

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 6 AUGUST 2014****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, Hamilton, Littman, K Norman, Phillips and Wells

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

PART ONE**38 PROCEDURAL BUSINESS****38a Declarations of substitutes**

38.1 Councillor K Norman stated that he was present in substitution for Councillor C Theobald.

38b Declarations of interests

38.2 Councillor Davey declared an interest in Application BH2014/1209, 119 Portland Road, Hove, by virtue of his being a customer of the shop concerned. He confirmed that he remained of a neutral mind and that he intended to remain present during discussion and determination of the application. Councillor Cox referred to his letter of support in respect of Application BH2014/01209, 119 Portland Road, Hove stating that he would leave the meeting during consideration of the application and would take no part in the discussion or voting thereon. Councillor Hamilton referred to Application BH2014/01672, 24 Elrington Road, Hove stating that he had been approached by a the applicant who constituent in relation to it but had not discussed the application other than to advise of the relevant protocols when a planning application was considered at committee. He remained of a neutral mind and intended to remain present during discussion and determination of the application. The Chair, Councillor Mac Cafferty referred to Application BH2014/00093, Lansdowne Place Hotel, Lansdowne Place, Hove stating that he had been instrumental in organising a public exhibition in relation to this application. He had not discussed the application, remained of a neutral mind

and intended to remain present during the discussion and determination of the application.

38c Exclusion of the press and public

38.3 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.

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

38d Use of mobile phones and tablets

38.5 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’.

39 MINUTES OF THE PREVIOUS MEETING

39.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 16 July 2014 as a correct record.

40 CHAIR'S COMMUNICATIONS

40.1 There were none.

41 PUBLIC QUESTIONS

41.1 There were none.

42 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

42.1 **RESOLVED** – There were none.

43 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2014/01431- 27-33 Ditchling Road, Brighton -Full Planning

(1) The Senior Planning Officer, Jonathan Puplett detailed the proposed scheme by reference to floor plans, elevational drawings and photomontages . He referred to additional comments which had been received from Environmental Health which had been set out in the Additional Representations List. Also, to the fact that it was considered necessary to replace Condition 16 as set out in the officer’s report with two additional conditions if permission was granted. It was explained that this scheme was broadly similar to that for which permission had previously been granted and the differences between the two were highlighted.

- (2) It was considered that following the approval of application BH2012/03707 and the removal of the site from the SHLAA, it would be unreasonable to seek to protect the site as a housing site. The proposed uses were considered acceptable in this location and that the building would have an acceptable visual impact and would not be detrimental to the adjoining conservation area. It was considered that the proposed student rooms would provide an acceptable standard of accommodation and that there would be acceptable impact on neighbouring amenity and approval was therefore recommended subject to completion of a legal agreement and the proposed conditions set out in paragraph 11 of the report.

Questions for Officers

- (3) Councillor Hyde sought clarification regarding the appearance of the rendered finish to be used as the submitted sample appeared to be at variance with that indicated on the submitted visual. Councillor Hyde also had concerns regarding the use of zinc cladding material to be used. Dependent on where this material was to be applied and how it was to be treated this did not always weather well.
- (4) Councillor Davey sought details of the management plan for the site, including arrangements in respect of supervision of those students who would be living on site. It was confirmed that staff would be on site in accommodation for key staff. The remaining students would lodge with host families across the city.
- (5) Councillor Gilbey sought clarification regarding the location of teaching space and accommodation within the building and how this differed from the previous scheme.
- (6) Jim Gowans, CAG asked for visualisations of the building at dusk and confirmation of the location of the communal rooms within the development.

Debate and Decision Making Process

- (7) Councillor Littman referred to the current scheme and to the permission for the extant scheme which was configured differently, and sought clarification of regarding the position should the current application be refused. The Legal Adviser to the Committee, Hilary Woodward advised that if that were to be the case the existing permission would remain in place and could be built. Moreover it was always open to the applicant to appeal a refused application.
- (8) Councillor Davey stated that this site had also been empty for a while. It had already been designated as suitable for student accommodation on the back of the earlier Committee decision. He considered this application to be acceptable and would be supporting the officer's recommendations.
- (9) Councillor Phillips concurred in that view considering that the current application represented an improvement to the previous scheme.
- (10) Councillor Hyde indicated that she would be happy to support the scheme if her concerns regarding cladding and the rendered surface to the building could be addressed and suggested that an informative be added to any permission granted. The

informative to require materials to be agreed with the Development Control Manager in consultation with the Chair, Deputy Chair and Opposition spokespersons. The Committee indicated their agreement.

(11) A vote was taken and Members by a vote of 10 to 2 Members voted that they were minded to grant planning permission in the terms set out below.

43.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves that it is **MINDED TO GRANT** planning permission subject to a section 106 obligation and the Conditions and Informatives set in section 11.

Condition 16 to be deleted and replaced by the following additional conditions:

No development shall take place until a written scheme has been submitted to and approved in writing by the Local Planning Authority detailing the glazing requirements to be installed to facades at Ditchling Road, Oxford Place and Oxford Road at all storeys to meet the sound reduction losses as identified in the 7th Wave Acoustics report dated 8th July 2014 reference R001.1037.001.NGA.2.0. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

No development shall take place until a written scheme has been submitted to and approved in writing by the Local Planning Authority detailing how and where ventilation will be provided to the various storeys and facades including specifics of where the clean air is drawn from and that sufficient acoustic protection is built into the system to protect end users of the development. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of future occupiers and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

No development shall take place until a scheme for the suitable treatment of all plant and machinery against the transmission of sound and/or vibration has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Noise associated with plant and machinery incorporated within the development shall be controlled such that the Rating Level, measured or calculated at 1-metre from the façade of the nearest existing noise sensitive premises, shall not exceed a level 10dB below the existing L_{A90} background noise level. Rating Level and existing background noise levels to be determined as per the guidance provided in BS 4142:1997. In addition, there should be no significant low frequency tones present.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

No development shall take place until a scheme for the fitting of odour control equipment to the building has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

No development shall take place until a scheme for the sound insulation of the odour control equipment referred to in the condition set out above has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the occupation of the development and shall thereafter be retained as such

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Insert additional informative:

Details of materials to be provided under condition 13 are to be agreed by the Head of Development Control in consultation with the Chair, Deputy Chair and Opposition Spokespersons.

B BH2014/00093- Lansdowne Place Hotel, Lansdowne Place, Hove - Full Planning

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Deputy Development Control Manager, Paul Vidler, detailed the scheme by reference to site plans, floor plans, elevational drawings and photographs. A revised scheme had been submitted requesting approval for part demolition, change of use and alteration and extensions, including creation of additional penthouse floor to convert the existing hotel (C1) to 45no residential units (C3), creation of car parking and secure cycle parking at lower ground floor level, landscaping and other associated works.
- (3) The building was vacant currently and the principle of its conversion from a hotel to residential use was acceptable and would secure the future of the building. The proposed residential accommodation would be of an acceptable standard and would not adversely impact on the amenities of neighbouring properties. Whilst there are concerns about the visual impact of the additional storey, the extant planning permission for a similar structure is a material planning consideration. Approval was therefore recommended.

Public Speaker(s) and Questions

- (4) Councillor Bowden spoke on behalf of Councillor Sykes one of the Local Ward Councillors who had submitted a letter of objection in respect of the application. Councillor Sykes had expressed particular concern regarding the detrimental impact of

the proposed form of development, particularly on the residents of 2 Brunswick Street West. The occupants of this property had already suffered water ingress from the adjacent Lansdowne Hotel building and it was suggested that investigations and any remedial work to address this formed part of any immediate measures to make the building safe.

- (5) Martin Taylor spoke on behalf of the applicants in support of their application. He referred to the issues raised in relation to the current condition of the building and explained that works had already been begun and would be on-going to address water penetration and any other issues. The scheme as submitted would include fewer units than earlier schemes and had been designed to respect the neighbouring buildings a number of which were listed.

Questions for Officers

- (6) Councillor Cox stated that he was confused by Councillor Sykes' letter which seemed to indicate that if the issues he had highlighted were addressed he might be minded to support the application. It was confirmed that his letter had been treated as a valid letter of objection.
- (7) Councillor Jones referred to the density of the development expressing concern that there was a danger of noise break-out to neighbouring buildings, seeking confirmation of the location of kitchens and other rooms which could give rise to nuisance. He requested assurance that remedial measures would be put into place to address any potential nuisance.
- (8) Councillor Hyde referred to the Penthouse element of the scheme and sought clarification of its appearance within the roof line, and the degree to which this would be set back from the main frontage of the building, also details of any cladding to be used, re-iterating her earlier concerns in relation to the use of zinc cladding, particularly in this location where a constrained site was in close proximity to a number of listed buildings.
- (9) Councillor Gilbey enquired regarding the 14 car of parking spaces, to be provided, 5 of which would be for disabled persons accessed from Brunswick Street West. Further parking for residents would be on street nearby. The Committees' attention was drawn to the measures which the applicant's had undertaken including 2 year membership of the City Car Club to address any potential implications arising from overspill parking.

Debate and Decision Making Process

- (10) Councillor Hyde stated that whilst she was supportive of the scheme overall she considered that it would be appropriate for materials and surface treatments, particularly to the penthouse flat to be agreed by the Development Control Manager in consultation with the Chair and Deputy Chair and the Opposition spokespersons. The Committee indicated that they were in agreement.
- (11) Councillor Davey whilst indicating his support for the scheme considered it was important for the applicants to continue to work with neighbouring residents.

- (12) Councillor Jones enquired whether regarding party wall arrangements being put into place to ensure the structural integrity of immediately neighbouring properties, e.g.,2 Brunswick Street West. The Deputy Development Control Manager explained that although this could be included as an informative, these issues would need to be addressed in order to meet the requirements of Building Regulations.
- (13) Councillor Hamilton sought clarification as to how the affordable accommodation would be allocated and whilst supporting the scheme considered it disappointing that it seemed unlikely that it would be made available to those on the housing waiting list.
- (14) Councillor Carden stated that he supported the scheme which would provide much housing.
- (15) The Chair stated that whilst there were concerns in relation to some elements of the scheme including the provision of a penthouse floor both in the context of the host building and its appearance within the neighbouring street scene, he was mindful of the earlier permission and the period which the building had been empty and was therefore supporting the report recommendations.
- (16) A vote was taken and Members voted unanimously that they were minded to grant planning permission in the terms set out below.

43.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 of the report and resolves that it is **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

The List of Drawing numbers set out in Condition 2 should be amended to read:

Plan Type	Reference	Version	Date Received
Location, Block and Roof Plan - Existing	1366-P-101-P2	-	31/07/2014
Lower Ground Floor – Existing	1366-P-102-P1	-	31/07/2014
Ground Floor – Existing	1366-P-103-P1	-	31/07/2014
First and Second Floor – Existing	1366-P-104-P1	-	31/07/2014
Third and Fourth Floor – Existing	1366-P-105-P1	-	31/07/2014
South and West Elevation – Existing	1366-P-106-P1	-	31/07/2014
East and North Elevation – Existing	1366-P-107-P1	-	31/07/2014
Sections B-B and E-E – Existing	1366-P-108-P1	-	31/07/2014
Block Plan and Roof Plan – Proposed	1366-P-109-P6	-	31/07/2014
Proposed Basement Plan	1366-P-	-	31/07/2014

	110-P7		
Proposed Ground Floor	1366-P-111-P5	-	31/07/2014
Proposed First Floor	1366-P-112-P4	-	31/07/2014
Proposed Second Floor	1366-P-113-P4	-	31/07/2014
Proposed Third Floor	1366-P-114-P4	-	31/07/2014
Proposed Fourth Floor	1366-P-115-P4	-	31/07/2014
Proposed Penthouse Level	1366-P-116-P6	-	31/07/2014
South and West Elevation – Proposed	1366-P-117-P6	-	31/07/2014
East and North Elevation – Proposed	1366-P-118-P5	-	31/07/2014
Sections B-B & C-C – Proposed	1366-P-119-P5	-	31/07/2014
Sections A-A & D-D – Proposed	1366-P-120-P6	-	31/07/2014
Landscaping Plan	1366-P-124-P2	-	31/07/2014

The following additional informatives also to be added:

The applicant is advised that a number of issues were raised by the occupiers of adjoining properties relating to party walls, structural matters resulting from water ingress and soundproofing during the consideration of the planning application. These should be addressed under the Building Regulations and other appropriate legislation.

Details of materials to be provided under condition 6, to include the penthouse painted grey, are to be agreed by the Head of Development Control in consultation with the Chair, Deputy Chair and Opposition Spokespersons.

C BH2013/03926 - The Astoria, 10-14 Gloucester Place, Brighton - Full Planning

- (1) The Senior Planning Officer, Adrian Smith gave a detailed presentation by reference to site plans, elevational drawings and photographs of the site. Indicative drawings showing the proposed site layout were shown and it was noted that the current scheme would have a greater massing at the rear than the previously approved scheme and a larger central courtyard area. Reference was also made to the fact that two Amended drawings had been received (referred to in the Additional Representations List). These drawings clarified the scale of the recessed third floor link section on the Blenheim Place/south elevation. No changes were proposed in the drawings and in consequence the plans list in Condition 2 of BH2013/03926 and Informative 1 of BH2013/03927 had been updated accordingly. All external landscaping works remained as agreed under the terms of the previous permission.

- (2) Approval was sought for demolition of the existing Grade II listed building and construction of new building consisting of 3no storeys in height at rear and 6 no storeys in height at front (including basement) incorporating retail/café/restaurant (A1/A3) on the ground floor fronting Gloucester Place and community rooms (D1) on the ground floor fronting Blenheim Place with offices (B1) above and to the rear, together with 6no residential units (C3) on the fifth floor.
- (3) It was considered that, on balance, the demolition of the building as an exception to national and local policy was justified by the evidence submitted in support of the application. The loss of the existing facility had been sufficiently justified in relation to the benefits provided by the modern flexible B1 office floorspace, residential flats, and community room. Subject to conditions the design of the replacement scheme and the increased massing proposed to the rear would preserve the character and appearance of the North Laine and Valley Gardens Conservation Areas without resulting in harm to neighbouring amenity. The previous extant approvals for the redevelopment of the site were a material consideration .Approval was therefore recommended.

Questions for Officers

- (4) Councillor Hyde enquired regarding the location of the proposed zinc cladding material and how visible it would be. Councillor Hyde referred to the fact that zinc cladding had been used on other developments across the city, depending on its location it did not always weather well. The Chair, Councillor Mac Cafferty stated that the cladding would have little impact as it would not be visible in most views of the development.
- (5) Councillor Phillips referred to the objections raised by the East Sussex Fire and Rescue Service. It was explained however, that that the development would be required to comply with Building Control Regulations and that their concerns would need to be addressed as part of that process; which was separate from the planning process. Councillor Phillips also referred to the proposed removal of two semi-mature trees from the site and asked for information regarding their condition It was confirmed that approval had been given for the trees to be removed as part of the landscaping works agreed under the extant permission. These trees would be replaced and 6 further trees would be added across the scheme as a whole.
- (6) Councillor Norman also expressed concern regarding removal of the trees and it was explained that their removal was required in order to extend the existing loading bay and disabled/taxi parking spaces. Councillor Norman enquired whether it would be possible for this to re-located slightly within the site. The Deputy Development Control Manager stated that this matter had been fully considered and debated when the Committee had given their approval for the extant scheme.
- (7) Councillor Jones sought clarification regarding the Community Room which was now smaller than that for which approval had originally been given and had been relocated from the front of the development. It was explained that this had been done in order to allow a café to be located within the frontage. This facility would be retained and would be made available for community use.
- (8) Councillor Littman referred to the extant permission which would expire in May 2015 and enquired whether would be appropriate to revisit the pros and cons of demolishing

this Grade II Listed Building. The Legal Adviser to the Committee, Hilary Woodward explained that as the extant permission had been granted relatively recently and had not been superseded by other guidance the Committee should be consistent and follow their previous decision in this matter.

Debate and Decision Making Process

- (9) Councillor Hyde noted that application was very similar to the previous one. Whilst she considered that the use of dark cladding materials to dark areas of the development would result in those areas being even darker, she nonetheless considered the scheme to be acceptable and would be supporting the officer's recommendations.
- (10) Councillor Carden stated that although he would be supporting the proposed development he did think it was unfortunate that this building would be lost, soon very little of the "old" Brighton would be left.
- (11) Councillor Hamilton stated that whilst the loss of the building was unfortunate, it had been empty for a number of years and it was important that a large site be utilised rather than being left to deteriorate further.
- (12) Councillor Gilbey concurred with Councillor Hamilton. Whilst it was understandable that people could have a sentimental attachment to the building in reality it had remained empty for a very long time.
- (13) Councillor Phillips stated that although she had no recollection of the buildings earlier use she was disappointed that the existing building (which was not in imminent danger of collapse) had not been retained and she would also have liked to see a greater number of residential units provided.
- (14) Councillor Davey stated that he supported the officer recommendation, having visited the site in connection with the earlier scheme he recalled that it showed signs of serious deterioration and notwithstanding the period during which the building had been empty no viable alternative use had been found. He had voted against the earlier scheme but considered that this part of Valley Gardens was in need of uplift and improvement and hoped that this scheme would be implemented.
- (15) A vote was taken and on vote of 9 with 2 with 1 abstention the Committee voted that they were minded to grant planning permission on the grounds set out below.

43.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 of the report and resolves that it is **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

D BH2013/03927 - The Astoria, 10-14 Gloucester Place, Brighton -Listed Building Consent

- (1) The Senior Planning Officer Adrian Smith reiterated that on balance the demolition of this grade II listed building was considered acceptable subject to the imposition of conditions to secure the recording and analysis of the building through a written

scheme of investigation and the development of the approved scheme soon after the demolition. The significant public benefits of the proposed development would outweigh the strong statutory presumption against listed building consent being granted where harm to the preservation of a listed building has been identified, to which considerable importance and weight has been attached. The previous extant consent for the demolition of the building was a material consideration. Approval was therefore recommended.

(2) A vote was taken and listed building consent was granted on a vote of 9 to 2 with 1 abstention.

43.4 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 of the report and resolves to **GRANT** Listed Building Consent subject to the Conditions and Informatives set out in section 11.

E BH2014/01672 -24 Elrington Road, Hove -Full Planning

(1) A vote was taken and the 10 Members who were present when the vote was taken voted unanimously that planning permission be granted.

43.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

Note: Councillors Gilbey and Phillips were not present when the above application was voted on.

F BH2014/04293 - Flamingo, 4 Hill Brow, Hove - Full Planning

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

(2) The Area Planning Manager gave a detailed presentation by reference to photographs site plans and elevational drawings showing the configuration of the site and its topography in relation to the neighbouring properties. Permission was requested for demolition of the existing dwelling and erection of 3 five bedroom houses with associated parking and landscaping. It was considered that the proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed dwellings would not compromise the quality of the local environment including the Hill Brow and Hill Drive street scenes. The standard of accommodation provided is considered acceptable and adequate private usable amenity space provided. Subject to the compliance with attached conditions the scheme would comply with the requirements for sustainability, waste management, parking standards and refuse and recycling storage. In addition, subject to the compliance with conditions, it is considered that the new residential properties would not have a significant adverse impact upon the amenities of neighbouring properties. Approval was therefore recommended.

Public Speaker(s) and Questions

- (3) Councillor Bennett spoke in her capacity as a Local Ward Councillor setting out her opposition to the proposed scheme and those of her ward colleague, Councillor Brown. Councillor Bennett also read out a statement prepared by neighbouring objectors setting out their objections and concerns in relation to the proposed development. They considered that such large properties represented over development and would have a detrimental impact and result in significant loss of amenity and overlooking of the neighbouring residential properties.
- (4) Huw James spoke on behalf of the applicants in support of their scheme. He stated that the proposed development respected the changes in level across the site and would replace the existing very large ugly building with three replacements which were of a more sympathetic scale and were evenly spaced across the site.

Questions for Officers

- (5) Councillor Cox sought clarification of the configuration of the proposed dwellings by reference to photographs of the site and contextual drawings
- (6) Councillor Norman sought clarification of the configuration of the building on plot 1 by reference to the relevant visuals.
- (7) Councillor Littman enquired as to the height of the proposed dwellings in relation to the existing neighbouring buildings.
- (8) In answer to questions by Councillor Hamilton the distance between the new houses and to 63 Hill Drive was confirmed.

Debate and Decision Making Process

- (9) Councillor Hyde sought further clarification of the location of the proposed dwellings to neighbouring gardens and the height and juxtaposition of boundary screening. Councillor Hyde stated that she had some concerns that some overlooking and loss of amenity to neighbouring dwellings could result. Councillor Norman shared those concerns, as did Councillor Cox.
- (10) Councillor Gilbey stated that she considered that the proposals represented a more appropriate use of the site and were acceptable.
- (11) Councillor Phillips stated that she agreed with the officer's recommendations and would be voting in support of the proposals.
- (12) A vote was taken and on a vote of 9 to 2 with 1 abstention planning permission was granted.
- 43.6 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in

section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

G BH2014/01209 -119 Portland Road, Hove - Full Planning

- (1) The Area Planning Manager, Nicola Hurley gave a presentation detailing the scheme by reference to elevational drawings and site plans showing the existing and proposed scheme and photographs. Permission was sought for the erection of 1 two bedroom house (C3) with alterations to the side elevation of the existing building.
- (2) The scheme was considered inappropriate as the proposal would result in an incongruous and unsympathetic addition which would stand out in the street scene as an inappropriate feature. It was also considered to be overdevelopment of the site and the proposed alterations to the host property, which would be detrimental to its appearance due to the scale and bulk of the building adjacent to the boundary, meant the scheme resulted in a detrimental impact on the amenity of 117A Portland Road in terms of loss of outlook and light and an increased sense of enclosure. Having regard to the proposed layout of the ground floor of the house, the scheme did not provide a suitable standard of accommodation. The proposed outside amenity area was deemed inadequate in terms of its size and positioning and is not suitable for a family sized house. Refusal was therefore recommended.

Public Speaker(s) and Questions

- (3) Mr Lumba the applicant spoke in support of his application stating that he had amended and reduced the size and scale of the development, now a two rather than 3 bedroom house, which had been carefully designed in order not to be out of scale with neighbouring buildings. His current shop premises was too large and he was seeking to reduce it and to increase its profitability.

Questions for Officers

- (4) Councillor Davey sought clarification of the changes between this scheme, that which had been previously refused and the existing building.
- (5) Councillor Hyde asked whether the existing ground floor of the building had been extended previously and sought confirmation of the configuration of the ground floor flat.
- (6) Councillor Littman asked for detail regarding where the existing plant would be relocated.
- (7) Councillor Jones enquired regarding the dimensions and floorspace of the proposed units.

Debate and Decision Making Process

- (8) Councillor Davey stated that whilst he had some sympathy for the applicant he considered that the scheme sought to cram too much onto a restricted site.

- (9) Councillor Wells did not agree considering that any one renting or buying the proposed units would make their own assessment regarding the size of the accommodation. He considered the scheme was acceptable.
- (10) A vote was taken and of the 11 Members present when the vote was taken planning permission was refused on a vote of 8 to 1 with 2 abstentions.
- 43.7 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 of the report and resolves to **REFUSE** planning permission for the reasons set out in section 11.

Note: Having declared an interest in the above application Councillor Cox left the meeting during its consideration and took no part in the discussion or voting thereon.

H BH2013/02536 - Rock Clinic, 8 Western Street, Brighton - Full Planning

- (1) The Area Planning Manager, Nicola Hurley, gave a presentation by reference to photographs showing the site before and after completion of the works and elevational drawings and plans showing the pre-existing first floor rear elevation and proposed elevations
- (2) Retrospective Permission was sought for rebuilding of the rear first floor extension, replacement of first floor flat roof with additional overhang and replacement railings. It was considered that the proposed alterations preserved the character and appearance of the host property and the surrounding conservation area and would not significantly affect the amenity of any adjacent properties. Approval was therefore recommended.

Public Speaker(s) and Questions

- (3) Ms Diggins spoke as a neighbouring objector to the scheme stating that works had been commenced without her knowledge or permission and without the necessary party wall agreement being put into place. An area in contention was in her ownership, not the applicants, there had been significant damage to her property in addition to the overlooking, sense of enclosure and loss of amenity which had arisen.
- (4) Mr Withers, the applicant spoke in support of his application. He stated that he had sought to contact Ms Diggins regarding the proposed works and had supplied evidence that the area concerned was in his ownership. Unfortunately the matter had become a neighbour dispute and relations had become strained. The roof overhang which was disputed actually overhung his property, any alleged encroachment that had taken place had occurred on his property not that of the objector. The roof top area had been fitted with railings for the safety of clients attending the clinic and would not be used as a sitting out area.

Questions for Officers

- (5) Councillor Jones enquired regarding any discussions that had taken place between the applicant and neighbours and was advised by the applicant that he had provided documents indicating that the area in dispute was within his ownership.[]

- (6) Councillor Davey stated that he was confused as he was struggling to see why the issue had been brought before the Committee for determination and found it difficult to understand why permission was needed and what was being replaced.
- (7) The Area Planning Manager confirmed that there were no permitted development rights and that planning permission was required because the works represented additions to the existing structure.
- (8) Councillor Wells stated that as far as he could determine permission was being requested for an additional overhang to the building retrospectively, he considered this to be unsatisfactory as it appeared that the neighbours property was being encroached upon. The Area Planning Manager confirmed that having received a Certificate of Ownership from the applicants, the local planning authority were unable to pursue that issue further. The Legal Adviser to the Committee, Hilary Woodward confirmed that constituted a civil matter.

Debate and Decision Making Process

- (9) The Chair, Councillor Mac Cafferty, stated that a number of the issues cited were civil matters and did not fall within the remit of the Committee.
- (10) Councillor Hyde stated indicated the elements for which she considered planning permission was required and sought confirmation that conditions would be added to any permission granted in order to restrict use of the flat roof area. It was confirmed that this would be the case.
- (11) A vote was taken and of the 10 members present when the vote was taken planning permission was granted on a vote of 3 with 7 abstentions.

43.8 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

Note: Councillors Gilbey and Phillips were absent from the meeting when the vote was taken.

I BH2014/01009- Land rear of 308 Dyke Road, Brighton -Full Planning

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager gave a presentation detailing the proposed scheme by reference to photographs detailing the existing garages and access arrangements to the site and elevational drawings, sectional drawings and site plans. The Area Planning Manager explained that the application had been brought before the Committee for determination as the husband of one of the planning officers had submitted representations setting out objections to the scheme. The configuration of the proposed dwelling within the site and its amenity space was also shown. The

proposed development was considered inappropriate as the plot size was too small to adequately accommodate the proposed dwelling which would represent a cramped form of development and an overdevelopment of the site. The scheme would also form an overbearing presence in the garden and would detrimentally affect the amenity of the residents of the host property and neighbouring residents at 308 Dyke Road and the residents of 306 Dyke Road and 17, 19 & 21 Maldon Road. It was also considered that the proposal did not include an adequately sized amenity area for the proposed dwelling. Refusal was therefore recommended.

Public Speaker(s) and Questions

- (3) Mr Stern the applicant spoke in support of his application stating that following initial advice from a planning officer who had subsequently left the Council a different case officer appeared to have an opposite view regarding the suitability of the proposed form of development. Mr Stern cited letters of support from an immediate neighbouring property stating that the proposal represented an improvement to the existing unused garage block, an eyesore which had attracted graffiti. Safety and security of the site would be achieved by placing a residential dwelling on site which he would be living in as a family home. The L shaped amenity space had been configured to avoid any detriment to neighbouring dwellings and the property itself would have a green roof which would also lessen its impact.

Questions for Officers

- (4) Councillor Cox requested clarification of the advice provided to the applicant. The Area Planning Manager explained that from the outset the applicant had been advised that whilst planning officers (including the original case officer), had no objection in principle to development on the site the applicant had been made aware of their concerns regarding the proposed form of development which they contended represented cramped overdevelopment of the plot which would be detrimental to neighbouring amenity.
- (5) Councillor Davey referred to the visuals and contextual elevations which indicated the footprint of the proposed dwelling within the site. The Area Planning Manager confirmed that one of the main concerns of officers related to its close proximity to neighbouring boundaries which would give it an overbearing presence and would in their view result in a building which was too large for the site. The Deputy Development Control Manager confirmed that officers considered that there were strong reasons to refuse the application.

Debate and Decision Making Process

- (6) Councillor Jones stated that whilst the proposed dwelling would provide a liveable space ultimately he was in agreement that it would provide a very cramped form of development. He considered however that it was important for further dialogue to take place with the applicants to ensure that they had further clarity regarding what might constitute an acceptable development.
- (7) Councillor Hyde stated that she concurred with the officer recommendation and was in agreement that the proposal constituted over development of the site.

- (8) Councillor Cox stated that the proposal represented an innovative design solution, although he was unsure whether the site was sufficiently large to accommodate it.
- (9) Councillor Carden stated that he did not consider that the proposal would result in overdevelopment, there were far more cramped sites elsewhere in the city and he considered the proposal to be acceptable.
- (10) Councillor Littman stated that in his view there was a need to create new homes in the city and whilst he understood the reasons given for refusal he did not share them and considered the proposed scheme to be acceptable.
- (11) Councillor Davey concurred with Councillor Littman stating that he considered that the application should be approved. The neighbouring Victorian house had been converted into flats, probably not desirable in an ideal world, however, it was acceptable as was the proposed development.
- (12) Councillor Mac Cafferty, the Chair stated that whilst acknowledging that there was a housing crisis and a demand for more properties to be built there was also a need to protect the amenity of existing. Development on the site was acceptable but he was in agreement that the current scheme sought to put too much onto the site and therefore represented over development.
- (13) A vote was taken and of the 10 Members present when the vote was taken planning permission was granted on a vote of 5 to 4 with 1 abstention. As this was contrary to the Officer recommendation a recorded vote was taken and the results of this are set out below.

43.9 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 of the report but resolved nonetheless to **GRANT** planning permission on the grounds that the proposed development was of an attractive and innovative design, was not overbearing and provided sufficient outdoor space. It was agreed that it would be delegated to Officers to attach Conditions and Informatives to be met and to issue the Decision Notice.

The Decision Notice was subsequently issued containing the following Conditions and Informatives:

Conditions and Informatives:

- i) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. **Reason:** To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- ii) The development hereby permitted shall be carried out in accordance with the approved drawings listed below. **Reason:** For the avoidance of doubt and in the interests of proper planning.

Plan Type	Reference	Version	Date Received
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Block & Site Location Plan	TA749/01		31 st March 2014
Existing ZARA Survey	TA749/02		31 st March 2014
Existing Elevations	TA749/03		31 st March 2014
Existing Sections AA & BB	TA749/04		31 st March 2014
Proposed Site Plan	TA749/10	B	31 st March 2014
Proposed Floor Plans	TA749/11	C	31 st March 2014
Proposed Contextual Elevations	TA479/12	B	31 st March 2014
Proposed Front Elevations & Section BB	TA749/13	A	31 st March 2014
Proposed Side Elevation & Section AA	TA749/14	B	31 st March 2014
Proposed Side Elevation & rear Elevation	TA749/15	B	31 st March 2014

- iii) No extension, enlargement, alteration or provision within the curtilage of the of the dwellinghouse as provided for within Schedule 2, Part 1, Classes A - E of the Town and Country Planning (General Permitted Development) Order 1995, as amended (or any order revoking and re-enacting that Order with or without modification) other than that expressly authorised by this permission shall be carried out without planning permission obtained from the Local Planning Authority. **Reason:** The Local Planning Authority considers that further development could cause detriment to the amenities of the occupiers of nearby properties and to the character of the area and for this reason would wish to control any future development to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- iv) Access to the flat roofs of the development hereby approved shall be for maintenance or emergency purposes only and the flat roofs shall not be used as a roof garden, terrace, patio or similar amenity area. **Reason:** In order to protect adjoining properties from overlooking and noise disturbance and to comply with policies QD14 and QD27 of the Brighton & Hove Local Plan.
- v) No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation facing a highway. **Reason:** To safeguard the appearance of the building and the visual amenities of the locality and to comply with policies QD1 and QD27 of the Brighton & Hove Local Plan.
- vi) No development shall commence until full details of existing and proposed ground levels (referenced as Ordnance Datum) within the site and on land adjoining the site by means of spot heights and cross-sections, proposed siting and finished floor levels of all buildings and structures, have been submitted to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved level details. **Reason:** To safeguard the amenities of nearby properties and to safeguard the character and appearance of the area, in addition to comply with policies QD2 and QD27 of the Brighton and Hove Local Plan.

- vii) No development shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. **Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.
- viii) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for landscaping, which shall include hard surfacing, boundary treatments, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection in the course of development. **Reason:** To enhance the appearance of the development in the interest of the visual and residential amenities of the area and to comply with policies QD1, QD15 and QD27 of the Brighton & Hove Local Plan.
- ix) All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. All hard landscaping and means of enclosure shall be completed before the development is occupied. **Reason:** To enhance the appearance of the development in the interest of the visual amenities of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.
- x) The new dwellings hereby permitted shall be constructed to Lifetime Homes standards prior to their first occupation and shall be retained as such thereafter. **Reason:** To ensure satisfactory provision of homes for people with disabilities and to meet the changing needs of households and to comply with policy HO13 of the Brighton & Hove Local Plan.
- xi) If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall be carried out as approved and in accordance with the approved programme. **Reason:** To safeguard the health of future residents or occupiers of the site and to comply with policy SU11 of the Brighton & Hove Local Plan.
- xii) The vehicle parking area shown on the approved plans shall not be used otherwise than for the parking of private motor vehicles and motorcycles belonging to the occupants of and visitors to the development hereby approved.

Reason: To ensure that adequate parking provision is retained and to comply with policy TR19 of the Brighton & Hove Local Plan.

- xiii) The development hereby permitted shall not be commenced until details of secure cycle parking facilities for the occupants of, and visitors to, the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be fully implemented and made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for use at all times. **Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.
- xiv) Unless otherwise agreed in writing by the Local Planning Authority, no residential development shall commence until a Design Stage/Interim Code for Sustainable Homes Certificate demonstrating that the development achieves a Code for Sustainable Homes rating of Code level 3 as a minimum for all residential units has been submitted to, and approved in writing by, the Local Planning Authority. A completed pre-assessment estimator will not be acceptable. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- xv) Unless otherwise agreed in writing by the Local Planning Authority, none of the residential units hereby approved shall be occupied until a Final/Post Construction Code Certificate issued by an accreditation body confirming that each residential unit built has achieved a Code for Sustainable Homes rating of Code level 3 as a minimum has been submitted to, and approved in writing by, the Local Planning Authority. **Reason:** To ensure that the development is sustainable and makes efficient use of energy, water and materials and to comply with policy SU2 of the Brighton & Hove Local Plan and Supplementary Planning Document SPD08 Sustainable Building Design.
- xvi) No development shall take place until a written Waste Minimisation Statement, in accordance with Supplementary Planning Document 03: Construction and Demolition Waste, confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details. **Reason:** To ensure that the development would include the re-use of limited resources, to ensure that the amount of waste to landfill is reduced and to comply with policies WMP3d of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Local Plan 2013 and SU13 of the Brighton & Hove Local Plan and Supplementary Planning Document 03 Construction and Demolition Waste.
- xvii) The hard surface hereby approved shall be made of porous materials and retained thereafter or provision shall be made and retained thereafter to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. **Reason:** To reduce the risk of flooding and

pollution and increase the level of sustainability of the development and to comply with policy SU4 of the Brighton & Hove Local Plan.

- xviii) No development shall take place until details of the construction of the green roofs have been submitted to and approved in writing by the Local Planning Authority. The details shall include a cross section, construction method statement, the seed mix, and a maintenance and irrigation programme. The roofs shall then be constructed in accordance with the approved details and shall be retained as such thereafter. **Reason:** To ensure that the development contributes to ecological enhancement on the site and in accordance with policy QD17 of the Brighton & Hove Local Plan.
- xix) No development shall take place until a scheme for the storage of refuse and recycling has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in full as approved prior to first occupation of the development and the refuse and recycling storage facilities shall thereafter be retained for use at all times. **Reason:** To ensure the provision of satisfactory facilities for the storage of refuse and to comply with policy QD27 of the Brighton & Hove Local Plan.

Informatives:

- i) The applicant is advised that details of Lifetime Homes standards can be found in Planning Advice Note PAN 03 Accessible Housing & Lifetime Homes, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
- ii) The applicant is advised that details of the Code for Sustainable Homes can be found on the Planning Portal (www.planningportal.gov.uk), on the Department for Communities and Local Government website (www.communities.gov.uk) and in Supplementary Planning Document SPD08 Sustainable Building Design, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk). Accreditation bodies at March 2010 include BRE and STROMA; other bodies may become licensed in future.
- iii) The applicant is advised that details of the Council's requirements for Waste Minimisation Statements can be found in Supplementary Planning Document SPD03 Construction and Demolition Waste, which can be accessed on the Brighton & Hove City Council website (www.brighton-hove.gov.uk).
- iv) The applicant is advised that advice regarding permeable and porous hard surfaces can be found in the Department of Communities and Local Government document 'Guidance on the permeable surfacing of front gardens' which can be accessed on the DCLG website (www.communities.gov.uk).
- v) 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.

This decision to grant Planning Permission has been taken:

- i) having regard to the policies and proposals in the National Planning Policy Framework and the Development Plan, including Supplementary Planning Guidance and Supplementary Planning Documents:(Please see section 7 of the report for the full list); and
- ii) for the following reasons:-
The proposed development was of an attractive and innovative design, was not overbearing and provided sufficient outdoor space.

Note 1: Councillor Carden proposed that planning permission be granted on the grounds set out above. This was seconded by Councillor Davey. A vote was taken and the 10 Members present when the vote was taken voted that planning permission be granted on a vote of 5 to 4 with 1 abstention. Councillor Carden then proposed that planning be granted on the grounds set out above. This was seconded by Councillor Davey. A recorded vote was then taken and Councillors Carden, Davey, Hamilton, Littman and Wells voted that planning permission be granted. Councillors Mac Cafferty (Chair), Jones, Hyde and Norman voted that planning permission be refused. Councillor Cox abstained.

Note 2: A Councillors Gilbey and Phillips were not present when the vote was taken.

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

44.1 **RESOLVED** – There were none.

45 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

46.1 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.]

47 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

48 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

49 APPEAL DECISIONS

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

The meeting concluded at 6.55pm

Signed

Chair

Dated this

day of