

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 8 JANUARY 2014****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Duncan, Hamilton, Littman, A Norman, Pissaridou and Wells

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

Officers in attendance: Jeanette Walsh (Head of Development Control); Mick Anson (Major Projects Officer); Nicola Hurley (Area Planning Manager); Steven Shaw (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Ross Keatley (Acting Democratic Services Manager).

PART ONE**124. PROCEDURAL BUSINESS****124a Declarations of substitutes**

124.1 Councillor A. Norman was present in substitution for Councillor C. Theobald, and Councillor Pissaridou was present in substitution for Councillor Gilbey.

124b Declarations of interests

124.2 Councillors: Jones, Littman, Davey, Duncan and Hyde and Mac Cafferty referenced application BH2013/03162 (C) – Flat 3, 5 Preston Park Avenue, Brighton and each declared that they knew the objectors personally; however, they had not discussed the application; remained of a neutral mind and would remain present during the consideration and vote on the application.

124.3 Councillor Wells referenced application (G) BH2013/03491 – Top Floor Flat, 18 Clifton Street, Brighton and noted he had been sent information in relation to the application by the applicant; however, He added that one of the images in the information was of a property in the ownership of Brighton Seaside Homes of which he was a Board Member; however, he remained of a neutral mind and would remain present during the consideration and vote on the application.

124.4 Councillor Hyde referred to application (D) BH2013/03569, 11 Welesmere Road, Rottingdean stating that she would leave the meeting during consideration of this item and take no part in the discussion or voting thereon.

124.5 The clerk to Committee, Ross Keatley (Acting Democratic Services Manager) referenced application (E) BH2013/00937 – 1 Sillwood Terrace, Brighton and noted the building was the address of his landlord and they had objected to the application; however, he had not discussed to application with them.

124c Exclusion of the press and public

124.5 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.

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

124d Use of mobile phones and tablets

124.7 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’.

125. MINUTES OF THE PREVIOUS MEETING

125.1 The draft minutes had not been completed in time for inclusion on the agenda, and it was agreed these would be considered at the following meeting of the Committee.

126. CHAIR'S COMMUNICATIONS

126.1 There were none.

127. PUBLIC QUESTIONS

127.1 There were none.

128. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

128.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

Application:	Requested by:
BH2013/03492 – Top Floor Flat, 18 Clifton Street, Brighton	Councillor Hyde

129. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

- A. BH2013/01575 - Enterprise Point & 16-18 Melbourne Street, Brighton - Outline application some matters reserved** - Outline application for the demolition of 16-18 Melbourne Street and the construction of a new 5 storey building comprising 15 no. residential units (including 3 no. affordable). Demolition of the South wing of Enterprise Point, provision of an additional storey on the remaining block and 7 storey extension to the West (front) elevation to provide 1030 sq m of upgraded Class B1 offices on the lower ground and ground floors together with 58 no. residential units. Construction of a new 4 storey building in the South East corner of the site comprising 70 sq m. of community space on part ground floor and 15 no. affordable residential units. (Amended description, plans and documents).(Appearance and landscaping to be reserved matters).
- (1) The Major Projects Officer, Mick Anson, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application sought outline permission for the redevelopment and conversion of the existing buildings to create 88 residential units and 1030 sqm of B1 commercial space; in relation to the outline application the Committee were being asked to determine the building heights; layout; floor plans; access and parking. The site fronted Melbourne Street which led onto Lewes Road; currently there were two access points, and the northern boundary of the site adjoined the Crematorium where there was a large 'belt' of trees. There was a nearby converted industrial premises that was now flats, and to the west there was the playground for St. Martin's School. The site currently had vacant leisure space, and around the wider site there were 80 parking spaces. It was highlighted that the site rose quite steeply and there was a difference in ground levels between the front and rear. To the west of the site was Viaduct Lofts which was currently two metres higher than the highest roof line of Enterprise Point. The proposals sought to extend the building at the current frontage to provide B1 offices, and there would be parking at the lower ground floor for 24 residential spaces – including 8 disabled spaces; the existing parking to the north would be retained for use in association with the commercial space on the site. In total there would be 29 commercial parking spaces and 24 residential spaces with 155 cycle spaces.
- (2) The scheme proposed the replacement of the existing south-wing to provide 4 storeys of accommodation with 15 affordable housing units – all with private gardens to the rear; there would also be a community garden on the site. In order to construct the new block it would be necessary to excavate between two and three metres; the new south block would also be brought forward 5 metres, but instead be 5.6 metres away from the boundary. Using the floor plans it was highlighted that the new block would be separated from the existing building, and it was noted that the new block included some cutbacks to retain the 45 degree angle of the windows. The new south block would also have a green roof. The appearance and façade of the building was a reserved matter, but it was noted the flats would have balconies. The policy issues were considered in the report, and whilst it was acknowledged there was a loss of B1 floor space the applicant had provided viability information to support this loss; both this and the 20% reduced level of affordable housing had been agreed by the District Valuer. The design and scale of the application was considered acceptable in this location and would help to improve the appearance of the area. The full list of

contributions as part of the S106 agreement were set out in the report, and the Committee were recommended to be minded to grant the application for the reasons set out in the report.

Questions for Officers

- (3) Councillor Davey asked for more information in relation to the contributions for sustainable transport, and it was explained that the occupiers of the flats would have two years free membership of the Car Club and vouchers for the purchase of bicycles with the view to encourage residents to use such schemes and types of transport.
- (4) Councillor Hyde asked about the proposed level of contributions for recreation, and the Case Officer explained that that the proposed contributions were in accordance with policy, and the applicant had agreed to these levels – the amount represented the demand that would be created by an additional 88 units in the area.
- (5) Councillor Pissaridou asked about the loss of the employment space on the site, and the amount that was currently in use. The Case Officer confirmed that there was currently a 40% occupancy rate, but this was broken down across the fully vacant leisure use, and the B1 space currently employed 128 staff. The scheme proposed space for approximately 100 staff, and it was noted that of the 128 current staff the majority of these worked for a call centre that took up a relatively small amount of space.
- (6) Councillor Duncan asked about the level of affordable homes and in response the Case Officer explained the calculation of the District Valuer was based on the value of the building itself; the construction and demolition costs and the sale values of flats in this location. Based on these figures it was considered that a level of 20% affordable acceptable; the recommendation was proposing a consent for two years to reflect that the level of affordable housing reflected the current situation.
- (7) In response to Councillor Pissaridou it was explained that there was not currently a controlled parking zone in the area, and there was capacity for additional vehicles on the local network. The potential for overspill had been considered, and it was felt this had been mitigated through the travel plan – the site was also located on a sustainable travel corridor.
- (8) Councillor Jones asked about some of the ecology comments in the report, and the Case Officer explained that these were covered through the conditions, but the Committee could add more explicit conditions if they were minded to do so.
- (9) Councillor Mac Cafferty asked about the redundancy of the existing leisure and commercial space, and it was explained that the applicant had submitted marketing information in relation to the upper floors in D2 leisure use which had been vacant for over 10 years; the vacant office space had also been marketed, and it was noted that as the space was currently occupied there would not be an expectation that this be marketed.

Debate and Decision Making Process

- (10) Councillor Wells stated that the currently building was less than satisfactory and the application would help to enhance the area. He approved of the provision of new balconies, but felt that more could have been done to achieve a high level of affordable housing on the site; however, overall he would support the Officer recommendation.
- (11) Councillor Davey noted that the scheme was very positive and would help to contribute to the rapidly improving Lewes Road area together with the recent transport measures. He hoped this would improve the numbers in some of the schools in the area and provide a population of more permanent residents; for these reason he would support the Officer recommendation.
- (12) Councillor Hyde added that there was currently a lot of wasted space on the site which the application made good use of; she would support the Officer recommendation.
- (13) Councillor A. Norman noted that she liked the appearance of the scheme, and Officers confirmed that the construction impact on the neighbouring school would be managed through the Construction & Environmental Management Plan.
- (14) Councillor Hamilton noted his concern that applicant's were asked to balance many factors when submitted schemes in particular the S106 contributions, and this created a squeeze on the level of affordable housing.
- (15) The Head of Development Control, Jeanette Walsh, highlighted that the purpose of the S106 agreement was to mitigate the impact of the development locally, and policy recognised that this needed to be balanced against securing levels of affordable homes.
- (16) Before the vote was taken Councillor Hyde requested that the materials' pallet be agreed by the Head of Development Control in consultation with the Chair, Deputy Chair and Opposition Spokespersons, and this was unanimously agreed by the Committee. A vote was taken and the Officer recommendation that the application be minded to grant was unanimously agreed.
- 129.1 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolved to be **MINDED TO GRANT** planning permission subject to conditions and a s106 agreement.
- B. BH2013/03205 - Park House, Old Shoreham Road, Hove - Removal or variation of condition** - Application for variation of condition 3 of BH2012/00114 (Demolition of former residential language school and erection of 5 storey block of 71 flats) which states that no cables, wires, aerials, pipework, meter boxes or flues shall be fixed to any elevation facing a highway be amended to allow boiler flues and rain water pipes to be fixed to the elevations facing a highway.
- 130.1 This application was deferred from the agenda by officers in order to alert the applicant to discrepancies between the approved drawings and the submitted amendments.

C. BH2013/03162 - Flat 3, 5 Preston Park Avenue, Brighton - Full Planning -
Conversion of first and second floor maisonette to form 2no self-contained flats incorporating rooflights to front and rear elevation and flat roof.

- (1) The Area Planning Manager introduced the report and gave a presentation by reference to photographs, plans and elevational drawings. The application site related to a two storey building on the eastern side of Preston Park Avenue that was currently divided into flats; information was also provided on the current arrangements for refuse storage and it was noted that the application was in the Preston Park Conservation Area. A similar application had been refused in August 2012 for the conversion of the first and second floor maisonette into two flats for reasons relating to the refuse storage. The application as submitted had sought to address the reasons for refusal by relocating the bin storage closer to the main building; however, it had later been established that the proposed site of the cycle storage was not in the ownership of the property, and a condition was recommended as part of the application that cycle parking be secured as part of the scheme. The main issues related to the impact on the conservation area; the standards of accommodation; sustainability and transport issues. The scheme was considered to be compliant with policy as the sub-division would allow for the retention of one larger family sized unit. The issues in relation to the previous application had been the position of the bin and cycle storage, and the application sought to rectify this through the creation on an area of hardstanding with space for 4 refuse bins, and it was noted that the inspector's decision in relation to the appeal of the refused application had focused on the location materials. The application was recommended for approval for the reasons set out in the report.

Public Speakers & Questions

- (2) Mr Jon Morris spoke in objection to the application in his capacity as a local resident; he stated that the previous application had been refused in relation to the inappropriate location of the bin store, and he added that residents had been made aware of the changes in relation to the proposed site of the cycle stands. Mr Morris queried the need for an additional refuse bin on the site, and noted that the application proposed no additional bedrooms despite the subdivision of the existing unit. He went on to add that the addition of the cycle stands could make the site a greater target for crime, and explained that the area was already a 'hotspot' for bicycle related crimes.
- (3) In response to Councillor Davey it was confirmed by Mr Morris that he lived in the basement flat of the building; the existing bins were used by all the flats in the property, and the proposed siting would lead to the removal of mature planting in the garden.

Questions for Officers

- (4) In response to Councillor Duncan it was confirmed that there would be an increased intensity of use if the application were granted and this would warrant the inclusion of an additional refuse bin; it was also added that consideration of the number of bins was not material to the application, but only the provision of the hardstanding for the bins.
- (5) In response to Councillor Davey it was confirmed that the location of the cycle stands would be dealt with through the appropriate condition, and any issues in relation to land ownership would be a private matter.

Debate and Decision Making Process

- (6) Councillor Davey noted that he could understand the concerns of the local residents, but he felt that the view of the Inspector had been made clear in relation to the hardstanding; with this in mind he stated he would vote in support of the Officer recommendation.
- (7) A vote was taken and the Officer recommendation permission be granted was agreed on a vote of 11 in support with 1 against.
- 129.3 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in paragraph 11 and resolved to **GRANT** planning permission subject to conditions.

D. BH2013/03569 - 11 Welesmere Road, Rottingdean, Brighton - Householder Planning Consent - Demolition of existing conservatory and erection of two storey rear extension incorporating roof extensions and installation of rooflights to front elevation.

- (1) The Committee agreed that they did not require a presentation and moved straight to the vote in relation to this application.
- (2) A vote was taken and the Officer recommendation the grant planning permission was unanimously agreed.

- 129.4 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in paragraph 11 and resolved to **GRANT** planning permission subject to conditions.

Note: Councillor Hyde was not present during the consideration and vote in relation to this application.

E. BH2013/00937 - 1 Sillwood Terrace, Brighton - Full Planning - Formation of mansard roof to accommodate one 2no bedroom flat with roof terrace.

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The building was located on the southern side of Western Road and had a commercial unit on the ground floor with flats above; there were also Grade II listed buildings to the south of the application site. In 2005 permission was granted for the development of a mansard roof to form a 1 bedroom unit; this permission had not been implemented and since lapsed. The main considerations related to the impact of the character and appearance on the conservation area; the impact on amenity and transport considerations. The building was an end of terrace with attractive bays at the Western Road frontage that made a positive contribution to the street scene; the proposal would be set back and not visible from Western Road and was not considered harmful to the Regency Square Conservation Area. The key policy considerations had also not changed since the previous permission, and there would be no harm to amenity or create a loss of

outlook. For the reasons outlined in the report the application was recommended for approval.

Public Speakers and Questions

- (2) Mr Andrew Shippey spoke in opposition to the application in his capacity as local resident; he stated that the current roof form was flat and any changes to this building could set precedence for others in the terrace. He noted that the proposed construction area would be directly above his own flat and raised concerns in relation to the impact on his day to day life; the potential danger and damp ingress. Mr Shippey questioned whether there would be sufficient access to the new flat from the existing hallway and stairwell, and he noted the objections from the Heritage Team and the Conservation Advisory Group (CAG).

Questions for Officers, Debate and Decision Making Process

- (3) In response to a query from Mr Gowans of CAG it was explained by the Area Planning Manager that the supplementary planning guidance had not changed since the approval of the 2005 scheme, and the local planning authority had to give this decision significant weight when making the recommendation.
- (4) It was confirmed to Councillor Wells that the arrangements during construction for neighbours would not be of material consideration to the application.
- (5) It was confirmed for Councillor Pissaridou that the proposed material of the mansard roof would be slate.
- (6) In response to Councillor Hamilton it was confirmed that the roofline of the row of terraces was currently uniform, and the proposal did not differ from the 2005 permission,
- (7) Mr Gowans noted that CAG had recommended that the application be refused due to the visibility of the development and the prominence in the Western Road street scene; he went on to reference the SPD 12 in relation to mansard roofs and the comments from the Heritage Officer.
- (8) Councillor Davey noted his view that the only reason to support the application was because of the 2005 permission; otherwise he was of the view the application was not acceptable. Councillor Pissaridou echoed these comments, and added that she would not support the Officer recommendation.
- (9) Councillor Duncan stated that he could not support the Officer recommendation, but noted that if refused the application might be successful if appealed.
- (10) The Senior Solicitor explained that the Committee was not legally bound by the 2005 permission, but to depart from this the Committee would need good planning reasons, and it was highlighted there was no policy difference between this application and the 2005 permission. Generally speaking, when the Inspector looked at decisions at appeal significant weight was placed on previously decisions. The Head of Development Control added that the local planning authority had looked very carefully

at the application and placed weight on the 2005 consent, notwithstanding that it was time expired, they had recommended approval.

- (11) Councillor Littman noted the position in relation to policy, and the advice given by Officers, but highlighted that it was still within the remit of the Committee to refuse the application if they were so minded.
- (12) It was confirmed for Councillor Duncan that the 2005 permission had been a delegated decision.
- (13) A vote was taken and the Officer recommendation to grant planning permission was not carried on a vote of 4 against and 8 abstentions. Councillor Mac Cafferty proposed reasons for the refusal and these were seconded by Councillor Duncan; a short adjournment was then held to allow Councillor Cafferty, Councillor Duncan, the Head of Development Control, the Senior Solicitor and the Area Planning Manager to draft the reasons for refusal in full. These reasons were then read to the Committee, and it was agreed that they reflected what had been put forward by Members. A recorded vote was then taken with the proposed reasons for refusal and Councillors: Mac Cafferty, Carden, Pissaridou, Hamilton and Duncan voted that permission be refused; Councillors: Jones, Hyde, Cox, Davey, Littman, A. Norman and Wells abstained from the vote.

129.5 **RESOLVED** – That the Committee considered the Officer recommendation to grant permission, but resolves to **REFUSE** planning permission for the reason set out below:

- i. By reason of the scale, form, shape, height and depth of the proposed development it fails to respect the existing roofscape of the terrace of which the host property forms part and therefore neither preserves nor enhances the character of the Regency Square Conservation Area. Moreover, because it interrupts the roofscape the proposed development is likely to be harmful to longer views of the terrace from street level within the Conservation Area. The proposed development is therefore contrary to policy HE6 of the Brighton & Hove Local Plan 2005 and SPD09: Architectural Features.

F. BH2013/02905 - 20a Cromwell Road, Hove - Full Planning - Conversion of outbuilding to form one bedroom dwelling (Retrospective).

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application site was located on the northern side of Cromwell Road in a conservation area and was a five storey building including the basement and the roof accommodation. The site had previously been in use as a language school, and recently converted into five flats. Planning permission was sought for the conversion of the single storey outbuilding; which currently had use as an ancillary studio. The main considerations related to the principle of the change of use; the impact on amenity; parking and transport. Officers were of the view that the single elevation would provide sufficient screening – a fence had been proposed but this was removed from the scheme after concerns raised by the Heritage Officer. The use had been envisaged as intermittent in its current usage, and the application would create a much greater level of activity. For the reasons set out in the report the application was recommended for refusal.

Public Speakers and Questions

- (2) Mr David Collins spoke in support of the application in his capacity as the applicant. He stated that the building was currently being used as a 1 bedroom dwelling. He stated that during the life of the application the matter of distance had not been raised by the Case Officer, and went on to highlight that the distance between the building and the parent building was comparable across the city, and many properties were much closer back to back. Mr Collins added that the report made assumptions in relation to the use of the gardens and went on to outline the personal circumstances for the application.

Questions for Officers

- (3) In response to Councillor Pissaridou the term 'ancillary' was defined as it related to the application.
- (4) In response to Councillor Jones it was confirmed that when a use was claimed to be ancillary Officers would confirm this position with the Council Tax department.
- (5) It was confirmed to Councillor Hamilton that the windows at the rear of the parent building directly overlooked the outbuilding.
- (6) In response to Councillor Cox it was clarified that when Officers considered ancillary buildings they looked carefully at the matters of fact and degree; with respect to the activities taking place in the building and the extent to which there was a relationship with the main residential property.
- (7) It was confirmed to Councillor Davey that if the application were refused and the outbuilding continued to be occupied then the local planning authority would have to investigate the activities taking place.
- (8) A vote was taken and the Officer recommendation to refuse planning permission was agreed on a vote of 8 to 3 with 1 abstention.

129.6 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **REFUSE** planning permission for the reason set out below:

- i. The creation of a unit of self-contained residential accommodation would result in an intensification of use which would result in significantly increased levels of overlooking and loss of privacy to residents of no. 20 Cromwell Road, as well as overlooking from no. 20 Cromwell Road and its garden towards the building in question. Further, the creation of a permanent living unit would introduce a much greater level of activity, with resultant comings and goings through the rear garden at times when the area might be expected not to be in use. The proposed development would represent a poor standard of living accommodation for occupiers of the garden building, and would result in a loss of amenity for occupiers of no. 20 Cromwell Road and, to a lesser extent, towards neighbouring properties. As such, the proposed development would be contrary to policy QD27 of the Brighton & Hove Local Plan.

- G. BH2013/03492 - Top Floor Flat, 18 Clifton Street, Brighton) - Householder Planning Consent** - Replacement of existing timber single glazed windows with UPVC double glazed windows (Retrospective).

129.7 This application was deferred to allow a site visit to take place.

- H. BH2013/03680 - 19 Queens Park Terrace, Brighton - Householder Planning Permission** - Formation of rear dormer.

- (1) The Area Planning Manager introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application site related to a two storey terrace within the Queen's Park Conservation Area that backed onto the Grade II listed primary school. A similar scheme had been refused on the site in December 2012, and the appeal had been dismissed by the Inspector; this application now sought a smaller rear dormer. The main considerations related to the impact of the dormer on the host building, and the wider impact on the Conservation Area and nearby listed building. It was considered that the proposed dormer would still have significant impact; be visible from the rear and did not comply with policy as it failed to relate to the fenestration at the rear. It was noted that there were a number of existing dormers in the immediate area, but many of these did not have any planning history and the Inspector had not attached any weight to these in consideration of the December 2012 application. The dormer was considered unsuitable and overly dominant and the application was recommended for refusal for the reasons set out in the report.

Public Speakers and Questions

- (2) Ms Luisa de Paula spoke in support of the application in her capacity as the applicant. She stated that she understood and agreed with the policy of the local planning authority to maintain the character of the conservation area, and this application had sought to address the previous refusal by proposing a smaller dormer that would still make the attic room practical and usable. There were a number of other dormers in close proximity to the property and many of these had been built after the designation of the conservation area, and those to the left of the property, which had been granted permission in 2007, were considered much more visible. The family had spent time and money restoring the house and it now made a greater contribution to the conservation area, and without the dormer the attic room would be compromised. The scheme would help to improve the long term family home, and there was support from neighbours and the nearby school.

Questions for Officers

- (3) The distance from the roof space to St. Luke's Terrace was clarified for Councillor Hyde.
- (4) In response to Councillor Davey the Area Planning Manager explained that the local planning authority would normally seek dormer extensions that were modest in size and aligned with the existing fenestration as set out in the SPD. It was also confirmed that the policy applied across the city.

- (5) In response to Councillor Pissaridou it was explained that several of the nearby dormers did not have any planning history, and the Case Officer had placed significant weight on the decision of the Inspector.

Debate and Decision Making Process

- (6) Councillor Hyde noted that she understood the recommendation, and had taken into account the decision of the Inspector, but she felt that due to distance involved the policy was of less relevance in relation to this application. If the dormer was aligned with the existing windows then the space would be compromised; with all this in mind she stated she would not support the Officer recommendation.
- (7) Councillor Wells noted that the property could not be seen from Queen's Park Terrace, and smaller dormers would make the rooms unusable; the windows were also at the back of the building and not overlooked. With this in mind he would not support the Officer recommendation.
- (8) Councillor Littman stated that he fully understood the Officer recommendation, but felt he was not able to support it making reference to the support of the local school and the neighbours.
- (9) Councillor Duncan stated his view that a refusal would be unreasonable, and as such he would not support the Officer recommendation.
- (10) Councillor Pissaridou stated she could not support the Officer recommendation, but she could understand the reason for the recommendation.
- (11) A vote was taken and the Officer recommendation to refuse planning permission was not carried on a vote of 10 against with 2 abstentions. Councillor Hyde proposed reasons for the approval and these were seconded by Councillor Duncan. These reasons were then read to the Committee, and it was agreed that they reflected what had been put forward by Members. A recorded vote was then taken with the proposed reasons for approval and Councillors: Jones, Hyde, Carden, Cox, Pissaridou, Hamilton, Littman, A. Norman, Duncan and Wells voted that permission be granted; Councillors: Mac Cafferty and Davey abstained from the vote.

129.8 **RESOLVED** – That the Committee considered the Officer recommendation to refuse planning permission, but resolves to **GRANT** planning permission for the reason set out below, and subject to such conditions as shall be approved by the Head of Development Control:

- i. The proposed development, due to its design, size and siting, would not result in harm to the host building or to the Queen's Park Conservation Area.
- I. **BH2013/03496 - 187 Dyke Road, Hove - Full Planning** - Erection of two storey extension to replace existing single storey extension and terrace.
- (1) The Area Planning Manager introduced the application and gave a presentation by reference to photographs plans and elevational drawings. The application sought a two

storey rear extension, and the application was largely the same as a previously refused scheme; aside from a small reduction to the proposed depth of the extension. The extension would occupy a significant space in the rear garden. The main considerations related to the design and appearance; the impact on amenity and highways matters. The application proposed a significant addition to the bulk and massing; did not integrate well with the parent building; was box like and the roof did not conform with the existing eaves line. Due to the scale of the proposal there would also be an impact on neighbouring amenity, and the application was recommended for refusal for the reasons set out in the report.

Public Speakers and Questions

- (2) Mr Luke Carter spoke in support of the application in his capacity as the agent acting on behalf of the applicant. He stated that the application sought to provide additional office space for the business that had operated at the site for 14 years. The extension would allow for an additional 30 staff, as well as letting the business expand further. Reference was made to the need for employment space in the Draft City Plan which was in sustainable locations. It was considered the scheme addressed the reasons for refusal and the only remaining issue was visual impact, but the views from the street were oblique. If the application were refused then the business would need to relocate and the existing building redeveloped as a residential development; it had been difficult to find an alternative space and the likelihood was the business would have to move outside of the city. In closing it was added that business wanted to stay in its existing location as the majority of the staff were local residents.
- (3) In response to Councillor Davey the applicant confirmed that views of the proposed extension from the street.

Questions for Officers

- (4) It was confirmed for Councillor Pissaridou that the neighbouring property had windows to the rear that would be affected by the proposals. The scheme also proposed no additional parking above the existing 4 spaces.
- (5) In response to Councillor Duncan it was confirmed that if the Committee were minded to grant the application they could attached conditions in relation to a travel plan.
- (6) It was confirmed for Councillor Hyde that the applicant had not entered into any pre-application discussion with the local planning authority. It was also confirmed by the Head of Development Control that there was no objection in principle to an extension of the building, and Officers were open to discussing alternative schemes.
- (7) Councillor Mac Cafferty stated that the Committee supported the wish of the business to stay in the current location, but needed to ensure that the scheme to extend the building was appropriate.
- (8) Councillor Davey echoed this comment and added that he felt the bulk was too much, but he was sympathetic to the position of the applicant; with this in mind he would support the Officer recommendation.

- (9) Councillor Jones stated he was surprised that there had not been more discussion with Officers, and he felt the application would overdevelop the site. On balance he felt that an alternative application could seek a compromise position.
- (10) Councillor Wells noted that although the scheme was bulky the impact was minimal from the street, and the scheme only impacted one other property. He was concerned with the business leaving the area and the loss of employment, and for these reasons he would not support the Officer recommendation.
- (11) A vote was taken and the Officer recommendation to refuse planning permission was agreed on a vote of 8 to 3 with 1 abstention.

129.9 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **REFUSE** planning permission for the reason set out below:

Reasons for Refusal:

- i. The extension by reason of its scale, massing, bulk, site coverage, materials and detailing is considered poorly designed, and an overdevelopment of the site, and would have a seriously harmful impact upon the character and appearance of the building to be extended and the visual amenity of the area. This is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan
- ii. The extension by reason of its siting, scale and massing would have an unduly harmful and dominating impact upon the amenities of adjacent occupiers resulting in a loss of outlook, increased sense of enclosure, overshadowing and an overbearing impact. This is contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

Informatives:

- i. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

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

130.1 There were none.

131. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

132. LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)

132.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. The register complies with legislative requirements.]

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

133. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

134. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

135. APPEAL DECISIONS

135.1 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 5.20pm

Signed

Chair

Dated this

day of