

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 18 NOVEMBER 2015

THE RONUK HALL, PORTSLADE TOWN HALL

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Bennett, Deane, Hamilton, Inkpin-Leissner, Littman, Miller, Morris, O'Quinn and Wares

Co-opted Members: Mr Roger Hinton

Officers in attendance: Jeanette Walsh (Planning & Building Control Applications Manager), Paul Vidler (Planning Manager: Major Applications); Liz Arnold (Principal Planning Officer); Mick Anson (Principal Planning Officer) Sanne Roberts (Planning Officer); Steven Shaw (Principal Transport Officer), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Manager)

PART ONE

101 PROCEDURAL BUSINESS

(A) Declarations of substitutes

101.1 Councillor Deane was present in substitution for Councillor Mac Cafferty; Councillor O'Quinn was present in substitution for Councillor Barradell and Mr Hinton was present in substitution for Mr Gowans.

(B) Declarations of interests

101.2 Councillor Miller declared a personal interest in respect of Application A) BH2015/01783, 106 Lewes Road, Brighton as he lived very close to the site in question; however, he stated that he was of an open and would remain present for the consideration and vote on this application.

101.3 Councillor Cattell (the Chair) declared a personal interest in respect of applications C) & D) Land to Rear of 101 Roundhill Crescent, Brighton as the agent was a person friend; she stated that she would withdraw from the meeting during the consideration and vote on this application and allow the Deputy Chair to chair the meeting during this time.

(C) Exclusion of the press and public

101.4 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.

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

(D) Use of mobile phones and tablets

101.6 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’.

102 MINUTES OF THE PREVIOUS MEETING

102.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 28 October 2015 as a correct record.

103 CHAIR'S COMMUNICATIONS

103.1 There were none.

104 PUBLIC QUESTIONS

104.1 There were none.

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

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

106 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2015/01783 - 106 Lewes Road, Brighton - Full Planning - Demolition of existing public house (A4) (retrospective) and construction of a new part 5no part 3no storey student accommodation building (sui generis), comprising 44no rooms, plant room, communal areas, cycle parking, refuse facilities, landscaping and other associated works.

(1) The application had formed the subject of a site visit prior to the meeting.

(2) The Principal Planning Officer (Mick Anson) introduced the report and gave a presentation by reference to plans, photographs and elevational drawings. The application sought retrospective permission for the demolition of a public house and the erection of a purpose built block of student accommodation consisting of 44 studio

flats, communal space, cycle parking and refuse storage; attention was also drawn to matters in the late list. The proposed development would be defined as a tall building, and the applicant had submitted a tall building study and associated landscape impact assessment. In terms of the relationship with the neighbouring petrol station there was a clearance of 4.1 metres. The proposed materials were clarified and the sample board that had been brought to the Committee was highlighted. The building line was set back 3 metres from the carriageway, and the access arrangements for service vehicles was clarified. In terms of landscaping there was an indicative plan, but this was likely to be amended for highways safety reasons. The application was recommended to be minded to grant for the reasons set out in the report.

Questions for Officers

- (3) In response to Councillor Miller it was explained that the material of the gates would be subject to standard conditions. In relation to trees the Tree Officer had requested native species. In terms of congestion it was not considered there would be any negative impact, and the servicing of the building would be low level, approximately once a week; given that the servicing for the pub had been on street this was considered an improvement. A loading bay was considered unsuitable as it would restrict pedestrian movements and would have to manoeuvre into the loading bay – the proposal also allowed servicing vehicles to enter and exit in a forward gear.
- (4) In response to Councillor C. Theobald it was confirmed that no enforcement had been taken in respect of the unauthorised demolition as the Planning Authority was aware that the proposed application was coming forward. The height of the building would be the equivalent of six storeys and it was likely the windows would tilt, but not be fully openable, for safety reasons.
- (5) In response to Councillor Wares it was clarified that, under the heads of terms, there would be an agreed process to pick up and drop off students, as well as clear servicing arrangements.
- (6) In response to Councillor Morris it was clarified that, whilst not a material consideration, the refuse collection was likely to be undertaken by a commercial operator.
- (7) In response to Councillor Miller it was clarified that the balcony amenity space would not be accessible at night to prevent noise disturbance.
- (8) In response to the Chair it was clarified that that the terms of the section 106 agreement had not clarified the open space contribution.
- (9) In response to Councillor Inkpin-Leissner it was clarified that policy CP21 addressed HMOs and purpose built blocks; the area was identified for this type of development in the emerging City Plan and considered suitable given the relatively reasonable number of units proposed.
- (10) In response to Councillor Gilbey the Principal Transport Officer clarified that the building had been designed to encourage residents to use the pedestrian crossings.

Debate and Decision Making Process

- (11) Councillor Wares stated that he had doubts in relation to the servicing arrangements at the building, as well as the dropping off and collecting of students at the beginning and end of term. He proposed that the hours for use of the amenity space and the servicing arrangements be formally conditioned to protect the amenity of local residents.
 - (12) Councillor Inkpin-Leissner noted he agreed with the points made by Councillor Wares, and would support the conditioning of the amenity space. He went on to add that he liked the scheme and felt it was a good use of the site, was disappointed there would no direct reduction in the number of HMOs as a result of such approvals. He would support the Officer recommendation with the addition of the proposed conditions.
 - (13) Councillor C. Theobald stated that she felt the building was a little too tall, and she had concerns about the safety of the students, but she agreed with the additional conditions proposed by Councillor Wares. She went on to add that the application was a good use of the difficult site, and the city needed this type of purpose-built accommodation.
 - (14) It was confirmed for Councillor Morris that no space for public art had been identified as part of the scheme.
 - (15) Councillor Gilbey noted the improvements that had been to the scheme since the pre-application presentation; she also noted her concerns in relation to road safety, but would support the scheme as the city needed this type of accommodation.
 - (16) Councillor O’Quinn noted her previous concerns in relation to noise and pollution, but felt assurance had been provided by Officers.
 - (17) Councillor Wares formally proposed additional conditions in relation to hours of use of the amenity space and the hours of deliveries for service vehicles. These were seconded by Councillor Miller.
 - (18) The Chair put the proposed additional conditions to the vote, these were **carried**.
 - (19) A vote was taken and the 12 Members present unanimously agreed to be minded to grant planning permission subject to a s106 agreement:
- 106.1 **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 and resolves to be **MINDED TO GRANT** planning permission subject to the conditions and informatives in section 11, and the amended and additional conditions below:

Additional Conditions:

- i. Vehicular access to the site shall be from the western elevation (Lewes Road North bound carriageway) only and all vehicles shall leave the site from the eastern elevation onto the South bound Lewes Road carriageway.

Reason: In the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan.”

- ii. The gates and bollards on the sites internal access route shall be closed and prevent vehicular access at all times to the site other than between 19.30 to 7.00 and 10.00 to 16.00 daily in order to accommodate deliveries and access by residents in associated with the development .

Reason: In the interests of highway safety and to comply with policy TR7 of the Brighton & Hove Local Plan.”

- iii. The ground floor glazing to the street frontages shall be retained in clear glass and be transparent and shall not be made opaque by the application of screening, applied film or similar.

Reason: In order to ensure that the proposal maintains an attractive visualrelationship to the public realm and in the interests of designing out opportunities for crime in accordance with policy QD27 of the saved 2005 Brighton & Hove Local Plan”

- iv. The balcony amenity area hereby approved as part of this development shall not be in use between the hours of 20.00 and 07.00 daily.

Reason: In the interests of general and residential amenity in accordance with policy QD27 of the saved 2005 Brighton & hove Local Plan

Delete condition 12

Insert the word “plantroom” in condition 14 and delete the words “energy centre”

Condition 10

Add policy references to TR7 and QD5 to the reason.

B BH2015/02049 - 67 Falmer Road, Rottingdean, Brighton - Full Planning - Demolition of existing house and garage and erection of 9no four bedroom houses.

- (1) It was highlighted that the application had been the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer (Liz Arnold) introduced the application and gave a presentation by reference to photographs, plans and elevational drawings; attention was also drawn to matters in the Late List. There was a boundary to the South Downs National Park close to the front boundary of the application site; permission was sought for the demolition of the existing house and garage on the site and the development of nine houses; there would be two pairs of semi-detached properties at the front and two at the rear together with a single detached property. There was no objection to the principle of demolition and redevelopment of the site, and the proposed plots were considered to be in keeping with the size of others around the site. The proposed height was considered acceptable and the setting of the national park would not be undermined. Each of the new properties had private amenity space as well as

adequate living accommodation throughout. There would also be no significant adverse impact on the existing properties and the application would make efficient use of the plot. The application was recommended to be minded to grant for the reasons set out in the report.

Speaker(s) and Questions

- (3) Duncan Howie and Nigel Smith addressed the Committee on behalf of local residents in objection to the scheme. They referenced policy to highlight that this type of development should be examined in relation to the quality of space in between buildings; the proposed scheme would create noise and pollution, and the scheme would be detrimental to the neighbouring properties that would suffer a loss of sunlight and privacy. It was considered the development would damage the setting of the national park, and there would be no alternative for the residents than to use cars due to the lack of sustainable transport in the area. The design was also considered to be 'unimaginative'. Due to traffic congestion the High Street in Rottingdean was the subject of an air quality management plan, and this development would add to this existing problems. The Council had recognised this problem, and the speakers went on to highlight some of the health risks and impact associated with the air quality issues. The Committee were asked to refuse the application.
- (4) The speakers confirmed for Councillor Miller that the design was inappropriate as most of the buildings were predominantly either two-storeys or bungalows.
- (5) In response to Councillor Wares the speakers confirmed that they were not objecting to the principle of the development, but they felt this scheme was not appropriate and did not comply with policy.
- (6) In response to Councillor Morris the speakers confirmed that the ridge height of the proposed buildings would be greater than those surrounding it.
- (7) Councillor Mears spoke in her capacity as the local Ward Councillor. She stated that there was no objection to the principle of development at the site, but this needed to be inkeeping with the area and the scheme proposed too much on the site. There were already serious parking problems around the site, and the scheme would add further stress to the parking. The land on the site dipped in one corner and there was the potential for flooding, given the history of flooding in this area, with more of the site concreted over there would be more risk of this from surface water. It was also highlighted there was a reduced bus service in the evenings; as well as a lack of infrastructure in the surrounding area. Councillor Mears highlighted that any development on the site needed to take a sensible approach to consider all these issues.
- (8) Parish Councillor Kieran Fitsall spoke in his capacity as a member of Rottingdean Parish Council; he stated that the Parish Council had considered it to be appropriate to support the objections. Like the others speakers they had no objection to the principle of development on the site; however, the height, scale and density of the scheme were all out of character with the area, and could set a precedent for other schemes in the area. The cumulative impact of development also needed to be considered, and the housing need of the area would be better served by smaller houses. The stress on

services and amenities was also highlighted, and the Committee were asked to consider the volume of objections against the scheme.

- (9) Mr Jon Tuner and the applicant addressed the Committee in support of the scheme and stated that the design ethos for the new homes was to be sensitive to the surrounding area. Whilst the Local Planning Authority did not have defined separation standards or distances best practise had been applied. There would be no significant adverse impact on sunlight and daylight or the national park – there was also no objection from the national park. There was a need for larger properties in the area, and this would help to free up smaller homes in the village. The design was an effective use of the plot, and would contribute towards meeting housing targets across the city.
- (10) In response to Councillor Miller the applicant explained that the ‘21 metre’ rule applied to face to face properties. In response to a further query it was clarified that the third storey was in the form of dormer windows and there would be screening to the boundaries of the site.

Questions for Officers

- (11) In response to Councillor Miller it was explained that front facing dormers were considered acceptable in line with the SPD on dormer design; there were also similar examples in the nearby area.
- (12) In response Councillor Morris it was confirmed that the proposed buildings would be slightly higher than those around, but would be inkeeping contextually; there were bungalows to the rear, but these were not visible from Falmer Road. In relation to the acoustic fence it was clarified that the full details were set out in condition 23. The Principal Transport Officer confirmed there was detail in the head of terms to help mitigate traffic issues at the nearby junction with Court Ord Road.
- (13) In response to Councillor Inkpin-Leissner it was stated that condition 13 requested the submission of a surface water drainage scheme. The Planning & Building Control Applications Manager also clarified that there was no policy basis to request a higher standard of measures to prevent flood risk than those set out at condition 8.
- (14) In response to Councillor C. Theobald it was explained that the site had been assessed by the County Ecologist and the proposed development was deemed unlikely to have any significant effects on ecology.
- (15) In response to Councillors Gilbey and Miller the Case Officer confirmed the impact of over-looking into the neighbouring No. 6; this was not be significant as the window in question was a rooflight.
- (16) It was confirmed for Councillor Littman that the applicant had submitted a density assessment on the day of the Committee, but Officers had not able to assess this.
- (17) In response to Councillor Morris the Senior Solicitor confirmed that informatives that pointed the applicant towards obligations under separate pieces of legislation could not be made formal conditions as they did not meet the test of being ‘necessary’.

- (18) In response to Councillor Bennett it was confirmed that permitted development rights had been removed on the site, but these would not include changes to garages as this would not be considered a change of use.
- (19) Councillor Wares drew attention to an email he had received, and queried what weight should be attributed to these comments; in response the Planning & Building Control Applications Manager confirmed that all late comments were reviewed by Officers prior to the meeting including the email referred to and that did not raise any additional matters. The Senior Solicitor went on to advise that any weight given to such submissions should be based on whether they raised material planning considerations, the Committee were obliged to consider all material considerations; if they did not then a decision could be susceptible to challenge.

Debate and Decision Making Process

- (20) Councillor Miller stated that he would not be able to support the Officer recommendation; he had concerns in relation to the impact on No. 6 and the potential for over-looking. He felt the dormers were not inkeeping and agreed with the points made by the speakers that the application would be over-development of the site. He highlighted that a smaller scheme would be more appropriate.
- (21) Councillor C. Theobald stated that she did not think the scheme was bad, but it proposed too many houses on the site; especially given they were essentially three-storeys in height. She highlighted the risk of flooding at the site, and felt that the scheme needed smaller properties to the rear; for these reasons she would not support the Officer recommendation.
- (22) Councillor Hamilton stated that the proposed scheme was too much for the plot given the density of the surrounding area and he would not be able to support the Officer recommendation.
- (23) Councillor O'Quinn stated that she agreed with others in the debate and the overdevelopment of the site would have a negative impact on the surrounding area.
- (24) Councillor Littman highlighted the need to provide housing in the city, but felt that the scheme did not comply with policy and did not take account of the local characteristics.
- (25) Councillor Inkipin-Leissner noted that he agreed with others that the scheme was over-development; he also had concerns about flood risk on the site, and felt the developer could come back with a better scheme were the application refused.
- (26) The Chair stated that she was inclined to agree with colleagues in the debate and vote against the scheme.
- (27) A vote was taken and the Officer recommendation that the Committee be minded to grant permission was not carried on a vote of 11 against with 1 abstention. Councillor Littman then proposed reasons to refuse the application and these were seconded by Councillor Miller. A short recess was then held to allow the Chair, Councillor Littman, Councillor Miller, the Planning & Building Control Applications Manager, the Senior

Solicitor and the Principal Planning Officer to draft the reasons in full. These reasons were then read to the Committee and it was agreed they accurately reflected those that had been put forward. A recorded vote was then taken and the Committee unanimously agreed to refuse planning permission.

- 106.2 **RESOLVED** – That the Committee has taken into account the Officer recommendation and the reasons for it, but resolves to **REFUSE** planning permission for the reasons set out below:

Reasons

- i. The proposed development by reason of its design is out of keeping with the prevailing character of the area and does not emphasise its positive characteristics in terms of prevailing density, height, scale, bulk and relationship to adjoining dwellings contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan 2005.
- ii. The proposed development by reason of its height and proximity to no. 6 Court Ord Road would result in an unneighbourly development contrary to policy QD27 of the Brighton & Hove Local Plan 2005.

Informative

- i. The applicant is advised that the Local Planning Authority would wish to see the incorporation of flood risk measures into any subsequent scheme.

C BH2015/02786 - Land to Rear of 101 Roundhill Crescent, Brighton - Full Planning
- Erection of two storey, three bedroom dwelling (C3).

- (1) It was noted that the application had formed the subject of a site visit prior to the meeting.
- (2) The Principal Planning Officer (Liz Arnold) introduced the item and gave a presentation in respect of application BH2015/02786 for full planning and application BH2015/02796 for listed building consent by reference to plans, photographs and elevational drawings; attention was also drawn to the late list and a further representation that had been received – neither raised any new material considerations. The application site related to the rear of 101 Roundhill Crescent; Nos. 101-113 Roundhill Crescent were listed properties and the application would result in the subdivision of the garden area. A number of improvements were proposed to No. 101, but these were not considered as part of the application. The break created at the end of the terrace had open views towards Race Hill and Tenantry Down and gave relief in an otherwise dense residential area. The standard of accommodation was considered poor as one of the bedrooms was within the eaves and only served by a single rooflight. The proposal was considered out of character with the adjoining property on D'Aubigny Road; it was also considered overbearing and would create a sense of enclosure at 103 Roundhill Crescent. It was not considered that the advantages of the scheme would outweigh the harm. In relation to the listed building consent this was recommended for refusal in the absence of an acceptable scheme, and the loss of the historic wall would be harmful to

the conservation area. Both applications were recommended for refusal for the reasons set out in the report.

Speaker(s) and Questions

- (3) Steven Rimington spoke in opposition to the scheme in his capacity as a local resident; he stated that he was speaking on behalf of other local residents in objecting to the scheme. He expressed concern in relation to the mass and bulking that had formed the reasons for refusal of previous schemes on this site. This application did not resolve the previous reasons for refusal and it would greatly reduce the open space between the buildings that had existing for over 100 years and ensured open views to the Downs, which local policy also sought to protect. He considered there to be issues with the design which did not enhance or preserve the conservation area.
- (4) The speakers confirmed for Councillor Miller that there was no No. 2 D'Aubigny Road.
- (5) Wendy Jamieson spoke in support of the applications in her capacity as the applicant; she was assisted by her planning agent. She stated that 101 Roundhill Crescent had been her home for all of her adult life, and the area of land concerned was not a garden, but a separate piece of land. She explained she had been responsible for the maintenance of 101 Roundhill Crescent since November 2014. The scheme would make improvement works to 101 Roundhill Crescent possible. She highlighted comments from the Heritage Officer that much of the historic gap would be retained – enough for sufficient views and openness. The Heritage Officer had not objected to the principle of the development, and it was considered that these views had not been properly taken account of by the Case Officer. The Committee were asked to approve the scheme.
- (6) In response to Councillor Miller the speakers explained that a comprehensive heritage report had been undertaken which recommended that the scheme mirror the property at No. 4; were the ridge height lowered then the effect of 'pairing' would be lost. The proposed building stepped forward to reflect this feature of the other buildings in the road.
- (7) In response to Councillor Littman the speakers confirmed that it was their view the plot of land may have been originally intended as No. 2.

Questions for Officers

- (8) In response to Councillor Miller the Case Officer confirmed that Officers were not of the view that the building line stepped forward.
- (9) In response to Councillor Wares it was confirmed by Officers that the properties along Roundhill Crescent had been built first; with those on D'Aubigny Road following later. It was highlighted that the plot sizes varied.
- (10) In response to Councillor Morris it was confirmed that the listed wall was in the bungaroosh building style.

Debate and Decision Making Process

- (11) Mr Hinton stated that the CAG were recommending approval of the scheme, and they had noted the deteriorated condition of 101 Roundhill Crescent. Whilst there would be some loss of the historic break this would be largely maintained; it was considered that this application was a matter of weighing the costs and benefits and the CAG were minded to believe the gains were greater across the wider site including 101 Roundhill Crescent whereas Officers had taken a different view. They believed the new property was sympathetically designed and picked out features from its context; Mr Hinton also highlighted some minor detailing that could be included were the Committee minded to grant the application.
- (12) Councillor Miller stated he would support both Officer recommendations; he was not opposed to the principle of the development, but considered a more subservient scheme would be appropriate.
- (13) Councillor Morris agreed with Councillor Miller and stated he would support the Officer recommendations.
- (14) Councillor Wares noted he has less concerns with the reduction in the break; however, he was of the view that the approach taken by the applicant would not work for the street scene.
- (15) Councillor Gilbey noted that a number of similar applications had come to the Committee in the last few years that sought some loss of the historic break between buildings; she felt the Committee had recognised the importance of these breaks and for this reason she would support the Officer recommendation.
- (16) A vote was taken by the 11 Members present and the Officer's recommendation that planning permission be refused was carried unanimously.
- 106.3 **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 **REFUSE** permission for the reasons set out below:

Reasons for Refusal

- i. The proposed development by reason of siting, design, height, detailing and the required reduction in the plot size of 101 Roundhill Crescent would result in a development that would erode and fail to reflect the immediate character of the D'Aubigny Road and Roundhill Crescent street scenes and the wider area including the surrounding Round Hill Conservation Area, compromising the quality of the local environment. Furthermore the applicant has failed to demonstrate that the proposal would not have significant adverse impacts upon the break in the roofline/building line of the existing dense urban built form of the area. The proposal would represent an incongruous development. This identified harm would outweigh the benefit of additional housing and as such is contrary to policies QD1, QD2, QD3 and HE6 of the Brighton & Hove Local Plan.

- ii. The proposal includes insufficient public benefits to outweigh the harm to the setting of the Listed Building and Round Hill Conservation Area caused by the proposal, namely the partial loss of the existing open space gap between no. 4 D'Aubigny Road and 101 Roundhill Crescent, the general design of the proposed dwelling and the loss of parts of the historic boundary walls, by virtue of the failure of the applicant to include the proposed works to 101 Roundhill Crescent, as set out in the Design and Access Statement within the plans submitted as part of the application. As such the proposal is contrary to policies QD1, QD2, HE1, HE3 and HE6 of the Brighton & Hove Local Plan.
- iii. The proposed alterations to the existing historic western boundary wall, namely the provision of piers and cappings to match those at 4 D'Aubigny Road, would result in a boundary treatment out of keeping with the historic front boundaries in the D'Aubigny Road street scene and the surrounding Conservation Area. The proposal is therefore contrary to policies QD1, QD2, HE1, HE3 and HE6 of the Brighton & Hove Local Plan.
- iv. In the absence of an acceptable scheme for the development of the site, the demolition of parts of the historic wall would result in loss of historic fabric and form and a gap in the boundary of 101 Roundhill Crescent harmful to the character and appearance of the listed wall and the setting of 101 Roundhill Crescent and the surrounding Conservation Area. As such the proposal is considered contrary to policies HE1 and HE6 of the Brighton & Hove Local Plan.
- v. The proposed dwelling would result in a roofspace bedroom providing unacceptable and poor standard of accommodation for future occupants due to limited headroom, circulation space and outlook. This would result in an. The development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
- vi. The proposed south facing window/glazed doors would represent an unneighbourly form of development by virtue of resulting in actual and perceived overlooking and loss of privacy to the occupiers of the flats located in 101 Roundhill Crescent. As such the proposal would have a harmful impact on neighbouring amenity contrary to policy QD27 of the Brighton & Hove Local Plan.
- vii. The proposal by virtue of its scale, bulk and massing close to the boundary with no. 103 Roundhill Crescent would represent an unneighbourly form of development which would appear overbearing and oppressive when viewed from the garden areas of neighbouring properties located to the east of the site and a development that results in a sense of enclosure to the garden area of no. 103 Roundhill Crescent. As such the proposal would have a harmful impact on neighbouring amenity and is contrary to policy QD27 of the Brighton & Hove Local Plan.
- viii. The applicant has failed to demonstrate that the development would accord to the Building Regulations Optional Requirement M4(2) (accessible and adaptable dwellings) contrary to policy HO13 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.

Note: Councillor Cattell withdrew from the meeting for the reasons stated at minute item 101 B). Councillor Gilbey, the Deputy Chair, assumed the Chair for the consideration of applications C) & D).

D BH2015/02796 - Land to Rear of 101 Roundhill Crescent, Brighton - Listed Building Consent - Alterations to boundary wall.

- (1) It was noted that the application had formed the subject of a site visit prior to the meeting.
- (2) The presentation and consideration of this application is listed at minute item 106 C).
- (3) A vote was taken by the 11 Members present and the Officers recommendation that planning permission be refused was carried unanimously.

106.4 **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 **REFUSE** permission for the reasons set out below:

Reasons for Refusal:

- i. In the absence of an acceptable scheme for the development of the site, the demolition of parts of the historic wall would result in loss of historic fabric and form and a gap in the boundary of 101 Roundhill Crescent harmful to the character and appearance of the listed wall and the setting of 101 Roundhill Crescent. The scheme is considered contrary to policy HE1 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

Note: Councillor Cattell withdrew from the meeting for the reasons stated at minute item 101 B). Councillor Gilbey, the Deputy Chair, assumed the Chair for the consideration of applications C) & D).

E BH2015/02713 - Kingsmere London Road, Brighton - Full Planning - Roof extension to Blocks E & F to provide 8no flats each with own private roof garden.

- (1) The Planning Manager, Major Applications (Paul Vidler) introduced the application and gave a presentation with reference to plans, photographs and elevational drawings; reference was also made to information contained in the late list. The application related to blocks E & F situated at the western edge of the site closest to London Road. The location of the cycle storage was highlighted for the Committee. This was a re-submitted application following a 2012 consent at appeal, and the scheme was recommended for approval for the reasons set out in the report.

Speaker(s) and Questions

- (2) Alan Moxhay spoke in opposition to the application on behalf of the Kingsmere Residents' Association; he stated that he understood the Officer recommendation was in line with the decision of the Planning Inspector, and he highlighted that any reason to refuse the scheme needed to be in relation to new aspects or any that were not considered at the time. He went to highlight disabled access and asked that the Committee insist the lifts be adapted for wheelchair use. The proposed cycle storage at the site was greatly wanted by the residents and the delays in bringing forward the scheme meant that this much needed storage had not been built. Since the consent in 2012 the parking on the estate had reached saturation and the wider site needed a full traffic review.
- (3) In response to Councillor C. Theobald the speaker confirmed that there was planning permission in place to provide additional parking on the site, but this had not been implemented. It was also confirmed that the lifts would need to be adapted for disabled use.
- (4) In response to Councillor Inkpin-Leissner the speaker confirmed that the residents had no power to request that the leaseholder build the cycle storage.
- (5) The speaker also confirmed to Councillor Gilbey there were currently no disabled parking spaces on the site.

Questions for Officers

- (6) In response to Councillor Gilbey it was clarified that the current standard for lifetime homes was the Building and Regulation Optional Requirement; this was the standard the Local Planning Authority now asked applicants to comply with.
- (7) It was confirmed for Councillor Wares that the scheme was identical to the previous consent.
- (8) In response to Councillor Inkpin-Leissner it was confirmed that building regulations would require the lift to be suitable for disabled use. Councillor Morris queried if this were an infringement of equalities and the Planning & Building Control Applications Manager highlighted that there was no information on whether the lift currently complied or not.

- (9) In response to Councillor Gilbey it was confirmed that the transport assessment took into consideration approved but unimplemented schemes.
- (10) In response to Councillor Miller it was confirmed that the application was for eight additional flats, and it was not considered that s106 contributions were necessary to mitigate the impact of the development.

Debate and Decision Making Process

- (11) Councillor C. Theobald noted that there would be an impact on parking across the wider site if the scheme were implemented; she also felt residents were harmed through this type of development.
- (12) Councillor Morris stated that additional parking spaces should be provided for disabled users.
- (13) Councillor Deane stated that the proposals gave the blocks more ‘visual interest’, and she noted the points made by other Members in relation to disabled access.
- (14) Councillor Littman noted that the Local Planning Authority did not have the power to demand the lifts were suitable for disabled use. He highlighted that given the planning history at the site the Committee had little other option than to approve the scheme.
- (15) Councillor Miller noted he would support the scheme on the basis of the planning history; he did, however, express concern in relation to the piecemeal manner the applications were submitted and felt an application across the whole site would be more appropriate. The Planning & Building Control Applications Manager highlighted that informatives could be added to the consent drawing the applicant’s attention to the concerns of residents and the Committees in relation to: a holistic approach to the wider site; disabled parking, cycle storage and the accessibility of the lifts. The Committee agreed to add informatives to this affect.
- (16) A vote was taken by the 12 Members present at the meeting and the Officer recommendation that permission be granted was carried on a vote of 11 in support with 1 abstention.

106.5 **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 and resolves to **GRANT** planning permission subject to the conditions and informatives in section 11, and the additional informatives below:

Additional Informatives:

- i. Planning Committee have noted that there appear to be a lack of cycle and disabled parking across the estate and urge the owner to consider sufficient provision.
- ii. The owner is urged to ensure that sufficient provision is made for the lifts on site to be wheelchair friendly

- iii. Planning Committee have noted that multiple and separate applications have been submitted over time by the same applicant within this estate. These applications and the way they have been submitted mean that it has been difficult for the LPA to assess impacts arising from proposals on the wider estate. This approach is not consistent with the interests of proper planning.

F BH2015/02562 - 107 Boundary Road, Hove - Full Planning - Demolition of existing house and erection of four storey building to form 7no two bedroom flats (C3) with associated parking.

- (1) The Planning Manager, Major Applications (Paul Vidler) introduced the application and gave a presentation with reference to plans, photographs and elevational drawings; reference was also made to information contained in the late list. He also noted that the applicant had highlighted inaccuracies in the report and updated the Committee with the correct size of the disabled bay; Officers did not consider any of the other points raised to be matters of inaccuracy. The application sought permission for the demolition of the existing building and the construction of a four-storey block of flats. In 2008 permission was granted at appeal for a block of flats and this was renewed in 2012; an application was refused in June this year for a four storey block of flats; the scheme was refused due to the adverse impact of the neighbouring properties from the car park at the rear as well as the scale and bulk. The main differences in this application were the reduction in height of the outer gable end features, and repositioning of the rear car-parking. Whilst Officers were of the view the car-parking no longer warranted a reason for refusal, following assessment by Officers in Environmental Health, the reason for refusal in relation to the scale and bulk remained. The application was recommended for refusal for the reasons set out in the report.

Speaker(s) and Questions

- (2) Fred Dyer spoke against the scheme in his capacity as a local resident; he stated that he had concern in relation to fumes from the rear car park which would be directly under the window of his neighbouring property.
- (3) John Coleman spoke in support of the scheme as the architect; he stated that the scheme was reworked and was acceptable for the street scene in Boundary Road as the existing building was of little architectural merit. The current application would provide step free access and the objections to the design were based on the perceived bulk of the building as the footprint was identical to the previously approved scheme – there were properties in the immediate vicinity that were also bulky. The proposal would sit comfortable in the street scene; the scheme constituted a net gain of 6 dwellings and a disabled car parking space. The scheme was supported by one of the local Ward Councillors; as well backed up, in policy terms, by the NPPF.
- (4) In response to Councillor Inkpin-Leissner the speaker confirmed that the building had been raised up so flat access could be gained to the front door.
- (5) In response to Councillor Miller the speaker confirmed that the current scheme was for 7 two-bedrooms flats.

Questions for Officers

- (6) It was confirmed for Councillor Hamilton that there was ramped access to the front door.
- (7) It was confirmed for Councillor Gilbey that there was no longer an objection from Environmental Health.
- (8) In response to Councillor O’Quinn it was confirmed that each flat had its own private amenity space, as well as a communal garden.
- (9) It was confirmed for Councillor Inkpin-Leissner that there was one parking space to the rear of the proposal.

Debate and Decision Making Process

- (10) Councillor Inkpin-Leissner stated that the scheme proposed too much on the site; he felt the agreed 2008 scheme was more appropriate.
- (11) Councillor Hamilton noted there were already traffic problems at the bottom of the road and the additional traffic generated by the scheme would add to this; he stated he would support the Officer recommendation.
- (12) A vote was taken and the Officer recommendation that permission be refused was carried unanimously.

106.6 **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 development by virtue of its scale, bulk and design would result in an incongruous development that would appear overly dominant within the context of the immediate Boundary Road street scene and would detract significantly from the character and appearance of the site and the wider surrounding area. The proposal is therefore contrary to policies QD1, QD2, and QD3 of the Brighton & Hove Local Plan.

Informatives:

- ii. 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.

G BH2014/03826 - The Wardley Hotel, 10 Somerhill Avenue, Hove - Full Planning -
Internal alterations to facilitate increased number of bed spaces from 40 to 51 rooms.
(Part Retrospective)

- (1) The Planning Manager, Major Applications (Paul Vidler) introduced the application and gave a presentation with reference to plans, photographs and elevational drawings. The application site sought permission to increase the number of bedrooms from 40 to 51, but did not propose an external alterations; the applicant had submitted the application for the intensification of the use and requested the Council to determine it. The operators sought to move to a business orientated management model and had removed existing dining and communal space to provide the additional bedrooms. The application had generated a number of objections from residents; however, no objection had been raised by either Sussex Police or Environmental Health. The application was recommended for approval for the reasons set out in the report.

Questions for Officers

- (2) In response to Councillor Wares it was confirmed that there was no change of use and the permission did not cover any HMO use.
- (3) The Committee expressed some concern about the inconsistency of wording in relation to the kitchen/catering facilities provided in the rooms, and agreed to undertake a site visit to clarify the matter.

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

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

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

Application:	Requested by:
BH2014/03826 The Wardley Hotel, 10 Somerhill Avenue, Hove BN3 1RJ	All Committee Members

108 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

109.1 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.]

110 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

111 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

112 APPEAL DECISIONS

112.1 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 6.38pm

Signed

Chair

Dated this

day of

