

**BRIGHTON & HOVE CITY COUNCIL****PLANNING COMMITTEE****2.00pm 28 JANUARY 2015****COUNCIL CHAMBER, HOVE TOWN HALL****MINUTES**

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

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

**Officers in attendance:** Paul Vidler (Planning Manager, Major Applications); Nicola Hurley (Planning Manager, Applications); Mick Anson (Principal Planning Officer); Jason Hawkes (Principal Planning Officer); Liz Arnold (Principal Planning Officer); Liz Hobden (Planning Manager, Planning Policy); Steven Shaw (Principal Transport Officer); Greg Minns (Environmental Health Officer); Virginia Pullan (County Landscape Architect ); Hilary Woodward (Senior Lawyer) and Penny Jennings (Democratic Services Officer).

**PART ONE****122 PROCEDURAL BUSINESS****122a Declarations of substitutes**

122.1 Councillor Randall declared that he was present in substitution for Councillor Jones. Councillor Wealls declared that he was present in substitution for Councillor Cox.

**122b Declarations of interests**

122.2 Councillor Wealls declared an interest in Application BH2014/03130, Sandringham Lodge, 23 Palmeira Avenue, Hove. The application site was visible from his home address, however the development would have no impact on his property he had not discussed the application and was of a neutral mind. He would therefore take part in the discussion and debate and would vote in relation to this application

122.3 During consideration of Application BH2014/02589, Land South of Ovingdean Road, Brighton, the speaker in support of the application Ms McManus stated that she had met spoken with Councillor Randall at a recent meeting in relation to housing issues.

Councillor Randall stated that he had not discussed the application and that he remained of a neutral mind.

**122c Exclusion of the press and public**

122.3 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.

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

**122d Use of mobile phones and tablets**

122.5 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 ‘aeroplane mode’.

**123 MINUTES OF THE PREVIOUS MEETING**

123.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 10 December 2014 as a correct record.

**124 CHAIR'S COMMUNICATIONS**

124.1 There were none.

**125 PUBLIC QUESTIONS**

125.1 There were none.

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

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

Application:	Requested by:
BH2014/03742 – Hove Business Centre, Fonthill Road, Hove	Councillor Hyde

**127 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS**

**A BH2014/02589 - Land South of Ovingdean Road, Brighton - Outline Application some matters reserved**

Outline planning application with appearance reserved for the construction of 85no one, two, three and four bedroom dwellings with associated garages, parking, estate roads, footways, pedestrian linkages, public open space and strategic landscaping. New vehicular access from Ovingdean Road and junction improvements.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer, Liz Arnold gave a presentation by reference to photographs, plans elevational and concept images showing the proposed configuration of the site, although it was noted that the elevational and concept images were indicative. Views across the site from various key locations showing its juxtaposition to the boundaries of the National Park and existing dwellings were shown. Attention was also drawn to the information contained in the Additional Representations List and to the additional representations received following publication of the report.
- (3) The application related to a parcel of land located on the southern side of Ovingdean Road, to the west of Falmer Road (B2123) and to the east of The Vale. The application site comprised approximately 3.72 hectares and historic maps showed that the site had always comprised open agricultural downland. The boundary of the site was currently defined by a wire fence and posts to the east, west and north and by a hedgerow to the south. The site comprised a large field which had been divided into smaller paddocks for the grazing of horses. Stables and associated buildings were located in the south-western corner of the site. Immediately to the north of the site there were residential properties, with other horse paddocks/grazing land beyond, known as Ovingdean Road Horse Paddocks. The residential area of Woodingdean was located further to the north-west of the site, with agricultural fields located immediately to the east of the site, on the opposite side of Falmer Road.
- (4) It was noted that the site had been identified within the Urban Fringe assessment 2014, an independent study commissioned by the Council in response to the Planning Inspector's initial conclusions on the City Plan. This assessment provided an indication of the overall potential for housing within each of the City's identified urban fringe sites, 66 in total, against 5 key criteria (landscape, open space, historic environment, ecology and environment) and had considered the scope for mitigation of any adverse impacts identified.
- (5) The National Planning Policy Framework (NPPF) was a material consideration in determining the application as was the Brighton & Hove City Plan Part One (submission document) which was an emerging development plan. The NPPF advised that weight be given to the relevant plans according to their stage of preparation and any policy conflicts identified had been set out and considered in the circulated report. Whilst it was recognised the proposed development would provide social and economic benefits including contributing towards meeting the city's significant housing requirements, the provision of 34 affordable units and job creation, the net benefits of the proposed

scheme needed however, to be weighed against the adverse impacts of the proposal .On balance it was considered that the harmful impacts of the proposal on local landscape character, visual amenity and the setting of the National Park in this sensitive location represented demonstrable and significant adverse impacts that outweigh the benefits of the proposed scheme. The proposal is considered contrary to policies NC7 and NC8 of the Local Plan and SA5 of the emerging City Plan. Additional uncertainties remain in relation to the impacts of the proposal upon ecology and biodiversity. This uncertainty also weighed as a potential adverse impact of the scheme contrary to paragraph 118 of the NPPF and policies QD17, QD18 of the Local Plan and policy CP10 of the City Plan. The significant gaps in the Environmental Statement meant that it had not been possible to complete a full assessment of the proposal or to identify whether/what mitigation proposals would be appropriate. Therefore the application was recommended for refusal.

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

- (6) Mr Wright spoke on behalf of the Deans Preservation Group and other objectors. He stated that notwithstanding that amendments had been made to originally submitted scheme they considered that the proposed development was inappropriate in its siting scale and density and would have an adverse impact on the landscaping and setting of the national park and would be prejudicial to the allocation of sites for residential development in the emerging city plan. It was also considered that there would be a detrimental impact on biodiversity, the existing nature habitats and species (red star thistle), the South Downs Way Ahead Nature Improvement Area, noise pollution, schools and road traffic pollution.
- (7) Councillor Mears spoke in her capacity as a Local Ward Councillor setting out her concerns and objections and those of her fellow ward councillor, Councillor Smith. Councillor Mears stated that in her view, the application which was for far too great a number of properties in such a sensitive location would result in urban sprawl and would not respect the landscape or character of the area and would have a very detrimental effect. In her view it was unfortunate that this area of land had not been included in the National Park. If the development went ahead in this area which was not well served by public transport it would result in further pressure on local schools, doctors and dentists and would increase traffic volume on Falmer Road and the coast road.
- (8) Ms Eimear McManus addressed the Committee on behalf of the applicant stated that she was a student at the University of Sussex representing a group in the city lobbying for an increase in the levels of affordable housing available in the city. There was a crying need for housing accommodation in the city and this scheme represented an opportunity for the Council to show its commitment towards providing much needed housing in the city. If this application was refused it represented a terrible indictment of them. Those who had objected to the scheme had shown a “Nimby” attitude. Many teachers, nurses and other key workers providing essential services were unable to afford to live in the city.
- (9) Ms McManus stated that she had met and spoken with Councillor Randall at a recent meeting in relation to housing issues. Councillor Randall stated that he had not

discussed this application, the meeting referred to had been an open meeting attended by a number of speakers and organisations, and that he remained of a neutral mind.

### Questions for Officers

- (10) Councillor C Theobald enquired regarding the distance between the proposed development and existing houses, this was shown by reference to plans showing the site when viewed from various points. Indicative views were also shown and plans showing the proposed road layout.
- (11) Councillor Hyde asked for clarification regarding the height of the proposed dwellings. She stated that notwithstanding that they would be of two storeys that from ground to ridge height they appeared to be very tall and it was confirmed that they would be very tall two storey properties.
- (12) Mr Gowans, CAG sought confirmation of the location of the boundary with the adjacent National Park, whether there would be a “buffer” zone and if so where it would be located.
- (13) Councillor Hamilton sought clarification regarding the breakdown of the affordable housing. Often this was part rent/part buy and the level of income required for this was often not affordable for many on low incomes in the city. It was explained that the applicants had indicated that 55% of the total units available as part rent/part buy. It was envisaged that the remainder would be available to rent.
- (14) Councillor Davey stated that it was unfortunate that the applicant/agent had chosen not to speak as there were questions which he would like to have asked them, he had been unable to do so. Councillor Davey also asked how the age restricted element of the scheme would operate in practice, but it was explained that level of detail had not been provided with the application.
- (15) Councillor Gilbey asked whether those who were tenants within the council’s own housing stock or with other social housing and wished to downsize would be eligible to apply for any of the affordable housing on site. It was confirmed that level of detail had not been provided with the application either.

### Debate and Decision Making Process

- (16) Councillor C Theobald stated that she considered that the proposed scheme would change the open landscape of the site with its horse paddocks irreparably and that because of the sloping configuration of the site would be overly dominant. It would also in her view lead to additional traffic movements, given the location of the site she did not consider that the provision of 113 cycle parking spaces was necessary. She liked the layout of the site considering that it should be located elsewhere in the city rather than on this site.
- (17) Councillor Wells stated that the additional number of vehicle movements generated by the site would place an additional strain on the existing road infrastructure. The additional water run off which could also result in a greater risk of flooding, also, there were a lot of gaps in the submitted information.

- (18) Councillor Davey stated that he was concerned by the number of gaps in the information provided considering that whilst he was sympathetic to the need for housing he was unable to support the application in its current form. Whilst he accepted that access to housing was a basic human need this could not and should not be at any cost.
- (19) Councillor Littman stated that he had listened carefully to the arguments put forward by those supporting the proposals and those against and whilst very supportive of the need for housing he considered that the omissions in the Environmental Assessment gave serious cause for concern. He was unable to support the application.
- (20) Councillor Hyde stated that it was unfortunate that this area of land had not been included in the National Park. This was due to a mistake by those drawing up the park boundaries in assuming that it formed part of the playing fields of Longhill School which was nearby. It was also regrettable in her view that the speaker in support of the scheme had indulged in a rant against local residents who would be directly effected by this scheme. Councillor Hyde was in agreement with the rationale for the officer's recommendation that this application should be refused.
- (21) Councillor Randall asked whether it would be possible given the concerns expressed regarding the Environmental assessment for the application to be deferred. The Legal Adviser to the Committee confirmed it was for the local planning authority to consider whether it had sufficient information to make a decision on the environmental information supplied. Unless and until it was in a position to do so it could not go on to determine the planning application.
- (22) Councillor Wealls stated that whilst he was not convinced that the impact on views would be as dramatic as indicated he was concerned at the impact the potential additional traffic could have. This had not been adequately addressed in his view and for that reason the application should be refused.
- (23) Councillor Hamilton stated that he had grave concerns in relation to the council's ability to provide the number of additional housing units needed, and how the numbers already on its waiting lists for housing could be accommodated. He considered that a more imaginative approach to use of its existing brownfield sites which were closer to the city centre and generally better served by good sustainable transport links was needed. This would be preferable to building on the urban fringe. In considering this application he was in agreement with the officer recommendation that it be refused.
- (24) Councillor Mac Cafferty, the Chair, stated he was in agreement that this application be refused. However, he was in agreement that in view of the pressures being brought to bear by central government and the need for the city to provide affordable housing, were such that it was essential that for greater use to be made of the city's brownfield sites. Whilst each application needed to be considered on its merits, it was untenable for applications for housing on brown field sites to be refused repeatedly, especially if members also had a desire to protect the city's urban fringe.
- (25) A vote was taken and on a vote of 11 with 1 abstention outline planning permission was refused for the reasons set out in the report.

127.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 and the policies and guidance in section 7 of the report and resolves to **REFUSE** planning permission. The reasons for refusal are set out below:

1.The Local Planning Authority has not been able to assess the likely impacts of the proposed development with respect to Air Quality within the Rottingdean Air Quality Management Area, due to the omissions in the Environmental Statement. Consequently it has not been possible to identify whether and what mitigation measures may be appropriate and therefore the Local Planning Authority is unable to complete a full assessment of the proposal. The proposal is therefore considered to be contrary to the requirements of the Town and Country Planning (Environmental Impact Assessment) 2011 Regulations and policy SU9 of the Brighton and Hove Local Plan.

2.The Local Planning Authority has not been able to assess the likely impacts of the proposed development with respect to Ecology due to the omissions in the Environmental Statement. Consequently it has not been possible to identify whether and what mitigation measures may be appropriate and therefore the Local Planning Authority is unable to complete a full assessment of the proposal. The proposal is therefore considered to be contrary to the requirements of the Town and Country Planning (Environmental Impact Assessment) 2011 Regulations, policies QD17 and QD18 of the Brighton and Hove Local Plan, policy CP10 of the Brighton & Hove Submission City Plan Part One and SPD11 on Nature Conservation and Development.

3.By virtue of the scale of development proposed and the site coverage, it is considered that the harmful impacts of the proposal on local landscape character, visual amenity and the setting of the National Park, in this sensitive location, represents an overdevelopment of the site. The demonstrable and significant adverse impacts are considered to outweigh any benefits of the proposed scheme. As such the proposal is contrary to policy NC8 of the Brighton and Hove Local Plan and policies SA4 and SA5 of the Brighton & Hove Submission City Plan Part One.

**B BH2014/03426 - 361-367 Old Shoreham Road, Hove - Full Planning**

Construction of a single storey front extension incorporating repositioned entrance lobby, demolition of the existing goods online building and replacement with an enlarged single storey side (west) extension, construction of a two storey (ground and mezzanine) rear/side (east) extension and installation of photovoltaic solar panels on the roof of the building. General alterations to the layout of customer car park including 16 extra new spaces and installation of new cycle stands. Demolition of the existing petrol station and construction of a new 18 pump facility with associated retail kiosk, car wash and improved access road layout.

- (1) The Principal Planning Officer, Jason Hawkes gave a presentation by reference to photographs and plans showing the existing site and to plans and elevational drawings showing the proposed alterations to the existing Sainsbury's store. It was explained that the development was considered to be of an appropriate scale, bulk and design and was appropriate both in the context of the existing building and the surrounding area.
- (2) It was considered that the proposed development would not cause significant harm to neighbouring amenity and that it was appropriate in terms of highway safety, landscaping and sustainability, minded to grant planning permission was therefore recommended subject to the conditions and informatives set out in the report.

**Questions for Officers**

- (3) Councillor C Theobald sought clarification regarding relocation of the existing car wash facility. It was explained that it would move slightly from its current location and this was illustrated by reference to the submitted plans.
- (4) Councillor Randall referred to concerns expressed by the neighbouring cricket club and asked whether it was considered that there could be a danger of customers or their vehicles being hit by cricket balls.
- (5) It was explained that whilst this issue would not of itself represent sufficient grounds for recommending refusal, this had not been identified as a potential problem and the existing screening to the site would remain in place. Councillor C Theobald asked if any such accidents had been reported to date and it was confirmed that there had been none,
- (6) Councillor Wealls referred to the potential increase in the level of traffic which could generated following the proposed works, including provision of a click and collect service, enquiring whether it was considered that this could have a detrimental impact on the local infrastructure. The Principal Traffic Engineer, Steven Shaw stated that the applicant's had provided projections for their peak periods on Friday and Saturday and these did not indicate that they would be significant.

**Debate and Decision Making Process**

- (7) Councillor Hyde stated that as the distance between the extended buildings and the cricket club would not change and the existing level of screening would remain unchanged she did not envisage that any problems would arise and she supported the application.
- (8) Councillor Hamilton agreed stating that he did not consider that there would be any increased risk of accidents and that the submitted proposals were acceptable.
- (9) Councillor Carden stated that he considered the application was acceptable and had no concerns in relation to it.
- (10) A vote was taken and on a vote of 11 to 1 minded to grant planning permission was given.

123.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to grant **MINDED TO GRANT** planning permission subject to a S 106 Agreement the Conditions and Informatives set out in section 11.

**C BH2014/03605 - 70 and site of Chrome Productions Limited, Goldstone Lane, Hove - Full Planning**

Demolition of existing buildings and redevelopment of site including construction of new part 4no, part 5no and part 6no storey building providing office space (B1) at ground floor level and 59no self contained apartments (C3), incorporating creation of basement car park to provide 41no car parking spaces. Erection of 6no three storey terraced dwelling houses (C3) incorporating provision of 2no car parking spaces per dwelling, landscaping and other associated works.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer Mick Anson gave a presentation by reference to site plans and elevational and cross section drawings indicating the proposed layout and configuration of these interconnected sites indicating the proposed layout of the proposed flats and dwelling houses including the degree of set back and location of the proposed front gardens. Reference was made to a letter of support which had been received from the local MP for Hove and to a late letter of objection received from the car showrooms immediately adjacent to proposed Block A. The letter of objection expressed concern regarding the noise levels generated by some of their on-site activity which could render them liable to noise complaints which were unlikely to be resolved due to the nature of the operation and could lead to the closure of their business.
- (3) The Principal Planning Officer explained that it had been necessary to re-advertise the description of the development, neighbours had been re-consulted and the application had been re-advertised by site notice and in the local newspaper. The expiry date for comments, 2 February, was one day before the statutory date for determination and Members were therefore asked to agree the recommendation subject to no further representations being received after the Committee meeting which raised new material planning issues.
- (4) It was also explained that the application site comprised two industrial buildings fronting Goldstone Lane on its west side. No.70 was sited at the corner of Goldstone Lane and Newtown Road whilst the building occupied by Techniform was adjacent to the north. The two plots were separated by a narrow access path providing a right of way to the land at the rear and was not included within the red line on the plans indicating the parameters of the application site. The proposals were considered to constitute one single application. The proposal included a 40% provision of affordable housing although no details of their location within the scheme had been provided. The provision of 40% affordable housing would be welcome and if this was an unallocated employment site, could be the fall back position if the loss of an employment site had been first justified. However as his site is allocated in the City Plan under CP3.4 for

employment led mixed use development, the replacement with some affordable housing is not part of the policy criteria.

- (5) Overall it was considered that the proposed scheme would be contrary to the City Council's employment policies EM1 and EM3 as set out in the adopted Local Plan as the site is allocated within the Newtown Road Industrial Area for employment uses. The applicant had submitted very limited information to justify the loss of employment floorspace and land in respect of the site characteristics, location or marketing evidence as set out in policy EM3. Policies DA6 (Hove Station area) and CP3.4 of the emerging City Plan allocates the application site as one in which consideration could be given to an employment led mixed scheme with residential units as enabling development.
- (6) In relation to Block A, the flats, the development was considered to be contrary to policies QD1 and QD2 relating to the scale and appearance of the development and its impact in the streetscene and the neighbourhood due to its height, bulk and elevational appearance. It was also considered that the proposed layout of Block A and Block B would not provide strong definition for the streetscene and character of the regenerated neighbourhood. The quality of some of the amenity space was of concern as it would be quite open to public view and its use might have limited appeal. It would also not achieve recommended sunlight levels. Further the open design of the layout and the siting of entrances could give rise to concerns about crime prevention and the fear of crime contrary to policy QD7. The siting of the dwelling houses with very generous amenity space to the front and back would result in a very low density which would be contrary to policy QD3 which requires the efficient and effective use of land for housing. The City Plan policy CP14 states that densities in the DA development areas were expected to be high, potentially at least 100 dwellings per hectare subject to other applicable planning criteria for good development. The assessment of other environmental criteria had raised the biggest concern over likely noise impacts from adjoining existing businesses. The Noise Assessments had not considered two potential sources being a plant room adjoining the proposed gardens to dwellings and rear habitable rooms as well as noise and disturbance from the service yard at the rear of the Goldstone Retail Park. These noise sources were witnessed by the Environmental Health Officer and due to insufficient information, it was not considered that the proposal would meet the requirements of policy SU10 of the adopted Local Plan. Whilst the principle of the regeneration of this site would have a beneficial impact, it is considered that the benefits of this proposal would be outweighed by the key policy objection to the unjustified resultant loss of land and floorspace for employment purposes on this allocated site where an employment led mixed development might be acceptable subject to meeting policy criteria. For these reasons and the others set out in detail in the report the application was recommended as minded to refuse.

### **Public Speakers & Questions**

- (7) Mr Shaw and Mr Parsons were in attendance on behalf of the applicant and their agents sharing the available speaking time to speak in support of the application. It was explained that the site had remained vacant for some ten years and attempts to market it over that period had proved unsuccessful. The site was ideally located to provide much needed housing and provided a mix of apartments and houses with the parking and office accommodation. The proposed scheme would remove the existing eyesore and effect significant improvements to the street scene.

- (8) Councillor Hamilton noted that it was proposed that affordable housing would be provided on site and sought confirmation whether any of the units would be available to rent or whether it would all be shared ownership. Councillor Hamilton stated that the salary levels required to be eligible for shared ownership were beyond the financial reach of those who needed accessible housing. The applicants responded that 8 of the units on site could be allocated for affordable rent.

### **Questions for Officers**

- (9) Councillor Phillips also sought clarification in relation to the 40% split of affordable housing and where it was proposed this would be located across the site.
- (10) Councillor Hyde referred to the concerns raised in relation to potential noise penetration from the neighbouring car workshop and asked regarding any mitigation measures available. It was explained that in the event of reports of any nuisance the situation would be monitored and a range of measures would be explored.
- (11) Councillor Littman asked whether conditions could be added to any permission granted to mitigate against any potential nuisance. It was explained that if permission was refused an amended/reconfigured scheme which relocated accommodation away from that area of the site could address these potential problems as could provision of the office space.
- (12) Councillor Davey enquired regarding supporting evidence in relation to marketing of the site for employment use.
- (13) Councillor Wealls enquired whether given changing requirements in the type of employment accommodation sought in the market place, the percentage of commercial/employment use being sought was realistic. The Planning Manager, Planning Policy, Liz Hobden stated that a better balance between an employment led use was set by the city plan and greater mitigation measures would have been expected.
- (14) Councillor Davey enquired regarding the number of jobs which would be created on site. The Chair noted that the tests set by the city plan had not been met, however the balance of proposed uses needed to be considered.

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

- (15) Councillor Randall referred to the recently formed Hove Station Neighbourhood Forum and to the fact that overall, notwithstanding some concerns they generally appeared to support a mixed use of the site. Notwithstanding concerns which had been expressed in relation to noise from the neighbouring site, he considered these were not insurmountable and could be addressed. In his view this particular brownfield site had lain dormant for some years and the proposed use would provide a mix of much needed accommodation in a location which had good sustainable transport links. He considered that the scheme should be supported and that the offer by the developer to provide eight units for affordable rent should be conditioned.

- (16) Councillor Mac Cafferty, the Chair stated that he considered that given the imperative that was being placed on the city from central government to provide significant increases in the level of housing supply, serious consideration needed to be given to use of brownfield sites where appropriate, although each needed to be considered individually on its planning merits. Notwithstanding potential noise issues, this application would provide a good mix of different types of housing, on site parking and some employment use. The site had been vacant for some eight years during which time no other suitable schemes had been brought forward and he wished to support this one. Councillor Littman also concurred in that view.
- (17) Councillor Hyde stated that she also supported the scheme which would significantly improve the appearance of the site and of the area generally, she also liked the fact that a mix of family homes and flats and properties for sale and rental would be provided.
- (18) Councillor Wells welcomed the scheme considering that the balance of uses should be supported.
- (19) Councillor Theobald stated that she particularly welcomed the provision of parking on site including the provision of underground parking. Whilst she shared concerns about noise, noise issues could occur anywhere in the city.
- (20) Councillor Wealls stated that he considered that the merits of the scheme outweighed any perceived disadvantages, the alternative would be for the site to remain in its current semi-derelict condition, which in his view was not acceptable.
- (21) Councillor Hamilton stated that on balance he supported the scheme stating that the site was a good location for housing and should be supported.
- (22) Councillor Carden stated that he had knowledge of the noise generated by the neighbouring workshop use. Based on this knowledge he was sceptical that it would be possible to mitigate sufficiently against any potential nuisance and considered that the application should be refused.
- (23) Councillor Davey stated that he also had concerns regarding the noise issues which he did not consider had been adequately addressed, he did not therefore feel able to support the application in its current form.
- (24) Councillor Gilbey also had concerns, noting that the Neighbourhood Forum had also expressed concerns regarding some elements of the proposed scheme.
- (25) A vote was taken by the 12 members present at Committee and the Officer recommendation that the Committee be minded to refuse planning permission was not carried on a vote of 9 to 3. Councillor Hyde proposed that the application be granted for the reason set out below but subject to the Planning and Building Control Applications Manager's approval of suitable planning conditions, such conditions to include conditions providing for noise mitigation and at least eight units of affordable rented housing and this was seconded by Councillor Randall.. A recorded vote was then taken. Councillors Hamilton, Hyde, Littman, Mac Cafferty (the Chair), Phillips, Randall, C Theobald, Wealls and Wells voted that they were minded to grant permission for the

reason set out below and subject to approval of conditions as referred to above and Councillors Carden, Davey and Gilbey voted that the application be refused.

- 127.3 **RESOLVED** - That the Committee has taken into consideration the Officer's recommendation but resolved that it is **MINDED TO GRANT** planning permission for the reason set out below and subject to i) the Planning and Building Control Applications Manager's approval of a S106 Agreement and suitable planning conditions, such conditions to include conditions providing for noise mitigation and at least eight units of affordable rented housing and ii) no further representations being received after the Committee meeting and within the re-consultation period which raise new material planning issues.

Reason for grant: that the benefits to be provided by the proposed development, namely, the good mix of residential accommodation which included real family homes, at least 8 units of accommodation for affordable rent and communal gardens for residents of the flats, the provision of adequate parking and the improvement to the local environment outweighed any detrimental impact that may occur from noise arising from employment use.

**D 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) It was noted that this application had formed the subject of a site visit prior to the meeting and that public speaking in respect of the application had already taken place.
- (2) The Planning Manager, Applications, Nicola Hurley gave a presentation by reference to photographs plans and elevational drawing one of a pair of similar 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. Reference was also made to recent notification by the Planning Inspectorate to dismiss an appeal in respect of 16 Mill Rise, a similar site where permission had been sought and refused for similar work.

**Debate and Decision Making Process**

- (3) Councillor Hyde stated that having visited the site the previous afternoon, she did not agree that the proposed development would be too bulky. There did not appear to be any prevailing design in the street scene a number of bulky extensions and front dormers were observed which it had been noted had been constructed at some time in the past when permitted development had allowed that form of development. In her view the scheme was relatively modest would not impact detrimentally on neighbouring properties as it was well set back within its cul de sac location and would enable the applicants to provide the additional room they wanted for their family without detriment to the street scene.

- (4) Councillor Randall concurred in that view noting that no objections had been received from neighbours, he was in agreement that what was proposed was modest, he considered that some of the other dwellings in the road were more dominant and he did not agree that the proposed form of development would have a negative impact.
- (5) Councillor Gilbey stated that whilst she noting the recent Inspector's decision in respect of 16 Mill Rise she did not consider that the same issues applied in respect of this application, considering that it was acceptable and should not be refused.
- (6) A vote was taken by the 11 members present at Committee and the Officer recommendation that the Committee refuse planning permission was not carried on a vote of 8 to 3. Councillor Hyde proposed that the application be granted for the reason set out below and subject to the Planning and Building Control Applications Manager's approval of suitable planning conditions and this was seconded by Councillor Wells. A recorded vote was then taken. Councillors Hyde, Gilbey, Littman, Phillips, Randall, C Theobald, Wealls and Wells voted that they were minded to grant planning permission for the reason set out below and subject to approval of conditions as referred to above. Councillors Mac Cafferty (the Chair), Davey and Hamilton voted that the application be refused.
- 127.4 **RESOLVED** - That the Committee has taken into consideration the Officer's recommendation but resolves that it is **MINDED TO GRANT** planning permission for the reason set out below and subject the Planning and Building Control Applications Manager's approval of suitable planning conditions.

Reason for grant:

The proposed extension to the roof, by virtue of its size, bulk and design, would not form an excessive or visually inappropriate addition to the existing building, would be in keeping with the street scene and would not create an imbalance with the neighbouring property, 27 Falmer Gardens.

**Note :** Councillor Carden was absent from the meeting during consideration of the above item and took no part in the discussion or decision making process.

**E BH2014/03351 - 13 Channel View Road, Brighton - Householder Planning Consent**

**Alterations to roof including raising of ridge height, barn end roof extension, front dormer incorporating balcony, insertion of rear window and 4no. side facing rooflights**

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Manager, Applications, Nicola Hurley gave a presentation by reference to photographs site plans and elevational drawings. Notwithstanding that there was a mixture of property types and styles it was considered that the proposed development failed to accord with local plan policies in respect of extensions, by virtue of its design, size, form and massing which it was considered would result in visually intrusive and

bulky additions to the property which would be of an unsympathetic design and refusal was therefore recommended.

### **Public Speakers and Question(s)**

- (3) Mr Bourbisson spoke on behalf of the applicants in support of their application. He stated that the design was modest when viewed in the context of neighbouring properties. The property was well set back from the road, was well designed and he did not consider that it was unsympathetic or visually intrusive.

### **Questions for Officers**

- (4) Councillor Littman referred to the planning history of the site and asked whether the previous application had been refused under officer's delegated powers and it was confirmed that it had. Councillor Littman also enquired regarding works which had had been carried out to neighbouring dwellings. It was explained whilst planning permission had been given for some of the works underway to the immediately adjacent dwelling, a number of unauthorised works had also been undertaken and were being investigated with a view to taking enforcement action if appropriate. Councillor Hyde also sought clarification regarding works to other dwellings nearby, particularly regarding those to the immediately adjacent property in order to ascertain which works had been given planning permission and which had not.
- (5) Councillor Mac Cafferty, the Chair sought further clarification regarding the planning history of works to other properties in the immediate vicinity. It was confirmed that whilst some had been granted planning permission some had not, some of the works had been carried out as permitted development at a time when planning permission had not been required.
- (6) Councillor Wells enquired whether the large box dormer to the front of one of the neighbouring properties had been constructed as permitted development and it was confirmed that it had.

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

- (7) Councillor Gilbey stated that she did not consider that there was a prevailing style in the road, that there was any continuity in building styles or that what was proposed would be detrimental or out of keeping with the host building in this instance.
- (8) Councillor Randall concurred stating that during the site visit the previous afternoon the remark had been made that the street was a hotch-potch of different building styles. He was in agreement that was the case and did not therefore consider that the works proposed were unacceptable. The property was set well back from the road and as such he did not consider that the proposals would be detrimental.
- (9) Councillor Wells stated that was glad that Members had had the opportunity to visit the site. In his view the proposals were acceptable. Councillor Hyde agreed stating that whilst the existing guidance put together in 1999 had served the planning authority well until now she considered that it might be timely for some elements of this to be revisited, she was aware that this was the case and that some changes might be effected as a

result. Councillor Hyde stated that she considered the proposal to be acceptable and on this occasion did not feel; able to support the recommendation that planning permission be refused.

- (10) A vote was taken by the 12 members present at Committee and the Officer recommendation that the Committee refuse planning permission was not carried on a vote of 8 to 4. Councillor Hyde proposed that the application be granted for the reason set out below and subject to the Planning and Building Control Applications Manager's approval of suitable planning conditions and this was seconded by Councillor Randall. A recorded vote was then taken. Councillors Hyde, Gilbey, Littman, Phillips, Randall, C Theobald, Wealls and Wells voted that they were minded to grant planning permission for the reason set out below and subject to approval of conditions as referred to above. Councillors Mac Cafferty (the Chair), Carden, Davey and Hamilton voted that the application be refused.

- 127.5 **RESOLVED** - That the Committee has taken into consideration the Officer's recommendation but resolves that it is **MINDED TO GRANT** planning permission for the reason set out below and subject the Planning and Building Control Applications Manager's approval of suitable planning conditions.

Reason for grant:

The proposed development, by reason of its design, size, form and massing would not be visually intrusive and would be sympathetic to the design of the existing bungalow.

**F BH2014/03130 - Sandringham Lodge, 23 Palmeira Avenue, Hove - Full Planning**

Formation of additional level comprising 2no three bedroom flats incorporating bicycle store.

- (1) The Planning Manager, Applications, Nicola Hurley gave a presentation by reference to photographs including views showing the frontage onto Lansdowne Road and to plans. It was explained that the planning history of the site was also a relevant consideration of this application.
- (2) It was explained that officers considered that the benefits of the additional housing proposed were outweighed by the harm resulting from the proposal, as it failed to take appropriate account of the neighbourhood and existing buildings which would result in a negative impact on the street scene, on the adjacent buildings and wider conservation area; a minded to refuse recommendation was therefore made.
- (3) The Legal Adviser to the Committee, Hilary Woodward explained in answer to questions by Councillor Littman, that as an appeal had been lodged against non-determination the Committee could not determine the application but needed to indicate whether they would have been minded to refuse or grant the application if they had had the opportunity to do so.
- (4) A vote was taken and the 11 Members of the Committee present at the meeting voted unanimously that had an appeal against non-determination not been lodged then it would have been minded to refuse planning permission.

- 127.6 **RESOLVED** – That if an appeal against non-determination had not been submitted and having taken into consideration the officer's reason for the recommendations set out in section 11 of the report and the policies and guidance in section 7 that the Committee would have been **MINDED TO REFUSE** planning permission for the reason set out in the report.

**Note:** Councillor Carden was absent from the meeting during consideration of the above item and took no part in the discussion or decision making process.

**G BH2013/04292 - 43-45 Bonchurch Road, Brighton - Full Planning**

Demolition of existing building and erection of 6 flats (5x1 bedroomed and 1 X3 bedroomed) with refuse storage.

- (1) The Planning Manager, Applications, Nicola Hurley gave a presentation by reference to photographs, site plans, floor plans and elevational drawings. The application as originally submitted had been for the demolition of the existing building and the erection of 8 two bedroom flats. The proposal had been amended subsequently to reduce the number of units to 7 flats, consisting of 5 two bed and two 1 bed flats. The application had also been amended further in order to reduce the bulk of the building.
- (2) As the existing building was in a poor state of repair and was not of a listable quality its demolition was not resisted. In view of the condition of the building and its location close to the Lewes Road shopping district and to individual convenience stores, the loss of retail floorspace was considered acceptable. It was considered that the scheme made efficient use of the site and achieved a level of accommodation which made redevelopment viable without adversely affecting the amenity of neighbouring residents. The applicant had sought to provide cycle and refuse storage on site, however, changes in ground levels made that difficult to achieve. Approval was therefore recommended subject to the conditions and informatives suggested and to the applicant entering into a Section 106 Agreement to make a financial contribution for on-street cycle storage together with a contribution to finance footway improvements and two years membership of the City Car Club.

**Questions for Officers**

- (3) Councillor Randall sought confirmation that the building would not operate as a House in Multiple Occupation (HMO) and it was confirmed that it would not.
- (4) Councillor C Theobald sought clarification regarding the degree to which this building would be set back from its neighbours and this was shown in the context of the adjacent building.
- (5) Councillor Wells asked whether the application site was situated within the Controlled Parking Zone and it was confirmed that it was not.

**Debate and Decision Making Process**

- (6) Councillor Hyde stated that she considered that the design and appearance of the building which represented itself as double fronted villa was in keeping with the street

scene and would provide a significant improvement to the existing building on site whilst providing much needed housing.

- (7) A vote was taken and the 11 Members of the Committee present at the meeting voted unanimously that they were minded to grant planning permission in the terms set out below.

127.7 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves that it is **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11 of the report.

**Note:** Councillor Carden was absent from the meeting during consideration of the above application and took no part in the discussion or decision making process.

**H BH2014/03742 - Hove Business Centre, Fonthill Road, Hove - Full Planning**

Creation of 4no one bedroom flats, 4no two bedroom flats and 1no three bedroom flat on existing flat roof incorporating revised access and associated works.

- (1) The Planning Manager, Applications, Nicola Hurley referred to additional letters of support and in objection to the application which had been received. A presentation was given by reference to photographs including views from adjacent locations including the railway footbridge, from New Town Road and from the rear garden of number 24, existing and proposed floor plans and elevational drawings. Planning permission for the nine flats at roof level would be accessed via an internal walkway along the rear of the roof. The additional floor would be metal/zinc clad with balconies to the south side.
- (2) It was considered that the impact of the proposed additional storey on the appearance of this non-designated heritage asset was acceptable in respect of the nature of the significance of the building and the public benefits of providing additional housing units. Whilst the additional storey would impact on the amenities of residents to the rear along Newtown Road, it was not considered that the loss of daylight and sunlight would be sufficiently significant to warrant refusal. It was considered that subject to conditions the amenities of future occupiers would be sufficiently protected from existing activities in the building, the proposed development complied therefore with development plan policies and was therefore recommended minded to grant.

**Public Speaker(s) and Questions**

- (3) Mr Rob Miller spoke as a neighbouring objector who lived to the rear of the site and on behalf of other objectors. He stated that the surveys carried out in relation to noise emanating from the dance studios were flawed as they had taken place over a half-term holiday period which did not accurately reflect either the number of classes which usually took place over the course of a day/week, nor the number attending them. Furthermore, the light survey was incorrect in that the loss of daylight to the properties located to the rear would be far more detrimental than indicated by the applicants and would be a loss of some 20% in the winter - far lower than the level indicated as being

acceptable under BRE guidelines. In his view the application would be contrary to policies SU10 and QD27 and should be refused.

- (4) Mr Nigel McMillan spoke on behalf of the applicants in support of their application. He stated that the proposals represented good use of a brownfield site which were well designed and would provide much needed housing. Amendments had been made to the submitted scheme in order to address the concerns expressed by residents, levels of light loss and noise impact would be minimal. The scheme would remove the existing roof top clutter and the flats would be set back from the existing elevations.
- (5) Councillor Wealls referred to the comments made by the objector and asked of the applicant's agent how he reconciled them with those indicated in the survey carried out on behalf of the applicants as they appeared to be at variance with one another. Mr McMillan explained that the surveys undertaken had been undertaken by independent experts.
- (6) Councillor Davey referred to the close proximity of the site to Hove station and asked whether in addition to potential noise breakout, account had been taken of the possible impact of train noise on any future occupants.
- (7) Councillor Hyde asked why the applicants intended to use metal/zinc materials which appeared to be at odds with the existing building. It was explained that it was considered this would provide a contemporary solution which would be lightweight and durable. When erected in situ the material would not appear dark.

#### Questions for Officers

- (8) Councillor Hamilton asked whether the dance studios could be located on other floors within the building, given that this might reduce some of the concerns in respect of potential noise nuisance. It was explained that this could be as a result of landlord and tenant issues.
  - (9) Councillor Hyde stated that she considered it would be beneficial for a site visit to take place prior to determination of the application; this was seconded by Councillor Mac Cafferty (the Chair) and agreed by the Committee.
- 127.8 **RESOLVED** – That consideration of the application be deferred in order to enable a site visit to take place.

**Note1:** Councillor Carden was absent from the meeting during consideration of the above item and took no part in the discussion or decision making process.

**Note 2:** It was noted that as the decision to conduct a site visit prior to determination of the application had been made after the objector and applicant's agent had spoken that no further public speaking would be permitted in respect of this application.

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

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

Application:	Requested by:
BH2014/03742 – Hove Business Centre, Fonthill Road, Hove	Councillor Hyde

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

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

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

- 130.1 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.]

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

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

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

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

**133 APPEAL DECISIONS**

- 133.1 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 6.30pm

Signed

Chair

Dated this

day of

