

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

11.00am 9 OCTOBER 2019

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

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

Officers in attendance: Paul Vidler, Planning Manager; Liz Arnold, Principal Planning Officer; Debra May, Principal Planning Officer; Wayne Nee, Principal Planning Officer; Matthew Gest, Principal Planning Officer; Joanne Doyle, Senior Planning Officer; Henrietta Ashun, Principal Planning Officer; Sven Rufus, Planning Officer; James Hammond, Senior Transport Planner; David Farnham, Traffic and Transport Engineer; Audrey Sharma, Environmental Health Officer; Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

PART ONE

39 PROCEDURAL BUSINESS

39a Declarations of substitutes

39.1 Councillor Janio stated that he was in attendance in substitution for Councillor Theobald.

39b Declarations of interests

39.2 Councillor Miller stated that the leaseholder was known to him in respect of Application D, BH2019/01848, 20 Little Crescent, Rottingdean, he had not expressed a view, remained of a neutral mind and would therefore remain present during consideration and determination of the application. Councillor Littman stated in respect of Application J, BH2019/00993, 25 Preston Park Avenue, Brighton that the application was close to where he lived. He had not however expressed a view and remained of a neutral mind and would therefore remain present during consideration and determination of the application. Councillor Fishleigh stated in respect of Application G, BH2019/00591, 125 Gloucester Road, Brighton that in the past she had lived immediately adjacent to the application site, she had not however expressed any view in respect of the application, remained of a neutral mind and would therefore remain present during consideration and determination of the application. Councillor Yates referred to Application A,

BH2019/01258, 30-36 Oxford Street, Brighton stating that matters in respect of the site had been considered by the Policy and Resources Committee and that he was aware of them in his previous capacity as Leader of the Council. He had, had no prior dealings with this planning application, had not expressed a view and would therefore remain present at the meeting during its consideration and determination. Councillor Yates also referred to Application M, BH2019/01687, 25 Auckland Drive, Brighton. He had submitted a letter of objection to this application in his capacity as a Local Ward Councillor and would leave the meeting during its consideration and determination and would take no part in the proceedings in relation to it.

39c Exclusion of the press and public

39.3 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.

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

39d Use of mobile phones and tablets

39.5 The Chair requested Members ensure that their mobile phones were switched to 'silent mode'.

40 APPOINTMENT OF DEPUTY CHAIR

40.1 Formal approval was sought to the appointment of Councillor Childs as Deputy Chair of the Committee in place of Councillor Williams.

40.2 **RESOLVED** – That Councillor Childs be appointed Deputy Chair of the Planning Committee with immediate effect for the remainder of the current Municipal Year.

41 MINUTES OF THE PREVIOUS MEETING

41.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 4 September 2019 as a correct record.

42 CHAIR'S COMMUNICATIONS

42.1 There were none.

43 PUBLIC QUESTIONS

43.1 There were none.

44 SECTION 106 PLANNING OBLIGATIONS, ANNUAL REPORT, FINANCIAL REPORT 2018/19

- 44.1 The Committee considered a report of the Executive Director, Economy, Environment & Culture which provided information on the type and value of financial contributions made under Section 106 of The Town and Country Planning Act 1990 in 2018/19. These were payments secured through planning agreements or undertakings (“planning obligations”) as part of the planning application process that are determined by Planning Committee. The report also provided updates on the type and value of contributions secured, received and spent in 2018/19.
- 44.2 The Planning Manager, Planning Policy, explained that Community Infrastructure Levy(CIL) governance described the way in which CIL income was to be managed and spent. CIL would not generate enough funds to completely cover the cost of new infrastructure needed to fully support planned development in the city. As such, there would be competing demands for this funding. It is therefore important to ensure that there are robust, accountable and democratic structures in place to ensure the spending of CIL funds are prioritised in the right way. It was suggested that a CIL Infrastructure/Management Board (or similar) would need to be set up to manage the process for making decisions on how CIL income is spent across the city both in terms of the ‘neighbourhood portion’ and the ‘strategic pot’. In outline, this was likely to require an annual prioritisation and assessment process to be set up and agreed.
- 44.3 Councillor Miller welcomed the report which set out clearly the schemes to which s106 money had been allocated and where that money had been spent. Councillor Miller went on to enquire regarding the overall “pot” of money available and it was confirmed that stood at around £13m.
- 44.4 Councillor Shanks noted that there had been several instances where s106 monies had been unable to be spent, whilst regrettable that was very rare. In answer to further questions by Councillor Shanks. It was explained that the purposes to which such monies could be put and the sums involved was restricted and had to be applied using a strict formula, generally this had to relate to the immediate vicinity of any given site.
- 44.5 Councillor Yates referred to the manner in which commuted sums were accounted for when they related to affordable housing asking whether they were treated as a “reserve”.
- 44.6 Councillor Janio sought clarification as to whether sums in relation to delivery of the council’s own schemes/sites was applied to its general fund activity which was ultimately reported through the Policy and Resources Committee.
- 44.7 **RESOLVED** – That the Committee notes the information set out in the report regarding Section 106 financial contribution sums secured, received and spent within the last financial year (2018/19).

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

- 45.1 There were none.

46 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

CALLOVER

- 46.1 The Democratic Services Officer, read out Items 46A - M - and it was noted that all Major applications and any Minor applications on which there were speakers were automatically reserved for discussion.
- 46.2 The Chair, Councillor Hill, explained that this measure was intended to expedite the business of Committee and to avoid the necessity of those who had an interest in application on which there were no speakers spending hours waiting for the Committee to get to their application(s). She wished to re-assure 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 recommendations their due consideration they had no questions nor required further clarification on any aspect of the application before moving to their decision.
- 46.3 It was noted that the following item(s) were not called for discussion and it was therefore deemed that the officer recommendation(s) were agreed including the proposed Conditions and Informatives and any additions/amendments set out in the Additional/Late Representations List:
- Item D: BH2019/01848 – 20 Little Crescent, Rottingdean – Full Planning;
 - Item F: BH2019/01094 – 24 Shirley Drive, Hove – Householder Planning Consent;
 - Item I: BH2019/01898 – Century House, 15 – 19 Dyke Road, Brighton – Full Planning;
 - Item J: BH2019/00993 – 25 Preston Park Avenue, Brighton – Full Planning;
 - Item K: BH2019/01591 – 27 Baxter Street, Brighton – Full Planning;
 - Item L: BH2019/01314 – 307 Queens Park Road, Brighton – Full Planning
- 46.4 **RESOLVED** – That the position be noted.

MAJOR APPLICATIONS

- A BH2019/01258 -30 - 36 Oxford Street, Brighton - Full Planning**
Demolition of existing medical centre and erection of a four storey medical centre (D1) with integrated pharmacy (A1), access via Oxford Court & Oxford Street, landscaping & 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, Wayne Nee, introduced the application and gave a detailed presentation by reference to site location plans, elevational drawings and photographs. It was explained that revisions had been made to the floor plans and to side elevations and the entrance to the building was to be relocated onto the Oxford Street frontage. The application site relates to a two-storey building in use as a medical centre (Class Use D1) on the corner of Oxford Street and Oxford Court. The site also

includes a car park to the south of the medical centre, which is accessed via Oxford Court. It was explained that the main considerations in the determination of this application relate to the principle of development, the impact on the character and appearance of the street scene and nearby local heritage assets, its impact on neighbouring amenity, sustainability and transport issues.

- (3) It was noted that the site was within the immediate setting of two locally listed buildings. No.26 Oxford Street is a two-storey terraced cottage to the east of the site, and the Church of Christ is a double-height single storey flat roof building located immediately opposite the site to the north. The roof form, cobbled flint façade, brickwork and decorative tiles are highlighted as important features of no. 26. The flat roof, parapet wall and decoration elevation features were important historical elements of the Church of Christ. Although these locally listed buildings were in close proximity to the application site, given the scale and massing of the proposed development, it was considered that the settings of the buildings would be preserved. The view looking west along Oxford Street towards the Grade I listed St Bartholomew's Church was also important but given the scale and massing of the proposed development it was not considered that there would be any significant harmful impact on this or on the nearby Valley Gardens Conservation Area. The main mass of the building would be set back from the neighbouring terraced buildings and although there would be movements from the site with increased numbers of visitors it was not considered that that this would be greater than from the existing building. It was also considered that there was sufficient distance between the site and the nearest dwelling houses that they would not be significantly impacted in terms of loss of light, outlook or privacy
- (4) Overall it was considered that the proposed development was of a suitable scale and design that would make a more efficient and effective use of the site without harm to the surrounding townscape. The resulting development would provide health services and facilities to meet local demand without significant harm to the amenities of adjacent occupiers and without resulting in an unacceptable increase in parking pressure; approval was therefore recommended.

Questions of Officers

- (5) Councillor Fishleigh asked how traffic movements would be controlled by the stipulations set out in the legal agreement.
- (6) The Chair, Councillor Hill, asked for confirmation as to whether in consequence of the entrance having been moved the pavement area to the rear would not now be widened. It was confirmed that would no longer be required and that the highway available for vehicles would not be reduced.
- (7) Councillor Simson queried whether it would not be preferable to widen the pavement as those parking behind the building needed to access the front entrance. It was confirmed, however, that area of the car park would be available for staff only.
- (8) Councillor Miller referred to the fact that a number of measures had been identified in order to combat the potential for anti-social behaviour, asking whether it was proposed for cctv cameras to be fitted. It was explained that whilst that had not been confirmed

that the access gates were to be locked outside opening hours and that full details of the arrangements to be put into place would be in the car parking management plan.

- (9) In answer to further questions it was explained that access arrangements from the Ditchling Road and locations of the bin storage area remained unaltered and that potential increase in demand for parking spaces had been addressed by the additional spaces to be provided.
- (10) Councillor Yates sought further confirmation in respect of proposed access arrangements stating that he did not consider that the applicants would be prepared to accept unrestricted access to the site. It was explained that fell outside the remit of planning and was a matter for agreement by the relevant parties.

Debate and Decision Making Process

- (11) Councillor Miller stated that he fully supported the scheme which would result in improved doctor's surgery.
- (12) Councillor Yates concurred in that view whilst considering that further amendments to the proposed parking/servicing arrangements might be required.
- (13) A vote was taken and the 9 members who were present when the vote was taken voted unanimously that minded to grant planning approval was given.

46.1 **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, including the additional s 106 obligations, and amended conditions set out in the Late/Additional Representations List **SAVE THAT** should the s106 Planning Obligation not be completed on or before the 29th January 2020 the Head of Planning is authorised to refuse planning permission for the reasons set out in section 11 of the report.

Note: Councillor Mac Cafferty was not present at the meeting during consideration of the above application.

B BH2019/00544 -270 Old Shoreham Road, Hove - Full Planning

Demolition of existing buildings (Sui Generis) and the erection of a part 2 storey, part 3 storey building plus lower ground floor and basement comprising self-storage facility (B8) and flexible office space (B1) together with vehicular and pedestrian accesses, parking, associated works 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, Henrietta Ashun, introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings detailing the proposals. Reference was also made to the amendment to the

recommendation, additional s106 obligations and additional conditions referred to in the Late/Additional Representations List. The site was located on the southern side of Old Shoreham Road was 0.4ha and currently housed a single storey building and car park area providing 1,316 sq.m of floorspace and around 80 car parking spaces

- (3) it was noted that the main considerations in determining the application related to the principle of the development, impact of the development on the character and appearance of the area, neighbouring amenity, sustainable transport impacts including cycle parking demand, highway safety, and the contribution made to other objectives of the development plan. The applicant had demonstrated that there was need for such a facility in the local area. In view of the previous use of the site, it was considered that both the environmental impact in relation to noise would not be worsened and sustainable measures had also been proposed in order that there would be no increase in traffic generation. Measures had also been taken to ensure that the amenities of adjacent residential occupiers would not be unduly compromised. The proposed core hours of operation would not be dissimilar to the existing operating hours.
- (4) The proposed development was considered to be acceptable in principle, improvements had been made to lessen any potential impact on the amenities of neighbouring occupiers and to improve the aesthetic quality and design of the scheme which would be sustainably located within a defined built-up area of the city. It would also result in redevelopment of an existing site to re-provide employment generating use of the site including much needed office accommodation; therefore approval was recommended.

Questions of Officers

- (5) Councillor Mac Cafferty referred to the proposed landscaping scheme in particular to the green wall, asking regarding measures to be put into place to ensure that suitably robust planting was provided and maintained.
- (6) Councillor Littman sought clarification in respect of conditions to the land use of the site.
- (7) Councillor Yates sought clarification of the hours during which the premises would be in operation as concerns had been expressed in relation to the potential detrimental impact of increased hours of operation. Councillor Shanks echoed those concerns.
- (8) Councillor Simson stated that subject to the proposed amendments referred to in the Late/Additional Representations List she considered the scheme to be acceptable.

Debate and Decision Making Process

- (9) A vote was taken and members voted unanimously that minded to grant planning approval be granted.

46.2 **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 on the Heads of Terms

set out in the report and to the Conditions and Informatives also set out in the report, SAVE THAT should the s106 Planning Obligation not be completed on or before 29th January 2020 the Head of Planning was authorised to refuse planning permission for the reasons set out in section 10.1 of the report:

C BH2019/01053-The Coach House, Withdean Avenue, Brighton -Removal or Variation of Condition

Application for variation of condition 1 of BH2016/06478 (Demolition of existing dwellings and erection of part two part three storey building providing 26no residential apartments (C3) with associated landscaping, parking spaces, cycle and mobility scooter store) to allow amendments to the approved drawings.

Officer Presentation

- (1) The Principal Planning Officer, Liz Arnold, introduced the application and gave a detailed presentation by reference to site plans and, elevational drawings detailing the proposals. The application site had been previously occupied by six bungalows and a separate two storey house referred to as the "Coach House. There was one vehicular access to the site. Its immediate surroundings were wholly residential. The proposal sought amendments to the originally agreed scheme would mainly effect the external appearance of the approved building. It was noted that the main considerations in determining the application related to the design quality, quality of accommodation, impact on residential amenity, biodiversity and transport access. The only matters being considered related to changes to the original scheme which had planning permission which related to elevation treatments and parking layout of the approved scheme. The principle of re-development and details of other issues had already been established.
- (2) It was considered that the proposed amendments would result in a high quality and well-designed scheme which would provide a good standard of accommodation for future residents whilst not having a significant impact on the amenity of nearby properties. Overall, the proposed amendments were considered acceptable and the application was therefore recommended for approval subject to the conditions set out.

Questions of Officers

- (3) Councillor Littman enquired whether the rationale for these proposed changes was known as he was concerned that an element of planting would be lost in consequence of them. It was explained that conditions 19 and 20 which would be attached to any permission granted.
- (4) Councillor Shanks asked whether it would be possible to condition retention of the additional trees originally proposed.
- (5) Councillor Fishleigh sought clarification on the matter and it was explained that applicants could seek variations to a scheme as originally submitted and could build either scheme.

Debate and Decision Making Process

- (6) Councillor Childs stated that he considered that the proposed layout would have a more detrimental impact than the scheme as originally approved and that he had concerns about that. He considered that retention of a green "wall" between the application site and the neighbouring properties was important.
- (7) Councillor Littman echoed those concerns considering that what originally been agreed was preferable to the revised scheme.
- (8) Councillor Janio concurred stating that he considered that the Committee were being held to ransom.
- (9) A vote was taken and the 9 members who were present when the vote was taken voted by 6 to 3 that planning permission be granted.

46.3 **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.

MINOR APPLICATIONS

D BH2019/01848 -20 Little Crescent, Rottingdean - Full Planning

Demolition of existing house and erection of 2 no 4 bedroom houses (C3), 1 no 2 bedroom ground floor flat (C3) and 1 no 3 bedroom maisonette.

- (1) This application was not called for discussion, the officer recommendation to **GRANT** was therefore taken as having been agreed unanimously.

46.4 **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.

E BH2018/01130 -Garages to the rear of 45 Sackville Road, Hove- Full Planning

Conversion and extension of triple garage to form 1no two bedroom single storey dwelling (C3) with external amenity space and provision of off-street parking.

Officer Presentation

- (1) The Senior Planning Officer, Joanne Doyle, introduced the application with a presentation detailing the scheme by reference to plans, site plans, photographs elevational drawings and aerial views showing the site and its boundaries. Reference was also made to the additional representations received detailed in the Late/Additional Representations List. It was explained that the application site related to a single storey triple garage set amongst a row of garages on the western side of Brooker Place comprising car ports with an open form, used for the parking of vehicles. The plot of land containing the garage was set within the rear garden of no. 45 Sackville Road which has been converted into flats. This section of the western side of Brooker Place was characterised by single storey garages. The eastern side of Brooker Place consisted of the rear of the properties and garden spaces of Brooker Street. The north and south boundary walls to the existing garage on site, which extend around the garden to 45 Sackville Road, appeared to have a historic character.

- (2) It was further explained that the main considerations in determining this application related to the principle of the development, the design and appearance of the building, wider street scene and conservation area, the effect on the amenity of neighbouring residential occupiers, the standard of proposed accommodation, and transport and sustainability issues. Overall, subject to the proposed conditions to address remaining concerns, the scheme was considered to be acceptable, the proposed form of development was low key, was not considered to be contrary to policy and would provide an acceptable standard of accommodation, approval was therefore recommended.

Public Speakers

- (3) Ms Perry-Riquet spoke on behalf of neighbouring objectors setting out their objections to the scheme. There had been a large number of objections to the proposed scheme, 45 in total, expressing grave concern in respect of loss of existing garden space, which provided a green lung. The existing space provided amenity space for the surrounding residential dwellings, a number of mature established trees would be lost and additionally there were grave concerns at the impact on the adjoining streets which would result giving rise to unacceptable levels of overspill parking.
- (4) Councillor Moonan stated that she shared residents' concerns that this scheme was likely to set a precedent particularly when considered in the context of other development nearby and the constraints of the site. A number of trees would be lost and the proposals would result in pinch points at either end of the street. A more modest form of development would be much more acceptable. The number of letters of representation received indicated the level of local concerns in respect of the scheme.
- (5) Mr Wagstaff spoke on behalf of the applicants in support of their application. He explained that the submitted scheme had been the result of a lot of dialogue with the planning department and there was no planning policy conflict, the scheme had been well designed and the requirements of the traffic transport team met. The resulting development would be car free.

Questions of Officers

- (6) Councillor Shanks sought clarification in respect of pedestrian access to the site and it was confirmed that there was pedestrian access from both Brooker Street and Sackville Road. Councillor Shanks also sought clarification regarding location of the bin storage areas.
- (7) Councillor Yates asked whether access to the site was adopted public highway and it was confirmed that it was.
- (8) Councillor Shanks sought clarification regarding whether and on what grounds similar developments had been refused or granted. It was confirmed in answer to further questions that the open car port areas had also been capable of being used for commercial storage; also in respect of any existing garden space which would be lost in consequence of the proposals, the amenity space which would be attached to the proposed development and the dimensions of the proposed dwelling.

- (9) The Chair, Councillor Hill, enquired whether a white rendered finish was proposed.
- (10) Councillor Miller enquired regarding the location of windows it appeared to him that three of the windows would face directly onto a fence and another would look directly onto a neighbouring garden

Debate and Decision Making Process

- (11) Councillor Miller stated that he did not support the officer recommendation as he did not consider the design of the proposed development to be acceptable, nor that it enhanced the conservation area in which it was set. Councillor Miller was also of the view that more could have been done to protect the existing planting bordering the site.
- (12) Councillor Littman considered that whilst loss of trees bordering the site was regrettable the arboriculturist had raised no objections. The Planning Manager, Paul Vidler, confirmed that need to preserve and enhance the setting of the conservation area had been given considerable weight by officers in arriving at their recommendations.
- (13) A vote was taken and on a vote of 6 to 2 planning permission was granted.

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

Note: Councillors Mac Cafferty and Simson were not present during consideration of the above application.

F BH2019/01094 -24 Shirley Drive, Hove - Householder Planning Consent

Erection of single storey rear extension to replace existing extension and formation of raised patio terrace with steps to garden (Part retrospective)

- (1) This application was not called for discussion, the officer recommendation to **GRANT** planning permission was therefore taken as having been agreed unanimously.

46.6 **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.

G BH2019/00591 -125 Gloucester Road, Brighton -Full Planning

Roof alterations to create first floor semi-external terrace, front rooflights, revised fenestration, refurbishment of chimney stacks and associated works.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer, Laura Hamlyn, introduced the application and gave a detailed presentation by reference to site plans, elevational drawings and photographs detailing the proposals. Reference was also made to amended drawings which had been

received and were referred to in the Late/Additional Representations List. It was explained that this application related to a two and three storey public house, The Eagle, located on the corner of Gloucester Road with Gloucester Passage. There were both residential and commercial properties within the immediate vicinity and the site fell within the North Laine Conservation Area, but was not Listed or in the setting of a Listed Building. Permission was being sought to remove part of the existing roof to create a first-floor semi-external terrace, to install front rooflights, revise the fenestration, refurbish the chimney stacks and associated works.

- (3) It was noted that the main considerations in determining the application related to the character and appearance of the resulting building and its impact on the North Laine Conservation Area, and the impact on neighbouring amenity. The proposed development would require the partial demolition of the roof of a building within the North Laine Conservation Area, however as the alterations would not be visible from the street and only limited private views, it was considered that the character and appearance of the conservation area would be preserved. Whilst the proposed development was likely to have an impact on neighbouring amenity, it was considered that this could be adequately mitigated through conditions such that the proposal would not result in significant harm. This conclusion is reached taking into account the fact that the proposal would not result in a change of use away from the existing use as a public house (A4), previous decisions by the LPA with regard to roof terraces associated with public houses in the city and further to advice received from the Environmental Protection Team; approval was therefore recommended.

Public Speakers

- (4) Mr Busby and Ms Attwood spoke on behalf of neighbouring objectors setting out their objections to the scheme. They explained that they considered that the proposed semi-external terrace would have a detrimental impact on their amenity and could give rise to noise nuisance, particularly in view of their close proximity to neighbouring bedrooms. Details provided by the applicants were misleading in that respect. The use of this area would act as a funnel for noise.
- (5) Councillor Deane spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme. Councillor Deane was in agreement with the concerns expressed by neighbours. The immediate area was very densely populated and a number of the dwellings located closest to the premises were live work units and were therefore in use by those living there as their place of work as well as their homes. The impact of noise disturbance in such instances was therefore far greater.
- (6) Mr Bareham spoke on behalf of the applicants in support of their application. It was not considered that use of this area would have a detrimental impact in terms of noise break-out or other nuisance and that the volume of any sound emanating from this area would be at unacceptable levels.

Questions of Officers

- (7) Councillor Yates asked regarding times during which the existing bar at first floor level was licensed and whether there were any plans to change the existing arrangements.

- (8) Councillor Miller had similar queries stating that he was concerned that providing an additional area at this level would encourage increased use and in consequence a greater volume of noise.
- (9) Councillor Childs enquired regarding the arrangements in place for smoking and sought clarification regarding whether this new roof terrace area was also likely to be made available for that purpose. It was confirmed that was not proposed.

Debate and Decision Making Process

- (10) Councillor Janio stated that he was very concerned that there did not appear to be sufficiently detailed acoustic information available to indicate what the precise noise impact arising from the scheme could be.
- (11) Councillor Miller stated that he was unable to support the scheme. In his view providing this partly covered terrace area would undoubtedly encourage more people to use it and in his view that would undoubtedly give rise to increased noise levels.
- (12) Councillor Shanks whilst noting that smoking would not be permitted noted that in order to access the terrace customers would be carrying drinks up narrow staircases and use of the adjacent bar area would encourage increased use.
- (13) In response to members questions in relation to legislation in the event of noise nuisance Councillor Mac Cafferty stated that those largely fell within licensing legislation, whilst Members could determine that this application was unacceptable on planning grounds. Councillor Shanks concurred in that view.
- (14) Councillor Littman stated that in his view there were far too many unknowns for him to feel confident in supporting the recommendations. He was therefore unable to support them.
- (15) A vote was taken on the officer recommendation to grant the application and this was lost on a vote of 8 with 1 abstention. Councillor Littman then proposed that the application be refused on the grounds of detrimental impact on the amenity of neighbouring occupiers and noise nuisance which would be contrary to policies QD27 and CP12 of the Brighton and Hove City Plan. The proposal was seconded by Yates and it was agreed that the final form of wording of the proposed reasons for refusal be agreed by the Planning Manager in consultation with Councillors Littman and Yates.
- (23) A recorded vote was then taken and Councillors Hill, the Chair; Childs, the Deputy Chair; Fishleigh, Janio, Littman, MacCafferty, Shanks and Yates voted that the application be refused. Councillor Miller abstained. Therefore planning permission was refused on a vote of 8 with 1 abstention.
- 35.3 **RESOLVED** – That the Committee has taken into consideration the officer recommendation but resolves to **REFUSE** planning permission on the grounds proposed by Councillor Littman. The final wording to be used in the decision letter to be agreed by the Planning Manager in consultation with Councillors Littman and Yates.

Note: Councillor Simson was not present at the meeting during consideration of the above item.

H BH2019/01743-Varndean College, Surrenden Road, Brighton - Full Planning
Provision of a new biodiversity area onto existing playing field to encourage the establishment of butterfly and invertebrate habitat.

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

Officer Presentation

- (2) The Planning Officer, Sven Rufus, introduced the application and gave a detailed presentation by reference to site plans, photographs and aerial photographs detailing the proposed scheme. It was noted that the considerations in determining this application related to the loss of sports fields; the alterations to land levels within the site; the impact on biodiversity and the impact of the proposals on neighbouring amenity.
- (3) It was considered that the broad layout of planting for herbaceous plants and trees across different parts of the site was suitable in terms of the ecological benefits they would provide. Whilst the immediate impact was likely to be modest in terms of biodiversity enhancements, the inclusion of certain species favoured by locally important species of butterfly would, in the longer term, provide real benefits to the biodiversity of the local area. The raised land levels, as result of the bunds created from the spoil on site, would not be of sufficient height to be visible over the existing boundaries with the adjacent residential properties, and the distance between the bunds and the closest property would be at least 8m. On that basis it is not considered that the increased land levels would result in any harm to the amenity of neighbours. Overall, the scheme would have a positive impact on sustainability through biodiversity enhancements and could be delivered with no significant damage to the existing tree stock and the reduction in journeys to remove spoil from the site was also considered to be positive; approval was therefore recommended.

Public Speakers

- (4) Mr Coleman spoke on behalf of neighbouring residents setting out their objections and those of the Green Varndean Group to the proposed scheme. The proposed scheme was in their view misleading as it should be in addition to rather than a replacement for the existing biodiversity area which was superior to that which was proposed. Additional conditions ought to be required in order to protect this area which was an asset of community value. The quantity of spoil to be removed could also be problematic.
- (5) Mr Hoskins spoke on behalf of the applicant in support of their application. He explained that the proposed scheme was fully policy compliant would enhance the area and would enable the chalk which would be excavated to be used sustainably without the need for it to be removed from the site. The existing area of pitches at this location was of limited value.

- (6) Councillor Shanks sought confirmation from the objectors as to whether they were objecting to the proposed scheme in principle or to replacement of the existing biodiversity area.

Questions of Officers

- (7) Councillor Fishleigh asked for clarification of the distance of this new area from the existing and its distance from neighbouring dwellings. Councillor Fishleigh enquired regarding the appropriateness of adding conditions to ensure protection of the existing space.
- (8) In relation to a point made by the objectors, the Legal Advisor to the Committee advised that it was not inappropriate for an applicant to seek to overcome a reason for refusal on a previous application. The area was well used and the public would still have access across the site although it was not a public open space.

Debate and Decision Making Process

- (9) A vote was taken and the 9 members who were present a voted by 8 with 1 abstention that planning permission be granted.

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

Note: Councillor Mac Cafferty was not present at the meeting during consideration of the above application.

I BH2019/01898 -Century House, 15 - 19 Dyke Road, Brighton- Full Planning
Replacement of existing pitched roof with additional storey to create additional office space (B1).

- (1) This application was not called for discussion, the officer recommendation to **GRANT** planning permission was therefore taken as having been agreed unanimously.

46.9 **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.

J BH2019/00993-25 Preston Park Avenue, Brighton - Full Planning
Erection of 2no two storey dwelling houses (C3) in rear garden with associated landscaping. Demolition of existing garage and erection of a three- storey rear extension & conversion of existing house to provide 6 no flats (C3) and associated alterations

- (1) This application was not called for discussion, the officer recommendation to **GRANT** planning permission was therefore taken as having been agreed unanimously.

46.10 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be **MINDED TO**

GRANT planning permission subject to a s106 Agreement and the Conditions and Informatives also set out in the report SAVE THAT should the s106 Planning Obligation not be completed on or before 29th January 2020 the Head of Planning was authorised to refuse planning permission for the reasons set out in section 11 of the report.

K BH2019/01591 - 27 Baxter Street, Brighton -Full Planning

Change of use from 3 bedroom dwelling house (C3) to 3 bedroom single dwelling or small House in Multiple Occupation (C4).

- (1) This application was not called for discussion, the officer recommendation to **GRANT** planning permission was therefore taken as having been agreed unanimously.

46.11 **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.

L BH2019/01314-307 Queens Park Road, Brighton- Full Planning

Change of use from six bedroom dwelling (C3) to five bedroom small house in multiple occupation (C4) (Retrospective).

- (1) This application was not called for discussion, the officer recommendation to **GRANT** planning permission was therefore taken as having been agreed unanimously.

46.12 **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.

M BH2019/01687-25 Auckland Drive, Brighton- Full Planning

Change of use from 4 bedroom dwelling-house (C3) to 6 bedroom small house in multiple occupation (C4) with associate works including blocking of windows to side elevation and installation of cycle storage to front.

Officer Presentation

- (1) The Planning Officer, Laura Hamlyn introduced the application and gave a detailed presentation by reference to site plans, photographs and elevational drawings in respect of the proposals.
- (2) It was noted that the main considerations in determining this application related to the principle of the change of use, its impact on neighbouring amenity and transport issues. Amended drawings had been received during the course of the application, changing the position of the cycle store and providing additional detail on the topography of the front garden. It appeared that the conservatory to the rear had been in place for more than 4 years and it was considered that although the dining space was awkwardly laid out, this had been mitigated by the presence of the conservatory and overall the communal space was considered adequate for occupation by 6 persons and the standard of accommodation was considered to be acceptable. It was not considered that any demonstrable harm to amenity had been identified and the

application was therefore considered to be in accordance with policy and approval was therefore recommended.

Questions of Officers and Debate and Decision Making Process

- (3) Councillors Miller and Simson sought further clarification regarding any works carried out and in respect of the internal configuration of the building.
- (4) Councillor Mac Cafferty sought clarification as to whether a condition could be added to any permission granted requiring noise insulation measures to be undertaken in order to prevent noise nuisance occurring as a result of the conservatory being used as an integral element of the communal space. It was confirmed that it was not considered that this would be practicable or achievable, nor that it would be appropriate to limit use of the conservatory.
- (5) Councillor Hill, the Chair, stated that she had grave concerns that use of the conservatory as communal space was unacceptable in that it was of inadequate for that purpose and would undoubtedly in her view result in noise nuisance and impact detrimentally on neighbouring amenity.
- (6) A vote was taken on the officer recommendation to grant the application and this was lost on a vote of 5 to 4 by the 9 members present. Councillor Hill then proposed that the application be refused on the grounds that the existing conservatory was unacceptable as the sole community space within the building and would give rise to noise nuisance and would be detrimental to the amenity of neighbouring residents. The proposal was seconded by Councillor Childs and it was agreed that the final form of wording of the proposed reasons for refusal be agreed by the Planning Manager in consultation with Councillors Hill and Childs.
- (7) A recorded vote was then taken and Councillors Hill, the Chair; Childs, the Deputy Chair, Fishleigh, Miller and Simson voted that the application be refused. Councillors Littman, Janio, Mac Cafferty and Shanks voted that planning permission be granted. Therefore planning permission was refused on a vote of 5 to 4.

- 46.13 **RESOLVED** – That the Committee has taken into consideration the reasons for the recommendation set out in the report but resolves to **REFUSE** planning permission on the grounds proposed by Councillor Hill. The final wording to be used in the decision letter to be agreed by the Planning Manager in consultation with the proposer and seconder.

Note: Having declared a prejudicial interest in respect of the above application Councillor Yates left the meeting and was not present during the debate and decision making process.

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

- 59.1 There were none.

48 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

49 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

The meeting concluded at 4.15pm

Signed

Chair

Dated this

day of