

<b>PLANNING COMMITTEE</b>	<b>Agenda Item 93</b>  Brighton & Hove City Council
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**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 13 DECEMBER 2017**

**COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ**

**MINUTES**

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

**Officers in attendance:** Paul Vidler, Planning Manager, Major Applications; Debra May, Principal Planning Officer (Section 106); Jonathan Puplett; Principal Planning Officer; Chris Swain, Principal Planning Officer; Colm McKee, Principal Planning Officer; Andrew Renault, Head of Transport Policy and Strategy; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

**PART ONE**

**80 PROCEDURAL BUSINESS**

**80a Declarations of substitutes**

80.1 Councillor Hill was in attendance in substitution for Councillor Russell-Moyle.

**80b Declarations of interests**

80.2 Councillor Hyde referred to Application G, BH2017/00306, Store Rear of 51 Sackville Road (Brooker Place), Hove stating that she was aware this application had been submitted by Councillor Nemeth a fellow Conservative Group Councillor. However, she remained of a neutral mind, had not predetermined the application and would remain present during the discussion and voting thereon. The other Members of the Committee confirmed that they were also of a neutral mind and would remain present at the meeting during consideration of and voting on the application.

80.3 Councillor Hill referred to Application B, BH2017/02863, University of Sussex, Refectory Road, Brighton stating that she had been approached in her capacity as a Ward Councillor in respect of the earlier scheme. She had expressed no view in respect of that scheme or this “Reserved Matters” application, remained of a neutral mind and would therefore remain present during its consideration and determination.

#### **80c Exclusion of the press and public**

80.4 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.

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

#### **80d Use of mobile phones and tablets**

80.6 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’.

### **81 MINUTES OF THE PREVIOUS MEETING**

81.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 8 November 2017 as a correct record.

### **82 CHAIR'S COMMUNICATIONS**

82.1 There were none.

### **83 PUBLIC QUESTIONS**

83.1 There were none.

### **84 SECTION 106 - 2016/17 CONTRIBUTIONS FINANCIAL REPORT**

84.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture which provided information and updates on the type and value of financial contributions made under Section 106 of the Town and Country Planning Act 1990 in 2016/17.

84.2 The Principal Planning Officer (Section 106), Debra May presented the report explaining that these payments were secured through planning agreements or undertakings (“planning obligations”) as part of the planning application process and were determined by Planning Committee. This information was published in response to the recommendations in the Planning Advisory Group (PAS) Planning Peer Review, as it provided further information on measures to mitigate the impact of new

development; and was more open and transparent. The report set out the type and value of contributions and the process for the allocation of contributions. The report also identified the need to meet policy objectives and the tests which needed to be applied including the need to be mindful of community infrastructure requirements and where sums of money received needed to be applied. This latter process formed part of the application process and was very specific.

84.3 Councillor Moonan asked for confirmation that all existing commitments were on target to be met and it was confirmed that they were.

84.4 Councillor Mac Cafferty welcomed the report stating that he looked forward to receiving further future updates. In noting the position relating to the procedure for securing CIL monies in future he understood that this fell outside the planning process and requested clarification regarding how the local plan would be amended to reflect such changes. It was explained that in future a more strategic approach would be adopted and officers would ensure that no breaches of any new restrictions occurred.

84.5 Councillor Morris welcomed the information which had been provided in relation to the “artistic” components, and was pleased to note how some schemes were moving forward. He cited Saltdean Lido also enquiring regarding progress on the Kensington Street scheme, noting that this latter matter was in hand.

84.6 Councillor C Theobald welcomed the report but noted that it appeared that in some instances it appeared that significant sums remained to be spent and sought clarification of the implications if sums committed remained unspent. It was explained that it was very rare for monies to be returned to the developer having been unspent. In answer to questions regarding where monies were spent, Councillor Theobald expressed disappointment that in some instances she considered that monies allocated, particularly for open space improvements could have been allocated for wider community benefit. It was explained that the formula used was site specific and the criteria regarding how/where monies could be spent was very narrowly drawn.

84.7 Councillor Miller welcomed the report and the details which provided as to how monies had been allocated and spent.

84.8 **RESOLVED** – (1) That the Committee notes the content of the report detailing the s.106 financial contributions held and those sums secured, received and spent within the last financial year (2016/17); and

(2) That Committee agrees that updates are to be reported at the end of each financial year.

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

85.1 There were none.

**86 TO CONSIDER PLANNING APPLICATIONS**

**MAJOR APPLICATIONS**

**A Application BH2017/02156 - 2, 3, 4, 5 and 6 Pelham Terrace, Brighton-Full Planning**

Demolition of existing buildings and erection of a part 1,6, 8 and 9 storey building to form 189 student rooms (sui generis) 1no one bedroom and 4no 2 bedroom residential dwellings (C3), shared community facilities, landscaped roof terraces, plant room, cycle storage, recycling/refuse facilities and associated works

**Officers Introduction**

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to plans, photographs elevational drawings and floor plans.
- (3) It was explained that the considerations in the determination of this application related to the principle of development, including the loss of the former Public House and garden, dwellings, retail unit and car sales unit, the proposed Community Hub/café, student accommodation and residential units, design, impact on street scene and wider views, heritage assets and the South Downs National Park, standard of accommodation, neighbouring amenity, environmental health issues, transport, sustainability, landscaping, and ecology/biodiversity including impact upon protected species (bats).
- (4) It was considered that the proposed building was of a high quality design which would have a positive impact on the Lewes Road street scene and that it was acceptable in transport, sustainability and ecological terms and that the proposed S106 requirements would address all other matters. It was recognised that the scheme would result in the loss of a former public house and garden which was valued by the community and had been registered as an Asset of Community Value. A number of trees to the rear of the Public House would also be lost. The proposed building would be of a considerable scale and would have an adverse impact upon the amenity of some neighbouring occupiers due to a loss of daylight to a number of windows, although these impacts had been fully assessed and it was considered that the loss of daylight would only be at a harmful level in a small number of cases.
- (5) Overall, whilst the scheme would cause harm in some respects, these concerns had been fully assessed, and overall it was considered that the scheme would deliver substantial benefits and that the concerns identified did not warrant refusal in this case. Approval was therefore recommended subject to the proposed conditions and s106 requirements set out in sections 1 and 10 of the report.

**Questions for Officers**

- (6) Councillor Inkpin-Leissner referred to the traffic management arrangements to be put into place and whether it would be possible to adapt/amend the travel plan to reflect any changes in demand.
- (7) Councillor Mac Cafferty enquired regarding arrangements to be provided in mitigation for use by the local community. He sought clarification regarding whether monies towards open space provision could be used in Saunders Park. Councillor Mac

Cafferty also requested that serious thought be given to how access to community space/use could be provided. Also, how bats/other animals identified on site would be protected and in order to seek to ensure that loss of daylight/overlooking of adjacent properties to the rear was minimised. Councillor Mac Cafferty also requested that an informative be added requesting that bee friendly planting be provided.

- (8) Councillor Miller asked for further details of the floor plans and access arrangements to the blocks the dimensions of the units and details of those which could have a detrimental impact on daylight to properties to the rear and the number of properties which would be affected; and regarding mitigation measures proposed. Also, the net gain in units of accommodation and details of measures to ensure that Local Ward Councillors were fully involved in any on-going consultation.
- (9) Councillor Hyde enquired regarding the distance between the proposed development and the neighbouring Deco building and the lighting quality to neighbouring properties which were likely to receive less daylight than was currently the case and the percentage below the average where this was anticipated. Also, regarding access arrangements, future management of the building and who would be responsible for maintenance of the planting scheme.
- (10) Councillor Hill enquired regarding the number of letters in support of the scheme received from students, enquiring whether they had been received on time. It was confirmed that they had been in the form of a standard letter forwarded by the applicants. Councillor Hill also enquired regarding the anticipated rental cost of the units.
- (11) Councillor Moonan also enquired regarding this matter, noting that these units would be expensive and beyond the means of most students which might do little to alleviate the number of HMO's in the area which were in use as student accommodation.
- (12) Councillor Morris enquired regarding the arrangements to be put into place to ensure that transport needs generated by the scheme would be monitored and incorporated into the travel plan.
- (13) Councillor Littman referred to the proposed planting arrangements requesting what evidence was available which indicated whether the planting measures proposed would mitigate the loss of trees on site with regard to the impact on air quality. Whilst recognising the student housing provision which would arise he was concerned regarding this issue. In response to requests for details of the trees which would be lost, it was explained that it would not be possible to retain all of them in situ; however, the proposed conditions were intended to address that in so far as it was practicable to do so.
- (14) Councillor Gilbey enquired whether the hours for community use were limited and it was confirmed that there was sufficient flexibility in the proposed conditions which would allow for additional use outside those hours and at weekends.

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

- (15) Councillor Moonan stated that overall she considered the proposed development to be a good one which would fit into the existing street scene. Whilst she was disappointed that the accommodation to be provided would be towards the higher priced end of student accommodation and at the number of trees that would be lost she nonetheless accepted that it would address an identified need. On balance she supported the scheme and would be voting in support of it.
- (16) Councillor Littman stated that in his view whilst elements of the scheme were good he remained to be convinced that there would not be a detrimental impact on air quality in this heavily trafficked part of the city where this was already an issue. He did not consider that sufficient evidence had been provided that the replacement trees and green roofs would be sufficient to mitigate that and in consequence he would be voting against the officer recommendation on this occasion.
- (17) Councillor Miller expressed disappointment that only minor amendments had been made as a result of the pre-application process. He considered it was crucial that the conditions designed to protect neighbouring amenity and seeking to provide community use/ facilities were sufficiently robust. Overall though he considered the scheme was of an appropriate scale and design.
- (18) Councillor Hill echoed Councillor Moonan's concerns regarding the fact that the accommodation to be provided would undoubtedly be towards the high end of the student rental market considering that this would only have a small impact on the number of student HMO's in the vicinity. She would however be voting in support of the application.
- (19) Councillor C Theobald regretted the loss of the public house, noting however that it had been boarded up for some time also the loss of some of the trees. She liked the frontage of the scheme, whilst not perfect she considered it was acceptable and would be voting in support.
- (20) Councillor Inkpin-Leissner considered the scheme was acceptable whilst also considering that any issues arising in relation to additional traffic movements and air quality in the vicinity of the Vogue G yratory would need to be addressed.
- (21) Councillor Hyde stated that whilst considering there were imperfections with the proposed scheme overall it was acceptable and she would support it. It was important however, to ensure that suitably robust measures were in place to mitigate any potential harm to neighbouring residential properties including loss of light/outlook.
- (22) Councillor Gilbey, supported the officer recommendation but stated that she hoped that the proposed "green" roof would be properly maintained. She had observed a number of developments across the city where planting (particularly to roofs) had not been adequately maintained and impacted on their appearance.
- (23) Councillor Mac Cafferty stated that he hoped that whilst he had some concerns regarding the appearance of the scheme, particularly to the rear on balance, given the identified need for student accommodation he would support the officer recommendation. He hoped that materials would be agreed in consultation with the Chair, Deputy Chair and Opposition Spokespersons' and considered that the

conditions relating to provision of improvements to Saunders Park and in relation to community use needed to be robust and to be applied rigorously.

- (24) Councillor Morris stated that he welcomed the clarification that had been given regarding planting and provision of trees on site and although he had some concerns about the height of the scheme and considered that it was important to provide suitable public art on site he liked the design. On balance he was prepared to support it.
- (25) The Chair, Councillor Cattell, stated that she supported the officer recommendation considering that the proposed scheme would provide for an identified need for student housing and would be voting in support.
- (26) A vote was then taken and on a vote of 11 to 1 minded to grant planning permission was agreed.

86.1 **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 also as set out in the report, with the s106 open space and indoor sport contribution to include tree planting in Saunders Park; also subject to the additional Condition and Informative set out below:

**Additional Condition 34:**

No development above ground floor slab level of any part of the development shall take place until full details of the proposed heating system and any required emission mitigation measures have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

**Reason:** To ensure that the proposed heating system is of an appropriate nature and does not cause significant harm to air quality, and to comply with policy SU9 of the Brighton and Hove Local Plan and Policy CP8 of the Brighton and Hove City Plan Part One.

**Additional Informative 6:**

The applicant is advised that the scheme to enhance the nature conservation interest of the site required by Condition 26 should include planting or other measures to encourage bee activity.

**B BH2017/02863 - University of Sussex, Refectory Road, Brighton - Reserved Matters**

**Reserved matters application pursuant to outline permission BH2013/04337 for approval of appearance, landscaping and layout relating to new access road between Boiler House Hill and Science Park Road.**

**Officer Presentation**

- (1) The Principal Planning Officer, Chris Swain, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. It was explained that this proposal related specifically to the new access road between Boiler

House Hill and Science Park Road. The scale and means of access had been approved under the outline application BH2013/04337 for the wider university masterplan, which had been allowed at appeal in 2015. This application sought approval of reserved matters in respect of the appearance, layout and landscaping of the access road. It was noted that the majority of the access road lay outside the local planning area of Brighton and Hove and fell within the jurisdiction of Lewes District Council.

- (2) The main considerations in determining this application related to the design, appearance, ecology and sustainable transport. The siting and scale of the proposed shared space access road remained unchanged from the road layout approved under the earlier outline application. Details had been provided showing the layout/construction materials of the road and landscaping. The layout of the road and associated landscaping followed a consistent approach which had been used throughout the campus. Overall, the proposal was considered acceptable with regard to its design and appearance and approval was therefore recommended.

### Questions for Officers

- (3) Councillor Mac Cafferty noted that outline permission had been granted and sought confirmation regarding the number of grade A and B specimens of tree to be replaced and whether this remained the same as that included in the original permission. It was confirmed that 3 different new species would be provided and that all conditions would be carried forward from that original consent.
- (4) Councillor C Theobald asked whether any Elm trees would be removed and it was confirmed that figure also remained consistent with the original permission.

### Debate and Decision Making Process

- (5) Members then moved straight to the vote. A vote was taken and the 11 Members who were present when the vote was taken voted unanimously that planning permission be granted.

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

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

### MINOR APPLICATIONS

#### C BH2017/02745- 28 Braybon Avenue, Brighton-Householder Planning Consent

Erection of single storey rear extension. Demolition of existing detached garage at rear and erection of new garage to front. Erection of single storey studio in rear garden.

### Officer Presentation



- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Colm McKee, gave a presentation by reference to photographs, elevational drawings and plans. It was noted that the application site related to a detached dwelling located to the south side of Braybon Avenue. The rear of the site backed onto Woodbourne Avenue and was situated on land which sloped steeply down to the north. There was an existing single storey garage located to the rear of the site with a subterranean garden room below which cut into the existing land slope. The existing structure faced onto Woodbourne Avenue and was set back from the boundary with a driveway.
- (3) A number of objections had been received regarding inconsistencies and a lack of clarity between the plans submitted and the existing arrangement at the application site. Amendments had been received throughout the course of the application addressing concerns. Following amendments which had been made the drawings now submitted were considered to accurately represent the existing application site and what was proposed. The drawings also clearly detailed that the proposed outbuilding would in fact be lower than the existing garage structure and approval was therefore recommended.

#### **Questions for Officers**

- (4) Councillor C Theobald requested to see further photographs elevational and sectional drawings of the existing and proposed structures on site, including the existing rear extension, and the proposed studio. Councillor Theobald sought clarification regarding objectors to the scheme.
- (5) Councillor Morris sought clarification regarding the location of the access point.
- (6) Councillor Moonan referred to comments received from objectors regarding the accuracy of the submitted plans seeking confirmation that officers were satisfied that these were now accurate and it was confirmed that they were.
- (7) Councillor Gilbey sought clarification regarding the proposed siting of the new garage structure.

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

- (8) Members then proceeded to the vote. A vote was taken and the 9 Members of the Committee who were present when the vote was taken voted unanimously that planning permission be granted.

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

**Note:** Councillors Bennett, Hill and Littman were not present at the meeting when the vote was taken.

**D BH2017/02113- 33 Upper North Street, Brighton- Full Planning**

Change of use of tattoo studio (Sui Generis) to leisure use as escape rooms (D2).

**Officer Presentation**

- (1) The Principal Planning Officer, Colm McKee, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings and explained that permission was sought for change of use from the current use as a tattoo studio (sui generis) to leisure use as escape rooms (D2). It was explained that "Escape Rooms" are a form of leisure use, whereby teams of friends or colleagues had to work together to overcome a series of puzzles using clues, hints and strategy to provide a key to exit the room and to move onto the next puzzle. Each game would last 60 minutes and teams would be made up of 2 to 6 people. Reference was also made to a letter in support of the proposal, received from Councillor DrUITT, one of the Local Ward Councillors.
- (2) The main considerations in determining the application were the principle of the change of use together with the impact of the proposed activities on the neighbouring properties and traffic implications. No external alterations were proposed therefore the development was not considered to have an impact on the street scene or the wider Montpelier and Clifton Hill Conservation Area. Although there was a likelihood that the proposal would result in some increased noise and disturbance from the comings and goings of small groups of people, taking into account the information within the submitted Noise Management Report, the now significantly reduced proposed opening hours and the suggested conditions, it was considered that on balance the proposal would not result in significant noise and disturbance to neighbouring properties. Whilst the proposed change of use might generate a small increase in trips to the site it was not sufficient to warrant refusal and approval was therefore recommended subject to amending Condition 4 as proposed.

**Questions for Officers**

- (3) Councillor Moonan enquired regarding proposed parking arrangements for visitors and it was explained and it was considered that as most customers would arrive on foot or be dropped off/picked up this would not result in a significant increase in the number of vehicular trips to the site. Any other vehicle trips were likely to be and could be accommodated at nearby public car parks.
- (4) Councillor Mac Cafferty enquired regarding noise mitigation measures to be put into place, seeking confirmation that they were considered to be sufficiently robust. Also regarding numbers using the premises at any given time. Given that the area was heavily used by pedestrian traffic as a result of the concentration of pubs, clubs and bars in the vicinity he wished to receive assurance that there would not be large numbers of additional pedestrians spilling out onto the narrow pavements adjoining the premises. It was confirmed that subject to the conditions proposed to prevent groups from congregating outside and soundproofing inside, Environmental Health were satisfied with the proposals. Use of the premises by groups using it would also be staggered.

- (5) Councillor Morris asked regarding the proposed change of use and it was explained that the proposed amendments to Condition 4 were intended to reflect the intended use and to ensure that the local authority retained control over any future change of use. It was confirmed that day to day control of the premises once converted would fall within Environmental Health Legislation.

### Debate and Decision Making

- (6) Members then moved to the vote. A vote was taken and the 9 Members present voted unanimously that planning permission be granted.

- 86.4 **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 the Conditions and Informatives set out in the report and to the amendment of Condition 4 as set out below:

Amend **Condition 4** to read:

The premises shall only be used as an escape room as defined in the applicants Planning Statement received 22 June 2017 (Use Class D2) and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). Notwithstanding the provisions 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), no change of use shall occur without planning permission obtained from the Local Planning Authority.

**Reason:** The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

**Note:** Councillors Bennett, Hill and Littman were not present at the meeting when the vote was taken.

### E BH2016/05672 - St Christopher School Sports Ground Glebe Villas, Hove- Removal or Variation of Condition

Variation of condition 3 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to extend hours of use.

### Officer Presentation

- (1) The Principal Planning Officer, Colm McKee, introduced the application and gave a presentation by reference to plans photographs and elevational drawings. It was explained that the current application related to a pavilion (granted under BH2012/00248), located in the north west corner of the school playing fields which was used by the school as a changing and teaching facility. Permission was being sought to change the hours of use of the pavilion to 08:00 to 21:00 Monday to Friday and 10:00 to 19:00 on Saturday. The use on Saturdays was proposed for a maximum of 10

days throughout the year and would include use of the changing rooms and kitchen facilities.

- (2) The main considerations in determining the application related to whether the proposed variation of condition was appropriate in terms of any potential impact on the amenity of adjacent residential properties and transport issues. The Highway Authority had no objection to the increase in hours of opening times as it was considered that this was unlikely to have significant impact on the surrounding highway network. Use of the pavilion between 8am-9pm during weekdays was considered appropriate as it would allow for more flexible use for open evenings, for example, and it was proposed that use of the outside enclosed areas attached to it should be limited to between 8am-6pm to prevent noise impact to adjacent residential properties. Use of the pavilion on Saturdays provided that it was limited for changing and kitchen facilities only was considered appropriate and approval of the application subject to the conditions and informatives set out in the report was therefore recommended.

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

- (3) The Committee moved directly to the vote. A vote was taken and the 9 Members present when the vote was taken voted unanimously that planning permission be granted.

- 86.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report and subject to deletion of the last line and amendment of the description to read:

Variation of condition 3 of application BH2012/00248 (Removal of existing pavilion and erection of new single storey outbuilding incorporating teaching and changing facilities) to extend hours of use.

**Note:** Councillors Bennett, Hill and Littman were not present at the meeting when the vote was taken.

### **F BH2017/02057- 43 Clarendon Villas, Hove -Full Planning**

Demolition of existing garages and erection of 2no two storey office buildings (B1) to the rear of 43 & 45 Clarendon Villas, Hove incorporating 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, Colm McKee, gave a presentation by reference to plans, photographs and elevational drawings. The application related to a backland plot of land located between residential properties to the north fronting onto Goldstone Road and the residential properties to the south onto Clarendon Villas, in between nos. 43 and 45. The garages were used for vehicle parking (Sui Generis). Planning

permission was being sought for the demolition of existing garages and erection of two, two storey office buildings incorporating associated works.

- (3) It was explained that despite the increase in height compared to the existing garage buildings, it would be of sufficient distance away from the windows of the flats located in Clarendon Villas so as not to result in significant loss of sunlight or daylight or to be of an overbearing nature. The proposal would also have the potential to create new views towards the neighbouring properties by way of overlooking from the south elevation. However, it should be noted that the rear windows of the flats within nos. 43 and 45 Clarendon Villas were already fully visible to any user of the existing garages.
- (4) The proposed development included a 2m high screen from ground floor level, and slatted screens on the windows, which would limit the views from the ground floor to within the office forecourts. The proposed south elevation roof lights were proposed to be at a height and angle which would not result in imposing views when closed and a condition was proposed which would require that they remain fixed shut. No windows were proposed to the north elevation. Provided that the privacy screens were implemented (this could be controlled by condition), it was not considered that the proposed development would result in significant levels of overlooking or loss of privacy; grant was therefore recommended.

### **Public Speakers**

- (5) Mr Pollard spoke on behalf of neighbouring residents setting out their objections to the proposed scheme. He stated that the proposals would in his view result in a greater degree of overlooking that was currently experienced by virtue of the greater intensification of the existing use which would be for a greater period of time each day. The existing garage use was intermittent and sporadic. Increased use of the site would result in detriment to neighbouring residents, some of whom worked from home. The turning head at the end of the road was far narrower that would be the case nowadays and in consequence would be problematic resulting in greater nuisance and potential hazard.
- (6) Mr Stern, the applicant, spoke in support of the scheme and addressed the points put forward by objectors. He explained that until some 18 months ago the garage area had in effect been in operation as a car pound, permitted under the existing permission and a use which as it stood could re-commence at any time. The proposed development would have a smaller footprint than the existing garage and had been screened and carefully designed so that it was angled away from the properties to the rear, so in his view would result in less overlooking and nuisance than was potentially the case currently. The proposed office would be in use Monday-Friday, so again, would in his view result in less nuisance.

### **Questions for Officers**

- (7) Councillor C Theobald enquired whether it was intended that the existing forecourt area which appeared in a very poor state of repair would be resurfaced. Mr Stern, the applicant confirmed that it would and that porous materials and planting would be used which would improve both its existing appearance and drainage.

- (8) Councillor Morris enquired regarding ownership of the access way to the garages and it was confirmed that shared right of way arrangements were in place.
- (9) Councillor Miller asked for details of where those who had objected to the application lived in relation to the site and whether/what kitchen arrangements it was intended would be provided.
- (10) Councillor Hyde referred to the points raised in the letter received from the Local Ward Councillor asking what arrangements would be put into place to mitigate any possible overlooking from the sky lights. It was explained that frosted glass would be used and they would be required to be fixed shut.
- (11) Councillor Mac Cafferty referred to the concerns of neighbours enquiring whether it would be possible to add a condition or informative to any permission granted to seek to control the hours during which the premises were in use. The Planning Manager, Major Applications, Paul Vidler stated that in view of the other existing adjacent garages and the fact that the proposed scheme would operate for fewer hours that would not be reasonable/practicable.

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

- (12) Councillor Morris referred to the shared access arrangements enquiring whether an informative could be added requesting that notices be provided reminding those accessing the site that there were residential properties in close proximity to the site and reminding them of the need to behave in a neighbourly way. The Chair, Councillor Cattell, concurred in that view and the Planning Manager, Paul Vidler confirmed that could be done.
- (13) Councillor Miller stated that notwithstanding all that had been said he considered that the proposed use would result in increased nuisance and overlooking and was therefore unable to support the application and would be voting against it.
- (14) A vote was taken and the 11 Members present when the vote was taken voted on a vote of 10 to 1 that planning permission be granted.

86.6 **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 and to an additional informative as set out below:

#### **Additional Informative 2:**

The applicant is requested to display notices which request employees and visitors to the offices to respect the amenities of the residents of the adjoining residential properties.

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

**G BH2017/00306 -Store Rear of 51 Sackville Road (Brooker Place), Hove - Full Planning**

Demolition of existing store and garage (B8) and erection of new store/garage (B8).

### **Officer Presentation**

- (1) The Principal Planning Officer, Colm Mc Kee, gave a presentation by reference to plans, elevational drawings and photographs outlining the scheme. It was noted that the main considerations in determining the application related to the principle of the proposed development, the proposed design and its impact on the conservation area in which the site lay. Also, the impact on residential amenity for neighbouring properties and to any traffic implications which would result.
- (2) Notwithstanding the small increase in floor space it was considered that the proposed development was unlikely to generate any significant additional noise over and above that generated by the previous structure of the same use. Whilst the proposed replacement garage would have a larger depth than the existing, in view of its location at the end of the rear garden, set beside other commercial garages and away from the residential flats on Sackville Gardens, it was considered that there would not be any significant impact on the amenity of neighbouring properties, nor that there would be significant additional highways and transport implications in this instance. The proposal would result in the loss of one tree within the rear garden of the site. This tree had little amenity value and its removal was considered acceptable in this instance and it was therefore recommended that planning permission be granted.

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

- (3) The Committee moved directly to the vote. A vote was taken and the 9 Members present at the meeting when the vote was taken voted unanimously that planning permission be granted.

86.7 **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** planning permission subject to the Conditions and Informative also set out in the report.

**Note:** Councillors Bennett, Hill and Littman were not present at the meeting when the vote was taken.

## **H BH2017/02482-Bowen Court, 31-35 The Drive, Hove- Full Planning**

Installation of safety railings to roof.

### **Officer Presentation**

- (1) The Principal Planning Officer, Colm McKee, introduced the application and gave a presentation by reference to plans elevational drawings and photographs. The main considerations in determining the application related to the impact of the proposed railings on the appearance and character of the existing building, the wider Willett Estate Conservation Area and the amenities of the adjacent occupiers. It was noted that the existing railings could be seen within the streetscene, including railings to the roof of Grove Lodge which formed the adjacent purpose-built block to the north.

- (2) The railings would be situated on the roof top and would not therefore result in a harmful impact on the amenity of the flats of Bowen Court. Whilst it might result in some loss of view for the penthouse flats located to the rooftop, this was not a material consideration to this application and had not therefore been given any weight. Concerns had also been raised regarding noise disturbance from the railings in strong winds, but it had not been identified as a potential impact. An objection had raised concerns about disputes between the leaseholder and boards of directors, this was a civil matter and was also not a consideration in determining the application; approval was therefore recommended.

#### Questions for Officers

- (3) Councillor Moonan sought confirmation that the replacement railings were being installed purely for safety purposes and would not enable the roof to be used as an outside garden/terrace area and it was confirmed that was the case.
- (4) Councillor Miller asked for clarification that the area relating to the two penthouse flats could also not be extended and used as a sitting out area. It was confirmed that the proposed railings would replace the existing railings in situ around the perimeter of the roof and would not enable it to be used as an outside amenity space.

#### Debate and Decision Making Process

- (5) The Committee moved directly to the vote. A vote was taken and the 9 Members present when the vote was taken voted unanimously that planning permission be granted.

86.8 **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 Informative also set out in the report.

**Note:** Councillors Bennett, Hill and Littman were not present at the meeting when the vote was taken.

#### I **BH2017/03214- 33 Baker Street, Brighton- Full Planning**

Change of Use from residential dwelling (C3) to 4no bedroom Small House in Multiple Occupation (C4). (Part Retrospective)

#### Presentation by Officers

- (1) The Principal Planning Officer, Colm McKee, introduced the application and gave a presentation by reference to plans, elevational drawings and photographs outlining the scheme. It was noted that the main considerations in determining this application related to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation to be provided, transport issues and the impact on the appearance and character of the property itself and the surrounding area.
- (2) It was noted that additional comments had been received from Councillor West in his capacity as a Local Ward Councillor indicating that notwithstanding that the previous



retrospective application for a five bedroom HMO had been refused yet this retrospective for four bedrooms was deemed acceptable. Whilst he appreciated that the HMO density threshold had not been met, there were however, a lot of single people living close by in the various student halls who he presumed had not been considered in any calculation made. In his view the reality was that there was very high density of multiple occupation in this neighbourhood set against the backdrop of a desperate need for family housing.

- (3) It was not considered that change of use of the flat would increase any existing impacts to the adjoining occupiers with regard to noise and disturbance and therefore would not warrant refusal of planning permission on those grounds. The pre-existing use of the unit was as a two bedroom flat and the proposed reduction in the number of occupiers could therefore result in the same level of occupancy as the pre-existing use. It was therefore considered that use of the rear terrace would not intensify use of that area. The increase of communal space internally would allow occupiers to spread out throughout the unit which could on some occasions minimise the need to use the terrace and minimise any potential noise as a result. The proposal was not therefore considered to have an adverse impact on the amenity of adjoining occupiers and although no parking would be provided on site if any additional parking demand arose it would be managed by the surrounding Controlled Parking Zone and no objections were therefore raised on that basis. Overall the scheme was considered to be acceptable and it was recommended that planning permission be granted.

#### **Questions for Officers**

- (4) Councillor Miller sought and confirmation that this proposal was in line with agreed policy and it was explained that was the case.
- (5) Councillor Morris requested to see floor plans showing the layout of the unit and sought details of the size of any communal areas.

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

- (6) Councillor Inkipin-Leissner stated that he did not consider the proposed use to be acceptable and was in agreement with the Local Ward councillors that given the shortage of family housing in the city and the density of HMO's in the ward which had led to its article 4 designation this retrospective application ran contrary to that. He could not support the officer recommendation.
- (7) A vote was taken and of the 9 Members present when the vote was taken on a vote of 8 to 1 planning permission was granted.

86.9 **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 Informative set out in the report.

**Note:** Councillors Bennett, Hill and Littman were not present at the meeting when the vote was taken.

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

87.1 There were none.

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

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

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

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

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

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

**91 APPEAL DECISIONS**

91.1 The Committee noted the content of the letters received from the Planning Inspectorate advising of the results of planning appeals which had been lodged as set out in the agenda.

The meeting concluded at 5.50pm

Signed

Chair

Dated this

day of