

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 3 JUNE 2015

THE RONUK HALL, PORTSLADE TOWN HALL

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Allen, Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Miller and Wares

Officers in attendance: Jeanette Walsh (Planning & Building Control Applications Manager), Nicola Hurley (Planning Manager – Applications), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Manager).

PART ONE

1 PROCEDURAL BUSINESS

1.1 The Chair welcomed everyone to the first meeting of the Planning Committee in the 2015/16 Municipal year. Particular welcome was extended to new and returning Members on the Committee, and the Chair stated she was looking forward to working with colleagues in the future.

(A) Declarations of substitutes

1.2 Councillor Allen was present in substitution for Councillor Morris and Councillor Bennett was present in substitution for Councillor Peltzer Dunn.

(B) Declarations of interests

1.3 The Chair declared interests in respect of applications BH2015/00439 – 68 Davigdor Road and BH2015/01083 – 14 Sandringham Close as she has worked professionally with the applicant and agent respectively. The Chair confirmed that she was of an open mind and she would remain present during the consideration and vote on each application.

(C) Exclusion of the press and public

1.4 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.

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

(D) Use of mobile phones and tablets

- 1.6 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'.

2 MINUTES OF THE PREVIOUS MEETING

- 2.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 13 May 2015 as a correct record.

3 CHAIR'S COMMUNICATIONS

- 3.1 The Chair gave the following communications:

"I'm sure it hasn't escaped anyone's notice that there was an election last month; congratulations to you all on your success in getting re-elected or, like me, elected for the first time. We're very fortunate on this committee to have a good mix of old and new hands and I'm happy to say that there's a lot of enthusiasm from both for what is often considered to be a dull subject. But far from it, Planning is one of the more important functions of the Council. Every time we make a decision here or under delegated powers, be it a major scheme or a modest rear extension, it can help to stimulate our economy and make a positive difference to peoples' lives. I'd like us all to remember that.

I'd like to thank members who attended yesterday's site visits which I know will be extremely helpful in making our decisions today. After the site visits, most of us attended a presentation of two schemes that will be coming in as major applications in the near future. Again, they were very helpful and informative. I'd like to encourage all members to attend these in future. Thanks very much to the officers for organising the presentation and for staying that little bit later than expected."

4 PUBLIC QUESTIONS

- 4.1 There were none.

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

- 5.1 There were no further requests for site visits in relation to matters listed on the agenda.

6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**A BH2015/00513 - The Brighton Wheel, Upper Esplanade, Daltons Bastion, Madeira Drive, Brighton - Removal or Variation of Condition**

6.1 This application was deferred from the agenda.

B BH2015/00439 - 68 Davigdor Road, Hove - Full Planning - Conversion of first floor flat and loft to create 3 no. flats including rear dormers and balcony, side dormer and front rooflights, removal of chimney stacks and additional rear window and doors at first floor level.

- (1) It was noted that the application had been deferred from the previous meeting to allow a site visit to take place.
- (2) The Planning Manager (Applications), Nicola Hurley, introduced the applications by reference to photographs, plans and elevational drawings. The site related to a two-storey property of the southern side of Davigdor Road. The application sought permission to convert the existing flat into three flats: two on the first floor and one in the converted loft space – the scheme sought other alterations including balconies, dormers and roof lights. Attention was drawn to the additional representations and the main considerations related to principle of the use, the standard of the proposed accommodation, the impact, traffic and sustainability considerations.
- (3) The application was seeking the sub-division of the unit, and the applicant had provided information in the form of estate agents' details, photographs and layouts to demonstrate that the property had four bedrooms as originally built. Although the downstairs neighbours had refuted this and submitted some additional estate agents' details to counter this case the Local Planning Authority was satisfied that this was not the case on the balance of all the evidence provided. As two of the proposed units would be two bedroom properties this was in compliance with policy. The proposed alterations were similar to those undertaken at No. 66 and whilst these works had been completed before the adoption of SPD 12 the relevant guidance on roof alterations in relation to both applications had been the same at this time. The guidance required the dormer to align, but given the size and scale they were considered acceptable. It was noted that the bedroom on the second floor would have some loss of space due to the roof slopes, but this was not considered sufficient reason to warrant refusal. Transport and sustainability matters were considered acceptable, and the application was recommendation for approval for the reasons set out in the report.

Questions for Officers

- (4) In response to Councillor Barradell it was explained that the relevant section of policy confirmed that the number of bedrooms should be considered by the standard of when the building was originally constructed.
- (5) In response to Councillor Miller it was clarified that there was currently no access to the loft space, and therefore, this area would not have been used in the calculation of floor space, only the space on the first floor. Following a further query it was confirmed by

the Senior Solicitor, Hilary, Woodward, that as far as she was aware there was no legal definition or defined size of a bedroom.

- (6) In response to queries from Councillor C. Theobald it was confirmed that soundproofing fell outside the remit of the Committee and would be captured through Building Control legislation. In relation to the previous refusal of the scheme this had been due to the inaccuracy of the plans; the size of the bedrooms in the proposed second floor flat were also confirmed.
- (7) Councillor C. Theobald asked further questions about soundproofing, and the Senior Solicitor, Hilary Woodward, highlighted the advice received from the Building Control section that the works must achieve Building Control standards (these less onerous than for a new build), a series of sound tests would be undertaken before any sign-off and these results must be presented to the Authority for Building Control records. In response to a further point in relation to soundproofing from Councillor Miller the Planning & Building Control Applications Manager explained that she had taken advice from the Building Control Manager that standards for soundproofing needed to be achieved.
- (8) In response to Councillor Inkpin-Leissner it was explained the details from the estate agent were one of a number of pieces of evidence that had been submitted by the applicant; the Case Officer had also undertaken a site visit and was satisfied that the building was four bedrooms as originally built – there was also history of a similar layout at No. 66.
- (9) In response to Councillor Barradell it was confirmed that Officers were of the view that the impact on the amenity of the neighbouring property downstairs was not so significant to warrant refusal. In response to a further query the Planning Manager clarified the policy hurdles that needed to be overcome in this type of conversion.
- (10) Councillor Inkpin-Leissner asked specific questions in relation to the construction period; in response Officers clarified that these were not material consideration on a scheme of this size. The Chair clarified that such issues were controlled through Environmental Health legislation which had to power to operate much more reactively; breaches of notices served by Environment Health would be a criminal offence.
- (11) In response to Councillor Gilbey it was explained that a conversion would not be expected to meet the same level for lifetime homes standards as new builds; where this would be partially met appropriate conditions would be attached.
- (12) In response to Councillor Miller it was confirmed that there was no off-street parking associated with the property; the units on the lower ground floor were in use as workshops.

Debate and Decision Making Process

- (13) Councillor Wares noted he was satisfied that the property was originally built with four bedrooms; in relation to the concerns expressed about soundproofing he was satisfied with the assurance received from Officers, and he would support the Officer recommendation.

- (14) Councillor C. Theobald felt the application was borderline acceptable, and she acknowledged to amenity concerns for the downstairs neighbour. On balance she would support the Officer recommendation.
- (15) Councillor Inkpin-Leissner noted that the fourth bedroom could have been a nursery and Officers confirmed that a nursery would be classed as a bedroom..
- (16) Councillor Miller stated he was of the view that the property had originally been built with four bedrooms; whilst he had concerns in relation to soundproofing he acknowledged there was an appropriate route to deal with any issues through Environment Protection. He went on to add that the proposed alterations would improve the building and there was a need for more homes in the city.
- (17) Councillor Mac Cafferty acknowledged the concerns of neighbours; however, he was confident that there was appropriate legislation to protect residents and amenity – for these reasons he would support the Officer recommendation.
- (18) In response to a query from Councillor Barradell Officers confirmed the roof lights on the front of the property were in compliance with policy. Councillor Barradell went on to acknowledge that similar alterations had been undertaken next door, and her only reservation related to the property being the only one on the street with roof lights at the front.
- (19) Councillor Littman acknowledged the concerns expressed by the downstairs neighbour, but he felt there were no planning grounds to refuse the application.
- (20) Councillor Inkpin-Leissner noted he would support the Officer recommendation.
- (21) The Chair stated on balance she felt there was sufficient evidence to prove the property had originally been built with four bedrooms; she felt the amenity concerned could be addressed by other legislation to protect this.
- (22) A vote was taken and the Officer recommendation that Planning permission be granted was unanimously carried.

6.2 **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

C BH2015/01083 - 14 Sandringham Close, Hove - Householder Planning Consent - Erection of single storey side and rear extension, demolition of rear garage and associated alterations.

- (1) It was noted that the application had been the subject of a site visit prior to the meeting.
- (2) The Planning Manager (Applications), Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The

site related to a semi-detached property on the northern side of the road. Planning permission was sought for a single side and rear extension. The relevant policy in relation to the application was SPD 12 for householder alterations; this guidance stated that extensions should respect the design and scale of the building. It was considered that the proposed extension would be unsympathetic; the proposed roof line would be awkward and disjointed and most affect the properties to the east and west, in particular it was considered that the impact on No. 15 would be unacceptable and overbearing. For these reasons the application was recommended for refusal.

Public Speaker(s) and Questions

- (3) Prof. Alan Phillips spoke in support of the application in his capacity as the architect for the scheme. He used visuals to demonstrate what could be built at the site under permitted development rights, and it was noted that similar additions had been made elsewhere in the street. The scheme sought to allow the property to have a larger kitchen, and there was only one section of the scheme that could not be permitted under permitted development rights.. At a nearby site on Elizabeth Avenue a similar scheme for a wraparound extension on an identical host property had been granted consent. It was concluded that the scheme would not harm the character of the area, and the Committee were asked to approve it.
- (4) Prof. Phillips confirmed for Councillor C. Theobald that the similar scheme at 46 Elizabeth Avenue had been refused by the Local Planning Authority, but granted permission at appeal.
- (5) In response to Councillor Wares Officers provided the Committee with the proposed elevational drawings for the scheme at Elizabeth Avenue.

Questions for Officers

- (6) In response to Councillor Mac Cafferty the visuals of the current and proposed footprint were shown to the Committee. In response to a further question it was explained that the application could not be achieved through permitted development as there was one aspect that needed planning permission.
- (7) In response to Councillor Barradell it was explained that matters of amenity could only be considered with a prior approval application if there were objections; where a planning application was required the Local Planning Authority was able to consider all relevant matters included amenity.
- (8) It was confirmed for Councillor Inkpin-Leissner that whilst the applicant could technically undertake the scheme in a piecemeal approach; this would be unlikely because of the finished internal configuration the scheme sought to achieve.
- (9) In response to Councillor Wares it was clarified that whilst a larger rear extension would be possible under permitted development, without the wraparound element, there would still be the right of objection from neighbours. When neighbours objected Officers were able to consider amenity issues, and there could be no guarantee that such a scheme would get permission.

- (10) In response to Councillor Bennett the depth of the extension and the distance to the rear wall of the scheme at 46 Elizabeth Avenue were clarified.
- (11) It was confirmed for Councillor Mac Cafferty that the permitted development elements were not listed in the planning history as they had not been the subject of a planning application – the works to No. 13 were listed in the report as they had.
- (12) In response to Councillor Gilbey it was explained that the application at 46 Elizabeth had not had the amenity issues associated with this scheme. Every application was considered on its merits and it was the view of Officers that this scheme was harmful to both design and amenity.
- (13) In response to Councillor Littman it was confirmed that the scheme at 46 Elizabeth was refused for reasons relating to over-dominance and poor design.

Debate and Decision Making Process

- (14) Councillor Mac Cafferty stated that he was of the view the harm to the building had already been caused through permitted development alterations to the roof; the scheme before the Committee would not harm neighbouring amenity, and did not feel awkward or disjointed. For these reasons he would not support the Officer recommendation.
- (15) Councillor Barradell stated that properties in the street already had a number of extensions and additions; she stated that she was minded to not support the Officer recommendation.
- (16) Councillor Littman also noted he was minded to not support the Officer recommendation and made reference to the support from immediate neighbours.
- (17) Councillor C. Theobald noted the harm that had been caused to the building through the permitted development alterations; she stated she could see the merits of both sides of the argument, but felt the policy was clear on these types of alterations. For these reasons she would support the Officer recommendation.
- (18) Councillor Miller noted he would be voting against the Officer recommendation as he agreed with the points raised by Councillors Mac Cafferty and Barradell; he felt the application was an opportunity to actually improve the amenity.
- (19) Councillor Allen noted that it was often important these older types of homes be adapted to suit modern living.
- (20) Councillor Inkpin-Leissner noted that much of the scheme would be permissible through permitted development rights; for this reason he would not support the Officer recommendation.
- (21) Councillor Bennett stated she would not support the Officer recommendation.
- (22) Councillor Gilbey stated the roof was overbearing and too large.

- (23) The Chair stated that the cumulative impact of the proposal was too great, and she would support the Officer recommendation to prevent undermining the SPD.
- (24) A vote was taken and the Officer recommendation that permission be refused was not carried on a vote of 4 in support with 8 against. The reason for approval was proposed by Councillor Mac Cafferty and these were seconded by Councillor Inkpin-Leissner. The reason was then read to the Committee to confirm it reflected what had been discussed. A recorded vote then taken and Councillors: Mac Cafferty, Barradell, Bennett, Inkpin-Leissner, Littman, Miller, Allen and Wares voted that planning permission be granted and Councillors: Cattell, Gilbey, C. Theobald and Hamilton voted that planning permission be refused.
- 6.3 **RESOLVED:** That the Committee has considered the Officer recommendation, but resolved to **GRANT** planning permission for the following reason, and subject to additional conditions for standard time, materials to match existing and drawings:
- i. The proposed development would not harm the building or the amenity of neighbouring occupiers, and neither would it create unduly prominent extensions. The proposed development does not therefore contravene policies QD14 and QD27 of the Brighton & Hove Local Plan 2005.

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

- 7.1 There were no further requests for site visits in matters listed on the agenda.

8 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

- 9.1 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 Chair and Deputy Chair 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.]

10 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

11 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

12 APPEAL DECISIONS

12.1 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 3.30pm

Signed

Chair

Dated this

day of