

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 11 JANUARY 2017

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ

MINUTES

Present: Councillors Cattell (Chair), Mac Cafferty (Group Spokesperson), Hyde, Inkpin-Leissner, Janio, Littman, Russell-Moyle, Miller, Morris, Moonan, Wares and Yates

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

Officers in attendance:

PART ONE

90 PROCEDURAL BUSINESS

90a Declarations of substitutes

90.1 Councillor Janio was in attendance in substitution for Councillor Bennett and Councillor Wares was in attendance in substitution for Councillor C Theobald. Councillor Yates was in attendance in substitution for Councillor Gilbey.

90b Declarations of interests

90.2 Councillor Wares stated that prior to it being decided that he would attend that day's meeting as a substitute member he had read the report in respect of application A, BH2016/01961, 45 – 54 Old London Road, Brighton in his capacity as a Local Ward Councillor and had considered whether or not he would also speak at the meeting in that capacity. He had also attended an initial meeting with the developers but had not expressed an opinion in respect of the application, remained of a neutral mind and would therefore remain present at the meeting during consideration and determination of the application.

90.3 Councillor Yates declared a non-prejudicial interest in respect of Application A, BH2016/01961, 45-54 Old London Road, Patcham, he had attended a meeting arranged by the developer but had expressed no opinion in respect of it, remained of a neutral mind and therefore intended to remain present at the meeting during consideration and determination of the application. Councillor Yates also declared a prejudicial interest in respect of Application F, BH2016/02810, 57 Hornby Road, Brighton. He intended to speak in objection to the application in his capacity as a Local Ward Councillor and having done so would then withdraw from the meeting and take no part in the debate or decision making process.

- 90.4 Councillor Russell-Moyle declared a non-prejudicial interest in Application BH2016/00320, 67 Falmer Road, Rottingdean, Brighton. The applicant's agent was known to him but he had not been lobbied or approached in respect of this application and remained of a neutral mind and would therefore remain present at the meeting during consideration and determination of the application.
- 90.5 Councillor Hyde declared a non-prejudicial interest in respect of Application I, BH2016/00320, 67 Falmer Road, Rottingdean, Brighton. She lived on the same road as one of the public speakers but had not discussed the application, remained of a neutral mind and would therefore remain present at the meeting during debate and decision making in respect of that application.
- 90.6 The Chair, Councillor Cattell declared a non-prejudicial interest in respect of Application D, BH2016/02377, 11 Coombe Vale, Saltdean, Brighton, she had worked with the applicant's architect in her past working life but had not been lobbied or approached in respect of this application, remained of a neutral mind and therefore intended to remain present at the meeting during the debate and decision making process. Councillor Cattell confirmed that this was also the position in respect of Application I, 67 Falmer Road, Rottingdean, Brighton, she remained of a neutral mind in respect of the application and would therefore remain present at the meeting during consideration and determination of the application.

90c Exclusion of the press and public

- 90.7 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.
- 90.8 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

90d Use of mobile phones and tablets

- 90.9 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'.

91 MINUTES OF THE PREVIOUS MEETING

- 91.1 Councillor Miller referred to the request to vary the Heads of Terms. In relation to 121-123 Davigdor Road in this instance in his view this constituted an explicit exception to the requirements which usually needed to be met. Councillor Littman referred to the Application in respect of the Anston House site emphasising that there was a desperate need for more housing. It was important however to get it right and to seek to ensure that developers satisfied the terms that they had agreed to. He wished the minute in respect of that item to be amended to reflect his comments.

91.2 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 14 December 2016 as a correct record subject to the amendments set out above.

92 CHAIR'S COMMUNICATIONS

92.1 The Chair stated that she was pleased to welcome Liz Hobden to the meeting. Liz had recently been appointed as Head of Planning and had indicated that she would be happy to answer any relevant questions which members might have.

93 PUBLIC QUESTIONS

93.1 There were none.

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

94.1 There were none.

95 ENFORCEMENT ACTION TAKEN, ANNUAL REPORT 2015/2016

95.1 The Committee considered a report of the Head of Planning detailing the historic position in respect of the work of the Planning Enforcement Team during 2015/16.

95.2 The Principal Planning Officer Enforcement, Robin Hodgetts, explained that during the consultation period undertaken as part of the development of the Planning Enforcement Policy Document (PEPD), Members and residents has expressed an interest in being informed about the progress and outcomes of enforcement investigations. In future this information would be provided in the form of an annual report.

95.3 It was explained that during the period covered by the report the Planning Enforcement Team had progressed a high number of investigations and had resolved a significant number of breaches of planning control. During 2015/2016, 576 new cases had been received and there were 432 closures which represented a decrease of 85 on the previous year. This was despite a significant reduction in the resources within the team with a number of long term absences and a Principal Officer that was part-time. Notwithstanding these challenging circumstances a high volume of investigations had been progressed and a good level of customer satisfaction had been achieved. The team was supported with some additional capacity, provided by temporary staff at administration and Officer levels which had assisted in progressing investigations and had enabled the team to function well during a time of significant pressures.

95.4 Councillor Mac Cafferty welcomed the report, the results of which were encouraging. It was noted that in the past work had been arranged across geographical areas of the city, this approach was being reviewed currently with a view to updating existing arrangements. It was noted that recruitment arrangements were in place for additional field officers to assist with planning enforcement investigations.

- 95.5 Councillor Yates was pleased to note that additional resources were being provided but was concerned that fewer cases were being closed than were being opened and he was worried that this could result in a less responsive service in future.
- 95.6 Councillor Littman stated it was pleasing to note the arrangements put into place, overall arrangements were working well. He considered that it was also important to note that formal enforcement proceedings were not pursued in those instances where it was not expedient to do so. Councillor Littman also sought clarification whether as appeared to be indicated that 4% of cases remained open; it was agreed that this would be checked and confirmed.
- 95.7 Mr Gowans, CAG, was pleased that arrangements were in place to recruit a full complement of officers. It was important however for the importance of conservation areas and of listed buildings to be recognised. In his view recognition of these had not always been fully understood in the past.
- 95.8 Councillor Morris stated that whilst acknowledging the hard work that had taken place he would be concerned if the geographical focus was to be lost. He referred to issues which had arisen in respect of Preston Street and undertakings which had been given that this area would be focused upon as a priority. There were similar issues in respect of the St. James' Street area. He hoped that work in areas identified as requiring attention could be carried forward as a priority.
- 95.9 The Chair, Councillor Cattell, stated that work would continue to be prioritised but might be carried forward differently in future. Existing arrangements were being strengthened with a view to adopting a more pro-active approach as resources became available.
- 95.10 **RESOLVED** – That the contents of the report be noted.

96 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2016/01961- 46-54 Old London Road, Brighton - Full Planning

Demolition of existing buildings and erection of a 3 storey building containing 44 assisted living apartments for older persons with associated communal facilities, parking and landscaping.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Sarah Collins, gave a presentation detailing the proposed scheme by reference to elevational drawings, plans and photographs. Reference was also made to the additional representations received and the amended wording of reason for refusal no.4, as set out in the circulated Additional Representations List. It was explained that as the applicant had lodged an appeal against non-determination of the application, it was considered to be a deemed refusal and a case needed to be put forward to the Inspector indicating what would have been the local planning authority's grounds for refusal had it been able to determine the application. The Planning Officer maintained regular contact with the applicant's agent throughout the course of the application and delays were incurred by the absence of

pre-application consultation with Officers, the submission of amended plans, additional information and a further round of consultation, and correspondence with the agent relating to the potential impact of the development and developer contributions. The Planning Officer requested a further extension of time to allow for these ongoing discussions but the applicant did not agree to this and the appeal was submitted.

- (3) It was explained the site was located in a predominantly residential area of mainly low-rise detached housing set within well-vegetated plots. The site lay on the east side of Old London Road and comprised five detached dwellings, nos. 46 to 54. Number 46 at the southern end of the site was a bungalow with clay tiled roof and half brick, half pebbledash finish. 48 and 50 were chalet style bungalows, with steeply pitched clay tiled roofs which contain additional accommodation. Numbers 52 and 54 were detached two storey houses with clay tiled roofs and half brick, half render finishes.
- (4) An Area Tree Preservation Order covered the plot of number 54 (and extends to number 11 on the opposite side of Old London Road). However, none of the existing trees at number 54 were present at the time of the Tree Preservation Order in 1971 (ref: 1971-16) and therefore they were not protected. The site measured approximately 67m to 71m (East to West) by 67m (North to South) with a site area of approximately 4,638sqm (0.46 hectares). The site sloped gently upwards to the east. The existing houses are set approximately 15 to 18 metres back from Old London Road. There was no pavement on that side of the road but instead grass verges of approximately 3m to 4m depth. The front boundary treatments of the existing houses generally consist of low brick walls and substantial hedges, shrubs and small trees interrupted by the driveways of each property so that there is a verdant character to the road frontage, with the exception of the frontage of number 54, which is more open albeit there is some planting and a large tree at the northwest corner. To the south of the site this verdant character and green verges continued to the property frontages.
- (5) The appeal history in respect of this site including previously withdrawn appeals by this same applicant were referred to in the officer report. The main considerations in the determination of this application relate to the impact of the development on the character and appearance of the street scene, the flood risk potential at the site, the level of amenity provided to the prospective residents and the requirement for developer contributions in mitigation of the development. The City Plan Part 1 Inspector's Report had been received in February 2016. This supported a housing provision target of 13,200 new homes for the city to 2030. It was against this housing requirement that the five year housing land supply position had been assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector had indicated support for the Council's approach to assessing the 5 year housing land supply and had found the Plan sound in that respect. The five year housing land supply position would be updated on an annual basis.
- (6) The Policy Officer questioned the use class of the proposed development put forward by the applicant. The applicant considered the development to be a C2 use, however the Policy Officer considered the development to be more akin to 'dwelling houses' (C3 use) rather than a 'residential institution' (C2). Irrespective of the use class (whether it be C2, C3 or sui generis) it was considered the accommodation proposed should be considered against and comply with policies relating to housing/dwellings.

- (7) As such, the Policy Officer considered policy CP20 to apply to the proposed development, and had sought 40% affordable housing, which it was considered could be provided as a commuted sum. The supporting text to policy CP20 states that financial contributions will be pooled and used to enable affordable housing provision within the City. The Housing Strategy Officer calculated the commuted sum to amount to £2,282,000.00.
- (8) However, the applicant has not offered any affordable housing and contrary to reference to a viability assessment in the submitted Planning Statement, no viability assessment has been submitted in relation to this application. Therefore, the application was contrary to saved Local Plan policy HO12, and City Plan Part One policies SA6, CP7, CP19 and CP20, and it was considered it should be refused on this basis.

Public Speakers

- (9) Mr Balchin spoke on behalf of neighbouring objectors referring to the high number of objections received, also, from Ward Councillors and the Local MP, regarding the detrimental impact of the proposed scheme. The area was at significant risk of flooding and slides were shown indicating the potential extent of the problem.
- (10) Councillor MacCafferty sought clarification of when the photographs had been taken, for example had they been taken in 2000 when flooding in the area had been particularly bad? i.e., did they represent a worst case scenario?

Questions of Officers

- (11) Councillor Russell-Moyle sought clarification regarding the amount of time it took for floodwaters to subside.
- (12) The Chair, Councillor Cattell, confirmed that it would be useful to receive clarification of the situation in relation to flooding in the vicinity of the site. The Committee were referred to the comments received from Southern Water set out in paragraph 5.15 of the report and to the recommendation received from the Flood Risk Management Officer that the application should be refused.
- (13) Councillor Wares stated that the site was located in his ward and explained that whole section of London Road in Patcham could be subject to severe flooding not just due to poor surface run-off, but in consequence of rising ground water as well and inadequate capacity to deal with surface water sewage. That situation was currently the case without the provision of additional housing units.

Debate and Decision Making Process

- (14) Councillor Morris stated that he was gravely concerned that the applicants had not engaged in any pre-application or other discussions with officers. nor had they sought to meet policy requirements including the BREEM target.

- (15) Councillor Mac Cafferty stated that the application did not respect the issues associated with the area/site. The flood risk issue had not been addressed at all and on those grounds alone he was totally in agreement with the officer recommendation.
- (16) Councillor Wares concurred with all that had been said, especially bearing in mind his knowledge of the area.
- (17) Councillor Inkpin-Leissner stated that he considered that the attitude displayed by the applicant was very bad and hoped that the Inspector upheld the Council's policies, as did Councillor Littman and Russell-Moyle.
- (18) Councillors Janio and Miller stated that there would be a detrimental impact produced by additional buildings on the site, not just for neighbouring residents but for future occupiers of the site too.
- (19) The Chair, Councillor Cattell, stated that she considered the grounds on which the authority was intending that planning permission would have been refused were robust and she fully supported them.
- (20) A vote was taken and Members voted unanimously in agreement with the officer recommendation.

96.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves that it **WOULD HAVE REFUSED** planning permission for the reasons set out in the report as amended by the Late Representations List had an appeal against non-determination not been made

B BH2015/04184 -Court Farm House, King George VI Avenue, Hove - Full Planning
Demolition of existing buildings and erection of 2no three storey blocks (one with basement parking) and 2no part three part four storey blocks containing 69no one, two and three bedroom flats (C3) (including 28no affordable housing units). Provision of 107 parking spaces, (67no at basement level and 40no at surface level) and 132 cycle spaces with associated landscaping and altered site access arrangements.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Liz Arnold, gave a presentation detailing the proposed scheme by reference to plans, elevational drawings and photographs. It was explained that the main considerations in the determination of this application related to the principle of the proposed development and its impacts on the visual amenities of the site and surrounding area, including the setting of the South Downs National Park and Woodland Drive Conservation Area. The proposed access arrangements and related traffic implications, impacts upon amenity of neighbouring properties, future occupiers' amenity, ecology, and sustainability impacts had also needed to be assessed. The City Plan Part 1 Inspector's Report was received in February 2016. This supported a housing provision target of 13,200 new homes for the city to 2030. It was against this housing requirement that the five year housing land supply position was assessed following the adoption of the Plan on the 24th March 2016. The City Plan Inspector had

indicated support for the Council's approach to assessing the 5 year housing land supply and had found the Plan sound in this respect.

- (3) Following an appeal, a development for a care home and 5 dwellings was approved at the site. Plans had been submitted comparing the height of the development now proposed and that previously approved. These plans showed that proposed Block D would be located closer to the boundary of the site adjacent to the roundabout but would be of an identical height. It was acknowledged that whilst the roof level of proposed Block A and the third floor roof level of Blocks B and C would be of the same height as the previously approved scheme the proposed fourth floor roof level of Blocks B and C would be approximately 2m higher than the height of the previous approved care home. Whilst parts of the current proposal would be higher than that previously approved the areas of the development with an increased height would be located towards the centre of the site and would step down in height from north to south to reflect the topography of the site and surrounding area. It is recommended that Ordnance Datum heights were required by condition should overall the proposal be considered acceptable.
- (4) Overall the proposal was considered to be of an acceptable form, height, scale and design and with conditions to control the detailed elements of the design, including landscaping mitigation on the northern and eastern boundaries, it is considered that the proposal would enhance the urban rural interface in this location and would not have a significant adverse impact upon the conservation or enhancement of the adjacent SDNP's natural beauty and approval was therefore recommended.

Questions of Officers

- (5) Councillor Miller enquired whether the s106 had been revised in respect of the shared housing element of the scheme. It was explained that the terminology had been amended to ensure that the wording was clear regarding the type(s) of housing to be provided.
- (6) Councillor Janio requested clarification of the access/egress arrangements in respect of the site and it was explained that following careful consideration it had been considered appropriate for there to be free-flow access to the site which would however include for an improved pedestrian refuge and hard surfacing to footpaths on the adjacent highway. Councillor Janio also enquired regarding arrangements to enable the site to be accessed by bicycle.

Debate and Decision Making Process

- (7) Councillor Mac Cafferty stated that he considered that a number of details remained to be finalised in relation to refuse collection.
- (8) Councillor Wares referred to the letters received from Local Ward Councillors and others referring to potential traffic movements and to the perceived need for a filter lane. The Development and Transport Assessment Manager, Steven Shaw explained in detail the traffic arrangements which would be put into place in respect of the site and the impact assessment in respect of the adjacent highway network. Councillor Wares noted what had been said stating that in his view it would be beneficial if an

informative could be added to any permission granted which would make the position clear.

- (9) Councillors Hyde and Miller considered that careful consideration needed to be given to the location of footpaths through and in the immediate proximity to the site, noting that the potential for improving nearby pedestrian refuges was being explored.
- (10) Councillor Russell-Moyle concurred in that view stating that note also needed to be taken of the pedestrian desire line for example when finalising the highway arrangements in respect of any development on the site.
- (11) Councillor Hyde stated that overall she considered that the proposed scheme was acceptable although she had concerns about the location of the bins. Councillors Hyde and Miller considered that it would be appropriate for a proportion of the open space element of the s106 contribution to be used to fund lighting.
- (12) Councillor Morris supported the scheme but was of the view that it would be appropriate for some/all of the contribution for public art to be used for lighting.
- (13) Councillor Mac Cafferty expressed disappointment that in the light of the earlier decision by the Planning Inspectorate it was no longer considered feasible to push in respect of sustainability, especially given the site's location abutting the national park.
- (14) Councillor Littman considered that notwithstanding the valid concerns raised in respect of some elements of the scheme it was acceptable overall and would provide much needed housing.
- (15) Councillor Russell-Moyle stated that he would be voting for approval of the scheme notwithstanding his concerns regarding traffic arrangements.
- (16) Councillor Wares stated that he considered the appearance of the development to be aesthetically pleasing although he had concerns in respect of the traffic arrangements proposed.
- (17) A vote was taken and on a vote of 10 to 1 with 1 abstention planning permission was granted as set out below.

96.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and to the Conditions and Informatives set out in the report and as amended below:

Amended Condition 1 to read:

The development hereby permitted shall be carried out in accordance with the approved drawings listed in the Late Representations List.

Reason: For the avoidance of doubt and in the interests of proper planning.

Amend reason for Condition 27 to read:

Prior to first occupation of the development hereby permitted, details of external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved

details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to minimise the impact of the development on the South Downs National Park and to comply with policy SA5 of the Brighton & Hove City Plan Part One and policies QD25 and QD27 of the Brighton & Hove Local Plan.

Insert additional Condition 34:

No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- (i) The phases of the Proposed Development including the forecasted completion date(s)
- (ii) A commitment to apply to the Council for prior consent under the Control of Pollution Act 1974 and not to Commence Development until such consent has been obtained
- (iii) A scheme of how the contractors will liaise with local residents to ensure that residents are kept aware of site progress and how any complaints will be dealt with reviewed and recorded (including details of any considerate constructor or similar scheme)
- (iv) A scheme of how the contractors will minimise complaints from neighbours regarding issues such as noise and dust management vibration site traffic and deliveries to and from the site
- (v) Details of hours of construction including all associated vehicular movements
- (vi) Details of the construction compound
- (vii) A plan showing construction traffic routes
- (viii) An audit of all waste generated during construction works, to include:
 - a) the anticipated nature and volumes of waste that the development will generate,
 - b) where appropriate, the steps to be taken to ensure the maximum amount of waste arising from development on previously developed land is incorporated within the new development
 - c) the steps to be taken to ensure effective segregation of wastes at source including, as appropriate, the provision of waste sorting, storage, recovery and recycling facilities
 - d) any other steps to be taken to manage the waste that cannot be incorporated within the new development or that arises once development is complete. The construction shall be carried out in accordance with the approved CEMP.

Reason: As this matter is fundamental to the protection of amenity, highway safety and managing waste throughout development works and to comply with policies QD27, SU9, SU10 and TR7 of the Brighton & Hove Local Plan, policy CP8 of the City Plan Part One, and WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and Supplementary Planning Document 03 Construction and Demolition Waste.

Delete Informative 14

Amended S106 Heads of Terms

- 40 percent affordable housing (15 units for social rented housing or affordable rented housing and 13 units for intermediate housing),
- A contribution of £36,500 towards an Artistic Component/public realm

- A contribution of £117,029 towards the cost of providing secondary (£97,540) and sixth form education (£19,489);
- A contribution of £25,800 towards the Local Employment Scheme,
- Construction Training and Employment Strategy including a commitment to using 20 percent local employment during the demolition and construction phases of the development,
- A Transport Contribution of £51,750,
- A Residential Travel Pack
- Travel Plan
- A long-term management and maintenance plan for the proposed public/communal open space areas, and
- A contribution of £193,702 towards open space and indoor sport to be spent at; Children's Play
- Hove Park and/or Hangleton Park, Dyke Road Park
Parks and Gardens / Natural Semi Natural /Amenity elements
- Hove Park and/or Three Cornered Copse Outdoor Sports
- Hove Park and/or Nevill Recreation Ground, Hove Recreation Ground Indoor Sports
- King Alfred and/or Withdean Sports Complex Allotments
- Weald and/or North Nevill allotments - (part or all of contributions towards Transport and Parks and Gardens/Natural Semi Natural /Amenity elements to be put towards footway/cycleway with lighting at Three Cornered Copse)

C BH2016/02742 -Devonian Court, Park Crescent Place, Brighton -Full Planning

Planning permission is sought for variation of condition 2 of application BH1998/01631/FP (Removal of suspended paved area to expose basement elevation (Blocks 1 & 2) to facilitate conversion to 7 no. flats. Replacement pitched roof (Blocks 1 & 2) and use of roof space to provide 6 no. flats, revised parking area for 12 cars and landscaping) to allow amendments to the fenestration and layout of the proposed mansard extension to Block 2.

- (1) The Principal Planning Officer, Chris Swain, gave a presentation detailing the proposed scheme by reference to site plans, block plans, elevational drawings and photographs.
- (2) Members did not wish to seek further information from officers nor to debate the application and therefore moved directly to the vote.
- (3) A vote was taken and the 10 Members who were present when the vote was taken voted unanimously that planning permission be granted.

96.3 **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.

Note: Councillors Mac Cafferty and Miller were not present at the meeting during consideration of the above application nor the voting thereon.

D BH2016/02377-11 Coombe Vale, Saltdean, Brighton - Full Planning

Roof alterations incorporating hip to barn roof extensions, rear dormers, front rooflight and front and side windows and erection of front porch extension.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer gave a presentation by reference to plans, elevational drawings and photographs detailing the proposed scheme. It was considered that the scale, bulk form and overall design would appear as over dominant and out of character with the street scene. As such, it would have a detrimental impact on visual amenity and the character and appearance of the wider area and was considered contrary to policy QD14 of the Brighton & Hove Local Plan and Supplementary Planning Document 12 and refusal was therefore recommended.

Public Speakers

- (3) Mr Bromley spoke on behalf of the applicants in support of their application. He explained that the proposed extensions would provide a safe and enhanced sensory living space for one of the applicant's children who had Downs Syndrome. The applicant had consulted the planning department in respect of their application and had sought to address all of the issues raised. It was not considered that the narrow dormers proposed would be unneighbourly or contrary to policy or out of keeping with the neighbouring street scene; in fact they would be less intrusive than a number of other extensions in the locality which had been constructed as permitted development.
- (4) Councillor Mears spoke in her capacity as a Local Ward Councillor in support of the application. In her view it should be noted that all aspects of the scheme had been agreed to except the proposed box dormer which she did consider would be intrusive nor would it result in overlooking/overshadowing of the adjacent dwelling at no 15. The character of Saltdean had changed significantly over the years due to extensions to existing buildings and other building works and was no longer characterised by small single storey bungalows. Given the number of roof level extensions which already existed in the area many of them constructed as permitted development she did not consider that what was proposed would be out of keeping or unneighbourly, that it was acceptable had been sensitively designed and that planning permission should be granted.

Questions of Officers

- (5) Councillor Inkpin-Leissner sought clarification regarding the application before the committee for determination as only one dormer had been referred to.
- (6) Councillor Morris sought clarification regarding works proposed to the roof scape of the existing building at the rear and whether there was also a right of way adjacent to the property.
- (7) Councillor Janio also sought confirmation regarding the proposed scheme as he was confused regarding what elements had been dealt with as part of earlier schemes and what was currently proposed. Details of the scheme before the Committee were detailed

and the Planning Manager, Major Applications, Paul Vidler confirmed that refusal was recommended on the three grounds set out in the report.

- (8) Councillor Russell-Moyle noted what had been said regarding the number of extensions which had been erected under permitted development rights and what would be required in order to make the application acceptable as he was seeking to ascertain the difference between what could be acceptable as opposed to what was proposed. It was explained that the Committee were required to determine the application before them and that in officers' view the previous grounds for refusal had not been overcome.
- (9) Councillor Miller stated that it appeared to be whether it would be possible to remove the proposed hip to barn gable roof and to replace it with a more sympathetic structure.
- (10) Councillor Cattell, the Chair, stated that it was important that the Committee needed to determine the application before them and to form a view regarding impact on the neighbouring street scene.

Debate and Decision Making Process

- (11) Councillor Janio enquired whether if works were subsequently completed under permitted development rights they would need to come back before the Committee and it was confirmed that they would not.
- (12) Councillor Yates stated that he was struggling to see how the proposed form of development would not meet the requirements of SPD 12 as the size of the dormer had been scaled back, or how it would result in something at variance with the neighbouring street scene when there were similar structures nearby which had not required planning permission.
- (13) In answer to further questions and discussion, The Planning Manager, Major Applications, confirmed that whilst there were some examples of inappropriate roof extensions in the surrounding area, no precedent had been established. SPD12 guidance stated that "the presence of inappropriate roof alterations in the street would not be accepted as evidence of an established precedent. This view had been upheld by the Planning Inspectorate in respect an appeal in relation to a property located in Hove which was referred to in the report. The proposed dormer whilst it would not be of full roof width, should none the less be subservient to the main host building and in this instance officers did not consider that to be the case. Ultimately, that was a subjective judgement
- (14) Councillor Moonan sought clarification of the location of any additional windows in relation to the neighbouring property also, to view the accompanying plans. In view of the location of the dormers she was undecided as to whether in her view a significant level of over shadowing would result.
- (15) Councillor Miller stated that in his view the proposed development would impact on the neighbouring dwelling but he did not consider that this would be significant or such that it warranted refusal of the application.

- (16) Councillor Mac Cafferty considered that it was important to note that the proposed form of development would have a detrimental impact on the neighbouring dwelling. Councillor Littman agreed and whilst he had sympathy for the needs of the applicant he was in agreement that the resulting development would be overbearing and incongruous in the street scene.
- (17) Councillor Inkpin-Leissner stated that there were differences of opinion regarding the degree of overshadowing which would result, he was also mindful of the needs of the family in this instance. Overall, whilst not perfect, he considered the scheme was acceptable and would be voting that the application be granted.
- (18) Councillor Russell-Moyle considered that it was always finely balanced in cases such as this and ultimately was subjective. On balance he did not agree that there would be a significant degree of overshadowing, particularly as none of the rooms affected would be principal habitable rooms and would be voting that planning permission be granted.
- (19) Councillor Wares stated that in his view the proposed scheme was acceptable and did not consider that the information cited in relation to the Inspector's decision in relation to an application site in Hove was germane in this instance.
- (20) Councillor Hyde stated that she considered that the overall scale and design of the proposed development complied with policy QD14; that the size and design of the proposed dormer also complied with policy QD14 and was in keeping with SPD12: Design Guide for Extensions and Alterations. She did not consider that the roof extension would result in any significant overshadowing of number 15 Coombe Vale and that it therefore complied with policy QD27 and SPD 12.
- (21) A vote was taken and on a vote of 9 to 3 Planning Permission was granted subject to the conditions set out below. Councillor Hyde proposed that planning permission be granted for the reasons she had cited and this was seconded by Councillor Inkpin-Leissner. A recorded vote was then taken. Councillors Cattell, the Chair, Hyde, Inkpin-Leissner, Janio, Miller, Morris, Russell-Moyle, Wares and Yates voted that planning permission be granted. Councillors Mac Cafferty, Littman and Moonan voted that planning permission be refused. Therefore on a vote of 9 to 3 planning permission was granted.
- 96.4 **RESOLVED** - That the Committee has considered the application and resolves to **GRANT** Planning Permission subject to Conditions to be agreed by the Planning Manager.

E BH2016/00448 - 11 Radinden Drive, Hove - Full Planning

Erection of replacement detached dwelling house (C3) with associated landscaping.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer explained that the applicant had requested that Condition 7 be amended in order that part clear and part obscure glazing would be provided which would be angled away from the neighbouring property. No harmful

impact would result to neighbouring amenity and approval was therefore recommended.

Debate and Decision Making Process

- (3) A vote was taken and the 10 Members present when the vote was taken voted unanimously that planning permission be granted.

96.5 **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 following Conditions and Informatives also set out in the report.

Note: Councillors Mac Cafferty and Miller were not present at the meeting when the vote was taken in respect of the above application.

F BH2016/02810- 57 Hornby Road, Brighton -Full Planning

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

- (1) It was noted that that determination of this application had been deferred at the previous meeting of the Committee in order provide further information in respect of space standards. It was also noted that the proposed small house in multiple occupation would have 4 bedrooms.
- (2) The Principal Planning Officer, gave a presentation detailing the scheme by reference to floor plans, photographs and site plans. It was explained that the main considerations in determining the application related to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which that use would provide, transport issues and impact on the character and appearance of the property and the surrounding area. A mapping exercise had been undertaken based on the existing percentage of neighbouring properties in HMO use, this was less than 10% and the proposed change of use would therefore be in accordance with Policy CP21 of the Brighton and Hove City Plan, Part One. The accommodation would provide (4 bedroomed accommodation) for unrelated individuals who would share basic amenities including a kitchen and bathrooms. Issues raised in relation to space standards at the previous meeting had been researched and the standard of accommodation provided was considered acceptable.
- (3) The layout would provide a kitchen, separate lounge/diner and double bedroom, utility room and shower room to the ground floor; three further bedrooms and bathroom to the first floor. There was also a large rear garden. The bedrooms provided were considered to be of an adequate size with good circulation space and levels of natural light and outlook.

Public Speakers

- (4) Councillor Yates spoke in his capacity as a Local Ward Councillor detailing his objections to the application. Councillor Yates stated that in his view and that of his ward colleague, Councillor Marsh, the impact of this HMO on the surrounding

residents, community and properties could be significant There was potential for noise and other environmental disturbance including waste management issues and inadequate provision of parking with a consequential impact to on street parking with impact on community resources such as schools and health facilities due to the loss of family accommodation. Having spoken in respect of the application, Councillor Yates withdrew from the meeting and took no part in the debate or decision making process.

- (5) Mrs Bradley, the applicant, spoke in support of her application. Mrs Bradley explained that she lived in the area herself, knew the area very well would ensure that the property was maintained in good order and did not give rise to nuisance or unneighbourly behaviour. This housing unit was small and would have no more inhabitants than if in use as a family house, nor would it generate any additional vehicle movements, nor give rise to problems in the collection or storage of waste.

Questions for Officers

- (6) Councillor Morris sought confirmation regarding the size of the double bedroom and enquired why the applicant had not been pressed to provide a larger communal space. It was explained that overall given the size of the accommodation this was considered acceptable.

Debate and Decision Making Process

- (7) Councillor Morris expressed concern that the proposed accommodation did not meet preferred space standards, also considering it disappointing that the application was retrospective. He considered it was important to note that shared accommodation of this type could attract young single professional people, as well as students.
- (8) Councillor Russell-Moyle stated that whilst he considered the application acceptable in this instance he was concerned that licensing and planning policy was not consistent and that this needed to be addressed. The Chair, Councillor Cattell, stated that if licensing standards had been met that was a separate regime to planning.
- (9) Councillors Wares and Littman considered it regrettable that the accommodation standards had not been met but considered that there were insufficient grounds on which to refuse the application. Councillor Littman referred to the number of letters of objection lodged by neighbouring residents which indicated the level of local concern about the number of HMOs.
- (10) Councillor Janio concurred stating that whilst noting the concerns voiced he did not consider that they constituted grounds for refusal. Councillor Hyde concurred in that view.
- (11) Councillor Inkipin-Leissner stated that on balance he considered that application to be acceptable.
- (12) A vote was taken and the 9 Members present when the vote was taken voted by 8 to 1 that planning permission be granted.

- 96.5 **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 following Conditions and Informatives set out in the report.

Note: Councillors Mac Cafferty, Miller and Yates were not present at the meeting during the debate nor when the vote was taken in respect of the above application.

G BH2016/05563- Tyson Place and St John's Mount, Brighton - Full Planning
Installation of insulated render cladding to all elevations and replacement of existing windows and doors with UPVC windows and doors and associated alterations.

- (1) The Principal Planning Officer, Liz Arnold, gave a presentation detailing the scheme by reference to plans, photographs and elevational drawings. It was explained that these residential blocks had been built in the 1960s. The supporting Planning Statement stated that the proposed alterations were required due to defects to the brickwork pointing, a lack of thermal insulation and the resultant possibility of condensation. The windows were estimated to be at least 25-30 years and in many instances were distorted, draughty and defective.
- (2) The Planning Statement also stated that the exposed concrete to the balconies and ground floor undercroft was cracking and spalling in places and tests had demonstrated that works were also required to protect the balconies and undercroft from chlorination through salt damage. On balance, it was considered that the benefits of the proposed scheme in terms of improved appearance of the blocks in the wider vicinity and near-by conservation areas, and the improved sustainability and thermal efficiency of the blocks outweighed any possible harm caused by the potential deterioration of the rendering as this could be overcome by a regular maintenance schedule; approval was therefore recommended.

Questions for Officers

- (3) Councillor Wares asked for clarification regarding the precise thickness and specification of the render to be used and regarding assurances that had been sought regarding the quality and longevity of the finishes proposed. Materials proposed for use on other blocks in the city had not ultimately been considered fit for purpose.
- (4) Councillors Hyde and Janio concurred in that view considering that as these works were proposed by the Council on its own properties all of the necessary technical information should be available on such matters.
- (5) Councillor Morris considered that the information provided by the applicants was misleading as different types of render had been provided at different developments across the city. Councillor Morris also enquired regarding the works proposed to the balconies and whether they would be the same as those undertaken at Albion Hill. That information was not available and it was confirmed in answer to further questions that although much of the work proposed did not require planning permission it was proposed that all of the works would be carried out at the same time.
- (6) Councillor Moonan referred to the proposed materials stating that she understood that the type of render proposed had been in use for some time.

- (7) Councillors Wares and Hyde considered that representatives of the applicants should have been on hand at the meeting in order to answer any technical questions Members might have had, notwithstanding that in the absence of objectors they would not ordinarily be given the opportunity to speak. They did not feel that the Committee currently had sufficient information in order to determine the application.
- (8) In view of the discussions which had taken place advice was sought from the Senior Solicitor, Hilary Woodward, who stated that in this instance it would be appropriate for Members to defer determination of the application if they considered they required more information in order to do so. The applicants could also be invited to attend in order to answer any technical queries.
- (9) Following further discussion a vote was taken and the 9 Members present at that time voted by 8 to 1 with 1 abstention that further consideration and determination of the application be deferred pending a site visit and submission of samples by the applicants. Representatives on behalf of the applicants also to be invited in order to respond to any technical questions Members might have.
- 96.7 **RESOLVED** – That consideration of the above application be deferred pending a site visit and submission of samples by the applicants. Representatives on behalf of the applicants also to be invited to attend the Committee in order to respond to any technical questions which Members may have.

Note: Councillors Mac Cafferty, Miller and Inkpin-Leissner were not present during consideration or determination of the above application.

H BH2016/01870- 51 St James's Street, Brighton - Full Planning
Erection of covered seating area on raised decking to rear courtyard. (Retrospective)

- (1) The Principal Planning Officer gave a presentation detailing the scheme by reference to site plans, drawings and photographs. It was explained that the application related to the ground floor A3 (restaurant) unit of a three storey end of terrace building located on the corner of St. James's Street and New Steine Mews, which is situated within the East Cliff Conservation Area. The majority of works to create the additional seating area had already been completed, but amendments would be required to make the design acceptable, as illustrated in Proposed Plan 010 - 04D. These works could however be secured by condition. A single storey extension is located at the rear of the property, but no planning application has been received for these works. This application seeks consent for the covered seating area only, and no other works will be considered. An informative would be added clarifying this point.

Questions of Officers

- (2) Councillor Morris sought clarification regarding whether or not a single storey extension was proposed.
- (3) Councillor Janio enquired whether the application would have been recommended for approval irrespective of whether or not it had been retrospective. It was confirmed that the considerations were the same whether or not an application was retrospective.

- (4) Councillor Russell-Moyle sought clarification whether the courtyard area was currently in use. It was explained that it was and that issues raised in respect of noise were not planning issues but could be addressed by Environmental Health legislation.

Debate and Decision Making Process

- (5) Councillors Hyde and Wares supported the application but considered that it was important to condition the hours during which the courtyard area could be used to ensure that it was vacated by 23:00 hours. The Planning Manager, Major Applications, Paul Vidler, confirmed that the proposed conditions attached to any permission granted could be amended to that effect.
- (6) Councillor Morris stated that he was concerned that there was an overlap with the licensing regime, considering that it was important to apply a consistent approach. He was concerned regarding the concerns and objections received by the Police and in respect of the single storey extension which appeared to have been added to the host building without permission. He hoped that once the enforcement team was up to strength this matter could be investigated further.
- (7) Councillor Inkipin-Leissner stated that he was not happy to support the application in view of the concerns expressed by the Police.
- (8) A vote was taken and of the 10 Members present when the vote was taken planning permission was granted on a vote of 8 to 2.

- 96.8 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report and amended Condition 2 as set out below:

Amended Condition 2:

The covered seating area and rear courtyard shall not be open to customers and all external lighting shall be switched off except between the hours of 09:00 and 23:00 each day and the access door to the courtyard shall remain shut outside these times unless being used for emergency purposes.

Reason: In order to protect the amenity of the occupiers of adjoining properties and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.

Note: Councillors Mac Cafferty and Miller were not present at the meeting during consideration or voting on the above application.

I BH2016/00320, 67 Falmer Road, Rottingdean, Brighton - Full Planning

Demolition of existing house and garage and erection of 4no four bedroom and 5no three bedroom houses (C3).

- (1) The Principal Planning Officer, Chris Swain, gave a presentation detailing the scheme by reference to site plans, floor plans and elevational drawings showing the existing dwelling house on site and the proposed development. It was noted that one additional letter of objection had been received as set out in the Late Representations List.

Reference was also made to the earlier refused scheme and the differences between the two.

- (2) It was explained that the main considerations in determining this application related to the principle of the proposed development, the impacts of the proposed development upon the visual amenities of the area including the setting of the South Downs National Park, the living conditions for future occupiers and the impact upon the amenities of the neighbouring properties. Sustainability, ecology, flood risk and transport impacts were also relevant.
- (3) Following the recent Court of Appeal decision (11 May 2016) regarding these matters, it was noted that the provisions of national policy in respect of affordable housing were not mandatory and that local circumstances could justify an appropriate exception to the approach outlined in national policy and guidance. In applying Development Plan Policy CP20 Affordable Housing, it was considered that in this instance there were specific and genuine local circumstances that justified an exception to national policy and guidance.

In summary, those local circumstances constituted:

- The significant need for affordable housing in the city
- A constrained housing land supply
- The nature of land supply in terms of high residential delivery from smaller sites and brownfield site conversions, changes of use and redevelopment including vacant buildings.

- (4) Whilst it was noted that there was an emerging Rottingdean Neighbourhood Plan, the draft plan has not yet been published and very limited weight can be attached at this stage. Representations had been received that outlined concerns relating to ownership issues on the boundaries of the site. However, the applicant had provided revised site plans clarifying the boundaries and has stated that they consider that the correct ownership certificates had been signed on the application form. Overall the scheme was considered acceptable and minded to grant approval was therefore recommended.

Public Speakers

- (5) Mr Howie spoke as local objector setting out his objections and those of others in the vicinity. The scheme as presented represented total overdevelopment of site and sought to cram too much onto a greenfield site. In their view the previous reasons for refusal had not been overcome and ambiguities had been exploited by the applicants.
- (6) Councillor Mears spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme. Apart from the other issues outlined by the objector there were unresolved parking issues, the number of on-site parking places were limited and included disabled parking. It was likely that those occupying these units would have more than one car and access for refuse vehicles etc., could result in a tail back and could exacerbate the existing parking problems in Falmer Road with the increased number of vehicle movements onto this busy highway giving rise to further problems. There would also be a detrimental noise impact on no 71.

Questions of Officers

- (7) Councillor Moonan enquired regarding the weight that needed to be given to the earlier decision by the Planning Inspectorate.
- (8) Councillor Miller referred to the lengthy conditions proposed and sought clarification regarding them as he was in agreement with the speaker that a number of them appeared to be ambiguous. The Planning Manager, Major Applications, Paul Vidler, explained that when making his decision the Inspector would have used current guidance when formulating that decision. As such the Committee needed to be mindful of that, it was a material planning consideration.
- (9) Councillor Hyde sought clarification regarding the location of on-site parking spaces.
- (10) Councillor Russell-Moyle requested information regarding refuse collection arrangements. It was confirmed that there would be 16 parking spaces including the garage spaces. Further details were required in respect of refuse collection arrangements and were required by condition as would details in relation to landscaping within the site and to its boundaries.

Debate and Decision Making Process

- (11) Councillor Mac Cafferty stated that it was important for the Committee to be mindful of the Inspector's decision and the rationale for it when arriving at their own decision.
- (12) Councillor Russell-Moyle stated that on balance and also in his view because the Committee's hands were largely tied in view of the Inspector's decision, he considered that this scheme was marginally preferable.
- (13) Councillor Inkpin-Leissner stated that he had concerns regarding the scheme enquiring whether if approved it could be ensured that every condition imposed was met 100%. The Planning Manager, Major Projects, Paul Vidler, explained that was not possible, if however, officers became aware that they were not being met that would be investigated. The Principal Planning Officer, Chris Swain, also explained that the additional information required from the developer would be assessed and would ensure that robust safeguards were in place.
- (14) Councillor Morris sought clarification of the time frame for receipt of this information.
- (15) Councillors Hyde and Miller asked whether it would be possible to require additional double yellow line markings adjacent to the Court Ord Road junction. However, the Senior Solicitor, Hilary Woodward, explained that as an assessment had already been made of the highway arrangements to be put into place it would be difficult to justify additions at this stage. The Development and Transport Assessment Manager, Steven Shaw, concurred in that view.
- (16) Councillor Wares stated that even though the revised scheme reduced the harm it did not change his reasons for refusing the previous application and irrespective of the

Planning Inspector overturning the committee’s decision, he would not support this application.

(17) Councillor Littman concurred in that view.

(18) A vote was taken in respect of a review mechanism to assess viability of the scheme. This was agreed on a vote of 11 with 1 abstention. A further vote was taken regarding imposition of yellow-line highway markings which was lost on a vote of 6 to 5 with 1 abstention. The substantive vote was then taken and on a vote of 9 to 1 with 2 abstentions planning permission was granted.

96.10 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a s106 agreement and the Conditions and Informatives set out in the report and the amendments set out below:

Condition1: Change all drawing numbers to read TA943. Change drawing numbers to TA943/P14/A and TA943/P17/A.

Addition S106 Head of Terms:

Review Mechanism to reassess the viability of the scheme close to completion in order to, where possible, secure up to policy compliant level of affordable housing via an offsite financial contribution.

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

97.1 **RESOLVED** – That a site visit be carried out in respect of Application G, BH2016/05563, Tyson Place and St John’s Mount, Brighton.

98 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

99.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing and the Executive Director, Economy, Environment and Culture 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 and the Executive Director, Economy, Environment and Culture. 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.]

100 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

101 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

102 APPEAL DECISIONS

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

The meeting concluded at 8.35pm

Signed

Chair

Dated this

day of