

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 14 SEPTEMBER 2016**

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

**MINUTES**

**Present:** Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Allen, Hyde, Janio, Littman, Miller, Moonan, Morris and Russell-Moyle

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

**Officers in attendance:** Paul Vidler (Planning Manager, Major Applications); Nicola Hurley (Planning Manager, Applications); Adrian Smith (Principal Planning Officer); Steve Tremlett (Principal Planning Officer); Steven Shaw (Development and Transport Assessment Manager); Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

**PART ONE**

**37 PROCEDURAL BUSINESS**

**37a Declarations of substitutes**

37.1 Councillor Allen declared that he was in attendance in substitution for Councillor Inkipin-Leissner and Councillor Janio declared that he was in attendance in substitution for Councillor Bennett.

**37b Declarations of interests**

37.2 Councillor Morris stated in relation to Applications BH2016/01756, and BH2016/01757, 18 -19 Ship Street, Brighton that as the applicant was known to him he would leave the meeting during their consideration and would take no part in the debate or decision making process.

37.3 Councillor Cattell, the Chair referred to Applications BH2016/00752 and BH2016/00753, 101 Roundhill Crescent stating that although she knew several architects at the practice acting as agents for the applicant, she remained of a neutral mind and would remain present during the discussion and decision making in respect of these applications

**37c Exclusion of the press and public**

37.4 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.

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

**37d Use of mobile phones and tablets**

37.6 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’.

**38 MINUTES OF THE PREVIOUS MEETING**

37.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 3 August 2016 as a correct record.

**39 CHAIR'S COMMUNICATIONS**

39.1 There were none. However, the Chair welcomed everyone to the first meeting of the Committee in the newly refurbished Chamber at Hove Town Hall.

**40 PUBLIC QUESTIONS**

40.1 There were none.

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

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

| <b>Application(s):</b>  | <b>Requested by:</b> |
|---|----------------------|
| K, L, BH2016/00752 and<br>BH2016/00753, 101 Roundhill<br>Crescent, Brighton | Councillor Hyde      |

**42 WITHDRAWING THE REASON FOR REFUSAL OF PLANNING APPLICATION BH2015/01471, ASTORIA 10-14 GLOUCESTER PLACE, BRIGHTON FOR PURPOSES OF APPEAL**

42.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture seeking the Committee’s agreement to withdraw the reason for refusal of the planning application BH2015/01471, Astoria, 10-14 Gloucester Place, Brighton for the purposes of appeal.

- 42.2 Agreement to withdraw the reason for refusal was being sought prior to the forthcoming public inquiry appeal which was due to commence on 13 December 2016 provided the Planning Inspectorate accepted the amended plans referred to in paragraph 3.2 of the report and to authorisation being given for the Planning Manager, Applications, in consultation with the Chair of the Committee, to determine the amount of the affordable housing contribution which should be payable in the event that the appeal was successful together with any other s106 terms.
- 42.3 Councillor Littman sought clarification in respect of the process stating that he had not encountered this situation in relation to the Committees' decision making previously, querying whether it was appropriate to revisit an application in this way in the absence of a new revised application being made. Councillor C Theobald concurred agreeing that she had not encountered this situation previously.
- 42.4 The Legal Adviser to the Committee, Hilary Woodward, explained that although this situation was unusual it represented a fall back position in the event that the Planning Inspector decided to accept the appellant's amended plans and a full Daylight/Sunlight Assessment; he was not obliged to do so and this matter was at his discretion. If he decided to accept this information it would materially alter the balance of considerations for this application. The Planning Inspectorate had yet to confirm whether or not they would consider this new information provided by the applicants.
- 42.5 Councillor Moonan considered it was regrettable that this situation had arisen and that the applicant had not provided this information with the original application.
- 42.6 The Chair, Councillor Cattell, sought confirmation in the response to queries by some Members whether it would be possible to defer consideration until the next scheduled meeting of the Committee pending a decision by the Planning Inspectorate on whether or not they would accept this information. It was explained that was not an option in the timeframe available.
- 42.7 Councillor Miller stated that as he understood it the recommendations set out in the report would only be actioned in the event that the Planning Inspectorate accepted the appellant's submission. It was confirmed that was the case. He also noted that the affordable housing contribution remained under negotiation and that if there was failure to reach a policy compliant sum the reason for refusal set out in paragraph 8.12 of the report would be used.
- 42.7 A vote was taken and on a vote of 7 with 5 abstentions the recommendations set out below were agreed.
- 42.8 **RESOLVED** – (1) That provided the Planning Inspectorate accept the amended plans referred to in paragraph 3.2 of the report as part of the appeal scheme the Planning Committee agrees to withdraw the reason for refusal as set out in paragraph 3.5 of the report;
- (2) That the Planning Committee authorises the Planning Manager, Applications, in consultation with the Chair of Planning Committee, to determine the affordable housing contribution which would be required by the local planning authority should the appeal

be upheld together with any other s106 terms and the Committee further agrees that the s106 shall be completed on those terms as so determined; and

(3) In the event that the Planning Manager – Applications is unable to agree a policy compliant affordable housing contribution with the appellant the Committee agrees that the Council's case in response to the appeal should be that the application should be refused for the reason set out in paragraph 3.12 of the report.

**43 REQUEST TO VARY THE HEADS OF TERMS OF SECTION 106 AGREEMENTS IN CONNECTION WITH PLANNING APPLICATIONS BH2015/04577 AND BH2015/04575 FOR MIXED USE REDEVELOPMENT, INCLUDING NEW HOTELS.**

- 43.1 The Committee considered a report of the Executive Director, Economy, Environment and Culture seeking approval to vary the Heads of Terms of two proposed Section 106 Agreements in connection with planning applications BH2015/04577 and BH2015/04575 which were "Minded to Grant" by Members at the meeting of the Committee held on 13 July 2016, in order to reduce the level of financial contribution towards the Brighton and Hove Local Employment Scheme (BHLES).
- 43.2 The Planning Manager, Major Applications, Paul Vidler, explained that the developer had written to the Council to request that payment of the financial contributions towards the Brighton and Hove Local Employment Scheme be reduced in accordance with the latest Developer Contribution Technical Guidance, which had a different methodology for calculating contributions. The Local Planning Authority was satisfied that there had been a relevant change in circumstances since the committee report had been finalised, that the updated Guidance was a material consideration and that in that context the applicant's request was considered reasonable.
- 43.3 Councillor C Theobald sought further clarification regarding how this figure had been arrived at as the variance between the previously agreed figure and that now being put forward appeared to be considerable. The Local Employment Scheme Co-ordinator, Linda Shaw responded detailing the initiatives which were in place and how the contribution towards the Council's Local Employment Scheme was being pursued pro-actively where appropriate across the City, citing examples of where this had been used.
- 43.4 The Chair, Councillor Cattell, thanked Officers for the information provided which gave Members a valuable insight into this matter.
- 43.5 A vote was taken and Members voted unanimously that the recommendations set out below be approved.
- 43.8 **RESOLVED** – That the proposed variations to the Heads of Terms be agreed as follows:
- (1) BH2015/04577 (78 West Street & 7-8 Middle Street Brighton): financial contribution of £62,050 towards the Brighton and Hove Employment Scheme be reduced to £13,300; and

- (2) BH2015/04575 (8-12A South Street & 79-81 West Street Brighton): financial contribution of £30,040 towards the Brighton and Hove Local Employment Scheme be reduced to £11,400.

**44 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**MAJOR APPLICATIONS**

**A BH2015/03144 - Site of Former William Moon Lodge, The Linkway, Brighton - Full Planning**

Erection of two storey (plus basement) residential care home providing 75 bedrooms and 18 parking spaces and associated works.

- (1) The Planning Manager, Major Applications, Paul Vidler, gave a presentation detailing the scheme by reference to site plans, floor plans and photographs. It was explained that the application site was located on the southern side of The Linkway and was currently vacant having been formerly used by the Sussex Lantern Trust, the building formerly on the site (a large detached single storey building (D2 community use), had been demolished and the site cleared. In the wider context the site lay within a predominantly residential area. The properties on the northern side of the Linkway directly opposite the site were 3 storey terraced flats, properties to the east, west and south were 2 storey terraced dwellings.
- (2) It was explained that the main consideration in determining the application related to the suitability of the site to accommodate the proposed care home and the impact of the development upon the character and amenity of the area. Regard was also needed to the traffic and travel implications of the development, neighbouring amenity and sustainability. It was considered that the proposed development would provide much needed residential accommodation for the elderly. The proposed building was considered to be of acceptable design and that there would be no significant adverse impact upon the character or appearance of the site or on the surrounding area. The development would provide a good standard of accommodation for future occupants and would not result in significant harm to neighbouring amenity or highway; it was therefore recommended minded to grant.

**Questions of Officers**

- (3) Councillor C Theobald sought clarification regarding any trees remaining on site which were protected by TPO's, also regarding the number of staff who would be working there. It was explained that a total of 20 staff would be employed, however the number in the building at any one time would be far fewer than that due to shift patterns and the number of posts which were part time. The Development and Transport Assessment Manager, Steven Shaw, explained that as there were good public transport links to the site, some would access it on foot; the scheme fell well within recommended parking standards.

**Debate and Decision Making Process**

- (4) Councillor C Theobald stated that she considered that the proposed scheme represented a good use of the site and supported the Officer recommendation.
  - (5) Councillor Mac Cafferty supported the Officer recommendation also referring to the Age UK initiative which drew attention to the benefits of care homes growing food on site for consumption by residents, requesting that this be added as an informative to any permission granted. This was supported by Members and was voted on.
  - (6) A vote was taken and Members voted unanimously that minded to grant planning permission be given to include the informative proposed.
- 44.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement, including £7,500 towards the Local Employment Scheme, and the Conditions and Informatives set out in section 11.

**B BH2016/01877 - The Shelter Hall, 150-154 Kings Road Arches, Brighton - Full Planning**

Demolition of existing building and external steps. Erection of two-storey building at lower promenade level incorporating mezzanine floor and a single storey rotunda building on the upper promenade level on raised plinth to provide mixed use development comprising retail/café/restaurant/public toilets (A1/A3/sui generis uses) and new external steps.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Planning Manager, Major Applications, Paul Vidler, gave a presentation detailing the scheme by reference to site plans, elevational drawings and photographs. It was explained that the site was located at the bottom of West Street and involved the upper and lower seafront promenade. The Shelter Hall was an unlisted historic building with decorative features which straddled the boundaries of the Regency and Old Town Conservation Areas and was a focal point of this section of the Victorian arch development fronting the beach, which had been built as a structural element of the King's Road thoroughfare and in order to provide a recreational facility for promenaders. It had close association with the listed kiosk formerly at road level and now removed for construction in a new position.
- (3) The main considerations in determining the application related to demolition of the unlisted building which contributed positively to the Conservation Areas, the principal of providing a larger replacement building, impact on visual amenity, crime prevention, transport demand and sustainable transport accessibility and the principle of introducing A3, A1 retail and sui generis public toilet facilities in that location. The site was in a very prominent seafront location, and was sensitively located within the conservation areas and it was considered that loss of the (non-listed) historic Shelter Hall building would cause harm to the conservation area as it contributed positively to it; however it was dangerous and beyond repair. The replacement building was needed in part to hold up the seafront road and would

deliver significant highways improvements and benefits, new usable commercial spaces that would contribute to the tourism offer of the seafront and much needed permanent public toilets. The proposed uses were considered to be appropriate for the seafront and would enhance year round tourism, would not harm the vitality and viability of any established shopping centres and would provide an attractive contemporary building.

- (4) Whilst heritage consultees had raised some concerns regarding the overall scale and detailed design of the scheme, it is considered that the scale and design had been largely justified and the revisions to the scheme had mostly mitigated this harm (and further revisions may be sought by condition). The scheme would deliver welcome regeneration of the site and would reinforce the role of the seafront as a vibrant, thriving tourist and recreational destination. It was considered that there were sound reasons to justify the loss of the historic but unlisted Shelter Hall and that significant public benefits would mitigate the harmful impact the replacement development could have on the conservation areas and approval was therefore recommended.

### **Questions of Officers**

- (5) Councillor Mac Cafferty queried that this application had been brought forward for consideration by the Committee without the requirement for Listed Building Consent for its demolition. It was explained that this had been granted in March 2016, in order to facilitate repair and restoration of the kiosk and its relocation to East Street Bastion. Approval had also been given at that time to removal of a section of seafront railings and a lamppost.
- (6) Councillor Morris asked to see elevational drawings showing the north elevation, location of the vents associated with the development and clarification of how they would read from the promenade and from street level.
- (7) Councillor Janio asked to see drawings showing the Shelter Hall and as it appeared currently and giving perspectives of the completed scheme in order that he visualise it within the wider context of the seafront. Also, arrangements for access by cyclists.
- (8) Councillor Hyde sought confirmation that there no conflict would occur between cyclists and others. The Development and Transport Manager, Steven Shaw, confirmed that the issues of pedestrian access, cycle parking, disabled access and parking had been fully considered and were deemed to be acceptable subject to the inclusion of conditions relating to cycle parking, deliveries/loading and CEMP.
- (9) Councillor Gilbey sought confirmation regarding landscaping proposed. In answer to questions disabled access arrangements were shown and it was explained that there would be level access to the disabled toilet facilities. Councillor Miller sought information regarding their configuration and whether they would be mixed but it was explained that would be an operational matter.
- (10) Councillor Moonan referred to the existing subway access enquiring whether refurbishment was intended in concert with this scheme. It was explained that fell outside the remit of this planning application.

**Debate and Decision Making Process**

- (11) Mr Gowans CAG, referred to the comments made by CAG that whilst they welcomed the proposals in principle they had grave concerns regarding the inadequacy and piecemeal nature of information provided in relation to a site located in a key sea front location.
- (12) Councillor Moonan referred to comments received from the Police and it was explained that the proposed café would have standard hours of operation. Councillor Moonan considered that was acceptable stating that she supported the vital work being carried out and proposals for reinvigoration of the sea front which would result.
- (13) Councillor Morris stated that he supported the proposals which were being undertaken on the back of the necessary repairs and which would enhance this as a sea front destination and would provide a landmark for visitors. Councillor Miller concurred in that view.
- (14) Councillor Littman stated that he considered that the proposals would result in significant improvements to that part of the seafront, he therefore supported the officer recommendation.
- (15) Councillor Mac Cafferty stated that whilst unhappy at the manner in which the Listed Building element of the scheme had been processed, he supported the scheme overall.
- (16) Councillor Russell-Moyle stated that he fully supported the scheme but was anxious to ensure that measures were undertaken to ensure that features such as the silver keystones and Neptune's Head Seal were retained and reinstated appropriately, ideally to the front of the building. In his view they were integral to the seafront environment and should be retained as such, he wished additional conditions to be included to ensure this took place. Members of the Committee were in agreement voting that additional conditions to that effect were included in any permission granted.
- (17) A vote was taken and Members voted unanimously that minded to grant planning permission be given to include the amendments and additional conditions set out below.

- 44.2 **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 be **MINDED TO GRANT** planning permission subject to a s106 agreement and the Conditions and Informatives set out in section 11 and amendments/additions set out below.

Delete Condition 7;

Amend Condition 2 to reflect amended and additional plans received;

**Additional Condition(s):**

12e) the replica head and shields be installed on the front of the building;

**Additional Informatives:**



Conditions 12/13/15 to be delegated by the Planning Applications Manager in consultation with the Chair

**C BH2016/01592 - Household Waste Recycling Site, Modbury Way, Hove - Removal or Variation of Condition**

Application for variation of condition 3 of application BH2015/00180 to allow the transfer facility to accept street cleansing waste, waste from communal bin operations, cardboard, green garden waste from Brighton & Hove City Council collections, re-usable, recyclable, recoverable and residual waste arising from Household Waste Recycling Sites, commercial recyclable waste and commercial residual waste for energy recovery or landfill. (Retrospective)

- (1) The Principal Planning Officer, Steve Tremlett, gave a presentation by reference to site plans, photographs and drawings. It was noted that the Hove Household Waste Recycling Site was of approximately 2.0 ha with a floor area of 2800m<sup>2</sup> and was accessed the south side of Old Shoreham Road. There were industrial buildings to the north and the Hove Technology Centre was located to the east. The west flank of the site was backed onto by residential dwellings with gardens in Aldrington Avenue. At the southern end of the site was a large shed where domestic refuse and the recyclable material is collected and sorted.
- (2) Planning permission was sought to vary condition 3 of application BH2015/00180 to allow the transfer facility to accept street cleansing waste, waste from communal bin operations, cardboard, green garden waste from Brighton & Hove City Council collections, re-usable, recyclable, recoverable and residual waste arising from Household Waste Recycling Sites, commercial recyclable waste and commercial residual waste for energy recovery or landfill. This application sought to regularise an activity which had been occurring at the site for the last two/three years to allow a broader range of commercial waste to be processed at the site.
- (3) The proposed variation was considered to be acceptable and would result in a modest change to vehicle trips and waste volume passing through the site. In response to concerns raised in relation to the processing of source-separated household food waste, the applicant had indicated that this aspect of the application was no longer being pursued. Approval was therefore recommended.

**Questions of Officers**

- (4) Councillors Mac Cafferty and Littman sought clarification as to whether food waste would be processed at the site and it was confirmed that this would not be processed on the site.

**Decision and Debate**

- (5) Members then moved to the vote and on a vote of 11 with 1 abstention planning permission was granted.

44.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and

guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 and the amendment set out .

**Amend Condition 3:**

The premises shall be used for no other purpose than as a Household Waste Recycling Site and transfer facility for wastes from East Sussex and Brighton & Hove Household Waste Recycling Sites, commercial waste, street cleansing waste (including fly tipped waste and bulky waste collections), communal bin operations, cardboard and green waste, and on occasions when the Hollingdean MRF or WTS facility are unavailable or where there are other exceptional conditions the site shall be used as a transfer facility for kerbside collected waste and recyclables (not to exceed 20 days per year, except where agreed in writing by the Local Planning Authority).

**Reason:** Due to the proximity of residential properties there is a need to secure control over additional activities on the site in the interests of protecting residential amenity and in accordance with policy WMP25 of the East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan and policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.

**MINOR APPLICATIONS**

**D BH2016/02329 - 308 Dyke Road, Brighton - Full Planning**

Erection of three bedroom residential dwelling with associated parking and landscaping to replace existing garages.

- (1) It was noted that this application had been subject to a site visit prior to the meeting.
- (2) The Planning Manager, Major Applications, Paul Vidler gave a presentation detailing the scheme by reference to site plans, floor plans, elevational drawings and photographs detailing the proposed scheme. It was explained that the site currently comprised a row of 5 garages which were accessed via a driveway off Dyke Road between 306 & 308 Dyke Road. The proposals were also shown in the context of the boundary wall and vegetation between the application site and the neighbouring plots, visuals indicating sight lines to/from the application site were also shown. 308 Dyke Road which adjoined the site was a detached two-storey building comprising 5 flats, including accommodation located in the roof slope. One of the flats included an outside terrace area over a rear extension. Dyke Road predominately comprised large detached buildings set in substantial grounds. The main considerations in determining the application related to whether the scheme was appropriate in terms of its design and impact on the amenity of adjacent properties, highway considerations, sustainability and the standard of accommodation which would be provided. Differences between the current and previously refused scheme were shown.
- (3) It was considered that the proposed development would have an acceptable impact on the character and appearance of the locality, and on the amenity of occupiers of neighbouring properties. The proposed dwelling would provide acceptable living conditions for future occupiers and approval was therefore recommended.

**Public Speakers**

- (4) Councillor Taylor spoke in his capacity as a Local Ward Councillor setting out his objections to the proposed scheme and those of his fellow ward councillors, Councillor A and K Norman and the neighbouring objector. Councillor Taylor stated that objectors including himself and his fellow Ward Councillors were very concerned that if built this development would be detrimental to the amenity of existing residents in Dyke Road and Maldon Road and lead to a serious sense of enclosure. The proposed property would be very close to the boundary of both existing properties and could therefore potentially overshadow the gardens of those residents. Objectors were also concerned that the design which was not in keeping with the existing street scene would be clearly visible from neighbouring properties. Councillor Russell-Moyle sought clarification from Councillor Taylor regarding the loss of amenity envisaged by objectors.
- (5) Mr Stern, the applicant spoke in support of his application. He explained that the current application had been carefully designed and simplified following consultation with the Council's planning officers in order both to overcome the reasons for refusal of an earlier application and to respect the amenity of neighbouring dwellings.

**Questions of Officers**

- (6) Councillor Morris sought clarification regarding the density of the proposed form of development.
- (7) In answer to questions, it was explained that the proposed form of development would be approximately 25% smaller than the previous scheme, would have a larger garden area and would be located further from the boundaries with neighbouring development. The potential for overlooking had been carefully considered and windows would be at differing levels from that of neighbouring properties in order to address that issue.
- (8) Councillor Mac Cafferty enquired whether the earlier approval (March 2015), had been given by the Committee and it was confirmed that it had. Councillor Littman sought confirmation that, if they so wished, the applicant could build that larger development in line with the extant permission and it was confirmed that they could.
- (9) Councillors Moonan and Russell-Moyle sought further clarification in relation to the boundary treatments to be used, also whether any additional screening was proposed. It was explained that in addition to the existing boundary walls and vegetation some additional fenced screening would be provided.
- (10) Councillor Hyde asked for confirmation of the distance between the proposed development and the boundary with the neighbouring plots at its closest point, stating that she had some concerns in relation to the distance between this back land site and 308 Dyke Road itself. In answer to further questions it was explained that this scheme had a different footprint and would be located further away than originally proposed.
- (11) Councillor C Theobald enquired regarding the level of on-site parking proposed and the available vehicle turning arrangements. The Development and Transport Assessment Manager, Steven Shaw, explained that this remained unchanged from the

previously approved scheme and met the requirements of the Highway Code and did not therefore represent a traffic safety risk.

- (12) Councillor Gilbey referred to the access arrangements to the site and it was confirmed that these remained unaltered from previous applications. Councillor Janio queried whether this arrangement could be hazardous, particularly at night. It was confirmed however that it was considered to be of sufficient width and to meet safety requirements.

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

- (13) Councillor C Theobald stated that she considered the proposed development would be cramped and unneighbourly and also had concerns regarding access/egress arrangements.
- (14) Councillor Gilbey stated that she had not felt able to support the earlier application, but considered that the current one was better designed and was acceptable.
- (15) Councillor Littman stated that whilst the current scheme did not in his view have a significantly smaller footprint than that for which there was extant approval, it was an improvement on that and on balance he considered it to be acceptable.
- (16) Councillor Hyde stated that whilst she considered the proposed scheme acceptable she was mindful of need for a suitable render to be used, citing examples where through render had been used on other developments and had deteriorated very quickly. Councillor Hyde considered that a wet render surface would be appropriate, the applicant indicated their willingness to use that treatment. On that basis Councillor Hyde requested that an additional condition to that effect be added to any permission granted. The Legal Adviser to the Committee, Hilary Woodward, explained that this would not be appropriate, but that an informative to that effect could be added if Members were minded to do so. Councillor Mac Cafferty indicated his willingness to support Councillor Hyde's proposal and it was therefore voted on as part on the substantive recommendations.
- (17) The Chair, Councillor Cattell stated that in in her view this scheme represented innovative use of a modest space.
- (18) A vote was taken and on a vote of 11 to 1 Members voted that planning permission be granted to include the addition of an informative requesting that a wet rather than through render finish be used.

- 144.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 and to the additions and amendments set out below.

### **Additional Condition 12**

No development above ground floor slab level of any part of the development hereby permitted shall take place until details of the boundary treatments have been submitted

to and approved in writing by the Local Planning Authority. The boundary treatments shall be implemented as agreed and thereafter retained as such.

Reason: To ensure a satisfactory appearance to the development and to comply with policy CP15 of the City Plan Part One.

**Amendments Attached to Conditions:**

**Condition 4:**

**Reason:** to ensure a satisfactory appearance to the development and to comply with policy CP15 of the City Plan Part One;

**Condition 6:**

**Reason:**

To ensure that the development is sustainable and makes efficient use of energy to comply with policy CP8 of the City Plan Part One;

**Condition 7:**

**Reason:**

To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the City Plan Part One;

**Additional Informative:**

The Local Planning Authority would prefer the use of wet render rather than a through coloured render.

**E BH2016/01847 - 51 Plymouth Avenue, Brighton - Full Planning**

Change of use from three bedroom single dwelling (C3) to three bedroom small house in multiple occupation.

- (1) The Planning Major Applications, Paul Vidler, gave a presentation by reference to plans, elevational drawings, floor plans and photographs detailing the scheme. It was noted that the site related to a two storey semi-detached property on the south western side of Plymouth Avenue. The main considerations in determining this application related to the principle of the change of use, impact on neighbouring amenity the standard of accommodation which the use would provide and transport issues.
- (2) The Planning Manager, Major Applications, Paul Vidler, referred to late representations which had been received objecting on the ground that the proposal would be contrary to the 10% threshold set out in City Plan Policy CP21. He explained that the proposal complied with the threshold and that this was addressed in the report and that the proposal was acceptable in principle at that location and accorded with the Council's emerging policy on HMO's.
- (3) The development would not result in significant harm to neighbouring amenity and would not create a harmful demand for travel; approval was therefore recommended.

**Public Speakers**

- (4) Mr Cager and Ms Game spoke as local residents setting out their objections to the scheme. The proliferation of HMO's in their area was having a significantly detrimental

impact and was changing the demographic of the area, from one essentially of family homes and was impacting negatively on residents, in terms of their local shops and facilities on jobs and on local schools where the number of pupils on roll was dropping. Residents had been vocal in raising these concerns at Local Action Team (LAT) meetings and felt that their very real concerns had been unheeded. A petition was being prepared for consideration by Full Council requesting this issue be addressed city wide. It was anticipated this would attract a large number of signatures.

- (5) Councillor Marsh spoke in her capacity as a Local Ward Councillor setting out her objections and those of her fellow Ward Councillors. Across her Ward as a whole there were some 800 HMO's with a huge impact for residents which had been dismissed. As well as changing the character of the area and the impact that had for residents, there were also issues around noise disturbance and the amount of refuse generated. A firm which specialised in buying up family houses and converting them into student accommodation had bought up a number of houses, a trend which appeared to be continuing. This gave rise to particular problems in her area, but was also creating problems in other parts of the city and formed part of a "bigger" picture. The recent Article 4 Direction measures appeared to have come too late to stem this issue in her ward and this matter was one of grave concern.

### **Questions of Officers**

- (6) Councillor Gilbey requested confirmation of the number of HMOs in the immediate area as the number of these seemed to be very high. Councillor Allen stated that whilst acknowledging that this use might be acceptable in terms of its distance from the nearest HMO, it would have been useful to have an idea of the number within the area/ward overall as clearly that formed part of a bigger picture.
- (7) Councillor Russell-Moyle sought clarification of the manner in which HMO's were calculated and were included and whether the pressure on local amenities created due to those who were only in residence for part of the year were subject to analysis and could be taken account of. Also, that HMO's (particularly those occupied by students), tended to have a higher turnover rate than other types of rented accommodation. The Planning Manager, Major Applications, explained that it was very difficult to assess this on a case by case basis and that it would be very difficult to sustain refusal on those grounds. Policy CP21 of the Brighton and Hove City Plan Part One specifically addressed the issue of changes of use to either class C4 a mixed C3/C4 use or to a sui generis House in Multiple Occupation, this application did not fall contrary to that.
- (8) Councillor Gilbey requested clarification of the factors which were likely to be taken account of by the Planning Inspectorate should the Committee be minded to refuse the application. The Legal Adviser to the Committee, Hilary Woodward, explained that the Inspector would be mindful of recently adopted Local Planning Policy, as in principle this location accorded with the Council's policy on HMO's and had not been identified as having a detrimental impact on amenity it was unlikely that refusal would be successful at appeal and likely that the applicant could make a successful request for award of costs.

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

- (9) Councillor Hyde stated that she had every sympathy with the concerns expressed and was very uncomfortable about supporting this application, considering that an urgent review of the measures which could be put into place to address this issue was needed. Regrettably, however, in view of the provisions of CP21 and the advice given she felt obliged to accept the recommendation to grant.
- (10) Councillor Janio was in agreement that this matter needed to be looked at particularly as there appeared to cross party recognition that this was a problem which needed to be addressed.
- (11) The Chair, Councillor Cattell, noted all that had been said and shared the concerns expressed but stated that they fell outside the remit of Planning Committee. She was aware that a Working Group had been set up tasked with looking into this issue and how it could best be addressed.
- (12) Councillor Miller stated that HMOs could be occupied by those other than students, but agreed that the Committee's hands were tied, also that existing policies needed urgent review. Currently the policy was one step behind what was happening across the city and it needed to be one step ahead. He hoped that a petition to Full Council would add impetus to that. Councillor Miller asked what the status of the application would be if all Members of the Committee were minded to abstain. The Legal Adviser to the Committee and Democratic Services Officer conferred and were of the view that the outcome of such a vote would be a deemed refusal.
- (13) Councillor Moonan stated that she considered her hands were tied and that the current situation in respect of HMOs did not reflect where her heart lay. She was aware of the existence of the Working Group which was looking at the number and location of HMOs as a matter of priority and wanted all present to be aware of that.
- (14) Councillor Littman concurred with all that had been said stating that he was very unhappy with the situation. Article 4 Directions would assist some wards but this remained a problem elsewhere.
- (15) Councillor C Theobald stated that she was not happy that family homes were being lost due to their conversion into HMOs considering that it should be possible for exceptions to policy to be made.
- (16) Councillor Mac Cafferty stated that for him it was very much an issue of head and heart, considering that urgent work was needed to address existing policy in relation to HMOs. He could not support the Officer recommendation and would be voting that the application be refused.
- (17) A vote was taken and on a vote of 5 to 2 with 5 abstentions Members voted that planning permission be granted.
- 44.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11 and to the amendments set out below.

Conditions 1), 2) and 3) to be renumbered to 2), 3) and 4;

**Amendment to Condition 4** – to read:

4) The development hereby approved shall be implemented in accordance with the proposed layout detailed in drawing no.1502/CU01 received on 20 May 2016 and shall be retained as such thereafter. The ground floor rooms annotated as living room, kitchen and utility room as set out on drawing no. 1502/CU01 shall be retained as communal space and none of these rooms shall be used as bedrooms at any time.

**Reason:** To ensure a suitable standard of accommodation for occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan;

**Additional Condition 5** – to limit number of occupants taking into account the size of the bedrooms:

5) The development hereby approved shall only be occupied by a maximum of four persons.

**Reason:** To ensure a satisfactory standard of accommodation for future occupiers and to comply with policy QD27 of the Brighton & Hove Local Plan.

Whilst the communal areas are considered appropriate for up to 4 occupants if the property were further extended above this occupancy level it is not considered that an adequate level of accommodation would be provided. As such this condition is considered necessary.

**F BH2016/02069 - 42 Hawkhurst Road, Brighton - Full Planning**

Change of use from three bedroom house (C3) to six bedroom small house in multiple occupation (C4) with hip to gable roof extension with front rooflights and rear dormer.

- (1) It was noted that as the Ward Councillor had withdrawn their objection to the scheme it had been approved under officer's delegated authority.

**G BH2016/01224 - 11 Boundary Road and land to rear of Harbour Mews, Hove - Full Planning**

Conversion of existing ground floor rear office (B1) and demolition of existing warehouse (B8) at rear to create 1 no two bedroom flat (C3) incorporating single storey side/rear extension and erection of 1 no three bedroom house with associated landscaping and car parking.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Planning Manager, Major Applications, Paul Vidler gave a presentation by reference to site plans, elevational drawings and photographs showing the application site in context with the neighbouring street scene and the properties in Harbour Mews. It was noted that the application related to a single storey, dual-pitched roof, warehouse to the rear of no. 11 Boundary Road within Harbour Mews. The application also involved an existing single storey rear, flat roof, extension to no. 11 Boundary Road, which provided ancillary office space for the warehouse use. The warehouse and premises was currently vacant. The main considerations in respect of



this application were the principle of development on the site, the impacts of the proposed dwelling on the character and appearance of the street, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability and traffic issues.

- (3) The principle of the development was considered to be acceptable and the development would make efficient and effective use of the site and would have no adverse impact on the character and visual amenity of the locality. It would provide a new unit of housing with an adequate standard of accommodation without detriment to neighbouring amenity or highway safety and approval was therefore recommended.

### Questions of Officers

- (4) Councillor Mac Cafferty queried the reference to Georgian properties in the vicinity and it was confirmed that should have been Victorian.
- (5) Councillors C Theobald and Miller sought clarification regarding the height of the proposed development.
- (6) Councillor C Theobald also enquired whether any of the windows to the proposed development would overlook the neighbouring properties in Seafield Road. It was confirmed that there were only roof lights proposed to that elevation.

### Debate and Decision Making Process

- (7) Councillor Theobald stated that she had found the site visit beneficial as it had dispelled any concerns she had had regarding the proposed scheme.
- (8) A vote was taken and the ten members present when the vote was taken voted unanimously that planning permission be granted.

- 44.7 **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:** Councillors Moonan and Morris were not present during consideration of the above application or when the vote was taken.

### H BH2016/01756 - 18-19 Ship Street, Brighton - Full Planning

Erection of upper first floor rear extension to create one bedroom flat.

- (1) It was noted that this application had been subject to a site visit prior to the meeting.
- (2) The Planning Manager, Major Applications, Paul Vidler, gave a presentation detailing the scheme by reference to drawings and photographs showing the site as existing and the proposed scheme. It was noted that the application related to a double fronted 1970's building built over four floors (including basement) to the western side of Ship Street. The building comprised a hairdressers to ground floor with associated studio

space at lower ground floor level. The first floor was in residential use with the second floor in office use. The rear section of the building, set out over two floors, was solely in residential use other than the roof terrace above the flat roof which was associated with the existing second floor office space.

- (3) The Old Town Conservation Area in which the application site sat was characterised as an area of very tight knit urban grain in a largely informal street pattern with buildings of generally small scale but with some larger and later 19th century or early 20th century buildings in the main streets. It is also a very mixed use area with mainly commercial uses at street level and mixed uses above. Many of the buildings in the close vicinity are Grade II Listed, including numbers 15 and 16 immediately adjacent, numbers 14, 14A and 15 to the south, number 22 to the north and numbers 58, 59, 62, 63 and 64 on the opposite side of the road. To the west of the site is the Grade II\* Listed Hippodrome on a much larger scale with later extension visible from Ship Street. The main considerations in determining the application were the principle of the development, the impact on the character and appearance of the building, the Old Town Conservation Area and adjoining listed buildings, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability and traffic issues.
- (4) It was considered that the proposal would detract from the appearance and character of the building and would fail to preserve the conservation area and would result in harm to the setting of the adjoining listed buildings. It would also result in harm to the residential amenity of neighbouring occupiers and would fail to provide an acceptable standard of accommodation for future occupiers and refusal was therefore recommended.

### Public Speakers

- (5) Mr Parsons spoke on behalf of the applicants in support of their application. He stated that the scheme had been designed in order to respect the neighbouring properties to the rear, the proposed form of development was sympathetic to that and would not increase or exacerbate the level of mutual overlooking which already existed.

### Debate and Decision Making Process

- (6) Councillor Mac Cafferty stated that having listened carefully to what had been said by the applicant's agent and having viewed photographs of the site which had been submitted he did not agree that there would be a significant impact on the existing properties to the rear, given that mutual overlooking already existed, he did not therefore support the officer recommendation.
- (7) A vote was taken and the 11 Members present during consideration of the application and when the vote was taken voted 8 to 2 with 1 abstention that planning permission be refused.

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

**Note:** Having declared a personal and prejudicial interest in the above application Councillor Morris left the meeting and took no part in its consideration or the debate, decision making process or voting thereon.

## **I BH2016/01757 - 18-19 Ship Street, Brighton - Full Planning**

Creation of additional floor to create one three bedroom flat with associated alterations.

- (1) It was noted that this application had been subject to a site visit prior to the meeting.
- (2) The Planning Manager, Major Applications, Paul Vidler, gave a presentation detailing the scheme by reference to plans drawings and photographs. It was noted that the application related to a double fronted 1970's building built over four floors (including basement) to the western side of Ship Street. The building comprised a hairdressers to ground floor with associated studio space at lower ground floor level. The first floor was in residential use with the second floor in office use. The rear section of the building, set out over two floors, was solely in residential use other than the roof terrace above the flat roof which was associated with the existing second floor office space.
- (3) The main considerations in the determination of this application were the principle of the development, the impact on the character and appearance of the building, the Old Town Conservation Area and adjoining listed buildings, the impacts on the amenities of adjacent occupiers, the standard of accommodation to be provided, and sustainability and traffic issues. It was considered the proposal would detract from the appearance of character and of the building. It would fail to preserve the conservation area and would result in harm to the setting of adjoining listed buildings. The proposal would result in harm to the residential amenity of neighbouring occupiers and would fail to provide an acceptable standard of accommodation for future occupiers. Whilst acknowledging the need for additional housing in the city it is not considered that a modest gain of one residential unit outweighed the significant harm which would result; refusal was therefore recommended.

### **Public Speakers**

- (3) Mr Parsons spoke on behalf of the applicants in support of their application. He reiterated that although this represented a different form of development from that requested by the previous application, this scheme had also been sympathetically designed to enhance the existing building without detriment to its neighbours.

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

- (4) Councillor Mac Cafferty stated that he did not support the view that would result in a bulky and overbearing structure, particularly when considered in the context of the height of the fly tower at neighbouring Hippodrome site were that building to be redeveloped in line with the extant permission. He considered the proposal would tidy up the existing development.
- (5) The Chair, Councillor Cattell, stated that she considered that the varying neighbouring roof heights contributed to the townscape of the area and that she supported the officer recommendation.

- (6) A vote was taken and the 10 Members present during consideration and voting on the above application voted by 6 to 2 with 2 abstentions that planning permission be refused.

44.9 **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 **REFUSE** planning permission for the reasons set out in section 11.

**Note:** Having declared a personal and prejudicial interest in the above application, Councillor Morris left the meeting and took no part in the consideration of the application, the debate and decision making process or the voting thereon. Councillor Moonan was also not present at the meeting during consideration or voting on the application.

**J BH2016/00954 - 3 Hove Street, Hove - Full Planning**

Erection of orangery extension to rear.

- (1) The Planning Manager, Major Applications, Paul Vidler gave a presentation detailing the scheme by reference to site plans, elevational drawings and photographs showing the existing beer garden on which it was proposed the orangery would be erected. It was noted that the application site was a link-detached three storey property located on the eastern side of Hove Street in the Old Hove Conservation Area. Architecturally it was a good example of an early twentieth century public house with its design surviving intact and with its original use remaining.
- (2) The main considerations in determining the application related to the impact of the proposed extension on the character and appearance of the existing locally listed property, the street scene and wider conservation area and any impact on the amenities of neighbouring properties. The building was in use as a public house and restaurant with a beer garden to the rear which could be used until 11.00pm. Amendments had been made during the lifetime of the application to address any concerns raised by neighbours regarding noise pollution. It was considered that the proposed extension would not harm the appearance of the property, the wider area or the amenities of adjacent occupiers and approval was therefore recommended.
- (3) Members had no questions and moved directly to the vote. A vote was taken and the 10 Members present at the meeting voted unanimously that planning permission be granted.

44.10 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

**Note:** Councillors Moonan and Morris were not present during consideration of the above application or when the vote was taken.

**K BH2016/00752 - 101 Roundhill Crescent, Brighton - Full Planning**

Erection of 1no three bedroom dwelling (C3) incorporating alterations to boundary wall and external alterations to existing building including repair works, alterations to fenestration and associated works.

- (1) Members agreed that it would be beneficial to carry out a site visit prior to determining this application. It was noted that as no discussion had taken place the opportunity to speak would be held over to the next meeting of the Committee.

44.11 **RESOLVED** – That the consideration of the above application be deferred pending a site visit.

**L BH2016/00753 - 101 Roundhill Crescent, Brighton - Listed Building Consent**

Erection of 1no three bedroom dwelling (C3) incorporating alterations to boundary wall and external alterations to existing building including repair works, alterations to fenestration and associated works.

- (1) Members considered that it would be beneficial to hold a site visit prior to determining this application pending a site visit. It was noted that as no discussion had taken place the opportunity to speak would be held over to the next meeting of the Committee.

44.12 **RESOLVED** – That consideration of the above application be deferred pending a site visit.

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

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

| <b>Application:</b>   | <b>Requested by:</b> |
|---|----------------------|
| K, L, BH2016/00752 and BH2016/00753, 101 Roundhill Crescent, Brighton | Councillor Hyde      |

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

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

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

47.1 That the Committee notes the details of applications determined by the Acting Executive Director Economy, Environment & Culture under delegated powers. It was

noted that on this occasion the information provided related solely to arboricultural matters.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Assistant Director, City Development and Regeneration. 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 Chair and Deputy Chair 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.]

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

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

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

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

**50 APPEAL DECISIONS**

50.1 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 6.10pm

Signed

Chair

Dated this

day of