

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 9 MAY 2018

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillor Cattell (Chair) Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Inkpin-Leissner, Littman, Miller, Moonan, Morris, Platts and Wealls

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

Officers in attendance: Nicola Hurley (Planning Manager), Hilary Woodward (Senior Solicitor), Stewart Glassar (Principal Planning Officer), David Farnham (Development and Transport Assessment Manager) and Tom McColgan (Clerk)

PART ONE

1 PROCEDURAL BUSINESS

128a Declarations of substitutes

128a.1 Councillor Wealls declared that he was in attendance as a substitute for Councillor Hyde.

128b Declarations of interests

128b.1 The Chair stated that she was aware that all of the Committee had been lobbied regarding item F BH2017/03863. The Committee concurred that no responses had been given.

128b.2 Councillor Theobald declared that Item C referred to a house owned by a former Councillor but that she had had no contact with them regarding the application.

128c Exclusion of the press and public

128c.1 There were no Part 2 items on the agenda.

2 MINUTES OF THE PREVIOUS MEETING

129.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 4 April 2018 as a correct record.

3 CHAIR'S COMMUNICATIONS

130.1 The Chair stated that a new planning register was being developed and was expected to be available to use at the end of May 2018. The new register would allow users to track applications and to set alerts.

4 PUBLIC QUESTIONS

131.1 There were none.

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

132.1 No additional site visits were requested.

6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2017/04070,8 LLOYD ROAD, HOVE - FULL PLANNING

Demolition of garage and erection of 2 bedroom residential dwelling (C3) to rear and associated alterations.

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

Introduction from Officers

(2) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans.

(2) The main considerations in determining the application related to the principle of a dwelling upon the plot, the design of the proposal, its impact upon the character and appearance of the area, the amenity of adjacent residential occupiers, living accommodation standards, transport/parking and arboricultural interest of the site. Six letters of objection had been received by the Planning Department. Councillor Brown, one of the Ward Councillors, had also objected to the application.

(3) A previous planning application (BH2016/05174) for a 3 bedroom dwelling at the same site had been refused. The decision had been taken to appeal which was dismissed. The Planning Inspector had supported two of the Council's reasons for refusal: design and standard of accommodation/ garden provision. The Inspector did not support impact on neighbouring amenity or removal of trees and planting as grounds for refusal. It was the opinion of the Planning Officer that the concerns raised by the inspector regarding the previous application had been successfully addressed.

Questions to the Planning Officer

(4) In response to Councillor Morris, the Planning officer stated that the Council had cited the removal of trees as one of the grounds for refusal of the previous application however the Planning Inspector had stated that adequate replacement landscaping could be required by condition and did not support the removal of trees as adequate grounds for refusal.

- (5) In response to Councillor Theobald, the Planning Officer stated that the flint boundary wall would be retained but the wall to the front of 8 Lloyd Road would be removed to provide a new driveway.
 - (6) In response to Councillor Moonan, the Planning Officer stated that the existing conservatory attached to 8 Lloyd Road would be taken down to increase the amount of garden space retained by the property.
 - (7) Councillor Littman noted that the trees between the flint wall and the pavement were originally planted on public land. He queried when the land had transferred into private ownership. He also asked why the applicant had proposed to remove the trees when the boundary wall which was being retained was between the property and the trees.
 - (8) The Planning Officer stated that he was not able to confirm when the land had passed into private ownership or why the trees were to be cut down. He did not have access to the appropriate records to confirm the ownership of the land between the wall and the pavement at the meeting.
 - (9) Councillor Littman stated that there needed to be some justification provided for the removal of the four trees and that the ownership of the land and the trees needed to be confirmed before the Committee could make an informed decision.
 - (10) The Chair proposed that consideration of the item be deferred to a later meeting which was unanimously supported by the Committee.
- 133.1 **RESOLVED:** That consideration of application BH2017/04070 is deferred to a later meeting following additional information being provided by officers concerning the land and trees between the flint boundary wall and pavement.

B BH2017/04051, LAND TO THE REAR OF 35 BRUNSWICK PLACE HOVE - FULL PLANNING

Demolition of existing garden wall & erection of 1 no. three bedroom dwelling (C3).

Officer Introduction

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans.
- (2) The main considerations in determining the application related to the principle of the proposed development, the design of the dwelling, the impact of the development on the Brunswick Town Conservation area and adjacent listed buildings, the standard of accommodation the dwelling would provide, the impact on neighbouring amenity and sustainable transport considerations. The site was vacant and the property would adjoin a similar new-build dwelling (BH2014/03838). 10 letters of objections had been submitted to the planning department. It was the Planning Officer's opinion that the proposed design was sympathetic to the character of the area and would provide a good standard of accommodation to future residents. The application was therefore recommended for approval.

Questions to the Planning Officer

- (3) In response to Councillor Theobald, the Planning Officer stated that while the rooms were quite small the proposed dwelling did exceed the minimum size for a three bedroom dwelling as defined in Government guidelines which the Council could refer to but not enforce.
- (4) In response to Councillor Miller's concern that the ancillary room on the ground floor could be used as a fourth bedroom, the Planning Officer stated that the room looked to be around 2m x 2m which would make it a very small bedroom and he felt the description on the floor plan was fair.
- (5) Councillor Mac Cafferty was concerned that there had been no sunlight/ daylight report for the application especially as neighbouring buildings had ground floor and lower ground floor flats for which there may be a significant loss of light.
- (6) The Planning Officer responded that for smaller applications daylight reports were not provided as a matter of course and officers decided if they could adequately judge impact without a full report on a case by case basis.

Debate and decision making process

- (8) The Committee voted unanimously to grant planning permission.

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

C BH2017/04139,9 THE UPPER DRIVE, HOVE -FULL PLANNING

Creation of additional storeys to existing block D to provide an enlarged two bedroom flat at first floor level and 2no additional flats at second and third floor level.

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

Officer Introduction

- (2) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans.
- (3) The main considerations in determining the application related to the impact of the development on the character and appearance of the existing building, site and streetscene, the impact on residential amenity, the standard of accommodation provided and highways and sustainability issues. 16 letters of objection had been submitted to the Planning Department and the Planning Officer confirmed where the objections had been received from.

- (4) It was the Planning Officer's opinion that the development would not seem out of character with the area. The original design had been mindful of the relationship with no. 13 The Upper Dive but now that the development was in situ it was considered that the proposed extension would not have an overbearing impact on its neighbour.

Questions to the Planning Officer

- (5) In response to the Chair, the Planning Officer stated that the side windows as proposed were obscure glazing but this had not been a condition when permission was granted for the initial scheme. There was a four year window in which enforcement action could have been taken but this has now passed. There was a proposed condition to obscurely glaze the side windows for the current application.
- (6) Councillor Moonan asked why the design had been varied from the other two blocks. The bedroom on the top floor seemed to have been expanded and the terrace area reduced.
- (7) The Planning Officer responded that the variations did not cause enough harm to warrant refusal as it was broadly in keeping with the character of the surrounding area. He did not know why the design had been varied.
- (9) In response to Councillor Moonan, the Planning Officer stated that the extension would cause a loss of light in the neighbouring property but that the side windows which would be overshadowed were secondary windows and the loss of light was within acceptable levels.
- (10) In response to Councillor Miller, the Legal Adviser stated that the trees which had been planted as screening were a material consideration as they were in place and it was in the gift of whoever occupied the neighbouring building whether they were retained or not.

Debate and decision making process

- (11) Councillor Theobald stated that the building had originally been of a reduced size to protect the established neighbouring house. She was not convinced that circumstances had changed and felt that the proposed extension would be overpowering for the neighbouring house.
- (12) Councillor Moonan stated that she agreed with Councillor Theobald that the new block would be overbearing as the applicant had increased the size of the proposed block compared to the two existing ones.
- (13) Councillor Miller stated that he felt the additional bulk on the side of the block closest to the neighbouring house was not acceptable. He also stated that he would like an additional condition added to increase the height of the screen on the terrace to two metres along the terrace if permission was granted.
- (14) A vote was taken and on a vote of 3 For and 9 Against with no abstentions planning permission was refused.

- (15) Councillor Moonan asked the Legal Adviser to clarify whether the adult with disabilities living the neighbouring house could be referenced as a ground to refuse.
- (16) The Legal Adviser stated that in order to cite the impact of the development on the neighbour's disabled adult son as a reason for refusal the Committee would need to have evidence of the application's impact on them. While the report took into account the equalities and safeguarding duties the Council had towards the individual it did not provide any evidence of harm to him that may be caused by the development.
- (17) In response to Councillor Miller, the Planning Transport Officer stated that the development currently had two unassigned parking bays which the new flats would be able to rent and the local controlled parking zone did not have a waiting list. Thus increased pressure on parking was not a significant issue.
- (15) Councillor Miller proposed that the application be refused planning permission on the grounds that:
1. The building would be overbearing to established neighbours
 2. The building would overlook the neighbouring house and garden
 3. The design was not in keeping with the character of the surrounding area and would be damaging to the streetscene.
- (16) Councillor Bennett seconded the proposal.
- (17) A vote was taken on the proposed alternative recommendations. This was carried with Councillors Gilbey, Theobald, Bennett, Inkipin-Leissner, Littman, Miller, Moonan, Morris and Wealls in support (9) and Councillors Mac Cafferty, Platts and Cattell against (3) with no abstentions.
- 133.3 **RESOLVED** - That the Committee has taken into consideration the recommendation laid out in the report but resolves to **REFUSE** planning permission on the grounds proposed by Councillor Miller detailed in paragraph (15) above.

D BH2017/03884, REAR OF 74 AND 76 GREENWAYS, BRIGHTON - FULL PLANNING

Erection of 2 no four bedroom detached dwellings with associated landscaping and new access. Creation of new vehicle crossover to 74 Greenways.

Officer Introduction

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans.
- (2) The main considerations material to this application were the principle of development on the site, the impact of the proposed dwelling on the character and appearance of the street, the impact on the amenities of adjacent occupiers, the standard of accommodation to be provided, sustainability, ecology and traffic issues.

- (3) The principle of four dwellings on the site had been established in 2014 when application BH2013/04327 had been granted permission to redevelop the whole site. Two subsequent applications had been refused as they were considered to be overdevelopments of the site (BH2017/01199 and BH201605006). The current scheme was scaled back and had a similar footprint to the originally granted scheme.

Questions to the Planning Officer

- (4) In response to Councillor Bennett, the Planning Officer stated that permitted development rights were to be removed by condition.
- (5) In response to Councillor Miller, the Planning Officer confirmed that the proposed materials were to be agreed under a condition.

Debate and decision making process

- (6) Councillor Theobald stated that she was not in favour of backland developments such as the one proposed and felt that they had a significant negative impact on surrounding properties.
- (7) Councillor Gilbey stated that the proposal fitted in with other backland development in the area..
- (8) Councillor Inkpin-Leissner stated that he felt in the light of the extant permission that it would be difficult to justify refusing the application.
- (9) A vote was taken and by a vote of 10 For and 1 Against with no abstentions planning permission was granted.

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

Note: Councillor Mac Cafferty was not present for the debate and vote on the application.

E BH2018/00865,31 HARRINGTON ROAD BRIGHTON- HOUSEHOLDER PLANNING CONSENT

Hip to gable roof extension, creation of rear dormer, installation of rooflights, windows and removal of chimney.

Officer Introduction

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans.
- (2) The application was a resubmission of a previously refused application (BH2017/01021) which had also been dismissed at appeal. The previous scheme had included hip to

gable extensions, a rear dormer, rooflights to the front, rear and side elevations and the removal of 1no chimney. The appeal decision had been given significant weight by the Planning Officers. The Planning Inspector had stated that the hip to gable extension did not diminish the appearance of the building and that the loss of a chimney would not be sufficient grounds on which to refuse the application alone. The new application reduced the size and number of windows with a modestly sized rear dormer, two front roofslope rooflights and one rear roofslope rooflight.

Questions to the Planning Officer

- (3) In response to Councillor Morris, the Planning Officer confirmed that the Planning Inspector had concluded that the loss of one chimney on its own would not cause significant enough harm to refuse planning permission.

Debate and Decision Making Process

- (4) Mr Gowans stated that the Conservation Advisory Group recommended refusal as the application proposed radical changes to a house in the conservation area. He stated that while the Group's objections around the rooflights had been partially addressed by the revised plan they still felt the loss of a chimney caused significant harm especially as the remaining rear chimney would be obscured.
- (5) Councillor Theobald stated that she felt the proposed roof changed the character of the building quite dramatically and would not be supporting the officer recommendations.
- (6) Councillor Miller stated that the extension would impact the conservation area and the design was quite different to the existing house and the surrounding area.
- (7) A vote was taken and on a vote of 8 For, 2 Against and 1 Abstention planning permission was granted.

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

Note: Councillor Mac Cafferty was not present for the debate and vote on the application.

F **BH2017/03863,HOVE BUSINESS CENTRE FONTHILL ROAD,HOVE- FULL PLANNING**

Creation of additional floor to provide 4no office units (B1) with associated works.

Officer Introduction

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans.
- (2) The main considerations in the determination of the application related to the principle of adding an additional floor comprising office units to the locally listed building, its impact

on the appearance of the building and the setting of the adjacent Hove Station Conservation Area, its impact on neighbouring amenity, sustainability and transport issues.

Public Speakers

- (4) Councillor O'Quinn submitted a written representation as she was not able to be present at the meeting, and this was read out by the Clerk:

"I wish to object to this planning application for the creation of a new, partial 4th floor on the Du Barry building consisting of 4 offices, in the strongest possible terms. There has been such a plethora of planning applications for this building in the last few years that it has been hard to establish what the present situation is. I am utterly amazed that we are expected to believe that on the one hand office space in the building is impossible to rent out and thus 15 flats are going to be built under Permitted Development, with no Affordable units, but on the other hand there is an application to build 4 new offices on the roof of this iconic building. What a contradiction in terms!

"The plans for the offices mean that the western elevation and central elevation will no longer just be flat, as was the intention of the architects who originally designed this building. I note that an amended plan has been put in place as a response to the criticisms of the Heritage department, thus the offices will be set back from the parapet now. However, by the reduction of one issue others have been made more contentious, in that the proposed offices will now sit closer to the edge of the northern side of the building, which runs adjacent to the backs of properties in Newtown Road. Residents of Newtown Road will now suffer a loss of light, some properties more than others and also a loss of privacy due to the large windows that are intended to run along the north facing walls of the offices.

"I would also like to reiterate the issue of parking in this area, which is already significant due to its proximity to Hove Station and to developments already taking place in the area nearby. I find it hard to accept that Highways have stated that these offices do not intend to have a requirement for parking. Of course they will! Staff and visitors alike will use visitor bays, which are already heavily oversubscribed.

"I can't state strongly enough how much I support local residents in their campaign to oppose this application - and others in the last few years. The applicants have created considerable confusion by putting in a number of applications, whether by design or not, and making endless changes to them. I urge you to refuse this application, which is a further blow to the integrity of the building's structure as a whole. We need to take more care of these historically important buildings and not allow them be compromised by unnecessary developments. We also need to protect residents from the harmful effects of over development."

- (5) Mr Rafferty spoke on behalf of the applicant and stated that the site had already been given planning permission and the scale of the application had been agreed in principle by the Committee. The proposed design had been altered to remove the glazing which could potentially overlook the neighbouring properties. While there was limited parking on site the section 106 contribution could be used to improve foot and cycle paths. The multiple applications submitted were as result of changing market conditions and not an attempt to obscure what was actually being proposed.

- (6) Councillor Mac Cafferty asked what in Mr Rafferty's opinion had changed between the daylight report produced in 2015 which highlighted loss of light to ground floor windows in neighbouring properties and the current application.
- (7) Mr Rafferty responded that the proposed design had a slightly lower profile than the extant position but that the impact on daylight would be largely the same.

Questions to Officers

- (8) In response to Councillor Mac Cafferty, the Planning Officer stated that the Planning Inspector felt that the loss of light caused by the scheme was acceptable. Officers still felt that the loss of light was relevant to the application but the impact on neighbours was not enough to warrant refusal.
- (9) In Response to Councillor Morris, the Planning Officer stated that there was no specific condition to protect the decorative tiles during construction work but an additional condition could be added.
- (10) In response to Councillor Miller, the Planning Officer stated that there were no environmental health issues raised by the close proximity of the offices to flats as the offices were classed as B1 use which should be able to operate alongside residential use. Building Control would usually deal with sound proofing and it would not usually be added as a condition.
- (11) In response to Councillor Littman, the Planning Officer stated that permitted development rights did not have a test for whether office space was vacant or unwanted and the Council did not have any input in the decision to convert office space in the building into residential units. The loss of office space was regrettable as it was in very short supply in the city.

Debate and Decision Making

- (12) Councillor Inkpin-Leissner stated that he saw no legal basis on which to refuse the application.
- (13) Councillor Theobald stated that the application would provide much needed office space and she was pleased that the rear glazing had been removed to limit overlooking.
- (14) A vote was taken and on a vote of 11 For and none against with 1 abstention planning permission was granted.

133.6 **RESOVLED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and is **MINDED TO GRANT** planning permission subject to a s106 Agreement and the conditions and informatives and for the reasons set out in the report.

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

134.1 There were none.

8 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

9 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

10 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

11 APPEAL DECISIONS

138.1 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 4.30pm

Signed

Chair

Dated this

day of