

**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 10 DECEMBER 2014****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

**Present:** Councillors Mac Cafferty (Chair), Jones (Deputy Chair), Hyde (Opposition Spokesperson), Carden (Opposition Spokesperson), Cox, Davey, Gilbey, Hamilton, Littman, Phillips, C Theobald and Wells

**Co-opted Members:** Mr James Breckell (CAG)

**Officers in attendance:** Jeanette Walsh (Head of Development Control); Nicola Hurley (Area Planning Manager); Mick Anson (Senior Planning Officer); Steven Shaw (Principal Transport Officer); Kate Cole (County Ecologist); Hilary Woodward (Senior Lawyer) and Ross Keatley (Acting Democratic Services Manager).

**PART ONE****110 PROCEDURAL BUSINESS****110a Declarations of substitutes**

110.1 Mr Breckell was in substitution for Mr Gowans on behalf on the CAG.

**110b Declarations of interests**

110.2 Councillor Cox declared an interest in respect of Application F – Land Rear of 5-11 Cromwell Street, Brighton as the applicant's brother was a relative of his; however, he had not discussed the application with his relative; was of a neutral mind and would take part in the debate and vote in relation to this application.

110.3 Councillor Hyde declared an interest in respect of Application E – 2 Baywood Gardens, Woodingdean, Brighton as her daughter lived opposite the property in question; however, she had not expressed a view in relation to the application; was of a neutral mind and would take part in the debate and vote in relation to this application.

110.4 Councillor Wells declared an interest in respect of Application E – 2 Baywood Gardens, Woodingdean, Brighton as the applicant was his ward colleague, Mrs Simson; however, he had not expressed a view in relation to the application; was of a neutral mind and would take part in the debate and vote in relation to this application.

**110c Exclusion of the press and public**

110.3 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.

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

**110d Use of mobile phones and tablets**

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

**111 MINUTES OF THE PREVIOUS MEETING**

111.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 19 November 2014 as a correct record.

**112 CHAIR'S COMMUNICATIONS**

.1 There were none.

**113 PUBLIC QUESTIONS**

113.1 There were none.

**114 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

114.1 There were no further requests for site visits in relation to matters listed on the agenda.

**115 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2014/01637 - Land at 54 Hollingdean Road & 46 Freehold Terrace and 52 Hollingdean Road, Brighton - Full Planning** - Demolition of all buildings at 54 Hollingdean Road and erection of a part 3, 4, 5 and 6 storey building (plus basement) to form 205 student rooms (180 cluster bedrooms, 19 studios and 6 accessible rooms) with kitchen and common room facilities, cycle storage and refuse facilities. Associated works include photovoltaic panels on the roof of 6th storey, roof gardens on 3rd, 4th and 5th storeys and general planting and landscaping of grounds. Demolition of 46 Freehold Terrace and erection of a 4 storey building comprising 8 affordable housing units. Change of use and refurbishment of 52 Hollingdean Road from A1 retail with residential above to form an associated management suite including reception, offices, toilets, laundry facilities and staff kitchen.

- (1) It was noted that the application had formed the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Mick Anson, gave a presentation by reference to photographs, plans, elevational and concept images; attention was also drawn to matters on the late list. The application sought permission for 205 student rooms arranged as studios, cluster flats and accessible rooms – there would also be 8 affordable flats. Attention was also drawn to amendments to conditions 19 and 22, and the replacement of condition 33. The site fronted onto Hollingdean Road and Freehold Terrace and had the railway embankment to the rear; it was currently in use as light industrial and occupied by a printing firm.
- (3) The proposed plans were for a part 3, 4, 5 & 6 storey building on the site. The lower ground floor of the student accommodation block comprised the communal room with access to the amenity space. There was ramped access to the cycle storage at ground floor, and the student rooms would be set back by two metres to leave room for planting. The main entrance was off Freehold Terrace, and the secondary entrance was also off Freehold Terrace. The affordable units would be a mixture of one and two bedroom flats, and the main entrance to the student blocks would be at the location of the studios. At the third floor of the building the student block would be set back, and there would be access to a landscaped garden. The building would be further set back at the fourth floor with a further terrace and roof garden, and this pattern would be repeated at the fifth floor. The roof would be mainly green with photovoltaic panels. The proposed materials were noted on the sample block that had been provided for the Committee.
- (4) The policy considerations were set out in the report, and the applicant had been able to demonstrate that the employment use was no longer viable at the site; the site was in the DA3 area and considered appropriate for this type of student accommodation. In terms of design the development was not considered a 'tall building', and the area already featured other larger scale buildings; . The impact on daylight was considered overall acceptable. On-site there would be a student management plan, and the more 'discreet' location would be helpful to reduce the impact. There would be no parking allowed on the site aside from two-disabled bays, and it was also acknowledged that car ownership was lower with students. In terms of sustainability the development would achieve code level 4. The application was recommended to be minded to grant for the reasons set out in the report.

### **Public Speaker(s) & Questions**

- (5) Ms Caroline Lynch spoke in objection to the application; she stated that her objections related to the impact on amenity; the lack of parking, and the impact on travel in the Lewes Road area that could not be sustained by large schemes. She was of the view that these types of developments had an impact on community cohesion. Reference was made to the Council's article 4 direction, and it was considered that developers were using this development to circumvent the policy. Ms Lynch stated that if the application were for a large HMO then to the Committee would refuse this. She summarised the impact on the local area would continue until the universities took the responsibility of housing all of their students themselves.

- (6) Mr Peter Rainer addressed the Committee on behalf of the applicant and stated, in response to the objector, that the article 4 direction did not apply in this instance as the application was for a new property – rather than a change of use. There was an accepted need for student accommodation in the city, and the preference was for larger schemes of this type – this addressed the demand from the universities and allowed homes in the city to return to family occupancy. The development included a student management plan to reduce noise and avoid car use, and the proposal was a high quality development on a site that was no longer fit for purpose. The existing buildings were ‘drab’ and in a poor state of repair, and the proposals would have a positive impact on the area, and the 8 affordable units would help the housing needs of the city. During the life of the scheme a public consultation had been held, and the scheme was a result of close work with the Council.
- (7) In response to Councillor Hamilton the Chair noted there was an amended condition to provide for all 8 of the affordable units to be for social rent.
- (8) It was clarified for Councillor C. Theobald that there would be a travel management plan for the site that would co-ordinate the arrival and departure of students at the beginning and end of the terms. In response to a further question it was explained that the crime prevention matters would form the subject of a detailed condition, but measures including 24 hour on-site security had already been agreed .
- (9) In response to Councillor Davey it was explained by the applicant that Brighton University had formally expressed their interest in using the accommodation for their students. The construction would be undertaken by a third party, and then the site would be managed by the operator and linked to the university with their own management agreement.
- (10) It was confirmed for Councillor Hyde that there was currently no contractual agreement with Brighton University, but they had expressed serious interest through their Board and Management Team.

#### **Questions for Officers**

- (11) In response to Councillor Hyde it was explained that the article 4 direction covered five wards in the city to give greater control over small HMOs of less than 6 residents. Policy within the emerging City Plan was relevant, and the distinct policy approach between planned and unplanned development was clarified for the Committee.
- (12) In response to Councillor Littman it was clarified that the former retail unit to be retained currently had students living on the first floor, and in the proposals it would become the management suite and laundry.
- (13) In response to Councillor C. Theobald it was clarified that there was the potential for overshadowing to occur in one corner of the site.
- (14) In response to Councillor Jones the Senior Planning Officer explained that some of the sustainability levels had been increased during the life of the application, and the conditions attached to the application would ensure they were fully implemented.

- (15) Councillor Gilbey asked some specific questions about the road, and Officers explained that deliveries would be made to the site from Freehold Terrace; the applicant had suggested options to improve road safety, but these had yet to be formally agreed in detail. There would be an element of the s106 monies for transport contributions. Currently the pavement was flush with the highway, and residents had objected to the proposal to make the road one-way on the basis it would increase 'rat-running'. There were two entrances to the site for safety and fire reasons, and student access to the site could be further considered through the management plan.
- (16) The distance from the flats to the railway was confirmed for Councillor Gilbey.
- (17) The Chair asked about the policy position in relation to the application, and in particular whether there had been any early conversations about progressing a mixed-residential scheme. In response the presenting Officer explained that this was not something that had been discussed; however, the District Valuer had assessed a B1 scheme which had come back as significantly negative in terms of viability.
- (18) In response to further questions from the Chair it was explained there was policy in relation to boundary treatment which would include security measures, and this was recommended to be secured through condition. It was also considered that more open access at the front of the scheme would be a better option in terms of crime deterrent.

### **Debate and Decision Making Process**

- (19) Councillor Hyde noted that scale of the proposals; she felt the site was appropriate for student accommodation, but noted she had several concerns with the scheme. There would be a substantial increase in traffic for deliveries and services. There was no parking at the site, and whilst there would be lower car use amongst students there would still be the potential for some displaced parking. The design was acceptable, but there were concerns with the height of the development as it would be much higher than the railway bridge in Hollingdean Road. Councillor Hyde was not of the view that such schemes would lead to family homes coming back into use as the universities in the city continued to expand. The majority of nearby residential properties were terrace and would be disproportionately affected; for these reason Councillor Hyde stated that she would not support the Officer recommendation.
- (20) Councillor Wells noted his general agreement with the points made by Councillor Hyde as well as those made by the objector. He felt the scheme was overdevelopment, and felt the area would be better identified for housing. The scheme would also create parking problems in the area, and for these reasons he would not be supporting the Officer recommendation.
- (21) Councillor C. Theobald noted the site was appropriate for student accommodation, but noted the loss of the light industrial use. The scheme would look very dominant, and was overdevelopment of the site – there were also concerns in terms of the currently proposed palette. Councillor C. Theobald also felt it needed more parking and a mixed use scheme would be more appropriate – for these reasons she would not support the scheme.

- (22) Councillor Davey felt the proposals were a good use of the site, and felt the scheme was an excellent opportunity being situated so close to Brighton University, amenities and on a major sustainable transport route. The scheme would be a boost to the local area, and bring in improvements as well as improving air quality through greater circulation of air. For these reasons he would support the Officer recommendation.
- (23) Councillor Cox noted his support of the scheme and he felt the Committee needed to be forward thinking and open looking; as well as consideration the wider benefits of having two major universities located in the city.
- (24) Councillor Gilbey stated that she would support the scheme having listening to points during consideration of the application; she felt the impact in terms of the height of the scheme did not outweigh the wider benefits, and she was satisfied with the responses she had received in terms of road safety.
- (25) Councillors Jones noted it was a very large scheme; he was mindful of the points made by the objector and acknowledged the difficulties with the site. With all this considered the site usage was efficient; the onsite security was welcome and proposed colour scheme would work well – for these reasons he would support the Officer recommendation.
- (26) The Chair proposed an additional informative that if the Committee were minded to grant the application then the discharge of the materials condition be delegated to the Head of Development Control in consultation with the Chair, Deputy Chair and Opposition Spokespersons.
- (27) A vote was taken by the 12 Members present and the Officer recommendation that the Committee be minded to grant the application was carried on a vote of 8 in support with 4 against.

115.1 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to be **MINDED TO GRANT** planning permission subject to the S106 agreement; the conditions and informatives set out in the report, and the amended and replacement condition and additional informative set out below:

Amended Conditions

- i) Amend condition 19 to add the wording “roof gardens” after the words “shall include hard surfacing”
- ii) Amend condition 22 to add the words “(social rented)” after the words “Affordable Housings units”

Replacement Condition

Delete conditions 33 and replace with the following wording:

- i) The development hereby approved shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme

showing details of the cycle parking provision. The agreed scheme shall be implemented in full prior to occupation of the development and retained thereafter.

**Reason:** To ensure satisfactory provision of cycle parking and storage facilities which meets the Council's standard and complies with policy TR14 of the Brighton & Hove Local Plan 2005.

Additional Informative

- i) The material samples required by condition seven (7) shall be delegated for agreement to the Head of Development Control in consultation with the Chair, Deputy Chair and the Oppositions spokespersons.

**B BH2014/03387 - 18 Wellington Road, Brighton - Removal or Variation of Conditions** - Application for variation of conditions 28 and 29 of application BH2011/03796 (Application to extend time limit for implementation of previous approval BH2008/03248) to allow for changes to the wording of both conditions. Condition 28 to read as follows - "No development other than foundation earth works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A bat survey carried out between May and August. The findings of the bat surveys shall be accompanied by an appropriate bat mitigation and enhancement strategy which should provide assurance that the development will comply with wildlife legislation and address the provision of adequate artificial bat roosting structures, soft landscaping and the lighting proposals for the scheme as appropriate to ensure bat habitat is conserved and enhanced on the site. The scheme shall then be implemented in accordance with the approved details." Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan. Condition 29 to read as follows - "No development other than foundation earth works for the three storey extension shall commence until details of the following have been submitted to and agreed by the Local Planning Authority. A Swift survey has been carried out between May and August. The findings of the surveys shall be accompanied by an appropriate mitigation and enhancement strategy. The scheme shall then be implemented in accordance with the approved details." Reason: To safeguard these protected species from the impact of the development in accordance with policy QD18 of the Brighton & Hove Local Plan.

- (1) The Area Planning Manager, Nicola Hurley, gave a presentation by reference to photographs, plans and elevational drawings. The site was a former Church of England children's home, and the surrounding area contained largely residential properties. Permission had been granted for the current scheme in 2009; this had been given time limit extension in April 2012, and the current application sought amendments to conditions which would allow the work on the scheme to commence. The condition related to the submission of the bat and swift surveys, and the amendment would allow the surveys to come in at a later day so foundations work could commence, and the comments from the County Ecologist were in the report. The current approval expired on 5 April 2014, and the compliance with the current condition was not possible due to the dates the surveys had to be carried out; instead the foundations works could be progressed as they would not interfere with any bats or swifts on the site. It was noted there was no evidence of bat roosts, and the County Ecologist had not objected. The

application was recommendation to be minded to grant for the reasons set out in the report.

### Questions for Officers, Debate and Decision Making Process

- (2) In response to Councillor Hyde the County Ecologist, Kate Cole, explained that when the application had been submitted the preliminary ecology appraisal had identified the need for the surveys. The main issues affecting any roosts or nests would be the main building and the roof. The best time to survey was May to August, and the proposed ground works would not impact the features that could be used for nests and roosts.
- (3) In response to Councillor Littman the Head of Development Control explained that the planning history was evidence that there had been attempts at different schemes on the site; the delay in the implementation of the consent was not reason to refuse the variation and the Local Planning Authority should be helpful in assisting with the commencement of schemes. The proposed variation would allow the implementation without compromising ecology on the site.
- (4) In response to the Chair the County Ecologist stated that best practice guidance would require two dusk surveys for bats; the variation would still require these to be undertaken. There would be no harm to any ecology on the site through the ground works as both bats and swifts were used to a degree of disturbance.
- (5) A vote was taken by the 12 Members present, and the Officer recommendation that the Committee be minded to grant the application was carried on a vote of 7 in support, 3 against and 2 abstentions.

115.2 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to be **MINDED TO GRANT** planning permission subject to the S106 agreement and the conditions and informatives set out in the report.

**C BH2014/02176 - Varndean College, Surrenden Road, Brighton - Full Planning -** Retention of existing temporary classrooms for a further period of five years. (Retrospective)

- (1) The Area Planning Manager gave a presentation by reference to photographs, plans and elevational drawings. The surrounding area was playing fields, and the main buildings on the site dated back to the 1930s. There had been numerous applications over time, and the application sought to retain the temporary classrooms for a further five years – with the current permission expiring in February 2015. No change to the current configuration was proposed, and the key issues related to the need; the impact on amenity and the loss of the open space. Permission had been granted in 2009 for the demolition of the site, but this had not been implemented and the college had instead sought to manage their existing buildings. The classrooms were critical space for the college, and they were not considered over dominant. It was acknowledged that the classrooms were not a permanent solution, but their removal would create a significant deficit of space at the college. For the reasons outlined in the report the application was recommended for approval.

(2) A vote was taken by the 12 Members and the Officer recommendation that planning permission be granted was carried unanimously.

115.3 **RESOLVED** –That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **GRANT** planning permission subject to conditions and informatives.

**D BH2014/02179 - 61-62 Western Road, Brighton - Full Planning** - Change of use of part of basement, first, second and third floors from retail (A1) to 20 bedroom house in multiple occupation (Sui Generis) including ancillary staff accommodation, alterations to fenestration, installation of air conditioning units, creation of plant room to roof, creation of new entrance onto Stone Street and associated works.

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

(2) The Area Planning Manager introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application site related to a 1920s property of four storeys plus the basement, and was located within the Regency Square Conservation Area – the building was also considered to be a heritage asset. The application sought permission for a change of use for part of the basement, and the floors from first above to create an HMO. Part of the basement would be retained for use in conjunction with the ground floor retail unit, and a number of extensions were sought including a fire escape; the replacement of the lift and lift shaft; the creation of a new entrance; insulation and a new fire escape.

(3) The main considerations related to the loss of some of the retail space; the principle of the change of use; the external works; the impact on amenity and future occupiers; highways and sustainability. The application site was located within the regional shopping centre, and the application sought to retain the majority of the retail space and this would ensure the space remained viable in this location. There were currently no HMOs within 50 metres of the property, and as such the proposals complied with policy. There would be on-site management to help address residents' concerns and the external alterations were considered acceptable. Since the submission of the application a letter had been received from the YMCA stating that the accommodation would be used to house 18-25 year olds who had faced homelessness in the past, but who had sufficient life and independence living skills. The YMCA would enter into a management agreement with the residents which would be used to enforce anti-social behaviour. Subject to the condition restricting the use of the third-floor balconies it was considered there would be no adverse impact on amenity. The application was recommended to be minded to grant for the reasons set out in the report.

#### **Public Speaker(s) and Questions**

(4) Ms Trix Webber spoke in objection to the application in her capacity as a local resident. She stated that residents were of the view that the proposed hostel would create both noise and a loss of amenity, and as such should be refused in line with policy. Stone Street was a narrow street that could cause congestion, and create problems with rubbish – the extra residents would make these problems worse. Local residents had concerns in relation to anti-social behaviour; particularly given the size of the building,

and there were already problems nearby in Preston Street. It was felt that new residential developments should provide outdoor space, and the solution to use s106 to improve nearby amenities was not considered sufficient. The loss of commercial space was not considered acceptable given the shortage already existing within the city, and the property could be better used as flats. If the Committee were minded to grant the application it was requested that the developer reinstate the historic street signs on the building.

- (5) In response to Councillor Jones it was explained by Ms Webber that despite the assurances from the YMCA the development still seemed cramped for the numbers that would be living there; there was no outside amenity area and there were existing anti-social behaviour problems in the area.
- (6) In response to Councillor Phillips the objector confirmed her position that remote outdoor facilities were not sufficient.
- (7) Mr Chas Walker spoke in support of the application in his capacity as the applicant. He explained that the YMCA has been working to meet the housing needs of young people in the city for 25 years, and worked in partnership with the Council. The YMCA worked the secure grants to bring unused sites back into use for social housing, and this application had been supported by the Council. There was an emerging crisis with the high demand in the rented sector, and the application provided an excellent opportunity. The YMCA worked with over 600 young people, and affordable housing was vital to the work they undertook. It was stressed that the proposal would not be a hostel, but was a 'move on' scheme that would only house individuals already known to the YMCA, and the expectation was that a significant number of the young people would be working. Assurance was given that the YMCA would provide a responsible management service; with 24 hour security and a named Housing Officer – they would also work closely with the local community. In summary it was stressed that those housed would be local young people, and the scheme would allow them to contribute and become responsible.
- (8) In response to Councillor Cox the applicant explained that the highly central location was very desirable as many of the young people would be working in the city centre, and there were also a number of volunteer and apprenticeship schemes in this part of the city. The scheme would have a dedicated Housing Officer, and all projects of this nature were committed to building relationships with the local community. The young people would be tenants and there would be options for enforcement; part of the work of the YMCA was to develop life skills and the young people to be housed at the site would be very clear about their responsibilities.
- (9) In response to Councillor C. Theobald it was confirmed that the plaster work in the scheme would replicate the existing, and there was no proposal to change the face brickwork. The developer would also be happy to consider the objector's request in relation to the historic street signage.
- (10) It was confirmed for Councillor Hyde that the residents would be able to smoke in their rooms.

- (11) In response to Mr Breckell the applicant explained that the proposal was to insulate the external wall as this was steel framed, and the steel would be afforded greater protection if it were on the outside – there should be no noticeable difference.
- (12) In response to Councillor Jones it was clarified that there was no restriction to the length of tenancies.

**Questions for Officers**

- (13) In response to Councillor Davey it was explained that the Heritage Team were happy with the proposals and considered them acceptable.
- (14) Councillor C. Theobald proposed an informative in relation to the heritage street signs; this was seconded by the Chair and agreed by the Committee.
- (15) The Chair asked for further assurance in relation to the plasterwork, and Officers highlighted condition 11 that would manage this.

**Debate and Decision Making Process**

- (16) Councillor Phillips stated her support for the scheme, and welcomed the 24 security presence; which she hoped would alleviate the concerns of local residents. She welcomed the strategy of the YMCA to bring empty properties back into use, and was pleased to hear that the work would improve the outcomes for local young people. She felt the scheme was an excellent stepping stone for young people.
- (17) Mr Breckell stated that the CAG had some reservations because of the proposed materials – in particular ‘cloaking’ the exterior in insulation. He recognised that both the Heritage Team and the Local Planning Authority were content, but he was of the view the finish would need to be of a very high standard. He noted that the CAG had voted to support the scheme and were supportive of the historic street signs.
- (18) Councillor Littman stated that this was an excellent application, and was evidence of what could be achieved by allowing a heritage asset to come back into use. He welcomed this solution to give young people somewhere affordable to live given the increasing costs of renting in the city.
- (19) Councillor Wells stated that he had shared some of the objectors concerns, but he was very much in support of returning the properties above retail properties to residential use. He would support the Officer recommendation.
- (20) Councillor Davey was very mindful of residents’ concerns, but he was assured by the level of management proposed by the applicant as well as the promise to work closely with the local community. He requested that YMCA should make it clear to the residents who would be their point of contact when day to day issues arise.
- (21) Councillor Cox stated he agreed with many of the points in the debate, and also supported bringing the space above retail units back into use. He stated that a high quality restoration of the building could create pride in the accommodation for those living there, and encourage greater care and respect of the surroundings.

- (22) Councillor Gilbey stated she would support the scheme, and she had noted that Stone Street was a 'little rundown' on the site visit and the proposals could serve as a means to improve the area.
- (23) The Chair noted that current poor state of what was otherwise a very attractive building, and he had received reasonable assurance in terms of the proposed management of the building. He took on board the comments made by the local resident, but also noted the positive work the scheme would do for young people in the city.
- (24) A vote was taken by the 12 Members present and the Officer recommendation that the Committee be minded to grant was carried unanimously.

115.4 **RESOLVED** – That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to be **MINDED TO GRANT** planning permission subject to the S106 agreement and the conditions and informatives set out in the report, and the additional informative set out below:

- i) Planning Committee expressed a wish that the applicant should re-instate the heritage street names as part of the works to this scheme. The applicant should contact the Heritage Team at B&HCC to discuss and agree the details.

**E BH2014/03113 - 2 Baywood Gardens, Brighton - Full Planning - Demolition of garage and erection of 1no. three bedroom, detached dwelling.**

- 1) It was noted that the application had formed the subject of a site visit prior to the meeting.
- 2) The Area Planning Manager introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application site related to a strip of garden on a plot containing a detached house and garage; it was also noted that there had been a mobile home on the site which has been the subject on an enforcement notice. The ground on the site sloped to the north and the wider area was characterised by detached bungalows and two-storey buildings. Permission was sought for the demolition of the existing garage and the creation of a two-storey bungalow.
- 3) The main considerations related to the principle of the proposals; the suitability of the scheme; neighbouring and future amenity; transport and sustainability. The application sought permission for one detached property, and the site was defined as greenfield. The proposed dwelling would cover much of the site, and the footprint was considered excessive with a large elongated gable on the southern elevation that was considered to be out of character with the area – the proposal was also considered overdevelopment. The proposal was closer to the neighbouring property than the existing property, and had a greater height and form. The application was recommended for refusal for the reasons set out in the report.

**Public Speaker(s) and Questions**

- 4) Mr Tim Baxter spoke in objection to the application on behalf of his mother and sister who lived in the property to the rear. He stated that the scheme was overdevelopment of the site, and it would severely impact his mother's property as the rear of her property contained the living room and second bedroom. The application intended to establish the principle of a dwelling on the plot following the removal of the mobile home. The impact of the proposals would block out sunlight and impact on the privacy of his mother's home. There was no objection to the principle of a dwelling on the site, but the proposal needed to be appropriate and sympathetic.
- 5) Mrs Dee Simson spoke in support of the application in her capacity as the applicant. She stated that when her father had originally bought the plot of land in 1932 it had always been the intention of it to be a double plot for two houses, but instead had been used for a double garage. Mrs Simson noted that she had been advised that the static caravan was acceptable, but she had then complied with the enforcement notice and removed it. Since that time her family had all moved into the main house and the proposal were a means to provide permanent accommodation for her family. Mrs Simson was of the view that the development was in compliance with NPPF; the design related well to the surrounding area, and efforts had been to move the property as far from the boundary line as possible. The impact was acknowledged, but it was considered that any building in this position would have some impact – furthermore any reduction in the size of the scheme would compromise the necessity to have three bedrooms.

**Debate and Decision Making Process**

- 6) Councillor Wells noted that many of the other houses in the area were on similar size plots to the one that was being proposed, and it was important that the Council look at providing houses on plots such as these. Councillor Wells stated that he would not support the Officer recommendation.
- 7) In response to queries from the Committee the Head of Development Control and the Senior Lawyer explained that as the applicant was a Member of the Council any question of personal bias would be for the individual Members of the Committee to declare. The application had been put before the Committee on the basis that the applicant was a Councillor, and this was considered best practice in terms of openness and transparency.
- 8) Councillor Littman stated his view that the plot could accommodate a property, but the proposal was more than the site could accommodate.
- 9) Councillor Hyde stated that she had listened carefully to the vote and was of two minds in relation to the application.
- 10) Councillor Gilbey stated that she would support the Officer recommendation as the site visit had made it clear how close the proposal would be to the neighbouring property.
- 11) Councillor Carden stated that he felt the proposal was too large for the size of the plot.

- 12) Councillor Jones noted that there was support for the principle of a property on the site; however, there were problems with the building that was proposed. He acknowledged the difficult situation the applicant was in, but felt a better scheme could come forward.
- 13) A vote was taken by the 12 Members present and the Officer recommendation that the Committee refuse planning permission was carried on a vote on 8 in support, 2 against and 2 abstentions.
- 115.1 **RESOLVED** –That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **REFUSE** permission for the reasons set out below:

Reasons for Refusal:

- i) The proposed dwelling, by virtue of its excessive scale, mass, bulk, footprint and site coverage, is considered an inappropriate visually intrusive development that would represent an incongruous form of development that would be out of character with the pattern of surrounding development. Consequently the proposal represents an over-development of the site to the detriment of the surrounding area. The proposal is therefore contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.
- ii) The proposed dwelling, by virtue of its excessive scale, mass, bulk and positioning, would represent an overbearing development that would have an un-neighbourly impact to the detriment of the amenities of the occupiers of neighbouring properties. The proposal would therefore be contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

- i) In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

**F BH2014/03396 - Land Rear of 5-11 Cromwell Street, Brighton - Full Planning - Demolition of existing garages and erection of 2no dwellings accessed from Cromwell Road.**

- (1) It was noted that the application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager gave a presentation by reference to photographs plans and elevational drawings. The application site related to a triangular plot of land with a 5 metre retaining wall, and access to the site was by a driveway off Cromwell Street. The history of the site showed that an application for two dwellings had been refused earlier in the year for reasons of over dominance, intrusiveness and overdevelopment, and the application was a revised scheme. The main considerations related to: the

principle of the development; design and scale; the impact on amenity and future amenity, transport and sustainability. In terms of the differences with this scheme the windows were away from the external walls of the property and had been moved to the inner walls. It was noted that the loss of the garages would not impact on parking in the area, and the use of the site for residential properties was in line with the NPPF. The buildings were suitable designed, and would not cause detriment as they were mostly not visible from public view; the entrance was also partially obscured and the existing garages were of little architectural value.

- (3) The existing dwellings were in streets with two storeys and pitched roofs; the proposal would have flat roofs and the size and scale would be subservient. Whilst the design would contrast the simple design was considered appropriate. The proposed dwellings would have flat roofs and be 1.3 metres higher than the existing wall – this was considered to be overbearing development. Concerns had been raised by neighbours in relation to the height and bulk and the proposals were considered to be unneighbourly. Whilst the windows had been amended this was not considered sufficient, and the scheme was thought to be cramped and overbearing creating a loss of privacy. Whilst there was no objection to the principle of development on the site the application was recommended for refusal.

#### **Public Speaker(s) and Questions**

- (4) Councillor Randall spoke in support of the scheme in his capacity as a Local Ward Councillor. He stated that this was a small scheme that tidied up a scruffy area, and the proposals were neither cramped nor overbearing. The loss of amenity was minimal and this needed to be considered in the context of the housing shortage in the city and the necessity to look careful at these types of small sites. The applicant had consulted carefully with neighbours in relation to the application, and there was only one objection. The proposals were energy efficient, and the existing garages caused problems for the area. The design was considered appropriate with minimal impact, and the Committee were urged to support the application.
- (5) Mr Charles Meloy spoke in support of the application in his capacity as the applicant. He stated that the application was on a derelict brownfield site and the proposals were overwhelmingly supported by the neighbours. The scheme had been carefully designed to give positive enhancements, and would be subservient to the surrounding buildings, and the density was half that of the average for the Ward. In relation to amenity the windows were inset, and the proposals would meet code level 4 for sustainability whilst improving the ecology of the site. There would be no loss of light to the adjoining neighbours, and he had worked to keep residents informed about the scheme – which was reflected in the 20 letters of support. The scale was appropriate and the gains would outweigh the impact; the Committee were invited to approve the application.

#### **Questions for Officers**

- (6) The front to front distance of the houses in Cromwell Street was confirmed for Councillor Davey.

**Debate and Decision Making Process**

- (7) Councillors Wells stated that he would vote against the Officer recommendation; he noted the garages had not been in use for some time, and the proposals would tidy up an otherwise scruffy area. He noted the good use of the site and the number of letters of support.
- (8) Councillor Davey noted the space seemed redundant, and the approach taken seemed measured; for these reasons he would not support the Officer recommendation.
- (9) Councillor Littman stated that applicant's plans were good; the loss of amenity had been minimised.
- (10) The Chair noted his agreement with the points made in the debate; he noted the amenity issues in relation to no. 5, but felt these were overcome by the good design and efficient use of the site.
- (11) A vote was taken by the 12 Members present at the Committee and that Officer recommendation that planning permission be refused was not carried on a vote of 10 against and 2 abstentions. Reasons were then proposed to approve the application and these were agreed by the Committee. A recorded vote was then taken on the reasons for approval and Councillors: Mac Cafferty, Jones, Cox, Davey, Gilbey, Hamilton, Littman, Phillips, C. Theobald and Wells voted that permission be granted and Councillors: Hyde and Carden abstained from the vote.

115.6 **RESOLVED** – That the Committee has taken into considered the Officers recommendation, but resolves to be **MINDED TO GRANT** permission for the reasons set out below and subject to the attachment of appropriate conditions to be determined by the Head of development Control

- i) The proposed development was of a good design, represented an efficient use of space, provided valuable housing and would be an amenity benefit to residents.

**G BH2013/04327 - 74 & 76 Greenways, Brighton - Full Planning** - Demolition of existing dwellings and erection of 2 x four bedroomed dwellings and 2 x three bedroomed dwellings.

- (1) The Area Planning Manager gave a presentation by reference to photographs, plans and elevational drawings. The application site related to two neighbouring detached properties in Ovingdean. A previous application had been refused in June last year, and the reasons for this were outlined in the report; this application was a revised scheme. Permission was sought for the redevelopment of the whole site, and the construction of four dwellings; the scheme had been amended to address overlooking, and the garages had been removed as well as the balconies at the front of the two rear houses.
- (2) The main considerations related to the principle of the development; the suitability of the site; the effect of the proposals and the impact on the South Downs National Park. The proposals to the rear had been reduced in height and cut more into the sloping land; they were also located further from the front properties and the materials and

design were more traditional. The properties would have similar eaves height to those surrounding, and the South Downs National Park had not objected in principle, but suggested appropriate use of character and design. The proposal would not have a significant impact, and the two properties at the front would be of similar scale and have smaller footprints than the existing properties. The site was generally surrounded by thick trees and the properties to the rear would not be affected. The previous reasons for refusal in relation to the driveway had been overcome. The application was recommended for approval for the reasons set out in the report.

### **Public Speaker(s) and Questions**

- (3) Mr Peter Rainer spoke in objection to the scheme on behalf of the local residents. He highlighted some of the planning history at the site and stated that neither the scheme nor the policy had changed significantly enough to warrant an approval. Reference was made to the NPPF and the harm that would be caused to the area and local amenity. The site was a large greenfield one, and the area was low-density and semi-rural; with all this in mind the application should be determined on its own merits. The area contributed to views from the national park, and the Committee were asked to refuse the scheme.
- (4) Mr John Whiting spoke in support of the application in his capacity as the agent; supported by the applicant. It was stated that the scheme was the product of close work with Planning Officers, and the application before the Committee had significant revisions in terms of height to lessen the impact; it was also noted that there was housing shortage in the city. The site density would be appropriate for a semi-rural location, and the housing had been positioned to conform to the building line of the existing properties. When the scheme was viewed from the hillside it would appear moderate in its setting. The Committee were invited to approve the scheme as per the Officer recommendation.

### **Questions for Officers**

- (5) In response to Councillor Hyde it was explained that the amendments had reduced the footprint creating a smaller development, and these amendments had changed the balance towards approval.

### **Debate and Decision Making Process**

- (6) Councillor Cox stated he would support the Officer recommendation as the previous reasons for refusal had been addressed.
- (7) Councillor Wells noted this was not only scheme of this type in the area, and he would support the Officer recommendation.
- (8) Councillor Hamilton stated he would support the Officer recommendation as this was a good use of the land.
- (9) A vote was taken by the 11 Members present at the meeting and the Officer recommendation that the Committee grant the application was carried with 10 in support and 1 against.

115.7 **RESOLVED** –That the Committee has taken into consideration the recommendation and agrees with the reasons for the recommendation set out in section 11 and resolves to **GRANT** planning permission subject to conditions and informatives.

**Note:** Councillor C. Theobald was not present during the consideration and vote on this application.

**H BH2014/03405 - 26 Falmer Gardens, Brighton - Householder Planning Consent -** Roof alterations including hip to barn end roof extensions, dormers and rooflights to front and rear elevations.

(1) The Area Planning Manager gave a presentation by reference to photographs plans and elevational drawings. The application site related to a detached bungalow; which formed two very similar neighbouring bungalows – the relevant history was outlined in the report. The guidance in SPD 12 demonstrated that the proposed extension would be uncharacteristic of those in the area, and the bungalow was a mirror of the neighbouring property. The dormer extensions did not align with the fenestration below, and those proposed at the back were contrary to guidance. The application would constitute overdevelopment in a largely undeveloped area, and the application was recommended for refusal for the reasons set out in the report.

#### **Public Speaker(s) and Questions**

(2) Councillor Simson spoke in support of the application in her capacity as the Local Ward Councillor. She stated that many people within the Ward were being refused similar applications to extend their homes and prevent them from moving out of the area. The development was supported by the neighbours, and despite it being different from the neighbouring property there was a lot of variation in properties in the area. The proposals would not severely impact on the street scene, and the Committee were asked to approve the application to allow the family to stay in the area.

(3) Mr Morgan spoke in support of the application in his capacity as the applicant. He stated that he and his family had lived at the property for 12 years and had made a number of previously applications; one of which had been approved. The proposal would allow the family to stay in the house, and the extension was not considered overdevelopment given the size of the plot. The family were embedded in the local community, and the failure to gain approval would force them out of the area. Mr Morgan also noted that the red edge shown in the plans was wrong as he recently purchased garden area from a neighbour.

#### **Questions for Officers**

(4) In response to the Chair it was explained that the issue relating to the red edge would not have impacted on the recommendation.

(5) It was confirmed for Councillor Wells that the proposal would not increase the height of the building, but instead create additional bulk at the sides.

**Debate and Decision Making Process**

- (6) Councillor Hyde noted that the roof elevation was ‘a little bulky’; she did not see a problem as this property differed from the neighbouring bungalow, and noted there were no objections to the scheme. She noted that the family were established in the local community, and stated she would not support the Officer recommendation.
- (7) Councillor Wells noted there were other examples of this type of alteration within the local area, and he would not support the Officer recommendation.
- (8) Councillor Gilbey stated she would have preferred a site visit, and proposed that the application be deferred to allow this to happen; this was seconded by Councillor Davey and agreed by the Committee.

115.8 **RESOLVED** – That the application be deferred to allow a site visit to take place.

**Note:** Councillors C. Theobald and Carden were not present during the consideration of this application.

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

116.1 There were no further requests for site visits on matters listed on the agenda.

**117 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

**118 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)**

118.1 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. The register complies with legislative requirements.]

[Note 2: A list of representations received by the Council after the Plans List reports had been submitted for printing was circulated to Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

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

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

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

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

**121 APPEAL DECISIONS**

121.1 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 6.26pm

Signed

Chair

Dated this

day of