

PLANNING COMMITTEE	Agenda Item 29 Brighton & Hove City Council
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BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 12 JULY 2017

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

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Greenbaum, Hyde, Inkpin-Leissner, Miller, Moonan, Morris and Wealls

Officers in attendance: Paul Vidler (Planning Manager, Major Applications); Robin Hodgetts (Principal Planning Officer); Stewart Glassar (Principal Planning Officer); Jonathan Puplett (Principal Planning Officer); Andrew Renaut (Head of Transport Policy and Strategy); Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

PART ONE

13 PROCEDURAL BUSINESS

13a Declarations of substitutes

13.1 Councillor Wealls was present in substitution for Councillor Bennett. Councillor Greenbaum was present in substitution for Councillor Littman.

13b Declarations of interests

13.2 Councillor C Theobald stated that as a close friend lived in close proximity to the application sites, Applications G, BH2016/02053 - Land Adjacent to Martello Lofts 315 Portland Road, Hove and H, BH2016/06335 – Martello Lofts, 315 Portland Road, Hove she would leave the meeting during consideration of that application and would take no part in the discussion or voting thereon.

13.3 Councillor Cattell, the Chair, stated that she was aware that some members of the Committee had received e mail correspondence in relation to Application C,

BH2017/00750, Land to rear, 2 Rowan Close, Portslade, the contents of which had been noted but no Members had commented or expressed an opinion in respect thereof.

- 13.4 Councillor Moonan stated in relation to Application A, BH2016/02535 – Westerman Complex, School Road, Hove that she was a governor at West Hove Infant School which was located close by. However she had received no correspondence from the developer remained of a neutral mind and intended to remain present during consideration and determination of the application.

13c Exclusion of the press and public

- 13.5 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.
- 13.6 **RESOLVED** - That the public be not excluded during consideration of any item of business on the agenda.

13d Use of mobile phones and tablets

- 13.7 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 ‘airplane mode’.

14 MINUTES OF THE MEETING HELD ON 10 MAY 2017

Minutes of Meeting, 11 January 2017

- 14.1 The Legal Adviser to the Committee, Hilary Woodward, advised that she had been contacted by Councillor Wares who had sat on the meeting of the Committee held on 11 January but not on the subsequent Committee at which the minutes had been approved. A member of public had recently pointed out an inaccuracy in them; in relation to page 21, point (16).
- 14.2 The comments attributed to him in (16) were incorrect in that he did not support the scheme as recorded but in fact voted to refuse the grant of Planning Permission and requested therefore that the record reflect his statements as per the following:

“Cllr Lee Wares stated that even though the revised scheme reduced the harm it didn’t change his reasons for refusing the previous application and irrespective of the Planning Inspector overturning the Committee’s decision, he would not support this application.”

- 14.3 **RESOLVED** – That the minutes of the meeting held on 11 January 2017 be amended and republished to reflect the amendment set out above and that the Chair be authorised to sign the amended copy.

Minutes of Meeting, 10 May 2017

- 14.4 Members considered that they had had insufficient time to consider the minutes of the meeting held on 10 May 2017 and that they would therefore be carried forward to the next scheduled meeting on 9 August 2017.

15 MINUTES OF THE PREVIOUS MEETING

- 15.1 Members considered that they had had insufficient time to consider the minutes of the meeting held on 21 June 2017 and that they would therefore be carried forward to the next scheduled meeting on 9 August 2017.

16 CHAIR'S COMMUNICATIONS

- 16.1 There were none.

17 PUBLIC QUESTIONS

- 17.1 There were none.

18 PLANNING ENFORCEMENT ANNUAL REPORT 2016/17

- 18.1 The Committee considered the Planning Enforcement Annual Report 2016/17 which had been prepared by the Principal Planning Officer, Enforcement, Robin Hodgetts.
- 18.2 It was explained by the Principal Planning Officer, Enforcement, that during the consultation period undertaken as part of the development of Planning Enforcement Policy Document (PEPD), Members and residents had expressed an interest in being informed about the progress and outcomes of enforcement investigations. In consequence it had been agreed that an annual monitoring report would be presented to the Planning Committee.
- 18.3 The Chair, Councillor Cattell, noted that it was imminent that the team would have its full complement of staff and would therefore be able to take a more proactive approach and to undertake targeted pieces of work. Councillor Cattell commended the significant amount of work which had been undertaken to address issues arising in relation to Houses in Multiple Occupation (HMOs). There had been a number of recent successes and this stood as testament to the rigorous work which had taken place.
- 18.4 Councillor C Theobald concurred stating that she was very pleased to note the progress that had been made in respect of HMOs. In answer to questions the Principal Planning Officer, Enforcement, Robin Hodgetts, confirmed that there were a number of enforcement matters which had yet to be allocated to an officer but on which work was in hand.

- 18.5 Councillor Morris referred to instances of breaches of which he was aware within his own ward some of which had a long history. He hoped that the approach which had been adopted in the past of carrying out targeted work would be re-instituted. The Principal Planning Officer, Enforcement, Robin Hodgetts, stated that now the team had its full complement of staff this work would be prioritised. If Members provided the team with details relating to their individual wards they would be investigated.
- 18.6 Councillor Mac Cafferty cited the number of Section215 Notices which had been issued asking for further details regarding how this process operated. Councillor Inkipin-Leissner considered that the level of work undertaken, much of it when there had been gaps in staffing had had a positive impact. He hoped that this would be publicised in order to highlight these successes.
- 18.7 Councillors Hyde and Miller were pleased to note the progress which had been made stating that they had confidence going forward and that cases would be dealt with more expeditiously.
- 18.8 Councillor Moonan referred to the appointment of field officers, who would be involved in the investigation of planning enforcement matters in addition to the Planning Enforcement Team stating that their role was integral to, and dovetailed with that which would be carried out in neighbourhood hubs, which had formed the subject of a report considered at a recent meeting of the Neighbourhoods, Inclusion, Communities and Equalities Committee.
- 18.9 In answer to questions by Councillor Greenbaum it was explained that the action taken had to be cost effective and proportionate, the Council itself had no control over the level at which fines were set.
- 18.10 **RESOLVED** – That the contents of the report be received and noted.

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

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

Application:	Requested by:
BH2017/00750, Land to rear, 2-8 Rowan Close, Portslade	Councillor Gilbey
BH2017/00071, 150 Warren Road, Woodingdean	Councillor Hyde

20 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MAJOR APPLICATIONS

- A BH2016/02535-Westerman Complex, School Road, Hove - Full Planning**
Outline application for Demolition of existing mixed use buildings and erection of 104 dwellings (C3) and 572 Sqm of office space (B1) and approval of reserved matters for access, layout and scale.

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

Officer Presentation

- (2) The Principal Planning Officer, Stewart Glassar, introduced the report and gave a presentation by reference to site plans, photographs and elevational drawings delineating the proposed scheme. It was explained that the application site comprised a mix of mainly two storey brick built buildings located on School Road, originally constructed as industrial and light industrial units and now accommodated a range of uses, including a children's play centre, car wash, church, tool hire and tyre repair/MOT centre. The site backed on to houses in Alpine Road to the east and houses in Marmion Road to the south. The car park to Rayford House, a four storey office building which had prior approval to change to 32 flats, adjoined the site to the north. On the opposite side of School Road there was a mix of residential, office and school uses.
- (3) The application proposed redevelopment of the site for housing and Class B1 office space. The application had been submitted in outline to establish the principle of the use. The detailed matters of access, layout and scale were also to be considered at this stage. However, appearance and landscaping were not matters which formed part of the consideration of this application. The scheme had been subject to pre-application discussions over a number of years and this application was the result of that advice. The layout and approach had been amended to reflect the officer suggestions and information provided as necessary to address the key issues and was recommended Minded to Grant.

Public Speaker(s) and Questions

- (4) Mr Aldiss spoke on behalf of neighbouring objectors stating that the scheme as presented whilst it would tidy up the existing site would result in overdevelopment which would result in overlooking of neighbouring properties and loss of amenity to them.
- (5) Councillor Nemeth spoke in his capacity as a Local Ward Councillor stating that the existing site was ripe for redevelopment. Local residents had however suffered nuisance from the previous use over a number of years and it was vitally important therefore that their concerns were headed and that the resultant scheme was sensitive to neighbouring development in terms of it's appearance and sought to avoid overlooking loss of amenity, noise and other nuisance to neighbouring properties. Councillor Peltzer Dunn was also present in his capacity as a Local Ward Councillor and responded in answer to questions that in his opinion the number of units proposed was too dense and would result in an unneighbourly form of development.
- (6) Mr Bareham and Mr Lap Chan spoke on behalf of the applicants in support of their application. They reiterated that discussions had taken place with officers over a lengthy period in order to ensure that an appropriate form of development which would provide a mix of much needed housing and office space resulted.

Questions for Officers

- (7) Councillors Hyde and Miller sought clarification of the parking provision and access and egress arrangements proposed, as did Councillor Morris.
- (8) Councillor C Theobald sought clarification of the treatment proposed in relation to the upper storeys of the development and clarification as to whether it would be set back in order to minimise any potential overlooking.

Debate and Decision Making Process

- (9) Councillor Mac Cafferty whilst welcoming the proposals in general terms was concerned that the mix did not appear to actively encourage the provision of live/work units/ community space. This appeared to be at variance with policy and the identified need to promote and encourage units which were appropriate in supporting the local creative arts industry. It was explained that the proposals did not preclude such use and as such were not seen as being in conflict with agreed policy. Councillor Mac Cafferty stated that for him this remained an issue of concern.
- (10) Councillor Miller asked for confirmation as to whether reserved matters including the rendering and fenestration proposed would come to Committee for approval and it was confirmed that they would.
- (11) Councillor Inkpin-Leissner referred to the community space proposed and it was confirmed that details in relation to this and to landscaping would also come back to Committee. Also, whether bus passes would be provided for residents and it was confirmed that this matter could be addressed as part of the Travel Plan.
- (12) Councillor Miller stated that he welcomed the mix within the development and supported the application.
- (13) Councillor Morris stated that in his view the application provided much needed housing and represented a good use of the site
- (14) Councillor Hyde concurred stating that notwithstanding of sporting facilities in this instance she considered that the scheme was appropriate and was therefore willing to support it.
- (15) A vote was taken and of the 11 Members present at the meeting voted by 10 with 1 abstention to-that Minded to Grant planning approval be given. The artistic component contribution was to be agreed by officers as two different amounts appeared in the report. Also, the Local Employment Scheme contribution was confirmed at £35,600.

20.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves that it is **MINDED TO GRANT** planning permission subject to a S106 agreement and to the Conditions and Informatives also set out in the report.

B BH2016/06478-The Coach House, 1-6 Lions Gardens, Withdean Avenue, Brighton -Full Planning

Demolition of existing dwellings and erection of part two part three storey building providing 26no residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store.

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

Officer Presentation

- (2) The Principal Planning Officer, Jonathan Puplett, gave a presentation by reference to site plans, photographs and elevational drawings delineating the proposed scheme. It was noted that the letters of objection received from Councillors A and K Norman had been circulated as addenda to the main agenda pack. This application had been submitted following withdrawal of the previous application and subsequent discussions between the applicant and officers. The main considerations in the determination of this application related to the principle of development, including density and affordable housing provision; design and appearance; standard of accommodation including housing mix and amenity space; amenity impacts; trees, landscaping and ecology; sustainable transport and sustainability.
- (3) It was considered that the proposed development would deliver a net increase in housing units of 19 units. The six bungalows and large house currently in situ would be replaced by 26 one-bedroom flats. In general a proposal comprising one-bedroom flats only would not be acceptable as this would not provide a mix of units which reflected the needs of the city, as in developments which included market housing there was a priority to secure two and three bedroom units. In this case however significant weight had been given to the fact that 100% affordable housing (affordable rent) was proposed, and also to the fact that the type of housing proposed, aimed at younger retirees, would meet an identified need in the city. Giving weight to these factors, the provision of one-bedroom units rather than a mix more reflective of the city's needs was considered to be acceptable in this case and Minded to Grant approval was recommended.
- (4) It was noted that revised comments had been received from the Transport Team and that a further letter of objection had been received from Councillor Taylor and had been circulated with the Additional Representations List.

Public Speaker(s) and Questions

- (5) Miss Elliot spoke setting out her objections to the scheme and those of other neighbouring objectors. They contended that the proposals did not meet the requirements of Policy CP 10 and would also result in overshadowing and overlooking of neighbouring properties and did not respect the urban grain of the area.
- (6) Councillor Taylor spoke setting out his objections and those of his two fellow Ward Councillors in respect of the proposed scheme. They were of the view that given the configuration of the proposals that significant overlooking and detriment to neighbouring amenity would occur particularly to properties in Hazeldene Meads where it appeared that screening vegetation was to be removed but not replaced. It was

considered that the additional number of dwelling units and vehicular movements which would be generated would result in unacceptable levels of overspill parking by visitors/carers. The nearest bus stop was situated some distance from the site and did not have the benefit of a shelter.

- (7) Mr Slater and Ms Huezo as representatives of the applicant spoke in support of the application. Mr Slater explained that the development being provided by the Lions Housing Trust (a not for profit charity), was being provided in direct response to an identified housing need. Based on their experience many of those moving into these units would not have a vehicle and would avail themselves of the weekly minibus provided in order to enable them to do their shopping. There would be a significant distance between the units and the nearest neighbouring dwellings and in addition windows would be provided at high level in order to allow in light without resulting in overlooking.

Questions for Officers

- (8) Councillor Wealls sought clarification as to whether all of the units would be fully accessible.
- (9) Councillor Morris referred to arrangements for storage and collection of refuse seeking confirmation that they were considered adequate.
- (10) Councillor Cattell, the Chair, sought clarification whether this mirrored other Lions developments elsewhere in the city or whether it represented a new departure.
- (11) Councillor Moonan enquired whether the one bedroom units would have bedrooms which were large enough to accommodate a double bed and it was confirmed that they did. Noting the number of cycle parking spaces proposed she also sought confirmation that there would be provision for mobility scooters too.
- (12) Councillor Hyde stated that a number of references had been made to the distances between the development and neighbouring dwellings seeking confirmation of the shortest distances from the site to the boundaries with neighbouring properties.

Debate and Decision Making Process

- (13) Councillor Inkipin-Leissner expressed support for the scheme but considered that it would be beneficial for the bus stop to be re-located and/or for a shelter to be provided.
- (14) Councillor C Theobald stated that she was aware of the high standard of provision by Lions, nonetheless she was concerned about loss of screening and overlooking, and additional traffic movements generated.
- (15) Councillor Miller stated that he welcomed the additional housing which would be provided particularly as it would cater to an identified need.
- (16) Councillors Morris and Moonan expressed their support for the scheme.

- (17) Councillor Hyde stated that for her it was difficult as she could see pluses and minuses arising from the scheme.
- (18) Councillor Wealls stated that he felt unable to support the scheme as put forward.
- (19) Councillor Mac Cafferty stated that he had listened carefully to all that had been put forward in support and objection to the scheme, on balance he was able to support the scheme as it would provide much needed housing for the younger retired population of the city.
- (20) Councillor Cattell, the Chair. Stated that whilst acknowledging the concerns of objectors and having considered all of points made very carefully she supported the scheme which provided good site coverage, would address an identified need and was in keeping with the area.
- (21) A vote was taken and of the 11 Members present when the vote was taken on a vote of 7 to 3 with 1 abstention Minded to Grant planning permission was given.

20.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves it is **MINDED TO GRANT** planning permission subject to the receipt of no representations being received raising additional material considerations within the re-consultation period, a s106 agreement and the Conditions and Informatives also set out in the report and to the additional conditions and informatives set out below:

Amend Condition 5 to read:

Prior to first occupation of the development hereby permitted, a scheme for landscaping shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a) Details of all hard surfacing;
- b) Details of all boundary treatments including the vehicular and pedestrian gates to the front access of the site;
- c) Details of all proposed planting to all communal areas and/or all areas fronting a street or public area, including numbers and species of plant, and details of size and planting method of any trees;
- d) Details of subdivisions to form gardens for the ground floor flats.

Reason: To ensure a satisfactory appearance to the development and amenities for the occupiers of the development and to comply with policies QD27 of the Brighton & Hove City Plan and CP12 of the City Plan Part One.

Additional Condition 22:

- i) No development shall take place until a programme of archaeological work has been secured in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
- ii) The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [1] and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an

alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Reason: This pre-commencement condition is imposed because it is necessary to ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with policy HE12 of the Brighton & Hove Local Plan

Additional Condition 23:

Prior to the first occupation of the development hereby permitted the redundant vehicle crossover associated with the existing vehicular access on to Withdean Avenue shall have been converted back to a footway by raising the existing kerb and footway.

Reason: In the interests of highway safety and to comply with policies TR7 of the Brighton and Hove Local Plan and CP9 of the City Plan Part One.

Additional Informative 5:

The applicant is advised that additional scooter storage closer to the individual flats should be considered as part of the development.

MINOR APPLICATIONS

C BH2017/00750-Land to Rear of 2-8 Rowan Close, Portslade - Full Planning

Erection of a single storey building comprising 2no two bedroom and 1no bedroom apartments (C3), associated landscaping and parking.

- (1) The Committee were of the view that it would be appropriate to defer consideration of the above application pending a site visit.

20.3 **RESOLVED** – That the above application be deferred in order to enable a site visit to take place.

D BH2017/00574- 80A Stoneham Road, Hove - Full Planning

Formation of third floor to form 2no bedroom flat incorporating terrace and associated works.

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

Officer Presentation

- (2) The Principal Planning Officer, Jonathan Puplett, introduced the report and gave a presentation by reference to site plans, photographs and elevational drawings delineating the proposed scheme. The application site related to a three storey apartment building comprising flats, located on the south side of Stoneham Road. The property was constructed in render and timber cladding with aluminium fenestration. To the east was the former Maynards Sweet Factory (which was included on the Local List of Heritage Assets), which had been converted into seven live-work units. To the west of the site was the School Road industrial estate. To the south the site dropped down to the rear gardens of houses fronting Marmion Road whilst to the north there were are two storey terraced single family dwelling houses in Alpine Road, which were characteristic of the surrounding area.

- (3) It was noted that the main considerations in the determining the application related to the impact of the additional storey on the character and appearance of the building, adjacent locally listed Sweet Factory building, the wider street scene, the effect on the amenity of neighbouring residential occupiers, the standard of proposed accommodation, and transport and sustainability issues.
- (4) The main concern related to the potential impact of the additional height of the development on the properties to the south of the site. The properties to the rear, most notably nos, 33 & 35 Marmion Road, were set in a terrace of two storey houses. The terraces on Marmion Road tapered in relation to Stoneham Road such that the development site was in closer proximity than the adjacent Sweet Factory building. The submitted section drawing revealed that the development site was on higher ground level to the properties on Marmion Road, with the additional fourth floor set at a separation of 15m. Residents to the rear of the site had raised concerns regarding the impact of the proposal on their properties in terms of overshadowing and loss of light, but it was considered that as under this application the rear elevation of the additional storey would be recessed and angled away from the rear elevation of the building this impact, identified by the Inspector in an earlier appeal decision would be lessened. Proposed glazing and the angle of the rear elevation would restrict views toward the rear elevations. It was also considered unlikely that the proposal would generate a substantial increase in trips to the application site; approval was therefore recommended.
- (5) It was noted that Condition 7 relating to the issuing of parking permits had been included in error and that a condition (as set out in the Additional Representations List), needed to be added.

Public Speaker(s) and Questions

- (6) Ms Bell spoke in objection to the scheme explaining that she did not consider that the previous grounds for refusal had been overcome also that the impact on the Maynard's sweet factory building, recognised as being of great merit, had not been given sufficient weight.
- (7) Councillor Nemeth spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme. He stated the scheme had been wrongly advertised and although in consequence the period for making representations had been extended, it had nonetheless given rise to confusion. Differences between this scheme and that which had been refused previously were negligible and he failed to see how the grounds for refusal had been overcome. The scheme needed to be seen in the context of the rest of the street and the adjoining Maynard's factory building.
- (8) Mr Thompson spoke on behalf of the applicant in support of their scheme. He explained that the scheme put forward had sought to address both the previous reasons for refusal and the concerns of neighbouring objectors and to provide a scheme which was sympathetic to its surroundings. The building had been set back in order to make it subservient to the Maynard's building.

Questions for Officers

- (9) Councillor Moonan referred to the concerns raised in respect of overshadowing and loss of light seeking clarification as to how this had been quantified. It was explained that any potential loss of light fell well within BRE guidelines.
- (10) Councillor Wealls sought clarification of the differences between the previously refused scheme and that for which permission was currently sought.
- (11) Councillors Morris and C Theobald also sought clarification by reference to the submitted drawings in respect of each scheme and showing the site in relation to the Maynard's site and the neighbouring street scene. Councillor Morris also sought confirmation of the escape arrangements in the event of a fire. It was confirmed that evacuation from the Maynard building would be through the adjacent building.
- (12) Section drawings were displayed and the Chair, Councillor Cattell, also asked to see drawings indicating the level of set back as did Councillors Hyde and Inkipin-Leissner.
- (13) Councillor Inkipin-Leissner sought clarification as to the weight which was given to the previous refusal. It was explained that it was germane to assessment of this application and that it behoved Members to decide whether or not they considered the reasons for refusal had been adequately addressed and overcome.
- (14) During discussion, the general consensus appeared to be that Members were experiencing difficulties in determining the differences between the previous scheme and that currently before them and its context within the immediate street scene which encompassed its impact not only on the Maynard's factory but also the streets in the immediate vicinity including those to the rear.
- (15) The Chair, Councillor Cattell, stated that in her view as a number of queries had been raised there was merit in deferring determination of the application in order to enable them to be answered fully. Councillor Cattell then put this as a formal proposal which was seconded by Councillor Morris. A vote was then taken.
- (16) A vote was taken and of the 10 Members present when the vote was taken Members voted by 8 to 2 to defer consideration of the above application in order to clarify the position in respect of the previous refusals and appeal decision and to provide the other information requested by Members, namely, detailed drawings/slides highlighting the differences between the existing and proposed schemes in order that comparisons may be made between the previous scheme and that for which permission is sought currently. Members were also of the view that clearer photographs of the neighbouring street scene would be beneficial.

20.4 **RESOLVED** – That consideration of the above application be deferred to enable the information requested to be provided in order to facilitate the Committee's decision making.

Note 1: Councillor Miller was absent from the meeting during consideration of the above application and took no part in the debate or decision making.

Note 2: As the decision to defer determination of the application was taken after all parties had spoken no one would be able to speak further in respect of this application.

E BH2017/01043, Brighton College, Eastern Road, Brighton-Full Planning

Installation of inflatable dome over tennis court incorporating plant machinery, shed and associated works.

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to photographs and plans indicating the appearance and location of the building within the site. Permission was sought for installation of the dome as a temporary structure over the tennis court incorporating plant machinery, shed and associated works. It was explained that this application dovetailed with that for the erection of a two storey temporary classroom with ancillary temporary two storey changing rooms, single storey temporary toilets and storage unit, BH2017/00482 which had been agreed at the previous meeting of the Committee on 21 June 2017.
- (2) The main considerations in determining the application related to the impact of the development on the appearance of the site, the setting of the adjacent listed buildings and boundary wall, the wider College Conservation Area, and the amenities of adjacent occupiers. It was considered that the proposed dome, storage shed and plant machinery would be located at a sufficient distance from any neighbouring properties and would not affect their amenity in terms of overshadowing, loss of light, outlook or an increased sense of enclosure. Nor was it considered based on assessment of the Environmental Health Team who had raised no objections to the proposed scheme that use of the dome would result in a significant increase in noise or lighting impact toward the nearby residential properties, nor, as its use would be largely ancillary to the existing college, was it expected to create substantial trip generation; approval was therefore recommended.

Questions for Officers

- (3) Councillor Morris expressed concern that no visuals were available showing views towards the proposed installation when on site trees were not in leaf and the degree of screening provided would be considerably reduced. He asked to see visuals showing the degree of set down into the site and distances to the nearest residential dwellings and sought clarification regarding potential negative impact to neighbouring residencies.
- (4) It was confirmed that as the temporary structures including the inflatable dome would be temporary and would be removed on completion of the works they were considered acceptable and, in view of the distances involved, it was considered that any impact would not be significant.
- (5) Councillor Morris also sought clarification regarding access arrangements for delivering materials to the site and thereafter. Officers confirmed that it was understood that the dome was delivered ready for installation and that it would not be necessary to remove the railings or any of the existing screening in order to facilitate that. Councillor Morris also enquired regarding the consultation process as it was unclear to him whether all neighbouring properties had been consulted. It was confirmed that this had been carried out in accordance with statutory procedures.

- (7) Councillor Moonan asked whether the existing tennis courts were floodlit. It was explained that was not currently the case; it was intended however to provide a facility which was capable of use year round, ultimately to be replaced by a permanent structure.
- (8) Councillor Greenbaum referred to the fact that a number of objections had been received enquiring as to the weight they had been given. It was confirmed that these had been taken account of as both the negative and positive aspects arising from the scheme had been set out in the report. The proposals were considered acceptable however, as they were temporary and would be removed once permanent replacements had been provided.

Debate and Decision Making Process

- (9) Councillor Moonan stated that she shared Councillor Morris' concerns that during the winter months when the level of screening provided was reduced lighting inside the dome could impact negatively on neighbouring dwellings. She considered that even allowing for changes in level across the site light pollution could result.
- (10) Councillor Miller considered that a slide reflecting periods of the year when there would be less vegetation would have been beneficial. It was noted that Environmental Health had been consulted and had raised no objections.
- (11) Councillor Mac Cafferty enquired whether it would be possible to add an informative to any permission granted to enable concerns to be monitored. The Principal Planning Officer, Jonathan Puplett, explained that Conditions 4 and 5 had been informed by the observations received from Environmental Health and sought to control both hours of operation and maximum light levels. If breaches occurred that could be enforced.
- (12) Councillor Hyde stated that in her view during the winter months residents were likely to have their curtains closed during the hours of darkness, which would be likely to mitigate any problems. As a sports facility she considered this use should be welcomed and was in agreement that it was a temporary arrangement pending a permanent solution.
- (13) Councillor Miller welcomed the scheme stating that given that the structure would be set down into the site he did not consider that it would give rise to significant problems in terms of either light or noise.
- (14) Councillor Gilbey considered that if the structure was opaque rather than clear that would reduce the level of light refraction.
- (15) Councillor Inkipin-Leissner supported the scheme agreeing that it would provide an improved sports facility which would not in his view impact negatively.
- (16) Councillor C Theobald stated that she had some concerns in relation to light pollution citing a similar structure in the Droveaway in Hove which she was aware had given rise to complaints from local residents.

- (17) Councillor Morris stated that he had concerns in terms of both the proposed hours of operation and the fact that it was intended to be used 7 days per week. He considered that there would be an unacceptable impact on College Terrace and he could not therefore support approval.
- (18) Councillor Moonan reiterated her concerns regarding the proposed hours of operation enquiring such long hours had been sought. In her views the hours of operation permitted needed to be scaled back.
- (19) Councillor Moonan then formally proposed that use of the tennis court should cease by 7.30pm during the winter months, between 1 October and 1 March and this was seconded by Councillor Morris. A vote was then taken on this proposed amendment but was lost by a vote of 7 to 3 with 1 abstention.
- (20) A vote was then taken by the 11 Members present on the substantive recommendations in the officer report. On a vote of 8 to 2 with 1 abstention planning permission was granted.
- 20.5 **RESOLVED** – That 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 also set out in the report.

F BH2017/01352, 6 Olde Place Mews, The Green, Rottingdean, Brighton- Full Planning

Erection of ground floor side extension with associated alterations to include a new front entrance. Loft conversion with 2no. conservation roof lights to rear elevation.

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the report and gave a presentation by reference to site plans, photographs and elevational drawings. The application site related to a two storey terraced property, located to the southern side of Olde Place Mews, and was located within the Rottingdean Conservation Area. The proposed alteration to the front entrance, resulting in the loss of one parking space, to be converted into habitable accommodation was considered acceptable in this instance.
- (2) The proposed extensions were considered suitable additions to the building which would not harm its appearance or that of the Rottingdean Conservation Area, in accordance with policies HE6 of the Brighton & Hove Local Plan, CP15 of the Brighton & Hove City Plan Part One and Supplementary Planning Document 12 'Design Guide for Extensions and Alterations.' The impact on the adjacent properties at 2, 5, 6 Olde Place Mews, The Green and 89 High Street had been fully considered in terms of daylight, sunlight, outlook, disturbance and privacy and no significant harm had been identified; therefore approval was recommended.

Public Speaker(s) and Questions

- (3) Ms Liddington and Mr Flanagan spoke setting out their objections to the proposals. They refuted the information set out in the Officer report as they were in receipt of

records and a letter from Sanne Roberts of the Conservation Team indicating that the property was listed. Previous permissions indicated that no further development would be permitted on site and additionally there were concerns that reduction of the width of the parking space would give rise to significant safety issues in this already relatively narrow mews which was in constant use and was also used by a number of children and their parents in order to access the local school. The proposals did not respect the buildings status as a listed building and ran contrary to planning policy, namely SPD 12. A number of properties looked out onto this mews and would be negatively impacted.

- (4) Mr Vaughan-Philips spoke on behalf of the applicant in support of their application. It was explained that the applicant owned the application site and parking space adjacent to it as well as the neighbouring property and space. The proposals were modest and in keeping with and respected Olde Place Mews. The applicant had been advised that the building was of no special interest and that on that basis Listed Building Consent was not required.
- (5) Councillor Hyde asked the objectors to clarify the nature of their concerns relating to road safety as she was surprised by the assertion that Olde Place Mews was in daily use to access the nearby school. Councillor Hyde was very familiar with that part of Rottingdean using it every day and had never observed it being heavily used by pedestrians, she was also aware that the main entrance to the school had been remodelled and that pupils and others were actively encouraged to use that.

Questions for Officers

- (6) Councillor Inkipin-Leissner referred to the reference to the building being listed enquiring what the possible implications could be in terms of works which could be permitted.
- (7) Councillor Mac Cafferty sought clarification regarding the statement which had been made that no works were permitted at the application site. The Legal Adviser to the Committee, Hilary Woodward, stated that removal of permitted development did not constitute a blanket ban on works being undertaken but would prevent them being carried out in the absence of planning permission.
- (8) Councillor Cattell, the Chair stated that that in her view the issue of whether the building was listed needed to be resolved. Whether or not the building was listed and whether it was deemed to be of special architectural interest could be relevant considerations.
- (9) Councillor Hyde formerly proposed that in her view a number of issues required clarification and advice from officers regarding whether the application site was listed and if so the implications, if any, in respect of the current application. This was seconded by the Chair, Councillor Cattell, and the 10 Members present voted unanimously that determination of the application be deferred pro tem
- (10) The Legal Adviser to the Committee, Hilary Woodward, advised that if it was established that the building on site was listed, the current application would need to be re-assessed in the light of that information and the officer report amended to reflect

the additional listed building policies which would need to be taken account of. Ultimately, whilst that would not necessarily effect the officer recommendation, exceptionally, and in fairness to all parties she considered that it would be appropriate to permit all parties to speak further.

- 20.6 **RESOLVED** - That consideration of the above application be deferred in order for a site visit to take place and to establish whether the application site was listed and if so the status of that listing. Exceptionally, the public speakers would have another opportunity for public speaking if the report had to be re-written to take into account Listed Building status.

Note : Councillor Miller returned to the meeting part way through discussions in respect of the above application and therefore took no part either its discussion nor in the decision that consideration of the application be deferred.

- G BH2016/02053-Land Adjacent to Martello Lofts, 315 Portland Road, Hove**
Erection of 2no three storey buildings, first building comprising of 3no one bedroom flats and 1 no two bedroom flat. Second building comprising of six office spaces with cycle stores and associated works.

- (1) It was noted that Members had observed this site during the course of their site visits.

Officer Presentation

- (2) The Principal Planning Officer, Stewart Glasser, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application related to a parcel of land site fronting Portland Road on the corner of the Portland Road Trading Estate and had been used formerly as the on site car parking for the offices within the adjacent building, Martello Lofts. The building had been converted recently into residential accommodation and had associated parking at the rear of the building. Consent was sought to erect 2no. three storey buildings. The first to comprise 3 no one bedroom flats and 1 no. two bedroom flat, the second to comprise six office spaces with cycle stores and associated works.
- (3) It was considered that the proposed buildings would not significantly harm the character and appearance of the existing site, street scene or the surrounding area. The residential block would be located alongside 305 Portland Road, a two storey residential property with a separation of 3.1m being retained between the proposed building and 305 Portland Road. The eaves heights of these two properties would be of a similar height. No windows had been positioned in the eastern elevation and the proposed rear dormer and balcony would mainly provide views to the rear, which were predominantly commercial buildings. Obscure views would be introduced across the rear part of the garden areas of the adjoining residential properties, however mutual overlooking of these areas already existed from first floor windows. It was therefore considered that the proposed building would not result in significant overlooking or loss of privacy between the buildings. The proposed building would be located approximately 17m from the Martello Lofts and whilst there were a number of side windows facing that block the level of separation between the two was considered to be such that no direct overlooking or loss of privacy would occur.

- (4) It was noted that since the Highway Authority's original comments had been made, the applicant had submitted an additional trip generation and impact assessment. The parking bays on the proposed development had previously been associated with Martello House when it had been in office use. Considering the two adjacent sites as a whole in assessing the net impact of development was considered reasonable in this instance and approval was therefore recommended.

Debate and Decision Making Process

- (5) Councillor Morris stated that supported the application which he considered would effect significant improvements.
- (6) Councillor Hyde considered that the simple but contemporary design proposed was in keeping with the proposed location stating that she supported the officer recommendation.
- (7) A vote was taken and the 9 Members who were present when the vote was taken voted unanimously to grant planning permission in the terms set out below.

- 20.7 **RESOLVED** – That 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 Informative also set out in the report and as amended below:

Delete – Conditions 10 and 14

Additional Informative 2:

The applicant is advised that a disabled person's parking space should be provided for the occupants of, and visitors to, the office building.

Note: Councillors Greenbaum and C Theobald were not present at the meeting during consideration of, or voting, in respect of the above application. Having declared a personal and prejudicial interest in respect of the above application Councillor C Theobald left the meeting during its consideration and took no part in the debate or decision making process

H BH2016/06335-Martello Lofts, 315 Portland Road, Hove -Full Planning

Creation of additional floor to provide 2no one bedroom flats and 2no two bedroom flats.

- (1) It was noted that Members had observed this site during the course of their site visits.

Officer Presentation

- (2) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. It was confirmed that the application related to a recently converted office block into residential units and that the building was of four storeys in height which included a lower ground floor level and was sited on Portland Road on the corner of Portland Road Trading Estate. Consent was sought to add an additional storey to the building in order to form two 1 bed apartments and two 2 bed apartments. Whilst it was

acknowledged that the additional height would be noticeable within the street scene as the additional storey would be read as a 'penthouse' extension it was not considered to significantly increase the dominance of the main building. The set back of the extension would ensure that it remained a subservient addition to the building and the modern design was considered appropriate within the context of the building and the surrounding area. The standard of the accommodation to be provided was considered acceptable and each unit would be provided with a roof terrace. It was noted that the application was now recommended for "grant" rather than "minded to grant"

Debate and Decision Making Process

- (3) Councillor Morris requested to know whether the proposed roof terraces would also be set back into the building.
- (4) Councillor Gilbey stated that whilst supporting the application in her view it would be preferable if an informative could be added to any permission granted in order to ensure that a sufficient level of screening was provided, bamboo screening had been provided at a number of recent developments in the city and this often detracted from the appearance of the building. It was confirmed that the existing condition relating to balcony treatment could be amended and Members agreed that was their wish.
- (5) A vote was taken and the 9 Members who were present when the vote was taken voted unanimously to grant planning permission in the terms set out below.

20.8 **RESOLVED** – That 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 a S106 agreement to the Conditions and Informatives also set out in the report and to the amendments set out below:

Amend Condition 3 to Read:

No development shall take place until samples of all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority, including (where applicable):

- a) Samples of all brick, render and tiling (including details of the colour of render/paintwork to be used);
- b) Samples of all cladding to be used, including details of their treatment to protect against weathering;
- c) Samples of the proposed window, door and balcony treatments (balustrade and railing); The applicant is advised that when discharging Condition 3 the balcony balustrades should be constructed with frosted glass, rather than clear glass, to discourage the future installation of bamboo or other screening materials which would be detrimental to the appearance of the development.
- d) Samples of all other materials to be used externally;

Development shall be carried out in accordance with the approved details.

Reason: As this matter is fundamental to the acceptance of the scheme and to ensure a satisfactory appearance to the development and to comply with policies QD14 of the Brighton & Hove Local Plan and CP12 of the Brighton & Hove City Plan Part One.

Additional Informative:

The applicant is advised that when discharging Condition 3 the balcony balustrades should be constructed of frosted glass, rather than clear glass, to discourage the future installation of bamboo or other screening materials which would be detrimental to the appearance of the development.

Note: Councillors Greenbaum and C Theobald were not present at the meeting during consideration of, or voting in respect of the above application. Having declared a personal and prejudicial interest in respect of the above application Councillor C Theobald left the meeting during its consideration and took no part in the debate or decision making process

I BH2017/00071-150 Warren Road, Woodingdean, Brighton- Full Planning

Roof alterations including roof extensions, raising of ridge height and installation of roof lights and solar panels to front and rear elevations. Erection of porch to side elevation, balcony to front elevation and associated works.

(1) The Committee were of the view that it would be appropriate to defer consideration of the above application pending a site visit.

20.9 **RESOLVED** – That the above application be deferred in order to enable a site visit to take place.

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

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

Application	Requested by
BH2017/00750, Land to rear, 2-8 Rowan Close, Portslade	Councillor Gilbey
BH2017/01352, 6 Olde Place Mews, The Green, Rottingdean	Councillor Cattell
BH2017/00071, 150 Warren Road, Woodingdean	Councillor Hyde

22 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

23 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

24 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

25 APPEAL DECISIONS

25.1 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 8.20pm

Signed

Chair

Dated this

day of

