

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

11.00am 4 MARCH 2020

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hill (Chair), Littman (Opposition Spokesperson), Childs, Fishleigh, Janio, Mac Cafferty, Miller, Shanks, Yates and Simson

Co-opted Members: Roger Amerena (Conservation Advisory Group)

Officers in attendance: Nicola Hurley (Planning Manager), Chris Swain (Principal Planning Officer), Liz Arnold (Principal Planning Officer), Matthew Colley-Banks (Principal Planning Officer), Emily Stanbridge (Senior Planning Officer), Joanne Doyle (Senior Planning Officer), Sven Rufus (Planning Officer), Shaun Hughes (Democratic Services) and Hilary Woodward (Senior Solicitor).

PART ONE

90 PROCEDURAL BUSINESS

a) Declarations of substitutes

90.1 Councillor Simson substituted for Councillor Theobald

b) Declarations of interests

90.2 All Committee Members have received an email from a Ward Councillor regarding item B – BH2019/03548 Sackville Trading Estate.

90.3 Councillor Hill declared an interest in item C - BH2019/02289: 218 Dyke Road as they had received communications regarding the application, but they remained of an open mind. Councillor Hill declared an interest in item M - BH2019/03529: 77 Rushlake Road as they had correspondence with the objectors and would withdraw. Councillor Nick Childs would step into the Chair for this item.

90.4 Councillor Littman declared an interest in item C - BH2019/02289: 218 Dyke Road as they had received communications regarding the application and help to set up Save Dyke Tavern, but they remained of an open mind.

90.5 Councillor Fishleigh declared an interest in item A - BH2019/02948: Sussex County Cricket Ground as their child played cricket at the county cricket ground, but they remained of an open mind.

90.6 Councillor Yates declared an interest in item B as they were leader when previous discussions were held, but they remained of an open mind. Councillor Yates had objected to item L and would therefore remove themselves from the Committee when the item was discussed and would take no part in the decision.

c) Exclusion of the press and public

90.7 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.

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

d) Use of mobile phones and tablets

90.9 The Chair requested Members using their mobile phones and tablets to access agenda papers electronically ensure that these were switched to 'silent mode'.

91 MINUTES OF THE PREVIOUS MEETING

91.1 **RESOLVED:** That the Chair be authorised to sign the minutes of the meeting held on 5 February 2020 as a correct record.

92 CHAIR'S COMMUNICATIONS

92.1 The Chair reminded the Committee that Community Infrastructure Levy (CIL) was proposed to come in on 1 June 2020. The Planning officers will be determining as many applications as possible before that date. The consequence will be that additional Planning Committee meetings will need to be held to discuss the applications during March and April.

92.2 It was noted that the Tourism, Equalities Communities & Culture (TEC) Committee meeting on 16 January 2020 agreed the provision of a viability consultancy advice to the Planning service. A Citywide Article 4 Direction regarding Houses in Multiple Occupation (HMO) was agreed and will be implemented on 3 June 2020. The Updated Design Guide for Extensions and Alterations SPD was also adopted. Options were fully considered during the preparation of the draft City Plan Part Two and these have informed the detail and content of the Supplementary Planning Document (SPD).

92.3 The Chair invited Nicola Hurley (Planning Manager) to address the committee.

- 92.4 Nicola Hurley stated: We have now published the Strategic Housing Land Availability Assessment (SHLAA) Update 2019. This presents the updated five year housing land supply position as at 1 April 2019.
- 92.5 The five year housing requirement is calculated based on the annualised housing provision figure set out in City Plan Part One (Policy CP1). The five year requirement has been further adjusted to include the shortfall in housing delivery over the period 2014-2019 (844 units) and a 20% buffer has been added as required by the National Planning Policy Framework (NPPF) – due to the Council achieving only 70% delivery against the Government’s Housing Delivery Test last year.
- 92.6 The resulting adjusted five year requirement is 6,149 residential units over the five year period 2019-2024. The 2019 SHLAA Update identifies a potential housing supply of 4,949 residential units for the 2019-2024 period. This results in an overall five year housing shortfall of 1,200 units (equivalent to 4.0 years of housing supply).
- 92.7 This is a slight reduction in the provision of last year’s supply of 4.5 years and is one element of consideration in the balancing of applications proposing the creation of additional residential units.

93 PUBLIC QUESTIONS

- 93.1 There were none.

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

- 94.1 There were none.

95 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

- 95.1 The Democratic Services Officer read out Items 85 A to M. It was noted that all Major applications and any Minor applications on which there were speakers were automatically reserved for discussion.
- 95.2 It was noted that the following item(s) were not called for discussion and it was therefore deemed that the officer recommendation(s) were agreed including the proposed Conditions and Informatives and any additions / amendments set out in the Additional / Late Representations List:
- **Item D:** BH2019/03339 - Land to Rear of 62-64 Preston Road, Brighton BN1 4QF - Full Planning
 - **Item E:** BH2019/02677 - Land to Rear of 19 & 21 Isfield Road, Brighton BN1 7FE - Full Planning
 - **Item J:** BH2019/02380 - 69 New Church Road, Hove BN3 4BA - Full Planning

A BH2019/02948 - Sussex County Cricket Ground, Eaton Road, Hove BN3 3AN - Full Planning

1. It was noted that this application had formed the subject of a site visit prior to the meeting.
2. Matthew Colley-Banks (Principal Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was noted that the main considerations in the determination of this application relate to the impact of the proposed development on the visual amenities of the site and surrounding area, in particular, heritage assets. Further considerations include the access arrangements, sustainable transport impacts and air quality. The impact upon amenity of neighbouring and future occupiers, the standard of accommodation, housing mix, the level of affordable housing and density, ecology, arboriculture and sustainability impacts must also be assessed.

Questions for Officers

3. Councillor Daniel Yates was informed that the development included 35 underground parking spaces for residents and 13 external spaces which replace the current informal parking on the existing hard standing. It was noted that the total number of spaces across the site will be 60. The Councillor was informed that phase one of the scheme will allow the following phases to be constructed. The project is a 50/50 joint venture with Brighton and Hove Cricket Club and a housebuilder developer with phase one enhancing housing and cricket club. The viable affordable housing level would be split to enable the facilitating works of Phases 2, 3 and 4 and providing an affordable housing contribution. It was noted that development had been considered against policy to provide sport across the city and the scheme was considered to enhance facilities.
4. Councillor Joe Miler was informed that the on-site traffic rarely reached peak capacity and passing and blocking of cars was not a major issue. It was not considered that there would be access issues and the cricket parking would be resolved by the cricket club. The architect, Stuart Eitock, stated that this would be restricted on match days. Councillor Miller was informed that the s106 agreement would cover the affordable housing promise of 'best endeavours' by the developer. It was noted that following the request to do so, materials would be reviewed by Members attending Chair's Briefing.
5. Councillor Leo Littman was informed that the neighbouring property was 8 storeys high. The applicants Planning Consultant, Chris Barker, commented it was felt that the sporting and leisure enhancements were very much needed by the city wide community. The proposals would allow the cricket club to stay at this location. Phases 2, 3 and 4 will be funded by phase one. The cricket board will be approached for the remaining funding of £4m. Councillor Littman was informed that the viability of the development was made possible by the density and height of the proposals. It was noted that loss of light to neighbouring properties and sufficient light to the proposed dwellings was considered acceptable.
6. Councillor Phelim Mac Cafferty was informed by the Conservation Officer that harm has been created by the existing flats nearby and on balance the proposals would have minimal harm on the area. Councillor Mac Cafferty was informed that this was a unique

development with regard to affordable housing. It was noted that a new pub forms part of the development.

7. Councillor Nick Childs was informed the proposed pub would be A3/4 use only and no on site affordable housing was included in the development.
8. Councillor Yates expressed concerns that the authority would be underwriting the scheme.
9. Councillor Tony Janio expressed concerns regarding the viability of the development and was informed that the profits will go to the cricket club. It was noted that 40% affordable housing would be usual. Phase one of the development did not support affordable housing. Councillor Janio was informed that the officer's recommendation to grant permission was a balanced view given the enhanced sports facilities gained from the proposed development.

Debate

10. Councillor Joe Miller commented that the s106 agreement needs to be tied down and light loss was a concern for neighbours. Councillor Miller supported the application as a huge benefit to the community.
11. Councillor Leo Littman supported the benefits of the application that enhanced the community sports facilities.
12. Councillor Tony Janio supported the application and hoped the viability of the development would be good.
13. Councillor Nick Childs expressed concerns regarding the lack of affordable housing and the apparent underwriting of the development by the local authority. Councillor Childs expressed they were in two minds about the application.
14. Councillor Daniel Yates expressed concerns regarding the potential loss of affordable housing if it were not forthcoming in the next phases of the development and noted that other applications had not been given this chance. Councillor Yates stated they were against the proposal.
15. Councillor Sue Shanks expressed concerns regarding the lack of affordable housing.
16. Councillor Tracey Hill noted that there would be no affordable housing provision on site in phase one of the development and this phase would allow the following phases to be built. Councillor Hill expressed some concerns regarding day/sunlight to neighbours and the proposed development residents. On balance they supported the development.
17. Vote: The Committee agreed to grant permission by a vote of 7 to 3.
18. **Resolved:** The Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives as set out in the report **SAVE THAT** should

the s106 Planning Obligation not be completed on or before the **20 May 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section **10.1** of the report.

B BH2019/03548 - Sackville Trading Estate and Hove Goods Yard, Sackville Road, Hove BN3 7AN - Full Planning

1. The site was the subject of a site visit prior to the committee meeting.
2. Chris Swain (Principal Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was noted that the addendum included information and the heads of terms had not been agreed in full. It was noted that the main considerations in the determination of this application relate to:
 - The principle of re-development of the site, and type and scale of uses proposed in this location,
 - Housing: layout, mix, viability and affordable housing provision,
 - Impact on the amenity of existing neighbouring occupiers,
 - Standard of accommodation including provision of private and communal amenity space,
 - Design: including scale, form, density, materiality and impact on the character and appearance of the locality, including the setting of heritage assets,
 - Sustainable transport: parking, access and highway safety,
 - Air Quality, Sustainability, biodiversity, ecology and flood risk,
 - Accessibility,
 - Infrastructure and developer contributions.

Speakers

3. John Mitchell (Artists Corner residents' group) spoke on the application and stated that there were concerns regarding parking and traffic control at the site. Noise and air quality were also an issue. The speaker requested the committee to abandon the 17 parking permits proposed and commented that the onsite parking proposed was too small. The speaker felt that generally this application was better than the previous one, which was refused and is now at appeal.

Questions for speaker

4. None.
5. Councillor Samer Bagaeen spoke as Ward Councillor on the application and stated that they had confidence the committee would make the right decision and noted that zero carbon homes are wanted. The Councillor stated that Hove Station Neighbourhood Forum supports the application. It was noted that there were some errors in the DVS report. The report did not recognise the current climate emergency as an integral part of the reasoning. With regard to policy, the City Plan Part Two submission states access to the site should be improved. The application submitted does not comply. The pedestrian access from Hove station needs improving. The Urban Design report states that a new

green infrastructure is needed to move forwards. The Councillor felt there were enough reasons to refuse the application.

Questions for the Speaker

6. Councillor Nick Childs was informed that valuation process was different for this proposal as the care home and build to rent elements as one application. This was how 10% affordable housing was arrived at. The DVS report of 0% of affordable housing is not acceptable.
7. Councillor Bridget Fishleigh was informed that in a time of climate change the development could be better.
8. Councillors Jackie O'Quinn and John Allcock spoke on the application as adjoining Ward Councillors. Councillor O'Quinn stated that the application was near three Hove heritage sites. Small changes have been made to the development since the previous refusal. The proposed 13 large blocks of flats will have a detrimental impact on the area with wind between the buildings an issue. Councillor O'Quinn felt the proposed trees would have a difficult time growing in the development due to lack of light. It was stated that greenery is very much needed in the development. It was also noted that there was no GP on site.
9. Councillor John Allcock stated that traffic was already difficult in the area and the development would aggravate this. Moving bus stops to ease congestion was not the answer. Councillor Allcock stated that sustainable housing was needed, and high rents were a barrier to the local community. Only very small changes have been made to this scheme compared to the previous application.

Questions for Speakers

10. None
11. Adjoining Ward Councillor Chris Henry spoke on the application and stated that they had been a resident for 20 years and considered that the application was the best that could be achieved on this site. Councillor Henry stated that there were long term rentals available and that MODA were staying on the site as managers. The site will create new jobs and benefit the community. The sustainability was considered good with a move away from cars a benefit. The 10% affordable housing was also supported.

Questions for Speaker

12. Councillor Joe Miller was informed that most residents and interested parties agreed that the brownfield site needed to be developed.
13. Councillor Bridget Fishleigh was informed that the speaker felt that many concerns from the previous application had been addressed in this application.
14. It was a point of clarification following the speakers that Nicola Hurley (Planning Manager) informed the committee that air quality and zero carbon for the application

were in line with guidance. It was noted that the guidance in City Plan Part 2 was a direction of travel until it was agreed at full council.

Questions for Officers

15. Councillor Yates was informed that the development was zero rated for Community Infrastructure Levy (CIL) and the DVS have been consulted. It was noted that although surrounding surgeries are at capacity the NHS Clinical Commissioning Group did not raise objections to the proposals. The 10% affordable housing was considered acceptable.
16. Councillor Dee Simson was informed that landscaping would be subject to agreement and that shade loving trees were needed.
17. Councillor Phelim Mac Cafferty was informed that the existing trees were in poor condition and that the development proposed more trees to be planted than removed. It was noted that any dead trees would be replaced in the first five years. Access from Fonthill Road will need to be negotiated with Network Rail.
18. Councillor Tracey Hill was informed by the Transport officer that 25 visitor parking permits per unit per year would come to a total of 14,000. This is a reduced number and car club bays will be provided.
19. Councillor Daniel Yates was informed that the Controlled Parking Zone (CPZ) only goes to the edge of the site and that Parking Services class Sackville Road to be in zone R.
20. Councillor Joe Miller was informed that there was 90% take up of parking permits in zone R and that the affordable housing would be spread around the development and not in one area.
21. Councillor Dee Simson was informed that the car club would take over existing parking bays.
22. Councillor Phelim Mac Cafferty was informed by Hilary Woodward that it was considered 3 out of the 4 reasons for refusing the previous scheme have been overcome by this scheme. It was noted that if this scheme were granted the appeal would not be withdrawn until the decision notice had been issued and the statutory challenge period had expired. Granting permission today will not stop the appeal.

Debate

23. Councillor Joe Miller supported the scheme and stated that the development was a good use of the site with good employment aspects and housing mix. The design is considered to be better than the previous application with residents' concerns being recognised. 56 affordable units is considered very good. The development will be a positive addition to Hove and a contribution to land supply needs.
24. Councillor Nick Childs stated they were against the development. Not enough changes had been made from the previous scheme. There are insufficient social amenities and affordable housing. Family homes are needed in the city and the development will not

be affordable for some 9,000 on the housing list. The impact on heritage nearby will be negative.

25. Councillor Leo Littman stated that the affordable housing was too low and there were issues with wind and design. The proposals look old fashioned and out of keeping with Hove. Councillor Littman did not support the application.
26. Councillor Sue Shanks stated that many need housing not just families.
27. Councillor Phelim Mac Cafferty stated that the changes were insufficient, and the scheme was not for Hove. Councillor Mac Cafferty felt that the committee's hands were tied.
28. Councillor Dee Simson expressed concerns regarding lack of affordable housing, the design being old fashioned, over development of the site and would vote against the application.
29. Councillor Daniel Yates felt that 10% affordable housing was enough and did not like being 'held over a barrel' by no affordable being built in the scheme at appeal. The design needs to move in keeping with Hove. Developing the brownfield site is supported.
30. Councillor Bridget Fishleigh stated they were against the scheme.
31. Councillor Tony Janio stated they felt the site needed to be used even though there are concerns regarding transport and sustainability. Councillor Janio supported the application.
32. Councillor Tracey Hill felt that concerns had been addressed and this was a better scheme than previous. Councillor Hill stated that the lack of affordable housing was not a reason for refusal. Councillor Hill supported the scheme.
33. Councillor Joe Miller proposed a condition to reduce parking permits per unit. The motion was seconded by Councillor Mac Cafferty.
34. The Transport officer noted that the present number was 25 visitor permits and would look at the final number to be agreed by condition.
35. **Vote:** The Committee voted to add a parking permit condition to reduce numbers per unit by a vote of 8 to 2.
36. **Vote:** The Committee voted to Grant Planning Permission in line with the officer's recommendation by 6 to 4.
37. **Resolved:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO GRANT** planning permission subject to a s106 agreement on the Heads of Terms set out in the report, save that the specific terms for the travel plans shall be agreed by the Planning Manager in consultation with the Chair and Opposition and Group Spokespersons, and the following Conditions and Informatives as set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **20**

May 2020 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.1 of the report.

C BH2019/02289 - 218 Dyke Road, Brighton BN1 5AA - Full Planning

1. It was noted that this application had formed the subject of a site visit prior to the meeting.
2. Liz Arnold (Principal Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. The changes in the Addendum were pointed out to the Committee.
3. It was noted that the main considerations in the determination of this application relate to the principle of development, the impacts of the proposal on the setting of the historic character and appearance of the Grade II Listed Building, design and appearance, standard of accommodation, impact on amenity, highways and sustainability.

Speaker

4. Lisa Richardson of the Save Dyke Group spoke in objection to the proposals. The application site was described as a meeting place for the group. It was considered that the site was not suitable for housing and the proposals were squashed onto this unsuitable location. It was noted that the group have been campaigning since 2016 and reference was made to the report which stated that following the closure of the pub the ground floor of the property was converted to an A1 premises under permitted development. However, in June of last year an application was approved by the Local Planning Authority for the partial change of use of the ground floor from A1 to A4. The site plan for this earlier application excluded the former pub garden area and as a result of this previous approval the garden area was severed from the pub and was linked solely to the retained A1 retail unit. It was felt that this was not correct, and the Permitted Development rights related to the pub building and not the land. It was considered that Planning Policy HO20 was incorrectly used. The group feel that a community use for the site would be good. The proposals adjacent to a grade II listed building were not enhancing and harm would be caused by the development. The design needed to be a positive asset to the community and area.

Questions for Speaker

5. Councillor Bridget Fishleigh was informed that the exceptions to the Retention of Community Facilities under Local Plan policy HO20 can only apply when: a. the community use is incorporated, or replaced within a new development; or b. the community use is relocated to a location which improves its accessibility to its users; or c. existing nearby facilities are to be improved to accommodate the loss; or d. it can be demonstrated that the site is not needed, not only for its existing use but also for other types of community use.

Speaker

6. Councillor Amy Heley spoke as a Ward Councillor. The site was an asset of community value and a crowdfunded consultation had taken place and a Planning Statement submitted. It was felt that the development of the land had not been considered properly. The proposed dwelling would not have a garden. The bin and barrel stores will be next to the new home and result in conflict. It was noted that the Planning officer had gone against the Conservation Officer's comments. The community asset needs to be saved for all and is currently used by the community. If the development goes ahead the asset will be lost forever. It was also felt that the pub would suffer a loss of earnings in the summer months if the garden was not retained.

Questions for Speaker

7. Councillor Sue Shanks was informed that the site was not currently in community use.

Speaker

8. Colm McKee spoke on behalf of the applicant and stated that the terms of Planning policy have been achieved with no residential community impact. The dwelling hits planning targets. It was confirmed that there is no other commercial use on the site. The committee were asked to approve this family unit.

Questions for Speaker

9. Councillor Leo Littman was informed that out of the previously approved neighbouring flats, two had no amenity space.
10. Councillor Sue Shanks was informed that the existing wall to the rear of the site did not form part of the application.
11. The Conservation Advisory Group (CAG) representative was informed that the windows were not the same on all elevations in order to identify the principle elevation.
12. Nicola Hurley (Planning Manager) noted that the application in 2019 gave A1 use on the ground floor of the pub and confirmed that the garden, which forms the application site, does not belong to the pub.

Questions for Officer

13. Councillor Leo Littman was informed by Hilary Woodward (Senior Solicitor) that the garden was separated from the pub use under the change of use. It was noted that the plot of land was suitable and adequate by the Planning officer.
14. Councillor Phelim Mac Cafferty was informed that it was not possible to protect amenity space by condition for the new owners of the pub. It was noted that the windows of the new dwelling would be conditioned to be fixed shut and double glazed for noise mitigation. It was confirmed that a method of construction statement would be required by condition, thereby negating a construction management plan.
15. Councillor Sue Shanks was informed by Hilary Woodward that there is no requirement to sell the site to the community in preference to others. Any community value would not exist after the dwelling has been constructed.
16. Councillor Tony Janio was informed by Hilary Woodward that the fact the land was an asset of community value was capable of being a material planning consideration; the planning use of the application plot was not as a pub garden; and there was no right of access for the community.
17. Councillor Bridget Fishleigh was informed that the application site was not a pub garden and was separate from the pub.
18. Conservation Advisory Group representative was informed by Nicola Hurley that it was not possible to request alterations to the design of the proposed dwelling and the committee could only determine the application before them.

Debate

19. Councillor Leo Littman stated they were unhappy about the proposal and felt the site was being overdeveloped. The amenities of the new residents were considered to be acceptable. Councillor Littman did not support the application.
20. Councillor Phelim Mac Cafferty commented that community assets are important and add value to an area. The application would form part of the 5 year Housing Land Supply targets. Councillor Mac Cafferty supported community assets including pubs but was unsure what grounds the application could be refused on and would be likely to be lost at appeal.
21. Councillor Bridget Fishleigh commented that the site felt like the pub garden and the application would have a negative effect on the listed building. Councillor Fishleigh felt the application was incompatible with the area.
22. Councillor Nick Childs stated they did not support the application and the development was inappropriate, too dense for the site and would have an impact on residents' amenities. The impact on highways was a concern. Councillor Childs felt the committee had a duty to enhance an area and the application would not enhance the pub.
23. Councillor Leo Littman felt the application was an overdevelopment of the site.
24. Councillor Tracey Hill did not feel the application was an overdevelopment of the site and noted that the garden was already separated from the pub and no longer in that use. Councillor Hill supported the application.
25. **Vote:** The Committee voted to go against the officer's recommendation to Grant Planning Permission by a vote of 5 to 2.
26. Councillors Joe Miller and Daniel Yates arrived during the discussions and did not take part in the discussions or the vote. Councillor Simson was not present throughout.
27. A motion to Refuse the application on the grounds of overdevelopment and impact on the adjacent listed building and amenity was proposed by Councillor Littman and seconded by Councillor Childs. It was agreed that the final wording would be agreed by the Planning Manager.
28. **Vote:** The Committee voted to Refuse the application by 5 to 2.
29. The results of the recorded vote were as follows: For = Cllrs Littman, Littman, Childs, Fishleigh, Janio, Shanks. Against = Hill, Mac Cafferty.
30. **Resolved:** The application was **Refused** by the Committee on the grounds of overdevelopment and impact on the adjacent listed building and amenity with the final form of wording to be agreed by the Planning Manager.

D BH2019/03339 - Land to Rear of 62-64 Preston Road, Brighton BN1 4QF - Full Planning

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

E BH2019/02677 - Land to Rear of 19 & 21 Isfield Road, Brighton BN1 7FE - Full Planning

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

F BH2019/03066 - Rear of 60 Wilbury Road, Hove BN3 3PA - Full Planning & Demolition in CA

1. Joanne Doyle (Senior Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was noted that the main considerations in the determination of this application relate to the principle of development, the design of the proposed dwelling, the standard of residential accommodation, its impact on neighbouring amenity and the impact on the highways network.

Speaker

2. Ward Councillor Jackie O'Quinn spoke on the application and noted that the road has a 'sunny' appearance with no houses in gardens. It was a wish to discourage front garden parking in the area. The possible loss of amenities for neighbouring properties was a concern on such a small site. The proposals were considered an overdevelopment on this land where amenity space would be very small.

Questions for the Speaker

3. None.
4. Simon Bareham, the agent, spoke on the application and stated that Planning Permission was previously granted in 2016 and the development had been commenced. The new building submitted here would be more sustainable than the previous design and would have the same footprint. The only increase in area would be the introduction of a bay window and a pitched roof instead of the previous flat roof design. The proposal would have the same 3 bedrooms and parking arrangements as the previous development. It was stated that the proposal would have a neutral impact on the neighbouring properties, the same as the already approved scheme. The design team have worked hard to get a better dwelling and it was stated that the Heritage Team recommended approval of the proposal.

Questions for Speaker

5. None.

Questions for Officer

6. None.

Debate

7. None.
8. **Vote:** The Committee voted and unanimously agreed to Grant Planning Permission. (Councillor Simson was not present for this item).

9. **Resolved:** The Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

G BH2019/01214 - Garages at 2A Lowther Road Brighton BN1 6LF - Full Planning

1. Sven Rufus (Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was noted that the main considerations in the determination of this application relate to the principle of development, the design of the proposed dwelling, the standard of residential accommodation, its impact on neighbouring amenity, sustainability and the impact on the highways network.

Questions for officer

2. Councillor Dee Simson was informed that the distance from the development to the existing neighbours wall to the south was approximately 1.25 metres.
3. Councillor Joe Miller was informed that the roofline was set back and angled to match the design of other dwellings in the road. It was noted that the proposed garage was set back from the road and the same height as the existing garage. The materials for the development had been considered acceptable, including render and timber cladding on the front elevation.
4. Councillor Leo Littman was informed that the land was a parcel created for the application.
5. Councillor Daniel Yates was informed that the development was car free by condition: no permits for on street parking would be issued for the residents of the proposal.

Debate

6. Councillor Joe Miller expressed concerns regarding the quality of the materials and the angle of the garage entrance. The pitched roof seems to not be fitting to the street scene. Councillor Miller stated they did not support the application.
7. Councillor Phelim Mac Cafferty expressed concerns regarding the materials to be used in hard surfacing.
8. Councillor Leo Littman commented that the street scene has already been damaged by the neighbouring property. Councillor Littman supported the scheme.
9. **Vote:** The committee agreed to grant permission by 8 to 2.
10. **Resolved:** The Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

H BH2019/02864 - Nile House, Nile Street, Brighton BN1 1HW - Full Planning

1. Liz Arnold (Principal Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was noted that the main considerations in the determination of this application relate to the principle of development, design and appearance, heritage impact on the grade II listed building and the conservation area, impact on amenity, highways and sustainability.
2. It was noted that the Full Planning application and the Listed Building Consent application would be considered simultaneously.

Questions for Officer

3. Councillor Daniel Yates was informed that all the buildings around the Black Lion Street intersection were listed. Only one new building was not listed.
4. Councillor Joe Miller was informed that the roof materials proposed were grey tiles, the roof terrace proposed would allow people access up to the railings. It was noted that people on the new terrace would not be noticeable from the street.

Speakers

5. Councillor Tom Druitt spoke as Ward Councillor in support of the application stating that this area was an unloved part of the historic lanes area. The application site was a dated 1980s building with several empty units on street level and offices above. The development would attract businesses which could then be retained. B1 office accommodation is needed in the city. The proposals could create 24-30 new jobs. The harm caused by the development is considered less than substantial with the proposed terrace set back from the edge of the building. It is noticed that the Conservation Advisory Group support the scheme. The Members were asked to overturn the case officer's recommendation and approve the application.

Questions for Councillor Druitt

6. Councillor Tony Janio was informed that the proposed chimney was a design feature.
7. Councillor Daniel Yates was informed that frontage of the application building was listed.
8. Mike Ford – the applicant spoke in support of the application and stated that they had worked within the heritage scheme and the roof extension would not be a focal point. The proposals are not considered to physically alter the building as the new extension will be set back. The development has been designed to react to views from the whole area, a sensitive setting. The proposed materials have been sensitively chosen with deep planters at the terrace edge to prevent access to the barriers at the edge of the building. Nile House was rebuilt in 1980s and the new chimney pots have been designed to fit with the area.

Questions for speaker

9. Councillor Joe Miller was informed that the terrace could be used for small group meetings and would be set back from street level views. It was confirmed that the terrace was not a working space and would be complimentary to the offices that have access, not the lower floors of the building.
10. Liz Arnold confirmed that there was no condition to restrict numbers on the terrace.

Questions for Officer

11. Councillor Daniel Yates was informed that there was no data to hand to confirm the demand for office space or outdoor space.
12. Councillor Leo Littman was informed that the conservation officer and Conservation Advisory Group (CAG) had not discussed this application.

Debate

13. Councillor Sue Shanks stated that they supported the application.
14. Councillor Joe Miller expressed some concerns over the views of the proposal and in particular the new terrace. Councillor Miller suggested that should the application be approved a condition should be inserted to reduce the amount of time the terrace could be used.
15. Councillor Tony Janio raised concerns over the design of the chimney as it did not appear to be required. The noise emitted from the terrace was not a concern as it was not likely to reach street level. The proposed facades were not considered to be seen from the street. Councillor Janio supported the application.
16. Councillor Phelim Mac Cafferty commented that small businesses need help. It was noted that roofs in the Conservation Area are very important and it was considered that the application will cause harm. To reduce the impact, it was considered that the proposed terrace could be reduced.
17. Councillor Leo Littman did not consider the existing building to look good and stated that the proposal was an improvement and the impact on the listed buildings in the area would not be great. Councillor Littman supported the application.
18. Councillor Daniel Yates commented that they were not convinced that the proposal would add to the amenities of the offices. The development was considered to have a negative impact on the area, particularly the views from Princes Albert Street and Black Lion Street. It was considered that a reduced terrace area would be better.
19. Councillor Nick Childs stated they did not support the application and agreed with the officer recommendation to refuse. The proposal was considered to be inappropriate and likely to damage the Conservation Area.
20. **Vote:** The Committee voted to refuse permission by a vote of 5 to 4.

21. **Resolved:** The Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission for the reasons set out in the report.

I BH2019/02865 - Nile House, Nile Street, Brighton BN1 1HW - Listed Building Consent

1. The Full Planning application and Listed Building Consent were considered by the Planning Committee at the same time.
2. **Vote:** The Committee voted to refuse Listed Building Consent by a vote of 5 to 3, and 1 abstention.
3. **Resolved:** The Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **REFUSE** listed building consent for the reasons set out in the report.

J BH2019/02380 - 69 New Church Road, Hove BN3 4BA - Full Planning

1. This application was not called for discussion and the officer recommendation was therefore taken as having been agreed unanimously.

K BH2019/03209 - 55 Centurion Road Brighton BN1 3LN - Full Planning

1. Joanne Doyle (Senior Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was noted that the main considerations in the determination of this application relate to the principle of the change of use, impact upon neighbouring amenity, the standard of accommodation which the use would provide and transport impacts of the proposal.

Speakers

2. Paul Bowes spoke in objection to the application stating that they were a neighbour of the application site which is the smallest in the terrace. The speaker stated that there was limited parking in the area and 18 objections had been sent regarding the application. It was also stated that:
 1. there had been anti-social behaviour in the area resulting in many complaints. Threats had been received, a sofa set fire to in the street and tagging had been placed on nearby buildings;
 2. the site is located in a conservation area;
 3. Benefit HMOs have been removed from 46-56 St Nicholas Road;
 4. Houses that are HMOs have a detrimental effect including noise between houses; and
 5. Condition number 6 is not reassuring where a s106 agreement is normally needed;
 The speaker closed stating that the development was underway already.

Questions for Speaker

3. Councillor Bridget Fishleigh was informed by the speaker that after calling the local authority the map showing HMOs under Revenue & Benefits had been changed.

Questions to officer

4. Councillor Daniel Yates was informed that the application site was in the West Hill Conservation Area.
5. Legal Advisor – Hilary Woodward confirmed that the application should be deferred in order to assess the impact on the Conservation Area.
6. **Vote:** The Committee agreed by a majority that the application should be deferred.
7. **Resolved:** The committee considered that the application should be deferred.

L BH2019/03433 - 95 Heath Hill Avenue, Brighton BN2 4FH - Full Planning

1. Councillor Daniel Yates withdrew from the discussions.
2. Emily Stanbridge (Senior Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was noted that the main considerations in the determination of this application relate to the principle of the change of use, the impact of the extension upon the character and appearance of the property, the standard of accommodation provided, the impact on neighbouring properties and transport issues.

Questions for Officer

3. Councillor Joe Miller was informed that other properties in the street had converted the front garden area to parking. It was noted that this was achievable under Permitted Development.
4. Councillor Dee Simson was informed that the existing extensions to the semi-detached property were constructed under Permitted Development.
5. Councillor Sue Shanks was informed that the shared driveway already existed and that there was no restriction to the number of occupiers in a house of multiple occupancy (HMO).
6. Councillor Joe Miller was informed that the onsite garage could be converted under Permitted Development.

Debate

7. Councillor Dee Simson expressed concerns that a further bathroom would be required at the property. Councillor Simson stated that the proposal was an overdevelopment of the site which would have an impact on the adjoining neighbours.

8. Councillor Joe Miller felt the proposal was a very intense use of the site with 9 adults proposed for the property.
9. Councillor Nick Childs considered the proposal to be overdevelopment and inappropriate on the site with 9 adults being too many occupiers.
10. Councillor Tracey Hill felt that proposals were similar to others that had been refused already and did not support the application.
11. **Vote:** The Committee voted against the officer recommendation to Grant by a vote of 2 to 7.
12. Councillor Tracey Hill put forward a motion to Refuse the application on the grounds of increased noise, waste and recycling and disturbance to neighbouring properties. Councillor Joe Miller seconded the motion. It was agreed that the Planning Manager would agree the final form of wording.
13. **Vote:** The Committee voted to Refuse the application by 7 to 2.
14. The Vote was recorded as follows: For = Cllrs Hill, Littman, Simson, Childs, Fishleigh, Miller, Shanks. Against = Cllrs Janio, Mac Cafferty.

M BH2019/03529 - 77 Rushlake Road, Brighton BN1 9AG - Full Planning

1. Sven Rufus (Planning Officer) introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was noted that the main considerations in the determination of this application relate to the principle of the change of use, its impacts on neighbouring amenity, the standard of accommodation which the HMO use would provide and the transport impacts.

Questions to the Officer

2. Councillor Joe Miller was informed that the smallest bedroom did include a window.

Debate

3. None.
4. **Vote:** The Committee agreed to grant permission by 6 to 2, and 1 abstention.
5. **Resolved:** The Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

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

- 96.1 There were none.

97 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

98 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

99 APPEAL DECISIONS

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

The meeting concluded at 5.11pm

Signed

Chair

Dated this

day of