

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 15 JULY 2015

THE RONUK HALL, PORTSLADE TOWN HALL

MINUTES

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

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

Officers in attendance: Jeanette Walsh (Planning & Building Control Applications Manager); Nicola Hurley (Planning Manager – Applications); Steven Shaw (Principal Transport Officer); Tim Jefferies (Principal Planning Officer, Major Projects - Heritage and Design); Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

PART ONE

25 PROCEDURAL BUSINESS

25a Declarations of substitutes

25.1 There were none.

25b Declarations of interests

25.2 Councillor Cattell, the Chair declared an interest in respect of application BH2015/00395, 251-253 Preston Road as she had worked with the architect professionally. The Chair confirmed that she remained of a neutral mind and that she would remain present during consideration of and voting on the application.

25.3 Councillor Bennett also declared an interest in application BH2015/00395, 251-253 Preston Road as the architect for the scheme had undertaken work on her home and on another property that she had an interest in. Councillor Bennett confirmed that she was of a neutral mind and that she would remain present during consideration of and voting on the application.

25c Exclusion of the press and public

25.4 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.

- 25.5 **RESOLVED** - That the public are not excluded ng consideration of any item of business on the agenda.

25d Use of mobile phones and tablets

- 25.6 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'.

26 MINUTES OF THE MEETING HELD ON 3 JUNE 2015

- 26.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 3 June 2015 as a correct record.

27 MINUTES OF THE PREVIOUS MEETING

- 27.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 24 June 2015 as a correct record.

28 CHAIR'S COMMUNICATIONS

- 28.1 The Chair drew the Committees' attention to appeal decisions set out at pages 311 and 315 of the agenda papers relating to applications in respect of 15 and 17 Bernard Road, Brighton respectively. Both related to terraced houses in a residential street where there was a mixture of single dwellings and houses in multiple occupation (HMO-'s), both had proposed a change of use to HMO's. The Inspector had considered that the main issue in each case had related to the effect of the proposed development on the character of the surrounding community with particular reference to the need to ensure a mixed and balanced community and local amenity. Both appeals had been dismissed and given the very real concerns expressed by residents in certain wards in relation to the number of HMO's there, these decisions provided a benchmark for the future.

- 28.2 The Chair reminded those present that the proceedings of that afternoon's meeting were to be webcast and would be available subsequently for repeated viewing.

29 PUBLIC QUESTIONS

- 29.1 There were none.

A UNIVERSITY OF SUSSEX PLANNING APPEAL

By reason of the special circumstances, and in accordance with section 100B(4)(b) of the 1972 Act, the Chair of the meeting has been consulted and is of the opinion that

this item should be considered at the meeting as a matter of urgency for the following reason:

That the decision of the Executive Director, Environment, Development & Housing that the Council's objection to the University of Sussex's planning appeal be withdrawn, and the reasons therefor, should be reported to Planning Committee at the earliest opportunity.

- (1) The Committee considered a joint report of the Executive Director Environment, Development & Housing and the Head of Legal and Democratic Services advising of the decision of the Executive Director, Environment, Development and Housing that the Council's objection to the University of Sussex's planning appeal be withdrawn.
- (2) The Legal Adviser to the Committee, Hilary Woodward explained that it had become apparent during the first week of the inquiry that the evidence submitted in relation to the four reasons for refusal was not bearing up under cross-examination. This was partly due to evidence supplied by the University and updated government guidance, as well as the stance of the Inspector which appeared to that "layout" did not form part of "scale" and height in relation to reason for refusal 2. and which had serious implications for the Council's case that the proposal represented harmful overdevelopment. Moreover the University had also brought forward evidence to show that even if the application was refused, its population would continue to grow. The impact of refusal on the City's housing stock might well be greater than if permission were allowed. In view of these matters the Council's barrister had advised that the Council faced a very real risk of an award of substantial costs. At the end of the first week of the Inquiry an offer had been received from the University to treat the layout of the scheme as a reserved matter, enabling the Council further to consider effects on heritage and landscaping at a reserved matters stage. In view of this the Executive Director, Environment, Development & Housing had used his delegated urgency powers to agree to withdraw the Council's objection to the appeal, the Chair had been consulted prior to making the decision and the report was being put to Committee to advise members of the position. Members were advised that the withdrawal of the Council's objections did not necessarily mean that the appeal would be allowed as the Inspector would need to consider all remaining evidence before coming to a decision and that decision was expected in the next few weeks
- (3) Councillor C Theobald considered that it was unfortunate and that this decision had soured relations with the University to a degree. Whilst the University's desire for growth was recognised, growth needed to be delivered in the context of the impact of that growth on the city as a whole and properly managed. The outcome was disappointing in view of the fact that with the exception of one member, the Committee had voted cross party that the application be refused and had given considerable thought to the reasons for refusal.
- (4) Councillor Hamilton concurred in that view and stated that he was concerned that such a large number of trees would be lost.
- (5) Councillor Littman concurred that it had been a difficult and frustrating experience.

- (6) Councillor Morris stated that he was very concerned that the Council had been forced to take this action and was very worried that fear of costs, could impact on the Committees' future decision making. The Legal Adviser to the Committee, Hilary Woodward stated that the Council had not been "forced" into the decision taken; it had resulted from discussions with the barrister representing the Council following consideration of the Council's position and in the knowledge that the University would make an application for costs; those costs could have been considerable, possibly in the order of £250,000. The Chair had been consulted and had approved the decision taken. Any reserved matters application would come back to the Committee for decision in due course. Councillor Morris stated that he still had concerns in respect of this matter and wished to place them on record.
- (7) Councillor Barradell asked whether an award of costs could still be made and it was confirmed that although the University had not applied for costs an Inspector had the power to award costs even if not applied for; however it was very unlikely an Inspector would do so.
- (8) Councillor Inkpin-Leissner stated that the University fell within his ward, he considered that residents would be disappointed that it appeared their concerns regarding a proliferation of student accommodation had been ignored.
- (9) Councillor Miller asked whether it had been unreasonable for the Inspector to consider changes which had had taken place following the original decision. The Legal Adviser to the Committee explained that an Inspector had to take account of the most up to date information. The Inspector's view regarding layout was not unreasonable.
- (10) Councillor Barradell stated that it was important to consider any lessons that could be learned for the future although it might be too soon to do so at present. Councillor Littman concurred in that view, he was also of the view however that on another day with another Inspector the outcome could have been different. The Chair Councillor Cattell stated that this matter would be considered by the Member Working Group when it met the following week.

29.2 **RESOLVED** – That the contents of the report be noted.

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

32.1 There were none.

31 REQUEST FOR A VARIATION OF A S106 AGREEMENT DATED 31 MARCH 2008 RELATING TO APPLICATION BH2007/01591, EBENEZER CHAPEL, RICHMOND PARADE, BRIGHTON

- (1) The Committee considered a report of the Acting Head of City Planning and Development requesting that they consider a request to vary the S106 planning agreement dated 31 March 2008 relating to the Ebenezer Chapel, Richmond Parade, Brighton to apply for residents' parking permits.
- (2) The Planning Manager (Applications), Nicola Hurley explained that limited parking had been provided within the scheme, with 5 vehicular spaces provided for residents on

site, 3 of which were disabled parking bays in connection with the wheelchair accessible flats. When the application had been granted on 31 March 2008 following completion of a section 106, amongst other provisions, the eligibility of residents for parking permits had been restricted. The rationale for that restriction had been based on the concerns regarding parking stress in the area. Since that time the situation had changed and the developers had requested that the car free restriction be removed as residents had to walk a considerable distance from where they had parked their vehicles to their homes. This had been particularly problematic for residents of the scheme who worked outside the city and/or had childcare commitments which required car ownership. It had also been argued that the current restriction had also resulted in additional car journeys and an increasing demand for parking outside the CIZ. The proposed amendments were considered acceptable and were therefore recommended for approval.

- (3) Councillor Barradell sought further clarification regarding the justification for this change being asked for now given that originally it had been considered appropriate for the development to be car free. A number of developments across the city had been designated car free if developers could subsequently choose to do otherwise that could compound existing parking problems.
- (4) The Planning Manager (Applications), explained that regarding s106 arrangements whereby developments had restricted parking or had been designated car free any change would need to be requested and a case for any change considered on its merits.
- (5) The Principal Transport Officer, Steven Shaw explained that the number of spaces provided were considered on a case by case basis taking account of the parking situation in the immediate vicinity. In this instance there had been significant changes since the development had been built, it now fell within a CPZ in its entirety rather than just the southern part of the site. It was therefore considered appropriate to vary the s 106 to reflect the current situation.
- (6) A vote was taken and Members voted by 11 for with one abstention to vary the s106.

31.1 **RESOLVED** – That the Committee resolves to allow of completion of a variation to the s106 planning agreement dated 31 March 2008 relating to the Ebenezer Chapel, Richmond Parade, Brighton to allow residents of the development to apply for residents' parking permits.

Note: Councillor Barradell abstained from voting in respect of the above.

32 REQUEST FOR A DEED OF VARIATION TO S106 AGREEMENT DATED 17 JUNE 2010 ASSOCIATED WITH APPLICATION BH2008/01148, BLOCK K OFFICE DEVELOPMENT, BRIGHTON STATION SITE, BRIGHTON

- (1) The Committee considered a report of the Acting Head of City Planning and Development requesting a Deed of Variation to the s106 Agreement dated 17 June 2010 associated with planning permission BH2008/01148.

- (2) The Planning Manager (Applications), Nicola Hurley, gave a presentation and explained that the site formed part of the larger site known as Block K within the Brighton Station Site. The northern part of the site had been developed as the Jurys Inn Hotel. A separate planning permission had been granted subsequently for an office block on the southern part of Block K. The developer had made a formal request for a deed of variation to delete clause 3.18 of the s106 which had sought to provide access for general members of the public who were disabled blue badge holders through the car park located in the basement of the plaza to access the plaza and open play space. It had also been requested that the obligation to provide a grey water system in the development, Schedule 1, Part 1 (4) be removed.
- (3) Councillor Barradell sought confirmation that adequate accessible wheelchair access was available and that adequate fire safety arrangements were in place.
- (4) It was explained that all necessary fire safety regulations had been met under Building Control requirements (which were separate from planning considerations). In this instance the Building Control Team had confirmed that the applicants comments regarding the impracticality of allowing unrestricted access to the basement car park for blue badge holders were reasonable. As such users would not be familiar with the fire safety protocols of the building, and in the event of a fire their safety could be compromised. Unrestricted use of this area could also pose a security risk to the hotel. Accessibility and the prevention of crime were planning issues and as there was improved level access across other parts of the development and sufficient disabled parking nearby access to the basement car park was no longer considered necessary.
- (5) The Principal Transport Officer explained that it was unusual to have public access to a private car park.
- 32.6 The Planning Manager (Applications) explained that for the reasons set out in the report it was also considered that insistence on a grey-water recycling system would not serve any useful purpose given that the development incorporated a wide range of sustainable measures. For the reasons set out the proposed amendments were considered acceptable and were recommended for approval.
- 32.7 A vote was taken and the Committee voted unanimously to vary the s106 as requested.
- 32.1 **RESOLVED** – That the Committee resolves to allow the completion of a variation to the s106 planning agreement dated 17 June 2010 relating to Block K, Brighton Station Site to allow clause 3.18 relating to public disabled access to the car park to be deleted and Schedule 1, Part 1 (4) relating to grey-water provision to be omitted.

33 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MAJOR APPLICATIONS

A BH2015/00395, 251-253 Preston Road, Brighton - Full Planning

Demolition of non-original two storey link building. Erection of 3no storey link building and conversion, extension and refurbishment works to existing

buildings to facilitate creation of 25no apartments (C3). Erection of 7 no single dwelling houses (C3). to rear of site to provide a total of 32 no residential units.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Adrian Smith, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was explained that the application site comprised a pair of linked three storey Victorian villas set in a substantial plot on the West side of Preston Road, at its junction with Clermont Road. The site fell within the Preston Park Conservation area and there were a number of mature trees on the site, 27 of which were covered by a Tree Preservation Order, the buildings were currently vacant. The main considerations in the determination of this application related to the principle of conversion, the design of the proposed extension and new buildings and their impact on the appearance of the site and Preston Park Conservation Area, the impact on the amenities of adjacent occupiers, the standard of accommodation to be provided, transport and sustainability matters. It was noted that the applicants had submitted a Statement of Heritage Significance to support their proposals; details of this and the Officer response to it were set out in the circulated Additional Representations List.
- (3) It was considered that the proposed link extension and development of seven houses in the rear gardens to the site, by virtue of their massing, layout, site coverage, detailing and material finish, would detract from the appearance of the period villas and permanently erode the original gardens to the site and the historic development pattern and setting of the Preston Park Conservation Area and that the proposal failed to preserve or enhance the character or appearance of the buildings, site or surrounding Preston Park Conservation Area and was contrary to policies QD1, QD2 & HE6 of the Brighton & Hove Local Plan and paragraphs 132 & 137 of the NPPF. This harm carried considerable importance and weight when assessed against Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and was considered sufficiently significant that it outweighed the public benefits of providing additional housing units for the city, including 40% affordable units, having regard to the absence of a five-year housing land supply. There was no evidence that the other public benefits of the development, could not be delivered under an alternative proposal that would have a less harmful heritage impact. Refusal was therefore recommended.

Public Speaker(s) and Questions

- (4) Mr Barkway spoke on behalf of the applicant in support of their application. He stated that the applicants did not agree that the proposed scheme would be detrimental as it would bring two buildings which were currently empty back into use and would provide much needed housing.
- (5) Councillor C Theobald sought clarification regarding the colour of proposed finish to the building as that indicated on the samples displayed at the meeting appeared differ from that indicated on the submitted drawings.
- (6) Councillor Mac Cafferty also sought further clarification regarding the scheme and the finishes and detailing proposed.

- (7) Councillor Miller asked for the rationale behind the design of the scheme. It was explained that whilst preserving the existing buildings the link building would be necessary to join the constituent elements of the scheme. Councillor Miller asked whether the affordable units would be confined to the link building. Mr Barkway confirmed that the different types of tenure would be spread across the site.
- (8) Councillor Morris stated that the colour and size of the link building appeared to give the buildings a greater impact within the street scene enquiring whether the applicants would be minded to reduce them in height. It was confirmed that the Committee needed to determine the application as submitted.

Questions for Officers

- (9) Councillor Gilbey referred to the retaining wall at the site enquiring whether it was intended that this would be retained as did Councillor Barradell.
- (10) Councillor Theobald requested clarification regarding the siting of the main access road into the site.

Debate and Decision Making Process

- (11) Mr Gowans CAG, clarified that CAG had not objected to the scheme before Committee, rather than having indicated support for it.
- (12) Councillor Littman stated that there was a clearly identified need for housing in the city particularly affordable housing, it was a question of balancing the public benefit which would arise from the scheme against any potential harm, in his view there would be important public benefits.
- (13) Councillor C Theobald stated that whilst proposals to return the buildings to use were welcomed she was in agreement with the officer assessment that the bulk and massing of the scheme as currently presented was detrimental.
- (14) Councillor Miller concurred in that view stating that whilst not averse to development of the site, he hoped that if this application were to be refused that the applicants would present an amended scheme which was more appropriate.
- (15) Councillor Inkipin-Leissner indicated that the scheme as currently presented was unacceptable and that he supported the officer recommendation.
- (16) A vote was taken and planning permission was refused on a vote of 9 to 3.

- 33.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 7 and resolves to **REFUSE** planning permission for the reason(s) set out in section 11 of the report.

MINOR APPLICATIONS

B BH2014/01031, Marlborough House, 54 Old Steine, Brighton - Full Planning

Change of use from offices (B1) to single dwelling house (C3) with associated alterations including infill of some rear windows, replacement of rooflights and insertion of rear dormer

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Jonathan Puplett introduced this application and the separate but linked Listed Building Consent (application C), which also included internal alterations and gave a presentation covering both by reference to photographs, plans and elevational drawings. It was explained that the application site was a Grade I Listed Building on the western side of the Old Steine, within the Valley Gardens Conservation Area. It was described in the Pevsner Guide to Brighton and Hove as “the finest late c18 house, or rather villa, in Brighton” and was one of the most architecturally and historically significant buildings in the city and had been built c1765 and its present appearance followed its sale in 1786 to William Hamilton MP, who commissioned its enlargement and remodelling in Neo-classical style by Robert Adam. Although originally built as a dwelling the building had last been used as offices but it had been vacant for at least 7-10 years and had been used more recently by squatters. In consequence, due to its current state of relative neglect the building had been placed on the English Heritage (now Historic England) “at risk register” in 2014. It had been described as in fair condition and as vacant/not in use.
- (3) The main considerations in determining the application related to the principle of development; the visual impact of the proposed changes on the Listed Building and the wider Conservation area; impact on amenity; sustainable transport; and sustainable building design.
- (4) The proposed change of use was considered to be acceptable in principle and the internal and external alterations to the building would have a positive impact on the historic significance and appearance of the Listed Building or the wider character of the Valley Gardens Conservation Area. The building had been vacant for a long period of time and bringing the building back into use would help to preserve the building as well as removing it from the Buildings at Risk Register. No harmful impact on neighbour amenity or transport was foreseen and the development aimed to be sustainable in the use of energy, water and materials. Approval was therefore recommended.

Questions for Officers

- (5) Mr Gowans, in attendance on behalf of CAG referred to the comments made by the CAG as part of the consultation process asking that as both applications were recommended for approval that conditions be imposed to seek to ensure that the Adam fireplaces be reproduced and reinstated using sections of the originals stored in the basement of the building and removal of the rear roof extension.
- (6) Councillor Morris expressed his disappointment that no one was in attendance representing the applicants in order to answer questions in relation to the scheme. The Planning and Building Applications Manager, Jeanette Walsh explained that applicants

were not generally afforded the opportunity to address the Committee when applications were recommended for approval. A number of conditions were proposed to ensure that the requirements of the existing enforcement notice were undertaken in concert with returning the building to use. He queried whether it would be appropriate to defer determination of the applications pending a full survey of the interior of the building.

Debate and Decision Making Process

- (7) Councillor C Theobald stated that she was concerned that insufficient detail had been provided regarding features currently in situ in the building, it would have been helpful if the applicants had been available to provide more information about the proposals. It was not clear to her what it was intended would be retained and what would be removed. The Principal Planning Officer, Major Projects, Heritage and Design explained that detailed drawings had been received and that it was on the basis of those and the detailed conditions to be met that both applications were recommended for approval.
- (8) Councillor Mac Cafferty referred to the detailed comments received from CAG stating that whilst he supported the application in his view it was important to ensure, given the age and importance of the building that a detailed photographic record of its interior should be made prior to commencement of the works.
- (9) Councillor Morris also re-iterated his concern that it was very important to ensure that a proper record of the interior of the building particularly of the Adam Fireplaces which should be retained in situ. It was important to ensure that a detailed inventory/archive was made.
- (10) Councillor Wares agreed that whilst welcoming proposals which would ensure that the building was returned to use, it was important to ensure that existing features of historic interest were recorded, respected and retained.
- (11) Councillor Hamilton stated that he considered the proposed scheme was acceptable as it would result in the building being returned to use.
- (12) Councillor Inkpin-Leissner agreed considering that the proposals were timely in view of the length of time that the building had been empty.
- (13) Councillor Barradell stated that she welcomed the proposals which would return the building to use as a dwelling house, the purpose for which it had been built originally and which was likely to have less impact than an office use.
- (14) Councillor Miller considered that it would be inappropriate to defer consideration of the applications provided that a suitable condition could be added to ensure that a photographic record of the existing interior and its features was made, welcoming the scheme overall.
- (15) A vote was taken and on a vote of 11 with 1 abstention planning permission was granted.

- 33.2 **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 the conditions and informatives set out in section 11.

Note: Councillor C Theobald abstained from voting in respect of the above application.

C BH2014/01032, Marlborough House, 54 Old Steine, Brighton - Listed Building Consent

Change of use from offices (B1) to single dwelling house (C3) with associated internal alterations to layout and external alterations, including infill to some rear windows, replacement of roof lights and insertion of rear dormer.

- (1) It was noted that the main considerations in determining the application related to whether the alterations would have a detrimental impact on the character, architectural setting and significance of the Grade I Listed Building. It was considered that the proposals would help preserve the Listed Building by bringing it back into use and would not have a harmful impact on its character or historic and architectural interest.
- (2) Councillor Mac Cafferty highlighted the points made during general debate in relation to the importance of ensuring that a full photographic record was made of the property prior to commencement of the works and formally requested that a pre-commencement condition to that effect be added to any permission granted. The Committee were in agreement that this would be appropriate.
- (3) A vote was taken and on a vote of 11 with 1 abstention Listed Building Consent was granted.

- 33.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** Listed Building Consent subject to the Conditions and Informatives set out in section 11 and to the addition of a pre-commencement condition requiring submission to and agreement by the Local Planning Authority of a full photographic record of the interior of the property prior to commencement of the works.

Note: Councillor C Theobald abstained from voting in respect of the above application.

D BH2015/00195, 132 Longhill Road, Brighton - Full Planning

Erection of 1 no two bedroom detached dwelling with detached garage and 1 no three bedroom detached dwelling with revised access from Wanderdown Road, Brighton with associated landscaping and works.

- (1) The Planning Manager (Applications), Nicola Hurley introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was explained the application site comprised a vacant plot of land located on the south side of Wanderdown Road, which had formerly comprised a bungalow and garage however both buildings had now been demolished. The site immediately to the rear at

128 Longhill Road had recently been redeveloped with four houses (no.128, 128a, 130 & 130a) set in two rows of two. Further backland developments at 118a, 122 & 136 Longhill Road sat adjacent to the north and south of the site. Access to the site was via a driveway from Longhill Road that ran alongside 134 Longhill Road and also served the four new dwellings at 128 Longhill Road.

- (2) It was explained that the recent refusal which had been dismissed at appeal was relevant, plans, and elevational drawings highlighting the differences between the refused scheme and the current application were displayed.
- (3) The main considerations in determining the application related to the design and appearance of the proposed development and its impact on the street scene, impact on the amenities of adjacent occupiers, the standard of accommodation to be provided and sustainability and transport issues. It was considered that the proposed development was of a suitable layout, scale and design that would complement the character of the surrounding area and would have an acceptable impact on the amenities of adjacent properties, in accordance with development plan policies, approval was therefore recommended.

Public Speakers and Questions

- (4) Mr Moore spoke on behalf of neighbouring objectors. He stated that this represented the seventh attempt by the applicant to obtain planning permission, 5 had been refused including being dismissed on appeal and two had been withdrawn. Objectors did not agree that the previous reasons for refusal had been overcome and remained of the view that if permitted the resulting scheme represented overdevelopment of the site, was of a density not compatible with the surrounding area and was detrimental to the neighbouring amenity and the locality. Furthermore, access arrangements to the site by emergency services should the need arise would be problematic, also, most of the access road was not in the ownership of the applicant.
- (5) Mr Walder, the applicant spoke in support of his application he explained that it was intended that it was intended that members of his family would continue to occupy the properties as family homes and that they had sought to address the previous reasons for refusal and to ensure that the development was not unneighbourly.

Questions for Officers

- (5) Councillor Barradell referred to comments made by the objector in relation to access arrangements to the site. It was confirmed that this was separate legal issue and was not germane to consideration of the planning application.
- (6) Councillor Morris sought clarification as to whether the current application included provision of a bathroom/shower room, as it appeared to him that the previous, refused scheme had not included these facilities.
- (7) Councillor Miller stated that he considered that it would be beneficial to defer further consideration of the application pending a site visit. As both speakers had been given the opportunity to address the Committee the Chair put this suggestion to the Committee.

- 33.4 **RESOLVED** – That consideration of the application be deferred in order to enable a site visit to take place.

Note 1: It was noted that as the decision to conduct a site visit prior to determination of the application had been made after the objector and applicant's agent had spoken that no further public speaking would be permitted in respect of this application.

E BH2015/01472, Clarendon House, Conway Court, Ellen House, Livingstone House & Goldstone House Clarendon Road & Garages 1-48 Ellen Street, Hove - Council Development

Installation of insulated rendering to all elevations, new coverings to roof and replacement of existing windows and doors with double glazed UPVC units. Installation of windows and louvered smoke vents to existing open stairwells to Clarendon House, Ellen House and Goldstone House and alterations including repair and remedial works.

- (1) The Principal Planning Officer, Jonathan Puplett introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application related to the residential development situated on the northern side of Clarendon Road. The development consisted of 5 multi-storey flatted blocks (Conway Court, Clarendon House, Ellen House, Goldstone House, Livingstone House), with two storey link buildings, single storey garages, boundary walls, trees and planting. The development's primary frontage was into Clarendon Road, Ellen Road to the rear of the site was its secondary frontage. The differences between the previously refused application and the current one were highlighted. It was also noted that further comments had been received from the CAG re-iterating their earlier comments that independent external advice should be obtained concerning the likely durability of the proposed cladding before a decision was made on the scheme, also that sample colours should be received. Additional letters of objection had also been received and a joint letter of support from Councillors Horan and O'Quinn. These and the representations received from the CAG were set out in the circulated Additional Representations List.
- (2) The main considerations in determining the application related to the resultant appearance of the proposed development (visual impact) and impact upon the setting of heritage assets, amenity and environmental sustainability.
- (3) It was considered that over the time brick faced blocks of the estate had retained a quality of appearance as had many other brick faced blocks across the city of a similar age. Overall, based on experience across the city it was considered that a brick faced finish was more likely to retain a quality of appearance than a through coloured render finish, although it was acknowledged that in either case regular maintenance would be required. Notwithstanding the additional information submitted to make the case that the building would not discolour or collect dirt it was considered that this could only be considered as speculation as there was no evidence available regarding how the material would actually wear at present. It remained of particular concern that although it was proposed that the remaining blocks would be rendered under Phase Two, no timescale for completion of the works had been given. Usually, a phasing condition would be applied to any comparable scheme requiring implementation of an entire

scheme within a specified timescale but could not be done in this instance due to the uncertainties surrounding Phase Two.

- (4) Due to the scale of the individual blocks which already dramatically contrasted with the built form and the number of blocks affected by the application, the cladding would have a substantial effect on the street scene. The colour and texture of the brickwork allowed the blocks to recede in the view to some extent, whereas the starkness and uniformity of the render would make the estate the focal point in near and distant views. Ultimately, it was considered that the resultant appearance of the development would be unduly prominent and would harm the character of the area and the setting of heritage assets in the immediate vicinity of the site. Furthermore, prior to the implementation of Phase Two of the scheme, the development would result in a disjointed appearance with contrasting materials and finishes. Based on the information presented to date it was not accepted that the existing brick faced elevations and blocks could not be repaired and maintained. Overall due to the unduly prominent appearance which would result, and the disjointed appearance which the development as a whole would have prior to Phase Two being implemented, it was considered that the proposed development would result in a less appropriate appearance than the present appearance of the development. For these reasons the proposed scheme was contrary to policies QD1, QD2, QD3, QD14, HE3 and HE6 of the Brighton and Hove Local Plan; refusal was therefore recommended. It was considered that the existing brick faced appearance of the buildings should be retained, repaired and maintained if this was possible.

Public Speakers and Questions

- (5) Mr Croydon and Ms Paynter spoke on behalf of objectors. Mr Croydon stated that he was a builder with some 30 years experience who let a tenancy of one of the flats. In his view the works were superfluous in that the improvements required could be effected through normal repairs and maintenance. There was a long payback period, over 70 years and it was disappointing that following the earlier refusal a very similar scheme had been resubmitted. Ms Paynter showed photographs of the interiors of some of the flats and common areas, only a minimal level of work was required as there were no major problems with the existing fabric of the buildings. What was being suggested was not proportionate and would be detrimental both for residents and in terms of the impact on the neighbouring street scene.
- (6) Councillor O'Quinn spoke in her capacity as a Local Ward Councillor in support of the application. It was considered that the rendered cladding would make a significant difference to the look of the buildings and it was fitting that they be provided with a new lease of life in the manner suggested. A number of residents that she and her ward colleague, Councillor Horan had spoken to were keen for these works to be undertaken as they would eradicate problems of mould and damp and would bring energy savings for them. A number of those who had expressed their opposition to the proposals were leasehold tenants and were averse to them on the grounds of cost. The silicone component of the render mix would render it self cleaning and overall these works would improve the general appearance of the neighbourhood which was currently somewhat neglected.

- (7) Ms Thompson spoke on behalf of the applicants in support of the application and also responded to questions put by the Committee. Ms Thompson explained these works would use a state of the art material which would be maintenance free and would improve the external appearance of the buildings whilst also addressing internal problems such as mould and damp. The energy efficiency of the buildings would be improved and would therefore result in reduced heating costs for residents. These works would be similar to those effected to other estates elsewhere in the city but would have the advantage of being able to use the most up to date technical solutions.
- (8) Councillor Mac Cafferty referred to the textured surface and sought clarification as to how this would work in terms of being self-cleaning. He had concerns that the surface could actually attract dirt rather than to repel it.
- (9) Councillor Wares referred to estates which had already been treated across the city which were already showing signs of wear querying whether there was any evidence of this system being used elsewhere and how it had worn. It was explained that this cladding system was new and had not been used on most of the developments across the city. This was a new product which due to its silicone core was intended to provide a maintenance free finish.
- (10) Councillor Wares also asked whether assessments had been made of the costs pros and cons of using other materials or other solutions for instance a material which retained the existing brick clad appearance of the blocks. Councillor Wares also enquired regarding when it was anticipated that funding for Phase Two would be available, although this may not be strictly a planning consideration if not available it could result in works to the estate being completed only in part.
- (11) Councillor Barradell enquired regarding the statements which had been made regarding the “maintenance free” properties, seeking clarification as to whether regular maintenance checks would continue to be required. Ms Thompson confirmed that they would but that the manufacturers gave a 25 year guarantee for their product. Also, regarding the precise colour of finish now proposed.
- (12) Councillor Miller referred to the comments made by Councillor O’Quinn in relation to the feedback she had received from residents stating that number of residents also appeared to have objected to the proposals querying the breakdown between leaseholders and tenants. The Legal Adviser to the Committee stated that it was only appropriate to ask questions of speakers seeking clarification of matters they had raised.
- (13) Councillors Morris and Wares enquired regarding the rationale which had been applied by the Council in deciding to use to use this approach to funding its refurbishment and maintenance works across its estates. The Legal Adviser to the Committee, Hilary Woodward confirmed that this was not a matter for question/debate by the Committee as decisions on that matter had been made by another committee with other responsibilities. The Committee were required to consider and determine the application before them on planning grounds.

Questions for Officers

- (14) Councillor Wares enquired regarding the fact that funding was not yet in place to fund the second phase of the development. If approval were to be given by the Committee and Phase Two did not take place what mitigation measures if any could be taken bearing in mind that a completion date for a scheme in its entirety was usually conditioned. The Planning and Building Control Applications Manager, Jeanette Walsh responded that if planning permission was granted officers would have to explore mechanisms which could be put into place to ensure completion of the works in their entirety. If that was breached thought would need to be given to whether and what could be done to achieve compliance.
- (15) Councillor Wares stated that in his view this created something of a conundrum. The Legal Adviser to the Committee, Hilary Woodward confirmed that if Members were minded to approve the application, it would need to be approved as minded to grant in order for consideration to be given to how this issue could be overcome.
- (16) Councillor Bennett enquired whether there were similar estates across the city where blocks were configured across the site in a similar fashion. She considered that the proposed treatment would make the blocks on the estate more dominant than currently.

Debate and Decision Making Process

- (17) Councillor Barradell stated that she was unhappy with the colour of the surface treatment proposed and considered that it would have a detrimental appearance. Where similar treatments had been used elsewhere in the city they were already showing signs of wear and there was no evidence available to indicate how this material would wear overtime. The existing brick surfaces had lasted well beyond their anticipated time span.
- (18) Councillor Gilbey stated that one of the estates in her ward had received this treatment in part. It had not completed and in consequence half of the blocks had been treated and the remainder had not. This had remained the situation for some time and there was no indication that this would change.
- (19) Councillor Inkpin-Leissner considered that appearance of the estate was better as it was and that maintenance options which preserved its current appearance should be explored.
- (20) Councillor Littman stated that the existing estate was not attractive, however in his opinion this scheme was so similar to the previous one that the reasons for refusal had not been satisfactorily overcome. He also shared concerns which had been raised in relation to funding for Phase Two.
- (21) Councillor Wares considered that a compelling case had not been made to approve this scheme. He considered that insufficient other options had not been explored, in particular costings which would result in the exterior appearance of the buildings remaining unaltered. The costs were high and insufficient evidence was available to indicate how the buildings might wear in the longer term.

- (22) Councillor Morris stated that in the absence of any tangible proof of how the cladding material would wear he considered that the application should be refused.
- (23) Councillor Miller concurred stating that the proposals were costly and did not in his view provide sufficient benefits to outweigh the harm caused by the detrimental impact they would have on the surrounding street scene and in longer views.
- (24) Councillor C Theobald considered that other options should have been explored. Blocks completed using a similar system had not weathered well, it was not proven that this would be maintenance free or that it would require less maintenance than the existing brickwork.
- (25) Councillor Hamilton was concerned that the colour of the proposed finish would be out of keeping with the neighbouring streetscape and agreed that the arguments regarding maintenance and longevity of the surface treatment were untested.
- (26) Councillor Mac Cafferty considered that the textured surface of the render could prove problematic and that the finish it would provide would be poor. The blocks would have an overly dominant appearance, more so than currently, which would be unacceptable. He considered the finish indicated was poor and shared the concerns expressed by fellow Committee members.
- (27) A vote was taken and Members voted unanimously that planning permission be refused.
- 33.5 **RESOLVED** - That the Committee has taken into consideration and agrees with the reason for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to refuse planning permission for the reasons set out in section 11.

F BH2015/01291, 3 Sylvester Way, Hove - Householder Planning Consent

Erection of single storey front, side and rear extension.

- (1) The Planning Manager (Applications), Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings.
- (2) The application site related to a detached bungalow located to the north of Sylvester Way. The property consisted of a north-south gable roof design with a single storey flat roofed attached garage to the eastern side of the property. The bungalow had been altered in the past and included a flat roof L shaped extension which extended to the rear of the garage along the eastern side of the boundary. The property also included a rear garden and a 3.1m strip of land to the east of the building which sat approximately 1m lower than the floor level of the building and separated the property from the boundary fence.
- (3) Permission was sought for the erection of a single storey front, side and rear extension. The proposal would extend the existing wrap-around extension to the side of the property by approximately 2.7m and would also include a 3m wide, 2.7m deep projection to the rear at the eastern corner. The proposal would also extend the gable

roof of the property to the rear over the existing wrap around extension. The main side and rear element of the extension would have a ridge height of 4.5m. The existing garage would be demolished and a new garage would be constructed projecting forward of the proposed extension of the property. The application followed a previous refusal (BH2014/02616). It was noted that there was an error in paragraph 9.1 of the report, the first line of which should read:

“The proposed development *would* result in significant harm...”

- (4) The main considerations in the determination of this application relate to the impact of the proposed alterations on the character and appearance of the building and wider street scene and impact on the amenity of neighbouring properties. It was considered that the proposed development would result in significant harm on the character and appearance of the host property and surrounding area and that it would also result in significant overshadowing, enclosing effects and loss of light to no. 1 Sylvester Way. As such the proposal was considered contrary to policies QD14 and QD27 of the Local Plan and SPD12 “Design Guidance for Extensions and Alterations”, therefore it was recommended for refusal.

Public Speakers and Questions

- (5) Mrs Finlayson spoke as an objector. As a resident of the neighbouring property she concurred with the assessment made by the planning officer regarding the severely detrimental impact that the proposals would have on her amenity, her property would be overlooked, overshadowed and overwhelmed. In her view the previous reasons for refusal had not been overcome.

Debate and Decision Making

- (6) Councillor Inkpin-Leissner stated that he considered that there was little difference between the current scheme and that which had been refused previously, he would be supporting the officer recommendation.
- (7) Councillor C Theobald concurred in that view, stating that the a sloping roof may have been less detrimental overall but that the proposals as they stood would be very detrimental to the neighbouring property.
- (8) Councillor Wares was in agreement that the proposed development would constitute overdevelopment and would result in an unacceptable loss of amenity; he supported the officer recommendation.
- (9) A vote was taken and members voted unanimously that planning permission be refused.

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

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

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

Application:	Requested by:
BH2015/00195 – 132 Longhill Road, Brighton	Councillor Barradell

35 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

36.1 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.]

37 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

38 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

39 APPEAL DECISIONS

- 39.1 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 6.00pm

Signed

Chair

Dated this

day of