

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 12 SEPTEMBER 2018

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Hyde, Littman, Miller, Moonan, Morgan, O'Quinn, and Wealls

Officers in attendance: Nicola Hurley (Planning Manager), Liz Arnold (Principal Planning Officer), Charlotte Bush (Senior Planning Officer), Luke Austin (Senior Planning Officer), Robin Hodgetts (Principal Planning Officer), David Farnham (Development and Transport Assessment Manager), Hilary Woodward (Senior Solicitor) and Tom McColgan (Democratic Services Officer)

PART ONE

37 PROCEDURAL BUSINESS

37a Declarations of substitutes

37.1 Councillor Moonan was in attendance as a substitute for Councillor Morris and Councillor Wealls was in attendance as a substitute for Councillor Bennett.

37b Declarations of interests

37.2 The Chair stated that she had been lobbied regarding BH2017/04220. She also declared that she had almost a decade ago worked with the applicant for BH2018/00648 and the architect and applicant for BH2018/00224 and that she would be considering the applications with an open mind.

37.3 Councillor Wealls stated that he had objected to BH2018/00224 as a ward councillor and would be leaving the room after making his representation to the Committee.

37c Exclusion of the press and public

37.4 There were no Part Two items on the agenda.

37d Use of mobile phones and tablets

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

38 MINUTES OF THE PREVIOUS MEETING

- 38.1 Councillor O'Quinn requested that the clerk revise the wording for paragraph J (11) to better reflect her statement made during the debate.
- 38.2 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 15 August 2018 as a correct record with the amendment detailed in paragraph 38.1.

39 CHAIR'S COMMUNICATIONS

- 39.1 The Chair noted that the Democratic Services Officer was leaving the Council and thanked him for his work supporting the Committee.

40 PUBLIC QUESTIONS

- 40.1 There were none.

41 PLANNING ENFORCEMENT ANNUAL REPORT 2017/2018

- 41.1 Robin Hodgetts, Principal Planning Officer, introduced the annual enforcement report. He apologised that the report had not been timelier in coming to the Committee.
- (2) The Chair welcomed the improvements in the team's performance detailed in the report and looked forward to the introduction of the Planning Enforcement Policy Document which was being brought to the Tourism, Development & Culture Committee in September.
- (3) In response to Councillor Mac Cafferty, Officers stated that the Field Officers could be tasked by the Planning Enforcement Team to investigate reports of unauthorised work to listed buildings helping to ensure a swift reaction from the Council. Officers also clarified that there had been four Listed Building Enforcement Notices issued in the last financial year.
- (4) In response to Councillor Hyde, Officers stated that although the Field Officers were not qualified planners they were experienced in other areas of regulatory activity and all of their work on planning matters would be in conjunction with the Planning Enforcement Team.
- (5) In response to Councillor Gilbey, Officers stated that reported unauthorised houses in multiple occupation (HMOs) were not included in calculations when considering applications for new HMOs. However, unauthorised HMOs where the landlord was currently negotiating with the council or unauthorised HMOs that were the subject of an appeal would be included in any calculations.
- (6) In response to Councillor Gilbey, Officers clarified that the cases closed in the last financial year were not necessarily received in the same year.

- (7) In response to Councillor Theobald, Officers stated that they were currently recruiting to the Enforcement Team and that the new officer was due to start in mid-October.
- (8) In response to Councillor Hyde, Officers stated that they did not wish to give the impression that they were focusing on HMOs solely and neglecting other aspects of enforcement such as protecting listed buildings. They stated that cases involving listed buildings may be more complex and thus take more time to close or that where there was no danger of increased harm to a listed building that officers may agree a reasonable timescale for work to be undone.
- (9) In response to Councillor Miller, the Planning Manger stated that Field Officers would be well placed to carry out more proactive work to improve the visual amenity of the city through section 215 notices. The Planning Manger also stated that the roughly 800 open enforcement cases were not necessarily static but could be being actively investigated or may be delayed while waiting for an appeal which could take up to 18 months to be processed by the Planning Inspectorate. The Planning Enforcement Policy Document would improve the situation by setting clearer priorities and timescales for enforcement actions. The Planning Enforcement team also sat within the wider Planning budget and had to be balanced against ensuring there was adequate capacity in the Council to meet statutory deadlines when responding to planning applications.
- (10) In response to Councillor Littman, the Planning Manager stated that she acknowledged that non expedient cases were frustrating to the complainant and that the Planning Enforcement Policy Document if agreed by Members would provide clearer guidance for residents about enforcement action and timescales.
- (11) Officers sought to provide assurance to Councillor Wealls that they took enforcement deadlines into account when managing caseloads and that they were not aware of any recent cases where the Council had not been able to take action due to being out of time.
- (12) **RESOLVED** – That the Committee noted the report.

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

42.1 There were none.

43 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2018/01016 - Former Site Of North District Housing Office, Selsfield Drive, Brighton - Full Planning

Demolition of former neighbourhood housing office, housing store and garages (retrospective) and the erection of a 7 storey over lower ground floor building, comprising of 30no residential dwellings (C3) with associated hard and soft landscaping, works to provide public realm, private and community amenity space, car parking and relocation of existing UK Power Networks electricity sub-station.

- (1) The application was the subject of a site visit prior to the meeting.

Officer Introduction

- (2) The Principal Planning Officer, Liz Arnold, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans. She stated that the main considerations in determining the application related to: harm to the character and appearance of the wider area including the setting of the nearby List Building (harm to which was less than substantial under the terms of the NPPF), only providing a housing mix of one and two bed room units, loss of light and outlook to surrounding properties, and that the scheme would provide 30 affordable units all of which met government space standards.

Questions to the Planning Officer

- (3) In response to Councillor Miller, the Planning Officer stated that the guardrail on the roof was required due to roof access being necessary for the maintenance of the proposed solar panels. The guardrail was considered by officers to be preferable to extending the brickwork up to the equivalent height. The balconies had been designed using railings rather than a solid opaque material to aid in cleaning and maintenance. The railings would appear opaque from certain angles to provide a level of privacy to occupants.
- (4) In response to Councillor Hyde, the Planning Officer stated that the proposed block would be approximately 3.5m closer to Lewes Road than the closest wing of the neighbouring building. However the neighbouring building did extend towards the street further along the road. The Planning Officer also stated that the position on Lewes Road was not a concern to officers as the building was in the designated tall buildings corridor and Lewes Road already had a varied building line.
- (5) In response to Councillor Theobald, Officers stated that the original design which included one, two and three bedroom dwellings had been deemed to have an unacceptable impact on neighbours. The loss of the three bedroom flats was considered acceptable as the proposal still provided a mix of one and two bed units all of which were affordable.
- (6) In response to Councillor Mac Cafferty, the Planning Officer stated that the materials had not yet been confirmed and would be brought back to the Chair's briefing but it was always open to Members to add further conditions. The Planning Manager also stated that the Council as the developer would take into account the longevity of any materials used to ensure cost effectiveness.
- (7) In response to Councillor Morgan, the Transport Planning Officer stated that there was no controlled parking zone in the area and the new parking bays proposed would be available for use by residents of the new block as well as those in the surrounding council blocks.

- (8) In response to Councillor Gilbey, the Planning Officer stated that the proposal included two wheelchair accessible units on the ground floor and all other units were adaptable. The landscaping included ramped access and a flat path around the block.

Debate and decision making process

- (9) Councillor Mac Cafferty believed it was a smart scheme and liked the design and look of the materials. He stated that the key to the scheme's success was to ensure that the materials used would stand up to the environment.
- (10) Councillor Theobald was disappointed that the concerns about the height of the building expressed by Members at the pre application stage had been ignored and that the proposal was now two storeys higher and no longer included three bed dwellings. She stated that she followed the Regency Society's objection and considered that the scheme would be a 'blot on the landscape'.
- (11) Councillor Hyde stated that she agreed with much of what Councillor Theobald said and was concerned that the block came too far towards the street. She stated that while she appreciated the design, the need for housing and that this was a development on a brownfield site she felt that it did not comply with policy QD2.
- (12) The Planning Manager clarified that QD2 had been superseded by policy CP12.
- (13) Councillor Miller stated that he would be supporting the scheme although he had reservations about the inclusion of the guardrails and the design of the block with the setback top storey. He also stated that he would like to see the rest of the estate developed in the same manner as there was a lot of wasted land and the cost of maintaining blocks which were coming to the end of their life would continue to increase.
- (14) Councillor Morgan stated that there was a desperate need in the city for the affordable housing which the scheme would provide and to maximise the use of brownfield sites. The scheme would add family homes to an area which had been seen as suffering from 'studentification'. He also welcomed the use of local labour during construction which had been conditioned.
- (15) Councillor Moonan welcomed the scheme and sought to echo the positive comments made in the debate while acknowledging that the building was tall and would impact on neighbouring amenity.
- (16) Councillor Littman stated that the scheme had a smart design that he hoped would stand the test of time and provided much needed affordable housing. However it would have a significant negative impact on neighbouring amenity but on balance the positive aspects of the scheme outweighed its drawbacks.
- (17) Councillor O'Quinn stated that while she was not generally keen on tall buildings and did appreciate the harm the scheme would cause to neighbours it was providing much needed social housing and she would be supporting it.

- (18) Councillor Gilbey supporting the scheme. It was a in an area which already had a lot of tall buildings and it had been designed to minimise impact on neighbours and retaining the large tree on the site would enhance the area.
- (19) The Chair thanked the Project Team for their hard work in bringing forward a good scheme which now provided additional units of affordable accommodation.
- (20) The Chair called a vote and the Committee resolved to be Minded to Grant planning permission by 10 votes For with one abstention.
- 43.1 **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 SAVE THAT should the s106 Planning Obligation not be completed on or before the 4 January 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 9 of the report.

B BH2017/02333 - 113-115 Trafalgar Road, Portslade - Outline Application All Matters Reserved

Outline application with all matters reserved for the demolition of existing bungalows and erection of 8no one bedroom flats and 4no studio flats (C3) with associated landscaping.

Officer Introduction

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a presentation. She stated that the main consideration in determining the application related to the fact that the Section 106 obligation had not yet been fulfilled after minded to grant planning permission had been agreed at Committee on 7 February 2018.

Questions to the Planning Officer

- (2) In response to Councillor Hyde, the Planning Officer stated that the applicant had not given any further reasons as to why the section 106 obligation had not been completed other than asking for three months to find a purchaser for the site.
- (3) In response to Councillor Theobald, the Planning Manager stated that the Council was now looking to bring forward applications by setting stricter deadlines for completion of section 106 obligations.

Debate and decision making

- (4) The Chair called a vote and the committee unanimously resolved to be minded to refuse planning permission.
- 43.2 **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO REFUSE** planning permission should the S.106 Planning Obligation agreed by Planning Committee on 7th February 2018 not be completed on or before 4th January 2019 the

Head of Planning is hereby authorised to refuse planning permission for the reasons set out in Section 3 of the report.

C BH2018/00648 - 6 Cliff Approach, Brighton - Full Planning

Demolition of existing single dwelling and erection of 2no. two bedroom flats & 2no. three bedroom flats.

- (1) The application was the subject of a site visit prior to the meeting

Officer Introduction

- (2) The Senior Planning Officer, Charlotte Bush, introduced the application and gave a presentation. She stated that the main considerations in determining the application related to: the scheme would provide 3 additional family size dwellings, the height of the scheme was considered acceptable by the Planning Inspector, reduced basement excavation and altered fenestration have addressed concerns about previous schemes, footprint, siting and style was similar to the 2013 approved scheme and the scheme would cause additional overlooking.
- (3) An additional condition was recommended to the Committee to require accessible and adaptable dwellings and land levels. One further objection had also been received and was on grounds already covered in the report.

Questions to the Planning Officer

- (4) In response to Councillor Wealls and Hyde, the Planning Officer clarified that there would be some overlooking of neighbours caused by the scheme however the neighbours to the front and rear of the property were a significant distance away and the proposed windows were similar to what had been approved in 2013.
- (5) In response to Councillor O'Quinn and Hyde, the Transport Planning Officer stated that he could not say that there would be a severe impact on the surrounding roads. The roads were already very congested and so the impact of any possible overspill would not be a severe addition to the existing issue.
- (6) In response to Councillor Miller's concerns about street parking preventing refuse collection the Planning Manager stated that the scheme was too small to require a section 106 contribution to extend yellow lines but CityClean could liaise with the transport team to extend yellow lines to help make the road accessible.

Debate and decision making process

- (7) Planning Permission was granted on a vote of 7 For and 2 Against with two abstentions.

43.3 **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

D BH2017/04220 - 14 Tongdean Road, Hove - Full Planning

Demolition of existing bungalow and erection of new building comprising of three 2no bedroom flats and one 3no bedroom maisonette.

- (1) The application was the subject of a site visit prior to the meeting.

Introduction from Planning Officer

- (2) The Senior Planning Officer, Luke Austin, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans. He stated that the main considerations in determining the application related to: the impact of the scheme on the character of the Tongdean Conservation Area with the scheme having a more modern appearance and including materials that were not common within the surrounding conservation area being balanced against the three additional residential units provided which would help meet the housing shortfall in the city.
- (3) The Planning Officer stated that the recommendation was now to 'Grant' planning permission as the re-consultation period had expired. He also recommended an additional condition to the Committee to specify the height of the building/ land levels.

Public Speakers

- (4) Edward Ainsworth spoke in objection to the application as a local resident. He stated that the proposed scheme was an overdevelopment of the site, would overshadow neighbouring gardens and would provide unacceptably close views of neighbours. He stated that the scheme was widely opposed by residents because of the dangerous precedent which would be set for further blocks of flats to be built in a conservation area characterised by single occupancy detached houses in large plots. He stated that the scheme was directly in contradiction to section 2.1, 2.2, 4.4 and 5.1 of the character statement. The application would also cause increased traffic congestion and make it more dangerous to cross the road at an already often crowded junction.
- (5) In response to Councillor O'Quinn, Edward Ainsworth stated that there were no similar properties on the road.
- (6) In response to Councillor Miller, Edward Ainsworth stated that the residents did not object to the principle of developing the plot but any development should reflect the size and scale of the neighbouring properties and the conservation area in general.
- (7) Councillor Brown spoke in objection to the application as a local ward councillor. She stated that residents' main concern about the scheme was that the precedent set by granting approval would very quickly alter the character of the conservation area. She did not object to the principle of developing flats and higher density accommodation in general in the ward; 800 homes were to be built on the Toads Hole Valley site just outside the ward. However the proposal was an unsuitable overdevelopment of the site which would cause loss of privacy to residents. The two previous applications have been refused, one of which had also been dismissed at appeal. Councillor Brown stated

that the current scheme was much worse than the previous schemes and should be dismissed.

- (8) Andy Parsons spoke on behalf of the applicant. He stated that contrary to the residents' reports there was generally not an issue with parking on the road; the original scheme had proposed more car parking spaces but this was reduced to six at the request of Officers. The applicant intended to live in one of the apartments himself with his family living in the other apartments. The existing building was the only bungalow in the street and was out of context with the streetscene. The proposal was designed to look like a house and tried to mirror the context of the street. There was also a dense tree screen between the proposal and neighbouring property.
- (9) In response to the Chair, Andy Parsons stated that during the pre-application consultation heritage officers had stressed presenting a design in keeping with the size and scale of the street but were not concerned about whether the proposal was a single family dwelling or flats.

Questions to the Planning Officer

- (10) In response to Councillor Theobald, the Planning Officer confirmed the colour of the materials proposed and that the scheme was roughly in line with the property line at the front and back.
- (11) In response to the Chair and Councillor Miller, the Planning Officer confirmed that the footprint of the proposed scheme was increased from the existing footprint and that while the existing single storey projection was being reduced the entire proposal was two storeys.
- (12) In response to Councillor Wealls, the Planning Officer stated that while the street was made up of mostly white rendered housing the heritage officers felt that a brick finish was more in keeping with the traditional appearance of houses in the conservation area.
- (13) In response to Councillor Moonan, the Planning Officer stated that the proposed first storey bedroom windows would overlook the neighbouring garden.
- (14) In response to Councillor Moonan, the Planning Officer stated that the neighbouring house at 16 Tongdean Road had been redeveloped from a single occupancy house into two flats but the Planning Officer did not know of any other flatted developments in the road.
- (15) Councillor Miller noted that the second storey had a double height gable providing an atrium. He asked if officer had considered requesting this be lowered to reduce the size of the development without reducing the accommodation provided.
- (16) The Planning Officer stated that the gable style roof was in keeping with the character of the area and that the Planning Inspector had found the roof on the previously refused application acceptable which was of a similar height.

- (17) In response to Councillor Morgan, the Planning Officer stated that although the applicant's agent had presented the proposal as being for the owner there was nothing to prevent the developer selling on the apartments when completed.
- (18) In response to Councillor Gilbey, the Planning Officer stated that the colour of the roof tiles was not specified but materials would be secured by condition.
- (19) In response to Councillor O'Quinn, the Planning Officer stated that they did not know the exact size of each flat but all four exceed minimum size standards.
- (20) In response to the Chair's suggestion that windows overlooking the neighbouring property be obscurely glazed, the Planning Officer stated that the two first floor windows served single aspect bedrooms and so could not be obscurely glazed. There was a bathroom window which overlooked the neighbour's garden which the Committee could condition to be obscurely glazed. Officers also confirmed that there was a 15m gap between the neighbour's window and the proposed first floor windows and that there were only views from an oblique angle.

Debate and decision making process

- (21) Councillor Moonan stated that she felt the design was proportionate and in keeping with the conservation area. The principle of flatted developments had already been established by the neighbouring property and that any overlooking would be minimal.
- (22) Councillor Theobald stated that the development was in a conservation area with no other flats in the road. The neighbouring property had an addition and was not obviously flats from its external appearance. The design was three storeys in a road of two storey properties and it would have a negative impact on neighbouring amenity. The scheme was an overdevelopment and out of keeping with the streetscene. Councillor Theobald felt that granting permission would set a damaging precedent for the area.
- (23) Councillor Hyde stated that she felt officers were putting too much emphasis on the shortfall of 200 units of accommodation over five years and this was leading them to recommend granting permission to a development that would otherwise not be acceptable. The Tongdean Conservation Area was not the place to demolish family homes and certainly not to build flats in their place. The application would intensify the use of the site and would increase the number of cars and increase pressure on parking. There would be a loss of amenity of the gardens for neighbouring properties as the development would create a sense of overlooking and enclosure. 16 Tongdean Road was two flats built inside the footprint of an existing house and was not obviously a flatted development and did thus not set a precedent for flats on the scale of the proposal. Councillor Hyde stated that that application should be refused and that the applicant should look back at the previously refused smaller design and return with an application for a single use property.
- (24) Councillor Miller stated that he was not against the principle of more development on the site but felt that the proposed design was bulky and out of keeping with the area and he could not support it. The design would overlook neighbouring gardens an issue which could not be addressed with obscure glazing. He felt that the proposal would have a negative impact on the conservation area. He also felt that it was contrary to CP9 and

failed to provide adequate parking which would impact the setting of the conservation area. He suggested that the applicant could return with a smaller, less bulky design which could be achieved by reducing the double heighted second storey.

- (25) Councillor O'Quinn stated that she knew the area well and agreed with the previous criticisms of the scheme; particularly that the scheme was too bulky. She stated that the additional accommodation provided would be out of the price range of most people wanting to buy or rent in the city and did not outweigh the harm the scheme would cause to the conservation area.
- (26) Councillor Mac Cafferty stated he did not agree with the objections that had been raised and was more inclined to agree with Councillor Moonan's comments. The reality was that the existing buildings had been overlooking 14 Tongdean Road since they were built. The character statement for the conservation area already noted that the 'design elements in the area were more diverse and the architecture less authentic'.
- (27) The Chair stated that she found it hard to say that what was proposed would result in substantial loss of amenity and the design seemed more in keeping with the area than some of the surrounding buildings. She stated that she agreed with Councillor O'Quinn that the application would not particularly help with the housing supply in the city but Heritage Officers had raised no concerns about the design.
- (28) The Chair called a vote which was tied with 5 For, 5 Against with 1 abstention. The Chair cast her second vote in favour of the Officer recommendation and the Committee resolved to Grant planning permission.
- (29) Councillor Miller proposed that an additional condition be added to the permission, as had been suggested in the debate, requiring that the ground floor bathroom and side facing lounge windows be obscurely glazed in perpetuity to prevent overlooking of number 58.
- (30) The Chair seconded the motion.
- (31) Councillor Moonan stated that she did not see the need for the additional glazing as there was sufficient screening between the two properties. She felt that obscurely glazing the living room windows would have a substantial detrimental impact on the amenity of the occupants which outweighed any potential privacy gained by the neighbours.
- (32) Councillor Miller stated that although sufficient screening may have been present at the site currently there was no way to guarantee that future occupants would maintain this.
- (33) On a vote of 8 For, 2 Against with 1 abstention the Committee resolved to add the additional condition proposed by Councillor Miller.
- (34) **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report and the additional condition detailed above in paragraph (29).

E BH2018/00224 - 56 Church Road, Hove - Full Planning

Change of use of basement from retail (A1) to fitness studio (D2)

Introduction from the Planning Officer

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a presentation by reference to plans, elevational drawings, photographs and floor plans. She stated that the main considerations when determining the application related to: the principle of development, the impact on amenity, environmental health and transport.
- (2) The Planning Officer stated that included on the late list was an amendment to condition 4 following objections. The condition now stated that the studio would close at 8pm through the week, open 9am-6pm on Saturday and 10am-4pm on Sunday.

Public speakers

- (3) Councillor Wealls spoke in his capacity as a local councillor and stated that he welcomed the reduction in opening hours. He stated that the concerns of the residents came from the fact that the mews where the entrance to the studio was located was to the rear of the flats and was overlooked by bedrooms. As the proposed use was for class based activities there would be groups of people arriving or leaving together generating more noise than individuals leaving. He also expressed concern that the conditions may not be viable as if recorded music was playing all windows and doors had to be closed and there was no alternative method of ventilation.
- (4) In response to Councillor Hyde, Councillor Wealls stated that while he welcomed the reduced hours he still felt that the additional noise generated would impact residents as people on shift work or young children may be sleeping during the opening times. He stated that if the entrance had been on the front of the building and if there was ventilation the proposal would have been viable.
- (5) Paul Burgess spoke on behalf of the applicant. He stated that the proposed studio was to be used for small classes participating in calm exercise which was restricted by condition 3. There were already other commercial units in the mews which generated noise and pedestrian activity during the day. As the studio was to be used for calm classes the lack of air conditioning would not make the space unviable.
- (6) In response to Councillor Theobald, Paul Burgess stated that he did know the maximum capacity of the room but he estimated it would be suitable for classes of around ten people. He stated that that classes that required loud music or equipment would not take place in the studio.
- (7) In response to Councillor Miller, Paul Burgess stated that the provision of small class activities was the business plan for the applicant and even though other forms of use would be permitted under class D usage the area was well served by other gyms and the small space provided by the scheme would struggle to compete directly.
- (8) The Planning Officer stated that that planning statement listed the six uses referred to in the conditions and suggested that if the Committee wished they could remove the phase

'such as' in the condition limiting uses so as to limit use of the site to the six activities explicitly mentioned.

- (9) Paul Burgess stated that he felt the change in conditions was acceptable.
- (10) In response to Councillor Moonan, Paul Burgess stated that the applicant had submitted a scaled down application in recognition that the site was in a conservation area and so had not asked for the external modifications necessary for air conditioning.
- (11) The Chair asked if it was reasonable to say that applying for planning permission to install air conditioning would have added a substantial cost to the application and so the applicant applied for the change of use initially and if Committee were to grant permission they may look to come back with a further application.
- (12) Paul Burgess stated that he felt this was a reasonable evaluation of the application.

Questions to the Planning Officer

- (13) In response to Councillor Moonan, officers stated that condition five required the windows and doors to be closed when playing any amplified music regardless of the volume.
- (14) In response to Councillor Gilbey, officers clarified that 'other entertainment noise' referenced in the conditions referred to television, radios or similar.
- (15) In response to Councillor Hyde, Officers confirmed that the room was 90m².

Debate and decision making

- (16) Councillor Gilbey stated that she could not see any issues with the application with the amended conditions.
- (17) Councillor Theobald stated that she was still concerned that the nature of the proposed used entailed groups of people leaving together which potentially would cause disturbance for residents.
- (18) Councillor Moonan stated that she welcomed the reduction in hours and the reassurance from the applicant's agent that classes would be around 10 people. She did still have concerns about the space and the lack of air conditioning but felt that the conditions would control any disturbance to neighbours.
- (19) The Planning Manager reminded Members that although Paul Burgess had suggested classes of 10 there was no condition on the capacity of the space.
- (20) Councillor Littman stated that he supported the application and stated that the conditions worked well. He stated that if there were breaches in conditions it would become an issue for planning enforcement.
- (21) On a vote of 9 For and 1 Against planning permission was granted.

- 43.5 **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 set out in the report.

Councillor Wealls left the room after making following public speaking and was not present for the debate or decision making process

F BH2018/01854 - 33 Braybon Avenue, Brighton - Householder Planning Consent

Erection of single storey rear extension.

- (1) Members did not wish to receive a presentation from officers on the application.

Debate and decision making process

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

- 43.6 **RESOLVED:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

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

- 44.1 There were none.

45 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

46 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

47 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

48 APPEAL DECISIONS

- 48.1 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 5.35pm

Signed

Chair

Dated this

day of