

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 9 AUGUST 2017****COUNCIL CHAMBER, HOVE TOWN HALL, NORTON ROAD, HOVE, BN3 3BQ****MINUTES**

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hill, Littman, Miller, Moonan, Morris and Wealls

Co-opted Members: Mr J Gowans, CAG

Officers in attendance: Nicola Hurley (Planning Manager, Applications);; Stewart Glassar (Principal Planning Officer); Jonathan Puplett (Principal Planning Officer); Chris Swain (Principal Planning Officer); Liz Arnold (Principal Planning Officer); Steven Shaw (Development & Transport Assessment Manager); Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

PART ONE**26 PROCEDURAL BUSINESS****26a Declarations of substitutes**

26.1 Councillor Hill stated that she was in attendance in substitution for Councillor Russell-Moyle. Councillor Wealls stated that he was in attendance in substitution for Councillor Hyde.

26b Declarations of interests

26.2 Councillor Morris referred to Application I, BH2017/01445, 9 Clarence Gardens, Brighton, stating that although several Members of the Theatre Trust were known to him he had had no involvement in or discussions in respect of this application. He confirmed that he remained of a neutral mind and would therefore remain present during its consideration and the debate and decision making thereon.

26c Exclusion of the press and public

26.3 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.

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

26d Use of mobile phones and tablets

26.5 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'.

27 MINUTES OF THE THE MEETING HELD ON 10 MAY 2017

27.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 10 May 2017 as a correct record.

28 MINUTES OF THE MEETING HELD ON 21 JUNE 2017

28.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 21 June 2017 as a correct record.

29 MINUTES OF THE PREVIOUS MEETING, 12 JULY 2017

29.1 Councillor C Theobald referred to comments attributed to her in respect of application BH2017/01043, Brighton College, Eastern Road Brighton, paragraph 16 on page 48 of the agenda stating that she was concerned that her comments as set out in the minutes could be interpreted as lack of support for scheme. Councillor Theobald wanted to confirm for the record that she fully supported the scheme and had voted that planning permission be granted.

29.2 **RESOLVED** – That subject to the amendment set out above, the Chair be authorised to sign the minutes of the meeting held on 12 July 2017 as a correct record.

30 CHAIR'S COMMUNICATIONS

30.1 There were none.

31 PUBLIC QUESTIONS

31.1 There were none.

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

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

Application:	Requested by:
BH2017/00767	Councillor Bennett

33 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**Major Applications****A BH2017/01280 - Argus House Units 2 & 8 Hollingbury Industrial Estate Crowhurst Road, Brighton - Full Planning**

Erection of a new 3 storey, including basement and undercroft, car dealership building(Sui Generis) fronting Crowhurst Road and conversion of existing rear buildings to a builders merchants (Sui Generis), Warehouse and trade counter (B8) with provision of associated parking, cycle parking and landscaping.

- (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, Liz Arnold, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. It was explained that the application related to a site within the Hollingbury Industrial Estate measuring approximately 1.7 hectares. Currently the site comprised 17,350sqm of mixed commercial floorspace (B1a, B2 and B8) spread across 2 interconnected buildings (a two storey office building on the northern side of the site, known as Factory 2 and a warehouse on the southern side, known as Factory 8, comprising mezzanines and different floor levels across the building). The last use of the site was for offices, print works and distribution warehouse for a local newspaper (use class Sui Generis). It had been stated within the application that the site had been predominantly vacant since the beginning of January 2016, following the relocation of the newspaper operations. There was a difference in levels across the site with the land decreasing in height down from Crowhurst Road to the access road (accessed from Carden Avenue).
- (3) Due to the difference in levels across the site, with the land decreasing in height from Crowhurst Road to the southern boundary of the site, the proposed access point into the showroom would be from the eastern side of the building, at the workshop level with a ramp located to the west of the proposed external rooftop display area, accessed from Crowhurst Road. Due to the nature of the existing floor space including the B8 storage and distribution units to the rear it was considered that this could lend itself to greater flexibility for sub division into smaller units which could enhance the attractiveness of the units and ensure their successful take up. Whilst there was limited scope for overspill parking immediately beyond the site it was however considered necessary for Travel Plans to be introduced by individual occupants in order to encourage and facilitate sustainable travel by staff. Subject to the Conditions set out in the report including measures to secure ecology and biodiversity enhancement opportunities the proposals were considered acceptable overall and minded to grant approval was recommended.

Questions for Officers

- (4) Councillor Miller sought clarification regarding the proposed access/exit arrangements from Crowhurst Road and details of any additional traffic throughput which was envisaged. The Development and Transport Assessment Manager confirmed that whilst small amendments to the existing arrangements would need to be made, any overall increase would be small and no problems were envisaged.

Debate and Decision Making Process

- (5) Councillor C Theobald expressed support for the scheme but expressed disappointment that s 106 monies could not be more widely used to effect improvements to play areas in Hollingbury/Patcham for example. Councillor Morris whilst also supporting the scheme expressed similar concerns in relation to the provision for public art. It was explained that the purposes for which s106 monies could be used and the area within which they could be used were narrowly prescribed.
- (6) Councillor Moonan sought confirmation in relation to phasing of the constituent elements of the scheme.
- (7) Councillor C Theobald stated that in her view the scheme was well designed and would represent an improvement to the existing buildings on site. Councillor Miller concurred in that view.
- (8) Councillor Cattell, the Chair, also commended the scheme.
- (9) A vote was taken and the 10 Members who were present when the vote was taken voted unanimously that Minded to Grant planning approval be given.

- 33.1 **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 the Conditions and Informatives also set out in the report and to the amendments set out below:

No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site using sustainable drainage methods as per the recommendations of the Level 1 Flood Risk Assessment completed in August 2016 has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be implemented in accordance with the approved detailed design prior to the building commencing.

Reason: As this matter is fundamental to the acceptable delivery of the permission to ensure that the principles of sustainable drainage are incorporated into this proposal and to comply with policy SU3 of the Brighton & Hove Local Plan.

Informative: To discharge the surface water drainage condition above the Local Lead Flood Authority would expect the developer to provide the following;

Details of the location of the existing soakaways and their condition.

Details and location of the final drainage infrastructure.

An appropriate soakaway test in accordance with Building Research Establishment Digest 365 (BRE365). Details of the results will need to be provided.

Appropriate calculations to demonstrate that the proposed sustainable drainage will be able to cope with both winter and summer storms for a full range of events and storm durations.

The applicant should demonstrate the surface water drainage system is designed so that flooding does not occur on any part of the site for a 1 in 30 year rainfall event, and so that flooding does not occur during a 1 in 100 (+30% allowance for climate change) year event in any part of a building or in any utility plant susceptible to water.

Additional S106 Head of Terms

The applicant enters into a S278 Agreement in order to secure the proposed highway works to provide modified vehicle and pedestrian accesses on Crowhurst Road as well as reinstate the grass verge where the existing pedestrian access is to be removed.

Note: Councillor Gilbey was absent from the meeting during consideration of the above application.

B BH2016/02459 - Former Brewery Site, South Street, Portslade - Full Planning

Partial demolition of existing buildings, conversion of remaining buildings from industrial (B2) to a mixed use development comprising 37 self-contained flats (C3), 674 sqm of employment floorspace (B1) (art studios and ancillary galleries, shared community space and café). Erection of 11 new dwellings (C3). Formation of 47 parking spaces, soft and hard landscaping.

- (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, Chris Swain, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. It was noted that the last sentence of paragraph 5.41 was incomplete and should read: "No details of the level of interest in the site have been submitted with the application." Two further representations had been received supporting the application and a further representation had been received commenting that there was concern as to whether No.57 High Street would still have clear access to the rear gate of their garden from High Street.
- (3) The site related to the former Portslade Brewery Site, to the east of South Street which comprised of a mix of industrial buildings of different scales, design and age. Currently the site was vacant. A number of buildings on the site were locally listed whilst there were also listed buildings in close proximity outside the site. The site was located within the Portslade Old Village Conservation Area. Planning permission was being sought for the partial demolition of existing buildings, conversion of remaining buildings from industrial to a mixed use development comprising 37 self-contained flats and employment floor space and the erection of 11 new build dwelling houses and pre-application advice had been given on a proposed mixed use scheme.

- (4) The proposed development would deliver 48 residential units and 674sqm of employment (B1) floor space and secure the restoration and the retention of important locally listed buildings whilst preserving the appearance and character of the Portslade Conservation Area. Whilst the loss of a significant amount of employment floor space and the limited affordable housing to be provided was disappointing it was acknowledged that there were significant constraints in regards to heritage, transport, flood risk and amenity which would most likely preclude a viable scheme that could satisfy all policy requirements. Overall, the deficiencies in the policy requirements and the heritage harm in some aspects of the proposal needed to be weighed against the substantial benefits of providing a viable mixed use scheme that would regenerate the site and safeguard significant and prominent locally listed buildings whilst preserving the Portslade Old Village Conservation Area. Approval of planning permission was therefore recommended subject to the completion of a s106 planning legal agreement and to the conditions recommendations set out in the report.

Public Speakers

- (5) Councillor Hamilton spoke in his capacity as a Local Ward Councillor. Whilst he and his ward colleague, Councillor Robins supported the scheme overall which they considered in all the circumstances was a good application and they had no trouble with the buildings, they considered that highways issues need amending particularly in relation to access/egress arrangements in order to ensure ease of access to/from the site and to avoid traffic tailbacks in the vicinity of the site. He was aware that Councillor Robins had attended the site visit the previous day in order to clarify these matters.
- (6) Messrs Fitter, Crutchley and Harrison were in attendance on behalf of the applicants in order to answer any questions in respect of the scheme which officers were unable to answer. They confirmed that they would be happy to address the highways issues raised by Councillor Hamilton.

Questions for Officers

- (7) Councillors Miller and C Theobald sought further clarification regarding the proposed access arrangements and the Chair, Councillor Cattell, confirmed that this could be conditioned.
- (8) Councillor Morris enquired whether details of materials would come back before Members for approval and it was confirmed that they would.
- (9) Councillor Mac Cafferty asked whether any potential issues in relation to surface water flooding had been addressed and it was confirmed they had. Also, whether the gallery use could be conditioned. Whilst this could not be specified it was understood that a firm interest had been expressed.
- (10) Councillors Hill and Littman enquired regarding viability and how the policy requirements had been met given that there would be a loss of office space overall.
- (11) Councillor C Theobald sought clarification of the number of on-site parking spaces which would be available.

- (12) Councillor Bennett asked whether additional signage could be provided indicating the access to the site but it was considered that whilst that could be suggested to the applicant they would not be required to do so.

Debate and Decision Making Process

- (13) Councillor Morris stated that on balance he felt able to support the scheme as there was clearly a willingness by the applicant to address traffic and highway issues.
- (14) Councillor Littman considered that the scheme represented a good use of the space.
- (15) Councillor Miller stated that he supported the scheme welcoming the element of affordable housing which was to be provided.
- (16) Councillor Cattell, the Chair, stated that a number of issues had been addressed and balanced in trying to make the best use of the site and she supported the recommendation to grant.
- (17) Councillor Gilbey stated that she did not support the scheme which in her view had not fully addressed the significant parking/traffic issues which could impact on the surrounding road network or the loss of employment and number of housing units proposed.
- (18) A vote was taken and on a vote of 10 to 1 the 11 Members present voted that minded to grant planning permission be given.

33.2 **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 and below:

Alterations to S106 Head of Terms;

Affordable Housing: On site provision of 2no. 2 bedroom shared ownership new build units, with a payment in lieu of additional Affordable Housing provision of £19,550.

C BH2017/01259 - Sussex Police, Sussex House, Crowhurst Road, Brighton -Full Planning

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

36.1 It was noted that it had been agreed to defer consideration of this application in order to enable officers to fully consider additional information which had been submitted by the applicant.

36.2 **RESOLVED** – That the position be noted.

MINOR APPLICATIONS**D BH2017/01083 -City College, 87 Preston Rd, Brighton - Full Planning**

Change of use from education (D1) to 25no flats (C3) including roof conversion, insertion of mezzanine levels, installation of rooflights, replacement of windows, erection of rear infill extension at first floor level, demolition of existing building to rear of property and other associated works including cycle and bin store, new pedestrian access to the building, communal garden space and associated landscaping.

- (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, Sarah Collins, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. It was also noted that the first sentence of paragraph 8.3 of the report "The scheme would provide 104 new residential units" was incorrect and should be deleted.
- (3) The main considerations in determining the application related to the principle of the conversion of the building from D1 education use into C3 residential use, the impact of the development on the locally listed building, the amenity levels of future residents, and the impact of the development on the local highway network and infrastructure. The Heritage Team had indicated that following amendments to the plans and details of the fenestration and boundary treatments, the proposed development would be acceptable and would improve the appearance of the building and external spaces around the site, although conditions were proposed to ensure that the roof level vent terminals were flush with the roof and to require further details of external materials to be submitted.
- (4) Conversion of the building for residential use, the first floor rear infill extension and the removal of the single storey building at the rear would not affect the amenity of neighbouring properties. Whilst some of the individual windows within the proposed flats did not meet the BRE minimum standards, this was compensated for either by additional windows serving the living rooms or adequate sunlight predicted at these windows and as such it was considered that there would be adequate sunlight/daylight within the proposed development. The application proposed a car-free development which was considered acceptable by Sustainable Transport, as being in an accessible location and within an area with on-street parking controls.

Questions for Officers

- (5) In answer to questions by Councillor Morris it was confirmed that the applicant had indicated that they intended to use a private waste collection service and that the proposed bin stores were considered adequate to accommodate the likely waste requirements and that these would take place from the Preston Road frontage.
- (6) Several Members expressed concern that the gated area and access way used in connection with the wood furniture business fronting Preston Road was located alongside the communal amenity play space associated with the development. The

shared access arrangement could result in a potential safety hazard particularly if/when children were using the area. The applicant's representative was present at the meeting and although not afforded the opportunity to speak in support of their application at the Chair's discretion and with the agreement of the Committee they were invited to clarify the position in respect of this matter. It was confirmed that use of this area by the furniture business had been an informal arrangement and was due to cease prior to completion of the proposed development; therefore no safety issues would arise.

- (7) In answer to further questions, the Development and Transport Assessment Manager, Steven Shaw confirmed that no indication had been received that the parcel of land adjacent to the site in the ownership of Network Rail would be disposed of in the foreseeable future, or could be made available for use in association with the development.
- (8) Councillor Miller enquired whether as the development would be car free occupants would be eligible for a travel pass and whether appropriate additional traffic signage could be provided. It was confirmed that this could be investigated further.

Debate and Decision Making Process

- (8) Councillor C Theobald stated that notwithstanding that her preference would have been for some on-site parking to be provided within the site, nonetheless, overall she considered it was a good scheme and supported the officer recommendation.
- (9) Councillor Littman considered that the development proposed would make use of a very attractive building in a sympathetic way and would provide much needed housing.
- (10) Councillor Miller concurred that in his view the proposed scheme represented a good use of the site.
- (11) Councillor Morris stated that he considered the development had been sympathetically designed and would bring a currently unused building back into use.
- (12) Councillor Cattell, the Chair commended the scheme confirming that she hoped officers could further investigate use of appropriate traffic signage.
- (13) A vote was taken and the 10 Members of the Committee who were present voted unanimously that minded to grant planning permission be given.

- 33.4 **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 (the amendments to which are set out below and to the Conditions and Informatives also set out in the report.

Travel Plan Measures

Prior to occupation of the development hereby approved, a scheme of Travel Plan measures and evidence of these shall have been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include but not be limited to the following:

Welcome pack including information on walking, cycling and public transport routes, timetable information, public cycle hire and car clubs for each first occupant;

Two years' car club membership per unit for each first occupant.

Six month bus pass per unit for each first occupant.

The approved scheme shall be fully implemented and made available prior to first occupation of the development.

Note: Councillor Gilbey was absent from the meeting during consideration of the above application.

Minor Applications**E BH2017/00750 -Land to the Rear 2-8 Rowan Close, Portslade -Full Planning**

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

- (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 Glasser, introduced the application by reference to plans, photographs and elevational drawings. It was noted that a number of schemes had been put forward for redevelopment of the site, which had considered that residential development would be acceptable in principle on the site. However the schemes put forward had not been considered acceptable in regard to over-development of the site and design issues which in turn would have had an adverse impact upon the existing neighbours and future occupiers of the proposed building. This application followed a previously refused application and whilst the footprint of this development was larger than that covered by the previous application, given the single storey nature of the proposal it was not considered that this would result in harm to the amenity of neighbouring properties.
- (3) The windows proposed to the north and west elevations would be obscure glazed and would not therefore result in loss of privacy and a condition to secure that was recommended. The proposed boundary treatments to the patio areas were intended to be low level planting and a condition would be added to any permission granted requiring details of this in order to safeguard the privacy of occupiers of the development and of Rowan Close. Overall the proposed accommodation was considered to be of an acceptable size and approval was recommended.

Public Speakers

- (4) Mr Peters spoke on behalf of neighbouring objectors to the scheme stating that it would be located far too close to neighbouring dwellings, looking directly into the fences separating them, would completely overlook them and result in loss of privacy both for the existing properties and those occupying the proposed units. The boundaries indicated were incorrect and the resulting accommodation would be of a very poor standard. Objectors also had significant concerns regarding potential damage which could be caused during the building works based on their experience of other recent developments locally.
- (5) Councillor Atkinson spoke in his capacity as a Local Ward Councillor reiterating the concerns of local objectors. The development proposed on this very cramped site would have a serious impact on nearby residents. The site was very narrow and would impact severely on residents both in Rowan Close and Hillcourt Mews and would represent serious overdevelopment. This was having a negative impact on the mental health of residents living on either side of the site.

Questions for Officers

- (6) Councillor Littman sought clarification of the height of the dividing fence and Councillor Wealls sought confirmation of the location of the site boundaries as this appeared to be a matter of contention and also the potential impact on Hillcourt Mews.
- (7) Councillor Morris asked for confirmation of the status of the vacant adjacent plot and the distances between the various elements of the proposed scheme and neighbouring dwellings. Councillor Gilbey also sought confirmation on these matters.
- (8) Councillor Miller asked for details of the previously refused scheme in relation to that currently proposed.

Debate and Decision Making Process

- (9) Councillor Miller stated that notwithstanding amenity concerns, on balance he considered the scheme to be acceptable in that it made good use of the site.
- (10) Councillor Moonan considered that although finely balanced the scheme was acceptable.
- (11) Councillor Gilbey stated that she considered the application sought to cram too much onto a small site and represented overdevelopment and could not support it.
- (12) Councillor C Theobald stated that in her view the level of development proposed was inappropriate.
- (13) Councillor Littman stated that he was concerned regarding the close proximity to neighbouring properties and loss of screening, it did not appear that this could be replaced in view of the constraints of the site.

- (14) Councillor Cattell, the Chair, stated the application represented an innovative use of the site. As the previous grounds for refusal had been addressed she did not consider that there were valid grounds for refusal.
- (15) A vote was taken and on a vote of 8 to 3 the 11 Members who were present when the vote was taken voted that planning permission be granted.

33.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendations set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

F BH2017/00071- 150 Warren Road, Woodingdean, Brighton - Housholder Planning Consent

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) 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 scheme and gave a presentation by reference to plans, photographs and elevational drawings. It was considered that due to the siting of the dwelling, the proposal would not result in a loss of sunlight or daylight or appear overbearing due to its siting being sufficiently distant from neighbouring dwelling. However, the proposed rear access by reason of its elevated position constituted an unneighbourly development which would result in harmful overlooking and loss of privacy to 69 Chanel View Road and 148 Warren Road. This would be contrary to policy and refusal was therefore recommended.

Public Speakers

- (3) Mr Mower, the applicant, spoke in support of his application. He stated that none of neighbours had objected to his application and that a letter of support had been submitted by one of the local ward councillors. Mr Mower showed photographs of properties which had received similar treatment in the locality without a negative impact, stating that the neighbouring street scene was diverse.

Questions for Officers

- (4) Councillor Bennett sought confirmation of the ridge height of the proposed development and it was explained that this would be 1.1m higher than the existing. Councillor Bennett also sought confirmation of the positioning of the staircase and the distance between the scheme and the side boundary with 148 Warren Road. Also, drawings showing the flat roof area.
- (5) Councillor Cattell requested details in relation to the works permitted nearby in Channel View Road.

Debate and Decision Making Process

- (6) Councillor Morris stated that having visited the site he considered that the scheme would in effect be two storey, and would have a negative impact.
- (7) Councillor Miller stated that was in agreement that properties in the area were of differing styles, with many having been altered significantly over the years and their being no prevailing style. He considered that the proposals were acceptable.
- (8) Councillor C Theobald stated that she considered that the existing on site building was a hotchpotch. The proposals would affect improvements and she supported that.
- (9) Councillor Hill stated that she considered that the scheme was too big for the site and concurred with the officer recommendation that it should be refused.
- (10) Councillor Mac Cafferty stated that whilst acknowledging the reasons put forward for refusal, in this instance he considered that the diversity of built form in the vicinity was such that the scheme was acceptable particularly as there were very similar properties nearby in the same road. Councillor Wealls was in agreement with that view.
- (11) Councillor Cattell, the Chair stated that exceptionally in this instance she was in agreement that in view of the similar development nearby and the configuration of the development that it would not adversely affect neighbouring amenity or have a negative impact on the street scene and that it would be appropriate for planning permission to be granted.
- (12) A vote was taken on the officer recommendation but was not carried on a vote of 4 to 7. Councillor Miller proposed that planning permission be granted contrary to the officer recommendation as the proposed works were not out of keeping with the street scene and there would be no detrimental impact on neighbouring properties. This was seconded by Councillor C Theobald. A recorded vote was then taken and Councillors Cattell (Chair), Gilbey (Deputy Chair), Bennett, Mac Cafferty, Miller, C Theobald and Wealls voted that planning permission be granted. Councillors Hill, Littman, Moonan and Morris voted that planning permission be refused. Therefore on a vote of 7 to 4 planning permission was granted.

33.6 **RESOLVED** – That the Committee has taken into consideration the reasons for the recommendation as set out in the report but resolves to **GRANT** planning permission as it is considered that the proposed works are not out of keeping with the street scene and there will be no detrimental impact on neighbouring properties.

G BH2017/01352, 6 Olde Place Mews, The Green, Rottingdean, Brighton - Householder Planning Consent

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

- (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 application and gave a presentation by reference to plans, photographs and elevational drawings. It was noted that additional letters of information had been circulated by the applicant in support of their application. It was also noted that consideration of the application had been deferred at the previous meeting of the Committee in order to confirm the buildings status as a Listed Building and clarification in respect of this was set out in the report. It was considered that the range of which the application property formed part was not of special interest and it was therefore the opinion of the Local Planning Authority that it did not require Listed building Consent and that the works proposed under the current application would not affect the character of the listed building as a building of special architectural or historic interest. It was acknowledged that the building in question was Grade II Listed and whilst it had been confirmed that the range of which the application property formed a part was of no special interest, the listed status of the building had been taken into account. Determination of this planning application was not prejudiced by the consideration of whether Listed Building consent was required or not.
- (3) Having fully considered all relevant factors it was considered that the proposed development would have an acceptable impact on the listed building and would result in an acceptable appearance. No significant harm to neighbouring amenity would result, and the development was considered acceptable in transport and highway terms. Approval was therefore recommended.

Public Speakers

- (4) It was noted that Ms Lidington who had spoken on the last occasion that this application had been considered was unable to be present. In her absence, the Democratic Services Officer, Penny Jennings, read out a statement on her behalf detailing her concerns regarding status of and loss/encroachment on the existing parking space, loss of amenity and concerns regarding reduction in pedestrian safety.
- (5) Mr Flanagan also spoke as a neighbouring objector. In his view it remained unclear why listed building consent was not required for the works. The impact and significance of conditions applied to the original permission for conversion of the building in terms of permitted development rights had not been respected and still required clarification and would result in overlooking, loss of amenity and did not respect the listed building.
- (6) Mr Vaughan-Phillips, the applicant spoke in support of his application. He explained that he had sought to address concerns raised regarding the application and was seeking to provide a better configured living space for his family whilst respecting the listed building in which he lived.

Questions for Officers

- (7) Councillor Wealls sought confirmation regarding the width of the remaining car parking space and the Development and Transport Assessment Manager, Steven Shaw confirmed that it would be sufficient for an average sized family car and was

considered to be acceptable. Councillor Wealls also sought clarification regarding the proposed inclusion of roof lights.

- (8) Councillor Miller sought clarification regarding the rationale for deciding whether or not a building was listed and the significance of listing whether that decision was made by officers and whether that was subjective. The Legal Adviser to the Committee, Hilary Woodward explained that the application needed to be considered on planning grounds and that was not prejudiced by considerations in respect of the building's status as a listed building. It had been confirmed that the building was listed with the range of which it formed a part was not considered to be of special interest and the relevance of that. The Principal Planning Officer, Policy Projects and Heritage, Tim Jefferies clarified the assessment which had been undertaken by the Heritage Team.
- (9) In answer to further questions by Councillor Miller it was explained that the assessment made by Historic England had not been revisited and did not run contrary to that made by the Local Planning Authority.

Debate and Decision Making Process

- (10) Councillor Littman sought clarification of the potential impact of the roof lights in the context of land to the rear of the former Rottingdean Club and Old Place Hotel Whilst he considered there were positive elements to the scheme he was concerned that the additional of roof lights to the rear would impact negatively on the existing unbroken roof line.
- (11) Having sought clarification of the level of external and internal works and details appertaining to positioning of the proposed roof lights, Councillor Morris stated that he considered the application to be acceptable. There were a number of listed buildings across the city where roof lights had been fitted and he considered that they were also appropriate in this instance.
- (12) Councillor Moonan concurred that on balance she considered the application to be acceptable.
- (13) Notwithstanding the clarification given, Councillor Miller stated that he had some concerns regarding the listed status of the building. The Chair reiterated that planning permission and listed building applications were different, the Committee was being asked to determine the planning application, and it was possible to have one in the absence of the other.
- (14) Councillor C Theobald stated that having visited the site she considered overall that the application was acceptable.
- (15) A vote was taken and on a vote of 7 to 4, the 11 Members present voted that planning permission be granted.
- 33.7 **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 Informatives also set out in the report.

H BH2017/00338- 39 Withdean Road, Brighton -Householder Planning Consent
Extension to skyframe (Retrospective)

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

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to site plans, photographs and elevational drawings delineating the proposed scheme. The main considerations in relation to the proposal were how it related to the character and appearance of the existing dwelling and the wider locality and the impact on the amenity of occupiers of the adjacent properties. It was noted that an email of support had been received from a neighbouring property at no. 35 Withdean Road on grounds that the design of skyframe was excellent and any overlooking was slight.
- (3) It was considered that the character and appearance of the locality was varied with different architectural styles so there was no objection in principal to a contemporary design approach and the location of the proposal to the rear of the property meant that it would have a limited visual impact on the wider locality. The merits of the proposal were considered to be somewhat balanced but as it was a clear structure which did not have a presence in the context of neighbouring properties, did not therefore cause significant harm and approval was therefore recommended.

Questions for Officers

- (4) Councillor Hill sought clarification of the differences between the previous scheme(s) and this one.
- (5) Councillor Miller queried whether if different considerations had been taken into account in relation to this application and also asked to see be shown the appropriate plans.

Debate and Decision Making Process

- (6) Councillor C Theobald stated that having visited the site she considered that sufficient account had not been taken of the impact on neighbouring gardens which were set below the application site and would in her view be adversely effected by the proposal. She was also dissatisfied that the application was retrospective which she did not consider to be acceptable. The Legal Adviser to the Committee, Hilary Woodward, advised that the fact that an application had been submitted retrospectively did not of itself constitute grounds for refusal.
- (7) Councillor Miller stated that he was in agreement considering that overlooking would occur. Councillor Littman concurred stating that this structure went beyond plan and would be obtrusive. Councillor Moonan also considered that the proposed structure would be intrusive.

- (8) Councillor Hill stated that she considered the application was acceptable in view of the distances between the application site and neighbouring properties with adequate screening provided by on-site trees.
- (9) A vote was taken and the officer's recommendation was not carried on a vote of 4 to 5 with 1 abstention. Councillor Miller then proposed that the application be refused on the grounds that the proposed scheme would have an overly dominant effect on the neighbouring properties at 47 and 49 and would be contrary to policies QD20 and QD27 and would have a capacity for a perception of overlooking leading to a loss of privacy to numbers 47 and 49. This was seconded by Councillor Littman. However, on a Recorded Vote, Councillors Littman, Miller, Moonan, C Theobald and Wealls voted that the application be refused. Councillors Cattell (Chair), Bennett, Hill, Mac Cafferty and Morris voted against refusal. A further recorded vote was then taken on the substantive officer recommendation that planning permission be granted. Councillors Littman, Miller, Moonan, C Theobald and Wealls voted that the application be refused. Councillors Cattell (Chair), Bennett, Hill, Mac Cafferty and Morris voted that planning permission be granted. The Chair then stated that she would use her casting vote in support and planning permission was therefore granted on the Chair's casting vote.
- 33.8 **RESOLVED** – That the Committee has taken into consideration and agreed with the reasons set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

Note: Councillor Gilbey was absent from the meeting during consideration of the above application.

I BH2017/01445- 9 Clarence Gardens, Brighton- Full Planning

Demolition of existing garage and erection of two storey rear extension and first floor front extension incorporating revised access and associated works.

Officer Presentation

- (1) The Principal Planning Officer, Jonathan Puplett, introduced the application and gave a presentation by reference to photographs, site plans sectional drawings and elevational drawings showing the existing and proposed configuration of the building. It was explained that the main considerations in the determination of this application related to the principle of the proposed extensions to the theatre, the resulting appearance and its impact on the Regency Square Conservation Area, the impact on the amenity of neighbouring occupiers with regard to overlooking and light impact and transport issues.
- (2) The proposed window to the front elevation facing Clarence Gardens would be a high level window which would not enable significant overlooking. Any overlooking would be over the front gardens of 3-8 Clarence Gardens and the footpath leading up to Clarence Square to the north which was a public footpath. No external lighting was proposed and the production room in question would be lit internally and would require low levels of lighting, light spill if any were to occur would therefore be minimal. The proposed two storey rear extension would reduce the gap between the theatre and 5-7 Castle Mews and would reduce (but not significantly) the sun and daylight but as these windows were secondary and did not relate to habitable rooms, it was not considered

that they would result in significant harm to the amenity to neighbouring occupiers. It was not considered that rear access to the site would result in any additional harm to neighbouring amenity nor was it considered that it would have significant transport implications. Overall, it was considered that the proposed extensions and alterations would not harm the appearance of the building or wider Regency Conservation Area and approval was therefore recommended.

Public Speakers

- (3) Ms Dunn spoke on behalf of local residents setting out their objections and concerns in respect of the application. Whilst the theatre had always been a good neighbour in the past and its activities were welcomed by residents there was grave concern that the proposals would result in harm to adjoining residents in terms of overlooking, loss of light and amenity. Light pollution, particularly in the evenings from the illuminated light box at the front of the building was also considered to be an issue.
- (4) Mr Richardson and Mr and Ward spoke on behalf of the applicants in support of their application. The proposed remodelling of the theatre would be on a modest scale and would once completed allow the theatre to increase its seating capacity from 71 to 75. The increased footfall or use of the ground floor bar by customers would not result in significant additional noise or disturbance. No external lighting would be provided. The lightbox would not be sited externally and its use would be limited as it would not be used when the theatre was closed, during performances or during rehearsals.
- (5) Councillor Morris asked the applicants if they would be prepared for the lighting box to be boxed in/enclosed and they confirmed that if required to do so they would.

Questions for Officers

- (6) Councillor Wealls sought clarification regarding the purpose of the light box, and its precise location and siting within the building.
- (7) In view of the concerns expressed by residents, Councillor Miller enquired whether it would be possible to require the lighting box to be obscurely glazed. It was confirmed that if Members were minded to do so a condition to that effect could be added.

Debate and Decision Making Process

- (8) Councillor Miller stated that his preference would be to add a condition requiring the light box to be obscurely glazed if that was considered to be reasonable as it would give a measure of reassurance for neighbouring residents. He had no objections to the scheme overall. Councillors Morris and Wealls concurred in that view.
- (9) Councillor C Theobald stated that she considered that the theatre should seek to be a good neighbour.
- (10) Having received clarification regarding the positioning and purpose of the light box Councillor Moonan stated that she was minded that the application be agreed without the need for an additional condition. Councillors Hill and Littman concurred in that view.

(11) Councillor Miller proposed that an additional condition be included in any planning permission granted requiring the light box at the front of the building to be obscurely glazed. This was seconded by Councillor Wealls. A vote was then taken but this was lost on a vote of 3 to 8. A further substantive vote was then taken on the recommendations as set out in the report and on a vote of 9 with 2 abstentions the 11 Members present voted that planning permission be granted.

33.9 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out below and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

J BH2017/00767 -7 Meadow Close, Hove-Householder Planning Consent
Erection of additional storey with associated alterations and single storey rear extension.

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

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

K BH2017/01414- 18 Bankside, Brighton- Full Planning
Erection of 1no three storey three bedroom dwelling (C3) fronting Highbank.

Officer Presentation

(1) The Principal Planning Officer, Jonathan Puplett, gave a presentation by reference to site plans, photographs and elevational drawings. It was explained that the site comprised approximately half of the rear garden at 18 Bankside, a semi-detached house in a street of similar low rise properties. There were changes in gradient across the site and the gardens and land sloped steeply away from the houses with a rear boundary edge adjacent to the highway in Highbank, the residential road to the north.

(2) The main considerations in determining the application related to the principle of further development in this location, its impact upon the character and appearance of the wider street scene, potential impact on the amenity of neighbouring occupiers and standard of accommodation for future occupiers in addition to highway and sustainability issues. A germane consideration related to the decision of the Planning Inspectorate in respect of the most recent application in respect of the site which had been refused but subsequently allowed at appeal. The planning history of adjacent sites was also a key consideration in determining the application and the scheme as now put forward was of a very similar design to others which had been granted by the council and allowed at appeal. These decisions needed to be afforded weight as a material planning consideration in this case. It was considered that the previous grounds for refusal had been overcome and planning permission was therefore recommended.

Questions for Officers/Debate and Decision Making Process

- (3) Councillor C Theobald enquired whether all of the sites were in the same ownership and it was explained that all had been submitted as separate schemes and had therefore needed to be processed as such.
- (4) A vote was taken and the 10 members who were present when the vote was taken voted unanimously that planning permission be granted.

33.10 **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.

Note: Councillor Gilbey was absent from the meeting during consideration of the above application.

L BH2017/00994 -67 Falmer Road, Brighton - Removal or Variation of Condition

Application for variation of condition 2 of application BH2015/02049 allowed on appeal (demolition of existing house and erection of 9no four bedroom houses) to allow amendments to the approved drawings.

Officer Presentation

- (1) The Principal Planning Officer, Chris Swain gave a presentation by reference to site plans, elevational drawings and photographs. A material planning consideration was the fact that the application which had been refused in November 2015 had subsequently been allowed at appeal in November 2016. At that time the Inspector had concluded that the proposed scheme would not adversely affect the character or appearance of the locality, nor the living conditions of neighbouring occupiers with regard to daylight, sunlight, outlook, overlooking or noise and disturbance. Reductions to the hipped barn ends proposed by the current scheme would result in a slightly bulkier roof form, though this would not significantly alter the overall scale and massing of the dwelling and it was considered acceptable in design terms. The other revisions, including the re-siting of the garage and ground floor elements and the alterations to fenestration, doors and detailing were considered to have a neutral impact on the scheme.
- (2) Overall the proposal was considered to have an acceptable impact on the appearance and character of the site and the wider surrounding area, including the setting of the South Downs National Park and approval was therefore recommended.

Public Speakers

- (3) Mr Howie spoke in objection to the proposed scheme setting out his objections and those of neighbouring residents. He stated that neighbours had serious concerns in respect of the proposals in that they would result in an increase in the mass and bulk of the roof when viewed from neighbouring properties to the east and west and would result in increased overlooking and loss of privacy to neighbours due to the amended window layout and omission of obscure glazing; the fact it would be a higher build than previously agreed and would set a precedent for similar changes to other properties on the site.

Questions of Officers/Debate and Decision Making Process

- (4) Councillor Miller sought clarification regarding the constituent elements of the proposed scheme in comparison with the previous scheme and confirmation of the situation in respect of permitted development rights.
- (5) Councillor Morris expressed concern that the drawings shown did not marry up precisely and it was explained that the visuals displayed had been prepared by officers for illustrative purposes in order to denote the primary changes between the two schemes.
- (6) Councillor Moonan sought clarification regarding the height and width of the proposed development and it was confirmed that the overall footprint and height of the development was unchanged.
- (7) A vote was taken and the 11 Members of the Committee who were present voted by 10 with 1 abstention that planning permission be granted.

33.11 **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 and to the amended Condition 15 set out below:

Amended condition 15 :

None of the residential units hereby approved shall be occupied until each residential unit has achieved a water efficiency standard using not more than 110 litres per person per day maximum indoor water consumption.

Reason: To ensure that the development is sustainable and makes efficient use of water to comply with policy CP8 of the Brighton & Hove City Plan Part One.

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

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

Application:	Requested by:
BH2017/00767, 7 Meadow Close, Hove	Councillor Bennett

35 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

36 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

37 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

38 APPEAL DECISIONS

38.1 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 8.10pm

Signed

Chair

Dated this day of