

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 9 DECEMBER 2015

THE RONUK HALL, PORTSLADE TOWN HALL

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Miller, Morris and Wares

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

Officers in attendance: Jeanette Walsh (Planning & Building Control Applications Manager), Nicola Hurley (Planning Manager: Applications); Sue Dubberley (Principal Planning Officer, Major Applications); Adrian Smith (Principal Planning Officer, Applications) Lesley Johnston (Principal Planning Officer, Major Projects, Heritage & Design); Steven Shaw (Principal Transport Officer), Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

PART ONE

113 PROCEDURAL BUSINESS

113a Declarations of substitutes

113.1 There were none.

113b Declarations of interests

113.2 Councillor Littman referred to Application (F), BH2014/03742, Hove Business Centre, Fonthill Road, Hove. He had received e mail correspondence in respect of this application but had not expressed an opinion, remained of a neutral mind and would therefore remain present during consideration and voting on this application.

113.3 Councillor Miller referred to Application (C), BH2015/03586, Clarendon House, Conway Court, Ellen House, Livingstone House and Goldstone House, Clarendon Road, Hove stating that although he had attended the meeting of the Housing Committee at which the carrying out of remedial works had been agreed in principle, he had not pre-determined the application before the Planning Committee. He would therefore remain present during consideration and determination of this application.

113.4 Councillor Morris referred to Application (A), BH2015/02443, Units 2-8, The Terraces, Madeira Drive, Brighton and to comments which he had tweeted in response to

comments by others. He wished to set this matter into context. The Chair, Councillor Cattell, considered that a lengthy explanation was not required, notwithstanding that it was important to ascertain whether or not Councillor Morris had predetermined the application. The Legal Adviser to the Committee, Hilary Woodward sought confirmation whether Councillor Morris remained of a neutral mind and he confirmed that he did and would therefore remain present during its consideration and would take part in discussion and voting on the application. Cllr Inkpin-Leissner stated that he had attended a Civil Partnership Reception at this location but remained of a neutral mind confirming that he would therefore remain present during its consideration and would take part in discussion and voting on the application. The Chair, Councillor Cattell, explained that she had worked with Ian Coomber, the applicant's agent in the past confirming however, that she remained of a neutral mind and would therefore remain present during its consideration and would take part in discussion and voting on the application.

- 113.5 Councillor Bennett referred to Application (G), BH2015/03341, 46 Tongdean Avenue, Hove. As the site was located in her Ward she had received e mail correspondence in respect of it. However, she remained of a neutral mind and would therefore remain present and take part in any discussion and voting thereon.

113c Exclusion of the press and public

- 113.6 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.

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

113d Use of mobile phones and tablets

- 113.8 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'.

114 MINUTES OF THE PREVIOUS MEETING

- 114.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 18 November 2015 as a correct record subject to the following amendment:

Paragraph (26) Councillor Miller proposed the reasons for refusal which were seconded by Councillor Littman.

115 CHAIR'S COMMUNICATIONS

- 115.1 There were none.

116 PUBLIC QUESTIONS

116.1 There were none.

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

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

Application:	Requested by:
BH2015/03422, 18 McWilliam Road, Woodingdean, Brighton	Councillor Miller

118 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MAJOR APPLICATIONS

A BH2015/02443 - Units 2-8, The Terraces, Madeira Drive, Brighton - Full Planning Permission

Demolition and replacement of existing oval glass pavilion on lower tier level to form new café (A3). Demolition of existing circular building on upper tier level. Change of use of units 6-8 on lower tier level from restaurants (A3) to Members Club (SG) together with construction of two new pavilions above at upper tier level consisting of restaurant and bar (A3/A4) with indoor and outdoor seating, open air plunge pool with changing facilities and terraced area with sunbeds solely for the use of the Members Club (SG). Alterations and refurbishment of existing public restaurants (A3) at lower tier units 2-5 including revised fenestration. Other associated works including the external and internal refurbishment of the existing 1920s pavilion.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Sue Dubberley introduced the application and gave a presentation by reference to plans, elevational drawings and photographs, showing the site as existing and on completion of the proposed scheme. Details of additional representations and a petition received and set out in the Additional Representations List were given, although it was noted that no new/additional planning considerations had been raised. In addition to representations received from local residents, a representation including visuals had been received from a resident of the Van Alen Building, from two local businesses, Legends Hotel (including visuals) and Melhor Massage Therapies and the Kingscliffe Society. The application site lay within the East Cliff Conservation Area within the setting of a number of listed buildings, notably the Aquarium, and was bounded on the north side by listed cast iron seafront railings, and on the South side by the walls piers railings and lamps associated with the Aquarium.
- (3) Planning permission was sought for the demolition and replacement of the existing oval glass pavilion on lower tier level to form new café (A3). Demolition of existing circular building on upper tier level. Change of use of units 6-8 on lower tier level from restaurants (A3) to Members Club (SG) together with construction of two new pavilions

above at upper tier level consisting of restaurant and bar (A3/A4) with indoor and outdoor seating, open air plunge pool with changing facilities and terraced area with sunbeds solely for the use of the Members Club (SG). Alterations and refurbishment of existing public restaurants (A3) at lower tier units 2-5 including revised fenestration. The existing historic pavilions, balustrading and iron railings would be retained in the scheme and repairs and the reinstatement of elements of these was included in the proposals. The new buildings on the upper tier would be in the form of two single storey flat roofed curved pavilions with large areas of glazing on the south elevation, with open air terraces in front of the buildings and a plunge pool. A glass balustrade was proposed. The north elevation would be more solid in appearance with render punctuated by windows. A green roof was proposed on both buildings. Refurbishment of the existing units on the lower tier would consist of the replacement of the current windows and doors with a more simplified glazing pattern to give a more modern appearance. The surrounding stonework which was currently damaged and badly weathered would be repaired and refurbished.

- (5) The main considerations in determining this application related to the proposed use, design, impact on the East Cliff Conservation Area, impact on adjoining listed buildings and railings, impact upon neighbouring amenity, transport and sustainability. It was considered that the proposed development on the site would provide two modern buildings of an acceptable scale, mass and design and the refurbishment of existing restaurant units. The proposed use was considered to be appropriate for the location and consistent with Development Plan policies. The proposed new structures on the site would have an impact on its current openness and this would affect the identified character of the conservation area at that point. However it is considered that the harm that would be caused to the character of the conservation area as experienced from Marine Parade was less than substantial, and that there would be no harm to the conservation area as viewed from Madeira Drive. Due to its relative scale it is not considered that the new building will have a harmful impact on the setting of the buildings on the north side of Marine Parade. Paragraph 134 of the NPPF requires that if the harm was less than substantial the public benefits of the scheme should be considered to outweigh the harm in order for a proposal to be acceptable. The heritage benefits to the public from the development of this underused and deteriorated structure are the repairs to the historic masonry balustrade, the filling of the gap in the railings and improvements to the façade treatment of units 2 – 5 and the existing lower level of units 6-8. 9.3 There was not considered to be any significant impact on residential amenity. The traffic impact of the development was acceptable and the building would meet BREEAM 'very good'; minded to grant approval was therefore recommended.

Public Speakers & Questions

- (6) Professor Watts and Mr Davis spoke on behalf of the applicants setting out their objections to the proposed scheme. Mr Davis spoke on behalf of residents of the Van Alen building and on behalf of other objectors including the Kingscliffe Society stating that the proposed scheme would completely compromise views from that building and others towards the sea and was contrary to Policy QD4. Local Ward Councillors and all of the amenity societies had objected to the proposal which did not respect the sensitivity of this prominent location. Professor Watts spoke on behalf of the neighbouring hotels stating that this scheme would result in serious loss of amenity

and trade, their prime location offering sea views for which customers paid a premium would be compromised. The existing line of Marine Parade would be interrupted and would have a detrimental impact on that part of the sea front.

- (8) Councillors Barradell and Miller asked questions in respect of the visuals provided by the objectors in order to reference them in respect of the submitted plans and drawings, particularly with reference to views across the site and towards the sea from the neighbouring vicinity, the height of the constituent elements of the scheme and angles of the roof slopes.
- (9) Mr Coomber spoke on behalf of the applicants in support of their scheme. He explained that the earlier application had been withdrawn in order to address objections to the scheme and to engage actively in a further consultation process. The existing policy in relation to the seafront supported appropriate development and this scheme accorded with that. Some of information submitted by the objectors was misleading as it indicated that the buildings on site would be higher than would be the case. The existing historic pavilions, balustrading and iron railings would be retained including repair and re-instatement of some of these elements. This scheme differed from that previously submitted in that a gap had been created between the two upper pavilions in order to provide a partial view through to the seafront.

Questions for Officers

- (10) Councillor Miller enquired regarding the distance of the gap between the two buildings on the upper terraces and in respect of the landscaping arrangements to be put into place. Also, whether there was any "right to a view" and it was confirmed that there was not.
- (11) In response to questions by Councillor Gilbey regarding the proposed landscaping arrangements it was explained that these would form part of the conditions and that details would need to be submitted and approved prior to commencement of the works.
- (12) Councillor Inkpin-Leissner sought further clarification of the differences between the previously withdrawn scheme and that currently submitted.
- (13) Councillor Barradell inquired regarding the height of the new structures from pavement level.
- (14) Councillor Morris stated that he did not consider the proposed "grass" roof would be practical especially bearing in mind the marine location, considering that precise details needed to be submitted, particularly as this material could impact significantly on views, especially if they could be seen from some distance away in views along the sea front.
- (15) Councillor C Theobald sought clarification of the distance from the site and the neighbouring hotels and the nearest domestic dwellings and also, details of renovations to the railings and the other restoration works proposed. The Principal Planning Officer, Sue Dubberley, confirmed that the distance between the roadway and the application site varied between 1m and 4m.

- (16) Councillor Gilbey referred to the East Cliff Conservation Study and enquired whether the submitted scheme complied with that. The Heritage Officer, Lesley Johnson, explained that on the basis that two separate smaller buildings were now proposed, as was the 10m gap between the two buildings, these matters as well as the fact that the new buildings set into the site had now been moved away from the listed buildings in Marine Parade, and that the refurbishment of units 2-5 had now been included in the application meant that it was considered that any harm was considered less than substantial and was outweighed by the benefits and so the proposed development was considered acceptable in regard to its impact on the East Cliff Conservation Area and the setting of the listed buildings.
- (17) Councillor Mac Cafferty referred to the Proposed Heads of Terms, further and south information regarding submitted samples, also regarding transport and access arrangements to the site. The Principal Transport Officer, Steven Shaw, confirmed that although the pedestrian route in front of the terraces would be closed, this was located on private land and was not adopted highway, although the public had been allowed access over recent years. Although this reduced pedestrian permeability, alternative routes were available and access would be enhanced via a lift. Furthermore, the applicant had indicated that they were willing to accept a condition requiring further details of the proposed lifts to provide access between the two different tiers.

Debate and Decision Making Process

- (18) Mr Gowans spoke on behalf of the CAG, stating that the group's views remained that the application should be refused on the grounds that the proposal would cause a loss of views of the sea and Brighton Pier from Marine Parade.
- (19) Councillor Gilbey stated that she could not support approval of the application as she considered that it would be detrimental to the setting of the neighbouring listed buildings and views along the sea front.
- (20) Councillor Morris stated that there were a number of issues in relation to the level of deterioration of existing buildings on site and other aspects of the scheme which had not been addressed.
- (21) Councillor Barradell stated that she considered that there were a number of finely balanced issues to be considered and that she did have concerns regarding the appropriateness of the scheme overall.
- (22) Councillor Inkipin-Leissner stated that notwithstanding the concerns expressed regarding impact on strategic views he considered that overall the scheme was acceptable. He enquired whether it would be possible to attach additional conditions to ensure that two lifts were provided. The Legal Adviser to the Committee, Hilary Woodward, explained that there were constraints on what could be required and the Committee needed to form a view on that.
- (23) Councillor Miller stated that he considered the scheme was acceptable, considering however that conditions attached to any planning permission should ensure that the 10m gap between buildings referred to should be respected and that final details of landscaping, and materials etc., should be agreed by the Building and Development

Control Manager in consultation with the Chair, Deputy Chair and both Opposition Spokespersons.

- (24) Councillor C Theobald noted that she stated she noted that the scheme had been amended in order to address earlier concerns and that it would provide significant investment which would result in improvements to the existing 1920's pavilions and to the railings.
- (25) Councillor Wares stated that having considered the germane issues on balance he considered the application to be acceptable. If the application was refused, the timescale within which another application would be submitted was not known and in the interim the buildings on site would continue to deteriorate.
- (27) Councillor Bennett stated that she considered the proposed scheme would effect improvements and she supported it.
- (28) Councillor Cattell, the Chair, stated that she was minded to support the officer recommendation as approval of the scheme would result in the tidying up of a down at heel site in a prominent location.
- (29) A vote was taken and on a vote of 7 to 4 with 1 abstention Members agreed that minded to grant planning permission be given.

118.1 **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 to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11. The following additional conditions and informative to be added:

Additional Conditions:

There is to be an Archaeological Investigation
Submission and implementation of landscaping scheme
There to be a visual gap of 10metres between the two permitted built structure to remain free of any visual obstruction.

Additional Informative:

The applicant is advised that the details required by the materials condition are to be delegated to the Planning & Building Control Applications Manager in consultation with the Chair, Deputy Chair and Opposition Spokesperson.

B BH2015/02917 - 121-123 Davigdor Road, Hove - Full Planning

Demolition of existing building and erection of a new part five, six, seven and eight storey (plus basement) building comprising a total of 47 one, two and three bedroom residential units (C3) with balconies, roof terraces (2 communal) to storeys five and seven, community space on the ground floor (D1) together with associated parking, cycle storage, recycling facilities and landscaping.

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

- (2) The Principal Planning Officer, Adrian Smith, introduced the application and gave a presentation by reference to plans, elevational drawings and photographs taken across the site. He explained that it was proposed that an additional condition be added to any permission granted referring to the fact that this was set out in the “Additional Representations List.”
- (3) The application site related to a modern three storey plus basement building located on the north side of Davigdor Road at the junction with Lyon Close. The building included adjacent car parking for 26 vehicles, part of which was occupied by a hand car wash business. Access was via Lyon Close to the rear. The building was occupied by a charity and comprised a series of basement studios for fitness classes with 26 bedrooms to the upper floors, all of which shared basement communal facilities. The units were let on a short term emergency accommodation basis. The site was bordered to the east by a two storey office building and car park which had planning permission to be redeveloped into a mixed use building comprising 68 flats and 700sqm of office space. Further to the east there was the seven storey P&H office building and three storey Preece House.
- (4) The main considerations in determining the application related to the principle of development, the design of the proposed building and its impacts on the surrounding area, the standard of accommodation to be provided, the impact of the development on neighbouring amenity, and transport, ecology and sustainability issues. At present, there was no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 was adopted, with an agreed housing provision target, appeal Inspectors were likely to use the city’s full objectively assessed need (OAN) for housing to 2030 (estimated to be 30,120 units) as the basis for the five year supply position. Overall, it was considered that the proposed development was of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The development would provide a suitable mix of additional housing, including affordable housing without significant harm to the amenities of adjacent occupiers and without resulting in an unacceptable increase in parking pressure. Subject to conditions and the s106 agreement the development would accord with development plan policies and minded to grant approval was therefore recommended.

Questions for Officers

- (5) Councillor Inkpen-Leissner referred to the poor appearance of some timber clad developments in the city, requesting whether it would be possible to require details of the materials proposed to be submitted. A sample provided by the applicants was circulated and it was confirmed that details of the materials to be used would be required.
- (6) Councillor Littman enquired whether any independent assessment of the level of affordable rent/shared ownership units had been sought. It was confirmed by the District Valuer’s report that the proposal would maximise the affordable rent provision.
- (7) Councillor Mac Cafferty referred to comments made regarding the height of the proposed development and it was confirmed that this was considered acceptable. The

resultant development would not be overbearing in the street scene, nor would it damage strategic views towards the sea.

Debate and Decision Making Process

- (8) Councillor C Theobald stated that notwithstanding that she often had concerns regarding the level of on-site parking proposed in respect of developments across the city in this instance she considered it to be acceptable and supported the officer recommendation.
 - (9) Councillor Barradell referred to predominance of red brick facades nearby confirming that she hoped all materials were approved prior to construction commencing on site. It was confirmed that would be the case.
 - (10) Councillor Miller confirmed that welcomed the design and housing mix proposed and supported the officer recommendation.
 - (11) A vote was taken and Members voted unanimously that minded to grant planning permission be given.
- 118.2 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 to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11 and to the additional condition set out below.

Additional condition:

Prior to first occupation of the development hereby permitted, details of disabled car parking provision for the occupants of and visitors to, the development shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented and made available for use prior to the first occupation of the development and shall thereafter be retained for use at all times.

Reason:

To ensure the development provides for the needs of disabled staff and visitors to the site and to comply with Local Plan policy TR18 and SPG4.

MINOR APPLICATIONS

- C BH2015/03586 - Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House, Clarendon Road, Hove - Council Development**
Replacement of existing windows and doors with double glazed UPVC units to residential dwellings.
- (1) The Planning Manager, Applications, Nicola Hurley, gave a presentation by reference to photographs, plans and elevational drawings. Reference was made to the earlier refused application which had included installation of insulated rendering to all elevations, new coverings to the roof and replacement of existing windows and doors with double glazed UPVC units. The current application sought permission to replacement of external doors and windows and doors to the blocks across the site. The proposed replacement windows and doors would be white UPVC framed units. It

was noted that further representations had been received and had been set out in the "Additional Representations List", but that no new matters were raised.

- (2) The main considerations in determining the application related to the resultant appearance of the proposed development (visual impact) and impact upon the setting of the heritage assets in the vicinity of the site, impact on amenity, and environmental sustainability. The proposed works would consist of the replacement of windows and balcony doors to Conway Court, Clarendon House, Ellen House, Goldstone House and Livingstone House. Integral ventilation systems were proposed to the kitchen window units.
- (3) At the time of the previous applications external insulation and rendering of all of the buildings on site had been proposed. It had been considered that this would have resulted in an unduly prominent appearance with a negative impact on the setting of heritage assets in the vicinity of the site (St Barnabus Church, Hove Station and the Hove Station Conservation Area). The current proposal would have a much less significant visual impact. It was proposed that, in conjunction with repair works which were underway at present, the UPVC windows and balcony doors to the five main blocks would be replaced with new units, of a similar design and appearance. It was considered that the replacement doors would result in a similar appearance to the existing and that there would be no significant harm to the heritage assets in the vicinity or to amenity. Protection of trees and planted areas could be secured by planning condition, therefore, the application was recommended for approval.

Public Speakers and Questions

- (4) Ms Belogaska and Mr Croydon spoke on behalf of objectors to the scheme. Ms Belogaska stated that she was concerned that full surveys had not been carried out on all of the blocks, no one had visited her and in fact her own windows and a number of others had been replaced relatively recently and did not require replacement. It was of great concern that scaffolding had been erected and porta cabins had appeared on site in advance of this planning application being considered by the Committee. These works were not necessary and should be refused, a compelling case had not been made, nor had details of the specification or life expectancy been submitted. Mr Croydon concurred with all that had been said by Ms Belogaska, he was aware of a tenant whose windows had been replaced, some 20 years or so previously, those works had not been carried out to a high standard, the windows had been fitted badly and had given rise to draughts. The tenant in question was still experiencing problems. He had visited several flats recently with his surveyor and none of them had faulty windows. There seemed to be a determination to carry on with replacement of the windows to all flats regardless, this would be a waste of materials and money from the housing budget.
- (5) Councillor O'Quinn spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed works. There seemed to confusion regarding works carried out to date and regarding when those works had been carried out. A number of her constituents had contacted her expressing concern that works were not required to all of the blocks, also in relation to the level of consultation that had taken place and the cost implications.

- (6) Ms Thompson spoke on behalf of the applicants, (the council) in support of its application. It was confirmed that surveys had been carried out across the site and had indicated that the existing windows had reached the end of their useful lives and were in a poor state of repair; even in instances where the windows appeared to be in a good condition internally cracks in the external rendering and around the sills had been identified and would give rise to damp/water penetration if that was not already the case. Photographs were circulated, showing the level of works identified as a result of the surveys carried out.

Questions for Officers

- (7) Councillor Wares stated that there seemed to be confusion regarding any works previously carried out, when those works had been carried out , enquiring whether it was intended that all of the window units would be replaced and also the status of any works already commenced onsite. It was explained that with the exception of 5 flats which had leases which precluded this it was intended to replace the windows to the remaining 292 flats across the blocks on site.
- (8) It was clarified that none of the work currently being undertaken on site required planning permission. Scaffolding and portacabins had been erected on site and were being utilised in association with repair and maintenance works on site which were already under way and were not the subject of the current application. If however, permission was granted for this application this equipment would also be utilised for those works too.
- (9) Councillor Wares referred to the five properties to which the windows would not be replaced enquiring whether their appearance would then be at variance with the other properties on site. It was explained that those five properties were located across the site and would not stand-out from the other units to which replacement windows had been fitted.
- (10) Councillor Littman asked how it had been ascertained that all of the properties required work if surveys had not been under taken, also the standard of windows to be used, work could last long beyond its quoted "lifetime" dependent on the materials, used quality of fittings and finishes etc.
- (11) Ms Thompson explained that significant problems had been identified to all of the windows surveyed across the estate, which indicated that problems with the existing windows were widespread. The surveys undertaken had indicated that the existing windows had been in situ for over twenty years although it had not proved possible to ascertain the precise date at which they had been replaced. The windows would be third generation product manufactured and fitted to a high specification.
- (12) In answer to questions by Councillor C Theobald regarding the life of the proposed windows and their external appearance it was explained that they would have a like for like appearance with the existing but as technology had moved forward in the interim it was anticipated that they would have a lifetime of 30 years plus, although that was indicative rather than being absolutely guaranteed.

- (13) Councillor Inkpin-Leissner asked regarding the level of feedback obtained, expressing concern that a number of tenants had indicated that their windows had been replaced/did not require further works. It was indicated that in addition to the surveys carried out, a great deal of feedback had also been received. Councillor Inkpin-Leissner referred to the earlier decision of the Housing Committee, enquiring whether it would be appropriate for that to be revisited.
- (14) Councillor Cattell, the Chair stated that it would not be appropriate to consider the decision of another Committee, Councillor Miller stated that the earlier decisions of the Housing Committee had related to on-going maintenance works being undertaken on site and not to the specific detail of the application before the Committee that day.
- (15) Councillor Morris queried whether the application was invalid in consequence of the works that had commenced on site. The Planning and Building Control Applications Manager confirmed that it was understood that the equipment already on site related to works already being under taken, did not require planning permission and did not relate to the application before the Committee that day. The Planning Manager, Applications, Nicola Hurley, responded in answer to further questions that she was unable to provide further details in relation to the current works.
- (16) Councillor Wares referred to works being undertaken and sought confirmation that measures were in place to ensure that the works were completed. The Senior Solicitor, Hilary Woodward, explained she understood the works were to be completed as one project. If tenants/leaseholders had any issues regarding works that would be a matter for recourse under their tenancy agreements/leases.

Debate and Decision Making Process

- (17) Councillor Barradell whether fewer works would be carried out if subsequent surveys indicated that works were not required to all of the units. It was confirmed this lay outside the remit of this application which was for all of the units, with the exception of the five units referred to.
- (18) Councillor C Theobald referred to comments made that the replacement windows would be smaller than the existing. It was confirmed that it was understood that they would be of the same dimensions as the existing.
- (19) Councillor Miller stated that reference had been made to rights of light issues, but in his view this would be no different than was currently the case.
- (20) Councillor Littman stated that based on the information provided it appeared that significant work was required and he therefore considered that the proposals were acceptable.
- (21) Councillor Hamilton stated that having heard regarding the level of work required he considered that these works were necessary and acceptable, given that even in those cases where superficially the windows appeared to be sound closer inspection had revealed they were not. He supported the officer recommendation.

- (22) A vote was taken and on a vote of 7 to 3 with 2 abstentions planning permission was granted.
- 118.3 **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** planning permission subject to the Conditions and Informatives set out in section 11.

D BH2015/01745 - 107 Marine Drive, Rottingdean, Brighton - Full Planning

Demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.

- (1) The Planning Manager, Applications, Nicola Hurley, introduced the scheme gave a presentation by reference to plans, site plans, elevational drawings and photographs showing views across the site and in relation to neighbouring properties. During the process of the application amendments had been made to the scheme, these had included reduction of the width of the proposed building fronting onto Marine Drive, alterations to materials to the building and the boundary treatment and alterations to the proposed entry gate.
- (2) The main considerations in determining this application related to the principle of the development, the impact of the proposal on the character and appearance of the area, impact on the living conditions of neighbouring properties, the standard of accommodation proposed impact on the local highway network and sustainability issues. It had been concluded that the proposed development would make efficient and effective use of the site. The height, design and bulk of the proposed buildings would relate well to that of the other properties within the vicinity of the site and would not compromise the quality of the local environment. The standard of accommodation to be provided was considered acceptable and adequate private useable amenity space would be provided. Subject to compliance with the proposed conditions the scheme would comply with the requirements for sustainability, parking standards and refuse and recycling storage In addition it was deemed that the development would not have a significant adverse impact upon the amenities of neighbouring properties and minded to grant approval was therefore recommended.

Speakers and Questions

- (3) Mrs Dunkling spoke as a neighbouring objector setting out her objections to the scheme. Mrs Dunkling explained that she had recently been notified regarding the need to complete a party wall negotiation. Prior notification of this had not been received although it was alleged that it had. The proposed development would have a devastating and detrimental impact on her amenity and privacy as she would be totally overlooked.
- (4) Mr Lap Chan spoke on behalf of the applicants in support of their application. He explained that the scheme had been developed following detailed discussions and proposed only one more unit than the scheme for which there was an extant

permission. Amendments had been made to the scheme as originally submitted in order to address concerns raised.

Questions for Officers

- (5) Councillor Barradell sought confirmation of the location of the entrance to the objectors house in relation to the side elevations to the development and explained that the configuration of the site in relation to the property at 109 was unclear to her.
- (6) Councillor Littman also sought clarification of the manner in which the units would be configured across the site and the precise differences between the application as currently submitted and that for which there was an extant permission, as did Councillor Mac Cafferty.
- (7) Councillor Wares requested to see further elevational drawings showing the relationship between the site and the neighbouring plots.
- (8) Councillor Morris stated that he was confused and unclear in respect of the relationship between the three neighbouring plots. especially, that between the application site and 109a Marine Drive.
- (9) Councillor C Theobald enquired whether a sunlight/daylight survey to assess the impact of the proposed form of development on its neighbours had been undertaken. It was confirmed that this had not been considered necessary.
- (10) Councillor Bennett proposed that further consideration of the application be deferred in order to enable a site visit to take place prior to the application being determined. This was seconded by Councillor C Theobald.
- (11) A vote was taken and on a vote of 7 with 5 abstentions it was agreed that the application would be deferred pending a site visit.

118.4 **RESOLVED** - That for the reasons set out above consideration of this application be deferred in order to enable a site visit to take place prior to the application being determined.

Note: It was noted that as the decision to defer determination of the application had been made after the objector and the Applicants representative had spoken that in accordance with the agreed protocol no further public speaking would be permitted in respect of this application.

E BH2015/01237 - Amber Court, 38 Salisbury Road, Hove - Full Planning

Creation of additional floor at fourth floor level to form 2no two bedroom flats with terraces to the rear.

- (1) The Planning Manager, Applications, Nicola Hurley, introduced the application and gave a presentation by reference to plans and elevational drawings, detailing the proposals, including floor plans and photographs detailing the existing elevations and showing views across the site from the rear and from other perspectives.

- (2) It was explained that the application related to a flat-roofed purpose built three-storey block of 12 flats on the eastern side of Salisbury Road, with parking at basement level to the rear for up to 12 vehicles. The parking spaces to rear (excluding the garage spaces) and front were all used for commercial purposes (privately owned pay and display spaces). The building featured extensive brickwork with UPVC windows and includes a small front extension with a stepped entrance and dated from the 1960's. The eastern side of Salisbury Road was predominantly of relatively recent flatted development. The western side of Salisbury Road was predominately historic semi-detached houses (some converted in to flats) which lay within the Willett Estate Conservation Area. The application site itself was not within a Conservation Area. Approval planning permission had been given for an identical scheme in 2011 and an updated sunlight and daylight study had accompanied the current application.
- (3) The main issues to be considered in determining the application were the impact of the additional storey on the character and appearance of the building and surrounding area including the adjacent Conservation Area and residential amenity for occupiers of adjoining properties; the standard of accommodation created by the development; and transport and sustainability issues. It was considered that the development would provide two additional residential units and would make efficient and effective use of land within the built up area boundary without detriment to the prevailing character and appearance of the site and wider surrounding area. The development would provide a good standard of accommodation for future occupants and would not result in significant harm to neighbouring amenity or highway safety; approval was therefore recommended.

Public Speakers and Questions

- (4) Mr Tanner spoke on behalf of neighbouring residents setting out their objections to the scheme. His property bordered the site and photographs were shown indicating views from his property into the site. As proposed these additional units would have a detrimental impact as use of the balconies would result in overlooking of all neighbouring properties and a resulting loss of privacy and amenity. If permission was granted he requesting that the scheme be amended to prevent use of the balconies.
- (5) Mr Boys spoke on behalf of the applicants in support of their scheme. He explained that this application was identical to that for which planning permission had been given in 2011. There had been no changes to planning policy and the scheme had addressed all relevant issues at that time. The only changes were that updated sunlight and had daylight surveys had been submitted.

Questions for Officers

- (6) Councillor Barradell considered that the Committees hands were tied in consequence of the earlier decision, requesting whether it would be possible to restrict use of the balconies by condition. Also regarding whether there would be access/overlooking from balconies of the development onto the "rectangular" garden area to the rear. This was not thought to be the case although that could not be confirmed. With regard to privacy it was confirmed that as previously a screen would be installed to the rear of the terrace to prevent overlooking and loss of privacy to the properties at the rear. The screen was considered to be of a sufficient height and to represent an acceptable

approach in that locality. The proposed terraces at the rear of the building were also considered to be located at a sufficient distance to prevent significant noise and disturbance

- (7) Councillor Mac Cafferty raised the same issue enquiring whether addition of a condition relating to use of the balconies could be considered reasonable. The Legal Adviser to the Committee, Hilary Woodward confirmed that the applicant could appeal against any additional conditions and it needed to be borne in mind that this application would meet all of the conditions required by the original 2011 permission. There had been no material change in planning policy relating to this site since that time.
- (8) Councillor Morris sought confirmation that planning permission was being sought now because the previous permission had expired and it was confirmed that was the case.

Debate and Decision Making Process

- (9) Councillor Wares referred to the recent Inspector's decision in relation to a similar arrangement of rear terraces to the top floor of 39 Salisbury Road, which in refusing that application had acknowledged that that site and the application site were not directly comparable in terms of their visual impact. He asked whether this had influenced the officer recommendation and whether the previous decision had been taken by the Committee. It was confirmed that refusal to allow planning permission for balconies on 39 Salisbury Road was not considered to carry significant weight in the assessment of balconies on the application site. The previous decision had been taken by the Committee.
- (10) Councillor Miller stated that in view of the distances involved he considered that where the level of overlooking would be greatest this would be addressed by the provision of the privacy screen.
- (9) Councillor C Theobald stated that she had concerns that there could be a detrimental impact on the neighbouring properties to either side of the application site.
- (11) The Planning and Building Control Applications Manager, Jeanette Walsh, stated that it was important to acknowledge that the scheme was identical to that for which permission had been granted previously. Whilst some increased sense of enclosure would result by the additional storey to Amber Court it was not considered sufficient to warrant refusal, this relationship had been considered appropriate in the previous applications.
- (12) A vote was taken and on a vote of 8 to 4 Members voted that planning permission be granted.
- 118.1 **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 **TO GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

F BH2014/03742 - Hove Business Centre, Fonthill Road, Hove - Full Planning

Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Adrian Smith, introduced the scheme and gave a presentation by reference to plans, floorplans and elevational drawings. The application sought permission for the addition of nine residential flats at roof level accessed via an internal walkway along the rear of the roof. The additional floor would be metal/zinc clad with balconies to the south side.
- (3) The main considerations in the determination of this application related to the principle of adding an additional floor comprising residential flats to the locally listed building, its impact on the appearance of the building and the setting of the adjacent Hove Station Conservation Area, its impact on neighbouring amenity, the standard of accommodation to be provided, and sustainability and transport issues. Also relevant was the potential impact of the residential accommodation on the existing business units within the building. At present, there was no agreed up-to-date housing provision target for the city against which to assess the five year housing land supply position. Until the City Plan Part 1 was adopted, with an agreed housing provision target, appeal Inspectors were likely to use the city's full objectively assessed need (OAN) for housing to 2030 (estimated to be 30,120 units) as the basis for the five year supply position.
- (4) On balance, the impact of the proposed additional storey on the appearance of this non-designated heritage asset was considered acceptable having regard to the nature of the significance of the building and the public benefits of providing additional housing units given the absence of a five year housing supply. Whilst the additional storey would impact on the amenities of residents to the rear along Newtown Road, the degree of loss of daylight and sunlight would not be sufficiently significant to warrant the refusal of permission. Subject to conditions the amenities of future occupiers would be sufficiently protected from existing activities in the building. Accordingly the development complied with development plan policies and minded to grant approval was therefore recommended.

Public Speakers and Questions

- (3) Mr Miller and Mr Kitcat spoke in their capacity as a neighbouring resident and business occupier of the building respectively setting out their objections to the scheme.
- (4) Mr Miller spoke on behalf of neighbouring residents and referred to the degree of additional noise and overlooking which would result. Mr KitKat spoke in his capacity as a business user of the building. He and other objectors questioned the credibility of the lighting report. The building was in a very poor condition of repair and it was questionable whether structurally it could carry the nine housing units proposed. The existing dance studio use did not sit well with the existing business uses and the additional housing units would be detrimental to all users of the building, including for those who would eventually occupy the flats. The scale of works which would need to be undertaken would be disruptive to the business users of the building who would

have to move out for their duration. Overall, the impact of these works outweighed any benefits and the Committee were invited to refuse this application.

- (5) Councillor O'Quinn spoke in her capacity as a Local Ward Councillor setting out her objections to the proposals. Councillor O'Quinn stated that the building was iconic example from its period and worthy of listing. She had been surprised to find that the building was not in fact listed and many she had spoken to had been under the mistaken impression that it was. In her view further consideration of the application should be deferred in order to enable that option to be actively pursued.
- (6) Mr McMillan spoke on behalf of the applicants in support of their application. He stated that the applicants had sought to address objections raised which had included concerns regarding loss of privacy and light. The roof extension would be well set back and would be subservient to the main building and it was considered that there had been a lot of misinformation about the scheme which would effect significant improvements to the building.

Questions for Officers

- (7) The Chair, Councillor Cattell, referred to the submitted light survey, seeking confirmation regarding the submitted data, as it was her understanding that light to neighbouring properties was compromised by the existing building, but that the proposed development would not give rise to increased detriment.
- (8) Councillor Barradell sought clarification regarding the noise survey carried out expressing surprise regarding the level of noise penetration from the dance school and also querying that the business occupiers would need to move for the duration of the work. A number of the existing windows had been replaced over time and replacement of others was intended as part of this scheme. The windows of the flats would be aligned with those of the floor below in order to ensure that the continuity of the building line was respected.
- (9) The Chair, Councillor Cattell, stated that she had some concerns regarding the potential for noise penetration, particularly in relation to the operation of the dance school. It was explained that only 10 noise complaints had been received since 2001, any complaints received would be investigated and could also be taken up with the dance school in the first instance.

Debate and Decision Making Process

- (10) Councillor Morris stated that he queried whether the level of consultation and liaison with residents had been adequate. It was explained that whilst this was encouraged it was not a material planning consideration and grant of permission could not be dependent on that.
- (11) Councillor Mac Cafferty referred to the consultation which had been undertaken by the applicants, noting that no reference had been made to discussion with the business users seeking confirmation that these had taken place and it was confirmed that they had.

- (12) Councillor Mac Cafferty stated that although spot listing could have been requested, it had not been. It was confirmed that this could be applied for by any individual, it did not need to be a Committee decision.
- (13) Councillor Littman stated that for him the benefits from the scheme did not outweigh the harm. He considered that the development at rooftop level would have a negative impact on residents in New Town Road and for that reason he did not feel he could support this scheme.
- (14) Councillor Gilbey stated that she had grave concerns in respect of the close proximity of the development to neighbouring residential dwellings considering that it could have a negative impact.
- (15) Councillor Inkpin-Leissner stated that he could not support the officer recommendation as in his view the proposed form of development would be detrimental to the host building. He was of the view that listing should be applied for and would have supported that option.
- (16) Councillor Barradell stated that she supported the scheme considering that the external appearance of the building would be unaltered and that it would enhance rather than detract from it.
- (17) Councillor Miller agreed stating that he considered that as the roof line of the development would be set back it was acceptable and would not have a detrimental impact. Overall, it would tidy up the existing building.
- (18) Councillor C Theobald stated that given the close proximity to Hove Station, train noise could give rise to as much noise in the vicinity as from uses within the building, noting the very small number of noise complaints received. Given the set back of the upper storey proposed, she did not consider that the proposed development would be too prominent in the street scene. She did not consider that it would be necessary for business users to move out during the works and supported the officer recommendation.
- (19) Councillor Wares concurred in that view stating that he considered the scheme to be acceptable and supported the officer recommendation.
- (20) A vote was taken and on a vote of 7 to 5 Members voted that minded to grant planning permission be given.

118.5 **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 be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11. Condition 8 to be amended to add the words “businesses and” after the word residents in condition 8.

G BH2015/03341 - 46 Tongdean Avenue, Hove - Full Planning
Demolition of existing single dwelling and erection of three storey six bedroom single dwelling.

- (1) The Planning Manager, Applications, Nicola Hurley, gave a presentation by reference to photographs and elevational drawings showing the existing and proposed scheme. Additional representations had been received and were detailed in the Later Representations List but did not introduce any new matters. The current application followed refusal of a similar scheme and had been amended to address the three previous reasons for refusal relating to impact on neighbouring amenity and lack of information relating to impact on trees and the proposed front boundary treatment.
- (2) The main considerations in determining the application related to the design and appearance of the development and the impact on the character and appearance of the area and that of the Tongdean Conservation Area, the impact of the development on the residential amenity of neighbouring properties, the standard of accommodation, sustainability, transport and highway considerations and details of the potential impact on trees.
- (3) It was considered that the proposed dwelling would result in the acceptable loss of the existing much altered dwelling and replacement with a dwelling of an acceptable design, which with the imposition of conditions to secure appropriate details would have an acceptable impact on the character of the surrounding conservation area and would not give rise to adverse impacts on neighbouring amenity; approval was therefore recommended.

Speakers and Questions

- (4) Mr Borley spoke on behalf of neighbouring residents setting out their objections to the scheme. He stated that he considered that the form of development proposed would be overbearing, would result in overlooking, loss of privacy, daylight/sunlight and would result in overshadowing of the neighbouring properties. It would also impact negatively on and be contrary to the character of the Tongdean Conservation Area in which it was situated.
- (5) Mr Lap Chan spoke on behalf of the applicants in support of their scheme. He explained that the scheme had been redesigned to address the previous grounds for refusal, objections by neighbouring properties and to provide information regarding impact on the trees on site. From its frontage the building would be traditional in its design and would therefore have no impact on the street scene.

Debate and Decision Making Process

- (6) Councillor Bennett stated that given the proposed location of the development within a conservation area it was important that appropriate roofing materials were used, asking whether a condition specifying the materials to be used could be added. Councillor Miller concurred in that view.
- (7) Councillor C Theobald stated that she considered it regrettable that the existing building on site would be demolished as in her view it would have been preferable if the existing building had been refurbished. She also expressed concern that it was important to ensure that appropriate roofing materials were used, stating that she

would support a condition in that respect. It was explained that this issue was covered by the proposed conditions.

- (8) Councillor Morris stated that he was unsure whether the proposed design would sit sympathetically within the existing street scene.
- (9) Councillor Mac Cafferty stated that in his view the street scene was varied in that location also noting that the previous reasons for refusal had been addressed.
- (10) The Legal Adviser to the Committee, Hilary Woodward, explained that the imposition of an additional condition could be appealed against by the applicant and was likely to be successful given that the previous reasons for refusal had been overcome.
- (11) A vote was taken and on a vote of 11 with 1 abstention planning permission was granted.

118.6 **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 in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 and an additional condition to ensure that roof tiles were agreed as clay tiles.

H BH2015/03132 - 30 Aymer Road, Hove - Householder Planning Consent
Erection of detached garage to replace existing (Retrospective).

- (1) A vote was taken and with 11 Members present when the vote was taken planning permission was granted on a vote of 9 to 2 planning permission was granted.

118.8 **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** planning permission subject to the Conditions and Informatives set out in section 11.

Note: Councillor Hamilton was not present at the meeting during the discussion or when the vote was taken in respect of the above application.

I BH2015/03422 - 18 McWilliam Road, Brighton - Householder Planning Consent
Hip to gable roof extensions, creation of rear dormers and insertion of front roof lights.

It was noted that it had been agreed that consideration of the application would be deferred pending a site visit.

RESOLVED – That consideration of the above application be deferred in order for a site visit to take place prior to its determination.

J BH2014/03826 - The Wardley Hotel, 10 Somerhill Road, Hove - Full Planning
Internal alterations to facilitate increased number of bed spaces from 40 to 51 rooms (Part Retrospective).

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Planning Manager, Applications, Nicola Hurley, gave a presentation showing the proposed changes to the internal layout of the building. In principle the expansion of the hotel to provide additional bedrooms was supported by existing and emerging planning policy and the amenity and transport impacts of the proposal had been fully considered in the report. As part of the recent refurbishment works a ramped access to the hotel had been created off Somerhill Road and a lift, to all levels of the building had been installed. It was considered that the proposal would provide additional guest accommodation to an existing hotel without resulting in significant harm to neighbouring amenity or highway safety; approval was therefore recommended.

Questions for Officers

- (3) Councillor Barradell referred to the fact that when visiting the site the previous day she had noted that the kitchen area had been provided with microwaves rather than a cooker. As there was also no communal area she querying whether the building would still fall within the use class for a “hotel”. It was confirmed that it would.
- (4) A vote was taken and the 11 Members of the Committee who were present voted unanimously that planning permission be granted.

118.10 **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** planning permission subject to the Conditions and Informatives set out in section 11.

Note: Councillor Hamilton was not present at the meeting during the discussion or vote on the above application.

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

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

Application:	Requested by:
BH2015/03422, 18 Mc William Road, Woodingdean, Brighton	Councillor Miller
BH2015/01745, 107 Marine Drive, Rottingdean, Brighton	Councillor Bennett

120 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

121.1 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.]

122 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

123 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

124 APPEAL DECISIONS

124.1 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 7.35pm

Signed

Chair

Dated this

day of

