



**Brighton & Hove
City Council**

PLANNING COMMITTEE ADDENDUM

2.00PM, WEDNESDAY, 8 NOVEMBER 2017

**COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD,
HOVE, BN3 3BQ**

ADDENDUM

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BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 11 OCTOBER 2017

COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 4AH

MINUTES

Present: Councillors Cattell (Chair), Mac Cafferty (Group Spokesperson), Bennett, Hill, Janio, Littman, Miller, Moonan, Wealls and Yates

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

Officers in attendance: Nicola Hurley (Planning Manager), Alison Gatherer (Lawyer), Steven Shaw (Development and Transport Assessment Manager), Colm Mckee (Principal Planning Officer), Stewart Glassar (Principal Planning Officer), Luke Austin (Planning Officer), Wayne Nee (Principle Planning Officer) and Cliona May (Democratic Services Officer)

PART ONE

53 PROCEDURAL BUSINESS

a Declarations of substitutes

- 53.1 Councillor Wealls was present in substitution for Councillor C. Theobald.
- 53.2 Councillor Janio was present in substitution for Councillor Hyde.
- 53.3 Councillor Hill was present in substitution for Councillor Morris.
- 53.4 Councillor Yates was present in substitution for Councillor Russell-Moyle.

b Declarations of interests

- 53.5 Councillor Yates noted that in his capacity as a Local Councillor he had objected to Application I) BH2017/00535 - 4 Plymouth Avenue, Brighton and would not take part in the consideration and vote on the application.
- 53.6 Councillor Janio declared a personal interest in respect of Application B) BH2017/00662 - The Downsman, 189 Hangleton Way, Hove. He explained he had discussed the application with the applicant; however, he confirmed he remained of a neutral mind and would remain present during the consideration and vote on this application.

- 53.7 The Chair disclosed an instance of lobbying in respect of Application C) BH2017/01065 - Baptist Tabernacle, Montpelier Place, Brighton. She explained that the Planning Members had received an email from an objector.
- 53.8 The Chair declared a personal interest in respect of Application E) BH2017/00284 - Wayland Paddock, 41 Wayland Ave, Brighton. She explained that when she was a Planning Consultant she had worked with the original owner of the property; however, she confirmed she remained of a neutral mind and would remain present during the consideration and vote on this application.

c Exclusion of the press and public

- 53.9 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.
- 53.10 **RESOLVED** - That the public are not excluded from any item of business on the agenda.

d Use of mobile phones and tablets

- 53.11 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’.

54 MINUTES OF THE PREVIOUS MEETING

- 54.1 It was noted that the minutes were sent to the Committee Members after the agenda was published. The Committee agreed to defer the minutes to the next meeting.

55 CHAIR'S COMMUNICATIONS

- 55.1 There were none.

56 PUBLIC QUESTIONS

- 56.1 There were none.

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

- 57.1 There were no further requests for site visits in relation to matters listed on the agenda.

58 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**Major Applications****A BH2017/01259 - Sussex Police, Sussex House, Crowhurst Road, Brighton - Full Planning**

Change of Use of part of ground and first floor from general business (B1) to recreational use/immersive adventure experience (D2).

Officer Presentation

- 1) The Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and explained that the application had previously been deferred at the Planning Committee on 9 August 2017. This allowed the officers to consider further information submitted by the applicant. It was explained that a suitable site closer to the city centre had not been identified and that the scheme would generate a similar amount of employment as a B1 use would. The application was for a temporary use and sought permission for ten year consent. The site was a primary industrial site identified in the City Plan Part One and protected by policy for a B1 or B2 use.
- 2) The previous occupiers of the site were the Sussex Police and it was located within an industrial area. The footprint of the applied for area was approximately 2098sqm and there would be no external alterations to the building. There would be a maximum footfall of 32 an hour at full capacity as there would be a maximum of eight people per group. The majority of the site was made up of storage rooms and there was no natural light in the majority of these.
- 3) There would not be significant harm to the neighbouring amenity as it was within an industrial area. There was a proposed condition to ensure the development was fully sound-proofed as the attraction could generate noise. There were 30 parking spaces proposed, there would be a car share for employees and a travel plan had been secured. The Highways Authority had not submitted an objection.

Questions for Officers

- 4) In response to Councillor Moonan the Development and Transport Assessment Manager explained that there was underground parking on site, in addition to the proposed 30 parking spaces, and condition 6 secured the parking details to be submitted to the Local Planning Authority before development begun. It was noted that due to the location 30 parking spaces was acceptable for the proposal.
- 5) In response to Councillor Yates the Planning Officer explained that the County Ecologist had made some recommendations and it was felt that a condition was not required as there was no construction work to take place.
- 6) In response to Councillor Littman it was explained that the proposed tenants would be investing a lot to adapt the site and ten years would ensure that the scheme was

financially viable. It was also added that there was not currently a B1 use demand for the site.

Debate and Decision Making Process

- 7) Councillor Miller stated that he would be supporting the Officer's recommendation and that he was pleased the proposal was for a temporary period.
- 8) Councillor Yates noted that it was common to have mixed used units within an industrial site and the proposal would be generating money within the city. He explained that as there was not a demand for a B1 use then he would be supporting the Officer's recommendation.
- 9) The Chair noted that she was pleased the Planning Committee agreed to defer the application and thanked the Planning Officer's for working closely with the applicant. She explained that the policy had been applied flexibly and the application was not contrary to policy; therefore, she would be supporting the Officer's recommendation.
- 10) The Chair then put the application to the vote, and the Officer recommendation that the application be minded to granted was **carried** unanimously.

- 58.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to be **MINDED TO GRANT** permission for the reasons set out in the report.

Note: Councillors Gilbey and Inkpin-Leissner were not present for the consideration and vote of this application.

B BH2017/00662 - The Downman, 189 Hangleton Way, Hove - Full Planning

Demolition of former public house (A4) and erection of 33 dwellings (C3) comprising of 10 terraced houses and a block of 23 flats incorporating community space (D1) at ground floor level with associated access, parking and landscaping.

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

Officer Presentation

- 2) The Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and explained the site was within a residential area consisting of semi-detached houses and blocks of flats. The site was underdeveloped and classed as an open space. The Planning Officer noted that there was an additional s106 Heads of Terms proposed and amended conditions that were published in the Late Representation List.
- 3) The application included the demolition of a former public house which closed in 2014. There had been little interest in keeping the building as a public house and no objection had been received regarding the loss of it. The loss of the public house was deemed acceptable by the Planning Officers.

- 4) The application proposed individual parking spaces for each terraced house and a parking area for the block of flats. The scheme would produce on street parking; however, it would be minimal and the area could accommodate this.
- 5) The Planning Officer explained that the proposed block of flats would be four storeys and a basement level. There was proposed community space on the ground floor of the block of flats and a storage area which was compliant with Local Plan Policy HO20. Soft landscaping was proposed and there was natural screening on site which would be retained. The site was identified as open space; however, the benefit of the development outweighed the loss of open space.
- 6) The proposal was in accordance with the housing need and would provide 40% affordable housing. The tenure mix was not met with three affordable rented units and ten shared ownership. The proposed dwellings would be similar to the existing neighbouring properties. The block of flats was to be higher than the properties in the area; however, it was set in a lower part of the site.
- 7) Material samples were shown to the Committee and explained that there was green cladding proposed for the top floor of the flats. This was deemed acceptable as it would add interest to the building.
- 8) The windows on the neighbouring block of flats on Buckley Close would directly face the development; however, it had been designed to protect the amenity of the neighbours. The proposed block of flats was set back in the site to ensure it would not impact on the daylight and sunlight. The applicant had submitted reports and there would be a slight loss of sunlight but would not harm the neighbouring amenity. There was proposed screening to prevent overlooking, which was secured by condition, and the windows at a higher level would be obscure glazing. It was noted that the Planning Officers deemed that there would not be a significant impact on the neighbouring properties.

Questions for Officers

- 9) In response to Councillor Moonan it was explained that the application included an onsite community space. This was to comply with policy and no objection had been received regarding the proposed space and it was policy compliant.
- 10) In response to Councillor Yates it was noted that there was an existing community centre within close proximity of the site. The Planning Manager explained that the application was advertised locally and was published on the weekly list. It would not have been possible to consult with all the local groups in the area. It was added that the proposed community space met the s106 contribution requirement and if it was not viable at a later date then the applicant could apply through the Planning Committee to amend the heads of terms.
- 11) In response to Councillor Mac Cafferty the Planning Officer noted that a statement of proposed community use had been submitted by the applicant and this outlined that the space would be for general community use and would be managed by the applicant. The applicant had suggested that there was an interest in using the facility by local groups. There was previously a group that was interested in renting the space

permanently; however, there were concerns regarding noise disturbance and general use was now being applied for.

- 12) In response to Councillor Mac Cafferty the Planning Officer noted that the County Archaeologist had recommended condition 11 to ensure that an archaeology investigation took place before any development. If these further programs show anything of interest then consultation would happen regarding this.
- 13) In response to Councillor Janio it was explained that the Parks and Project Team recommended areas that the s106 contribution to open space should be invested; however, his request would be noted and forwarded.
- 14) In response to Councillor Littman the Principal Planning Officer noted that S106 heads of terms should have stated "timetable information for each first household;"

Debate and Decision Making Process

- 15) Councillor Yates stated that the application was policy compliant and there was a serious housing need in the city. He was pleased with the affordable housing contribution; however, had concern regarding the proposed community space and how this would be complied with. He added that he would be supporting the Officer's recommendation.
 - 16) Councillor Miller explained that he was pleased with the majority of the design apart from the green cladding. He noted that the application was policy compliant and would be supporting the Officer's recommendation.
 - 17) Councillor Janio agreed with Councillor Miller regarding the design of the green cladding. He noted that he was pleased that the application included 40% affordable housing and was a mix of family housing and flats. He noted that he hoped the applicant would improve the former Dyke Railway track leading to the South Downs National Park. He thanked the developers and Officers.
 - 18) Councillor Hill noted that the design was aesthetically pleasing and agreed with the Officers that the green cladding would add interest to the building. The Chair agreed with Councillor Hill.
 - 19) The Chair then put the application to the vote, and the Officer recommendation that the application be minded to granted was **carried** unanimously.
- 58.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to be **MINDED TO GRANT** permission for the reasons set out in the report.

Note: Councillors Gilbey and Inkpin-Leissner were not present for the consideration and vote of this application.

C BH2017/01065 - Baptist Tabernacle, Montpelier Place, Brighton - Full Planning & Demolition In CA

Demolition of existing church and erection of 24no residential units (C3), comprising terrace of 5no four storey houses, five storey block of 14no flats and three storey block of 5no flats. Creation of non-residential unit (D1) to ground floor of five storey building and associated car parking and landscaping.

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

Officer Presentation

- 2) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and explained that the current building was distinctive; however, it was a low rise building and did not maximise the potential of the site and was not visually in keeping within the area. The proposal included three affordable rent units, one to be wheelchair accessible, and two shared ownership units.
- 3) There was a D1 unit proposed on the ground floor of the development that would be 115m². This was to compensate the loss of the church and was compliant with policy HO20. Seven car parking spaces and cycle spaces were provided as part of the application and the access for these would be from Norfolk Terrace and this had been deemed acceptable by the Highways Authority.
- 4) The development represented the context of the area with contemporary styling. The three storey building would be red brick and this was considered acceptable as the neighbouring dwellings had a red brick element. The majority of the windows on 2 York Avenue, Hove had obscure glazing and due to the distance between these and the development, there would not be a harmful impact on the neighbour's amenity. The Abbey Hotel adjoined the site and there would be a three metre gap between their windows and the proposed five storey block. These windows served short term units and were designed to accommodate people for approximately one week; therefore, it was deemed acceptable by the Officers. The Abbey Hotel had initially objected; however, this had been withdrawn and they were content with the scheme.

Public Speaker(s) and Questions

- 5) Mr Hutchison spoke in objection to the application and explained that the planning application did not meet the requirements of policy HO20 and this was a material consideration. He noted that the space had been used for community use for approximately 200 years and there was currently almost 700m² and the applicant had proposed to replace this with 115m² of community use. The application did not provide evidence of the potential use for the community space. He explained that community users had bid for the space; however, the current applicant had placed a higher bid. He explained that granting planning permission would result in the loss of community space and the land value would become too high once it was developed and would no longer be able to use it as a community space. He noted that the applicant was likely to appeal the decision if the Planning Committee refused the application; however, the Planning Inspector would give considerable weight to a D1 alternative use for the site.

- 6) In response to Councillor Yates Mr Hutchison explained that the site closed in 2012 and he had approached the owners in 2014 and 2015 to make an offer; however, he was told to wait until the site was on the market. He had made a bid of the asking price; however, the applicant had made a higher bid which was accepted.
- 7) In response to Councillor Moonan he explained that he was an Architectural Planning Consult and was representing the owners of a premises in Bedford Place as a consultant.
- 8) Mr Mason spoke in support to the application in his capacity as the agent and explained that the proposal was for a sensitive redevelopment of a brownfield site within the city centre. He noted that the development retained a D1 use in addition to providing houses for the city. The current site was in a bad state and had been vandalised. There were a number of design challenges for the site due to the heritage in the area and these had been dealt with throughout the application process and the materials had been modified due to objections that had been received. The proposed D1 use complied with Policy HO20 and the space could have a varied use. The Church would receive money from the sale of the site and this could be used for community use and some space was secured on site.
- 9) In response to Councillor Moonan Mr Mason explained that the proposed community space had support from local agents and had noted that the proposed size was positive and that there was a shortage in the city. He explained that there was difficulty attracting a tenant for the space currently as it would not be delivered in approximately two years; however, if planning permission was granted then the space would be marketed.
- 10) In response to Councillor Miller it was explained that after consultation with the Heritage Officers it was agreed that no artificial materials would be used on the development due to the high failure rates and to ensure a high finish and detail.
- 11) In response to Councillor Mac Cafferty the agent clarified that the comments received from the CCG, concerning the space of the community use, were focussing on an NHS health use of the space. Other commercial agents had stated that the size of the proposed space was viable for D1 use and was a popular size of unit. He added that a larger community space would change the appearance of the exterior.

Questions for Officers

- 12) In response to Councillor Miller the Principal Planning Officer noted that there was currently 480m² of community space on the site and there was 115m² proposed. In response to Councillor Yates it was explained that the 480m² was the floor space and did not include the outside space.
- 13) In response to Councillor Littman it was explained that the policy did not require the applicant to look into the marketing or consult with local groups regarding the proposed space.

- 14) It was explained to Councillor Mac Cafferty that with previous applications the Planning Authority had requested that the applicant consults with organisations and local groups to gather their opinions on the proposed size and possible uses for community space. It was confirmed that the Planning Authority had sought comments from the Clinical Commissioning Group (CCG).
- 15) In response to Councillor Yates the Planning Manager explained that only the CCG were contacted to ascertain whether the space could have been used as a GP surgery.
- 16) In response to Councillor Hill it was explained that the Abbey Hotel windows would not be blocked; however, the development would be close and restrict daylight.
- 17) In response to Councillor Moonan the Planning Manager confirmed that the majority of the 53 letters of objection and six letters in support of the application were received within the vicinity of the application site.
- 18) In response to Councillor Mac Cafferty it was confirmed that the preference of the Local Planning Authority was to have the affordable units throughout the site; however, the provider tends to prefer the affordable units to be together due to the management of the area.
- 19) In response to Councillor Bennett the Development and Transport Assessment Manager explained that there was not a proposed disabled parking space as there was a substantial distance between the wheelchair accessible unit and the parking bays. The applicant had originally proposed an on street dedicated disabled bay; however, the Highways Authority would only install a dedicated space at the request of a resident. It was also explained that the maximum parking on site would be seven spaces.

Debate and Decision Making Process

- 20) Councillor Yates stated that the current property had been closed for five years and therefore, the D1 use was not being used. There was a high demand in the city for community space and the application was providing this. The proposal was policy compliant and was sensitively designed for the area.
- 21) Councillor Miller noted that the design of the proposal and materials were aesthetically pleasing and the development would provide housing for the city, including affordable units and shared ownership. He added concern for the Abbey Hotel windows; however, as these were used for temporary stays then he would be supporting the Officer's recommendation.
- 22) Councillor Moonan agreed with Councillors Yates and Miller and added that she had concerns for the windows of Abbey Hotel. She explained that the affected rooms were currently used for temporary stays; however, this could change in the future. She added that overall she was supportive of the application.
- 23) Councillor Littman noted that despite the affected rooms at the Abbey Hotel being short term they were entitled to daylight and the development would restrict this. He stated that he would not be supporting the Officer's recommendation.

- 24) The CAG Representative explained that CAG had not raised an objection to the application as an appropriate balance between the contemporary design and heritage had been sought. He added that additional detail could be added to the buildings as to ensure it was not the subject to graffiti and it was important for the applicant to be aware that the Abbey Hotel was a Grade II listed building and was a cream colour.
- 25) The Chair then put the application to the vote, and the Officer recommendation that the application be minded to granted was **carried** by 8 votes in support, 1 refusal and 1 abstention.
- 58.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to be **MINDED TO GRANT** permission for the reasons set out in the report and the additional condition detailed below:

Additional condition:

The community space on the ground floor shall be used as a Non-Residential Institution (Class D1) only and for no other purpose. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any order revoking and re-enacting that Order with or without modification), no change of use shall occur without planning permission obtained from the Local Planning Authority.

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with policy QD27 of the Brighton & Hove Local Plan.

Note: Councillors Gilbey and Inkpin-Leissner were not present for the consideration and vote of this application.

D BH2017/02299 - Royal Pavilion, Pavilion Buildings, Brighton - Full Planning

Temporary ice rink on Royal Pavilion Eastern Lawns annually during winter months. Structure to include ancillary buildings for a restaurant, cafe, toilet facilities, skate hire, learner's ice rink and associated plant and lighting. (6 year consent).

Officer Presentation

- 1) The Principal Planning Officer introduced the application and highlighted the changes from the previous permission granted in 2016. These were: a narrow viewing platform with decking to be located next to the beginners' ice rink so parents can watch their children, the café and bar opening hours 0930 hours – 1230 hours to bring it into line with the licence, the maximum number of skaters on the ice at any one time would be reduced to 315, and the size of the Ice Machine pad reduced to 6m x 5m.

Debate and Decision Making Process

- 2) The CAG Representative stated that the Conservation Advisory Group had recommended refusal due to the concern for the six year permission. He explained that

a shorter permission should be applied for and if it was successful then a longer permission could be applied for at a later date. He also noted concern for the PVC roof being installed outside the Royal Pavilion.

- 3) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** unanimously.

- 58.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

Note: Councillors Gilbey and Inkpin-Leissner were not present for the consideration and vote of this application.

Minor Applications

E **BH2017/00284 - Wayland Paddock, 41 Wayland Avenue, Brighton - Householder Planning Consent**

Re-modelling and extensions to dwelling including associated works.

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

Officer Presentation

- 2) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and explained there was existing permission on the site for a similar development; however, the current proposal would be larger due to the extension at the rear of the property. It was also result in the development being closer to 1 Dyke Road Place. The ground floor windows of 1 Dyke Road Place were of concern and the proposal would be visible; however, this was not a reason for refusal. There would not be significant impact on the sunlight or daylight into the ground floor of neighbouring property and this had been demonstrated by the submission of a 25 degree daylight angle plan by the applicant.

Public Speaker(s) and Questions

- 3) Mr Gilbert spoke in objection to the application in his capacity as a local resident and explained that their property, 1 Dyke Road Place, Brighton, would be immediately affected by the development. The ground floor windows that faced the proposal was the kitchen area and he explained that his family used this space often. He noted that there was currently a boundary wall outside the windows and was approximately one metre and due to the size and location of the boundary wall the sunlight and daylight was already restricted. The development would impact on the kitchen and would be a loss of amenity. He noted that the proposed design and colour would be contrary to policy QD14.
- 4) In response to Councillor Miller Mr Gilbert explained that the proposal was considerably taller than the current boundary wall that restricted the sunlight and daylight.

- 5) The Democratic Services Officer read the following statement provided by Councillors Taylor, A. Norman and K. Norman:

“This application follows many in the last ten years on the site. We accept that the deteriorating underlying structure of the dwelling requires change but we are concerned about the impact of this scheme on the neighbouring property of 1 Dyke Road Place.

1 Dyke Road Place is at the lower elevation and the occupiers have concerns about the impact on their property. As our objection letters state we are concerned about the potential loss of light such a development will have on the low lying windows of this property.

As members have seen from the plans, the current house is very close to the boundary, this therefore makes any development close to the boundary at the Wayland Paddock have a disproportionate effect on the current occupants.

We are also concerned that the visual bulk of the structure will also adversely affect the occupants of No 1 Dyke Road Place.

Whilst we do understand that the residents of Wayland Paddock are also a constituent and understand their desire to build a family home to their taste and needs, we do feel that if some of the design aspects could be modified as to the above, then this development could proceed to the benefit of all parties.

We therefore urge the members of the committee vote against this application.”

- 6) Mr Thompson spoke in support of the application in his capacity as the agent and explained that he had consulted closely with the Planning Officers who had not raised an objection regarding the impact on the neighbouring property. The 25 degree daylight angle plan demonstrated that there would not be an impact of daylight to 1 Dyke Road Place, Brighton and would retain the neighbours “right to light”. The previous application was for two four-bedroom dwellings and these were considerable higher than the current proposal. Following an objection from Arboriculture the application had been amended to retain some of the existing trees on the site.
- 7) In response to Councillors Janio and Miller Mr Thompson explained that the roof was the same height on the entire proposal; however, it was cropped in by the neighbouring windows to ensure there would not be an impact on daylight.

Questions for Officers

- 8) In response to Councillor Wealls the Principal Planning Officer noted that the roof was indented opposite the neighbouring windows and was compliant with the 25 degree daylight angle.
- 9) In response to Councillor Miller it was explained that the proposed roof height was approximately 3.7 metres. This was lower than the existing roof; however, the eaves height was to be higher.

- 10) The Principal Planning Officer confirmed to Councillor Moonan that the proposal was policy compliant and the Officer's recommendation was for approval as there would not be a significant impact on the neighbouring property.

Debate and Decision Making Process

- 11) Councillor Miller stated that he would not be supporting the Officer's recommendation as the proposal was within close proximity to the neighbouring property and was not policy compliant as it would have an overbearing nature. He noted that the applicant could have used other areas on the site for the development that would not impact the neighbouring properties.
- 12) Councillor Janio noted that the development would affect the amenity of the neighbouring property and would not be supporting the Officer's recommendation.
- 13) Councillor Yates noted that 1 Dyke Road Place, Brighton was currently affected by the boundary wall and the proposed development would not make a significant impact. He would; therefore, be supporting the Officer's recommendation.
- 14) Councillor Moonan noted that the proposal was too close to the boundary and it was a large site where the applicant could develop elsewhere. She stated that the application was; however, policy compliant and would be supporting the Officer's recommendation.
- 15) The Chair noted that the application was policy compliant and this would be assessed by the inspector if it was refused.
- 16) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** by 6 votes in support and 4 against.
- 58.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

Note: Councillors Gilbey and Inkpin-Leissner were not present for the consideration and vote of this application.

F BH2017/00128 - 17 Barnfield Gardens, Brighton - Householder Planning Consent Erection of part single part two storey rear extension with associated alterations.

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

Officer Presentation

- 2) The Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings and clarified that Councillor Barford had not formally objected to the application but had called it to Committee due to the complaints received from the neighbouring residents.

- 3) The property was not within the conservation area; however, there were views of the property from the conservation area. The roof of the proposed extension would be slightly visible from the public footpath at the rear of the building; therefore, the Officers deemed this as acceptable and were recommending approval.

Public Speaker(s) and Questions

- 4) Mr Kovach spoke in objection to the application in representation for Ms Tolley who lived at 16 Barnfield Gardens, Brighton. He explained that the neighbouring property currently had limited natural light and presented the Committee a photo that showed the restricted light. The proposed extension would restrict the main source of light from the east and he noted that residents were entitled to having a natural light source to their property. He noted that there had been a lack of consultation regarding whether the existing fence would remain and how the construction would take place, including the access to the site. He explained that Ms Tolley had concerns for her garden during the construction and the timescales of when the development would be completed by. He showed a floor plan of the proposed construction, which had been submitted by the applicant, and explained that they were incorrect and the conservatory would project further into the garden than proposed.
- 5) In response to Councillor Janio Mr Kovach explained that the conservatory at 16 Barnfield Gardens, Brighton was shown on the plans to be three metres but was actually two metres. He added that this would result in the proposed conservatory being one metre extra than applied for.
- 6) In response to Councillor Yates it was explained that the flint wall was approximately five metres from the proposed extension.
- 7) Ms Ginart spoke in support of the application in her capacity as the applicant and explained that the objection received from the neighbouring property was regarding overshadowing and light restriction; however, the Planning Officers were satisfied that the proposed extension would not affect the neighbouring properties. She explained that the proposed extension would extend the same depth as the conservatory at 16 Barnfield Gardens, Brighton and noted that since the plans were submitted the neighbouring properties installed a new conservatory. She assured the Committee that she would minimise any disturbance the construction could have on the neighbouring property.

Questions for Officers

- 8) In response to Councillor Miller the Planning Officer explained that the single storey element of the extension would not need planning permission; however, the two storey element did need consent.
- 9) In response to Councillor Moonan it was confirmed that the neighbouring property had installed a new conservatory since the plans had been changed and was slightly reduced in depth; however, it would not change the officer's recommendation for approval.

Decision Making Process

- 10) The Chair put the application to the vote, and the Officer recommendation that the application be granted was **carried** by 8 votes in support and 2 abstentions.
- 58.6 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

Note: Councillors Gilbey and Inkpin-Leissner were not present for the consideration and vote of this application.

G BH2016/02080 - 77 Dyke Road Avenue, Hove - Full Planning

Erection of 2no five bedroom dwelling with 2no single storey detached garages.

Officer Presentation

- 1) The Principal Planning Officer introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. It was explained that there was a previously refused application, which was a delegated decision, for a similar application; however, it had now been reduced in height and bulk. It was considered that it would not harm the amenity of the neighbouring property as the majority of the rear garden was to be retained.
- 2) A new access route was proposed to the two proposed dwellings and garages. There were some protected trees to be retained on site and there were concerns regarding the construction work near these; however, the arboriculturist had raised no objection and assured the access road could be implemented without the removal of the protected trees.

Questions for Officers

- 3) In response to Councillor Wealls the Principal Planning Officer explained that the resident at 79 Dyke Road, Hove had objected to the application on the grounds of overlooking and the close proximity. It was added that the Officers deemed the distance from the proposed dwellings to 79 Dyke Road, Hove as sufficient.
- 4) In response to Councillor Bennett it was clarified that condition 4 removed permitted development rights and the applicant would have to apply for further development.

Decision Making Process

- 5) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** by 9 votes in support and 1 refusal.
- 58.7 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

Note: Councillors Gilbey and Inkpin-Leissner were not present for the consideration and vote of this application.

- H BH2016/01673 - 79-81 Ditchling Road, Brighton - Full Planning**
Creation of external seating area and associated alterations. (Retrospective)

Decision Making Process

- 1) The Chair put the application to the vote, and the Officer recommendation that the application be granted was **carried** unanimously.

- 58.8 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

Note: Councillors Gilbey and Inkpin-Leissner were not present for the consideration and vote of this application.

- I BH2017/00535 - 4 Plymouth Avenue, Brighton - Full Planning**
Change of use from three bedroom single dwelling (C3) to four bedroom small house in multiple occupation (C4) with associated alterations including erection of a single storey front extension and porch, raising of ridge height and installation of rooflights to rear and side elevations.

Questions for Officers

- 1) In response to Councillor Hill the Planning Manager explained that if the storage room was used as a bedroom then this would be a breach of condition. It was also explained that condition 6 ensured that planning permission must be sought before further development.
- 2) In response to Councillor Miller the Planning Manager explained that condition 3 secured the internal layout and a variation would need planning permission.

Decision Making Process

- 3) The Chair then put the application to the vote, and the Officer recommendation that the application be granted was **carried** unanimously.

- 58.9 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation, and resolves to **GRANT** permission for the reasons set out in the report.

Note: Councillors Gilbey, Inkpin-Leissner and Yates were not present for the consideration and vote of this application.

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

59.1 There were no further requests for site visits in relation to matters listed on the agenda.

60 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

61.1 This information was not provided in the agenda.

62 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

63 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

64 APPEAL DECISIONS

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

The meeting concluded at 6.05pm

Signed

Chair

Dated this day of

8th November 2017 Planning Committee – Additional Representations

Page	Site Address	Application No.	Comment
189	85 Rotherfield Crescent, Brighton	BH2017/02273	<p>Correction to officer report: One letter received is a duplication and it is confirmed that 10 letters of objection have been received.</p>
203	Land to Rear of 62-64 Preston Road, Brighton	BH2017/02137	<p>Amend Refusal Reason 2 to read: The proposed extension, by reason of its excessive height, depth and bulk as well as its proximity to neighbouring dwellings, would result in a significant loss and outlook, particularly in reference to the rear windows of the existing flats within 60, 62 and 64 Preston Road. The mass and scale of the extension would also result in an overbearing and oppressive impact to 60 Preston Road. Furthermore the standard of accommodation for future occupiers is unlikely to be satisfactory, particularly with reference to the third floor flat, due to its limited and cramped floor area and layout. It is considered that the development would therefore cause significant harm to the amenity of the adjoining and future occupiers and would be contrary to policies QD14 and QD27 of the Brighton and Hove Local Plan.</p> <p>Corrections to officer report; Paragraph 8.14 refers to the floor area of the smallest flat located on the third floor. The report states that the floor plan is showing a single bedroom. This should be corrected as the floor plan indicates that it is intended to be a double room as a double bed is included on the plans. The bedroom would have a floor area of 10.2sqm and the entire flat measures 42sqm. The Nationally Described Space Standards recommends that a double bedroom should have a floor area of at least 11.5sqm. On that basis a one bed flat with a double bedroom would be considered a 1 bed 2 person dwelling, which the guidance states should have a minimum of 50sqm. This shortfall in floor area would result in a cramped form of standard of accommodation to the detriment of the amenity of future occupiers. Accordingly, the harm identified forms a reason for refusal and further highlights the over development of the site.</p> <p>Paragraph 8.14 refers to No. 60 this should read No. 64.</p>

Paragraph 8.15 states that there would be no outdoor amenity space for the upper floor flats. This should be corrected to note that these flats would be provided with a small rear balcony/terrace.

A **representation** has been received from the applicant in response to issues raised in the published officers report:

The letter outlines a number of areas which the applicant feels were not raised as issues in the previous application, but are now considered as fundamental concerns within the current scheme. This includes;

- The harm caused by the design and siting of the balconies as referred to in Section 8.10 of the report.
- The harm caused to the adjoining ground floor flats of No. 60, which the applicant believes the officer was aware that these were in residential use. The applicant states that only one of these units would be affected due to the layout.

Officer response: Every application is determined on its own merits. The fundamental concerns of the scheme were addressed in the previous application, however the scheme was considered again as part of this current application and as outlined within section 8 of the report, it was felt that there were further areas of concern that should be included within the grounds for refusal.

In response to the use of the ground floor, the previous report refers to only the maisonette at No. 60 as being in residential use. During the course of the current application it has come to light that the ground floor is in use as residential. Whilst it is acknowledged that these properties have not objected to the development, the Local Planning Authority is duty bound to fully assess the impacts of proposed development on neighbouring residential properties. As stated in section 8 of the report, significant harm to these properties has been identified. The report refers to both units at ground floor, as it is unclear of the exact internal layout and whether both flats have access to the rear outdoor amenity space, regardless of whether one or both flats would be affected, the harm is considered significant and therefore warrants refusal.

The letter also states the following points:

- The report is incorrect within section 8.15 as it states that no outdoor amenity space is provided for the upper flats.

Officer response: The report has been amended accordingly. The lack of amenity space is not considered to form a ground for refusal, as outlined in section 8.15 of the report.

- The reasons for support are limited in respect of the letters of support received.

Officer response: The list included in the report summarises the cumulative response from the representations received. All representations are available to view as part of the public file. Furthermore all key material planning considerations are assessed within section 8 of the officer's report.

- Section 8.21 should refer to 64 and not 60.

Officer response: This is an error and the report has been amended accordingly.

- If the committee members were to approve the scheme, a condition could be attached to ensure that the windows at 1st/2nd and 3rd floor to the south elevation are obscured glazing.

Officer response: Notwithstanding the refusal reasons 1 and 2 (as recommended in section 1 of the report) in the event that planning permission is granted a condition could secure the obscured glazing of the windows. This would mitigate some of the harm identified in respect of the potential overlooking and loss of privacy caused by these windows.

- The reference to the zinc roof in section 8.9 of the report is incorrect as it refers to small areas of glazing when it is broken up by a patio door set and three good sized windows along the North flank.

			<p><i>Officer response: The windows may be considered as 'good size' for the purpose of a window opening, however there would still be large blank areas of zinc. The harm this causes is outlined in section 8.9 of the report.</i></p> <ul style="list-style-type: none"> - The applicant disagrees with section 8.3 of the officer report and states that there were no significant concerns regarding the appearance of the development from the committee members. <p><i>Officer response: The committee members determined the previous application in line with the officer's recommendation. Whilst a discussion may have been had that there were notable areas of the scheme that could be improved, the proposed revisions have been fully considered and officers do not feel that the concerns of the previous application have been satisfactorily addressed.</i></p>
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NB. Representations received after midday the Friday before the date of the Committee meeting will not be reported (Sub-Committee resolution of 23 February 2005).