

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 15 MAY 2019**

**PORTSLADE TOWN HALL**

**MINUTES**

**Present:** Councillors , Mac Cafferty (Group Spokesperson), C Theobald (Opposition Spokesperson), Hamilton, Littman, Miller, Moonan and O'Quinn

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

**Officers in attendance:** Nicola Hurley, Planning Manager; Stewart Glassar, Principal Planning Officer; David Farnham, Traffic and Transport Engineer; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

**PART ONE**

**140 PROCEDURAL BUSINESS**

**Election of Chair**

Before proceeding to the formal business of the meeting the Committee elected a Chair for the purposes of the meeting. Councillor Mac Cafferty was proposed seconded and duly elected.

**40a Declarations of substitutes**

40.1 Councillor Hamilton Councillor stated that he was in attendance in substitution for one of the Labour Group vacancies on the Committee.

**40b Declarations of interests**

40.2 Councillor Moonan declared a prejudicial interest in respect of Application C, BH2018/02786, Hove Manor, Hove Street, Hove. Councillor Moonan stated that she would speak in objection to the application in her capacity as a Local Ward Councillor and that having done so she would leave the meeting and take no part in the discussion or voting thereon.

40.3 Councillor C Theobald stated that she had received a representation from one of the parties in respect of Application A, BH20188/03767, 11 Balsdean Road, Woodingdean. Councillor Theobald confirmed that she had not responded, remained of a neutral mind and had not predetermined the application and that she would therefore remain present during consideration and determination of that application.

#### **40c Exclusion of the press and public**

40.4 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.

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

#### **40d Use of mobile phones and tablets**

40.6 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 'airplane mode'.

### **141 MINUTES PREVIOUS MEETINGS**

#### **141a Minutes of the Meeting Held on 6 March 2019**

141.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 6 March 2019 as a correct record.

#### **141b Minutes of the Meeting Held on 20 March 2019**

141.2 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 20 March 2019 as a correct record.

#### **141c Minutes of the Meeting Held on 3 April 2019**

141.3 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 3 April 2019 as a correct record.

### **142 CHAIR'S COMMUNICATIONS**

142.1 The Chair, Councillor Mac Cafferty, explained that exceptionally this meeting of the Committee was being held at Portslade Town Hall as the Council Chamber at Hove Town Hall, the usual venue for these meetings, was being used to process postal votes in connection with the forthcoming EU Election. Subsequent meetings would be held in Hove Town Hall. This meeting would not be webcast as was usually the case

but detailed minutes of the meeting would appear on the Council website as soon as they were available.

- 142.2 The Chair went on to explain that there were fewer members present that would normally be the case as following the recent Council elections the Committee for 2019/20 had yet to be appointed. The Committee was operating well above the number required for it to be quorate and all members present had received the necessary mandatory training.

**143 PUBLIC QUESTIONS**

- 143.1 There were none.

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

- 144.1 There were none.

**145 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**CALLOVER**

The Democratic Services Officer, read out items 145A – C and all were called for discussion.

**A BH2018/03767-11 Balsdean Road, Woodingdean, Brighton- Householder Planning Consent**

Enlargement and alterations to existing dormers including installation of cedar cladding and replacement windows (retrospective)

**Officer Presentation**

- (1) The Principal Planning Officer, Stewart Glassar, 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 planning history, in relation to earlier schemes, particularly in respect of roof alterations which had been dismissed at appeal and which had been subject to investigation by the enforcement team, which elements of the scheme for which planning approval was required and those elements which had been completed as permitted development.
- (2) It was noted that the application site related to a detached bungalow located on the north side of Balsdean Road. The street was set on a slope that rose from west to east and was comprised of bungalows with hipped tiled roofs and several side and front dormers clad in hanging tiles. The main considerations in determining the application related to the impact of the development on the character and appearance of the building itself, the wider street scene and the surrounding area and the amenities of adjacent occupiers. Acknowledging that a fall-back position was not a material consideration in this instance, taken together with the Inspector’s comments from the appeal decisions, which carried significant weight, the application was recommended for refusal as the current works were considered to cause significant harm to the

character and appearance of the host building, wider street scene and surrounding area, and were contrary to policy QD14 of the Brighton and Hove Local Plan. Notwithstanding that the existing dormer had been reduced and other minor alterations had been made the scheme was still considered overly dominant in the street scene.

### **Public Speakers**

- (3) Mr Parkhurst spoke on behalf of the applicants in support of their application, Mrs Ashley, one of the applicants, also spoke in support of their application. Mr Parkhurst referred to the fact that the application was supported by Councillor Simson one of the Local Ward Councillors and the high number of letters of support received from other local residents. Similar properties in the neighbouring vicinity had been extended in a similar way and currently the only issue which appeared to remain outstanding related to the cladding materials used which he did not consider were sufficient grounds for refusal. The applicants had lived in the property for 32 years and the proposed scheme would provide accommodation for an elderly relation.
- (4) Councillor Moonan referred to the planning history of the site and enquired why planning permission had not been sought in advance of works proceeding, especially in view of the Inspector's previous decisions. It was explained that much of the work had been completed as permitted development, consideration would be given to changing the cladding materials.

### **Questions of Officers**

- (5) Councillor Miller asked for clarification regarding the works completed as permitted development and whether it was considered that use of alternative cladding material would be less dominant. Councillor O'Quinn also sought clarification on the same matter.
- (6) The Principal Planning Officer, Stewart Glassar, explained that refusal was recommended for two reasons and included consideration of the scale and design of the scheme rather than solely in relation to the cladding.
- (7) In answer to further questions by Councillors Littman, Moonan and O Quinn it was explained that if the existing cladding material was changed the application would be recommended for refusal by virtue of its size, bulk and impact on the neighbouring street scene.
- (8) Councillor Miller sought further clarification regarding permitted development and in respect of elements which could be retained.

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

- (9) Councillor C Theobald stated that she supported the officer recommendation considering that the present scheme was far bulkier than extensions to other buildings nearby, it was not acceptable and something more modest was required. The existing development was too large. Councillor Miller concurred in that view

- (10) Councillor O'Quinn agreed that the application be refused. In her view the materials used were particularly incongruous in the street scene. Councillor Moonan was in agreement, considering that if amendments were made it was possible that the scheme could be acceptable, however, that was not currently the case. Councillors Hamilton and Littman agreed that further work was required and that the scheme was not acceptable a currently presented.
- (11) A vote was taken and the 7 members present voted unanimously that planning permission be refused.
- 145.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons also set out in the report.

**B BH2018/03921 - 49A Surrenden Road, Brighton -Full Planning**

Change of use of former coach house from ancillary residential accommodation to holiday let accommodation for a temporary 12 month period.

**Officer Presentation**

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed use. The application related to an existing ancillary single storey brick-built building with pitched roof, located to the rear of No 49 Surrenden Road. It was likely that the building was a former coach house and it could be accessed via a pedestrian gate from number 49 with vehicular access via a service road to the rear which served a number of properties in Surrenden Road and Cornwall Gardens. Temporary permission was sought for 12 months for use as a holiday let and no external alterations were required.
- (2) It was noted that the main considerations in the determining this application were the principle of the proposed development, impact on the character and visual amenity of the conservation area, impact on the amenities of adjoining and nearby occupiers, highways and parking and sustainability. The proposal would provide short term self-catering accommodation in an area with good transport links to the city centre and wider area and had an existing parking space with its own separate access. As such it would provide a reasonable level of short-term accommodation. In this instance, the proposed change of use was to holiday let not a permanent residential dwelling. As such, the number of comings and goings throughout the year would be arguably less than for a residential home. The building would remain ancillary to the main house as it would not be in permanent use as a residential dwelling and would be maintained and managed by No.49. No external alterations or extensions were proposed, nor loss of trees or important features which would affect the appearance of the conservation area as a permanent residential dwelling. A management plan which outlined measures to reduce noise disturbance was recommended to be secured by condition. It was therefore considered that this application would not have the same impact on the conservation area and approval was therefore recommended. It was considered that by giving, temporary permission for 12 months this would enable the Local Planning Authority to fully assess the impact of the scheme on the conservation area and local

community. Given the restricted size of the building and its curtilage the number of guests should be restricted to a maximum of four.

### Questions of Officers

- (3) Councillor Moonan sought confirmation that the proposed conditions were sufficiently robust to ensure that the building could only be used as a holiday let. It was confirmed that this use would be temporary for 12 months and that it be use as ancillary to the main dwelling. It could not be used as a separate dwelling without a separate permission being applied for and obtained.
- (4) Councillor Littman asked for further confirmation on this point as there was an apparent contradiction if although ancillary to the main house a change could be effected in future which would enable this unit to be used as a separate living unit. Councillor Littman also sought clarification regarding escape arrangements in the event of fire. It was explained that this would need to be met under building control regulations.
- (5) Councillor Miller also asked for clarification in respect of use ancillary to the main building as he would be concerned if it was possible for this unit to become a separate dwelling by stealth. Councillor C Theobald asked to see plans of the internal layout of the first floor of the also raising points relating to any possible future use.

### Debate and Decision Making Process

- (6) Councillor O'Quinn stated that she had some concerns regarding potential noise nuisance emanating from the unit.
- (7) Councillor Moonan stated that she considered the current temporary use to be acceptable but might form a different view if it was proposed that the building be used as a permanent dwelling.
- (8) Councillor Littman stated that for him the crux of the matter was whether use of the building was acceptable or not, he considered it was.
- (9) Councillor Hamilton stated that he could see no problems arising from the proposed temporary use as a holiday let which he considered to be acceptable.
- (10-) A vote was taken and on a vote of 6 with 1 abstention the 7 Members present voted that planning permission be granted.

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

Amendment to Condition 3:

The use hereby approved shall cease within 12 months of the day the change of use is implemented; and

Amendment to Condition 6:

A noise management plan for the use of the premises shall be submitted to the Local Planning Authority. The plan shall be submitted to the council and approved prior to the first commercial let. The premises shall thereafter be maintained in accordance with the approved management plan.

**C BH2018/02786- Hove Manor, Hove Street, Hove - Full Planning**

Erection of a single storey extension at roof level to create 2no three bedroom dwellings & 1no two bedroom dwelling (C3) with external terraces

**Officer Presentation**

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a detailed presentation by reference to site plans, floor plans, elevational drawings and photographs detailing the proposed scheme. Samples of proposed materials were also displayed.
- (2) It was noted that Hove Manor was a large, early 20th century, purpose built block of flats with ground floor commercial uses, on the east side of Hove Street. It was situated in the Old Hove Conservation Area and overlooked the Pembroke and Princes Conservation Area, both of which predominantly comprised late 19th century 2 storey housing, although other mid-rise blocks are peppered within these areas along with surviving earlier origins of that part of Hove. The properties to the immediate north, Regent House and Audley House, were included on the Council's list of Local Heritage Assets, as was the flint wall forming the southern boundary to this site (remnants of the garden wall to the former Hove Manor that occupied this site), and the more distant No3, Hove Street. Slightly further away were Barford Court at 157 Kingsway and Hove Library on Church Road which were listed Grade II. Due to its height and footprint this property was already a dominant element of the street scene and could be seen in views from neighbouring streets, however the use of red brick provided an element of association with its setting. This application sought permission to erect an additional storey to create 2no three bedroom flats and 1no two bedroom flat (C3) with external terraces.
- (3) The main considerations in the determination of this application related to the principle of the proposed additional residential units, the impact on the character and appearance of the proposal on the building and the Old Hove Conservation Area, the setting of the Pembroke and Princes Conservation Area, the impact on neighbouring amenity, the standard of accommodation to be provided, sustainability and transport issues. An amended floorplan had been received during the course of the application reducing the width of the terraces to reduce overlooking of the existing balconies and side facing windows to the storeys below as had additional drawings with site sections and a Daylight & Sunlight Assessment.
- (4) Whilst it was considered that the proposed additional storey would introduce greater bulk and massing at roof level this would however be set away from the existing parapet. The existing block overshadowed some of the neighbouring windows, especially at ground floor level. At first floor level at Vallance (or higher at Princes Court opposite), the proposed additional storey would introduce greater bulk and massing at roof level and would result in a small loss of light to neighbouring windows

but as this would be of a similar nature to the views from the existing fifth floor windows it was not considered that this would result in harmful overlooking. The Daylight and Sunlight assessment provided had demonstrated that the proposed additional storey would not result in harmful overshadowing. Given the set back of the proposed development from the parapet of the existing block it was considered that the proposed additional storey would not result in significant harm of a degree sufficient to warrant refusal of the application and approval was therefore recommended subject to the conditions and informatives set out in the report.

### **Public Speakers**

- (5) Mr St John spoke on behalf of the Board of Hove Manor setting out their objections to the proposed scheme. He explained that the Board representing residents of the building took pride in maintaining its art deco appearance and had spent a decade returning it to its original appearance. The proposed scheme would compromise the appearance of the building and represented an un-neighbourly form of development.
- (6) Councillor Moonan spoke in her capacity as a Local Ward Councillor setting out her objections to the scheme. Whilst not opposed to the principle of further development of the site she considered that the scheme as currently put forward was too bulky and that the design and materials proposed were out of keeping with the character of the Old Hove Conservation Area. Councillor Moonan considered that with some further work the application could be acceptable but that in its current form it would result in an increase in overlooking and loss of amenity to neighbouring residents and would result in loss of of amenity and light to residents in Vallance Gardens and to residential properties to the north of Hove Manor. Having addressed the Committee, Councillor Moonan withdrew from the meeting and took no part in consideration or determination of the application. She considered that it might be advantageous to carry out a site visit prior to determining the application.
- (7) Mr Mohsin spoke on behalf of the applicants in support of their application. He explained that the application had been the subject of a pre-application process and consultation with planning officers and had been amended throughout the process in response to address issues and objections raised. The resultant scheme had sought to address those matters and was considered to be sympathetic to the host building.

### **Questions of Officers**

- (8) Councillor Miller referred to the lift arrangement proposed seeking confirmation regarding whether where the overrun would be located and access arrangements to the proposed additional units. Also, in relation to servicing arrangements. Councillor O'Quinn shared similar concerns. It was explained that the arrangements proposed were intended to provide improved facilities and also sought to respect the line of the existing fenestration. Also, to the proposed set back and location of the balconies and the assessment which had been made regarding the impact on and degree of overlooking which could occur to neighbouring properties.
- (9) The Chair, Councillor Mac Cafferty, asked whether in view of the nature of the queries raised Members wished to defer consideration of the application in order to carry out a site visit but that option was rejected.



- (10) In answer to questions it was confirmed that details of materials to be used would be conditioned and would be brought back to a Chair's meeting for approval.
- (11) Councillor C Theobald requested to see further floorplans showing the height and configuration of the additional storey proposed.

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

- (12) Councillor Miller referred to the proposed set-back and to the amendments to the scheme which had been made to date. Notwithstanding them he considered that the scheme was still too bulky particularly at the side nearest to Vallance Gardens where there would be very little space between that elevation and the nearest neighbouring block. In his view that would have a detrimental impact both on neighbouring amenity and on the Old Hove Conservation Area.
- (13) Councillor Littman noted that the heritage team were broadly happy with the proposals and welcomed the changes that had been made particularly to the roofscape but noted that they were also of the view that the revised alignment of the windows could be improved further.
- (14) Councillor C Theobald stated that she did not consider that the proposed form of development was in-keeping with the host building and could not therefore support the officer recommendation.
- (15) Councillor O'Quinn was of the view that there were a number of issues remaining to be addressed in relation to the set-back of the building and its bulk and massing in relation to neighbouring development and the setting of the conservation area. She considered that further improvements to the scheme could still be made.
- (16) Councillor Hamilton stated that he did not consider that this scheme respected the art deco host building or the conservation area and considered therefore that the application should be refused.
- (17) In answer to questions in relation to the Council's most recent housing land supply position as published in the SHLAA update when considering the planning balance in determining applications increased weight should be given to housing delivery and there should be a presumption in favour of sustainable development unless it was considered that a scheme would result in demonstrable harm or have a significant adverse impact.
- (18) In view of the points raised during discussion, the Chair, Councillor Mac Cafferty sought the Committees' view regarding whether they wished to defer consideration of the application in order for further discussions to take place with the applicant. Members expressed the view however that they wished to determine the application.
- (19) A vote was taken and the 6 members of the Committee who were present when the vote was taken voted unanimously that planning permission be refused. Councillor Miller then proposed an alternative recommendation that planning permission be refused on grounds that the proposed form of development (particularly that to the

side) would result in significant harm to the conservation area in which it sat by virtue of its mass bulk and design. The proposal was seconded by Councillor O’Quinn and a further vote was then taken in respect of the alternative recommendation. The 6 Members of the Committee present voted that planning permission be refused.

- 145.3 **RESOLVED** – That the Committee has taken into consideration the reasons for the recommendation set out in the report however it agrees that Planning Permission be refused on the grounds that the existing form of development would cause significant harm to the neighbouring conservation area by virtue of its bulk, mass and design. The final wording of the reasons for refusal to be determined by the Planning Manager in consultation with the proposer and seconder prior to circulation of the decision letter.

**Note:** Having spoken in objection to the application in her capacity as a Local Ward Councillor, Councillor Moonan then withdrew from the meeting and took no part in consideration of the application or the decision making process.

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

- 146.1 There were none.

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

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

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

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

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

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

**150 APPEAL DECISIONS**

- 150.1 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 3.45pm

Signed

Chair

Dated this

day of

