

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 3 APRIL 2019**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

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

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

**Officers in attendance:**

**PART ONE**

**129 PROCEDURAL BUSINESS**

**129a Declarations of substitutes**

129.1 There were none.

**129b Declarations of interests**

129.2 Councillors Miller, Gilbey Moonan and O'Quinn stated that they had been lobbied in respect of Application A, BH2018/02751, Enterprise Point and 16-18 Melbourne Street, Brighton and Application B, BH2019/00293, Former Peter Pan Playground Site, Madeira Drive, Brighton but that they remained of a neutral mind and would remain present at the meeting and would take part in the debate and decision making process.

129.3 Councillor Littman stated that he had received a letter from the MP for Brighton Kemptown in respect of Application B, BH2019/00293, Former Peter Pan Playground Site, Madeira Drive, Brighton he remained of a neutral mind and would remain present at the meeting and would take part in the debate and decision making process. It was noted that this correspondence had been sent to all Members of the Committee and it was confirmed that all remained of a neutral mind and would remain present during the debate and decision making process.

**129c Exclusion of the press and public**

129.4 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the

meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

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

#### **129d Use of mobile phones and tablets**

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

#### **130 MINUTES OF THE PREVIOUS MEETING**

130.1 It was noted that due to the tight timeframe of meetings spaced very closely together that the minutes of the meeting held on 6 March and 20 March respectively would be circulated to a future meeting for approval.

#### **131 CHAIR'S COMMUNICATIONS**

131.1 The Chair, Councillor Cattell, took the opportunity to thank all Members of the Committee for their hard work and commitment over the past 4 years. The Committee had given approval for a number of important developments which would have a major impact on the city going forward. Over recent meetings in particular they had considered a large number of landmark developments. The opportunity was taken to thank officers for their important contribution and advice. Outgoing Members were given all good wishes for their future lives and she hoped that a number of standing members would be back on the Committee post the forthcoming election.

#### **132 PUBLIC QUESTIONS**

132.1 There were none.

#### **133 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

133.1 There were none. Councillor Mac Cafferty suggested that it would be appropriate to undertake a Site Visit to Hove Library but that was defeated on a vote of 9 to 2.

#### **134 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

The Democratic Services Officer, read out items 134 A – G and all of the items appearing on the agenda were called for discussion with the exception of:

Application E BH2017/0795 17 Shenfield Way, Brighton – Full Planning which was agreed without discussion.

It was noted that Major applications and any on which there were speakers were automatically reserved for discussion.

The Chair, Councillor Cattell explained that this measure intended to expedite the business of the Committee and to avoid the necessity of those who had an interest in applications on which there were no speakers spending hours waiting for the Committee to get to their application(s). She wished to reassure the public however, that in any instances where an application was not called for discussion members had read the officer report and any supporting information in advance of the meeting. However, having given the officer recommendation(s) their due consideration they had no questions nor required further clarification on any aspect of the application before moving to their decision.

**RESOLVED** – That the position be noted.

**A BH2018/02751-Enterprise Point & 16-18 Melbourne Street, Brighton -Full Planning**

Demolition of all existing buildings and electrical substation and erection of building of between 5 to 8 storeys comprising office floor space (B1), student accommodation including 330no student bedrooms (Sui Generis), 24no residential flats (C3), ancillary residents' amenity space, associated plant and electrical substation, landscaping, access, cycle spaces, parking and associated works.

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

**Officer Presentation**

- (2) The Principal Planning Officer, Mick Anson, introduced the application and gave a detailed presentation by reference to site plans, floor plans, block plans, elevational drawings and photographs detailing the proposed scheme and showing it in the context of the neighbouring vicinity and in longer views. Drawings were also shown showing the profile of the existing building and those proposed on site. Samples of the materials, including cladding materials proposed were also displayed.
- (3) The application proposed the demolition of all of the existing buildings on site and the relocation of an electrical sub-station on the site and the erection of a new building of between 5 to 8 storeys comprising 1,048sqm. of business floor space (B1), 330 no. student bedrooms (Sui Generis) with a student hub space of 348 sqm., 24 residential flats (C3), residents and student amenity space, associated plant and electrical substation, landscaping access, cycle spaces, parking and associated works. The proposals originally submitted had proposed a development of up to 9 storeys in height but had been amended during the course of consideration of the application by reducing the height of the north block by a storey from 9 to 8 storeys and the west block by a storey from 7 to 6 storeys. As a result the number of the impact student units had been reduced from 350 to 330 rooms and the number of affordable housing units proposed had been increased from 20 to 24 units. The tallest element of the site would be at the northern end backing onto Woodvale cemetery.

- (4) It was noted that the main considerations in determining this application related to the principle of the proposed development, the impact of the proposed development on the visual amenities of the site and the surrounding area, proposed access arrangements and related traffic implications, air quality, impacts upon amenity of neighbouring properties, standard of accommodation, ecology, and sustainability implications which needed to be addressed.
- (5) It was considered that the level of housing proposed would be too low and would not fulfil its housing potential. It was not considered that the applicant's case that allowing this proposal would free up other housing currently in multiple occupation enabling it to return to class C3 family housing had been evidenced which might have allowed an exception to be made. The development proposed, at a maximum 8 storeys, would be defined as a tall building as was the existing 6 storey building on site and when seen would be in the immediate context of the 7 storey Viaduct Lofts. This scheme would be built at very high density tight to the boundaries on 3 sides of the site, but had also been considered in the context of a site which was constrained by small scale terraced housing. The wider townscape impacts had been mitigated such that the scale of the scheme would not cause harm in longer views, by some height reduction and by improving the design, appearance and materials. Notwithstanding, this however, it was considered that the proposed development would have an unacceptable impact on the amenity of neighbouring residents due to its siting, overbearing nature and impact on residents' outlook and would result in unacceptable daylight losses to residents contrary to policy QD27 of the Brighton and Hove Local Plan. It was also considered that the proposal was contrary to the City Plan site allocation for mixed housing and employment use. Due to this and the proposal's impact on the amenity of and adjoining residents, including the school and lack of suitable amenity space it was considered that it should be refused. It was noted that the Officer recommendation had been amended and that the recommendation was now Minded to Refuse to allow officers to determine whether proposed reason 3 should remain in view of additional information recently received.

### **Public Speakers**

- (6) Councillor Daniel spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme. She stated that residents and local ward councillors were not anti-student nor opposed to housing provision on the site but considered that as currently framed it represented over-development, was far too dense, would be far too close to the pavement edge with access/egress onto a single lane road and would also give rise to potential noise and other nuisance due to the number of units proposed on-site and their very close proximity to neighbouring more modestly scaled terraced dwellings. A robust transport plan needed to be in place in order to ensure pedestrian safety.
- (7) Councillor Gibson, also spoke in his capacity as a Local Ward Councillor setting out his objections to the proposed scheme. He concurred with the points made by Councillor Daniel, also referring to the significant loss of daylight to a number of the neighbouring properties which remained to be addressed. Whilst acknowledging that there were positive elements to the scheme he considered that it would be appropriate for its consideration to be deferred to enable the outstanding issues to be addressed.

- (8) Councillor O'Quinn having noted the comments made by both ward councillors sought clarification whether it would be permissible to defer the application in order for the applicants to effect amendments to the scheme which might make it more acceptable. The Chair, Councillor, Councillor Cattell, stated that it would be appropriate for the Committee determine the application as submitted.
- (9) Councillor Moonan sought confirmation that the main objections in respect of the application related to its bulk and massing rather than the element of student housing proposed.
- (10) Mr Hoskins spoke on behalf of the applicants in support of their application and was accompanied by Mr Wallace and Ms Steele in order to respond to any questions on which they might be better placed to respond. Mr Hoskins stated that the scheme had been designed in order to respond to an identified need and had sought to provide flexible modern co-working spaces, independent daylighting/sun-lighting assessments had been undertaken. The developers were committed to effecting improvements within the area as they had committed a sum of £1.3 m towards off-site provision.
- (11) Councillor Miller referred to the SHLAA, and enquired regarding the number of units which would be provided. It was explained that just over 100 units were envisaged.
- (12) Councillor Mac Cafferty, referred to the level of off-site provision proposed seeking clarification of why it had not been possible to provide this on site as this was not policy compliant.
- (13) Councillor C Theobald noted that the level of on-site student housing was proposed in response to an identified need and asked whether/what negotiations had taken place with any of the local universities, notwithstanding the need for student accommodation, the number of units proposed within such a constrained site appeared to be very high. It was explained that discussions had taken place and had been positively received. Similar arrangements were envisaged to those which had been entered into in Southampton.
- (14) Councillor Mac Cafferty noted all that had been said and asked whether any formal agreements were in place with any of the universities and it was confirmed that at the present time there were not.

### **Questions of Officers**

- (15) In answer to questions diagrams were displayed which indicated the configuration of the proposed blocks within the site, the location of the 8 storey element, the distances between the blocks themselves and other buildings within the neighbouring street scene. Also, the proposed location of windows where it was considered overlooking would occur. It was confirmed in answer to further questions that these faced across the car park towards Shanklin Road, the greatest concern in respect of that block related to loss of daylight to neighbouring dwellings.
- (16) Councillor Miller referred to the proposed loss of office space and the proposed housing component seeking clarification regarding the assessments made. The Principal Planning Officer, Planning Policy, Steve Tremlett stated that a number of

considerations had been balanced in assessing the application and these were set out in the report. Ultimately, the provision of Purpose Build Student accommodation (PBSA) in lieu of C3 housing was not supported. Design analysis of the site had indicated that the site would support a greater number of residential units than the 24 proposed, the PBSA element proposed did not therefore make any contribution to the city's affordable housing requirements in addition to the other deficiencies which were set out. Whilst there were some positive elements they were not considered to outweigh the potential harm which had been identified in relation to such a dense scheme and it was not considered that a sufficiently compelling case for departure from policy had been made.

- (17) Councillor Moonan sought clarification regarding the assessment made in relation to road safety with particular reference to pedestrian access and the location of cross-over arrangements. The Development and Transport Assessment Manager, David Farnham stated that notwithstanding improvements which had been made, the main concern in respect of the site was the potential for competing demands between the needs of residents requiring parking bays and amenity space should demand for the former arise. It was accepted however that it would not be possible to fully meet the parking standards required by SPD14 on site.

#### **Debate and Decision Making Process**

- (18) Councillor Mac Cafferty referred to cycle provision proposed on site and to the proposed trees; these did not appear to have been shown clearly on the submitted plans. Whilst there were some positive elements overall the proposed scheme was not policy compliant, was too dense and would result in overdevelopment.
- (19) Councillor Gilbey also referred to the location of trees located at the perimeter boundary of the site and it was confirmed that these fell outside the boundary of the site, however measures would need to be put in place to protect them. In relation to the housing Councillor Gilbey noted that whilst mixed use developments would usually include some 3 bedroom units none were proposed here. She considered that the proposed development built right up to the boundary and so close to neighbouring development was unacceptable.
- (20) Councillor Miller stated that whilst recognising the need for mixed developments including student accommodation a balance was necessary and in this instance he did not consider that a case for departure from policy had been made. The scheme was far too big and would have a severe detrimental impact on neighbouring amenity and that of 29 Shanklin Road in particular. However a better designed and more modest scheme could be acceptable
- (21) Councillor Cobb noted the need for additional student accommodation and considered that this site could support tall buildings. It was in a good location for such accommodation and she was minded to support the proposed scheme.
- (22) Councillor Moonan considered that the balance was wrong. Whilst the site could support some student accommodation the level proposed was too great and too overbearing, the existing scheme could be improved upon.

- (23) Councillor Littman stated that what was proposed in terms of its height, bulk and mix of uses was not appropriate to this site.
- (24) Councillor C Theobald considered that the existing site was an eyesore and was in need of redevelopment but the current scheme would be an overdevelopment, was too high and had too large a footprint, a more modest development with on-site parking would be preferable.
- (25) Councillor Hyde concurred with much of what had been said, whilst there were good points to the scheme it was just too much for the site.
- (26) Councillor O’Quinn considered that the scheme placed too great an emphasis on student housing in an area where there was already significant provision, this would drastically change the character of the area, was not policy compliant and could give rise to significant overspill parking.
- (27) The Chair, Councillor Cattell, stated that she whilst in agreement that the site was ripe for the right sort of redevelopment the current scheme was not acceptable. A more modest scheme with a better residential mix which was set back from the site boundaries would be preferable in her view.
- (28) A vote was taken and on a vote of 10 to 1, the 11 Members present at the meeting voted that they were Minded to Refuse planning permission.

134.1 **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 REFUSE** planning permission for the reasons also set out in the report subject to the Principal Planning Officer determining whether proposed reason for refusal 3 had been addressed and for the decision notice to be issued accordingly.

**B BH2019/00293 - Former Peter Pan Playground Site, Madeira Drive, Brighton -Full Planning**

Erection of outdoor swimming pool (25m x 12.5m) and changing/plant rooms (D2 use), flexible events space (D2 use) and 1-2 storey relocatable modular buildings with first floor deck to provide mixed leisure/retail/food/drink/office uses (D2/A1/A3/A4/A5/B1 uses) with associated cycle parking, refuse storage, landscaping, boundary treatment and retractable beach mat. Temporary (meanwhile use) for 5 years.

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

**Officer Presentation**

- (2) Assistant Planning Officer, Nick Eagle, introduced the application and gave a detailed presentation by reference to site plans, photographs, site plans elevational drawings detailing the proposed scheme. The Committee were informed that additional representations had been received which had been referred to in the Late/Additional Representations List. These representations this did not introduce any new issues that had not already been referred to in the officer’s report.

- (3) It was noted that the main considerations in the determination of this application related to the:
- principle of developing the open shingle beach
  - impact to ecology and biodiversity
  - principle of locating the proposed uses in this location
  - impact to local retail centres
  - impact to the setting of the special character and appearance of the East Cliff Conservation Area and nearby listed buildings
  - impact to tourism and the economy
  - contribution the development will make to sports provision in the city
  - demand for travel created by the development
  - impact to amenity

### **Questions of Officers**

- (3) The Conservation Advisory Group (CAG) representative, Mr Gowans was informed that the proposals were single storey.
- (4) Councillor Theobald was informed that the materials included timber cladding for the external elevations.
- (5) Councillor Mac Cafferty was informed that S106 heads of terms covered the retention of the shingle vegetation. Although the management of the shingle is for 10 years, the five year temporary permission sought under this application will be covered. The proposed materials are to be approved by the authority and the viability statement is similar to the one previously submitted.
- (6) Councillor Littman was informed that the S106 heads of terms for ecology was for a management plan of 10 years, and the financial commitment was for the temporary period.
- (7) Councillor Miller was informed that the latest proposals were in line with the adjoining Yellowwave volleyball site and that the swimming pool, to be constructed by 01 April 2020 along with the other elements of the proposed scheme, will be removed after five years and the shingle replaced and levelled to match the existing.
- (8) Councillor Moonan was informed that the previously proposed first floor has been removed from the scheme.
- (9) Councillor Gilbey was informed that the 5 year consent would start 01 April 2020.

### **Debate and Decision Making Process**

- (10) Councillor Moonan considered the proposed colours to be fitting and expressed support for the multi use and regeneration of the area and Madeira Drive.
- (11) Councillor Hyde felt the latest submission was much improved from previous proposals with good design, improved views and is beach appropriate. The CAG comments are noted.



- (12) Councillor O’Quinn felt the scheme had been improved and supported the regeneration of the area.
- (13) Councillor Theobald supported the new colours and felt the proposals were good for the sea front area.
- (14) Councillor Littman felt the development was essential good, however, he expressed concerns regarding the protection of ecology on the site and would like to see a 25 year period of ecological maintenance.
- (15) Councillor Miller felt the scheme was good for the area and supported that materials should be submitted to the Chair’s Briefing for approval.
- (16) Mr Gowans, CAG commented that there are concerns regarding whether the design is in keeping, views across the beach are compromised, not all the materials are appropriate, and the public benefit was questioned as the pool is contrary to policy.
- (17) Councillor Cobb supported the scheme, however, not all the materials were considered appropriate.
- (18) Councillor Mac Cafferty expressed concerns that permission would lead to infilling developments in the future, the ecology impact would be substantial and support for the nearby arches along Madeira Drive would have been liked.
- (19) Councillor Gilbey felt that the scheme had been improved and the pool was a good idea.
- (20) Councillor Cattell supported the scheme and felt the applicants had shown 100% commitment.
- (12) A vote was taken and on a vote of 6 to 4 the 10 Members who were present voted that the and for officers to determine an appropriately revised financial contribution. A further vote was then taken in respect of the substantive recommendations and the 10 Members who were present voted unanimously that Minded to Grant planning approval be given.

134.2 **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 GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives also set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **24<sup>th</sup> July 2019** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10 of the report.

**Note:** Councillor Bennett was not present at the meeting during consideration of the above application.

**C BH2018/03600 -Buckley Close, Hove -Full Planning**

Demolition of existing garages (B1) and erection of 3no two storey residential blocks providing 12no flats in total (C3) with gardens. Creation of 11no car parking spaces and cycle storage, with landscaping and other associated works.

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

### **Officer Presentation**

- (2) The Planning Officer, Eimear Murphy, introduced the application and gave a detailed presentation by reference to site plans, floor plans, elevational drawings and photographs detailing the proposed scheme.
- (3) The application site was approximately 12 metres in depth and 137.5 metres in length, covering an area of 1279.3 sqm which includes the 48. garages, land to the north and south and part of the public highway. The site is located to the east side of Buckley Close, a cul-de-sac with 9 x 3 storey flatted buildings with pitched roofs set an angle to the road. Behind the existing garages, sitting on higher ground, is a mix of two storey flats and dwelling houses of Chichester Close. There was a gap between the row of garages and rear garden boundaries. The rear gardens were defined by a mixture of post-and-wire and/or close-boarded fence panels. Some trees were growing out of the rear boundary retaining wall, over this space. The supporting planning statement states that all the garages have been empty for many years and unlettable due to their current condition. All of the garages were now boarded up. This application sought to demolish the existing garages and to erect 3 detached two-storey buildings in order to provide 12 affordable units of accommodation for rent.
- (4) It was noted that the proposed buildings would be erected up to the edge of the concrete apron currently in existence, beyond which a new footpath of 1.1m in width would be provided for its entire length. The proposed buildings would be of a consistent plan with a recessed entrance bay leading to a communal hall and stairs, they varied however in length and in the pattern of fenestration reflecting the units, types and room designations. The main considerations in determining the application related to the principle of the development, its scale, character and appearance and relationship with the area/context; residential amenities for existing and future occupants, design, transport and parking, sustainable development, ecology/biodiversity archaeology and the setting of the national park. The scheme overall was considered to be in general accordance with relevant local and national planning policies and guidance and was considered to be acceptable; planning permission was therefore recommended subject to a s106 agreement and the conditions and informatives proposed.

### **Questions of Officers**

- (5) Councillor C Theobald wanted clarification regarding where objections had come from, i.e., had they come from immediately neighbouring residents who would be directly affected by the proposed development. Councillor Theobald also asked for details of the distances between the proposed blocks and the gardens of the neighbouring properties.

- (6) Councillor Mac Cafferty asked whether consideration had been given to the Food Growing Planning Advisory Note asking if thought had been given to providing communal allotments, composting and green roofs. It was confirmed that had not been discussed during the application process. Councillor Mac Cafferty asked therefore if an informative could be added to any planning permission granted.
- (7) Councillor Miller referred to the lack of parking, the scheme itself would remove parking and asked whether a parking survey had taken place and whether it was considered that there could be a negative impact on traffic and parking. The Development and Transport Assessment Manager, David Farnham explained that any additional parking demand was not considered to be such that additional parking would be necessitated.
- (8) Councillor Hyde sought information regarding gaps between the proposed new blocks and the existing buildings behind and the details of the distances/angles between the proposed form of development and that existing. She was concerned that the new buildings could appear oppressive. It was confirmed having had regard both to the height, distance and degree of separation between the buildings it was not considered that the proposed form of development would be overbearing when viewed in the context of the existing buildings.
- (9) Councillor Moonan enquired whether there would be a sufficient safe space to enable children to cross from the site to access the bus stop nearby. The Development and Transport Assessment Manager, David Farnham explained that the proposals were considered satisfactory and that any additional improvements could be made if considered necessary.

### **Debate and Decision Making Process**

- (10) Councillor C Theobald stated that whilst the additional housing was welcomed, she had some concerns that the form of development proposed was cramped and could impact on existing residents.
- (11) Councillor Hyde expressed concern regarding the impact that the last block in the row could have in view of its distance between it and the residential dwellings behind. Whilst welcoming additional housing provision she would have preferred blocks which were lower in height or bungalows.
- (12) Councillor Cobb stated that she had grave concerns regarding pedestrian safety for those attending the nearby school which would result from two-way traffic being permitted. The Development and Transport Assessment Manager, David Farnham confirmed, however that double yellow line markings would prevent opportunistic parking, industry standards had been applied and the arrangements put into place were considered to be satisfactory.
- (13) Councillor Gilbey confirmed that she had no hesitation in supporting this scheme. Similar proposals had been effected in her ward and had provided much needed housing without compromising that already there.

- (14) Councillor Miller stated that he welcomed the proposed scheme which in his view had been sympathetically designed, considering that gaps between buildings were acceptable and that the site could have taken a fourth block.
- (15) Councillor Moonan welcomed the scheme which would provide much needed housing and had been thoughtfully designed.
- (16) Councillor Cattell, the Chair, stated that she was delighted to support this scheme hoping that more affordable units could be provided on similar sites elsewhere in city. The design was simple but effective.
- (17) A vote was taken and on a vote of 7 to2 with 1 abstention, the 10 Members who were present voted that they were Minded to Grant Planning Permission.

134.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement and the following Conditions and Informatives set out in the report, a condition requiring details of the safety rail to be submitted for approval and an informative regarding consideration to be given to the Council's Food Growing Planning Advice Note **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 24<sup>th</sup> July 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of the report.

**Note:** Councillor Bennett was not present at the meeting during consideration and determination of the above application.

**D BH2018/00312 -93 Lustrells Crescent, Saltdean, Brighton - Outline Application**

Outline application with all matters reserved for the demolition and erection of existing dwelling and erection of 2 no. dwellings (C3).

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

**Officer Presentation**

- (2) The Senior Planning Officer, Charlotte Bush, introduced the application and gave a detailed presentation by reference to site plans, elevation drawings and photographs detailing the proposed scheme. The committee were informed that the main considerations in determining the application relate to the principle of the development of the site and the impact of the proposed dwellings on the character and appearance of the adjoining grade II listed building, the street and the surrounding area. The standard of accommodation, access, sustainability, impact on street trees, and impact on neighbouring amenity and transport were also material considerations.

**Questions of Officers**

- (3) Councillor Hyde was informed that the impact of the proposed development on the neighbouring property would be assessed if a detailed application were submitted.

- (4) Councillor Miller was informed that the outline application was indicative, scale and building line will be negotiated if a detailed application were to be submitted. The application is for the principle of development.
- (5) Councillor Theobald was informed that should a detailed application be submitted the scale of the development would be defined with more detail.
- (6) Councillor Cattell was informed that reserved matters could be brought to the committee if submitted.
- (7) Councillor Hyde was informed that the principle of development was covered by the application and design, bulk massing and scale, would be submitted as part of any detailed application.
- (8) Councillor Moonan was informed that any detailed application submitted could include informatives and conditions relating to materials.

#### **Debate and Decision Making Process**

- (9) Councillor Theobald considered the application difficult to decide as there was not detail.
- (10) Councillor Miller expressed concerns that two dwellings on the site would look cramped. Other concerns related to the impact on nearby trees, the listed neighbouring property and the amenities of surrounding properties.
- (11) Councillor Hyde expressed concerns regarding the lack of detail submitted with regards to access and scale.
- (12) Councillor Cattell considered the principle of development expressed in the application to acceptable.
- (13) A vote was taken and on a vote of 6 to 4 the 10 Members present at the meeting voted to grant outline planning permission.

134.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report save that condition 2 is substituted by the Council's standard reserved matters commencement condition and with an additional informative requesting the Committee determine any reserved matters applications submitted pursuant to the permission.

#### **E BH2017/01795 -17 Shenfield Way, Brighton -Full Planning**

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

(1) It was noted that that this application had not been called for discussion. The officer recommendation was therefore deemed as agreed unanimously by the Members present at the meeting.

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

**F BH2018/03896-Hove Central Library, 186 Church Road, Hove- Listed Building Consent**

Alterations to entrance lobby to install access control system including exit button and associated works.

**Officer Presentation**

(1) The Principal Planning Officer, Mick Anson, introduced the application by reference to photographs showing the existing entrance lobby and the location of the proposed access control equipment including exit buttons to the interior of the library entrance. The main considerations in determining the application related to whether the proposed alterations would have a detrimental impact on the character, architectural setting and significance of the Grade II listed building and the wider Old Hove Conservation Area.

(2) The proposal would involve the installation of a number of fixings inside the entranceway, including exit buttons and new bolt arrangement to the existing doors. The purpose of these alterations would be to allow the nursery and other out of hours users, safe emergency access from the building when the library was closed. It had been confirmed that the proposed works would not harm the historic character or appearance of the Grade II listed building or wider conservation area and approval was therefore recommended.

**Questions of Officers**

(3) Councillor Mac Cafferty stated that local residents had expressed concern in the past regarding lack of consultation and sought confirmation as to what consultation had taken place. The Planning Manager, Nicola Hurley, explained that as this was a listed building application letters would not have been sent to residents. In answer to further questions it was explained that no additional comments had been received from the Heritage Team who had noted that possible discrete positions for the equipment had been identified and that for those reasons and with the viability of the building in mind they had not objected.

(4) Councillor Cobb sought clarification regarding the proposed means by which the boxes would be fitted considering that if they needed to be set into the wall that could require re-plastering/making good and it was important for Members to be aware of that.

(5) Councillor Moonan enquired whether the proposed works would increase the hours during which the library was available to the public. It was confirmed that it would not and that the purpose of these alterations was to allow the nursery and other out of

hours users safe emergency access from the building once the library was closed. Councillor Moonan stated that the Library was located in her ward and that she had received positive feedback in relation to the works that had helped to facilitate its use as a community hub.

- (6) Councillor Littman sought clarification regarding the number of buttons proposed and it was confirmed that there would be two buttons and new bolt arrangement to the existing door.
- (7) Councillor Gilbey asked whether the buttons would allow two-way access and it was confirmed that they would allow users to exit from the building only.
- (8) Councillor Miller asked why the application had been brought forward to Committee bearing in mind that no objections had been received and that it was an application for minor works albeit that they related to the fabric of a listed building. It was explained that this mirrored the decision taken by the Planning Committee Member Working Group that such applications be brought forward for determination by Committee.

### **Debate and Decision Making Process**

- (9) Members were in agreement that/as when similar applications came forward for determination in future it would be helpful if the rationale for the application being brought to Committee could be set out and precise detail of the works proposed given.
- (10) A vote was taken and on a vote of 9 with 1 abstention the 10 Members present when the vote was taken voted that Listed Building Consent be granted.

134.7 **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** Listed Building Consent subject to the Conditions and Informatives also set out in the report.

**Note:** Councillor Bennett was not present at the meeting when the vote was taken.

### **G BH2018/01965- 99 Dyke Road, Brighton- Full Planning**

Change of use from two bedroom flat (C3) to yoga studio with therapy treatment rooms (D2) with opening hours of 10am - 6pm Monday to Friday.

#### **Officer Presentation**

- (1) Assistant Planning Officer, Michael Tucker, introduced the application and gave a detailed presentation by reference to site plans, elevation drawings and photographs detailing the proposed scheme.
- (2) The Committee were informed that the main considerations in determining the application relate to the principle of the proposed change of use, the impact of the proposal on neighbouring amenity and transport.

#### **Public Speaker**

- (3) The applicant, Mr A Causton, addressed the committee and stated that he was a physiotherapist with a respected clinic. Due to success the clinic needed to expand. Under Policy HO8 Mr Causton felt the application was an exception with good transport links and accessibility. It was felt that customers of the clinic increased traffic for other business in the vicinity. Other conversions to commercial use from residential have been noted in the area. The proposal was supported by HW14 Economic Development and the applicant concluded that the granting of permission would show support for local small businesses.

### **Questions of Speakers**

- (4) Councillor Theobald was informed that the first floor of the building was occupied for approximately 30 years, which had been followed by a 2 year law dispute. Visitors with mobility issues are seen on the ground floor of the building.
- (5) Councillor Miller was informed that other spaces had been looked at, however, the clinic was considered to be well established at the current location. The property also benefits from two disabled bays located in the street in front of the property.

### **Questions of Officers**

- (6) Councillor Littman was informed that the Policy HO8 includes criteria for daylight in residential accommodation and these are taken from the national accommodation standards. Policy HW15 did not require evidence of marketing for a specific time.
- (7) Councillor Hyde was informed that the use on the ground floor was retail not residential. It was noted that the councillor felt that the retention of residential units was important.
- (8) Councillor Mac Cafferty was informed that the officer was not aware of other businesses of a similar nature in the area.
- (9) Councillor Moonan was informed that a change of use from residential to business would require planning permission.
- (10) Councillor Miller was informed that a personal permission would not be appropriate for this application.

### **Debate and Decision Making Process**

- (11) Councillor Miller considered the business expansion to be good, however, the loss of residential was a concern.
- (12) Councillor Theobald considered the loss of business, should the committee follow officer's recommendation and refuse the application and thereby driving the applicant out of the city, would be a negative.
- (13) Councillor Cobb supported the clinic and felt that other conversions of business units to residential would even out across the city the loss incurred here.



- (14) Councillor O'Quinn expressed concerns that the thriving area was not so good for residential use and supported the application.
- (15) Councillor Hyde felt that the change of use would enhance the parade of businesses and shops in the area and expressed support for the application.
- (16) Councillor Cattell expressed concerns that expanding the current D2 use would allow a variety of business to take over the premises in the future. Considering this support was shown for the officer's recommendation to refuse the application.
- (17) Councillor Miller proposed a motion to overturn the officer's recommendation to refuse the application on the grounds of supporting small businesses and increasing employment in the city. The motion was seconded by Councillor Lynda Hyde.
- (18) The Committee voted to overturn the officer's recommendation and grant planning permission.
- (19) A vote was taken and the 11 members who were present when the vote was taken voted by 7 to 3 with 1 abstention that Planning Permission be granted. A recorded vote was then taken and Councillors Bennett, Cobb, Hyde, Mac Cafferty, Miller, O'Quinn and C Theobald voted that Planning Permission be granted. Councillors Cattell, Gilbey and Moonan voted that permission be refused and Councillor Littman abstained.

134.7 **RESOLVED** - That the Committee has taken into consideration the reasons for the recommendation set out in the report but resolves to **GRANT** planning permission subject to the conditions to be determined by the Planning Manager and for the reasons that the development would be a gain to the shopping parade and local businesses and would improve the employment space within the city and subject to conditions to be determined by the Planning Manager.

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

135.1 There were none.

**136 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

**137 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**138 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**139 APPEAL DECISIONS**

139.1 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 6.35pm

Signed

Chair

Dated this

day of