

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 15 MAY 2013**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hawtree (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Davey, Gilbey, Hamilton, Mac Cafferty, K Norman, C Theobald and Wells

**Co-opted Members:** Mrs Selma Montford (Conservation Advisory Group)

**Officers in attendance:** Jeanette Walsh (Head of Development Control) Zachery Ellwood (Planning Manager), Anthony Foster (Senior Planning Officer), Liz Arnold (Senior Planning Officer), Pete Tolson (Principal Transport Planning Officer), Steven Shaw (Principal Transport Planning Officer), Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

**PART ONE**

**199. PROCEDURAL BUSINESS**

**199a Declarations of substitutes**

199.1 Councillor K Norman was present in substitution for Councillor Cobb. Mrs Selma Montford was present in substitution for Jim Gowans (Conservation Advisory Group). It was noted that Councillor Phillips had given her apologies but had been unable to send a substitute, therefore there were 11 Members present at the meeting.

**199b Declarations of interests**

199.2 Councillor Wells declared a personal and non prejudicial interest in applications BH2012/03806 and BH2012/04087, 33 Mighell Street and 70a Carlton Hill, Brighton. He explained that the architect was known to him as the architect had carried out work for him. He confirmed in response to questions by the legal adviser to the Committee that he had not determined the application and that he remained of a neutral mind, he would therefore remain present at the meeting during consideration and determination of the application.

**199c Exclusion of the Press and Public**

199.3 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.

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

**200. MINUTES OF THE PREVIOUS MEETING**

200.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 24 April 2013 as a correct record.

**201. CHAIR'S COMMUNICATIONS**

201.1 There were none.

**202. PUBLIC QUESTIONS**

202.1 There were none.

**203. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

203.1 **RESOLVED** – There were none.

**204. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**Major Applications**

**A. BH2013/00197-Richmond House, Richmond Road, Brighton -Full Planning Permission**

Demolition of existing 2no storey building and construction of 1no three storey building and 1no five storey building providing 144 rooms of student accommodation, with associated ancillary space, 186 cycle spaces, removal of existing trees, landscaping and other associated works.

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

**Introduction from Officer(s)**

(2) The Senior Planning Officer, Mrs Arnold gave a detailed presentation detailing the constituent elements of the scheme by reference to site plans, block plans, photographs and elevational drawings making referring to Buildings 1 and 2, also indicating the location of 3 parking spaces proposed between the buildings at the Richmond Road/D'Aubigny Road level. It was considered that the applicant had failed to demonstrate that the existing office building was no longer viable and was genuinely redundant. The proposal for purpose built student accommodation on a site which was identified as having potential for housing provision in the Council's Strategic Housing Land Availability Assessment, would compromise the Council's ability to meet its

housing targets, and would set an unwelcome precedent for the approval of student accommodation on other comparable sites across the city in the future. For these reasons the proposed development was considered to be unacceptable in principle. The proposed development would be an over-development of the site and by virtue of its design; scale, bulk and massing would have a harmful impact upon the visual amenities of the D'Aubigny Road and Richmond Road streetscenes and the wider area including the Round Hill Conservation Area and longer views into the Conservation Area. It was also considered that the applicant had failed to demonstrate that the development would adequately address issues of sustainability, refuse/recycling storage and protect the amenities of the neighbouring properties with regards to increased noise and disturbance, levels of daylight/sunlight received and overshadowing and it would give rise to perceived and actual overlooking, particularly in respect of the neighbouring property to the north. It would not provide an acceptable standard of accommodation for future occupiers and was therefore recommended for refusal.

- (3) It was noted that the additional representations received had been set out in the circulated "Late Representations List".

### **Public Speakers and Questions**

- (4) Mr King spoke on behalf of neighbouring objectors stating that they considered that the proposed application was wholly inappropriate as it would result in a form of development at variance with the adjacent conservation area and neighbouring residential dwellings. It would give to rise to potential noise disturbance would be overbearing and would result in overlooking and loss of amenity and represented over development of the site and should therefore be refused.
- (5) Mr Burgess spoke on behalf of the applicants in support of their application accompanied by the applicant Mr Lambor who would be able to answer any technical questions should there be any. Mr Burgess stated that the applicants had requested consideration of the application be deferred. Confirmation had been received that Kaplan International colleges supported the application and it was therefore considered that the requirements of Draft Policy CP21 (6) could now be complied with. They considered that to state there were no significant unresolved objections to this policy was incorrect as the applicant and other parties had submitted objections to this policy and the policy was likely to be reviewed as part of the public examination. The applicants were also of the view that forthcoming permitted development rights would allow Richmond House to be converted to residential use without the need for planning consent. As such, the B1 office use could be lost in any event. The applicants had sought to devise an acceptable scheme in response to an identified need.
- (6) The Head of Development Control, Mrs Walsh explained that the view had been taken that the application was ready to be determined and that it should be. No new material planning considerations had been raised which would lead to an alternative recommendation. The decision had therefore been taken to proceed with determination of the application.
- (7) Councillor Davey stated that he was aware that the building had been in use for employment until relatively recently. He believed that the building had also been in a

good state of repair. He enquired of the applicant the date at which that use had ceased and sought confirmation regarding any measures taken to market the site for office use. The applicant explained that during the period the premises had been marketed it had generated little interest; the last tenant had left some six months earlier.

### Questions to Officers

- (8) Councillor Mrs C Theobald sought clarification regarding the level of amenity space to be provided and regarding arrangements for the storage and collection of refuse and recycling, in her view these appeared to be inadequate.
- (9) Councillors Hyde and K Norman enquired regarding the content of a management plan for the site. The Head of Development Control explained that the content of any management plan had not been discussed in depth with the applicants as the application was recommended for refusal in principle as it ran contrary to planning policy.

### Debate and Decision Making Process

- (10) Councillor Jones stated that whilst he had no objection to sites being considered for student accommodation where it was appropriate he was in agreement that it was inappropriate at this location and concurred with the recommended reasons for refusal.
- (11) Councillor Mrs C Theobald stated that the form of development proposed would be overly prominent in the neighbouring street scene on which it would have a negative impact by virtue of its hillside location. It represented overdevelopment of the site and should be refused.
- (12) Councillor Mac Cafferty considered that the applicant had not demonstrated that the site was redundant for office use or that it had been adequately marketed. He considered that the site would be ideal for use by small start up companies.
- (13) Councillor Davey was in agreement considering that use of the existing building had not been explored extensively.
- (14) A vote was taken and the 11 Members present at the meeting voted unanimously that planning permission be refused.

204.1 **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 of the report and resolves to **REFUSE** planning permission for the reasons set out below:

1. The proposed purpose built student accommodation is not supported by one of the City's two Universities or other existing educational establishments within Brighton & Hove. The proposal would have an unacceptable impact on residential amenity in the surrounding area, especially with regards to increased noise and disturbance as a result of the applicant failing to submit a management plan specific to the site. In addition part of the proposed development would occupy a site which is identified as having potential for housing provision in the Council's Strategic Housing Land

Availability Assessment, and would therefore compromise the Council's ability to meet its housing need and set an unwelcome precedent for the approval of student accommodation on other housing sites across the City in the future. For these reasons the proposed development is contrary to the National Planning Policy Framework, policy QD27 of the Brighton & Hove Local Plan and policies CP1 and CP21 of the Brighton & Hove City Plan Part One.

2. The proposed development, by virtue of its design, finish materials, excessive bulk, scale and massing would be an over-development of the site, which would relate poorly to the terraced properties in D'Aubigny Road and Richmond Road, causing a harmful impact upon the visual amenities of the Richmond Road/D'Aubigny Road streetscenes and the wider area including the Round Hill Conservation Area and would fail to emphasis and enhance the positive qualities of the neighbourhood. The mass, scale and bulk of the development is substantially larger than the existing office building and would appear out of scale and overly prominent in views out of the Round Hill Conservation Area. The height of Building 1 fails to reflect the change in ground level across the site and fails to have a direct relationship with D'Aubigny Road/Richmond Road, a characteristic of the Conservation Area. In addition the actual/visual loss of the existing embankment would result in the erosion of the distinct barrier between the Conservation Area and the less cohesive streetscape located to the north of the site, which would have a harmful impact upon the distinctive layout and predominance of green space of the area seen in longer views. The proposal is therefore contrary to development plan policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.
3. The applicant has failed to demonstrate that the existing B1 office use is no longer viable and genuinely redundant by failing to market the ground floor/entire building on competitive terms for a period of at least twelve months. In the absence of such evidence, the proposal would involve the unacceptable loss of employment generating floorspace. As such the proposal is contrary to policies EM3 and EM5 of the Brighton & Hove Local Plan and policy CP3 of the Brighton & Hove City Plan Part One.
4. The applicant has failed to demonstrate that the proposed development would not have a significant impact upon the amenities of the new development located to the north of the site, between Hollingdean Road and Sainsbury's Service road, with regards to received levels of daylight/sunlight and over-shadowing. The proposed massing, scale and bulk of Building 1 is considered to result in an unneighbourly form of development which is considered likely to have an adverse effect on the amenities of the neighbouring northern development by way of loss of daylight/sunlight, especially in respect of the single aspect flats. The proposal is also considered to give rise to adverse actual and perceived loss of privacy and overlooking to windows, balconies and terraced area on the southern elevation of this neighbouring property. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan and CP21 of the Brighton & Hove City Plan Part One.
5. Insufficient information has been provided with regards to the use of secondary entrance of Building 1 onto Richmond Road and the use of the Courtyard area and as such the applicant has failed to demonstrate that the proposed development would not have a significant adverse upon the amenities of occupiers of the

neighbouring properties and future occupiers of the development, with regards to noise and disturbance. As such the proposal is contrary to policies SU9, SU10 and QD27 of the Brighton & Hove Local Plan and policy CP21 of the Brighton & Hove City Plan Part One.

6. The south facing accommodation within Building 1, at first floor level, would be provided with poor levels of daylight/sunlight and oppressive outlook resulting in a sense of enclosure. As such the proposal would provide a poor standard of accommodation harmful to the amenity of future occupiers. As such the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
7. The proposed development would not provide a level of sustainability which would adequately address the requirements of policy SU2 of the Brighton & Hove Local Plan and the guidance set out in SPD08 'Sustainable Building Design'. Furthermore sufficient justification has not been provided to demonstrate that the level of sustainability recommended in SPD08 could not reasonably be met. The proposal is therefore contrary to policy SU2 of the Brighton & Hove Local Plan and SPD08 on 'Sustainable Building Design'.
8. The applicant has failed to demonstrate that adequate refuse and recycling provision would be provided. The proposed refuse store is not large enough for a development of the size proposed based on a weekly collection by the Council. No details of private refuse and recycling collections have been submitted as part of the application. Failure to provide adequate refuse and recycling facilities would have a harmful impact upon the amenities of future occupiers of the development and neighbouring properties As such the proposal is contrary to policies SU9 and QD27 of the Brighton & Hove Local Plan and PAN 05 on Design Guidance for the Storage and Collection of Recyclable Materials and Waste.

Informatives:

1. 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.

2. This decision is based on the drawings listed below:

**Plan Type Reference Version Date Received**

Site and Block Plan 0565 F0-001 P2 8<sup>th</sup> February 2013

Proposed Site and Block Plan 0565 D0-001 P1 23<sup>rd</sup> January 2013

Existing Floor Plans 0565-F0-100 P1 23<sup>rd</sup> January 2013

Existing Elevations 0565-F0-101 P1 23<sup>rd</sup> January 2013

Topographical Survey 0565-F0-102 P1 23<sup>rd</sup> January 2013

Proposed Level 00 – Hughes Road Level 0565 D0-100 P1 23<sup>rd</sup> January 2013

Proposed Level 01 0565 D0-101 P1 23<sup>rd</sup> January 2013

Proposed Level 02 –

Richmond Road Level 0565 D0-102 P1 23<sup>rd</sup> January 2013

Proposed Level 03 0565 D0-103 P1 23<sup>rd</sup> January 2013

Proposed Level 04 0565 D0-104 P1 23<sup>rd</sup> January 2013

Proposed Roof Plan 0565 D0-105 P1 23<sup>rd</sup> January 2013

Proposed Elevations 0565 D0-200 P1 23<sup>rd</sup> January 2013  
Proposed Elevations and Sections 0565 D0-201 P1 23<sup>rd</sup> January 2013  
Proposed Elevations and Sections 0565 D0-202 P1 23<sup>rd</sup> January 2013  
Proposed Elevations (Building 2) 0565 D0-203 P1 23<sup>rd</sup> January 2013  
Proposed Bay Detail 0565 D0-204 P2 8<sup>th</sup> February 2013

**B. BH2012/03364 -1 Manor Road, Brighton - Full Planning Permission**

Demolition of existing chapel, garages and extensions to Villa Maria and St Augustine's buildings. Change of use from convent boarding house (Sui generis) and refurbishment of existing buildings Villa Maria and St Augustine's to provide 16no. flats. Erection of 6no. new buildings ranging from 2no. to 3no. storeys providing 22no. houses and 8no. flats. A total of 46no. Dwellings to be created with associated car and cycle parking, landscaping and other works including ecological enhancements.

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

**Introduction from Officer(s)**

- (2) The Senior Planning Officer, Mr Foster gave a detailed presentation based on the report detailing the proposals and treatment of the retained on site buildings and those to be demolished by reference to photographs plans elevational drawings and block plans of each of the constituent buildings. Views across the site from the north east corner, Manor Road, Bristol Gardens from Bristol Mews to the East, Prince Regent Close and from Robin Dene were also shown. Details of a further representation received were given and details of the including the Officer's response to it were set out in the circulated "Late Representations List."
- (3) The application proposed a total of 46 residential units of which 18 would be affordable units. The design sought to respect the existing locally listed buildings and was of a scale and form in keeping with the other buildings on site whilst featuring modern design details, and with siting that followed the pattern and layout of adjoining residential development, it was considered acceptable and that it would not have a detrimental impact on visual amenity. The proposal would achieve a high level of sustainability, achieving Level 4 of the Code for Sustainable Homes, and the development would also have no adverse impact on the highway, minded to grant approval was therefore recommended. A condition to ensure the development attained "Lifetime Homes Standard" would in secured by condition should planning permission be granted.

**Public Speakers and Questions**

- (4) Mr Roberts spoke on behalf of neighbouring objectors setting out their objections to the scheme stating that whilst they no objections to provision of housing on site they considered that there were inaccuracies in the submitted drawings, which meant that the site lines as indicated were not reliable. The resulting development would therefore result in an over development built as it was up to the existing walls, this destroying the existing vista of the Kemptown Conservation Area. It would give rise to overlooking and noise for neighbouring residents and would also have a detrimental impact on wildlife.

- (5) Councillor Gill Mitchell spoke in her capacity as a Local Ward Councillor setting out her objections to the scheme and re-iterating those of local residents. Councillor Mitchell considered that the development would have an adverse impact on the residential amenity of neighbours by reason of overlooking, significant loss of privacy and overshadowing. The development was considered to be of an unacceptably high density and would have a negative visual impact. It was also considered that the number of trees to be lost as a result of the on site works was regrettable. The highway arrangements needed to be seen in the context of the area as a whole. The junction of Church Road/Bristol Gardens was considered to be dangerous, the proposed entrance/exit onto Bristol Gardens sited near to that junction would add to road safety concerns.
- (6) Mr Wojulewski spoke on behalf of the applicants in support of their application. He explained that the applicants had spent a lot of time trying to get the scheme "right" and been in discussions for some time in order to address the concerns raised by neighbouring residents in respect of density and potential overlooking among other matters. The density of the scheme had been reduced and a high quality scheme which would provide a mixture of housing including 3 fully accessible dwellings would result. The scheme sought to sympathetically preserve those buildings which were to be retained on site in the context of the new buildings. The affordable housing would be under the stewardship of a well respected housing provider.

#### **Questions to Officers**

- (7) Councillor Mrs C Theobald sought clarification regarding the location of the Juliette balconies to some of the dwellings as she had some concerns that these could result in overlooking.
- (8) Councillor Hyde referred to the location of some of the windows facing towards neighbouring properties seeking confirmation as to whether these would be located below the level of the boundary wall. It was confirmed that they would not although they be located at 4 metres distance from it.
- (9) Councillor K Norman sought more details regarding the number and species of trees to be removed from the site during in consequence of the development, how many would fall within the proposed building envelope and details of the number that would be replaced, also whether they would be like for like e.g., a sycamore with a sycamore. He considered this was important in view of the level of screening provided by different trees.
- (10) Councillor Mac Cafferty referred to the proposed informative intended to protect the biodiversity of the site. It was agreed that this would be attached to any decision notice.
- (11) Councillor Gilbey sought clarification of the distance between properties to be built in the north east corner of the site and those outside the development site in neighbouring Robin Dene, in particular the proximity of windows to the side elevation.
- (12) Councillor Davey referred to the transport concerns raised by residents and by Councillor Mitchell seeking confirmation of any measures to be put into place to



address or mitigate against them. In answer to questions by the Chair, Councillor Hawtree it was confirmed that it was proposed to bring a 20mph speed limit into force within the area.

- (13) Councillor Hamilton referred to Block C, the Villa Maria building with blocks B1 and B2, it was explained that these would be joined and would be seen as a side elevation to the villa itself.
- (14) Councillor Mrs C Theobald referred to the Chapel building enquiring whether it had ever been used for public worship or had been open to the public. It was confirmed that the building had been used primarily by nuns attached to the convent on site.

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

- (15) Councillor Wells stated that he considered that the problems of potential overlooking from the site had been addressed. A “green lung” had been retained within the site and the development had been well designed and he supported the scheme.
- (16) Councillor Gilbey stated that whilst she welcomed the proposed use of the site she felt unable to support it due to the close proximity of some of the buildings to the perimeter wall which she considered would result in overlooking and loss of amenity to the existing neighbouring dwellings.
- (17) Councillor Jones stated that he considered that there was a disjoint between the number of buildings proposed on site and the possible impact this could have in terms of overlooking.
- (18) Councillor Mrs C Theobald also expressed concern that she did not consider that issues of potential overlooking had been fully addressed.
- (19) Councillor K Norman stated that he had some concerns regarding removal of trees from the site and protection of the remaining on site trees during the construction process. His preference would have been for development of a lower density.
- (20) Councillor Davey supported the scheme which he considered to be well thought out, it respected the listed buildings on site and would enhance the area.
- (21) Councillor Mac Cafferty stated on balance he considered that the measures taken to mitigate against any negative impact from the scheme had been addressed.
- (22) Councillor Hyde requested that an additional condition be added to secure protection in respect of ensuring that trees were replaced with mature specimens which would provide greening and screening to the site more rapidly than saplings.
- (23) A vote was taken and of the 11 Members present at the meeting minded to grant planning permission was given on a vote of 5 to 4 with 2 abstentions.

204.2 **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 and resolves it is **MINDED TO GRANT** planning permission subject to the

completion of a s106 Agreement and to the Conditions and Informatives also set out in section 11 of the report and to the additional condition and the additional informative set out below:

Additional Condition:

A minimum of 33% of the trees proposed as part of the landscape plan as required by Condition 13 shall be Extra Heavy Standard (14 - 16cm girth/rootball)

**Reason:** To enhance the appearance of the development in the interest of the visual amenity of the area and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

Additional Informative:

The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981, disturbance to nesting birds must not occur and they must accord with the requirements of the Habitat Regulations with regard to bats which are protected under both from disturbance, damage or destroying a bat roost.

**C. BH2013/00254 - Land to South of 32 Cambridge Grove, Hove-Full Planning Permission**

**Minor Applications**

Erection of 1 no. 3 bedroom dwelling.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting. Also, that no further public speaking would be permitted as the decision to defer the application for a site visit had been taken following submissions by speakers at the Committee's previous meeting.

**Introduction from Officers**

- (2) The Planning Manager, Mr Ellwood gave a presentation detailing the constituent elements of the scheme in relation to the neighbouring buildings by reference to photographs showing views across the site, the site plan and elevational drawings showing the site in the context of the neighbouring listed buildings in Cromwell Road and properties in the The Drive.
- (3) It was considered that the development would result in a harmful loss of openness between the listed buildings fronting Cromwell Road and the mews buildings at the rear, to the detriment of the prevailing character and appearance of the Willett Estate Conservation Area and that it would fail to respect or enhance the local neighbourhood and would be detrimental to the amenity of adjoining properties. It would also fail to meet an acceptable level of sustainability, Level 3 had been indicated by the applicants, whereas the Council would require Level 5 to be attained, the application was therefore recommended for refusal.

**Questions of Officers and Decision Making Process**

- (4) In answer to questions the Planning Manager explained that no details had been obtained in respect of the proposed green wall and how it would be planted and maintained.

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

- (5) Councillor Mac Cafferty sought clarification that Cambridge Grove opened onto the Drive. It was confirmed that the Deputy Development Control Manager had been able to confirm that this was the case following a recent site visit he had made. Councillor Mac Cafferty stated that in his view the locality was already enclosed, he did not consider therefore that the proposed development would have the impact on visual amenity indicated.
- (6) The Chair, Councillor Hawtree stated that it had been beneficial to carry out a site visit as it had enabled Members to view the site from the rear in the context of the rear of the neighbouring buildings, particularly those in Cromwell Road which were listed and had retained their original architectural form.
- (7) A vote was taken and of the 11 Members present at the meeting planning permission was refused on a vote of 10 to 1.

204.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out section 11 of the report and the policies and guidance in section 7 and resolves to **REFUSE** planning permission for the reasons set out below.

### **D. BH2012/04086 -33 Mighell Street & 70a Carlton Hill, Brighton - Full Planning Permission**

Demolition of existing garage and flint wall. Rebuilding of flint wall and construction of new part five and part four floor storey building comprising of office space on the lower ground floor and part of ground floor and 9no flats on the ground, first, second and third floors and associated works.

### **Introduction from Officer(s)**

- (1) The Planning Manager, Mr Ellwood detailed the proposed scheme by reference to site plans, block plans, photographs and photomontages showing the application site in relation to Mighell Street, Carlton Hill and in longer views and detailing the constituent elements of the proposed scheme. It was noted that revised drawings had been received; removing balconies from the south elevation and that two additional conditions had been set out in the "Late Representations List" to reflect these changes. It was considered that the development would make efficient and effective use of land within the built up area which would not be detrimental to the character and appearance of the surrounding area, the Clifton Hill Conservation Area or the setting of the adjoining listed buildings, or have a negative impact on the amenity of the occupiers of adjoining properties, nor create a harmful demand for travel, subject to the applicants entering into a Section 106 obligation.

### **Questions of Officers**

- (2) Councillor Mrs C Theobald enquired whether the pedestrian footway which ran alongside the flint perimeter wall (which was to be retained), had been removed. It was confirmed that it had not and was to remain in situ. In answer to questions of Councillor Wells it was confirmed it was not proposed to narrow the footway.
- (3) Councillor MacCafferty referred to compliance with SPD04 as set out in paragraph 8.4 of the report seeking confirmation that this SPD was relevant and had not as yet, been replaced by a subsequent SPD which had been the subject of recent consultation. It was confirmed that the replacement SPD had yet to come into effect.

**Debate and Decision Making Process**

- (4) Councillor Mrs C Theobald stated that whilst she would have preferred that the proposed development was set further back from the retained flint wall, the proposed development would none the less represent a significant improvement to those currently located on site, she therefore supported approval of the application.
- (5) A vote was taken and the 11 Members present at the meeting voted unanimously that they were minded to grant planning permission subject to completion of a S 106 Agreement and to the Conditions and Informatives set out.

**204.4 RESOLVED** – That the Committee has taken into account 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 it is **MINDED TO GRANT** planning subject to the completion of a S106 Agreement and the Conditions and Informatives set out in Section 11 of the report and the additional conditions as set out in the late list which appear below

1. Additional condition to be added:

No development shall take place until detailed drawings showing the levels of the site and proposed development related to the levels of adjoining land and highways to OS Datum have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in strict accordance with the agreed details.

**Reason:** In order to ensure the accuracy of the development and to comply with policy QD1, QD27 and HE6 of the Brighton & Hove Local Plan.

2. 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.

Location plan	No number		24/12/12
Block plan	1201/01		24/12/12
Existing site plan	1201/02		24/12/12
Existing elevations	1201/03		24/12/12
Existing elevations	1201/04		24/12/12
Lower ground floor	1201/05	A	10/02/13
Ground floor plan	1201/06	A	10/02/13
First floor plan	1201/07	B	13/05/13

Second floor plan	1201/08	A	10/02/13
Third floor plan	1201/09	A	10/02/13
Proposed elevations	1201/10	C	13/05/13
Proposed elevations	1201/11	A	13/05/13
Contextual elevations	1201/12	B	13/05/13
Contextual elevations	1201/13	A	13/05/13
Proposed elevations street view	1201/14	C	13/05/13
Entrance details	1201/05	A	27/02/13

**E. BH2012/04087 - 33 Mighell Street & 70a Carlton Hill, Brighton - Conservation Area Consent**

- (1) A vote was taken and the 11 Members present at the meeting voted unanimously that conservation area consent be granted.

204.5 **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 to **GRANT** conservation area consent subject to the Conditions and Informatives set out in section 11 of the report.

**F. BH2013/00139 -Land to Rear of 67-81 Princes Road, Brighton - Full Planning Permission**

Construction of 6no. three storey, 2no bedroom terraced houses with pitched roofs and solar panels. Provision of private and communal gardens, waste and refuse facilities and cycle store with associated on street car parking. Erection of a street level lift and gatehouse.

**Introduction by Officers**

- (1) The Senior Planning Officer, Mr Puplett gave a presentation detailing the application by reference to site plans, aerial views of the site and block plans and floor plans setting out the constituent elements of the development. He referred to the additional representations and corrections set out in the "Late representations List. In total 156 letters of objection had been received. It was noted that a number of planning applications had been made in respect of the site over recent years and that the current application sought to address the previous reasons for refusal. Since consideration of the previous application the Controlled Parking Zone (CPZ) had been extended into the area where the site was located, and as this did not of itself resolve issues of localised parking pressures it was considered essential that a planning condition be applied to secure the development car-free.
- (2) The Senior Planning Officer also drew the Committees' attention that since the previous application had been submitted some trees had been felled along the boundary of the site. It was recommended therefore that replacement tree planting be secured by planning condition as part of a landscaping scheme. Overall it was considered that the scheme was of an acceptable design which would not harm the character and appearance of the conservation area as it included ecological and landscape enhancements, nor would it cause demonstrable harm to the residential

amenity of neighbouring dwellings. Previous concerns relating to travel demands were considered to have been satisfactorily addressed and had been covered by an appropriately worded condition, minded to grant approval was therefore recommended subject to completion of a Section 106 Obligation and the conditions and informatives set out in the report.

### Questions of Officers

- (3) Councillor Davey sought details regarding the trees which had been removed. The Senior Planning Officer explained that it had not been established who had removed the trees, however stringent measures would be put into place to secure protection of the remaining on-site trees during the construction process, and full details of the proposed landscaping scheme were also required to be submitted to the Council for approval.
- (4) Councillor Gilbey sought clarification of the arrangements which would be put into place in respect of the collection of refuse and recycling from the site and it was confirmed that this would have to be taken up to neighbouring street level in order for kerb side collection to take place on the appropriate collection day. Councillor Gilbey also referred to the objections which had been raised in relation to access arrangements to the site by emergency services and to the need for a sprinkler system would be required. The Senior Planning Officer explained that this was not a planning consideration but would need to be met at the Building Regulations Stage.

### Debate and Decision Making Process

- (5) Councillor Davey stated that he had voted that the application be refused on previous occasions and remained of the view that the proposed development was inappropriate. He did not consider that the Inspector's grounds for upholding the earlier refusal had been overcome in terms of addressing the traffic demands it created, nor did he consider that it represented an acceptable form of development bearing in mind its close proximity to the railway line and Waste Transfer Station, both of which gave rise to noise and odour and would provide a poor standard of amenity for any future residents, he would therefore be voting against the application.
- (6) Councillor Hyde stated that she hoped it would be possible to stipulate that some of the trees to be provided would be fruit trees and also requested that an informative be added to seek to protect birds and other wildlife on the site.
- (7) A vote was taken and of the 10 Members present when the vote was taken minded to grant planning permission was given on a vote of 8 with 1 vote against and 1 abstention.

**204.6 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 set out in section 7 of the report and resolves that it is **MINDED TO GRANT** planning permission subject to the completion of a Section 106 Agreement and the Conditions and Informatives set out in section 11 of the report and to the additional informative set out below:

Additional Informative:

The applicant is advised that under Part 1 of the Wildlife and Countryside Act 1981, disturbance of nesting birds must not occur and they must accord with the requirements of the Habitat Regulations with regard to bats, which are protected under both from disturbance, damage or destroying a bat roost.

**Note:** Councillor Mac Cafferty was absent when the debate and decision making took place.

**G. BH2013/00683 - Sandringham Lodge, 23 Palmeira Avenue, Hove - Full Planning Permission**

Formation of additional level comprising of 2 no three bedroom penthouse flats incorporating roof gardens and delegated car parking.

**Introduction by Officers**

- (1) The Planning Manager, Mr Ellwood gave a presentation detailing the proposed scheme by reference to photographs and plans showing the relationship between the proposed development and properties including other blocks of flats in the neighbouring vicinity between Palmeira Avenue and Salisbury Road. Sandringham Lodge was currently of a relatively consistent height with neighbouring blocks although it was already taller than a number of other residential blocks in the immediate area. The site was outside, but close to, the edge of two conservation areas where properties were of a similar massing, design and materials which produced high quality townscape. The site was visible from parts of both the Willett Estate and Brunswick Town conservation areas.
- (2) The proposed development would make an effective and efficient use of the site, but by reason of its height, massing and form the proposed additional storey would fail to take appropriate account of the positive qualities of the neighbourhood and existing buildings and would have a negative impact on the street scene, on adjacent buildings and the Willett Estate Conservation Area. The application was therefore recommended for refusal.

**Questions of Officers**

- (3) Councillor Gilbey sought clarification regarding the precise height of the proposal in relation to neighbouring blocks.

**Debate and Decision Making Process**

- (4) Councillor C Theobald stated that if permitted the block would have an overbearing and top heavy appearance in relation to the neighbouring buildings, would therefore be detrimental and should therefore be refused. Councillor Wells agreed.
- (5) A vote was taken and the 11 Members present at the meeting voted unanimously that they were minded to refuse planning permission for the reasons set out.

204. 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 they are **MINDED TO REFUSE** planning permission subject to the expiry of the publicity period and receipt of no new material planning considerations being raised and for the reasons set out below.

Reason for Refusal:

1. The additional storey by reason of its height, massing and form would fail to take appropriate account of the positive qualities of the neighbourhood and existing buildings, having a negative impact upon the appearance of the street scene, on adjacent buildings and the wider Willett Estate Conservation Area. The proposed development is thereby contrary to policies QD1, QD2, and HE6 of the Brighton and Hove Local Plan.

Informatives:

1. 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.

2. This decision is based on the drawings listed below:

Location Plan A1411/01 A 28/02/2013  
 Site Plan A1411/02 C 28/02/2013  
 Existing Floor Plan A1411/03 A 28/02/2013  
 Existing North elevation A1411/04 B 28/02/2013  
 Existing South elevation A1411/05 A 28/02/2013  
 Existing East elevation A1411/06 A 28/02/2013  
 Existing West Elevation A1411/07 A 28/02/2013  
 Proposed Floor Plan A1411/08 B 28/02/2013  
 Proposed North Elevation A1411/09 C 28/02/2013  
 Proposed South Elevation A1411/10 B 28/02/2013  
 Proposed East elevation A1411/11 B 28/02/2013  
 Proposed West Elevation A1411/12 B 28/02/2013  
 Existing Roof Plan A1411/13 A 28/02/2013  
 Proposed Roof Plan A1411/14 A 28/02/2013  
 Proposed Floor Plan A1411/15 - 28/02/2013  
 Site Plan A1411/16 - 26/03

**H. BH2013/00453 - Land rear of 39-73 Queen Victoria Avenue, Hove - Full Planning Permission**

Erection of 2no. single storey one bedroom dwellings.

**Introduction by Officers**

- (1) The Planning Manager, Mr Ellwood gave a presentation by reference to plans and elevation drawings and photographs showing the relationship between the application site and the neighbouring properties. The application sought full planning permission for the construction of two detached single storey 1 bedroom dwellings at a density of just



over 71 dwellings per hectare and was a revised submission following refusal of the previous application BH2012/02544. It was considered that the design, form and siting of the dwellings together with the limited size of the plot would give the development a cramped appearance and would be incongruous with the character of the neighbouring development and would not enhance the positive characteristics of the locality. The proposed development would be overbearing and would overlook the occupiers of adjoining dwellings. It was considered that future occupiers of the development would have an unsatisfactory outlook which would be detrimental to their living conditions, nor would they have an acceptable level of sustainability for development of a green field site. The proposed footway in front of each dwelling did not connect with the footpath network outside the site and was therefore contrary to policies TR7 and TR8 of the Local Plan. For all of these reasons the application was recommended for refusal.

### Public Speakers

- (2) Mr Potton spoke on behalf of neighbouring objectors stating that in their view the applicant had failed to address any of the previous reasons for refusal and represented an inappropriate form of development which would result in unacceptable levels of overlooking to the neighbouring properties as well as removing the amenity space available for residents of the adjacent flats. Objectors also had concerns regarding potential damage and loss of trees.

### Debate and Decision Making Process

- (3) Members had no questions of officers in respect of the application and a vote was then taken. The 11 Members present voted unanimously that planning permission be refused for the reasons set out.

204 7 **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 set out in section 7 and resolves to **REFUSE** planning permission for the reasons set out below.

#### Reasons for Refusal:

1. The proposed development would have a cramped appearance due to the limited size of the plot and the design, scale and appearance of the dwellings would be incongruous with the predominant form and layout of development in the area and would fail to enhance the positive characteristics of the locality. The proposal would result in the loss of open space which is important to the character of the area and the loss of areas of outdoor amenity space used by existing adjoining residents. As such the proposal would be detrimental to visual amenity and contrary to policies HO4, HO5, QD1, QD2, QD3 and QD27 of the Brighton & Hove Local Plan 2005.

2. For reasons including the raised level of the site, the proximity of the dwellings against the boundaries of the plot and the siting of parking and cycle storage facilities, the development would have a significant adverse impact on neighbour amenity by way of loss of privacy, overlooking, overbearing impact and noise disturbance and intrusion. For these reasons the proposal would be contrary to policy QD27 of the Brighton & Hove Local Plan 2005.

3. The proposed development, by reason of the design and absence of windows at eye level (notwithstanding views into the enclosed terraces of each property), would not provide a satisfactory standard of accommodation for future occupiers due to the limited outlook provided from within. As such the proposal conflicts with policy QD27 of the Brighton & Hove Local Plan 2005.

4. The application proposes to achieve Level 3 of the Code for Sustainable Homes for the development. This is not a satisfactory level of sustainability for the development because the plot constitutes a Greenfield site which is not previously developed and as such a minimum of Level 5 of the Code for Sustainable Homes should be achieved in accordance with policy SU2 of the Brighton & Hove Local Plan 2005 and Supplementary Planning Document SPD08: Sustainable Building Design.

5. The proposed footway in front of the two dwelling units would not connect with the public footway outside of the site and as such would not provide for a safe and attractive pedestrian route to and from the development, contrary to the requirements of policies TR7 and TR8 of the Brighton & Hove Local Plan 2005.

Informatives:

1. In accordance with the National Planning Policy Framework 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.

2. This decision is based on the drawings listed below:

Location Plan A1411/01 A 28/02/2013  
 Site Plan A1411/02 C 28/02/2013  
 Existing Floor Plan A1411/03 A 28/02/2013  
 Existing North elevation A1411/04 B 28/02/2013  
 Existing South elevation A1411/05 A 28/02/2013  
 Existing East elevation A1411/06 A 28/02/2013  
 Existing West Elevation A1411/07 A 28/02/2013  
 Proposed Floor Plan A1411/08 B 28/02/2013  
 Proposed North Elevation A1411/09 C 28/02/2013  
 Proposed South Elevation A1411/10 B 28/02/2013  
 Proposed East elevation A1411/11 B 28/02/2013  
 Proposed West Elevation A1411/12 B 28/02/2013  
 Existing Roof Plan A1411/13 A 28/02/2013  
 Proposed Roof Plan A1411/14 A 28/02/2013  
 Proposed Floor Plan A1411/15 - 28/02/2013  
 Site Plan A1411/16 - 26/03

**I. I.BH2013/00947 - Second and Third Floor Flat, 11 Powis Road, Brighton-Householder Planning Permission**

Removal of existing rear dormer and replacement with new dormer with a timber decked balcony and glass balustrade. Installation of rear roof light.

**Introduction From Officer(s)**

- (1) The Planning Manager, Mr Ellwood referred to some additional representations set out in the "Late Representations List" and to the fact that the application address was located in Brighton and not Hove as set out at the head of the report, all other particulars given in respect of the scheme were correct. A presentation was given by reference to photographs of the existing structure also showing rear dormers of neighbouring properties, two of which were not considered appropriate but had been in existence for some time and pre-dated current planning requirements. Plans showing the proposals were also displayed. Planning permission was sought for the removal of an existing small rear dormer (probably contemporary with the host dwelling) and replacement with a new dormer, to have full width folding doors leading onto a timber decked balcony with glass balustrade. The proposal also included the installation of a rear rooflight and sun pipe. The dormer would be offset and would be constructed adjacent to the firewall separating 11 and 12 Powis Road.
- (2) The main considerations were whether the scheme was appropriate in terms of its design and appearance to the surrounding Montpelier and Clifton Hill Conservation Area and the recipient building and whether the scheme would have a detrimental impact on the amenity of adjacent residential properties. It was considered that the balcony would have a detrimental impact and that the proposed development would significantly harm the character and appearance of the existing property and the surrounding conservation area and would give rise to unacceptable levels of overlooking, it was therefore recommended for refusal.

#### **Questions of Officers**

- (3) The Chair, Councillor Hawtree sought confirmation regarding the potential impact of the proposed development on the lower floors of the existing building. The Planning Manager explained that was hard to ascertain although any development on the site would need to satisfy building control requirements.

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

- (4) A vote was taken and the 11 Members present at the meeting voted unanimously that planning permission be refused.

204.9 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation 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 to **REFUSE** planning permission for the reasons set out below.

#### Reasons for Refusal:

1. The proposed rear dormer and balcony, by virtue of its design, excessive size, use of materials and positioning, would form an incongruous and unsightly feature on this property. Furthermore the proposal would result in the loss of the existing dormer, and therefore part of the property's historic appearance. The proposal would significantly harm the character and appearance of the existing property and the surrounding Montpelier and Clifton Hill conservation area, contrary to policies QD14 and HE 6 of the Brighton & Hove Local Plan and SPGBH1 'Roof Alterations & Extensions'.

2. The proposed balcony, by virtue of its elevated position, would result in material harm to the amenity of neighbouring properties by way of overlooking and potential noise disturbance, contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

1. In accordance with the National Planning Policy Framework 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.

2. This decision is based on the drawings received listed below:

Existing drawings 1196 A.001 10th April 2013

Proposed drawings 1196 D.001 A 10th April 2013

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

205.1 **RESOLVED** – There were none.

**206. APPEAL DECISIONS**

206.1 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.

**207. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**208. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**209. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

210.1 That the Committee notes the details of applications determined by the Strategic Director of Place 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 Strategic Director of Place. 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.]

The meeting concluded at 5.20pm

Signed

Chair

Dated this

day of