

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 30 OCTOBER 2013****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Mac Cafferty (Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Duncan, Cox, Davey, Deane, Gilbey, Hamilton, K Norman, Randall and Wells

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

Officers in attendance: Paul Vidler (Deputy Development Control Manager), Rob Fraser (Head of Planning Strategy), Anthony Foster (Senior Planning Officer), Kate Brocklebank (Senior Team Planner), Pete Tolson (Principal Transport Officer), Alison Gatherer (Solicitor) and Ross Keatley (Acting Democratic Services Manager).

PART ONE**87. PROCEDURAL BUSINESS****87a Declarations of substitutes**

87.1 Councillor Deane was present in substitution for Councillor Littman; Councillor Ken Norman was present in substitution for Councillor Carol Theobald and Councillor Randall was present in substitution for Councillor Jones.

87b Declarations of interests

87.2 Councillor Ken Norman referenced Item 92C application BH2013/02475, 33 Redhill Drive, Brighton and stated that as he had formally objected to the application he would withdraw from the meeting during the consideration and vote on the application.

87.3 During the consideration of Item 92E application BH2013/02823, Hove Museum, 19 New Church Road, Hove the public speaker, Ms Besser, made reference to a local newsletter that had been published in the Ward; at this point Councillor Cox noted that he had written the newsletter and withdrew from the meeting during the remainder of the consideration of the application and the vote.

87c Exclusion of the press and public

87.3 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.

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

88. MINUTES OF THE PREVIOUS MEETING

88.1 At Item 80A paragraph (18) Mr Gowans requested that the sentence be amended to read ‘Mr Gowans added that the proposal had not been considered by the CAG.’

88.2 **RESOLVED** – That, with the above amendment, the Chair be authorised to sign the minutes of the meeting held on 9 October 2013 as a correct record.

89. CHAIR'S COMMUNICATIONS

89.1 There were none.

90. PUBLIC QUESTIONS

90.1 There were none.

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

91.1 There were none.

92. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A. BH2012/04044 - 9-16 Aldrington Basin/Land South of Kingsway, Basin Road, North Portslade - Full Planning Permission - Demolition of business unit to east of Magnet showroom. Erection of new building ranging from 3no to 5no storeys at Kingsway Level and a further one and a half storeys of car parking beneath Kingsway ground floor accessed via Basin Road North. Development comprises mixed use commercial premises (A1, A3, B1, D1) with associated new access and 52 residential units in 6no blocks. Change of use of existing Magnet showroom at Basin Road North level to storage (B8) with associated service area, lorry delivery bay and car parking. (Amended plans and supporting information).

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

(2) The Head of Planning Strategy, Rob Fraser, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was noted that there had been a number a late comments since the closure of the Late List from:

Councillor Peltzer-Dunn; the Kingsway and West Hove Resident Association; SaveHove and three other individual residents – furthermore a number of minor typographical errors in the report were corrected. There was also an additional recommendation that the heads of terms for the s106 agreement be amended to seek funding for the occupants of the dwellings for car club membership and a Traffic Regulation Order for a car club parking bay, and the revised wording had been circulated to Members at the start of the meeting. The application site was located in Shoreham Harbour in development area DA8 of the City Plan, and was covered by the joint area action plan between Brighton & Hove City Council, West Sussex County Council, Adur District Council and the Shoreham Port Authority. The site currently comprised the Magnet warehouse, and the application sought the demolition of this building and the small business unit to the east of the site and the construction of new buildings ranging from three to five storeys above Kingsway which would be accessed from Basin Road North and Kingsway. The application was for a mixed use scheme with commercial premises and 52 residential units; there had been a refused application that involved the use of biomass boilers and wind turbines, and the revised scheme had removed these elements and reduced the height of the some of the blocks.

- (3) At Basin Road North level there would be the Magnet warehouse that would be B8 use with associated lorry service area and delivery bay. To the east of this there would be parking, and a B1 unit at the far end of the development would be a workshop. The car parking for the scheme was indicated on the floor plan, and was located in the eastern end of the block and the mezzanine level above.
- (4) The whole site was covered by a development brief that sought to manage and facilitate change; as well highlighting key intervention and encouraging investment in the harbour. At Kingsway level there would primarily be commercial uses at ground floor, and working east to west there would be: a visitor centre; a clinic/medical centre; a café/restaurant; retail units and the Magnet showroom. The housing was arranged in all six of the blocks, and there would be 52 units; 20 of which would be affordable and secured through condition. There was a minimal size for each of the units, and they would have all private amenity space and balconies; as well communal outside space between each block.
- (5) A contribution of £126K was sought for open space, and there was an additional condition in relation wheelchairs use of some units. A noise assessment had been undertaken to show future occupants would not be subject to unacceptable levels of noise, and the sound proofing would not prejudice the future use of the harbour. In relation to impact on adjoining properties there would be loss of daylight and sunlight, but this was assessed to be acceptable against the BRE guidelines, and the loss of light was not such to warrant refusal of the scheme. The loss of solar rays to the panels on nearby roofs would also be very small. The separation between the frontages was considered sufficient to prevent harmful overlooking, and a condition was sought to protect the type and hours of the commercial units at ground floor level. A construction environmental management plan would form part of the s106 agreement. The blocks would be up to five storeys on the Kingsway, and the residential units would have Code Level 6 for sustainable homes achieved through photovoltaic panels and a heat recovery system. At Basin Road North level there would be 58 car parking spaces, and a management plan was sought for the car park

by condition; it was expected there would be displaced parking of up to 40 vehicles, but there was capacity for this on the surrounding streets. For the reasons set out in the report the application was recommended to be minded to grant subject to the signing of the s106 agreement.

Public Speakers and Questions

- (6) Mr Les Robinson spoke in objection to the application on behalf of his client who owned Magley's Wharf, directly in front of the site. He stated that his client did not oppose residential development at PortZed, and they welcomed the conditions in relation to the noise; however, it was felt that the relationship between PortZed and the wharf had not been properly explored. A requested study into the matter had not been undertaken, and the matter of flood risk had not been properly considered. It was also noted that although the wind turbines were not part of the application the proposed gaps could still be used to house them and no firm commitment had been received from the applicant to this extent. The Committee were asked to refuse the application.
- (7) Mrs Sue Moffatt spoke in objection to the application in her capacity as a local resident, and stated that local residents did not oppose the development of the site. The homes currently on the Kingsway received sunlight everyday, and the application would see them only receive partial sunlight, whilst Officers were of the view that this was not a loss. Facts in relation to the duration of the overshadowing had been sent in as part of the consultation, and the extent of the overshadowing would be worse from mid-October to February. Finally it was added that regeneration should not give way to an abandonment of policies, and the proposal would seriously harm the living conditions in the homes opposite.
- (8) Councillor Peltzer-Dunn spoke in his capacity as the Local Ward Councillor and stated that the report prepared by Officers was very fair, and outlined the benefits of the scheme, but these were mainly for those who would be living in the new accommodation. Little reference had been made the adverse effect on the surrounding neighbourhood, and issues such as additional traffic were referenced. It was asked that the Committee take into account 'reasonable views' and note that the scheme was overdevelopment and would overshadow and overwhelm the area. The Committee were asked to refuse the application.
- (9) Councillor Pissaridou addressed the Committee in her capacity as the Local Ward Councillor and stated that she agreed with the view of her fellow Ward Councillor; whilst she welcomed the development she felt that height and massing of the blocks, as well as the impact on sunlight, was unacceptable. She went on to make reference to the Development Brief which she argued should be given significant material consideration, and referenced inconsistencies between the proposal and the plan such that: the proposals was not set back; the proposed height conflicted with the plan and the height was the significant feature of the development.
- (10) Mr Simon Bareham and Mr Colin Brace spoke in support of the application in their roles as the agent and the applicant respectively. They stated that the proposal was for a high quality development which would provide 65 full time employment opportunities and affordable housing that comfortable exceeded the Council's sustainability levels. The scheme had been substantially amended since the previous application including:

the reduction in height of the outer towers; the removal of the wind turbines and biomass boilers and the additional commercial frontage. Due to the changes the number of units had dropped by 20%. The scheme had substantial public benefits, and the application provided for local amenity space; the building phase would also use 20% local labour, and thanks were extended to the work of Officers at the Council. Mr Brace added that the scheme had been borne out of the desire for sustainable development, and it had taken some time to get a suitable recommendation from the Planning Authority. The site needed to act as a gateway into the harbour area and act as benchmark for sustainable development nationally. The scheme had already won approximately £0.5 million of funding for the city. The Committee were asked to support the design before them.

- (11) In response to Councillor Wells it was confirmed by Mr Brace that there was no intention to add the wind turbines to the scheme at a later point; furthermore any such amendment would required planning permission.
- (12) Councillor Randall asked about apprenticeships as part of the construction phase, and it was explained that the Economic Development Team at the Council had a local enterprise scheme and this was also required as part of the code for sustainable homes. It had also been made a condition of the tendering that each service would take on at least one apprentice. Councillor Randall also asked about comments from the Fire Service and it was explained that there would be an internal sprinkler system, and dry risers on each level of the residential accommodation.
- (13) Councillor Davey asked the applicant for more information in relation to residents' concerns about the loss of light, and it was explained that an independent assessment of daylight issues had identified three properties with solar panels, but these were all largely located on western facing roofs; the assessment had also found these three properties would suffer a small loss of sunlight. In relation to a further query from Councillor Davey it was then explained that in the new development very low heat loss would be achieved by triple/quadruple glazing draft proofing and a heat recovery system; as well as integrated photovoltaic panels that would provide enough electricity for use in the residential units each year; the electricity in the commercial units would still come from the national grid.
- (14) In response to queries from Councillor Hyde it was explained by Mr Bareham that the scheme had been designed to have a lower impact on neighbours, and this was achieved through the gaps between the blocks. The angling of the blocks would give contracting oblique views and this created a superior scheme.
- (15) In response to Councillor Cox it was explained that the applicant had worked with the local community by going back to first principles after the refusal of the previous scheme. Two public meetings had been held, and Mr Brace had attended the AGM of the residents association. The residents' concerns had been addressed and the height of the end blocks had been reduced taking the residential units from 67 to 52; as well as the removal of the wind turbines and the biomass boilers. If the application was granted then dialogue would continue with residents during the construction phase. It was hoped the scheme would be an achievement for the city.

- (16) It was confirmed for Councillor Randall that there was an absolute commitment to the affordable housing which was sought through the s106 Agreement and work had already been undertaken with a housing association, and there would be no future need to reduce this amount.

Questions for Officers

- (17) It was confirmed for Councillor Gilbey that the tallest blocks were approximately the same height as the blocks in the previous application. It was also confirmed that there would need to be amendments to internal layout of the units that were wheelchair accessible.
- (18) It was also confirmed for Councillor Hyde that each unit had private amenity space.

Debate and Decision Making Process

- (19) Councillor Davey stated that the applicant had made real efforts to address the previous concerns of the Committee, and he felt the scheme was much improved visually. He welcomed the gaps in the design; the amount of commercial space and the level of affordable housing in the scheme stating that he would be voting in support of the Officer recommendation.
- (20) Councillor Wells stated that the developer had done well to work with Officers, and tried to appease those living opposite by the revisions to the scheme. He stated he did not feel the loss of light would hold much in terms of the planning considerations, and he would be voting in support of the Officer recommendation.
- (21) Councillor Gilbey stated that she welcomed the scheme, but had serious concerns in relation to the height of the taller blocks; she stated they were too high and they conflicted with the policy in the emerging City Plan which referenced four storeys as acceptable in this location. It was queried why an exception was being made in relation to this location, and concern was expressed that this could open the way for other tall developments in this part of the city. It was also noted that the brief had stated no building should be higher than the Vega Building, but there would be several of the towers that would exceed that height.
- (22) Councillor Randall welcomed the guarantee in relation to the affordable housing; as well as the local training and development. He stated that overall the scheme was good for the city; the s106 agreement would provide very good services. In summary he drew attention to the comments made by the Regency Society and noted the scheme would set a positive example whilst addressing the city's housing needs.
- (23) Councillor Hamilton noted that the scheme was not located in Portslade as the address stated, and went on to add that he felt the developers were asked to do too much and this put pressures on budgets which meant that developers had to explore higher density options. He stated that all the central towers were still the same height as the previous scheme he would vote against the Officer recommendation.
- (24) Councillor Cox stated that he had been thinking very hard about the scheme, and he recognised the concerns of local residents, but he noted there was a very real need for

affordable homes in the city. In recent Committees some Members had expressed concerns in relation to the number of empty school places in Portslade and this would go some way to filling those places. He stated that on balance he would support the Officer recommendation.

- (25) Councillor Ken Norman noted that he still had concern in relation to the Vega Building, and went on to note the concerns raised by some of the public speakers. He added that the height of the central blocks was still too high, and the view from the surrounding roads was unacceptable; he wanted to see development in this area, but felt this scheme was not quite right. He noted the loss of light to the residents, and stated that he would not be supporting the Officer recommendation.
- (26) Councillor Gilbey referenced paragraphs of the planning brief, and noted that the scheme did not protect amenity.
- (27) A vote was taken and planning permission was granted on a vote of 7 to 4 with 1 abstention.

92.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to be **MINDED TO GRANT** planning permission subject to the conditions and informatives set out in the report, and the additional Heads of terms to the Section 106 agreement set out below:

- i. Funding of membership of car club for residential occupants for the first two years of occupation following completion of the development.
- ii. A contribution of £2,000 towards funding of a Traffic Regulation Order for a car club parking bay on Kingsway.

B. BH2013/00908 - 112-113 Lewes Road, Brighton - Removal or Variation of Condition - Application for variation of condition 28 of application BH2010/01824 (Erection of four storey building providing retail floor space on ground and first floors and student halls of residence (39 units) on ground and upper floors) to allow for internal alterations including a reduction in commercial floor area, alterations to ground floor layout and an additional 5 bed spaces.

- (1) The Case Officer, Anthony Foster, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The site was located near the Lewes Road gyratory, and the application sought variations to the original approved scheme which would allow for an amended internal layout, and the loss of the retail space at the first floor. It was proposed that the third floor roof terrace be removed and enclosed to create five additional bed spaces, and it was noted that the principle of the development had been established by the previous consent. A deed of variation was also sought so that the s106 agreement was properly linked to the revised scheme. It was not considered that the amendments would cause harm to the Lewes Road shopping area or the permitted retail unit, and the proposal would not have undue impact. In terms of design these were minor in nature and would not compromise the design or appearance of the building; nor there be any detrimental impact on the highways network. The application was recommended to be minded to

grant for the reasons set out in the report, and subject to agreement of the deed of variation to the s106 agreement.

Questions for Officers

- (2) It was confirmed for Councillor Randall that the total number of units would now be 44.
- (3) It was noted, in response to Councillor Deane that appropriate sound proofing of the new common room would be secured through condition.
- (4) It was confirmed for Councillor Gilbey that some of the units had private amenity space, but there was a rear area of amenity space for use by all the residents of the rear unit in the development.

Debate and Decision Making Process

- (5) Councillor Randall stated that he would not be supporting the Officer recommendation as he had not been in support of the original scheme. He added that there were 29 HMOs in the immediate area of New Market Road, and additional students would add to the existing problems.
- (6) Councillor Hyde noted she was of the opposite view, and the scheme was only asking for an additional 5 units above what had already been agreed, and she felt there would no significant impact.
- (7) A vote was taken and planning permission was granted on a vote of 10 to 2.

92.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to be **MINDED TO GRANT** planning permission subject to the conditions and informatives set out in the report.

C. BH2013/02475 - 33 Redhill Drive, Brighton - Full Planning Permission - Erection of two storey rear extension

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Senior Team Planner, Kate Brocklebank, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application site related to a six bedroom house on Redhill Drive that had been extended in the past, and the garage and workshop had been converted into bedrooms with a bathroom and kitchenette. The house was currently in C4 use, and the application sought the erection of a part single and part two-storey extension to add further bedrooms at the first floor level. The extension was considered appropriate, and not likely to cause significant harm. For the reasons set out in the report the application was recommended for approval.

Public Speakers and Questions

- (3) Mr John Lyall spoke in objection to the application in his capacity as a local resident, and stated that the proposed extension would make the building higher and would project significantly beyond the house line making it very intrusive. The extension would also cut out light to the back room of his house, and not be in accordance with the 45 degree rule. The paving area and planting in his garden would also be affected. The number of existing additions to the house were noted, and it was stated there would now be 8 bedrooms in the house and the original footprint of the house had doubled. Other neighbours in the street had also had extensions, and there were no objections as they were considered to be in-keeping. It was also noted that there had been noise issues in relation to the unsociable hours that some of the existing work had been carried out. The applicant had also told Mr Lyall that he had permission for the extension, but when Mr Lyall had checked this had not been the case.
- (4) Councillor Ann Norman spoke in her capacity as the Local Ward Councillor and stated the property was already large and developed, and if the extension were granted it would have a significant impact on no. 29 Redhill Drive. If approved it would be bulky and intrusive, and rooms at the rear of no. 29 would lose their outlook. The garden of no. 29 also housed a number of rare plants and birds and it was felt that this wildlife could be affected by the proposal. Councillor Ann Norman noted that she felt the application was contrary to Local Plan policies QD1, QD2 & QD14.
- (5) In response to a question from Councillor Deane it was explained by Councillor Ann Norman that a number of the areas where the birds nested were close to the boundary with the application site.
- (6) Mr Abe Moshin spoke in support of the application in his capacity as the agent for the applicant and stated that the Committee should heed the advice of the Case Officer. The application would provide additional bedrooms and a study as the applicant wanted all three of their children to have bedrooms at the first floor. The area downstairs would be used as two bedrooms for foreign students and an office, and it was eventually intended that the area would be used as an annex for an elderly relative. The extension was in compliance with the 45 degree rule and there would be no additional demand on parking. The house had a lawful use as an HMO (C4) and any change to the use would require planning permission. The proposal was considered to be in-keeping and compliant with policy, and generally tidy up the appearance of the rear of the property.
- (7) In response to Councillor Hyde it was explained by Mr Moshin that he had advised his client to cease works until planning permission had been obtained; Mr Moshin was unaware if his client had consulted with neighbours in relation to the application.
- (8) It was confirmed for Councillor Randall that a total of seven would live in the house once the works were completed; this included the applicant's family and two foreign students.

Questions for Officers

- (9) It was confirmed for Councillor Cox that the use of the extension as an annex for a relative would not require planning permission.
- (10) It was confirmed for Councillor Wells that the 45 degree rule applied to habitable rooms, and the extension was within this guidance.
- (11) In response to Councillor Gilbey the Senior Team Planner explained that limited weight could be given to the type of wildlife in the neighbouring garden as, whilst there would be an impact, it was not so severe so as to cause harm.
- (12) It was confirmed for Councillor Hyde that the completed building would have 8 bedrooms, and this would be an approximate doubling in size of the original building.
- (13) Councillor Deane asked about the building activities at the weekend, and in response it was noted there were powers under Environmental Health legislation that could properly address these concerns.
- (14) It was confirmed for Councillor Hyde that the impact of the neighbouring patio had been assessed, but it was the view of the Case Officer that it was not so significant to cause harm as there was a north-south orientation such that the whole area was not affected.

Debate and Decision Making Process

- (15) Councillor Wells stated that the extension would help to tidy up the rear of the property, and his concerns in relation to the 45 degree had been addressed adequately.
- (16) A vote was taken and planning permission was granted on a vote of 9 to 2.

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

Note: Councillor Ken Norman was not present during the consideration and vote on this application (see minute 87.2).

D. BH2013/02364 - 4 Bennett Road, Brighton - Householder Planning Permission - Retention of enlarged rear porch to replace pre-existing, incorporating external steps to garden level (Part Retrospective).

- (1) The Senior Team Planner, Kate Brocklebank, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application site related to a two-storey mid-terrace property, and the application was part-retrospective for the replacement of the porch and steps to the rear garden. The application followed refusal for the existing structure which was dismissed at appeal; however, the inspector had noted that obscure glazing could mitigate harm from the door and the windows. Replacement was also sought for the porch structure and the steps; rather than the raised platform. In order to address the remaining issues

conditions were sought for obscure glazing on the door and windows and the removal of the raised platform; with a three month window for compliance. For the reasons set out in the report the application was recommended for approval.

Public Speakers and Questions

- (2) Mr Roger Wheeler spoke in objection to the application in his capacity a local resident. He stated that he felt his neighbours were in a very unfortunate situation, and he was sympathetic that they had been wrongly advised by their builder that the alterations did not require planning permission. An 'ugly' porch had been constructed from green untreated timber, and reference was made to the original decision and reason for refusal. Mr Wheeler added that the proposal was now twice the size, and had destroyed the outlook from the window in his property, and he was of the view that neither the Case Officer nor the inspector had been able to make an informed view. Changing the direction of the steps would not make a difference, and he felt the original decision should stand as the planning process was being abused.
- (3) Mrs Helen Lyons spoke in support of the application in her capacity as the applicant. She stated that in May 2012 there had been a serious leak in the dining room of her property, and it was necessary to replace the render; at the same time the decision was made to change the porch and the dangerous steps. At this point they had spoken with the Planning Authority and taken advice on the size of development that would need permission; they had informed their neighbour, and also had their builder replace a section of their guttering for free. After the work was completed they were told they needed to seek planning permission, and after the first refusal they were told an appeal could run alongside a new planning application. Officers had reviewed the situation, and felt there was no harm caused from the outlook to their dining room, and the structure did not appear to be overbearing. It was noted that Mrs Lyons had always had a view into the neighbouring property, and she was happy to obscure the windows and door as requested. There was also an increased view into her kitchen from the neighbours if they were to put the steps back as they had been without the raised decking.

Questions for Officers

- (4) It was confirmed for Councillor Davey that the inspector had agreed the overlooking could be mitigated by the obscured glazing, but the raised decking could not be mitigated, and the application included the removal of this.
- (5) It was confirmed for Councillor Mac Cafferty that the view of the inspector was very clear, and a contrary decision was very unlikely to be upheld at appeal.
- (6) A vote was taken and planning permission was granted unanimously.

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

E. BH2013/02823 - Hove Museum, 19 New Church Road, Hove - Council Development - Creation of terrace incorporating new low level perimeter wall.

- (1) The Senior Team Planner, Kate Brocklebank, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. A verbal update was provided that an additional letter of support had been received from 20 Westbourne Street, and Sussex Police had stated they had no objection to the proposals. Hove Museum was a locally listed building; with the Grade II listed Jaiper Gate in the grounds; the application sought a new terrace area to be used in connection with the existing tea rooms. The submitted plans sought space for 22 covers on the terrace, and involved the construction of a 66mm low level wall. The proposal was acceptable in terms of the design; would not detract from the main building and the conditions were satisfactory to address neighbouring amenity concerns. For the reasons set out in the report the application was recommended for approval.

Public Speakers and Questions

- (2) Ms Julia Besser addressed the Committee and spoke in her capacity as a local resident; she stated she was speaking on behalf of herself and other neighbours in relation to a potential lack of privacy and the existing problems with anti-social behaviour, and referenced a local newsletter which had discussed these issues. The real issue related to the bench on the site which acted as a congregation point, and it was felt that the problems would get worse if additional seating were added at this location. Residents also felt that their concerns were not as important as the proposed benefits with the application. It was suggested that the situation would be better if the tables and chairs were taken in each evening as they been in previous years. It was also added that the facility was not just for a tearoom, and there were plans for a restaurant and for barbeques to be held where people would be able to drink outside. Ms Besser added that the terrace was a 'town centre' use that was not appropriate in this location, and she felt her quiet home would be lost if the application were granted.
- (3) At this point in the meeting Councillor Cox noted he had written the newsletter that Ms Besser had discussed, and he withdrew from the meeting during the remaining of the consideration of the application and the vote thereafter. (see minute 87.3)
- (4) Councillor Cobb addressed the Committee in her capacity as the Local Ward Councillor and stated that she had been contacted by residents who lived in the immediate vicinity, and she shared their concerns as the area was an important conservation area. She stated that the museum grounds were covering by by-laws that related to the control of noise and disturbance, and she expressed concern for the potential loss of mature trees which added to the character of the area. The museum ground was the only green space in the ward, and there was concern in relation to overdevelopment here. In the past chairs had been bought outside during opening hours, and this seemed a more advantageous solution. There was also concern that increasing the capacity of the tearoom would increase the traffic in the area, and there would be slow creep of the museum being turned into a food lead venue. Councillor Cobb asked that the Committee agree this was an inappropriate development in a residential area.

- (5) Abigail Thomas spoke in support of the application in her capacity as an employ of the Museums division at the Council. She stated that the tearoom activities were ancillary to the primary use as a museum, and the reduction in the green space would be a small localised area and would not be detrimental to the established planting on the site. It was noted that the tearoom would not create such volume or continuous noise to cause disturbance; furthermore the clientele would be museum visitors. The terrace would only be open for limited hours during the day and normally be closed by 1630 hours. It was not felt the proposal would be a beacon for antisocial behaviour, and there would be no fixed seating. There would also be no loss of trees, and the area of green space to be lost was no further than the existing path.
- (6) It was confirmed in response to a query from Councillor Hyde that there would be no fixed seating and the tables and chairs would be removed and taken inside each evening.
- (7) In response to Councillor Ken Norman it was confirmed by Abigail Thomas the area where the green space would be lost, and it was estimated this was 13 metres long and 1.5 metres wide.
- (8) Councillor Randall asked Ms Thomas about the opening times, and it was clarified that the museum could open until 2300 hours twice a month, and these later hours were to allow for evening events or private exhibitions when alcohol would normally be served.

Questions for Officers

- (9) In response to Councillor Hyde it was explained that as the tables and chairs were not fixed it would not be possible to add a condition stating they needed to be bought inside each evening; however, an informative could be added to this extent.
- (10) At this point in the meeting the Solicitor, Alison Gatherer, noted that the Committee could not give weight to the by-law as this was considered the same as a restrictive covenant, i.e. it was not a planning consideration. The Senior Team Planner also added that the report incorrectly stated the tables and chairs were permanent, and if the operation of the building were to change to primarily a restaurant then this would constitute a change of use and require planning permission.

Debate and Decision Making Process

- (11) Councillor Hyde noted the residents concerns in relation to potential nuisance from the licensed activity of the premises, but stated that these concerns could be dealt by the separate powers of the Licensing regime.
- (12) A vote was taken and planning permission was granted on a vote of 9 to 2.

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

Note: Councillor Cox was not present during the debate and vote on this application (see minute 87.3).

- F. BH2013/02613 - 17 Goldstone Crescent, Hove - Full Planning Permission -** Demolition of existing three bedroom single dwelling and erection of part three/part four storey block of 7no flats.
- (1) The Committee agreed to forego a presentation and moved straight to the vote.
 - (2) A vote was taken and planning permission was unanimously granted.
- 92.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 and resolves to be **MINDED TO GRANT** planning permission subject to the conditions and informatives set out in the report.
- G. BH2013/02747 - 5 Steine Street, Brighton - Full Planning Permission -** Change of use from nightclub (Sui Generis) to 7 unit student accommodation (Sui Generis) incorporating alterations to fenestration and installation of railings to glazed floor panel lightwell.
- (1) The Senior Team Planner, Kate Brocklebank, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. Attention was drawn to matters on the Late List, and it was noted that two additional letters had been submitted from a language school intending to occupy the accommodation, and local resident in support. The property had last been in use as a nightclub, and was set over three floors; permission was sought for seven bedroom student accommodation with a communal dining and living space on the basement floor. There would be changes to some of the fenestration and the creation of a lightwell. Whilst the principle of the accommodation was acceptable it was felt that the standard was not acceptable. For the reasons outlined in the report the application was recommended for refusal.

Public Speakers and Questions

- (2) Mr Pierre Dowsett spoke in support of the application in his capacity as the agent acting on behalf of the applicant. He stated the application had support from the local community due to the history of problems associated with the previous use of the building. There would be high level fixed windows to allow light to come into the basement rooms, and it was noted that each room had its own en-suite, but this had not been taken into account when calculating the size of each room. As there was no policy in relation to minimum room size it was felt that the view of the Case Officer was subjective, and the HMOs standards should be relied upon. The applicant considered the accommodation to acceptable, and they would provide needed student accommodation for the city.

Questions for Officers

- (3) It was confirmed for Councillor Hyde that the size of the rooms exceeding the HMO standards, but it was noted that HMO legislation was separate to planning permission; furthermore the HMO only gave a minimum size and did not consider issues such as daylight and other planning matters. The combination of issues such as the lack of

outlook for the communal area; very small rooms and no amenity space had lead Officers to the view that they could not support the application.

- (4) It was confirmed for Councillor Cox that if granted it would not be possible to attach a condition restricting the occupation to students only; as there would be no planning grounds to do this.

Debate and Decision Making Process

- (5) Councillor Duncan noted that this site was located in his ward, and there had been problems with the previous use as a nightclub. He stated the proposals would be a major step forward and help to improve the situation for local residents.
- (6) Councillor Davey stated he sympathised with the views of residents, but could not support such unsuitable accommodation. Councillor Randall echoed these comments and noted that the bedroom sizes were ‘not good.’
- (7) Councillor Hyde noted the local support, and stated that individuals would still be able to make a personal decision about whether to live there.
- (8) Councillor Gilbey stated that she understood the resident’s concerns, but felt that permission shouldn’t be granted simply because this use was preferable to the previous.
- (9) Councillor Mac Cafferty noted that he was of the view the Planning Authority needed minimal space standards, and he hoped to progress this. He agreed that the scheme would be better than the previous use, but felt the proposal was of inadequate standard.
- (10) A vote was taken and planning permission was refused on a vote of 7 to 3 with 2 abstentions.

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

Reason for Refusal:

- i. The proposed internal accommodation, including a basement level communal room with little natural light and very limited outlook, a number of small bedrooms, and rooms to the rear of the property reliant on a lightwell which would provide limited natural light and poor quality outlook, would not be of an acceptable standard. The proposed development would not provide a suitable standard of accommodation, which would be to the detriment of the amenity of future occupiers and would be contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

- i. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of

sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

H. BH2013/02231 - 125 Upper Lewes Road, Brighton - Full Planning Permission - Change of use from small House in Multiple Occupation (C4) to large House in Multiple Occupation (sui generis) and erection of single storey rear extension to the first floor to create additional bedroom.

- (1) The Senior Planner, Kate Brocklebank, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. Reference was made to the amended condition on the Late List. The property currently comprised a three-storey house and was already a registered small HMO. The proposal sought the creation of an additional bedroom; the application was considered as acceptable due to the standard of the accommodation and its current use as an HMO. For the reasons set out in the report the application was recommended for approval.

Questions for Officers

- (2) In response to Councillor Randal the sizes of the bedrooms were clarified, and it was noted that the application was recommended for approval as the standard of accommodation was acceptable; all the bedrooms had some aspect and opening windows, as well as access to private amenity space.
- (3) Councillor Randall proposed that a site visit take place and this was seconded by Councillor Mac Cafferty and this was agreed on a vote of 8 to 3 with 1 abstention.

92.8 **RESOLVED** – That the application be deferred to allow for a site visit to take place.

I. BH2013/02591 - 7 College Road, Brighton - Removal or Variation of Condition - Application for removal of condition 4 of application BH2006/03056 (Conversion of dwelling into two 1 bed flats and one 2 bed flat) which states that no development shall take place until details of arrangements to ensure the development shall remain genuinely car free at all times have been agreed in writing by the Local Planning Authority.

- (1) The Senior Planner, Kate Brocklebank, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. A verbal update was provided since the closure of the Late List in relation to an additional letter of objection from no. 25 College Road. The application site comprised a four storey building that had been granted permission to become four units in 2006; that permission had sought to restrict the two new units to being car free. The application sought the removal of the car free condition as the occupiers had been able to purchase parking permits since the permission had been granted due to an administrative error on the part of the Council that had only recently come to light. It was considered that the potential harm had dissipated into the local area in the last few years, and could not warrant a reason for refusal. For the reasons outlined in the report the application was recommended for approval.

Questions for Officers, Debate and Decision Making Process

- (2) It was confirmed for Councillor Cox that there was not currently a waiting list for permits in the zone.
- (3) In response to Councillor Davey it was explained that work had been undertaken to ensure such a mistake would not be repeated in future, but the particulars of the case had been complicated as some units in the building had been remained able to apply for permits whilst others had not.
- (4) Councillor Davey noted that the Committee had little other choice then to grant the application.
- (5) It was confirmed to Councillor Cox that the value of the properties was not material to the application.
- (6) A vote was taken and planning permission was granted with 10 in support and 1 abstention.

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

Note: Councillor Duncan was not present during the consideration and vote on the application.

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

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

Application:	Requested by:
BH2013/02231 - 125 Upper Lewes Road, Brighton	Councillor Randall

94. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

95.1 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.]

96. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

97. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

98. APPEAL DECISIONS

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

The meeting concluded at 5.18pm

Signed

Chair

Dated this

day of