

BRIGHTON & HOVE CITY COUNCIL**PLANNING COMMITTEE****2.00pm 6 FEBRUARY 2019****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Opposition Spokesperson), Mac Cafferty (Group Spokesperson), Bennett, Hyde, Littman, Miller, Morgan, O'Quinn and Robins

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

Officers in attendance: Paul Vidler, Planning Manager, Stewart Glassar, Principal Planning Officer, Eimear Murphy, Senior Planning Officer, David Farnham, Development and Transport Assessment Manager, Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

PART ONE**95 PROCEDURAL BUSINESS****95a Declarations of substitutes**

95.1 Councillor Robins declared that he was in attendance in substitution for Councillor Moonan. Councillor Inkipin-Leissner was absent from the meeting.

95b Declarations of interests

95.2 The Chair, Councillor Cattell noted that Members had received a number of e. mails in respect of Application C, BH2018/01336, Land at rear of 1-45 Wanderdown Road, Brighton.

95.3 Councillor Littman referred to Application B, BH2018/02536, 25 Preston Park Avenue, Brighton stating that he lived near to the application site and had been approached by neighbours for general advice in relation to the planning process. He had not expressed an opinion in respect of the application, remained of a neutral mind and would therefore remain present during consideration and determination of the

application. Councillor Gilbey also referred to Application B, BH2018/02536, 25 Preston Park Avenue, Brighton, stating that she owned a property located in Preston Park Avenue, however, she was of a neutral mind in respect of this application and would therefore remain present during when it was considered and determined.

- 95.4 Councillors Hyde and Miller made reference to Application C, Land at rear of 1 – 45 Wanderdown Road, Brighton. The application site was located in their ward and in consequence they had received a number of e mails in respect of it. They had not responded to them remained of a neutral mind and would therefore remain present at the meeting when it was considered and determined.

95c Exclusion of the press and public

- 95.5 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.

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

95d Use of mobile phones and tablets

- 95.7 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically to ensure that these were switched to ‘aeroplane mode’.

96 MINUTES OF PREVIOUS MEETINGS

96a Minutes of the Meeting, 5 December 2018

- 96.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 5 December 2018 as a correct record.

96b Minutes of the Meeting, 9 January 2019

- 96.2 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 9 January 2019 as a correct record.

97 CHAIR'S COMMUNICATIONS

- 97.1 There were none.

98 PUBLIC QUESTIONS

- 98.1 There were none.

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

99.1 There were none.

100 CALLOVER

100.1 The Democratic Services Officer, read out items 101 A – E and all of the items appearing on the agenda were called for discussion. It was noted that Major applications and any on which there were speakers were automatically reserved for discussion.

100.2 The Chair, Councillor Cattell explained that this measure intended to expedite the business of the Committee and to avoid the necessity of those who had an interest in applications on which there were no speakers spending hours waiting for the Committee to get to their application(s). She wished to reassure the public however, that in any instances where an application was not called for discussion members had read the officer report and any supporting information in advance of the meeting. However, having given the officer recommendation(s) their due consideration they had no questions nor required further clarification on any aspect of the application before moving to their decision.

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

101 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MAJOR APPLICATIONS

A BH2018/02854-41 and 42 Park Wall Farm Cottages, Station Approach, Falmer, Brighton -Full Planning

Demolition of existing houses and erection of a 4 storey student accommodation building with 71no bed spaces and associated access arrangements, cycle parking, car 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 Senior Planning Officer, Eimear Murphy, introduced the application and gave a detailed presentation by reference to site plans and elevational drawings detailing the proposed scheme. The site was located within the development boundary for the city, to the south side of the A27 adjacent to Falmer Station and was positioned between the A27 dual carriageway and the railway line with access from Station Approach, a partly private road which also served Falmer Railway Station and the station carpark. Beyond this and to the south was the University of Brighton Falmer Campus. The University of Sussex campus was located to the north of the A27. The station was located to the west, with a stadium car park to the east and a small number of residential properties located towards the west on the opposite side of Station Approach, beyond which was Stanmer Court which was purpose-built student accommodation. The application site comprised a pair of unoccupied boarded up semi-detached flint cottages which were positioned towards the back of the site with the

main gardens to the north and access to the east side of Station Approach. Apart from the boundary to the east, the remaining boundaries were defined by the existing vegetation and trees.

- (3) It was noted that the main considerations in determining the application relate to the principle of the development including the loss of the two existing units of accommodation, the proposed provision of student accommodation; the impact on the street scene, character and appearance of the area which included the setting of the South Downs National Park and Stanmer Village Conservation Area; amenity for existing and new occupants; sustainability and sustainable transport, traffic generation, parking and pedestrian safety; landscaping; ecology/biodiversity and contribution to other objectives of the development plan.
- (4) Given the close proximity of the site to the two university campuses its sustainable location and the provision of 71 student bed spaces in a purpose built building it was considered that the proposed form of development would not only add to the much needed stock of accommodation for this sector but would also reduce pressure on the existing family housing stock which often become small HMOs. Since the withdrawal of the previous application the footprint, scale, mass and appearance of the proposed scheme had been amended to produce a building which respected the setting of the SDNP in part by retaining planting to the boundary with the verge to the A27 including 2 mature trees and hedgerows. A revised design had been submitted and the material proposed would improve its appearance and its mass was alleviated by the staggering of windows to sections of the main road facing elevations. It was also considered that and in conjunction with appropriate conditions and Travel and Management plans that the building and its use for student accommodation would not cause detriment to the immediate area, the amenities of existing dwellings, traffic flow or pedestrian movement. As there was a presumption in favour of sustainable development the proposal accorded with the City Plan Part 1 and the Brighton & Hove Local Plan 2005, represents sustainable development and approval was therefore recommended.

Public Speakers

- (5) Councillor Yates spoke in his capacity as a Local Ward Councillor setting out his objections in relation to the scheme and those of neighbouring objectors.
- (6) It was noted that both the applicant and the agent both based in Manchester and who had been contacted at short notice had advised that regrettably they were unable to attend. The Chair had agreed therefore that the Democratic Services Officer, Penny Jennings, would read out a statement provided by them on their behalf in support of their application. This was done.

Questions of Officers

- (7) Councillor Littman referred to the concerns of the arboriculture team and sought clarification regarding protection to be afforded to the trees on site, particularly in relation to the Wych Elm, sycamore tree(s) and to the hedgerow group in the light of them. It was explained that updated information had been provided and that the proposed pre-commencement and pre-occupation conditions 9, 11 and 12.were intended to address

those points. Councillor Littman asked for confirmation that these conditions were considered to be sufficiently robust.

- (8) Councillor Mac Cafferty referred to the lighting to be provided on-site seeking confirmation that there would not be any detrimental light spillage in view of its close proximity to the national park. In respect of the proposed green wall assurances were sought that planting to this would be hardy as in other locations where this had been used in sheltered or north facing locations this had not survived. Also, regarding measures to be put into place to address additional traffic associated with the nearby football ground on match days. As to the duration of the contribution towards bus travel, in his view in order to be successful it needed to be in place for a reasonable amount of time.
- (9) Councillor Mac Cafferty also sought detail of the rationale for the decision by English Heritage not to list the buildings on site and how the grounds for the site to be considered as an exception under HO8 had been met.
- (10) Councillor Miller also referred to the support provided by Planning Policy which set out that cumulatively it was considered that an exception to HO8 was justified in this instance.
- (11) Whilst noting the considerations made in respect of HO8 Councillor Gilbey asked whether the fact that permission had been given for other student accommodation relatively close to the site had been taken account of. Also, to the access/egress arrangements and to the fact that only one disabled parking space was proposed on site.
- (12) Councillor Littman stated that notwithstanding what had been said he was struggling to see on what basis an exception to policy HO8 could be justified. It was explained that the scheme had been considered in the context of planning policy overall.

Debate and Decision Making Process

- (13) Councillor Robins considered that the proposed scheme was of poor design and stated that he would not support it.
- (14) Councillor C Theobald stated that whilst regretting the loss of the existing cottages and their replacement with buildings of a "boring" design she recognised that this provision would free up family sized homes which were increasingly being used as HMOs for students.
- (15) Councillor Miller concurred in that view considering that whilst far from perfect the proposed scheme did represent good use of the site and could result in less HMOs being used as student accommodation in the in the city centre.
- (16) Councillor Hyde agreed stating that provided the red brick used was of a muted tone she considered that the proposed scheme would be acceptable. Councillor Hyde also considered it was important that adequate measures for soundproofing were provided for the windows.

- (17) Councillor Morgan considered that as the existing buildings on site were in a derelict condition their loss would be acceptable. This provision in close proximity to the University campus was welcome.
- (18) Councillor Mac Cafferty was of the view that loss of two handsome knapped flint buildings was to be regretted as was the fact that these buildings had not been listed either by English Heritage or locally. If approval was given it was important that the amended s106 terms and conditions set out in the Late/Additional Representations List were adhered to and that samples of materials particularly those to be used for external finishes be brought back to Members for approval. Councillor MacCafferty was also of the view that full strong measures to mitigate any potential for flooding due to surface water were necessary.
- (19) The Chair, Councillor Cattell, stated that in her view the criteria for the buildings on site to be listed had not been met as the site was in close proximity to two university campuses it would ease pressure on existing family housing stock elsewhere in the city and she supported the officer recommendation.
- (20) A vote was taken and the 11 Members who were present when the vote was taken voted by a vote of 9 to 2 that minded to grant planning permission be given.

101.1 **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 on the Heads of Terms set out in the report and to the Conditions and Informatives also set out in the report and in the Late/Additional Representations List and to the additional conditions and informative set out below **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 29th May 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10 of the report.

Additional Conditions:

Add additional conditions agreed by Committee requiring details of soundproofing to windows and connection to district heating network.

Additional Informative:

Condition 4 requiring the approval of samples of external materials will be determined by the Head of Planning following consultation with Members attending the Planning Committee Chair's meeting.

MINOR APPLICATIONS

- B BH2018/02536-25 Preston Park Avenue, Brighton- Full Planning**
Demolition of existing garage and side extension, and erection of three storey rear extension. Conversion of existing house into 6no flats (C3). Erection of 2no two storey dwelling houses (C3) in rear garden with 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, Stewart Glassar, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposed scheme. It was noted that the application related to a three storey detached property located to the east of Preston Park Avenue which was currently occupied as a single dwelling which had been subject to a number of ad hoc alterations including dormer windows, single storey rear extensions and projecting gables. Several sections of the property were currently in a poor state of repair. The existing building was of traditional design with ornate detailing the front elevation of which remained largely intact and was set within a generous plot. Attention was drawn to the fact that an amended description of the site and additional proposed conditions and informatives were set out in the Late/Additional Representations List.
- (3) It was noted that the main considerations in determining the application related to the principle of development on site, the affordable housing provision, the visual impact of the proposal on the site and surrounding conservation area, the impact on neighbouring amenity, the standard of accommodation provided for future occupiers, sustainability and sustainable transport impacts. Whilst the scale of development proposed was significantly intensified in comparison to the existing use and the development would be noticeable by immediate neighbours, this was considered acceptable. Overall development would provide a net gain of 7 residential units including provision of a policy compliant affordable housing contribution. Furthermore the proposal would ensure the retention of much of the character of the existing building whilst upgrading and refurbishing the interior. Approval was therefore recommended.

Public Speakers

- (4) Mr Mathews spoke in his capacity as a neighbouring objector setting out his objections in respect of the proposed scheme. The proposed scheme would have a detrimental impact on the amenity of the neighbouring residential blocks, would result in overshadowing and represented overdevelopment of the site and would have a detrimental impact on the conservation area; the existing "green lung" would be lost and any wildlife on site would be compromised. It would also result in additional noise, traffic and parking. It was considered that some of the information provided was misleading/incorrect and that sufficient account had not taken of the topography of the site.
- (5) Mr Evans, the applicant spoke in support of his application. He explained that the property had been in his family for more than 100 years and notwithstanding that its character and features had been retained the main building was in desperate need of renovation. The proposed scheme had sought to address any objections raised and to utilise the existing plot without detriment to neighbouring development by maintaining a good degree of separation.

Questions of Officers

- (6) Mr Gowans was in attendance representing CAG and requested that he be permitted to display photographs taken on their behalf showing views into the site from the street. The Chair, sought the views of Committee and it was agreed for these photographs to be shown.
- (7) Councillor Littman referred to photographs displayed by CAG seeking confirmation regarding where they had been taken from. It was explained that they had been taken from the public footway outside the site. He considered that whilst the new development might be visible obliquely in long views, that was the case in respect of a number of other sites in the vicinity where there had been back land development.
- (8) Councillor O'Quinn explained that whilst attending the site visit the previous afternoon she had observed that the main building had stained glass windows and a feature balcony asking whether it was proposed that these would be retained. It was confirmed that they would.
- (9) Councillor Miller referred to the parking to be provided in front of the existing building seeking confirmation as to whether it would be provided for use by occupiers of the flats in the existing house following conversion or the dwelling houses to be provided to the rear. It was explained that this had yet to be determined but that it was envisaged it would be provided for occupants of the flats.
- (10) Councillor C Theobald asked to see elevational drawings showing the roof heights of the proposed properties to the rear, also sectional drawings showing the changes in level across the site and its typography in relation to neighbouring sites.
- (11) Councillor Hyde asked regarding measures to protect the flint wall separating the site from its neighbours. It was confirmed that the wall referred to was in fact bungaroosh in its construction and would be retained.
- (12) Councillor Miller referred to fact that chalk waste would be generated in consequence as a result of the excavation works on site considering that if permission was granted arrangements needed to be put into place in relation to removal of any waste.
- (13) Councillor Littman sought clarification regarding the elements of the existing wall to be retained at the front of the site following removal of the existing garage and distances between the site and the neighbouring development at Whistler Court and other neighbouring development.

Debate and Decision Making Process

- (14) Councillor C Theobald stated that she welcomed the retention of the existing house and considered that the proposed development to the rear albeit a back-land development was appropriate in view of the size of the plot.
- (15) Mr Gowans, stated that CAG which he represented remained of the view that that the application should be refused. Demolition of the gable extensions and brick piers to the front boundary would result in the loss of original features and that the new houses to be sited to the rear of the plot would be visible from the public realm, were not of a

sympathetic design, would obscure the view of the trees which were important to the setting of the main house and would be detrimental to the character of the conservation area.

- (16) Councillor O' Quinn stated that she had welcomed the opportunity to visit the site, having done so she was of the view that the works proposed were in keeping with the host building, she particularly welcomed the fact that its key features and character were to be retained. The gardens to the rear of the existing building were substantial and could support the proposed development without being detrimental to the host building or the neighbouring street scene.
- (17) Councillor Miller noted the comments made by CAG considering that the proposed back-land development which would enable the renovation of the building fronting the site to be retained and renovated was acceptable in this instance. A number of other plots nearby had back land developments, or as in case of the neighbouring Whistler Court had been constructed on the site of an earlier building. Garage blocks at that site and others were clearly visible from the footway and he did not consider therefore that the proposed dwellings to the rear would be more intrusive or damage the setting of the conservation area.
- (18) Councillor Littman considered that removal of the gable extension was regrettable. However, in his view although the scheme was not perfect on balance he considered that it was acceptable and would be supporting the officer recommendation.
- (19) Councillor Hyde concurred with much that had been said stating that the Site Visit had been valuable as it had provided the opportunity to appreciate how large the site actually was. The development to the rear would enable the existing house and many of its features to be retained, those dwellings were of an acceptable design and scale in view of the size of the plot and she considered the proposals to be acceptable. She disagreed that harm would result to the conservation area in view of these buildings from the public highway.
- (20) Councillor Gilbey stated that she had considered that it had been a privilege to visit a building with so many of its original features intact and which were to be retained. In this instance she considered that the form of back-land development proposed was acceptable and she supported the proposed scheme.
- (21) The Chair, Councillor Cattell stated that she agreed that in this instance the proposed enabling development would be acceptable and of a good design at a suitable distance from the retained building and with a sizeable garden being retained. Renovation and retention of features associated with the existing house were also welcome.
- (22) A vote was taken and the 11 Members who were present when the vote was taken voted on a vote of 10 with 1 abstention that minded to grant planning approval be given.

101.2 **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 Planning Obligation and the Conditions and Informatives set out in the report and below, **SAVE THAT** should the

s106 Planning Obligation not be completed on or before the 15th of May 2019 the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 11 of the report:

Amend description as on Late List.

Amend and additional conditions as on Late List.

Additional Condition:

An additional condition to be included as agreed by Committee requiring a Site Waste Management Plan.

Additional Informative:

Condition 5 requiring the approval of samples of external materials will be determined by the Head of Planning following consultation with Members attending the Planning Committee Chair's meeting.

C BH2018/01336, Land at Rear of 1-45 Wanderdown Road, Brighton - Full Planning
Erection of 3no residential dwellings comprising of 2no four bedroom dwellings and 1no three bedroom dwelling incorporating parking, landscaping 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, Stewart Glassar, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the scheme. It was explained that the application related to an area of land referred to as 'Long Hill', between Wanderdown Road to the west and The Vale to the east. To the north of the site was Ovingdean Road with the land beyond forming part of the South Downs National Park. To the west of the site was the Ovingdean conservation Area. In distant views from the west, north and east the site appeared as an undeveloped ridge and a break between the houses to either side of the hill. Adjacent to the site to the east were two detached dwellings; 'Monterey' and 'Badgers Walk'. Badgers Walk had an access to the rear of its garden through to the site and two stable buildings were situated in this area along with a manege (an enclosed area in which horses and riders are trained), set on raised land. Whilst the manege did not have planning permission it may have been in situ for more than four years. The site was designated as a Site of Nature Conservation Interest (SNCI) and there were live badger setts within the site; there were also two Tree Preservation Orders on the site; one dating from 1990 covered a number of individual trees on the site. A Woodland TPO had also been adopted in April 2015 following site clearances which were carried out at the end of 2014.
- (3) It was noted that the main considerations in determining the application related to the principle of the development, landscape impacts, ecology, transport and highway safety, neighbouring amenity, standard of accommodation, potential risk of flooding

and sustainability. It was also noted that objections received from neighbouring occupiers had raised concerns regarding the capacity of local infrastructure in the form of roads, sewers, schools, doctors and dentists. Neighbouring occupiers considered that any additional dwellings in the area would worsen the existing situation as the existing infrastructure was perceived to be already overstretched. The potential additional burden of three dwellings and households in this regard was not however considered to be of a magnitude which would warrant refusal of planning permission. It was considered that the local infrastructure did have the potential to accommodate a development of this scale without significant harm being caused and the same was considered to be the case in respect of concerns raised in regard to worsening existing air quality.

- (4) It had been concluded that the proposed development would provide three dwellings suitable for family occupation. The grounds for the dismissal of an appeal which had been lodged in respect of the previous planning application had related to landscape/visual impact and it is considered that these concerns had been overcome. The residential development of a greenfield site would cause harm to ecology/biodiversity however the County Ecologist, having regard to the comments of the appeal Inspector, considered that the harm which would be caused could be appropriately mitigated and conditions were recommended in that regard. The proposed vehicular access was also considered acceptable; the Transport Officer considered that an increased highway safety risk would not result as did the appeal Inspector previously. All other matters were considered acceptable subject to securing a contribution towards sustainable transport infrastructure and approval was therefore recommended.

Public Speakers

- (5) Mr Smith spoke on behalf of the Ovingdean Residents and Preservation Society and neighbouring objectors. He stated that in their view notwithstanding reference which had been made to the decision of the Planning Inspectorate the previous reasons for refusal had not been overcome, not least because the location of the on-site dwellings would completely cut across and destroy the existing wildlife corridor. The mitigation measures proposed were considered insufficient to counter the harm which would be caused which would be irreversible. The existing TPO's would also be compromised.
- (6) Councillor Mears spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme. She stated that although the number of dwellings proposed had been reduced she remained of the view that this would still result in over-development of the site, would be visible from the National Park which would be unacceptable, would also be detrimental to the setting of Ovingdean Village and Longhill Ridge and would have a damaging impact on the ecology and biodiversity of the site. Three large luxury houses would be provided which would do nothing to address the city's need for affordable housing supply. Although a number of trees on site were protected by a TPO it appeared that this would be compromised as it appeared that it was intended to clear the site of trees and vegetation.
- (7) Mr Barker spoke on behalf of the applicants in support of the proposed scheme. He explained that in the light of the Planning Inspector's decision the applicant had looked at the site afresh and had sought to address the points which had been made. The

dwellings would be set into the site so that they would be inconspicuous within and would respect the semi-rural location of the site. The units would read as single storey across the site from east to west, thus being of an appropriate scale and massing; suitable landscaping was proposed which would respect and enhance that setting and would respect the ecology and bio-diversity of the site.

Questions of Officers

- (8) Councillor Miller sought confirmation that if the scheme was approved signage could be provided which would encourage vehicles approaching the site from the brow of the hill of the need to slow down. Councillor Miller was also concerned that protection of badgers and other species was protected by suitably robust conditions and that the setting of the National Park and its boundaries was respected. Councillor Miller referenced the comments received from the County Ecologist in relation to the amended scheme which had stated that in the light of the appeal Inspector's comments; that harm caused by the scheme would need to be appropriately mitigated by badger protection measures, a lighting strategy, an ecology design strategy and a Landscape and Ecological Management Plan, seeking confirmation that all of these matters would be covered.
- (9) It was confirmed that signage could be provided and that a thorough road safety audit of the site had been carried out. The comments received from the County Ecologist had been picked up by Conditions 25 and 27.
- (10) Councillor Miller referred specifically to the badger setts which had been observed on site and regarding measures which would be put into place to protect them and in relation to Members ability to have input into the landscaping treatments provided.
- (11) Councillor Mac Cafferty requested details of the arrangements to be put into place to ensure that light spillage and pollution into the SNCI would not occur. Also, in relation to detail relative to landscaping measures which needed to ensure that the SNCI was respected. It was explained all statutory requirements in relation to the SNCI would need to be met. Feedback received from the Sussex Wildlife Trust would also need to be heeded.
- (12) Councillor Hyde stated that at the site visit the previous afternoon evidence of badger activity had been clearly visible in the form of well-worn and clearly established tracks and paths. Details as to how they would be accommodated were important.
- (13) Councillor C Theobald sought details regarding whereabouts on the site the badger setts would be re-located to and in relation to which trees/ foliage was to be retained which if any was to be removed and whereabouts on the site this was located. It was confirmed that the existing woodland area would be retained and that the houses which would replace the manege would be set back from and screened by it. The requirements of DEFRA and Natural England would need to be met and complied and that the applicant would need to satisfy them that was so.

Debate and Decision Making Process

- (14) Councillor Hyde stated that she was gravely concerned about the impact on animals, including badgers, bats and reptiles living on the site and was mindful and agreed with the concerns put forward by Sussex Wildlife Trust and did not consider that ecological concerns had been taken sufficient account of, nor the close proximity to the national park. In her view the mitigation proposed was insufficient and a gain of 3 houses was insufficient to overcome the detriment and harm which would result. She could not support this application.
- (15) Councillor Littman concurred with all that had been said stating that the comments of the Planning Inspectorate sought strong mitigation to address and prevent irreparable harm and he did not agree that had been evidenced.
- (16) Councillor Miller stated that whilst noting the information provided relating to mitigation he was struggling to assess what impact there would be and whether what was proposed was sufficiently robust.
- (17) Councillor C Theobald acknowledged that this scheme represented an improvement on that previously refused and welcomed the reduction in the number of dwellings proposed. She was concerned however regarding potential impact on wildlife and loss of trees and on balance considered that she was likely to vote against the scheme.
- (18) Councillor O'Quinn totally supported all that had been said by other members. Having attended the site visit there was clear evidence of badger activity and although the site was not beautiful it was valuable to local ecology. The gain of 3 houses was insufficient in her view to outweigh the harm that would undoubtedly result.
- (19) Councillor Gilbey stated in addition to the other issues raised she was concerned about potential light pollution from the site and did not consider that had been adequately addressed.
- (20) Councillor Cattell, the Chair stated that she considered the application had addressed the previous reasons for refusal, represented an improvement on it and was acceptable. The site as it stood had suffered from fly-tipping and in her view this would continue to be a problem if left in its current condition.
- (21) A vote was taken and the 9 Members who were present when the vote was taken voted by 6 to 2 with 1 abstention that planning permission be not approved. An alternative recommendation was then sought and Councillor Hyde proposed and Councillor Littman seconded the proposal that the application be refused. The reasons put forward for refusal were that the proposed scheme would result in danger to biodiversity and ecology of the site; loss of the site for endangered species – badgers, bats, reptiles, birds; the gain of 3 houses did not mitigate that and was inappropriate, the loss of the site did not balance out for the gain of 3 houses; the LWS should be looked after; they were in agreement with the comments of the Sussex Wildlife Trust; the inspector on the appealed scheme had not been aware of the subsequent granting of planning permission for the nearby Vale development or able to make their decision in conjunction with that.
- (22) A recorded vote was then taken and Councillors Gilbey, Hyde, Littman, Mac Cafferty, O'Quinn and C Theobald voted that the application be refused. Councillors Cattell, the

Chair and Bennett voted that planning permission be granted. Councillor Miller abstained. Therefore on a vote of 6 to 2 with 1 abstention planning permission was refused. It was agreed that the final wording of the grounds for refusal would be prepared by officers in consultation with the proposer and seconder and that should the refusal be appealed the Committee agreed a s106 planning obligation could be entered into on the heads of terms as set out in the report.

- 101.3 **RESOLVED** - That the Committee has taken into consideration the reasons for the recommendation set out in the report but resolves to **REFUSE** planning permission for the reasons set out above and authorises that should the refusal as subsequently agreed with be appealed that a s106 obligation be entered into on the heads of terms set out in the report.

Note: Councillors Inkpin-Leissner, Morgan and Robins were not present at the meeting during consideration or determination of the above application.

D BH2018/02052,9 Hampton Street, Brighton - Full Planning

Erection of an additional storey at second floor level and creation of new single dwelling house (C3) with access from Spring Street and revised fenestration.

Officer Presentation

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a detailed presentation by reference to site plans, photographs, floor plans and elevational drawings detailing the scheme. It was explained that the application related to a two-storey building located on the corner of Hampton Street and Spring Street. Planning permission was being sought to erect an additional storey on the northernmost part of the building and to subdivide the building into two dwellings, with revised fenestration. Drawings were also displayed indicating the differences between the previous scheme and that currently proposed.
- (2) It was noted that the main considerations in determining the application related to the principle of the subdivision of the existing dwelling, the design and appearance of the proposal in the context of the Montpelier and Clifton Hill Conservation Area and the impact of the proposal on neighbouring amenity; also, the standard of accommodation that the proposed units would provide and sustainable transport are also material considerations. The site was located in a busy residential area and so the creation of an additional residential unit in the building had been considered in respect of an earlier application which had not been considered likely to have a significant detrimental effect on neighbouring amenity due to increased noise disturbance. The current proposal was also considered to be acceptable in that regard and it was not considered that it would result in a significant increase in overlooking or overshadowing to neighbouring properties. No private amenity space was proposed, however the previous application for subdivision into two residential units had not done so either and both in respect of that earlier application and this latest proposal that was considered acceptable.
- (3) The amended scheme which had been put forward would provide dwellings which would exceed the minimum standards set out in the Government's National Technical Space Standards as did the bedrooms which would benefit from natural light and

outlook. Overall, the proposed dwellings were considered to provide a satisfactory standard of accommodation and approval was therefore recommended.

Debate and Decision Making Process

- (4) Mr Gowans referred to the objections to the scheme put forward by CAG stating that they remained of the view that the application should be refused as the form of development proposed would not enhance the existing building or that part of the conservation area in which it was situated. The building was a rare example of an early Victorian terraced dwelling far earlier in date than its neighbours which were a later pastiche. The proposed extensions would also have a detrimental impact on views from Western Road to the spire of St Mary Magdalen Church which would be marred by the proposed form of development. The church represented an important local landmark and existing views of it would be reduced.
- (5) In response the Principal Planning Officer explained that whilst it was recognised that there would be an impact on St Mary Magdalen Church it was not considered this would be significant or such to warrant refusal.
- (6) Councillor C Theobald stated that she considered that the proposed development would be sympathetic to the existing street scene.
- (7) Councillor Cattell, the Chair, considered that the current proposals represented significant improvements to the previous scheme commending the work which had been undertaken by the Heritage Team in seeking modifications in order to ensure that the development respected the scale, roofline and streetscape of the neighbouring conservation area.
- (8) A vote was taken and the 5 Members who were present when the vote was taken voted on a vote of 4 with 1 abstention that planning permission be granted.

101.4 **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: Councillors Bennett, Gilbey, Inkpin-Leissner, Mac Cafferty, Morgan, O'Quinn and Robins were not present at the meeting during consideration and determination of the above application.

E BH2018/03174, - 37 Clarke Avenue, Hove - Full Planning
Installation of disabled access ramp from pavement to front elevation of property (Retrospective)

Officer Presentation

- (1) The Principal Planning Officer, Stewart Glassar, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the scheme. It was explained that the application site was a two-storey semi-

detached dwelling house on the south side of Clarke Avenue. Retrospective planning permission was being sought for the erection of an access ramp leading from the public highway to the front door of the application site, with an associated hand-rail.

- (2) It was noted that the main considerations in the determination of this application related to the impact of the proposal on the character and appearance of the host building and wider street scene, as well as the potential impact on the amenities of local residents. Also of consideration would be the improved access afforded by the ramp for those with mobility-related disabilities and the potential impact on archaeological remains. Although it was recognised that there would be harm to the wider street scene due to the scale of the handrail and modest loss of green-space, it was not considered severe enough to warrant refusal and the suggestion of a condition tying the presence of the ramp to the presence of the current occupant of No.37 was supported, successfully mitigating the harm to an acceptable level. Given that the works had already been carried out it had not been possible to fully assess the potential impact they may have had on archaeological remains. This scheme was considered acceptable however given the modest area of land developed and the fact that the design had not required any deep excavation works. Concerns had been expressed that works had been carried out without consulting local residents. Consultation had been carried out as part of this planning application and the fact that the applicant had sought retrospective planning permission had not been weighed against them as part of this assessment. The fact that this application had only come in due to a complaint being lodged to the Local Planning Authority had also not be weighed against the applicant. Concerns had also been reported that previous attempts to purchase areas of the green space to convert to a hardstanding have been rejected by the Council. This application had been weighed on its own merits and it was considered that the proposal had far less of a visual impact than would a hardstanding in front of a similar property in the street scene.
- (3) It was considered that adequate information had been submitted in order to enable the application to be assessed and a decision taken. The works carried out would offer improved level access for the current occupant and it was considered that this benefit would outweigh the moderate harm to the character of the street scene. A condition was also recommended limiting the presence of the ramp and on that basis the works were considered to be acceptable and approval was therefore recommended.

Debate and Decision Making Process

- (4) It was noted that Officers from the Housing Adaptations Team were present and the Chair, Councillor Cattell, sought clarification regarding why prior planning approval to carry out the works had not been sought and it was explained that although compliance with Building Control Regulations had been sought, the applicants had been unaware that planning permission was also required. The Chair stated that she hoped that in future this could be checked in advance of works being undertaken. In answer to further questions by the Chair it was explained that works had been carried out in order to meet the specific needs of the occupant to a specification required by the occupational therapy team.

- (5) Councillor Hyde sought confirmation that the land on which the ramp had been placed was located directly in front of no 37 Clarke Avenue and the status of that land. Councillor Gilbey also enquired regarding the status of this land and it was confirmed that it maintained by the council for general amenity but was not designated for other purpose, for instance as a play space.
- (6) Councillor C Theobald asked whether a double handrail was proposed, also referring to the hand rail and ramp which could be observed in front of a similar property nearby which appeared to be of similar construction and appearance.
- (7) The Chair stated that she did not consider it appropriate for any permission granted to be automatically removed once the property was vacated by the current applicant as a future tenant might be allocated to the property on the basis of adaptations which had been made to it including this exterior ramp. The Chair therefore recommended that Condition 2 be removed in the event that planning permission was granted.
- (8) A vote was taken and the 6 Members present when the vote was taken voted by 5 with 1 abstention that planning permission be granted subject to the removal of Condition 2.

101.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report (with the exception of Condition 2 which is to be removed),and resolves to **GRANT** planning permission subject to the Conditions and Informatives also set out in the report.

Note: Councillors Bennett, Inkpin-Leissner, Mac Cafferty, Morgan, O’Quinn and Robins were not present at the meeting during consideration and voting in respect of the above application.

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

102.1 There were none.

103 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

104 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

105 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

106 APPEAL DECISIONS

106.1 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 7.05pm

Signed

Chair

Dated this

day of