

<b>PLANNING COMMITTEE</b>	<b>Agenda Item 54</b>  Brighton and Hove City Council
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**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 2 SEPTEMBER 2020**

**VIRTUAL MEETING - SKYPE**

**MINUTES**

**Present:** Councillors: Hugh-Jones, Osborne (Chair), Childs (Opposition Spokesperson), Miller (Group Spokesperson), Henry, Fishleigh, Janio, Shanks, C Theobald and Yates

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

**Officers in attendance:** Nicola Hurley (Planning Manager), Hilary Woodward (Senior Solicitor), Robin Hodgetts (Principal Planning Officer), Henrietta Ashun (Senior Planning Officer), Luke Austin (Principal Planning Officer), Michael Tucker (Planning Officer), Russell Brown (Senior Planning Officer), Jack Summers (Planning Officer), Sven Rufus (Planning Officer) and Shaun Hughes (Democratic Services Officer).

**PART ONE**

**32 PROCEDURAL BUSINESS**

**a) Declarations of substitutes**

32.1 Councillor Hugh-Jones substituted for Councillor Littman.

**b) Declarations of interests**

32.2 All Committee Members have been lobbied by residents regarding items A, B and C. Councillor Yates stated they had submitted an objection to item G and would leave the meeting while the item was considered by the Committee.

**c) Exclusion of the press and public**

32.3 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.

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

### 33 MINUTES OF THE PREVIOUS MEETING

- 33.1 The minutes of the meeting held on 5 August 2020 were being circulated separately and would be considered at the next Committee meeting.

### 34 CHAIR'S COMMUNICATIONS

- 34.1 This meeting is being recorded and will be capable of repeated viewing via the online webcast.

Welcome Committee Members and members of the public, to this virtual meeting.

To enable the meeting to run smoothly, all presentations, questions and answers have been circulated in advance and are available online for members of the public and can be referenced by all attending the meeting. Presentations take into account that no site visits were arranged following Covid19 guidelines and have enhanced visuals showing the context of the area. The report has also been published in advance as usual.

The Chair stated that the recent changes to planning legislation by the Government would be considered by the Planning Officers. Training will be given on the changes. Design training will also be given on three separate dates, whilst mandatory refresher training will be given in October this year.

### 35 PUBLIC QUESTIONS

- 35.1 There were none.

### 36 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

- 36.1 The Chair explained that in line with current Central Government guidance in relation to the Covid 19 pandemic, formal site visits had not been arranged. To reflect that in depth presentation material and visuals had been circulated in advance of the meeting and had also been appended to the agenda papers published on the council website. If, however, Members considered that they required more detailed information in order to determine any application a site visit could be requested either at this point on the agenda or at any point in the proceedings. No site visits were requested at this point in the meeting.

### 37 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

1. The Democratic Services Officer read out Items on the agenda. It was noted that all Major applications and any Minor applications with speakers were automatically reserved for discussion.

2. It was noted that the following item was not called for discussion and it was therefore deemed that the officer recommendation was agreed including the proposed Conditions and Informatives and any additions / amendments set out in the Additional / Late Representations List:

- **Item H:** BH2020/01691 – 13 Landseer Road, Brighton – Full Planning

**A BH2020/00917 - 1-3 Ellen Street, Hove - Full Planning**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development.
2. The Members were updated by the Planning Manager that one additional condition and two informatives were listed on the late list.

Speakers

3. Mike Gibson representing Hove Station Neighbourhood Forum stated that the forum supports the application as a car free development. It was considered that 10% affordable housing would be suitable for the scheme. Following community engagement, the improvements to the development have been good. The forum considers the engagement to have been very beneficial throughout the application process. The forum wanted to be involved and are pleased that they were.
4. Nick Green, the agent acting on behalf of the applicant, felt the current application was an improvement on the previous scheme following consultations with the local community, the authority, and the Design Review Panel. Improvements have been made in the greening of the development and the infrastructure. It was confirmed that Watkins Jones own the site and will continue to manage the site once the development is completed. It is considered that the ground floor offices will help to regenerate the area. The development will bring many benefits to the area and the city with new and improved green spaces.

Questions for the speaker

5. Councillor Janio was informed that there was no obligation for residents of the car free development to not have cars/vehicles. The lack of parking was considered a deterrent.
6. Councillor Fishleigh was informed that the viability assessment has been agreed and that the average affordable rent will be 25% less than market rent.
7. Councillor Theobald was informed that there some of the disabled parking bays would be for office workers and visitors, as well as residents. The applicant had tried to ensure that as few as possible on-street parking bays had been lost as a result of the scheme.
8. Councillor Hugh-Jones was informed that the mix of affordable housing units was under discussion.

## Questions to officers

9. Councillor Yates was informed that they were correct, page 35 of the presentation showed the proposed elevation facing onto Ellen Street not Conway Street.

## Debate

10. Councillor Miller stated they supported the application with much needed housing in an area that needs developing. The S106 agreement is good and the development will help to 'kick start' the Hove economy after the pandemic.
11. Councillor Henry considered that the public consultation had been good. The current site is currently unpleasant and would benefit from development. The loss of parking is not worth dismissing the application at this well connected site.
12. Councillor Childs considered it was naïve to think residents would not have cars on this car free development. It is considered that there is insufficient affordable housing. Development on this site is good, but not this one.
13. Councillor Theobald was against the application and raised concerns over the density and height of the development and noted that the previous permission was granted at appeal. The 18 storeys of the highest building will require sprinklers. The target number of dwellings in the space is exceeded and the development will harm the heritage assets of the area. It is noted that 7 units are below space standards and there will be loss of daylight to neighbouring properties.
14. Councillor Janio considered that it was unrealistic that the development would be car free and did not support the application.
15. Councillor Shanks supported the application which provided much needed housing. It was noted that there were not many objections. More affordable housing would be beneficial however; the scheme before the committee is supported.
16. Councillor Hugh-Jones had reservations regarding the affordable housing. It was calculated that a one bed unit would be £200 more than market rent. The councillor was minded to support the application given the conditions, the consultations that have taken place and the green credentials.
17. Councillor Fishleigh considered that 10% affordable housing was insufficient, and the committee should reject the application and ask for more affordable housing.
18. Councillor Yates supported the application, considering the affordable housing and the consultation process was good.
19. Councillor Shanks considered the S106 consultation would be good for the community.
20. Councillor Osborne supported the application considering the community engagement that had taken place, the transport links with busses and trains next to the development, the sustainability and viability of the development.

21. Following the end of the debate the Chair invited the committee to vote: Out of the 10 Members present the vote was 6 to 4 that planning permission be granted.
22. **Resolved:** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to be MINDED TO GRANT planning permission subject to a s106 agreement on the Heads of Terms set out in the report and the Conditions and Informatives are set out in the report, **SAVE THAT** should the s106 Planning Obligation not be completed on or before the **2<sup>nd</sup> October 2020** the Head of Planning is hereby authorised to refuse planning permission for the reasons set out in section 10.1 of the report.

**B BH2020/01403 - 64-68 Palmeira Avenue & 72-73 Cromwell Road, Hove - Full Planning**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which also showed the proposed scheme in the context of neighbouring development. The main considerations in the determination of this application relate to the principle of development including the loss of the existing residential buildings on site, the proposed residential units and affordable housing contribution, the impact of the design on the character and appearance of the adjacent conservation area and on the street scene and wider views, neighbouring amenity, sustainable transport impacts including parking demand, landscaping, ecology/biodiversity and contribution to other objectives of the development plan.
2. The Planning Officer updated the committee informing the Members that 13 further letters of objection had been received from neighbouring residents. The issues mentioned had already been covered by previous letters.

Speakers

3. Charles Harrison noted the development was controversial with no affordable housing as part of the windfall development; that is not in the BHCC Development Plan. The development will place more pressures on schools, roads etc. The existing houses are fine family homes and are not ready for demolition. Concerns were raised regarding thermal insulation and sunlight criteria for all units, as these are not currently met. The development will appear dominant on Cromwell Road, where parking will be an issue. The deep base excavations will be an issue for the neighbouring properties. The proposals are inconsistent and inaccurate. The committee are requested to reject the application.
4. Paul Ashwell considered that the amenities of the neighbouring Bellmead Court will be damaged as the development will be overbearing. It was noted that the report states the side windows will impact on Bellmead Court where vulnerable residents live. It is considered that there is a balance for and against the scheme, however the design is considered harmful to the heritage of the area. The development is considered to have a material loss of amenities for neighbours and the public consultation could have been better.

5. Ward Councillor Allcock stated that they did not consider this to be a windfall as described, it was the worst type of opportunistic overdevelopment, designed with a cavalier disregard for its impact on the neighbourhood. The developers bought sound houses as a speculative investment in the hope that they would get planning permission to build a hotel. Having failed, they have brought forward their Plan B - to generate a substantial profit from the gross overdevelopment of this site. The project is not considered to comply with the Council's policy for tall buildings, which in Hove is to concentrate high rise redevelopment on brownfield sites. The committee has just approved Ellen Street for 216 apartments, which is a significant contribution to the city's housing supply target and also provides 10% affordable housing units. Prices will be beyond the reach of residents and it does nothing for the 9100 people on the housing waiting list. Committee colleagues should draw a line now and refuse permission, or at the least defer the application until officers can give a view about the extent that developments in the area are contributing to the City's 5-year plan.
6. Ward Councillor O'Quinn considered that the planning application had gone through several stages, first a hotel with 80 rooms plus 80 flats, then when it was obvious that the planners would refuse it morphed into an application for 94 flats and questioned whether they would be AirBnB?) and then it was changed again in an effort to make it more palatable. The planning report on this application constantly states that there are issues that are not policy compliant, but they can be over-ridden due to housing need in the city. The Councillor asked: 'What is the point of planning policy if it's constantly ignored'? The loss of sunlight and daylight and private amenity for local residents particularly those at the top of Holland Road and those opposite in Cromwell Road, are dismissed as being of little consequence. This dense, cheap, unattractive and over high block of flats is set far too close to the front in Cromwell Road, and are out of sync with the building line of flats in that area, which are well set back from the road, so that they don't create a tunnel effect. It considered that this application turns that section of the road into a dark and oppressive area.
7. Ward Councillor Ebel spoke about the negative impact that this proposed development will have on the environment. The developer intends to install gas boilers, just before they are being phased out in 2025. The developer has failed to suggest a more environmentally friendly way of generating energy. The development will also result in demolishing the existing buildings. The property in 64 Palmeira Ave was recently rebuilt to a high standard after a fire. Tearing down a newly built house is a waste of resources and contradicts our city's aim to become carbon neutral by 2030. The development will also result in the loss of habitats and biodiversity as established gardens will be demolished. The new development is not car-free, and whilst this is not a reason to refuse planning permission by itself, it shows how little consideration the applicant has for the environment and our city's aim to become carbon neutral by 2030. For the reasons detailed by all three Ward Councillors the Committee was asked to refuse planning permission for this application.

#### Questions to Ward Councillors

8. Councillor Fishleigh was informed that none of the ward councillors were consulted on the scheme.

9. Paul Jenkins, agent acting on behalf of the applicant and stated their support for the scheme. It was noted that numerous consultations have taken place between the applicant and the Planning officers. Following this the hotel was removed from the scheme and the scale and massing of the development have been reduced to fit into the urban context. The development includes the maximum number of off street parking spaces allowed under policy. The standards of each unit are good with no objections from statutory officers. The development will contribute £800,000 to the local services with £384,000 contribution to affordable housing. The environmental and green measures in the scheme include green roofs, solar panels, and cycle parking in a sustainable location. The development will contribute to the 5 year housing supply targets and will aid recovery from the COVID-19 pandemic. Having worked with officers on the application the committee are requested to support the application.

Questions for speaker

10. Councillor Shanks was informed that the viability study did not require any affordable housing. Contributions have been negotiated and accepted under the S106 agreement.
11. Councillor Yates was informed that the carbon reduction would be 21.4%, which was better than the target of 19%. The percentage was achieved using modelling as the scheme had not been built yet. It was noted that gas boilers were efficient at this time and electric heating will be better in the future. Two scenarios were modelled, one for today and one the future giving a total result of 21.4%.
12. Councillor Miller was informed that negotiations had been ongoing with the authority for 3½ to 4 years. The first scheme was withdrawn following objections. The second scheme brock the development into smaller blocks. It was noted that the number of solar panels had been increased to the maximum possible. Green roofs have been added and the green spaces enlarged to 600sqm for communal use.
13. Councillor Hugh-Jones was informed that the number of solar panels had been vastly increased but the cost per user was not known. It was noted that the future use of electricity would be less expensive than now.
14. Councillor Childs was informed that 17.5% profit was less than the normal 20% under the NPPF.
15. The Planning Manager informed the committee that Policy CP20 allows for offsite contributions to affordable housing and that none of the current policies require developments to be carbon neutral at the current time. It was noted that the Local Planning Authority had carried out all the necessary consultation on the application. It was also confirmed that the NPPF acceptable range of profitability was 15% to 20%.
16. The case officer informed the committee that the gas boilers had now been replaced with electric heaters.

Questions of officers

17. Councillor Fishleigh was informed the Planning officers had carried out statutory consultations.

18. Councillor Theobald was informed that the empty property - 64 Palmeira Avenue - had been recently refurbished and the nursery previously at the address had relocated to a nearby property.

#### Debate

19. Councillor Miller offered their congratulations to the Planning officers. It was noted that the committee were not to judge the application by the number of letters of objection or support for the scheme. The government are looking at schemes having no affordable housing. The scheme submitted has more than others and the homes are needed to combat the housing crisis. The green credentials were good as was the underground parking. It was considered that the new homes were much needed, and the Councillor supported the scheme.
20. Councillor Childs noted the number of rough sleepers in the current housing crisis. The proposals offered no balance and was for profit only and was an overdevelopment of the site. The Councillor stated they were against the scheme.
21. Councillor Shanks understood the need for more houses, however the developers need to listen to residents. The area is a mix of flats and houses and the loss of 6 family houses would not be good for the area. The demolition of the houses was not good and with the lack of affordable housing the Councillor stated they were against the scheme.
22. Councillor Henry considered that the housing mix in this conservative area was good and would not support the scheme.
23. Councillor Yates considered that pre-application consultation with the community would have been good, and the applicant needed to listen to residents. The site is not a windfall. The development would add to the flats in the area and this was not good. The Councillor stated they were against the scheme.
24. Councillor Hugh-Jones considered that the affordable housing was missing, and the general design was overbearing. The use of electric panel heaters would be expensive, and the parking was not good. The Councillor stated they were against the scheme.
25. Councillor Janio considered it was a case of supply and demand and the profit did not need to be used for affordable housing. The Councillor supported the scheme.
26. Councillor Theobald stated they were not against the proposed flats or parking. It was considered that the loss of the 6 family homes was terrible. The scale and massing of the development was considered an issue for the surrounding area and the neighbouring conservation area. The lack of consultation was not good, and the objections should not be ignored. The design was considered terrible and the Councillor stated they were against the scheme.
27. Councillor Osborne considered the electric heaters were better. The number of objections was not a material consideration and agreed the lack of engagement was not great. The Councillor supported the scheme.

28. The Senior Legal officer informed the committee that pre-application consultation was not statutory on a scheme of this type. It was noted that the authority had complied with statutory consultations. The committee were also informed that should the committee be minded to refuse the application the reasons would need to be defensible at appeal. The matter of costs at appeal would be a matter of evidence.
29. The Planning Manager informed the committee that the demolition of the existing 6 family homes did not require permission and there was no policy to restrict the loss of the homes.
30. The Chair invited the Committee to vote on the application: The 10 Members present voted by 3 to 7 that planning permission be refused on the loss of existing housing, no affordable housing and scale.
31. Councillor Fishleigh formally proposed that the application be refused and seconded by Councillor Childs.
32. A recorded vote was taken in respect of the alternative recommendation that the application be refused. Councillors: Childs, Fishleigh, Henry, Hugh-Jones, Shanks, Theobald and Yates voted that planning permission be refused. Councillors: Miller, Janio and Osborne voted that planning permission be granted. The application was refused on a vote of 3 to 7.
33. **RESOLVED:** That the Committee has taken into consideration the reasons for the recommendation set out in the report and resolves to **REFUSE** planning permission on the grounds that the proposed development would result in loss of existing housing, insufficient affordable housing, height, scale, overlooking, overshadowing, loss of privacy and outlook. The final wording of the refusal to be agreed by the Planning Manager in consultation with the proposer and seconder.

## **C BH2020/01275 - Dubarry House, Hove Park Villas, Hove - Full Planning**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The main material considerations in the determination of this application relate to the principle of the development, the design and appearance of the proposal, including its impact upon heritage, the impact on amenity, the standard of accommodation, highway impacts and sustainability.
2. The case officer updated the committee informing the Members that one further objection had been received making a total of 41 and the online petition had 1,519 signatures as of 2 September 2020.
3. The Planning Manager informed the committee that the decision notice had been issued for the application in error. The decision notice could not be rescinded. The Members should proceed with hearing the speakers, asking questions and debating the application to understand how they would have voted.

4. The Senior Solicitor informed the meeting attendees that the administrative error meant the decision could not be withdrawn. However, the Members should consider the application as normal and as if the decision notice had not been issued. If Planning Permission is granted the decision will stand.

#### Speakers

5. Ian Thompson informed the committee they represented the residents of Dubarry House. It is considered that the development would lead to a loss of light and privacy for the flats with existing balconies. The architecture of the existing building is beautiful and is a celebration of a bygone age. Opinion is against the development with a petition of over 1,500, some signatories having worked at the factory. The committee is requested to resist the destruction of this part of Hove history and to maintain the beauty of Hove.

#### Questions for speaker

6. Councillor Fishleigh was informed that the opinion was that the development would not be seen from the street. The best view would be from Hove station platforms. It was also noted that a condition to move the bin store was not necessary as the bins are not prominent. The roofing felt is currently undergoing maintenance.
7. Ward Councillor Allcock considered that the application, if approved, would have a detrimental impact on many Newtown Road residents. Particularly those living in 2 to 8 Newtown Road who will incur considerable loss of light and overshadowing at kitchen level on the ground floor. They will also be overlooked by the proposed flats with a significant impact on their amenity.

The existing residents within Dubarry House will be affected by the loss of part of the roof terrace, which was designed for the benefit of all leaseholders. The Councillor believed that there are currently 8 existing residential units in the Dubarry building and there has been no consideration for affordable housing in any of the previous planning applications. This is mainly due to the offices being converted to flats under Permitted Development. The councillor considered that the 3 flats proposed will be beyond the financial means of most residents and will do little to ease the situation regarding housing in our City.

8. Ward Councillor Ebel: The Councillor noted that the first building you see when you travel to Hove by train is the iconic Dubarry building. The building is so iconic that it is listed in the Local List of Heritage Assets. The Dubarry building is also in very close proximity to the Hove Station Conservation Area. It was considered that whilst the principle of development on the roof is lost, due to a previous planning application approved at appeal, modifications to the building must still be well designed. The Councillor considered that this alteration to the roof line of the Dubarry building will significantly alter the character of the building to its detriment. The proposed changes are not considered a good enough design to compensate for this. The applicant plans to build only three additional flats. It is considered that this does not outweigh the negative effect the changes will have on the host building and the nearby conservation area. The Councillor asked the committee to refuse planning permission for this application.

9. Ward Councillor O'Quinn: The Councillor noted that the building is on the local list of heritage assets and the council have never sought to apply for national listed status for the Mosaic frontage of the building despite its historical significance. There have been many applications to build on the roof and in 2018 a full width extension on Microscope House was passed and this established the principle of development at roof level. However, other applications have failed since then and been turned down at appeal.

The Councillor commented that when they stood at the junction of Newtown Road and Hove Park Villas they could clearly see a shed like structure on the roof, which marred the building line and flats will be even more visible. It was considered that they would also be seen from the Clarendon and Ellen estate and from the newly proposed 1-3 Ellen St development. The Councillor considered the real beauty of Dubarry House is seen when standing on the platforms of Hove Railway Station. What has already been built there can be seen quite clearly. The removal of overhanging felt and handrails on the Hove Park Villas site will not offset the damage caused to this historic building.

10. Gareth Giles spoke as the agent for the applicant and thanked the officers for the positive pre-application discussions. It was considered that the single storey proposals are low key and low impact with setback to prevent overlooking or overshadowing. The northside windows will be obscured glazed to protect privacy and the repair of the building will be included in the development. The communal roof terrace will be improved and kept for residents.

Questions for speaker

11. Councillor Theobald was informed by the agent that the bin store had been moved to behind the railings on the ground floor.
12. Councillor Miller was informed that the application site is the eastern end of the building and was the main building. The western extensions are taller than Dubarry House. The development is considered to restore the order of the building with most of the terracing already extended.

Questions for Officers

13. Councillor Hugh-Jones was informed that there were no projecting balconies to the east or south on the existing building. The daylight and sunlight assessments were acceptable for Newtown Road and there was considered to be no significant impact on the properties in the road.

Debate

14. Councillor Theobald noted that a similar scheme had been granted permission in 2019 and stated they supported the application that would not be seen much by the residents and will return the roofline.
15. Councillor Miller stated they were against the application.

16. Councillor Hugh-Jones noted the heritage aspects were acceptable and the development would re-instate the roofline, improve the roof and railings. The Councillor supported the application.
17. Councillor Fishleigh considered the development would not spoil the view from Hove station and supported the application.
18. Councillor Childs considered the scheme would not cause much damage and supported the application.
19. A vote was taken and of the 9 Members present on a vote of 8 to 1 planning permission was granted. (Councillor Henry had left the meeting before the item was discussed and took no part in the discussions or vote).
20. **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 in the report.

#### **D BH2020/01319 - 23 Shirley Drive, Hove - Full Planning**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The main considerations in determining the application relate to the principle of development, the design and appearance of the dwellinghouse, landscaping and biodiversity, impact on neighbouring amenities, the standard of accommodation created, the impact on the highways network and sustainability.

#### Speakers

2. Tim Pope, the residents' representative, considered the proposals to have a negative impact on the neighbouring properties. The lack of impact stated in the report cannot be substantiated, the development will impact on the properties nearby. It was noted that no site visits to the neighbouring properties had been carried out and any decision would be challengeable. The development is not compatible with the area where other backland developments have been refused. It is not considered that back gardens are windfall sites. The application is unreasonable and should be refused.
3. The Planning Manager informed the Members that no site visits had taken place during the COVID-19 lockdown. Officers have used photographs, mapping and aerial mapping to view the site. Enhanced presentations have been attached to all applications during the pandemic and have proved satisfactory.
4. Ward Councillor Bagaeen considered the proposed sub-division of the plot to be unacceptable and fails to respect Planning policy. A nearby subdivision was refused as the plot was too narrow. The same applies here. Other applications have also been rejected. It is noted that the highway's officer did not find the proposals to be in line with standards. The height, bulk, detailing and materials are out of keeping on this cramped

plot. The committee were reminded that the application at 19 was refused and upheld at appeal.

Questions for speaker

5. Councillor Fishleigh was informed that Councillor Bagaeen had visited the site.
6. Councillor Janio was informed that appeal at the nearby property had been refused for similar reasons that Councillor Bagaeen was requesting the application before the committee to be refused.
7. The Planning Manager requested the Members to consider each application on its own merits.
8. Gareth Giles spoke to the committee as agent for the applicant and thanked the officers for their time. The proposals are for one new dwelling which is a self-build project of a high standard well designed family home with green credentials secured by condition. The project will not be visible from the road. The host dwelling has been 3 flats since the 1950s with two plots in the garden. The rear plot is the site of the proposed development. The development will have a simple material palette. The side elevation window facing 25B will be partially glazed to maintain privacy. It is considered that the appeal at 19 was different. The applicant considered they worked well with officers on the application.

Questions of officers

9. Councillor Fishleigh was informed that the application at 19 Shirley Drive was refused and upheld at appeal as the site was too narrow. The application at 23 is not considered to be the similar and is of a better design.
10. Councillor Shanks was informed that back garden developments are taken on a case-by-case basis.
11. Councillor Theobald was informed that site visits were not considered safe at this time due to COVID-19. This was under constant review. There is considered sufficient information for the application to be considered.
12. Councillor Hugh-Jones was informed that it was the opinion of the Planning Manager that the speaker on behalf of the residents considered there to have been insufficient review of the impact by the case officer. The Planning Manager considered the report to be acceptable.

Debate

13. Councillor Theobald considered that not just 25B would be affected by the development, 21 Rigden Road, to the rear, would be affected too. The plot is small, narrow and cramped on the boundary with the Hove Park Neighbourhood Forum. The cars at the front of the property were an issue and the 50 objections were noted.

14. Councillor Shanks stated they were happy with the application as it was a good use of space. The days of big houses were going. The Councillor supported the application.
15. Councillor Osborne supported the application as it was considered to be a good standard and sustainable.
16. A vote was taken and of the 8 Members present and on a vote of 5 to 3 planning permission was granted. (Councillors Child and Henry were not present for the discussions and did not take part in the subsequent vote).
17. **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 in the report.

**E BH2020/00505 - 99-100 North Road & 42 Vine Street, Brighton - Full Planning**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The main considerations in the determination of this application relate to the principle of development, the proposed design, and its impact on heritage assets, landscaping and biodiversity, impact on neighbouring amenity, the standard of accommodation created and the impact on the highway network.

Speakers

2. Ward Councillor Deane did not consider the application to be an improvement on previous schemes that have been rejected before. The heritage officer reviewed the design and found it flat and unprepossessing. The properties nearby in Cheltenham Place will be impacted by the development. It is considered that the additional storey will remove sunlight from the tiny gardens. 1-11 Cheltenham Place will also suffer noise disruption. The two new homes will be detrimental to neighbours and there is not considered to be much need for offices. The committee are requested to reject the application.
3. A statement from the applicant's agent, Sarah Sheath was read out to the committee and stated that the application before Members follows the refusal of an earlier scheme and seeks to address the previous reason for refusal by reducing the scale of the proposed roof addition. The previous application was refused solely due to concerns about the scale, bulk, height and positioning of the roof addition being harmful to the character and appearance of the host buildings and wider conservation areas. In light of earlier refusals and the consideration by Appeal Inspectors, the Council raised no concerns in relation to any other matters, including impact on neighbour amenity. In order to address the last reason for refusal this proposal significantly reduces the scale of the roof addition and seeks to replicate an unimplemented scheme previously found to be acceptable by an Appeal Inspector. Accordingly, the additional floor has been stepped back from the edge of the building substantially and the existing parapets are proposed to be raised in height very slightly. All other elements of the proposals remain

as previously proposed as no objections were raised to these parts of the previous application. The raising of the parapets not only helps reduce the visual impact of the now reduced roof addition but also addresses concerns raised previously in respect of the potential visibility and reflectivity of balustrade treatments. The Conservation Officer has confirmed that the amendments to the proposals now ensure that the host buildings will remain the dominant built forms and that the roof addition will read as a taller building in the background of the development. Given that many of the objections to this proposal have previously been considered and dismissed by various appeal inspectors and that the scheme now before members is virtually identical to a scheme that has previously been found acceptable by an appeal inspector, there can be no reason to now resist the application before you. The proposals have overcome the one reason for refusal previously cited, and all other elements of the scheme remain as were previously proposed and found to be acceptable by the Council. The scheme will secure the delivery of some 700 sqm of office floorspace in the centre of Brighton, along with two small residential units of accommodation. Planning officers have rightly balanced these benefits with the limited visual impact of the proposals and they have concluded that the overall balance falls in favour of the proposals. Officers are satisfied that the proposals have adequately addressed the previous reason for refusal, and now accord with Development Plan policies and it was requested that Members concur with officer's findings and support the application.

#### Questions for officers

4. Councillor Shanks was informed that the previous scheme was dismissed at appeal and the ground floor being residential did not form part of this application. The change of use class on the ground floor would allow more flexibility in the future.

#### Debate

5. There was no debate.
6. The Members were invited to vote and out of the 9 attending Planning permission was granted by a unanimous vote. (Councillor Henry was not present for the discussion and did not take part in subsequent the vote).
7. **RESOLVED:** That the committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to **GRANT** planning permission subject to the Conditions and Informatives in the report.

#### **F BH2020/01791 - 28-29 George Street, Hove - Full Planning**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The main considerations in the determination of this application relate to the impact of the physical alterations on the character and appearance of the host building and wider area (including part of the

Cliftonville Conservation Area); and the potential impact on the amenities of local residents.

#### Speakers

2. Mr Patel spoke to the committee on behalf of local residents. The speaker requested the committee balance the need for the development, George Street and the conservation area next door. The wall to the rear of the properties is approximately 200 years old and runs for 200m. The main objections are the proposal would be overbearing for the properties to the rear, noise, loss of privacy, sunlight and daylight issues. The proposal will allow overlooking of neighbours, especially the bedrooms. The roof terrace harms the setting and is against policy. If permission is granted it will cause harm to the conservation area and the environment.
3. Ward Councillor Wilkinson objected to the application on the grounds of impact on the neighbours. The proposal would be overbearing and contrary to policy. The flat roof to the rear of the application site will be the same level as neighbouring bedrooms. The proposal is too close to the rear. No noise and disturbance are acceptable under policy. The proposed screening is not sufficient.
4. Ward Councillor Moonan noted that the approval at 53 George Street had a reduced roof terrace. It considered that the same issues apply at the application site. The committee were requested to reduce the roof terrace by 2m as a buffer space. All new development should respect the site and surrounding area. The rear wall is important and should be valued. The committee are requested to add a condition to reduce the terrace if the application is permitted.
5. Huw James spoke as the applicant's agent and noted the application was for new rear windows and rear screening. The development is proposed to improve the issues for the neighbours to the rear. The flats being created are lawful development. The shops at the site closed due to COVID-19. The owner now wishes to invest in the site with a new shop front in the future. The proposed screening is to prevent overlooking. The terrace cannot be restricted. The alternative would be no screening. To clarify the screen will be attached to the roof not the rear wall.

#### Questions for officers

6. Councillor Hugh-Jones was informed that an alteration to the 2m reduction would be too much to be considered in this application?
7. The Planning Manager requested the committee to consider the application as submitted.
8. The case officer noted that other developments in George Street were new and thereby subject to control. This property is not. The roof terrace is already accessible.
9. Councillor Childs was informed that a change to the fence would normally be subject to consultation. It is considered that this would be a step to far.

10. Councillor Shanks was informed that by condition the terrace would be attached to the roof.
11. Councillor Hugh-Jones was informed that the Members should determine the application before them.
12. Councillor Childs was informed that the application at 53 George Street was approved last year and was for a new development where conditions could be applied. The application site was built in the 1980s and permitted development allows development, so no conditions can be applied here. The new windows are not considered unreasonable and they will allow more light into the new flats.

#### Debate

13. Councillor Childs stated they did not support the application as they had concerns relating to the wall and overlooking.
14. The Chair invited the Members to vote and of the 8 present a vote of 7 to 1 permission was granted. (Councillors Henry and Miller were not present for the discussions and subsequent vote).
15. **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 in the report.

#### **G BH2020/00995 - 90 Southall Avenue, Brighton - Full Planning**

1. It was noted that an in-depth presentation had been provided by officers in advance of the meeting and was included on the council website detailing the scheme by reference to site plans, elevational drawings and photographs which showed the proposed scheme in the context of neighbouring development. The main considerations in the determination of this application relate to the principle of the proposed change of use; the standard of accommodation provided; the acceptability of the proposed rear extension in design terms; the impact of the proposed change of use on the amenity of the neighbourhood; and the transport implications of the proposals.

#### Speakers

2. Ward Councillor Yates informed that committee that within the radius of 98 Southall Avenue the report did not note other properties in multiple occupancy as they were operated under head lease operation. These are not in the report. If 98 Southall Avenue has C4 and not? C3 use this would affect the 10% of properties in the area as homes of multiple occupancy (HMO). The committee are requested to defer the application to seek clarification.

#### Questions for Officers

3. Councillor Fishleigh was informed that properties owned by educational establishments were excluded from the 10%.

4. The Senior Solicitor stated that under use classes order properties controlled by educational establishments were not counted as HMOs in C4 use class.
5. Councillor Fishleigh was informed that the information regarding the further use of the educational properties in the area was not known.
6. Councillor Childs proposed a motion to defer the application to give time for clarification of other properties in the application area including 98 Southall Avenue. Councillor Fishleigh seconded the motion.
7. The motion was put to the vote and from the 7 Members present a vote of 5 to 2 the motion was carried. The application would be deferred to a future meeting. (Councillors Henry and Miller were not present for the discussions and subsequent vote. Councillor Yates withdrew from the meeting following their representation to the committee and took no part in the discussions or subsequent vote).
8. **RESOLVED:** To defer the application to a future meeting following clarification.

**H BH2020/01691 - 13 Landseer Road, Hove - Full Planning**

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

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

- 38.1 As previously stated, in line with current Central Government guidance in relation to the Covid 19 pandemic, formal site visits had not been arranged.

**39 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**40 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**41 APPEAL DECISIONS**

- 41.1 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 7.31pm

Signed

Chair

Dated this

day of

