

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 29 OCTOBER 2014**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillor Mac Cafferty (Chair) Councillor Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Bowden, Cox, Gilbey, Littman, K Norman, Phillips, Robins and Wells

**Officers in attendance:** Jeanette Walsh (Head of Development Control); Adrian Smith (Senior Planning Officer); Jonathan Puplett (Senior Planning Officer); Pete Tolson (Principal Transport Officer); Greg Minns (Environmental Health Officer) Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer).

**PART ONE**

**86 PROCEDURAL BUSINESS**

**86a Declarations of substitutes**

86.1 Councillor Bowden was in attendance in substitution for Councillor Davey, Councillor K Norman was in attendance in substitution for Councillor C Theobald and Councillor Robins was in attendance in substitution for Councillor Hamilton.

**86b Declarations of interests**

86.2 There were none.

**86c Exclusion of the press and public**

86.3 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.

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

**86d Use of mobile phones and tablets**

86.5 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'aeroplane mode'.

**87 MINUTES OF THE PREVIOUS MEETING**

87.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 8 October 2014 as a correct record.

**88 CHAIR'S COMMUNICATIONS**

88.1 The Chair confirmed that the next scheduled training session for Planning Committee Members was due to take place from 10.00am on 4 November.

**89 PUBLIC QUESTIONS**

89.1 There were none.

**90 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

90.1 There were none.

**91 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**MAJOR APPLICATIONS**

**91A BH2014/02308-113-119 Davigdor Road, Hove-Full Planning** - Demolition of existing building and construction of a new part 4no, part 5no, part 7no and part 8no storey building providing 700sqm of office space (B1) at ground floor level and 68no residential units (C3) to upper levels. Creation of basement level car and cycle parking, landscaping, boundary treatments and other associated works.

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

(2) The Senior Planning Officer (Adrian Smith) gave a presentation detailing the constituent elements of the scheme by reference to site plans, elevational drawings and photographs. It was explained that the application related to a modern two storey building located on the north side of Davigdor Road comprising 700sqm of office accommodation. Associated parking was located to the west side and rear of the site, with access to Lyon Close from the rear.

(3) It was noted that the site was bordered to the east by the seven storey P&H office building and three storey Preece House, and to the west by the four storey Cambridge House (Happy Cell), which comprised a mix of B1 and D1 uses. A number of single storey retail warehouses and trade counters were situated in Lyon Close to the rear, with the mainline railway beyond. A mix of two, three and four storey residential houses

and flats sat opposite to the south. Permission was sought to demolish the existing office building and to replace it with a part four, part five, part seven and part eight storey building. 40% of the units would comprise affordable housing and car parking for 38 vehicles would be provided within the basement car park, 8 spaces would be allocated to the office uses and 30 to the residential flats. An area of landscaping would be provided to the front of the site.

- (4) Paragraph 8.8 of the report was corrected as it as it was clarified that all 5 wheelchair accessible units would be 1 bedroom units. Members were also advised of late amendments to the s106 Heads of Terms as set out in Paragraph 11 of the report. It should be noted that the open space contribution had been reduced to £140,000, the local employment scheme contribution had been reduced to £17,000 and the public art contribution had been removed. The applicants had confirmed that a minimum of 4 units would be affordable rent units. Condition 11 would require amendment to reflect this, by addition of the phrase “and include a minimum 4 units of affordable rent housing” at the end of part a)
- (5) 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 standards of accommodation to be provided, the impact of the development on neighbouring amenity and transport, ecology and sustainability issues.
- (6) It was considered that the 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 the loss of employment floorspace, and without significant harm to the amenities of adjacent occupiers. Subject to the conditions and the terms of the proposed s106 agreement the development would accord with development plan policies, minded to grant approval was therefore recommended.

### **Questions for Officers**

- (7) Councillor Hyde sought confirmation that 2 parking spaces were to be provided associated with the office use, if correct, she considered that number to be very low. It was confirmed that number was correct and that this had been carefully considered in line with the agreed Policy formula, taking account of the fact that a degree of on-site parking was to be provided (at basement level) and the site was located within a controlled zone. The site was well served by public transport and the level of on-site provision was considered acceptable. The Head of Development Control stated that a contribution had been suggested towards a sustainable transport infrastructure which would enable the proposed development to meet the requirements of policy TR1. These monies would be used to facilitate and encourage use of sustainable of transport locally. Councillor K Norman also sought clarification of the levels of parking to be provided.
- (8) Councillor Jones enquired regarding impact of the development, particularly to the rear. Whilst noting that the distances wall to wall between the site and the properties to the rear was generous he considered it was important to envisage the main visible massing and set back of the buildings. Councillor Jones asked to see visuals showing the impact of shadowing across the site if they were available. It was explained that the

distances between the site and the neighbouring development to the rear was considered significant and on consequence the impact from the new form of development would not be harmful to neighbouring amenity. Contextual drawings Visuals showing the proposed northern and southern elevations were also shown.

- (9) Councillor Gilbey enquired regarding the level of contribution being sought towards the cost of providing school places and supporting pressure on the school infrastructure in the city which could arise in consequence of the development. Councillor Gilbey noted that a number of schools had been referenced in the report, however, as St Andrew's Church of England Primary School had not been mentioned she sought confirmation as to whether any places available at this school had been taken account of. It was explained that St Andrew's was a small school with 1 form of entry which had already been expanded. It was acknowledged that there was pressure on school places in this part of the city and that the contribution sought would be allocated where it could be used most appropriately.

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

- (10) Councillor Wells stated that he considered that the application represented good use of a brown field site. Whilst he had some concerns regarding the potential impact of the development in terms of pressure on school places, he noted that measures had been taken to address this issue. He considered that the scheme fitted well into the neighbouring street scene and was pleased to note that on-site parking had been provided. He was happy to support this scheme.
- (11) Councillor Hyde agreed that the scheme made imaginative use of the site and was pleased to note that it was lower in height than the earlier scheme. Such development helped to protect the urban fringe and should in her view be supported. Councillor Hyde also referred to the palette of materials to be used and it was confirmed that final approval would be subject to agreement by the Head of Development Control following consultation with the Chair, Deputy Chair and two Opposition spokespersons.
- (12) Councillor Bowden welcomed the scheme which would also provide much needed affordable housing. Councillor Jones also concurred in that view.
- (13) Councillor Littman concurred with all that had been said also expressing support for the scheme. The availability of school places across the city would continue to be a pressure, however an appropriate level of contribution had been sought to seek to address this issue.
- (14) Councillor Gilbey supported the scheme but considered that the mix of social housing to be provided was unlikely to assist those who needed access to affordable rental property whilst recognising that this did not constitute reasons to refuse planning permission. Councillor Carden concurred in that view.
- (15) Councillor Robins also expressed support for the scheme which he considered was of an acceptable appearance which would provide much needed housing.
- (16) A vote was taken and Members voted unanimously that permission be granted in the terms set out below.

- 91.1 **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 to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11 and as amended below:

The s106 Heads of Terms to be amended to reflect the fact that the open space contribution has reduced to £140,000, the local employment scheme contribution has reduced to £17,000 and that the public art contribution has been removed.

As the applicants have confirmed that a minimum of 4 units will be affordable rent units, Condition 11 to be amended to reflect this by the addition of the phrase “and include a minimum of 4 units of affordable rent housing” at the end of part a).

### **MINOR APPLICATIONS**

- 91B BH2014/02018-31 Ainsworth Avenue, Brighton-Full Planning** - Erection of 1no detached two bedroom dwelling with formation of access from Dower Close.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer (Jonathan Puplett) gave a presentation detailing the constituent elements of the scheme by reference to site plans, elevational drawings and photographs showing the site. It was noted that the application related to the rear garden area of a property which contained a detached bungalow which fronted onto Ainsworth Avenue. The rear boundary of the site faced onto Dower Close. Planning permission was being sought to divide the application site into two separate residential plots, and to erect a two storey dwelling in the rear-most plot. The existing dwelling would retain a plot of reduced size.
- (3) The main considerations in determining the application related to the principle of the proposed development in the proposed location, the standard of accommodation which the proposed dwelling would provide, accessibility, the impact on neighbouring amenity, transport/highways, sustainability and landscaping/nature conservation.

### **Public Speakers**

- (4) Mr Cook and Mrs Anns spoke on behalf of neighbouring residents setting out their objections to the proposed scheme. Mr Cook stated that neighbouring residents had particular concerns in respect of additional traffic, noise and potential obstruction of the highway which could occur during the construction period and in the longer term the additional on-street parking which could arise from the development. Objectors' major concerns however related to the impact that the development would have on the existing hedgerows and trees on site. It was considered that the proposed works were likely to be detrimental to the existing planting, which if removed would have a very negative impact as the new dwelling house would be clearly visible from neighbouring properties.

- (5) Mr Smith, the applicant, spoke in support of his application explaining that following concerns expressed in respect of an earlier application he had worked hard to address those concerns and to bring forward a scheme which provided the accommodation needed whilst respecting the amenity of neighbouring residents. The property would not overlook its neighbours as it would be set down into the site. Measures would be put into place to ensure that the Sycamore tree to the verge behind the site which could be threatened by the works was fully protected. There were no plans to remove any of the remaining hedging which would provide screening for both properties on site. Measures would be undertaken to ensure that any disruption resulting from the building works would be minimised.

**Questions of Officers**

- (6) Councillor Jones enquired whether the existing hedges were privet, also their positioning and depth of the surrounding soil. Depending on the depth of their root system, they would be more or less likely to be compromised by the construction works, it could take some time for replacement planting to establish itself.
- (7) Councillor Hyde sought clarification whether the existing dwelling was visible from any of the neighbouring properties, it was confirmed that it was not. Mr Smith, the applicant, confirmed that he had no intention of removing the existing boundary planting as this which protected the privacy and amenity of the existing dwelling and would have the same benefit for the proposed new dwelling.
- (8) Councillor K Norman also enquired regarding the degree of protection envisaged and the form that any contingency measures would take. He concurred with Councillors Jones and Hyde that measures to protect the on-site planting were critical as if they were compromised overlooking and loss of amenity would undoubtedly occur to the detriment both of the buildings on site and the neighbouring residential properties. The depth of topsoil over the underlying chalk could also be factor.

**Debate and Decision Making Process**

- (9) The Senior Planning Officer (Jonathan Puplett) confirmed that access arrangements to the site had been considered by the Transport Team and were considered to be acceptable. Although the development would be visible from neighbouring dwellings and gardens it would be set down within the site. The first floor element which would be the most prominent, was set at the corner of the site to give spacing from the dwellings and gardens of Ainsworth Avenue and it was considered that in consequence the would not be overbearing or overly prominent in its appearance. Conditions were also required to ensure protection of the existing levels of planting on site, these also included a requirement to enhance the nature conservation interest of the site.
- (10) In answer to further questions by Councillor K Norman it was confirmed that whilst the planting on site could not be protected in perpetuity, the conditions proposed would ensure that this was protected over during the building works and over the initial period following its completion. Councillor Norman re-iterated that he considered the protection of the hedges bounding the site to be of critical importance as they would

also protect local wildlife. Hawk moths tended to live and breed in privet hedges, a species which was becoming increasingly rare.

- (11) In answer to questions regarding delivery of materials to and removal of waste from the site whilst it was acknowledged there could be some disruption during the construction period, it was noted that should difficulties occur in terms of noise or other nuisance there was recourse to action under the Environmental Health regime. During the course of the site visit building materials had been observed which were not associated with the proposed scheme.
- (12) Councillor Bowden indicated that he considered the proposed scheme was acceptable.
- (13) Councillors Cox and Robins concurred stating that the applicant had it clear that measures would be taken to protect neighbouring amenity and to avoid and detriment to neighbouring amenity and they therefore considered the proposed form of development to be acceptable.
- (14) Councillor Carden referred to developments in Mile Oak where hedges had been retained. Should this be the case he did not envisage that any problems would arise from the scheme.
- (15) Councillor Jones was pleased to note that detailed consideration appeared to have been given to the arrangements needed to support the planting on-site and to ensure that it continued to provide adequate screening and to protect wildlife associated with it.
- (16) The Chair, Councillor Mac Cafferty, stated that whilst noting objectors concerns regarding potential detriment arising from the development he was re-assured by the conditions which were proposed to seek to ensure that this did not occur.
- (17) A vote was taken and on a vote of 11 with 1 abstention planning permission was granted in the terms set out below.

91.2 **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 receipt of satisfactory side elevation drawings and to the Conditions and Informatives also set out in section 11 of the report.

**Note:** Councillor Hyde abstained from voting in respect of the above application.

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

92.1 There were none.

**93 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

- 94.1 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.]

**95 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**96 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**97 APPEAL DECISIONS**

- 97.1 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 3.20pm

Signed

Chair