housed in the city, and a refusal would likely be lost at appeal.

6) Councillor Phillips noted that not all HMOs were occupied by students, and they also provided more affordable accommodation for working young people.

7) In response to the Chair the Senior Solicitor, Hilary Woodward, clarified that the article 4 direction removed permitted development rights to change to an HMO and instead the change of use had to be determined through a planning application. The Planning and Building Control Applications Manager, Jeanette Walsh, noted that there was an intention to review the methodology contained in policy CP21.

8) Councillor Littman noted he could see no reason to refuse the application.

9) A vote was taken by the 12 Members present at the Committee and the Officer recommendation that planning permission be granted was carried with 8 in support and 4 abstentions.

139.3 **RESOLVED** –That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 11.

**D BH2014/03268 - Kings School Lower School, Mile Oak Road, Portslade - Full Planning** - Revised kitchen servery incorporating installation of ventilation system (Retrospective).

1) The Principal Planning Officer, Guy Everest, introduced the report with reference to plans, photographs and elevational drawings; it was also noted that the application included revisions to Condition 2. The application sought permission for a single kitchen servery incorporating installation of ventilation equipment. The plant had been in situ since September 2014, and was located approximately 6 metres from neighbouring properties. There had been some complaints in relation to noise; these had been confirmed by Environmental Protection, but no noise had been identified. In relation to use beyond the normal hours for the kitchen there was the additional condition to manage this. The application was recommended for approval for the reasons set out in the report.

**Questions for Officers, Debate and Decision Making Process**

- 2) It was confirmed for the Chair that to use the facility at weekend would require an application to vary the planning consent.
- 3) Councillor Hamilton noted that he had received complaints about the site in his capacity as one of the local ward Councillors; he noted that were the Committee minded to grant the application then any future nuisance issues could be pursued through Environmental Protection.
- 4) A vote was taken by the 12 Members present and the Officer recommendation that permission be granted was carried on a vote of 11 in support in 1 abstention.

139.4 **RESOLVED** –That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 11 with condition 2 amended as set out below:

Amended condition 2:

The ventilation system hereby permitted shall be only be in use between the hours of 08.00 and 16.00 Monday to Friday, and shall not be in use at any other time.

**Reason:** To safeguard the amenities of the occupiers of neighbouring properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.



**E BH2014/03799 - 26 & 26A Reigate Road, Brighton - Full Planning** - Demolition of existing detached dwelling and erection of two storey block of 6no flats.

- 1) It was noted that the application had formed the subject of a site visit prior to the meeting.
- 2) The Principal Planning Officer, Guy Everest, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings; reference was also made to matters included on the Late List. The application site related to a detached two-storey building currently divided into ground and first floor flats. The proposals sought to demolish the existing building, and erect a new property with 6 flats spread out over four floors. The impact on neighbouring amenity was considered in the report, and the application would provide for six cycle parking spaces. The site was accessible and considered appropriate for car free housing, and there was an additional recommendation to this extent. As part of the s106 contributions £3k was sought towards footway works and access to the car club. Whilst the scheme represented an increase in bulk and density the application was considered acceptable for the reasons set out in the report.

**Questions for Officers, Debate and Decision Process**

- 3) Councillor Hyde stated that her concerns had been alleviated following the site visit, and she thought the design was appropriate.
  - 4) Councillor C. Theobald stated her view that the design was good, but she was not sure if the road was suitable for flats, and she had concerns that existing properties could be overlooked.
  - 5) Councillor Cox stated he supported the application, but did not believe the development should be car free as there was no waiting list in the CPZ; Councillor Hyde seconded this position.
  - 6) The Committee voted and agreed that the additional condition proposed verbally in relation to a car free development would not be added were they minded to approve the planning application.
  - 7) Councillor Gilbey stated that from the site visit she thought the scheme was well designed; she noted there were other examples of blocks of flats in the road.
  - 8) Councillor Phillips commented that the two bedrooms units would be able to accommodate families.
  - 9) The Chair noted his view that the application complied with QD3, and was a good use of the site.
  - 10) A vote was taken and the Officer recommendation that the Committee be minded to grant planning permission was carried on a vote of 11 in support with 1 abstention.
- 139.5 **RESOLVED** –That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves

to be **MINDED TO GRANT** planning permission subject to a s106 Agreement and the conditions and informatives as set out in section 11.

**F BH2014/03968 - Blocks A B & C Belvedere, 152-158 Dyke Road, Brighton - Full Planning** - Erection of additional storey to blocks A, B and C to create 5no two bedroom and 1no one bedroom flats (C3) (2no additional flats per block). Erection of bicycle store.

- 1) The Principal Planning Officer, Guy Everest, introduced the report and gave a presentation by reference to photographs, plans and elevational drawings. There was an additional condition in relation to the development being car free. The application site related to a residential site with five blocks of flats; consent was sought for additional flats with each unit containing a roof terrace at the front, and the internal layout would reach lifetime homes standards. The design and scale was considered acceptable, and the impact on amenity was outlined in the report. In relation to transport there would be new cycle storage in an accessible location at Block C with room for 9 cycles. The location was considered accessible in terms of transport; there was very limited parking on Dyke Road and it had been clarified that individual addresses could be made car free which would reduce the demand. Contributions were sought towards infrastructure improvements on Dyke Road, and the submitted construction plan would achieve code level 4 for sustainability – the conditions had been amended to reflect this. The application was recommended for approval, subject to a s106 agreement, for the reasons outlined in the report.

#### **Public Speaker(s) and Questions**

- 2) Mr James Endersby and Mr Richard Peakin spoke in opposition to the scheme in their capacity as local residents. They stated that the application would create 'gross overlooking' from the new balconies; the scheme would create a serious loss of amenity in terms of light to the stairwells to the extent they would require permanent artificial light. In relation to parking whilst the development would be car free those living there would still have visitors. The resident's disagreed with the Legal Advisor's position in relation to human rights considerations, and the residents had suggested a bond to protect residents should the developer become insolvent. Residents had strong concerns in relation to the additional storey proposed in the application, and they were of the view that the scheme did not comply with policy QD27. There was concern that the construction would cause undue stress for residents, and it was noted that the additional flats would have no lift access for the disabled. Residents expressed concern in relation to property values, and highlighted the lack of communication from the developer.
- 3) In response to Councillor Davey the objectors explained that the overlooking would be caused by the setback parapet allowing direct views onto the balconies below.
- 4) In response to Councillor Cox the objectors clarified that the glazed element providing light to the stairwell would be lost in the development.
- 5) Councillor Kennedy spoke in her capacity as the local ward Councillor. She stated that she both wished to object to the scheme and supported what had already been said by the residents. She was of the view that the scheme represented over-development in

terms of the height and scale, and the scheme was contrary to policy. There were also concerns in relation to the loss of amenity and additional noise – both contrary to policy QD27. Councillor Kennedy acknowledged the difficult position for the city in terms of housing, but she felt the potential harm to the existing residents would be too great.

- 6) Mr Simon Bareham spoke in support of the application in his capacity as the agent acting on behalf of the applicant. He stated that the application would make a positive addition to the supply of housing, and there was a full assessment on the visual impact of the scheme – the additional flats were considered to be well designed and comfortable. The large separation distances would help to protect privacy and outlook, and the residents' concerns in relation to overlooking from the balconies were refuted. In relation to noise and sound insulation it was noted that the new units would comply with modern building regulations – as opposed to the lower standard of the existing buildings. The Officer report recommended a construction environmental management plan, and the plans were for high quality units of lifetime homes standards, all with their own private amenity space. In summary the Committee was invited to grant permission for the high quality scheme with no harmful impact.
- 7) In response to Councillor C. Theobald the agent explained that the new floor would be accessed by extended the existing staircases.
- 8) In response to Councillor Jones the agent explained that due to the positioning of the staircase in Block C the additional floor would sit slightly forward of the building line.

#### **Questions for Officers**

- 9) The Presenting Officer confirmed for Councillor Hyde that a person would need to stand very close to the edge of the new balcony to overlook the balcony below. This was clarified by reference to the plans. The setback distance of three metres, excluding the bay window, for the new storey was also confirmed.
- 10) In response to a further question from Councillor Hyde it was clarified that the loss of light to the communal area did not warrant a reason for refusal on the basis of harm as it was not a habitable room or living space; the use of artificial light was also considered a common feature of communal areas. In response to a further question from Councillor Jones it was reiterated that in terms of policy QD27 Officers were of the view that this did not form a strong enough reason for refusal.
- 11) It was confirmed for Councillor Cox that there were currently 30 flats in the three blocks.

#### **Debates and Decision Making Process**

- 12) Councillor C. Theobald stated that she was not happy with the proposals in terms of noise and disturbance, and the scheme would not be fair on the existing residents. There would be: overlooking; a lack of parking, and the distance to the new floor without disabled access was unacceptable. On principle she did not agree with this type of development, and for the reasons stated she would not support the Officer recommendation.

- 13) Councillor Phillips stated that she had listened to the concerns of residents, and felt that the proposals were appropriate in terms of scale and bulk. She knew these blocks well, and added that all developments would always cause a degree of noise and disturbance; for these reasons she would support the Officer recommendation.
- 14) Councillor Davey stated that the decision was a difficult one, but he felt that he could not support the Officer recommendation as the impact on the existing residents would be too great.
- 15) Councillor Hyde stated that the scheme would seriously affect daylight and sunlight, and the scheme did not meet policy QD27; however, she was mindful that refusal to this type of scheme was often lost at appeal.
- 16) Councillor Littman noted that he similarly found this a difficult decision; he felt the look was appropriate, and his main concerns related to the impact on those currently living in the blocks. On balance he felt that he could not support the Officer recommendation.
- 17) Councillor Jones noted he had been in a similar situation to the residents in a property in which he had lived, but there had been few issues once the works were completed. He stated that at this point he remained undecided, but had concerns this could be over-development.
- 18) The Chair stated that the Committee needed to balance the impact on the residents against the need to provide new homes within the city; he was of the view that the necessity for new homes should be afforded greater weight.
- 19) Before the vote was taken the Planning & Building Control Applications Manager clarified that the Committee could not give any weight to the objector's comments in relation to property values. Also the construction impacts could not form a material consideration unless there was an accompanying EIA.
- 20) A vote was taken by the 12 Members present and the Officer recommendation that the Committee be minded to grant planning was carried on a vote of 7 in support; 4 against and 1 abstention.
- 139.6 **RESOLVED** –That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the conditions and informatives set out in section 11; the additional and amended conditions and additional informative set out below, and an additional condition in relation to the approval of the roof arrangements to enable the stairways to receive natural light (the full wording of the condition to be agreed by the Planning & Building Control Applications Manager).

Additional Condition 10

The internal layout of the new dwellings hereby permitted shall be constructed to Lifetime Homes Standards prior to their first occupation and shall be retained as such thereafter.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

Additional Condition 11

The development hereby permitted shall not begin until such time as a scheme has been submitted to and approved in writing by the Local Planning Authority to provide that the residents of the proposed development, other than those residents with disabilities who are Blue Badge Holders, have no entitlement to a resident's parking permit.

**Reason:** To ensure that the development is car-free and to comply with policy HO7 of the Brighton & Hove Local Plan.

Additional Informative

The applicant is advised that the scheme required to be submitted by Condition 11 should include the registered address of the completed development; an invitation to the Council as Highway Authority (copied to the Council's Parking Team) to amend the Traffic Regulation Order; and details of arrangements to notify potential purchasers, purchasers and occupiers that the development is car-free.

Amended Conditions 6 & 8

to be amended to require Code for Sustainable Homes Level 4.

Amended Conditions 10

The internal layout of the new dwellings hereby permitted shall be constructed to Lifetime Homes Standards prior to their first occupation and shall be retained as such thereafter.

**Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.

**G BH2014/02984 - 26 Lewes Crescent, Brighton - Householder Planning Consent -** Formation of steps with garden store below to rear boundary wall forming gated access from garden to Arundel Place. (Part Retrospective).

- 1) The Principal Planning Officer, Guy Everest, gave a presentation in respect of application BH2014/02984 for householder planning permission and application BH2014/02985 for listed building consent with reference to plans, photographs and elevational drawings; there was also an additional condition in relation of the application for householder planning in respect of the timeframe to complete the works. The application sought permission for changes to the rear boundary wall; the rear garden was lower than the street level and the scheme included a new staircase and storage below. Amendments had taken place following consultation with the Heritage Team and these included the flattening of the door arches and the additional black

railing. Consent was also sought for black and white tiling on the front entrance steps which would match that of the neighbouring property, 27 Lewes Crescent. Both applications were recommended for approval for the reasons set out in the report.

**Public Speaker(s) and Questions**

- 2) Mr Derek De Young spoke in objection to the scheme; he stated that the Kemptown Society strongly objected to the scheme on a heritage basis. He noted that the property was one of the few in area that remained a single residence. There had been a temporary opening in the wall during works to the building, but the wall was original and fell within the curtilage of the Grade I listing; the works had also been carried out without permission. Attention was drawn to a previous decision by the Planning Inspectorate, and the Committee were asked to refuse the application.
- 3) Councillor Hyde asked for further information in relation to the decision of the Planning Inspectorate that Mr De Young had made reference to, and he confirmed that the application was quite different from this, but had related to the treatment of Grade I listed property.
- 4) Mr James Breckell spoke in support of the application in his capacity as the architect for the scheme. He stated that the application had been considered by the CAG in October 2014 where the flatter door arches had been suggested – the scheme before the Committee was the result of the advice of the CAG and consultation with the Heritage Team. Mr Breckell stated he had worked on a similar scheme for the neighbouring building, and argued this gave some precedent for approval. There had already been planning permission for a temporary opening, and this had led to the discovery of evidence of a previous opening in the wall – all this evidence suggested that a rear gate was acceptable. It was also noted that there was no objection to the addition of the new tiles at the front of the property.
- 5) In response to Councillor Hyde the architect confirmed that the Heritage Team had no objection to the scheme that was before the Committee.
- 6) In response to Councillor Gilbey the architect confirmed they had found evidence of a previous opening in the rear wall; this may have been a gate, but had at some point been blocked up.
- 7) The architect confirmed for Councillor C. Theobald that the black railings had been suggested by the Heritage Team.

**Debate and Decision Making Process**

- 8) Councillor Davey stated he had confidence with the view of the Heritage Team, and would support the Officer recommendations.
- 9) Mr Gowans stated that the CAG had originally recommended refusal of the unamended scheme and in relation to interference with the original wall. He noted that CAG had asked for the amendments that were before the Committee, and the design was more in-keeping. In response to the Chair it was confirmed by Mr Gowans that the CAG were now more comfortable with the amended scheme.

- 10) Councillor C. Theobald stated that she agreed with the principle of the door in the wall, but she preferred the unamended white wall of the stairwell.
- 11) A vote was taken in respect of the application for householder planning consent by the 12 Members present at the Committee, and the Officer recommendation that the application be granted was approved with 11 in support and 1 against.

139.7 **RESOLVED** –That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 11 , and the additional condition set out below:

Additional Condition

The works hereby permitted shall be completed in accordance with the approved drawings within 3 months from the date of this consent.

**Reason:** To ensure the satisfactory preservation of this listed building and to comply with policy HE1 of the Brighton & Hove Local Plan.

**H BH2014/02985 - 26 Lewes Crescent, Brighton - Listed Building Consent -** Formation of steps with garden store below to rear boundary wall forming gated access from garden to Arundel Place and replacement tiles to the front steps. (Part Retrospective).

- 1) The presentation, consideration and debate on this application is detailed at minute item 139H.
- 2) A vote was taken in respect of the application for listed building consent by the 12 Members present at the Committee, and the Officer recommendation that the application be granted was approved with 11 in support and 1 against.

139.8 **RESOLVED** –That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **GRANT** listed building consent subject to the conditions and informatives set out in section 11.

**I BH2014/03369 - 16 Fallowfield Close, Hove - Householder Planning Consent -** Remodelling of existing chalet bungalow incorporating erection of single storey rear extension, erection of extension to front at first floor level, extensions and alterations to roof including raising of ridge height and installation of rooflights to facilitate creation of a two storey dwelling house with associated works.

- 1) The Principal Planning Officer, Guy Everest, introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. The application site related to detached bungalow in a residential cul-de-sac. The application proposed an additional storey; the building would have a hipped roof, and be rendered at first floor level. The materials would be consistent with those in the close, and an additional floor was considered acceptable. The separation distance

from the neighbouring properties and the position of the garage would reduce the impact of the scheme, and there was no harm to neighbouring amenity. For the reasons set out in the report the application was recommended for approval.

**Questions for Officers, Debate and Decision Making Process**

2) It was confirmed for Councillor C. Theobald that there had been no objection from No. 70.

3) A vote was taken of the 11 Members present and the Officer recommendation that planning permission be granted was unanimously agreed.

139.9 **RESOLVED** –That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **GRANT** planning permission subject to the conditions and informatives set out in section 11.

**Note:** Councillor Wells was not present during the discussion and vote in relation to this application.

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

140.1 **RESOLVED** – There were no further requests for site visits in matters listed on the agenda.

**141 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

142.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. The register complies with legislative requirements.]

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]



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

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

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

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

**145 APPEAL DECISIONS**

145.1 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 4.34pm

Signed

Chair

Dated this

day of