

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 12 JUNE 2019**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hill (Chair), Williams (Deputy Chair), Littman (Opposition Spokesperson), C Theobald (Group Spokesperson), Fishleigh, Mac Cafferty, Mears, Miller, Shanks and Yates

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

**Officers in attendance:** Nicola Hurley, Planning Manager; Wayne Nee, Principal Planning Glassar, Principal Planning Officer; Liz Arnold, Principal Planning Officer; Joanne Doyle, Senior Planning Officer; Emily Stanbridge, Senior Planning Officer; Laura Hamlyn, Planning Officer; David Farnham, Development and Transport assessment Manager; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

**PART ONE**

**1 PROCEDURAL BUSINESS**

**1a Declarations of substitutes**

1.1 Councillor Simson stated that she was attending that days meeting in place of Councillor Mears but that she had now been appointed as a Member of the Committee and would be attending future meetings as a standing Member of the Committee.

**1b Declarations of interests**

1.2 Councillor Hill the Chair referred to Application B, BH2018/02749, George Cooper House, 20-22 Oxford Street, Brighton, stating that in her capacity as a Member of the Housing and New Homes Committee she had been briefed in relation to the site. That had not related to planning considerations, however a nd did not impact on the current application. Councillor Hill stated that she remained of a neutral mind and would remain present at the meeting during consideration and determination of that application. Councillor Hill also referred to Application H, BH2019/00478, 10 Selham Close, Brighton, on which she declared a prejudicial interest, she had sent in a written representation (included with the agenda papers) in her capacity as a Local Ward Councillor prior to her appointment to this Committee. Councillor Hill explained that she would vacate the Chair during consideration of the application and that having spoken in her capacity as a Local Ward Councillor she would leave the meeting and take no part in consideration or determination of the application. Councillor Hill also stated that

she had been lobbied as had all other Members of the Committee in respect of Application D, BH2018/03912, Gingerbread Day Nursery, Arundel Drive West, Saltdean, including correspondence from Councillor Fishleigh. As she was declaring on behalf of all Members of the Committee that they had been lobbied they were not required to state this separately unless they needed to declare an interest. Councillor Hill had not responded or expressed any opinion in respect of that application, remained of a neutral mind and would remain present at the meeting during its consideration and determination.

- 1.3 Councillor Yates declared a prejudicial interest in Application G, BH2019/00700, 96 Auckland Drive, Brighton. He had submitted a written representation in his capacity as a Local Ward Councillor (included within the agenda papers) prior to his appointment to the Committee. He did not intend to address the Committee but if the application was “called” he would leave the meeting room and take no part in the decision making process.
- 1.4 Councillor Simson referred to Application J, BH2018/03890, Hill Park Lower School, Foredown Road, Portslade stating that her daughter worked at the school. She stated however that did not impact on her consideration of the planning application, that she remained of a neutral mind and that she would remain present during consideration and determination of the application if the application was called for discussion.
- 1.5 Councillor Mac Cafferty stated that he had been lobbied in respect of Application D, BH2018/03912, Gingerbread Day Nursery, Arundel Drive West, Saltdean, including correspondence from Councillor Fishleigh, he had not responded or expressed any opinion in respect of that application. remained of a neutral mind and would remain present at the meeting during its consideration and determination.
- 1.6 Councillor Miller stated that he had been lobbied in respect of Application D, BH2018/03912, Gingerbread Day Nursery, Arundel Drive West, Saltdean, including correspondence from Councillor Fishleigh, he had not responded or expressed any opinion in respect of that application, remained of a neutral mind and would remain present at the meeting during its consideration and determination.
- 1.7 Councillor Fishleigh declared a prejudicial interest in Application D, BH2018/03912, Gingerbread Day Nursery, Arundel Drive West, Saltdean, stating that she had submitted letters of objection in respect of the application prior to her appointment as a councillor. She would not address the Committee and would leave the meeting room and would take no part in the decision making process.
- 1.9 Councillor Shanks referred to Application C, BH2018/01441, Overdown Rise, Mile Oak Road, Portslade stating that she occupied an allotment plot near to the site but that she had not pre-determined the application remained of a neutral mind and would remain present at the meeting during consideration and determination of the application.

#### **1c Exclusion of the press and public**

- 1.10 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.

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

## 2 MINUTES OF THE PREVIOUS MEETING

- 2.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 15 May 2019 as a correct record.

## 3 CHAIR'S COMMUNICATIONS

- 3.1 The Chair welcomed Members of the newly appointed Committee to their first meeting of the new Municipal Year and explained that exceptionally in this instance the meeting was unable to be webcast live. It was hoped however that a recording would be made which would be capable of future viewing.

## 4 PUBLIC QUESTIONS

- 4.1 It was noted that one question had been received from Ms V Paynter who at the Chair's invitation put the following question:

"I note this committee has been reduced from 12 Members to 10. I further note that two Rottingdean Councillors are now regular members of the committee, and there is no Portslade and only one Hove Councillor on the committee. How is this unbalanced, Brightoncentric, distortion justified?"

- 4.2 Councillor Hill, the Chair responded gave the following response:

"Thank you for your question. The full Council approved the revised membership for the committee of 10 councillors, which was based on feedback from the Members Constitution Working Group and a desire to bring it into line with the other committees. The actual make-up of the committee is determined by the respective Groups who will take into account their own members' preferences for which committees they wish to sit on.

I note your point about the overall make-up of the committee and would suggest that is something you raise directly with the Group Leaders.

- 4.3 Ms Paynter was invited to put a supplementary question and referred to the fact that previously Councillor Moonan had sat on the Committee representing Central Hove Ward and that Portslade Wards had also been represented. That was no longer the case enquiring as to the reason for that omission. The Chair re-iterated her earlier response stating that it was the Committees responsibility to determine applications consistently on a citywide basis bearing in mind the needs of the city as a whole. However, Members were advised of applications coming forward for consideration and could make representations or speak in respect of any within their ward, that occurred on a regular basis and was also the case in respect of that afternoon's meeting.

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

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

5.1 There were none.

**6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**CALLOVER**

6a The Democratic Services Officer, read out items 6A – 6. It was noted that Major applications and any on which there were speakers were automatically reserved for discussion.

6b The Chair, Councillor Hill, explained that this measure was intended to expedite the business of 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 re-assure 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 recommendations their due consideration they had no questions nor required further clarification on any aspect of the application before moving to their decision.

6c The following applications were not called for discussion and it was therefore deemed that the officer recommendations were agreed including the proposed Conditions and Informatives:

Application I, BH2018/03891, Hill Park School, Upper Site; Foredown Road, Portslade;  
Application J, BH2018/03890, Hill Park School, Lower Site, Foredown Road, Portslade;

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

**A BH2018/02926-113-119 Davigdor Road, Hove- Full Planning**

Erection of a new part 5 storey, part 8 storey building providing 894sqm of office space (B1) at ground floor level, and 52no residential flats (C3) at upper levels. Creation of basement level car and cycle park, 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 Principal Planning Officer, Wayne Nee, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the scheme. He also explained the complexities of the scheme detailing the differences between the scheme as originally submitted and as currently submitted.

- (3) It was explained that the main considerations in determining the application related to the principle of the use including the loss of employment space, financial viability and affordable housing provision, the impacts of the proposed development on the visual amenities of the site and surrounding area, the proposed access arrangements and related traffic implications, impacts upon amenity of neighbouring properties, standard of accommodation, housing mix and density, ecology, sustainable drainage, arboriculture and sustainability impacts.
- (9) Whilst it had been acknowledged that the proposed development would increase pressure on local services the scale of the development was not such that the LPA could reasonable expect the provision of such services on site as part of the proposal. It was considered that the proposed condition which required additional flood risk modelling and a management plan would be sufficient to ensure that the scheme could adequately deal with any future flood risks in accordance with development plan policies. The proposed development overall was considered to be of a suitable scale and design which would make more effective use of the site without harm to the surrounding townscape, whilst providing a suitable mix of office and housing space including affordable housing without causing significant harm to adjacent occupiers or an unacceptable increase in parking pressure. The benefits of the scheme, which would provide a significant amount of housing were considered to outweigh any planning policy conflicts and limited harm to the amenity of neighbouring occupiers; approval was therefore recommended subject to completion of a s106 agreement and the conditions set out.

### **Public Speakers**

- (10) A statement was read out on behalf of Councillor O'Quinn who was unable to attend the meeting but had submitted objections in her capacity as a Local Ward Councillor, these had also been circulated to Members in advance of the meeting .Councillor O'Quinn considered that by virtue of the size bulk and massing of the proposed development it would be unacceptable and would have a detrimental impact on the neighbouring street scene. The level of parking proposed was inadequate and would also impact negatively.
- (11) Mr Ranier was in attendance accompanied by Ms Bauer and spoke on behalf of the applicants in support of their application. The scheme would enhance the offer provided by a local employer and would also provide housing. Ms Bauer was in attendance in order to answer any detailed questions in respect of the scheme.
- (12) Councillor Mac Cafferty referred to the viability analysis that had been undertaken and to the lower level of affordable housing proposed than the 40% recommended by the City Plan. Whilst noting the comments received from the office of the District Valuer this was disappointing. He sought confirmation from the applicants regarding the process which had been undertaken bearing in mind that the number of residential units had decreased and the level of office space to be provided had increased from that originally proposed.
- (13) It was explained that a vigorous process had been undertaken and the proposed scheme balanced the need for office space against that for housing and was the most

viable option. The proposed scheme had been subjected to independent assessment by the District Valuer.

- (14) Councillor Shanks sought clarification regarding whether any of the office accommodation would be available for rent.
- (15) Councillor Miller referred to the level of office accommodation proposed on the site and the applicant's representatives responded that the level and type of accommodation sought had not been identified on any other suitable site after 18 months of seeking to do so.
- (16) Councillor Fishleigh referred to vacant office accommodation situated in the Artisan Building nearby, enquiring whether this indicated that there was an over-supply of such accommodation and that therefore there was no need for the level of accommodation being sought by this scheme. The applicants responded that the office accommodation would provide for a need identified by their clients.
- (17) Councillor Theobald referred to the rationale for reduction in the number of parking spaces and it was explained that the original provision had related to a larger number of residential units. The current scheme would result in larger coverage of the site by office accommodation. This would reduce the space available for parking, it was also considered that with fewer residential units the level of parking needed was less.

#### **Questions for Officers**

- (18) Councillors Mac Cafferty and Shanks referred to the fact that the level of affordable housing was well below 40% and sought further clarification of the processes used in determining the level of housing which was acceptable bearing in mind the requirements of the City Plan and the footprint of the site.
- (19) Councillor Mac Cafferty also enquired regarding measures to be put into place to ensure that appropriate levels of planting were provided.
- (20) Councillor Yates sought clarification of review mechanisms in place to ensure that the optimum number of housing units were provided and viability assessments put forward were robust. It was explained that the District Valuer Service assessed applications and provided independent advice.
- (21) Councillor Yates also referred to the points made in Councillor O'Quinn's letter regarding overlooking and also in respect of materials to be used and asked for clarification on those points. It was confirmed that Condition 20 related to materials and that these would be referred back to a Chair's Briefing meeting for final approval.
- (22) Councillor Littman sought clarification regarding landscaping treatments and measures in relation to protection/provision of trees on site as the comments received from the arboriculturist seemed to be at variance with one another. It was confirmed that whilst they had expressed concerns in respect of the original scheme, the current scheme was satisfactory subject to the Conditions and Informatives proposed.

- (23) Councillor Shanks asked whether any cost savings due to an applicant building additional accommodation (including offices) on their existing site would have been taken account of by the District Valuer. It was confirmed that their assessment would have taken account all relevant information.

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

- (24) Councillor Miller stated that he supported the officer recommendation and considered that the proposed form of development was of a suitable design and that the proposed conditions would safeguard existing jobs and provide towards the city's housing needs.
- (25) Councillor Theobald concurred in that view and considered that the proposed scheme was acceptable albeit that she would have preferred a higher level of parking provision on site.
- (26) Councillor Littman supported the scheme but considered that the applicant should be encouraged to meet a BREAM "excellent" rating.
- (27) Councillor Mac Cafferty considered the scheme to be acceptable in this instance but considered it was important that applications were rigorously assessed for viability.
- (28) Councillor Fishleigh stated that she did not support the scheme as it would not provide 40% affordable housing and she considered that the applicant should have provided more housing and less office accommodation.
- (29) Councillor Williams stated that she was in agreement that applicants be required to meet vigorous viability tests, but considered that they had been met in this instance and would be voting in favour of the application.
- (30) A vote was taken and Members voted by 8 to 1 with 1 Abstention that Minded to Grant planning approval be given in the terms set out in the report.

- 6.1 **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 agreement 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 **2 October 2019** the Head of Planning is authorised to refuse planning permission for the reasons set out in section 11 of the report.

### **B BH2018/02749 -George Cooper House, 20 - 22 Oxford Street, Brighton- Full Planning**

Change of use from office (B1) to create 10no residential units (C3), including the erection of an additional storey and partial demolition of rear ground floor and basement to create lightwell. Replacement of existing cladding.

- (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, Wayne Nee introduced the application by reference to site plans, photographs and elevational drawings. The application site related to a three storey (plus basement) 1960/70s end of terrace building situated on the northern side of Oxford Street the exterior of which consisted of a flat roof, red brick walls, timber clad cantilevered bay windows on the upper floors, and a glazed shopfront on the ground floor. The property had a planning use of B1 office, although it is currently vacant. When previously in use, offices were located on the ground, first and top floors. Part of the ground floor was in use by the Council as a housing office (Use Class A2), and the basement used as archive storage. The building had not been in use since 2014 and is currently boarded up. The site was set within an area of an Article 4 Direction, which in 2014 removed the permitted development rights of the change of use from office (Use Class B1a) to residential (Use Class C3) in some central areas of the city, including the Central Brighton, New England Quarter and London Road area.
- (3) During the application process, amended plans were submitted in relation to the further setback of the additional storey, reduction of number of residential units from 12 to 10, alterations to the layouts of flats, rear fenestration alterations, and further submissions were made in relation to office viability and daylight/sunlight assessment. It was considered that the proposed development was of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide housing units, including affordable housing, without significant harm to the amenities of adjacent occupiers and without resulting in an unacceptable increase in parking pressure. Approval of planning permission was therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions within the report.

### **Public Speakers**

- (4) A statement was read out by the Democratic Services Officer on behalf of Mr Phillips and other neighbouring objectors in respect of the proposals. It was considered that the proposed form of development represented overdevelopment of the site and would result in unacceptable levels of overshadowing, loss of light, loss of privacy and overlooking.
- (5) Mr Lunn and Ms Horne spoke on behalf of the applicants in support of their proposal stating that they had sought to provide a good standard of accommodation within the envelope of the site whilst seeking to minimise any potential negative impact.
- (6) Councillor Miller referred to the fact that the building had been left empty for some time and enquired as to what marketing had taken place, particularly in relation to the office space use. It was explained that following vacation of the building a number of options for future use of the site had been explored and in view of its location a housing option had been favoured and in this instance the loss of commercial space in favour of a housing use had been considered acceptable.
- (7) Councillor Theobald referred to the proposed materials to be used and whether the option of providing a lift had been explored, also the alignment and set back with neighbouring development. It was confirmed that provision of a lift would not be



practical in view of the configuration of the existing building and that it would be set back to follow the neighbouring building line.

- (8) Councillor Fishleigh asked why the earlier scheme had not been proceeded with and it was confirmed that had not proved viable.

### **Questions of Officers**

- (9) Councillor Yates requested information regarding configuration of the upper storeys of the building and regarding marketing history of the site. It was confirmed that the market appraisals undertaken had indicated that there was no demand for office accommodation of the specification that could be provided by the development.
- (10) Councillor Theobald sought clarification regarding buggy/ pram storage and where that would be provided within the development at ground floor level.
- (11) Councillor Littman sought clarification in respect of the wording of proposed condition 8 and it was explained that this had been addressed by comments set out in the Late/Additional Representations List.
- (12) Councillor Mac Cafferty referred to the planning history of the site stating that it would have been helpful for details to have been provided in relation to earlier scheme(s) although it was noted that these had not been proceeded with on the basis of non-viability.

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

- (13) Councillor Miller supported the scheme but requested that samples of materials be brought back to a Chair's meeting for approval.
- (14) Councillor Theobald stated that the proposed scheme would result in re-use of a poor semi-derelict site and would provide much needed housing.
- (15) Councillor Simson considered that the proposed scheme made good use of the site and would be well located, her preference would however have been for permanent housing to be provided.
- (16) Councillor Littman supported the officer recommendation and considered that more extensive marketing could have been carried out but that the case for loss of the office space had been made in this instance.
- (17) Councillor Yates supported the recommendation but was in agreement that more should have been done to market or find alternative uses which would have prevented it remaining unoccupied for a long period of time.
- (18) Councillor Williams supported the application considering that it represented the best use for the site.

(19) A vote was taken and Members voted unanimously that Minded to Grant planning permission be granted. Samples of materials to be brought back to a Chair's meeting for approval.

6.2 **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 GRANT** planning permission subject to a s106 agreement and to the Conditions and Informatives set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before **2 October 2019** the Head of Planning is authorised to refuse planning permission for the reasons set out in section 11 of the report.

### **C BH2018/01441-Overdown Rise/Mile Oak Road, Portslade - Reserved Matters**

Reserved Matters application pursuant to outline approval BH2017/02410 for the erection of up to 125 dwellings with associated access from Overdown Rise, landscaping and informal open space and approval of reserved matter for access only. Reserved matters to be determined include appearance, landscaping, layout and scale.

#### **Officer Presentation**

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a detailed presentation in respect of the proposed scheme by reference to site plans and elevational drawings. Reference was also made to the information set out in the Late/Additional Representations List. It was noted that the principle of development of this urban fringe site for up to 125 dwellings, together with access from Overdown Rise, had already been established through approval of the earlier application BH2017/02410 and therefore did not form part of the consideration of this current application. Samples of materials provided were also displayed for the benefit of members.
- (2) It was noted that the proposed layout would retain prominent hedging and dense scrub along the southern and western boundaries also providing screening to/from the nearest site neighbours in Graham Avenue to the south. The alignment of the layout reflected that prevailing in the area. Some concerns had been raised by objectors, to potential loss of privacy from houses proposed along the southern site boundary. However many of the rear gardens of these existing houses were currently open to view as they could be clearly seen when using the current open space. Moreover, the layout showed the separating distance between existing and proposed houses would be little different to that prevailing in the area. There are no apparent reasons why the proposed layout should result in material nuisance or loss of amenity to existing properties and a condition removing permitted development rights was also recommended to ensure that future alterations to the dwellings did not adversely impact the amenity of adjoining and future residents. Overall, the scheme was considered to be acceptable and approval was therefore recommended.

#### **Public Speakers**

- (3) Councillor Atkinson spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme. Whilst recognising that the scheme had been agreed in principle he considered that it was very important to be aware that neighbouring residents had significant concerns about the proposals and those had not gone away. The scheme was considered to be unneighbourly in the context of volume of traffic it would generate, its height, bulk and the overshadowing and overlooking which would result.
- (4) Mr McAllister spoke on behalf of the applicants in support of their application and explaining that they had worked closely with officers in order to seek to provide development which respected the locality and addressed concerns in respect air quality due to any additional traffic movements and any perceived potential for flooding.
- (5) Councillor Mac Cafferty sought clarification from Mr McAllister regarding consultation which had been carried out and investigations undertaken to ensure that robust measures were in place to provide sustainable development and to ensure that the appropriate contributions would be in place to support the local highway network. Also, in order to support biodiversity and landscape management and to address the concerns of Councillor Atkinson and local residents. It was explained that in addition to the measures it had been agreed would be put into place further fine-tuning would be effected in response to on-going dialogue with officers. Provision of green roofs had been identified as a means of protecting biodiversity.
- (6) Councillor Shanks enquired regarding access across the site particularly at the top end which was currently used by dog walkers. It was confirmed that those access arrangements would remain in place and that access would be retained/improved although not by means of made up pathways.
- (7) Councillor Littman asked whether solar and photovoltaic panels would be used and it was confirmed that they would.

### **Questions of Officers**

- (8) Councillor Theobald sought further clarification in order to address any potential flooding issues and to ensure that appropriate drainage measures were in place. Councillor Theobald also asked if children's play facilities were to be provided and it was confirmed that there would be no formal arrangement.
- (9) Councillor Mac Cafferty sought clarification regarding the s106 arrangements to be put into place to protect the SNCI.
- (10) Officers responded that all of these issues had been addressed as part of the outline application as had issues in relation to the topography of the site and on-site archaeology.

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

- (11) Councillor Littman was pleased to note that treatment proposed for the northern end of the site had been improved.

- (12) Councillor Miller stated that he had considered the original outline scheme to be acceptable and supported the proposals submitted.
- (13) A vote was taken and Members voted unanimously that they were Minded to approve this reserved matters application.
- 6.3 **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 dated 10th October 2017 and the Conditions and Informatives as set out in the report.

### MINOR APPLICATIONS

**D BH2018/03912-Gingerbread Day Nursery, Arundel Drive West, Saltdean - Full Planning**

Demolition of existing porta cabin and erection of single storey building incorporating front and side boundary fencing with access gate and associated works.

#### Officer Presentation

- (1) The Senior Planning Officer, Emily Stanbridge, introduced the report and detailed the application by reference to site plans, drawings and photographs detailing the scheme. The application site sat immediately adjacent to the east of the early 21st century extension to the grade II listed Saltdean Barn (and attached walls), The original part of the barn is of early/mid-19th century date. Both sit within Saltdean Park, an oval-shaped park in the bowl of a valley laid out in the early 1930s at the centre of the new suburban settlement at Saltdean. This parkland siting contributes positively to the building's setting, helping to retain some sense of the barn's original agricultural setting, and enables longer views towards the Barn (and application site) from elevated viewpoints, particularly from Arundel Drive East but also from the coast road looking north with downland as a backdrop.
- (2) It was noted that the main considerations in the determining the application related to the principle of the development, its impact on the character and appearance of adjacent properties and the wider street scene, any potential amenity impact to neighbouring properties and potential transport issues. The existing pre-fabricated portacabin was in a poor state of repair and due to its poor state off repair adversely impacted on the setting of the adjacent listed building. The proposal would result in a slight increase in footprint of the building but was considered acceptable as was the proposed design which was considered more sympathetic in the context of the surrounding buildings, listed barn, boundary wall and park; approval was therefore recommended.

#### Public Speakers

- (3) Ms Hicks and Mrs Gallagher spoke representing objectors to the scheme including the Saltdean Residents Association setting out their objections to the scheme. They stated that the proposal would further devalue the asset of community value, which would be

compromised and would result in further loss of the open-space. The applicants had not consulted locally and the proposals did not answer an identified need as it local consultation indicated that there was no need for additional nursery places. The proposals would also impact adversely on the neighbouring “Boomerang” nursery. Permission had never been sought for the original use.

- (4) Councillor Mears spoke in her capacity as a Local Ward Councillor, also setting out her objections to the scheme also referring to her letter which had been included with the committee papers. It was not appropriate in her view to extend within a public park which should remain as a green open space for residents in a built-up area. The scheme took up all of the existing space the applicant had and parking needed to be reviewed as additional drop off and pick-ups would generate more traffic movements. There would be no public benefit to the proposals.
- (5) Mr Childs, the applicant, spoke in support of their application and explained that the proposals were designed to respond to demand identified by parents already using their facility. The existing building had reached the end of its useful life and this gave the opportunity for it to be replaced by a more sympathetic structure which was in keeping with its surroundings. The existing portacabin could be replaced by a more suitable structure.

#### **Questions of Officers**

- (6) Councillor Yates asked for clarification of the timeline relating to the development, given the allegations that the appropriate permissions were not in place. It was explained that the existing use had been in place since 1987 and that the existing fence had been erected in 2015; also since the land was a community asset whether the land could be purchased by the local community.
- (7) Councillor Miller requested further clarification on this matter and sought to ascertain the purpose of the fence. It was explained that it had been erected to protect children using the nursery and to ensure that they did not leave the site. Councillor Miller also requested details of the materials proposed and treatments to ensure that they weathered well.
- (8) Mr Gowans referred to the number of objections received and to their assertion that the site had been operating as a nursery without the necessary permissions being in place. He asked whether investigations had been undertaken by the Enforcement Team to address those.
- (9) It was explained that this use was now established and that it would not be possible for the premises to transfer to a retail use without further permissions being applied for. Business issues were not a planning consideration and the Committee were being asked to determine it on its planning merits.

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

- (10) Mr Gowans, representing CAG referred to their objections stating that in their view they had not been addressed and remained of the view that the structure would be harmful to the setting of the Grade II listed barn and wall beside and would result in diminution

of the existing open space. Whilst the current structures on site were unsightly, those proposed were also considered to be out of keeping.

- (11) Councillor Yates expressed the view that it was clear that the current use was established and that what was proposed would significantly improve the appearance of the on-site structures.
- (12) Councillor Miller expressed the view that whilst there were positives and negatives, the treatment proposed would improve the appearance of the site.
- (13) Councillor Littman concurred with Councillor Miller but considered it regrettable that this use appeared to have been established by stealth.
- (14) Councillor Theobald stated that she was concerned about potential future use for retail and considered that the structure would read as a large wooden shed-like structure which she did not find acceptable.
- (15) Councillor Shanks stated that she considered the scheme was acceptable and represented an improvement to what was there
- (16) Councillor Miller requested that materials be brought back to Members, via Chair's Briefing for approval and that was agreed.
- (17) A vote was taken and the 9 Members present voted by 7 to 2 that planning permission be granted.

6.4 **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 also set out in the report.

**Note:** Having declared a prejudicial interest in the above application Councillor Fishleigh withdrew from the meeting and took no part in the consideration of the application or the decision making process.

## **E BH2019/00093 - 104 Greenways, Ovingdean, Brighton - Full Planning**

Erection of 1 no two storey, two bed dwelling (C3) within the land of 104 Greenways. Proposal incorporates a reduction in the footprint of and alterations to 104 Greenways.

### **Officer Presentation**

- (1) The Principal Planning Officer, Stewart Glassar, introduced the scheme and gave a detailed presentation by reference to site plans, photographs and elevational drawings of the site and highlighted the differences between the current building on-site and what was proposed. The existing site comprised a single detached bungalow with off street parking to the side, and mature garden to the rear. The property fronts on to Greenways and the rear garden backs on to Ainsworth Avenue. The proposed scheme would undertake works to the existing bungalow to create a two-storey dwelling and to erect a bungalow to the rear with its own access on to Ainsworth Avenue. Each property would have separate vehicle and pedestrian access and parking.

- (2) It was noted that the main considerations in determining the application related to the impact of the modernised dwelling and the new dwelling on the appearance of the street scene and its impact on the amenities of adjacent and future occupiers and on transport and sustainability. The proposed dwelling would be situated in the rear garden of the existing house, and although it could be expected that the intensity of use and coming and goings would be increased due to its size and the likely level of occupancy any increase in noise was unlikely to be to a degree that would warrant the refusal of the application. Given these relationships and the fact that the new building has been designed to minimise the impact on neighbours, it was considered that it would be appropriate to remove permitted development rights to extend the property so that the Local Planning Authority could fully assess the impact of any future development on the site. Mitigation proposals to replace any trees to be lost were considered acceptable as was the scheme overall and approval was therefore recommended.

### Questions of Officers

- (3) Councillor Theobald sought clarification of the amount of garden space which would remain.
- (4) Councillor Yates sought clarification in respect of the distance between the proposed dwellings and those in Ainsworth Avenue.
- (5) Councillor Littman referred to the fact that conditions requiring the rolling replacement of on-site trees for a period of five years had been included in respect of other applications requesting that this be included to a permission granted in the interests of consistency.

### Debate and Decision Making Process

- (6) Councillor Simson stated that she had concerns that the proposed scheme would result in a cramped form of development.
- (7) Councillor Theobald echoed those concerns and considered that it was difficult to envisage the border treatments proposed.
- (8) Councillor Littman formally proposed that a condition be included in relation to rolling replacement of trees on site for a five year period. This was seconded by Councillor Mac Cafferty and the 10 Members present voted unanimously that be included in any permission granted.
- (9) A vote was taken on the substantive recommendation to include and on a vote of 8 to 2 planning permission was granted.
- 6.5 **RESOLVED** – That the Committee has taken into consideration and and agrees with the reasons for the recommendations set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report and to the inclusion of a condition relating to rolling replacement of trees over a 5 year period as referred to above.

**F BH2018/02757- 24A Saxon Road, Hove - Full Planning**

Erection of hip to gable roof extension with front and rear rooflights, side window and 2no rear dormers. Installation of new external steps to rear and replacement windows and door.

**Officer Presentation**

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation detailing the scheme by reference to site plans, photographs and elevational drawings. It was noted that the main considerations in determining the application related to the impact of the proposed development on the appearance and character of the building and wider area and amenities of adjacent occupiers, the application included a number of different elements which had been assessed in turn.
- (2) The application had been amended from that originally submitted and the structure significantly reduced in its size and impact and would result in a structure which was less visible from the street, the platform area had been removed and there was now only a small walkway from the doorway to the first step and half landing to accommodate the 90 degree turn. Overall, it was considered that the proposed roof extensions, alterations and new steps to the rear were acceptable additions to the building which would not harm the appearance of the host building or the amenity of neighbours and approval was therefore recommended.

**Debate and Decision Making Process**

- (3) A vote was taken and Members voted unanimously that planning permission be granted.
- 6.6 **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 also set out in the report.

**G BH2019/00700 -96 Auckland Drive, Brighton- Full Planning**

Change of use of a C3 dwelling house to C4 small house in multiple occupation incorporating a single-storey side extension and provision of secure cycle storage.

**Officer Presentation**

- (1) The Planning Officer, Laura Hamlyn, introduced the application and detailed the proposals by reference to site plans, elevational drawings and photographs. It was explained that this application followed a previous approval for a change of use to a four bedroom House in Multiple Occupation (HMO). The previous approval had included a small rear infill extension of approx. 1.7sqm. The main considerations in determining this application related to the principle of the change of use, and the impact of the proposed single storey flat roof side extension, with regard to its design and appearance, and its impact on neighbouring amenity.



- (2) Given that the maximum occupancy would be secured by condition, in this instance it is not considered necessary to restrict 'permitted development rights' by condition as well. Furthermore it was not considered that further extensions to the property under permitted development would have an adverse impact on the character of the property or surrounding area or cause detriment to the amenities of occupiers of nearby properties and approval was therefore recommended.

### Questions of Officers

- (3) Councillor Miller noted the rationale for recommending that permitted development rights be not restricted but considered that it would be both consistent and appropriate to do so and sought officer advice on that matter. The Legal Adviser to the Committee, Hilary Woodward, stated that any conditions applied needed to be considered necessary and reasonable, applicants had the right to appeal. Councillor Williams, in the Chair, asked whether the Committee wished to remove permitted development rights in view of the potential impact on neighbouring amenity and the view was expressed that they did.

### Debate and Decision Making Process

- (4) Councillor Miller then formally proposed that permitted development rights be removed from any permission granted and that was seconded by Councillor Theobald and Members voted by 7 with 2 abstentions that permitted development rights be removed from any planning permission granted.
- (5) A vote was taken and the nine Members present voted by 7 to 2 that planning permission be granted.

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

**Note:** Having declared a prejudicial interest in the above application Councillor Yates withdrew from the meeting during its consideration and took no part in the decision making process.

### H BH2019/00478-10 Selham Close, Brighton - Removal or Variation of Condition

Application for removal of condition 4 of application BH2018/01160 (Change of Use from residential dwelling to 6no bedroom small House in Multiple Occupation (C4) incorporating revised fenestration, sound proofing, cycle stands and associated works (Retrospective)) which states no extension, enlargement, alteration or provision within the curtilage of the dwelling-house as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority.

- (1) As the Chair, Councillor Hill, had declared a prejudicial interest in respect of this application, Councillor Williams, the Deputy Chair, took the Chair during its consideration. Having spoken in her capacity as a Local Ward Councillor, Councillor Hill withdrew from the meeting and took no part in the decision making process.

### **Officer Presentation**

- (2) The Senior Planning Officer, Joanne Doyle, introduced the application and gave a detailed presentation by reference to site plans, drawings and photographs detailing the scheme. It was explained that the application sought to remove condition 4 and that considerations in respect of this application were as to whether or not removal of the condition was appropriate. It was acknowledged that in this case the potential for permitted development extensions and alterations was limited as any development which involved the formation of additional bedrooms could not be carried out.
- (3) A letter had accompanied the application citing two recent appeal decisions which had turned on this issue. They were comparable with regard to the use relevant to this application (C4) and the relationship with neighbouring properties and therefore the application to remove this condition was recommended for approval.

### **Public Speakers**

- (4) Councillor Hill spoke in her capacity as a Local Ward Councillor re-iterating her concerns and objections in respect of the application before withdrawing from the meeting during its consideration and determination. In her view planning permission should have been required as in her view they were such that they constituted a change of use. She considered that use of the property had been changed by stealth and the change which would enable 6 people to reside there had a detrimental impact on neighbours. Extending the property further would impact on immediate neighbours even more. Further extension and loft conversion was likely to enable greater occupancy and should in her view require change of use. Having spoken, Councillor Hill withdrew from the meeting.

### **Questions of Officers**

- (5) Councillor Yates referred to the points raised by Councillor Hill and sought confirmation as to why permission was not required in this instance. Councillors Littman and Miller raised questions in a similar vein.
- (6) It was confirmed that the works undertaken previously under permitted development had not required planning permission and in this instance the recent decisions of the planning inspectorate in respect of markedly similar applications in the vicinity were relevant and would be taken into account at appeal should this application be refused. The rationale for this was set out in the report, including why in this instance it would not be possible to limit the number of occupants. Works carried out as permitted development were separate from those for which planning permission was required. Whilst planning permission could be refused, the council's position in the event of an appeal being lodged was considered weak. Further works which fell outside permitted development would require planning permission.

**Debate and Decision Making Process**

- (7) Councillor Mac Cafferty stated that he considered that a consistent approach was being advocated in the light of the decisions referred to, to do otherwise would expose the planning authority to risk. Each application needed to be considered on its individual merits.
- (8) Councillors Yates and Miller concurred in that view.
- (9) Councillor Theobald stated that she was not happy to accept further proliferation of the existing use particularly in relation to a terraced property. She considered that the level of development unacceptable.
- (10) Councillor Simson agreed stating that she did not consider the proposals acceptable and Councillor Littman also concurred in that view.
- (11) A vote was taken and the nine Members present when the vote was taken voted by 6 to 3 that planning permission be granted.

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

**Note:** Having declared a prejudicial interest in the application the Chair, Councillor Hill withdrew from the meeting and took no part in the decision making process. The Chair was taken throughout by the Deputy Chair, Councillor Williams.

**I BH2018/03891-Hill Park School, Upper Site, Foredown Road,Portslade- Council Development, Full Planning**

- (1) This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

6.9 **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.

**J BH2018/03890- Hill Park School, Lower Site, Foredown Road, Portslade - Council Development, Full Planning**

- (1) This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

6.10 **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** planning permission subject to the Conditions and Informatives also set out in the report.

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

8.1 There were none.

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

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

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

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

The meeting concluded at 7.25pm

Signed

Chair

Dated this

day of