

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

1.00pm 18 JULY 2018

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Co-opted Members: Mr Roger Amerena (Conservation Advisory Group)

Officers in Attendance: Liz Hobden, Head of Planning; Paul Vidler, Planning Manager (East); Maria Seale, Principal Planning Officer; Helen Gregory, Principal Planning Officer (Planning Policy); Robert Davidson, Principal Planning Officer (Planning Policy); Gareth Giles, Principal Planning Officer; Chris Swain, Principal Planning Officer; Jonathan Puplett, Principal Planning Officer; Sarah Collins, Principal Planning Officer; Mick Anson, Principal Planning Officer; Emma Kumar, Empty Property Officer, Housing Strategy Team; Marcus Brooke, Arboriculturist; David Farnham, Development and Transport Assessment Manager; Hilary Woodward, Senior Solicitor; Penny Jennings, Democratic Services Officer and Tom McColgan, Democratic Services Officer.

PART ONE

12 PROCEDURAL BUSINESS

Filming of Meeting by Latest TV

Before proceeding to the formal business of the meeting, the Chair, Councillor Cattell, explained that a request had been received from "Latest TV" to film/record the meeting. In line with agreed Council policy this would be permitted provided it did not impede the conduct of the meeting. The meeting was being recorded for the purpose of the Council's own records and would as always be available for live viewing and for subsequent repeat viewing once archived.

12a Declarations of substitutes

12.1 Councillor Platts confirmed that she was attending in substitution for Councillor O'Quinn.

12b Declarations of interests

- 12.2 The Chair, Councillor Cattell referred to the fact she had been lobbied but had expressed no opinion in respect of applications A, BH2018/00340, former Amex House, Edward Street, Brighton; D, BH2017/02869, 10 Shirley Drive, Hove and K, BH2017/04070, 39 Dyke Road Avenue, Hove.
- 12.2 Councillor Morgan stated that in his previous capacity as Leader of the Council he had met with and been briefed by developers in respect of an earlier application in respect of application A, BH20018/00340, Former Amex Hose, Edward Street, Brighton. The current application had not been discussed and he had not expressed a view and would therefore remain present during its consideration and the debate and decision making process.
- 12.2 Councillor C Theobald referred to application D BH2018/00248, Patcham High School, Ladies Mile Road, Brighton. As she had been co-signatory to the letter in support of the scheme (reproduced at page 163 of the agenda) submitted by all of the Local Ward Councillors she would withdraw from the meeting during consideration of the application and would take no part in the debate or decision making process.
- 12.3 Councillor Miller declared an interest in respect of application L, BH2017/03830, 19 Shirley Drive, Hove. He had become aware on arrival at the meeting that he was acquainted with a neighbouring resident. He had however, not determined the application remained of a neutral mind and would therefore remain present during consideration and determination of the application.
- 12.4 Councillor Gilbey, declared an interest in application C, BH2017/02869, 10 Shirley Drive, Hove, she had become aware on arrival at the meeting that she was acquainted with the objector who was speaking having worked with him in the past as a colleague at Portslade Community College she had however, not determined the application remained of a neutral mind and would therefore remain present during consideration and determination of the application.
- 12.5 Councillor Inkpin-Leissner declared a prejudicial interest in respect of application P, BH2018/00319, 12 Twyford Road, Brighton. He had written a letter in his capacity as a Local Ward Councillor setting out his own views and those of local residents who objected to the proposal and would therefore withdraw from the meeting during consideration of that application and would take no part in its consideration or the debate and decision making process.

12c Exclusion of the press and public

- 12.6 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.
- 12.7 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

12d Use of mobile phones and tablets

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

13 MINUTES OF THE PREVIOUS MEETING

- 13.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 6 June 2018 as a correct record.

14 CHAIR'S COMMUNICATIONS

- 14.1 There were none.

15 PUBLIC QUESTIONS

- 15.1 There were none.

16 REQUEST TO VARY SECTION 106 AGREEMENT, BAPTIST TABERNACLE, MONTPELIER PLACE, BRIGHTON

- 16.1 The Committee considered a report of the Executive Director Economy, Environment and Culture detailing a request which had been received to vary the Heads of Terms of a s106 Agreement signed in order to amend the tenure of the affordable housing to be secured on site.
- 16.2 The Principal Planning Officer, Gareth Giles, introduced the report and explained that it was requested that the proposed variation to the Heads of Terms be agreed in order to amend the affordable housing provision proposed on the site in order to secure 1x Affordable Rent (wheelchair) unit (15) and 4x Shared Ownership units (16, 17, 18 and 19). It was noted that developer had written to the Council requesting that, following negotiation with a Registered Provider (RP), the affordable housing was secured on site with the tenure adjusted to 1x Affordable Rent (wheelchair) unit and 4x Shared Ownership, the same five units as the original application.
- 16.3 Given that the RP had made an offer, the Local Planning Authority preference was to accept that this adjusted on-site provision rather than a commuted sum as financial contributions in lieu were only considered where options for on-site provision had been exhausted. Having liaised with the Housing Strategy Team the Local Planning Authority was satisfied that the affordable housing provision secured on site with the tenure adjusted as proposed in the A106 Deed of Variation was an acceptable alternative to the scheme previously agreed by the Planning Committee and could be considered to comply with the development plan.
- 16.4 A vote was taken and the Members of the Committee voted unanimously that the proposed Heads of Terms be varied as recommended.
- 16.5 **RESOLVED** - That the proposed variation to the Heads of Terms to be agreed so that the affordable housing provision to be secured on site with the tenure amended to 1x

Affordable Rent (wheelchair) unit (15) and 4x shared ownership units (16, 17, 18 and 19), be approved.

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

17.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2017/04113, 64 St James' Street, Brighton	Councillor C Theobald
BH2017/03648, 7 Howard Terrace, Brighton	Councillor Hyde
BH2018/00081, 51 Woodland Avenue, Hove	Councillor Bennett

18 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MAJOR APPLICATIONS

A BH2018/00340, Former Amex House, Edward Street, Brighton- Full Planning

Erection of a mixed use development to provide 168no residential dwellings (C3), 16,684sqm (GEA) of commercial floorspace (B1), 1,840 sqm (GEA) of ancillary plant/storage and 1,080 sqm (GEA) flexible floorspace comprising commercial and/or retail and/or residential communal space and/or non-residential institution (B1, A1, A3, C3, and D1) across lower ground and 4 and 8 storeys above ground, with associated parking, hard and soft landscaping and access.

Officer Presentation

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Mick Anson, introduced the application and gave a presentation by reference to site plans, elevational drawings, photographs and floor plans. It was explained that the main considerations in determining this application were the principle of the development of a mixed scheme of B1a) offices and residential units together with a flexible mix of retail, small business units and/or potentially Class D1 community uses. The quantum of affordable housing provision proposed had been assessed against a Viability Assessment submitted with the application. The density, building heights, design and appearance of the development together with the layout of open space and landscaping within the development had been assessed. The wider impacts of the proposals on the townscape and the impact on heritage assets within the city was also a key consideration. Key amenity and sustainability characteristics had also been assessed including daylight/sunlight and potential noise impacts, neighbour impacts, sustainability issues including transport impacts, microclimate, air quality and ecology The site fell within the Eastern Road and Edward Street strategic development area and formed part of a larger site allocation

which included the adjacent Job Centre identified within the Edward Street Quarter. It was also important to note that the residential requirement stated referred to a minimum rather than a maximum. The site was considered to be primarily an employment site since its location in proximity to other key employment sites and buildings lent itself to that use. There was recognition that the area was mixed in character and that a residential element would also enable a viable scheme to come forward to regenerate this site and area. The brief included an indicative site layout for accommodating the quantum of development and the proposed scheme had generally followed the guidance given on site layout and land uses. Reference was also made to the amendments and comments set out in the Late/Additional Representations List. The wider impacts of the proposals on the townscape and the impact on heritage assets within the city had also formed part of the key considerations in assessing this application. Key amenity and sustainability characteristics had also been assessed including daylight/sunlight and potential noise impacts, the microclimate of the site, air quality and ecology. The Principal Planning Officer referred to information submissions shown on the Planning Register which had been queried in instances confirming that where there had been any doubt as to the understanding/intent these had been removed from the register.

- (3) A group of local residents had submitted an alternative neighbourhood plan which it was considered would meet City plan requirements. The Local Planning Authority was however required to determine the development proposal in front of it. The residents' plan gave no indication of floor space of the residential units, whilst it appeared that it would not provide minimum commercial floor space required, nor comply with adopted development Brief which had been subject to wider consultation. A Financial Viability Appraisal had been undertaken by the applicant and a Statement of Common Ground between the applicants and the District Valuer had been placed on the Planning Register as a public document.
- (4) The Principal Planning Officer, Planning Policy, Helen Gregory, explained that in addition to the considerations referred to in the report it also needed to be noted that the City Plan Part 1 Inspector's report had been received in February 2016. The Inspector's conclusions on housing had been to agree a target of 13,200 new homes for the city until 2030 as a minimum requirement and that it was against that that the city's five year housing land supply position would be assessed annually. The Council was keen to see the re-development of this vacant site as part of redevelopment of the Edward Street Quarter, the emphasis of policy for which was for employment led development to strengthen the city's economy in order to meet the council's priorities for high quality job creation and to support the city's growth potential. The principle of mixed use re-development was in accordance with policy and was in line with the Edward Street Planning Brief. On balance for the reasons set out in the report it was considered that the proposed dwelling mix for affordable housing would be acceptable.
- (5) The financial viability appraisal undertaken by the applicant had calculated that 20% was the maximum amount of affordable housing which could be provided on the site without making the development unviable which equated to 33 units; with the tenure mix of affordable housing as 55% affordable rent and 45% shared ownership. This appraisal had been independently verified by the District Valuer and was therefore accepted as being in accordance with the requirements of Policy CP20.

- (6) It was recommended that the application was approved “Minded to Grant” save that should the s106 Planning Obligation, conditions and informatives not be agreed by 7 November 2018 that the Head of Planning be authorised to refuse permission for the reasons set out in section 9 of the submitted report.

Public Speakers

- (7) Mr Peacock spoke on behalf of neighbouring residents setting out their objections to the proposed scheme. Mr Peacock explained that whilst local residents were not averse to the principle of development of the site, the proposals put forward were not appropriate and would have a highly detrimental impact on neighbouring residents of White Street in particular, were not acceptable and failed to comply with the Development Brief on height and density and was contrary to a number of the Council’s own planning policies, namely CP20 (affordable housing), Strategic Plan Objective SO9, DA5 and SO12. Residents had put together their own Neighbourhood Plan. The developer had failed to consult properly with residents and The Council had also provided incorrect/misleading deadlines for objections in some instances. Mr Peacock also stated that Lloyd Russell Moyle MP had objected to the proposal. Mr Peacock was accompanied by Mr Hart and Mr Hurst who were in attendance to assist in answering questions or to respond to any points of clarification which members might have.
- (8) In answer to questions by Councillor Mac Cafferty, Mr Hart reiterated the information which he had submitted previously to members and officers. Significant numbers of detailed objections had been received in response to the proposals. The consultation process had been flawed and had not been as thorough as it should have been. Information provided regarding deadlines by which information needed to be submitted had been conflicting and confusing, had it not been so the level of objections and information submitted in support of them would have been even higher, for example residents had been led to believe that they had missed a key deadline to comment on the application when that had not in fact been the case. Mr Hart considered that information contained in the officer report was misleading. He was aware that a number of the letters which appeared to indicate support for the proposed scheme had been based on misleading information which had been provided by the developer. Mr Hart and other neighbouring objectors contended that the consultation process had been flawed and that this application should be refused to enable that process to be recommenced properly which would enable a scheme which was more sympathetic to and in keeping with the neighbouring street scene to be brought forward. What was currently on the table represented an overdevelopment in terms of its height and massing.
- (9) The Planning Manager, Paul Vidler, confirmed that the Council’s own consultation process had been carried out in accordance with national guidance and its own established processes. Councillor Morris sought confirmation from Mr Peacock regarding whether/what amendments could be made to the scheme as presented which would make it more acceptable to residents.
- (10) Mr Wade (Director of First Base) spoke on behalf of the applicants in support of their application. Mr Wade stated that both the consultation process and the scheme as before the Committee for determination had been carried out in line with agreed policy.

The consultation process had been extensive with pop-in sessions held in order to explain the scheme and extensive leafleting of the neighbouring residential area.

- (11) Councillor Platts referred to the draft planning brief and sought clarification from Mr Peacock regarding the brief against which this application had been set and the manner in which objectors considered this application had departed from that. Officers clarified that the objectors had referred to the 2013 Adopted Planning Brief which had been prepared by the Council. Councillor Hyde enquired regarding residents' understanding of the scope of the original brief.
- (12) Councillor Mac Cafferty sought confirmation from the applicants regarding their failure to provide 40% affordable housing and it was explained that this would not be financially viable for the reasons set out in the report and that the District Valuer had concurred in that view. Councillor Mac Cafferty also sought clarification of the rationale for extending the frontage of the scheme up to the footway when in his view it would have been more logical to have an open space in front of those blocks. It was explained that this approach had been adopted in order to activate and maximise the frontage of the site.

Questions for Officers

- (13) Councillor Mac Cafferty enquired why a contribution towards school places had not been required towards school. In response it was explained that whilst a contribution would not be sought towards primary education places, a contribution would be sought towards the cost of secondary provision should the development proceed. Councillor Mac Cafferty also enquired regarding the location of obscured glazing as he had understood that it had been agreed that this would be provided to some units and in respect of the loss of trees, their species and location and whether they were to be replaced with mature/semi mature specimens.
- (14) It was explained that it was proposed that semi mature trees rather than saplings would be used, smaller trees grew more quickly and should be sufficiently hardy provided that they were planted in a trench of sufficient depth. Concerns were expressed regarding the potential for new planting to survive should it be planted close to the footway or where it would be more susceptible to inclement conditions.
- (15) Councillor Morris enquired regarding rights of way/access across the site, access arrangements and whether and where there would be shared pedestrian/vehicular access or highway arrangements. The Development and Transport Assessment Manager, David Farnham, confirmed that the main access to the site would be from John Street and that although there would be several other access points to the site.
- (16) Councillor Miller asked for information in respect of materials to be used for the balcony terraces and whether they would be screened. Also, in respect of the location of the affordable rental and shared ownership units within the development.
- (17) Councillor Hyde enquired regarding the location of the proposed disabled parking spaces seeking assurance on their accessibility. Councillor Hyde also enquired regarding loss of light and overshadowing/overlooking to properties located in White Street and Mighell Street and relation to any mitigation measures proposed. The Principal Planning Officer, Mick Anson stated that whilst it was acknowledged that there

would be some loss of light the scheme had been considered against all other impacts and its benefits.

- (18) Mr Amerana, CAG, referred to the height and massing of the proposed development and to the Heritage comments received seeking clarification of comments made in respect of amendments made to the scheme and views from/across the site. The Principal Planning Officer confirmed that the opportunity to link the new through street and square to the existing Dorset Gardens Peace Park was welcomed as it would create a sense of continuous public open space and a green route and that overall the scheme would provide a mix of uses with good quality architecture and public realm, would enhance views from Dorset Gardens, that identified heritage assets would be preserved and that no harm to them had been identified.
- (19) Councillor Gilbey enquired regarding wheelchair access to the site, access arrangements from Mighell Street. In answer to questions as to whether it was proposed that a community space/rooms would be provided on site it was confirmed that, it was not.

Debate and Decision Making Process

- (20) Councillor Littman stated that he considered it regrettable that the level of affordable housing fell below the 40% required. Overall, the proposed scheme ticked a number of boxes, he did however have concerns regarding whether the planting to be provided would be sufficiently robust enquiring whether it would be possible to ensure that the trees were replaced (as necessary) for an agreed period e.g., five years and it was confirmed that was a proposed condition of grant (condition 40).
- (21) Councillor Inkpin-Leissner stated he considered that whilst there was much to commend the scheme, not least, that it would provide much needed housing he was concerned about the height and bulk of the proposed scheme and the negative impact it would have on would have on residents of White Street.
- (22) Councillor Morris stated that whilst welcoming some elements of the scheme for example the green space linkage with the Dorset Gardens Peace Garden, overall, he was very disappointed with the design of the scheme which he considered was unimaginative, with a colour palette proposed for materials which was discordant. Councillor Morris also had concerns regarding the detrimental impact the scheme would have on White Street by virtue of its height and close proximity.
- (23) Councillor C Theobald stated that she had concerns that the level of parking proposed on-site was insufficient, although generally she considered the scheme to be acceptable.
- (24) Councillor Hyde concurred in that view stating that she considered the scheme to be of a good design and made good use of a brownfield site although she was in agreement that it would have been preferable had it been possible to provide more parking on site and had there been no detrimental impact on White Street.
- (25) Councillor Mac Cafferty stated that whilst the scheme had many things to commend it the issues to be considered were complex. In his view there were departures from the

original 2013 planning brief and the consultation process had been flawed. In his view local residents had not been properly consulted, elements of the scheme would have a disproportionate impact on residents of White Street in particular and he did not therefore feel able to support the application.

- (26) Councillor Platts also expressed concerns regarding the consultation process which had taken place, the impact on White Street residents and the broader impact on the neighbouring street scene and in respect of proportion of rental/affordable housing to be provided and on those grounds found herself unable to vote in favour of the scheme.
- (27) Councillor Gilbey was in agreement that the scheme was complex and had concerns in relation to some aspects of it whilst acknowledging the housing units and office space which would be provided.
- (28) Councillors Bennett and Miller expressed support for the scheme whilst Councillor Bennett sought confirmation regarding measures to be undertaken to ensure that light pollution/spillage did not occur in the evening. It was confirmed that the office accommodation would be fitted with motion sensor lighting.
- (29) Councillor Morgan fully supported the scheme, referring to the economic needs of the city which it would help to address.
- (30) The Chair, Councillor Cattell, stated that she considered that the scheme provided a good mix of uses with an active frontage and that the materials proposed were of good quality and durable. The scheme would in her view provide an exciting space which would also provide a huge boost to the local economy, she would be voting in support of the officer recommendation.
- (31) In response to the Chair, the Legal Adviser stated that the Committee needed to determine the application before them as presented. In answer to further questions, the Legal Adviser to the Committee, Hilary Woodward, referred to the fact that the Ovingdean appeal inspector had found that the Council did not have a five year housing land supply and that accordingly increased weight would need to be given to housing delivery and quoted from paragraph 14 of the NPPF which stated that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- (32) A vote was taken and on a vote of 8 to 4 Minded to Grant planning permission was given.
- 18.1 **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 Planning Obligation and the conditions and informatives as set out in the report **SAVE THAT** should the s106 Planning Obligation not be completed on or before 7 November 2018, the Head of Planning be authorised to refuse planning permission for the reasons set out in section 10 of the report.

B BH2018/00689, Preston Barracks, Mithras House, Watts Building, Lewes Road, Brighton- Reserved Matters

Reserved matters application pursuant to outline permission BH2017/00492 for approval of layout, scale and appearance relating to the University's proposed multi-storey car park and access road, forming defined site parcels 3 and 4 respectively.

Officer Presentation

- (1) The Principal Planning Officer, Sarah Collins, introduced the application and gave a presentation by reference to site plans, elevational drawings, photographs and floor plans. It was noted that outline consent BH2017/00492 had established the approximate size of the MSCP through the parameter plans, the maximum number of car parking spaces and the minimum number of disabled parking spaces, the minimum number of active and passive electric vehicle charging spaces, the minimum number of motorcycle spaces and the position and layout of the access road up to the western edge of the Business School Square. This Reserved Matters application did not extend beyond the parameter plans, complied with those conditions and maintained the position and layout of the access road up to the western edge of Business School Square. The main considerations in determining this application related to: the layout and design of the access road, internal layout of the MSCP, movement of vehicles within the car park and number, location and allocation of vehicle spaces; design, layout, ecological impact, function and appearance of the route from Saunders Park View northwards along the SNCI to North of the Watt Building and retention of the existing roundabout and proposed changes to the landscaping, layout and design function, ecological merits and appearance (HW9). Reference was also made to the amendments and comments set out in the Late/Additional Representations List.
- (2) It was noted the new proposals offered some improvements to the previously secure arrangements. Whilst some of the changes would result in less satisfactory arrangements for some pedestrians, this would be countered by benefits to the ecology of the site by removing the approved access road between the MSCP and the Watts Bank. The Transport Officer had accepted that many of the raised concerns could be addressed by more detailed submissions subject to conditions. Issues arising from the proposed changes had been mitigated and it was considered were justified in view of the significant topographical constraints of the site which would be improved as a result of these proposals. It was also acknowledged that the approved scheme also included various locations where this was also likely to be the case. This application was therefore recommended minded to approve.

Questions for Officers

- (3) Councillor Morris asked for clarification regarding the precise location of the green wall and the distance between it and the neighbouring buildings. In answer to further questions it was confirmed that the planting would be provided so that it would both hung down and grow up, also that the planting provided was expected to survive, arrangements were in place to ensure maintenance and replacement for a five year period.

- (4) Councillors Hyde and Miller enquired regarding proposed Condition 3 relating to the hours during which loading and unloading of vehicles was permitted enquiring whether the exceptions permitted would be sufficiently flexible. The Development and Transport Assessment Manager, David Farnham, referred to the amendments set out in the Additional/Late Representations List.
- (5) Councillor Morris referred to the areas of the site where there were shared access arrangements. The rationale and location of these was detailed and Councillor Morris asked whether it would be possible to provide additional markings and signage alerting pedestrians. It was agreed that could be done and that officers would take the necessary steps and agree the final wording.

Debate and Decision Making Process

- (6) Councillor Platts expressed concern regarding the level of parking proposed on the site particularly in relation to the comments received in relation to the number and location of the blue badge disabled parking bays. It was explained that those comments related to the original outline application. Overall the number of spaces remained consistent with that application with a slight uplift to the number of spaces originally approved, in consequence of changes which had been made to the internal layout.
- (7) Councillor Platts also sought clarification regarding the Equalities Statement and the criteria used in compiling it. It was explained that this was outlined in this report having been set out in detail in the earlier report when the Committee had approved the scheme.
- (8) Councillor Mac Cafferty sought further information in relation to the “gaps” to be maintained between buildings on site and the manner in which parking arrangements had been consolidated across the site overall in order to limit the potential for overspill parking into neighbouring roads. In answer to further questions it was explained that materials would be brought forward for consultation with members attending Chair’s Briefing. Councillor Mac Cafferty stated that he welcomed the scheme whilst considering it important to press for greater detail in relation to the planting to be used for the “green” wall and to ensure that this properly maintained going forward.
- (9) In answer to questions by Councillor Morris in respect of arrangements to provide electric charging points it was explained that increases in the number of these being required was being actively pursued in relation to major developments across the city.
- (10) Councillor Littman whilst supporting the proposals considered that greater capacity could have been built into the scheme.
- (11) Councillor C Theobald stated that she hoped, bearing in mind that not all of the fully accessible units were at ground floor level, that suitable contingency arrangements were in place in the event of lift failure.
- (12) Councillor Gilbey welcomed the parking arrangements proposed for the site especially the disabled arrangements in proximity to the Cockcroft Building which were similar to those in place at the University of Sussex and with which she was familiar.

- (13) Councillor Inkpin-Leissner stated that he fully supported the layout and scale proposed in relation to the multi-storey car park and associated access arrangements.
- (14) Councillor Hyde also indicated her support for the proposals and for the colour palette proposed.
- (15) A vote was taken and the 12 members present when the vote was taken voted unanimously that Minced to Grant approval be given.

18.2 **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 APPROVE** reserved matters subject to a deed of variation to the s106 agreement relating to application BH2017/00492 to remove reference to the cycle route from the obligation (schedule 1 para 16) for a Walkways Agreement, proposed amendments set out in the Late/Additional Representations List and to the Conditions and Informatives also set out in the report. In addition it was also agreed to delete Condition 8 and to amend Conditions 2 and 13.

C BH2017/02869,10 Shirley Drive, Hove- Outline Planning Application

Outline application with some matters reserved for the demolition of existing house and erection of 10 no flats with associated parking.

Officer Presentation

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Gareth Giles, introduced the report and gave a presentation by reference to site plans, elevational drawings, photographs and floor plans. It was noted that the application related to a substantial detached property located on the western side of Shirley Drive at the junction of the Droveaway with the site itself sloping down from east to west. Matters of appearance and landscaping were reserved and therefore the considerations in determining this application related to access, layout and scale of the 10 flats proposed (4x one bed, 5x two bed and 1x three bed) with associated parking on the site. Reserved matters of design and landscaping had not been considered in detail other than to confirm that the quantum of development sought could be realistically accommodated on site. The DVS had been approached and had concluded that the scheme was unviable and could not provide an Affordable Housing contribution. The property most likely to be impacted would be 12 Shirley Drive on the adjoining site to the North. Although the views would be identical to the existing situation it was acknowledged that the increase in the number of units could result in a real and perceived intensification of overlooking of neighbouring properties.
- (3) In view of the distances involved and good size of the neighbouring gardens it was considered that the development could be designed to limit impact and given that the proposed development would not be dissimilar in terms of footprint, scale and height to the existing building it was considered that the proposal would be unlikely to cause significant harm to neighbouring amenity through loss of light, outlook or overbearing

impact, in view of the amount of construction proposed in close proximity to local residents a Demolition Management Plan and Construction Environmental Management Plan were recommended via condition and on that basis minded to grant planning permission was recommended.

Public Speakers

- (4) Mr Jungius spoke on behalf of neighbouring residents setting out their objections to the scheme. He stated that the application was out of character with the surrounding area which was dominated by single occupancy housing. The house could be converted to flats within the current external configuration as had been done in other instances nearby but the bulk of the structure proposed in the application would dwarf the nearby buildings. There would also be a significant loss of amenity to the immediate neighbour caused by overlooking and the additional parking and associated vehicle access at the rear of the building. Mr Jungius felt that the impact of the development would be unacceptable especially in light of the fact that the Applicant did not intend to provide any affordable housing.
- (5) Councillor Brown spoke in her capacity as a Local Ward Councillor setting out her objections to the scheme. She stated that if permission were granted the application would set a precedent for more single occupant homes in the area to be converted into blocks of flats. This would completely change the character of the neighbourhood. Councillor Brown was also concerned that the larger envelope proposed would lead to a significant loss of light for the neighbouring houses as well as cause overlooking. The work to build the new proposed access at 3m below street level may also cause damage to the foundations of 12 Shirley Drive. Councillor Brown felt that there were too many unresolved issues with the application for the Committee to be able to grant permission.
- (6) Mr Bateman spoke on behalf of the applicant in support of their application. He stated that the application represented a detached house replacing a detached house. There had been no professional objections to the application and Hove Civic Society had supported it. The property was currently a seven bedroom single occupancy house which did not match demand in the city. The application proposed ten new flats of between one and three bedrooms which reflected demand in the city. The Application would create a mixed community in the road an outcome which was considered desirable by Planning Policy. The proposal was broadly the same size and bulk as the existing property and construction would not cause any damage to neighbouring buildings as the access would be utilising an existing basement.
- (7) In response to Councillor Miller, Mr Batemen stated that it was not financially viable to provide affordable housing as part of the scheme, a view which had been supported by the District Valuer. He also stated that converting the existing structure would increase the cost of construction and reduce the number of units and so would also not allow for any units of affordable housing.

Questions for Officers

- (8) In response to Councillor Hyde, the Planning Officer stated that the proposed outline of the new structure would be substantially wider to the south and slightly wider to the

north. The overall width of the proposed block was broadly within the outline of the existing structure.

- (9) In response to Councillor Miller, the Planning Officer stated that there was no requirement for the new development to stay within the existing envelope. The Planning Officer's assessment of the proposal was that the indicative outline sat comfortably within that of the existing house.
- (10) In response to Councillors Inkpin-Leissner and Hyde, the Planning Officer stated that any designs presented were just to demonstrate the proposed size and bulk of the scheme and that Officers would provide further advice to the Applicants to encourage them to bring forward a design that was sympathetic to the surrounding area. The Planning Officer also stated that the design would be considered by Committee as a separate application.
- (11) In response to Councillor Gilbey, the Planning Officer stated that the proposed building would remain on the existing building line but would extend further into the back garden.
- (12) Councillor Bennett noted that the proposals significantly reduced the outside space and asked officers if there was a minimum amount of outdoor amenity that would be expected for ten units.
- (13) The Planning Officer stated that the existing house did not have a large amount of garden space and that additional outside amenity space could be provided by balconies and terraces which would be a consideration when designs were brought forward.
- (14) In response to Councillor Theobald, the Planning Officer stated that the proposal was the same height as the existing structure.

Debate and Decision Making Process

- (15) Councillor Bennett stated that she was not minded to support the officer's recommendations. The application proposed a modern block in an area characterised by detached houses. Where there were apartments the existing houses had been converted and so the character of the area had been maintained. The new building would be prominent on the street as it was a corner plot exacerbating the damage to the character of the area. 12 Shirley Drive would also be significantly affected by the increased noise of additional cars and the loss of light and the Applicant did not propose to provide any affordable housing.
- (16) Councillor Miller stated that the existing building was already dominant on the street and that to grant permission for a larger building would cause a significant loss of amenity for number 12 Shirley Drive and would have a negative impact on the streetscene. Councillor Miller also stated that he was sceptical about the claim that providing any affordable housing would make the scheme unviable.
- (17) Councillor Littman stated that given the current pressure on housing in the city it would be necessary to consider sites in the city where higher density housing could be

accommodated. However the current policy around maintaining the character of an area was clear. The application did not show any exceptional circumstances which would justify allowing a scheme so out of character with the area especially given the lack of affordable housing.

- (18) Councillor Morris stated that he was happy with the Outline Application but was keen to see the Applicants return with a design which was sympathetic to the streetscene.
- (19) Councillor Mac Cafferty stated that the site was not in a conservation area or an area of special interest. The streetscene was characterised by an inconsistent building line and houses of various size and bulk. He felt that the proposal complemented the non-uniformity of the area.
- (20) Councillor Hyde stated that her primary concern was that granting permission would set a precedent for similar higher density schemes which would completely transform an area characterised by large detached properties in spacious gardens. She felt that there were too many unknowns to grant permission and would have preferred to see a full application.
- (21) Councillor Inkpin-Leissner stated that the property was not in a conservation area and there was enough space on the plot for the development. There was an opportunity to gain nine additional units of accommodation for the city and with the right design there would be minimal harm to the street scene.
- (22) The Chair stated that it was a difficult application to consider as an outline application left a lot of unknowns. She was concerned about the proposed bulk of the scheme but felt that it was difficult to fully assess the impact of the development without any designs.
- (23) A vote was taken and on a vote of 5 for to 7 Against with no abstentions the office recommendation to grant was not carried.
- (24) In response to Councillor Bennett, Officers clarified that as the Committee was considering an Outline Planning Application it would be difficult to justify refusing the application on the grounds that it was out of character with the area as there were no plans being considered. National Planning Policy would define both the existing and proposed structures as residential and took a favourable view on applications which provided mixed housing in an area.
- (25) Councillor Bennett proposed that the application be refused planning permission on the following grounds:
1. Loss of amenity to 12 Shirley Drive due to car parking noise and disturbance.
 2. Overdevelopment of the plot based on the scale and bulk of the outline
- (26) Councillor Theobald seconded the motion.
- (27) The Legal adviser suggested to the Committee that they authorise Planning Manager to agree a Section 106 obligation on the grounds set out in the report should the application be subject to an appeal.

(28) The Chair called a vote on the proposed alternative recommendations. This was carried with Councillors Gilbey, Theobald, Bennett, Hyde, Littman, Miller, Morris and Platts voting For, Councillors Cattell, Mac Cafferty, Inkpin-Leissner and Morgan voting Against with no abstentions.

18.3 **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 Bennett detailed in paragraph (25) above but to authorise a s106 Planning Obligation as set out in paragraph (27) above.

D BH2018/00248, Patcham High School, Ladies Mile Road, Brighton - Full Planning

Erection of 4no court sports hall with changing facilities. Reconfiguration of existing sports pitches to facilitate creation of new netball courts and a 3G football pitch with fencing and floodlighting, footpath access routes and other associated works.

Officer Presentation

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Gareth Giles, introduced the application and gave a presentation by reference to plans, elevational drawings and photographs. It was explained that the main considerations in determining this application related to the principle of the scheme, visual impact, impact on neighbouring amenity, highways matters, sustainability and arboriculture. The provision of a floodlit all weather pitch and the indoor facilities would enhance the physical educational/sports offer from the school for its students and for the wider community, with the potential to generate income for the school during the extended period of austerity measures and create additional employment opportunities. The proposal was therefore supported in principle; it would substantially enhance the quality of the sports facilities and would accord with the general policy approach for open space sports provision as set out in policies CP16 and CP17. It also met with policy requirements in that it would provide improved sporting facilities close to the community and had good pedestrian cycle links.
- (3) Sport England were of the view that the proposals were of sufficient benefit to the community to outweigh the loss of playing field and therefore supported the proposals. A Community Use Agreement could be secured by s106 agreement to ensure the development would directly benefit the local community and this was considered to represent a significant merit to this application; minded to grant approval was therefore recommended.

Public Speakers

- (4) Councillor Geoffrey Theobald spoke in his capacity as Local Ward Councillors in support of the scheme which was fully supported by all three Ward Councillors for Patcham Ward. He stated that having been a governor at the school for 20 years he was very aware of the detrimental impact the lack of sports facilities at the school had

had. The sports facilities would also be available for use by the community outside of school time. Through the s106 agreement the school would be providing improvements to the local area including a long requested crossing to aid parents taking their children to Patcham Infants School.

Questions for Officers

- (5) In response to Councillor Hyde, the Planning Officer stated that the closest house to the proposed pitch was 27m away and that in combination with conditions limiting the brightness of the floodlights this was considered acceptable.
- (6) Councillor Mac Cafferty noted the large number of objections from neighbours that had been submitted and asked officers if the condition limiting the opening hours could be strengthened so that a 9pm closing time was secured for a number of years.
- (7) The Legal Adviser responded that they could not prevent the applicant applying to vary a condition in the future.
- (8) Councillor Mac Cafferty welcomed the acoustic fencing mentioned in the report but suggested that further conditions would need to be considered around basketball backboards to limit the amount of noise generated which had been an issue with similar schemes.
- (9) The Planning Manager responded that additional conditions could be added around the extent of the acoustic fencing and the backboards used.
- (10) In response to Councillor Morgan, the Planning Manager stated that the materials used in the 3G pitch and the concerns about their long-term effects would be something that other areas would have to take up and was not a Planning consideration.
- (11) In response to Councillor Littman, the Planning Officer stated that whilst the Council always sought the highest BREEAM standards this had to be balanced against a scheme being affordable and deliverable. As the application provided substantial public benefit Officers accepted the Applicant's commitment to a rating of 'very good' which was in line with Sport England standards for an affordable sports centre.

Debate and Decision Making Process

- (12) Councillor Hyde stated that she supported the scheme as it made best use of the field for the pupils and community and would allow the school to generate an income. She did have some concerns about the light and noise but felt a 9pm closing time struck the right balance between commercial viability and residents' needs.
- (13) Councillor Littman stated that he had found the site visit very beneficial and that he supported what he felt was overall a positive proposal despite some concerns about the sustainability and materials.
- (14) Councillor Mac Cafferty stated that he supported the application but felt from previous experience with similar schemes that the environmental health concerns needed to be thoroughly investigated.

- (15) Councillor Gilbey stated that she was in favour of granting permission and that there were two flood lit playing fields in her ward and that they had not proved to be an issue for residents.
- (16) The Chair stated that she supported the application which would allow for the school field to be better utilised especially in the winter when it was prone to being water logged.
- (17) A vote was taken and on a vote of 11 For with no Against and no abstentions minded to grant planning approval was agreed.

18.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 Planning Obligation and the Conditions and Informatives as set out in the report and the two additional conditions detailed in paragraph 10 above SAVE THAT should the s106 Planning Obligation not be completed on or before the 7 November 2018 the Head of Planning is authorised to refuse planning permission for the reasons set out in section 10. of the report:

Note: Having declared an interest in respect of the above application Councillor C Theobald withdrew from the meeting during consideration of the above application and took no part in the debate or decision making process.

MINOR APPLICATIONS

E **BH2018/00700, Peter Pan's Adventure Golf, Madeira Drive, Brighton - Full Planning**

Erection of 16 metre high rope climbing course above existing golf course

Officer Introduction

- (1) The Principal Planning Officer, Maria Seale, introduced the application and gave a presentation by reference to plans, elevational drawings and photographs. She stated that the main considerations in determining the application related to (HW11); the principle of locating the use in the this location, the impact to tourism and the economy, the impact to the setting of the East Cliff Conservation Area and nearby listed buildings, the impact to amenity and sustainable transport. 22 letters of support, 5 letters in objection and 2 comments had been received. The Kingscliffe Society and the Conservation Advisory Group had also objected to the scheme.

Questions to Officers

- (2) The Representative from the Conservation Advisory Group stated that the Group had reviewed the application before condition 3 which stipulated that the structure would be removed by 1 October 2024 had been recommended. He was thus unable to advise the Committee as to what opinion the Group would take on a proposal for a temporary structure in situ for five years.

- (3) In response to Councillor Theobald, the Planning Officer stated that the application did not include any suggestion that additional refreshments would be provided but there was already a café attached to the golf course and playground.
- (4) Councillor Littman was concerned that the recommendation to approve the scheme was inconsistent with previous decisions which had been to refuse similar schemes.
- (5) The Planning Officer responded that the objections which had been raised in the report by heritage officers were consistent with previous schemes. The application was distinct from previous schemes as it was time limited. The Planning Officer felt that the benefit of a temporary boost to the area outweighed the negative impact on heritage assets.
- (6) In response to Councillor Platts, the Planning Officer stated that the applicant may not have felt able to vary the application from previously unsuccessful ones as reducing the height enough to address the heritage impact would diminish its appeal to visitors so as to make the scheme no longer financially viable.

Debate and decision making process

- (7) Councillor Hyde stated that economic development for the area was very welcome and that while the proposal was not aesthetically pleasing the whole area was awaiting regeneration and was not particularly aesthetically pleasing either.
- (8) Councillor Theobald welcomed the application as it provided another attraction for the seafront and she felt it would improve the area.
- (9) Councillor Inkpin-Leissner stated that he was minded to support the officer recommendations and that compared to some of the other seafront attractions 16m was quite small.
- (10) Councillor Platts stated that the east end of the seafront did desperately need more attractions but she felt the proposal was low quality and she was grateful that it was time limited.
- (11) The Chair stated that she welcomed meanwhile uses along the seafront while the renovation of the arches was in progress.
- (12) Councillor Littman felt that the application added to the variety of the seafront and would drag footfall east away from the centre.
- (13) Councillor Morris stated that he agreed with the point raised in the debate and welcomed the meanwhile use.
- (14) The Representative from the Conservation Action Group stated that he felt that the application was very similar to other temporary attractions which had opened on the seafront as they were tied together by the theme of meanwhile use.
- (17) A vote was taken and on a vote of 9 For with no Against and 1 abstention it was agreed to grant planning approval.

- 18.4 **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.

Note: Councillors Mac Cafferty and Morgan were not present for the consideration of the item.

F BH2018/01221, Microscape House, Hove Park Villas, Hove - Full Planning

Alterations and extension to third floor flat, including increase to ridge height, following prior approval application BH2016/05473 for change of use from offices (B1) to residential (C3) to form 7no flats. (Part retrospective).

Officer Introduction

- (1) The Principal Planning Officer, Chris Swain, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans. The main considerations in determining the application related to the impact of the proposal on the design and appearance of the building and the wider surrounding area, including the setting of the Hove Station Conservation Area to the south and the impact on neighbouring amenity.
- (2) A prior application (BH2016/05473) for the change of use from office to seven residential flats was granted in November 2016 of which the single residential unit on the top floor was part.

Debate and decision making process

- (3) The Chair called a vote and the Committee unanimously agreed to grant planning permission.

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

Note: Councillors Mac Cafferty and Morgan were not present for the consideration of the item.

G BH2017/04113, 64 St James's Street, Brighton - Full Planning

Part demolition of existing building. Erection of three storey extension to front elevation and creation of additional storey to rear elevation and creation of additional storey to rear elevation to facilitate enlargement of studio apartment to two bedroom apartment and associated works.

- (1) The Committee considered that it would be beneficial to defer consideration of the above application pending a site visit.

- 18.6 **RESOLVED** - That consideration of the above application be deferred pending a site visit.

H BH2017/03648, 7 Howard Terrace, Brighton- Full Planning

Change of use and part demolition of existing storage buildings (B8) to form 1x one bed flat, 1x two bed flat, 2x three bedroom houses, cycle storage and associated works.

- (1) The Committee considered that it would be beneficial to defer consideration of the above application pending a site visit.

18.7 **RESOLVED** – That consideration of the above application be deferred pending a site visit.

I BH2016/06391,123-129 Portland Road, Hove - Full Planning

Creation of additional floor to provide 1no one bedroom flat and 3no two bedroom flats (C3) with associated alterations.

Officer Presentation

- (1) The Principal Planning Officer, Johnathan Puplett, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans. He stated that the material considerations in determining the application related to (HW12); the impact of the additional storey on the character and appearance of the building, the wider streetscene, the effect on the amenity of neighbouring residential occupiers, the standard of the proposed accommodation, and transport and sustainability issues. The Planning Department had received 22 letters objecting to the scheme.

Questions to Officers

- (2) In response to Councillor Morris, the Planning Officer confirmed the proposed materials as presented in the report.
- (3) The Planning Officer stated in response to Councillor Gilbey that condition 3 required the provision of a suitable recycling and waste storage scheme to be agreed with the Local Planning Authority before the development could be occupied.

Debate and decision making process

- (4) Councillor Hyde stated that she felt the materials were out of keeping with the neighbourhood and would make the proposed new storey look like a metal shed erected on top of the red brick building below.
- (5) Councillor Littman stated that the existing building was already unattractive and putting another out of character storey on top would only increase its detrimental impact on the streetscene.
- (6) The Chair stated that Portland Road had a distinctive character of flats above shops build in the 1930s and the application did not reflect this.

- (7) A vote was taken and on a vote of 4 for and 6 Against with no abstentions planning permission was refused.
- (8) Councillor Hyde proposed that the application be refused planning permission the officer recommendation to grant planning permission was not carried.
1. Use of materials out of keeping with the character of the area which makes the design inappropriate.
- (9) Councillor Littman seconded the proposal.
- (10) The Chair called a vote on the proposed alternative recommendations which was carried with Councillors Cattell, Gilbey, Theobald, Bennett, Hyde, Littman, Morris voting for and Councillors; Inkpin-Leissner, Miller and Platts voting against with no abstentions.

18.9 **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 Hyde detailed in paragraph (8) above.

Note: Councillors Mac Cafferty and Morgan were not present for the consideration of the item.

J BH2017/04070, 8 Lloyd Road, Hove - Full Planning

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

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. 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.
- (2) 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 refusing (HW13); 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.
- (3) BH2017/04070 had previously been considered by the Planning Committee on 9 May 2018. The Committee deferred consideration of the application to allow officers to request an updated tree plan as there was concern that the trees between the flint boundary wall and the pavement were being removed unnecessarily and that it may

not be in the Applicant's gift to remove them as there was some uncertainty about the ownership of both the land and the trees.

- (4) The Planning Officer also proposed an additional condition be added; that the applicant must fully detail how parking will be accommodated as the existing plan did not adequately demonstrate that there was sufficient room for a car to be parked on the drive way retained by 8 Lloyd Close.

Questions to Officers

- (5) In response to Councillor Theobald, the Planning Officer confirmed that the Applicant had altered the original more modern design and reduced the size of the proposed house to address the concerns of the Planning Inspector.
- (6) Councillor Littman stated that he was pleased the deferment had led to five fewer trees being removed and asked if the Arboriculturist had been consulted about the revised tree plan.
- (7) The Planning Officer said that additional comments from the Arboriculturist were not sought as the Planning Inspector had dismissed the concern about the number of trees being lost at appeal when it was proposed that seven would be removed.
- (8) In response to Councillor Hyde, the Planning Officer confirmed that the Planning Inspector's views were that a dwelling was appropriate on the site and the Applicant had addressed the Inspector's concerns with the original plan.

Debate and decision making process

- (9) A vote was taken and on a vote of 9 for with 1 Against and no abstentions Planning Permission was granted.

18.10 **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** full planning permission.

Note: Councillors Mac Cafferty and Morgan were not present for the consideration of the item.

K BH2017/03152, 39 Dyke Road Avenue, Hove Full Planning

Erection of part one part two storey rear extension to facilitate three new blocks on existing care home.

Officer Presentation

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans.

The application related to a large two-storey property currently in use as a 22 bed care home for the elderly. The building was situated in the Tongdean Conservation Area and the plot was subject to a Tree Protection Order. Permission was sought for erection of a part two, part one-storey rear extension to form three new blocks on the existing care home. The proposed extension would facilitate 13 new bedrooms in the building. The main considerations relating to the application were the principle of the development, the design and appearance of the proposal on the surrounding Conservation Area, the impact of the extension upon neighbouring amenity, the standard of accommodation proposed, the impact on trees and wildlife and transport issues.

- (3) The Arboriculture Officer had recommended several conditions to mitigate the impact of the development on surrounding trees including tree protection fencing and supervision during the construction process. The material planning considerations relating to the proposal had been fully assessed and potential harm which could be caused by the development in terms of its visual impact, impact on neighbouring amenity and impact on protected trees had been acknowledged. However, the proposal would provide thirteen additional bedrooms which would help to ensure the ongoing viability of an established nursing home providing essential care for the elderly. It was therefore considered that the public benefit of the proposal would outweigh any harm identified and the application was therefore recommended for approval subject to conditions.

Questions for Officers

- (4) Councillor Bennett questioned whether the Planning Officer would have taken the same view on the application if it was a householder application given its size and that it was in a conservation area.
- (5) The Planning Officer responded that he took into account the nature of the accommodation when making a recommendation to Committee and that a householder application would change the nature of the application.
- (6) Councillor Littman stated that extensions were meant to be subsidiary to the main building and was unsure if what was proposed would be.
- (7) The Planning Officer responded that in architectural terms the proposed addition would read as a rear wing due to the arrangement of the building but it was of considerable size.
- (8) In response to Councillor Hyde, the Planning Officer stated that the properties on Chalfont Drive would have a back to back arrangement with the proposed extension with a significant distance between the buildings. There was screening and an access road between the proposed extension and other neighbours.
- (9) Councillor Theobald stated that she was concerned about the additional light pollution caused by the extension as the nursing home currently left internal lights in common areas on all night and the impact of this on neighbours would be increased by a two storey structure.

- (10) The Planning Officer stated that the spacing between the neighbours and the proposed extension was acceptable and that the use of internal lights may be something that was outside of the Committee's control.
- (11) Councillor Morris noted that the existing building provided 22 bed spaces and the extension would facilitate a further 13 bedrooms. He asked Officers to clarify if bedrooms and bed spaces were the same in the context of the application.
- (12) The Planning Officer apologised for the inconsistent language in the application and stated that he couldn't confirm if bed spaces and bedrooms referred to the same thing in this context.

Debate and Decision Making Process

- (13) Councillor Gilbey stated that given the back to back arrangement and the space between the extension and neighbouring properties she felt the proposal was acceptable. The harm caused to neighbours would be the loss of a view not loss of light.
- (14) Councillor Theobald stated that the extension was too large to be considered as subsidiary to the main house and she was particularly concerned by the two storey element of the proposal.
- (15) Councillor Littman stated that it was a difficult application to determine as the city needed additional care home and nursing home capacity. However the proposal put a lot of trees at risk and was a large addition to the existing house which was not subsidiary.
- (16) Councillor Hyde felt a two storey extension would look too much like a back garden development which wasn't acceptable in a conservation area.
- (17) Councillor Morris noted the Heritage Officer's comments that the extension would significantly alter the character of the building and he was concerned about the bulk of the proposal.
- (18) In response to the Chair, the Planning Officer clarified that although the Heritage Officer's comments showed that they felt that the extension would cause harm to the conservation area this harm was 'less than substantial'. Where harm was less than substantial it was weighed against the public benefit of the proposal. In the case of the application the Planning Officer felt that the benefit of increased care home capacity in the city outweighed the harm to the conservation area.
- (19) Councillor Inkpin-Leissner stated that the development would provide a vital public service and was hidden from the public realm and so he would be supporting it.
- (20) Councillor Bennett stated that she was not minded to support the application as it was a very large development in the conservation area.
- (21) A vote was taken and on a vote of 4 for to 5 Against with 1 abstention the officer recommendation to grant planning permission was not carried.

- (22) Councillor Littman proposed that the application be refused planning permission on the following grounds:
1. Overdevelopment which was inappropriate in a conservation area characterised by large plots with trees.
 2. Extension was not subservient to the existing building
 3. Adverse impact on established trees
 4. Overall the benefits of the scheme did not outweigh the harm
- (23) Councillor Bennett seconded the motion.
- (24) The Chair called a vote on the proposed alternative recommendations which was carried with Councillors; Theobald, Bennett, Hyde, Littman, Miller and Morris voting For and Councillors; Gilbey, Cattell, Inkpin-Leissner, and Platts voting against with no abstentions.
- 18.11 **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 Littman detailed in paragraph (22) above.

Note: Councillors Mac Cafferty and Morgan were not present for the consideration of the item.

L BH2017/03830, 19 Shirley Drive, Hove- Householder Planning Consent

Erection of first floor side extension over existing garage and a porch to the front elevation and a porch to the side elevation.

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, site plans, elevational drawings and photographs. He explained that as an appeal against non-determination had been lodged the Committee were unable to determine the application but were required to indicate what their decision would have been had the Council determined the application prior to the appeal being lodged. This would then be submitted to the Planning Inspectorate in conjunction with the planning authority appeal statement.
- (2) It was explained that the main considerations in determining this application related to the impact of the proposed development on the relationship between the proposed works and the neighbouring property, the resultant impact on the amenity of neighbours and the design and appearance of the proposed extension. The proposed development followed a previous application which had been refused and a subsequent appeal which had been dismissed. Consideration of the current application had taken account of the inspector's reasons for dismissing that appeal. It was considered that the proposed development would result in an acceptable appearance and the impact upon neighbouring amenity which would be caused was considered insufficient to warrant refusal. Approval would therefore have been recommended.

Public Speakers

- (4) Mr Adams the immediate neighbour to 19 Shirley Drive, spoke in objection to the application. He stated that the proposed extension would cause a loss of light to his house and specifically his front room which would be cast into shadow. He was not against the principle of 19 Shirley Drive being extended but as his living room window was set back 4m from the garage a two storey extension would block all light to the room which suffered from poor light already.

Questions for Officers

- (5) In response to Councillor Theobald, the Planning Officer stated that no daylight report was available and it had been the opinion of the Planning Inspector that a larger proposed extension would not have had a significant impact on light to the neighbouring property.
- (6) In response to Councillor Hyde, the Planning Officer confirmed that it was not proposed to have a window on the side of the extension.
- (7) In response to Councillor Hyde, the Legal Adviser confirmed that once an appeal had been lodged the Planning Inspector would determine an application regardless of the Committee's decision. The Applicant could however choose to withdraw the appeal and submit a new application.
- (8) In response to Councillor Gilbey, the Planning Officer confirmed that the application included the installation of a new porch.
- (9) In response to Councillor Theobald, the Planning Officer stated that the revised design was about 50cm smaller than the previous application which meant that the first floor no longer extended beyond the existing footprint of the garage.

Debate and Decision Making Process

- (10) A vote was taken and on a vote of 9 For to 3 Against with no abstentions members determined that had they determined the application prior to an appeal being lodged against non-determination the Committee would have granted planning permission.
- 18.12 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that, had the Council determined the application prior to an appeal against non-determination being lodged, it **WOULD HAVE GRANTED** planning permission subject to Conditions and Informatives set out in the report.

M BH2018/00081, 51 Woodland Avenue, Hove- Householder Planning Consent

Demolition of single storey rear extension. Erection of a part one part two storey rear extension, single storey side extension and associated works.

- (1) The Committee considered that it would be beneficial to defer consideration of the above application pending a site visit.

18.13 **RESOLVED** – That consideration of the above application be deferred pending a site visit.

N BH2018/00164, 58 Staplefield Drive, Brighton- Full Planning

Change of use from 3 bedroom dwelling house (C3) to 4 bedroom small house in multiple occupation (C4). (Retrospective)

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to site plans, floor plans, elevational drawings and photographs. It was explained that the application related to a two storey semi-detached house on the west side of Staplefield Drive. Retrospective planning permission was sought for the change of use of a three bedroom dwelling house (C3) to a small house in multiple occupation (C4) with four bedrooms.
- (2) The main considerations in determining this application related to the principle of the change of use to either class C4, a mixed C3/C4 use or to a sui generis House in Multiple Occupation. A mapping exercise had been undertaken which had indicated that there were 35 neighbouring properties within a 50m radius of the application property. Three other properties had also been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area was thus 8.57%. Based upon the existing percentage of neighbouring properties in HMO use, which was less than 10%, the proposal to change use to a four bed house in multiple occupation would not be in conflict with policy CP21.
- (3) No external alterations had been made to the property, and consequently there were no adverse impacts on the design and appearance of the property. It was recommended that permitted development rights to make any future alterations be removed by planning condition. Overall the proposed standard of accommodation was considered to be acceptable and conditions were recommended to restrict the number of occupants proposed to four as this was the number that had been proposed by the applicant and would also ensure that the proposed communal rooms were retained as such and not used as additional bedroom space in the future. No on-site was available however the proposed development was unlikely to cause significantly increased demand for on-street parking. It was recommended that cycle parking provision be secured by planning condition.

Debate and Decision Making Process

- (4) The Committee raised no further matters and moved directly to the vote.
- (5) A vote was taken and of the 8 members of the Committee present when the vote was taken on a vote of 6 to 2 planning permission was granted.

18.14 **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 permissions subject to the Conditions and Informatives also set out in the report.

(Note1): Councillors Mac Cafferty, Miller, Morgan and C Theobald were not present at the meeting when the vote was taken.

O BH2018/01093, 96 Auckland Drive, Brighton- Full Planning

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

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to floorplans, plans, elevational drawings and photographs. It was noted that the application site related to a two storey semi-detached property located to the south of Auckland Drive. Permission was being sought for conversion of the property from a three bedroom dwelling house to a four bedroom HMO. A small infill extension was proposed to the rear.
- (2) The main considerations in the determination of this application related to the principle of the change of use, the impact on neighbouring amenity, the standard of accommodation which the use would provide in addition to transport issues and the impact on the character and appearance of the property and the surrounding area. This application was a resubmission following refusal of an earlier application which had been refused on the basis of the standard of accommodation to be provided. Amended drawings had been received subsequently during the course of this application, slightly increasing the size of two of the first floor bedrooms and reducing the size of the hallway. The proposed unit would comprise a kitchen/dining/living and a bedroom at ground floor level. The layout at both ground and first floor had been changed in order to address the previous reason for refusal.
- (3) A mapping exercise had taken place which had indicated that there were 22 neighbouring residential properties within a 50m radius of the application property. Zero (0) other properties have been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is thus 0%. Based upon this percentage, which is not more than 10%, the proposal to change to a C4 HMO would be in accordance with policy CP21. Given the low proportion of other HMO's within the immediate vicinity of the site and that only four occupants would reside at the property, the level of additional activity was considered to be acceptable and would not result in significant harm to the amenity of neighbouring occupiers and would be in accordance with policy CP21. The proposed rear infill extension would not impact on neighbouring amenity and approval was therefore recommended.

Questions for Officers

- (3) Councillor Gilbey asked to see a copy of the plan showing the location other HMO's within a 50m radius. It was noted as the mapping information held by the council was now updated on a weekly basis a premises not originally taken account and referred to by Councillor Meadows, no 67 Auckland Drive, was now included. Notwithstanding that the number of such properties remained below 10%.

Debate and Decision Making Process

- (4) The Committee raised no further matters and moved directly to the vote.
- (5) A vote was taken and of the 8 members of the Committee present when the vote was taken on a vote of 6 to 2 planning permission was granted.
- 18.15 **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.

(Note1): Councillors Mac Cafferty, Miller, Morgan and C Theobald were not present at the meeting when the vote was taken.

P BH2018/00319, 12 Twyford Road, Brighton- Full Planning

Change of use from three bedroom single dwelling (C3) to six bedroom small house in multiple occupation (C4), with alterations to fenestration (part retrospective).

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the report and gave a presentation by reference to site plans, floorplans, elevational drawings and photographs. It was explained that the main considerations in determining this application related to the principle of the change of use, the design of the external works, the standard of accommodation which the use would provide, impact upon neighbouring amenity and transport issues. The changes proposed to the internal layout of the property would result in 2no bedrooms at ground floor level with an open plan kitchen and living area and 4no bedrooms and bathroom at first floor level. The bedrooms met the minimum national space standards and were adequate in terms of size and layout to cater for the furniture needed with good levels of natural light and outlook within the unit.
- (2) A mapping exercise had taken place which had indicated that there are 39 neighbouring properties within a 50m radius of the application property; 1 other property has been identified as being in HMO use within the 50m radius. The percentage of neighbouring properties in HMO use within the radius area is therefore 2.56%. Based upon the existing percentage of neighbouring properties in HMO use, which is less than 10%, the proposal to change to a C4 HMO complied with policy CP21. It was considered that in this instance whilst the proposed change of use from a C3 dwelling house to a six bedroom C4 HMO would result in a more intensive use of the property and a greater impact on the immediate and surrounding area the increased impact likely to be caused would not be of a magnitude which would cause demonstrable harm to neighbouring amenity and would not warrant the refusal of planning permission. The proposed external works would not result in harm to neighbouring amenity and approval was therefore recommended.

Questions for Officers

- (3) Councillor Gilbey asked to see a copy of the plan showing the location other HMO’s within a 50m radius. It was noted as the mapping information held by the council was now updated on a weekly basis a premises not originally taken into account was now included. Notwithstanding that the number of such properties remained below 10%.

Debate and Decision Making Process

- (4) The Committee raised no further matters and moved directly to the vote.
- (5) A vote was taken and of the 7 members of the Committee present when the vote was taken on a vote of 6 to 1 planning permission was granted.

18.16 **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.

(Note1): Councillors Inkpin-Leissner, Mac Cafferty, Miller, Morgan and C Theobald were not present at the meeting when the vote was taken. Councillor Inkpin-Leissner having declared a prejudicial interest left the meeting room and took no part in consideration of the application, nor the debate and decision making process.

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

19.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

BH2017/04113, 64 St James’ Street, Brighton	Councillor C Theobald
BH2017/03648, 7 Howard Terrace, Brighton	Councillor Hyde
BH2018/00081, 51 Woodland Avenue, Hove	Councillor Bennett

20 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

21 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

22 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

23 APPEAL DECISIONS

- 23.1 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 8.10pm

Signed

Chair

Dated this

day of