

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 9 JULY 2008

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Barnett, Carden, Davey, Hamilton, Kennedy, McCaffery, Mrs Norman, Smart, Steedman and C Theobald

Co-opted Members Mr J Small (CAG Representative) and Mr R Pennington (Brighton & Hove Federation of Disabled People)

PART ONE

31. PROCEDURAL BUSINESS

31.1 Declarations of Substitutes

<u>Councillor</u>	<u>For Councillor</u>
Mrs A Norman	K Norman

31B. Declarations of Interest

31.2 The Chairman, Councillor Hyde stated that during the site visit relative to Application BH2008/00925, Maycroft and Parkside, London Road and 2, 4, 6 & 8 Carden Avenue, it had become apparent that the resident of one of the houses forming part of the application site was a former Conservative MP and as such was known to her. However she had not predetermined the application and the nature of her declaration was personal rather than prejudicial. Councillors Barnett, Carden, Mrs A Norman, Smart, Mrs Theobald and Wells declared that they had the same personal but not prejudicial interest and had not predetermined the application.

31.3 The Chairman, Councillor Hyde also declared an interest in application BH2007/04444, Land R/o 67 -81 Princes Road. She had become aware that builders carrying out work for a member of her family also had an interest in this application. It was her intention therefore to vacate the Chair and to leave the meeting during consideration of this item. The Deputy Chairman Councillor Wells would take the Chair during her absence.

31C. Exclusion of Press and Public

- 31.4 The Committee considered whether the press and public should be excluded from the meeting during the consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present, there would be disclosure to them of confidential or exempt information as defined in Section 100A (3) or 100 1 of the Local Government Act 1972.
- 31.5 **RESOLVED** - That the press and public not be excluded from the meeting during the consideration of any items on the agenda.

32. MINUTES OF THE PREVIOUS MEETING

- 32.1 **RESOLVED-** That the minutes of the meeting held on 18 June 2008 be approved and signed by the Chairman as a correct record.
- 32.2 **RESOLVED** - That subject to the amendment set out above the minutes of the meeting held on 18 June 2008 be approved and signed by the Chairman.

33. CHAIRMAN'S COMMUNICATIONS

Core Strategy

- 33.1 The Head of Planning Strategy stated that a briefing / training session was to be held for Members on Tuesday 22 July 2008. Details relative to the event would be circulated in the near future .

Laser Measuring Equipment

- 33.2 A brief presentation in respect of this matter would be given to Members at their next scheduled meeting on 30 July 2008. The presentation would be given by David Maltby of Maltby Land Surveyors who had recently worked on a survey of the bandstand on the sea front, The presentation would be of about ten minutes duration following which there would be the opportunity for Members to ask questions.
- 33.3 **RESOLVED** - That the position be noted in respect of all of the above.

34. PUBLIC QUESTIONS

- 34.1 There were none.

35. WRITTEN QUESTIONS FROM COUNCILLORS

- 35.1 There were none.

36. PETITIONS

- 36.1 There were none.

37. DEPUTATIONS

37.1 There were none.

38. LETTERS FROM COUNCILLORS

38.1 There were none.

39. NOTICES OF MOTION REFERRED FROM COUNCIL

39.1 There were none.

40. TO CONSIDER THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

40.1 **RESOLVED** - That the following site visits be undertaken by the Committee prior to determining the applications:-

The following site visits were agreed as set out below: Those suggested by the development control Manager were likely to be on the agenda for 30 July 2008 but might not appear.

APPLICATION	SITE	SUGGESTED BY
BH2008/01357	17 - 19 Oxford Street	Councillor Steedman
BH2007/ 01574	Hove Rugby Club, Hove Recreation Ground, Shirley Drive	Councillor Barnett
BH2008/00955	Woodingdean Business Park, Bexhill Road	Development Control Manager
BH2008/01268	GB Liners, Blackman Street,	Development Control Manager
BH2008/00792	Brighton General Hospital	Development Control Manager
BH2008/1554	Sackville Trading Estate	Development Control Manager

41. PLANS LIST APPLICATIONS, 9 JULY 2008

(i) TREES

41.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 of the report and resolves to grant consent for felling of the tree referred to below subject to the conditions set out in the report :

BH2008/01725, Woodingdean Primary School, Warren Road, Woodingdean

[**Note** : Councillor McCaffery requested and it was agreed that in future as far as was practicable the list of delegated decisions on tree applications should

record the reason for the decision].

(ii) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY

- 41.2 **Application BH2008/00925, Maycroft & Parkside, London Road & 2,4,6 and 8 Carden Avenue, Brighton** – Demolition of existing buildings and development of residential care home.
- 41.3 It was noted that this application had formed the subject of a site visit prior to the meeting.
- 41.4 The Planning Officer gave a detailed presentation illustrating the proposals by reference to detailed plans and photomontages which also illustrated the distance between the application site and the nearest domestic dwelling house. It was explained that vehicular access would be via the north east corner of the site, where on-site parking for 25 vehicles had been provided. The building would be constructed with pitched roof, dormers, chimneys, dutch gables and tiled bays and would be of a traditional appearance. The proposed development would replace the six existing detached houses, and would provide residential accommodation for the elderly in accordance with Policy H011 of the Local Plan.
- 41.5 In answer to questions the Planning Officer explained that the building would be used as a residential care home and would contain 82 private suites (39 of which would be for residents suffering from mental frailty or dementia, with the remaining 43 suites used for elderly care. Communal living / dining areas, a hairdressers and staff facilities would also be included. The proposed development was considered acceptable subject to conditions to control the development on detail and as set out in the proposed Section 106 Obligation.
- 41.6 Mr Radmell spoke on behalf of neighbouring objectors stating that in their view the proposals were out of keeping with the prevailing street scene of the surrounding area, would be bulky and overly dominant and would result in loss of amenity and privacy for neighbouring residents. It was considered that there was sufficient provision of such accommodation, this accommodation was therefore superfluous. Mr Weston spoke on behalf of the applicant in support of their application he explained that the scheme as presented had been formulated following a public exhibition which had received overwhelming support. Indications of interest had shown that a number of those intending to reside within the completed scheme were City residents who would be freeing up family homes located elsewhere across the City. The proposed accommodation would provide a high standard of modern care for frail and elderly residents. Councillor G Theobald spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme reiterating the points made by the objector. The proposed development would be inappropriate at this location and would dwarf and overlook the neighbouring developments as it was not in scale with them or of a complimentary style, resulting in loss of amenity and privacy. Proposed access arrangements to the site could also be

problematic and could give rise to an increased likelihood of traffic accidents.

- 41.7 Councillor Barnett stated that there were already a number of good quality nursing homes across the City and queried whether there was sufficient need for the type of accommodation proposed. Councillor Mrs Norman sought confirmation regarding the precise nature of the accommodation and care proposed to be provided in view of the fact that there did not appear to be under provision overall. It was explained that the accommodation would operate as a nursing home for those who were either physically frail or who were suffering from alzheimer's or dementia. Councillor Smart sought confirmation regarding the purchase cost of accommodation to prospective residents . It was explained however that this did not constitute a relevant planning consideration.
- 41.8 Councillor Kennedy enquired regarding why the applicant had not submitted an Environmental Impact Assessment to accompany their application, as this represented best practice in conjunction with a major application. It was explained that this had not been required by the Local Planning Authority but that a number of conditions were proposed, any development would also be contingent on the successful completion of a Section 106 Obligation. Councillor Kennedy was also of the view that details relative to proposed screening would also have been desirable particularly bearing in mind that the scheme would result in removal of mature screening which currently helped to shield the site from the main London Road and from its neighbours .
- 41.9 Councillor McCaffery sought clarification regarding the definition of a suite with the development and the applicant explained that the majority of units would comprise a large bedroom, kitchenette and bathroom, but that a small number of units would comprise two rooms a kitchenette and bathroom.
- 41.10 Councillor Mrs Theobald enquired whether 25 car parking spaces plus bicycle parking spaces would be sufficient. It was explained that it was considered that it would be. Based on experience of use at other similar developments visits by family members tended to be staggered throughout the day/ during the week. Councillor Mrs Theobald stated that it appeared that it appeared that neighbouring residents had grave concerns regarding the proposed form of the development. In her view too many units were proposed of too great density, height and bulk, which would totally overwhelm neighbouring buildings. The prevailing character of the area was of lower rise domestic dwellings with gardens and low rise blocks of flats. The mock tudor design did not reflect any of the other buildings in the area. It was out of keeping and incompatible. She was also of the view that the proposed development would mar the gateway entry to Patcham / the city formed by the London Road frontage of the site. She also considered that the loss of six homes was unacceptable.
- 41.11 Councillor Hamilton stated that he considered that it was important that the Urban Characterisation Study be completed as soon as possible, as this would provide a useful additional tool in assessing the potential impact of development at various locations across the city. He considered that there was a lack of specialist care of the type proposed and he considered the design to be acceptable.

- 41.12 Councillors Barnett and Mrs Norman stated that whilst the applicant had a good reputation for providing the type of accommodation for which planning permission was sought. Neither considered the application site to be appropriate for the proposed form of development.
- 41.13 Councillor Kennedy stated that she had concerns regarding the scale and design of the proposed development concurring with other speakers that it was somewhat different to that of other development in the vicinity of the site. She also had concern regarding advice given by officers' in response to questions which related to potential grounds for refusal of planning permission. She did not consider that details of a decision of the Planning Inspectorate relative to a scheme put forward by the applicant in another county was necessarily relevant to Brighton & Hove. She acknowledged however that the development would undoubtedly provide for an identified need. Councillor Steedman concurred in that view stating that whilst acknowledging the value of the scheme he had concerns regarding its design.
- 41.14 Councillor Smart sought details regarding the proposed crossover arrangements. He considered that these could give rise to a hazard, that the height of the development was too great and that there were too few parking spaces.
- 41.15 Councillor Wells stated that he considered the proposed development was acceptable particularly bearing in mind that those who took up residence were likely to free up family accommodation elsewhere across the City. Councillor McCaffery stated that she was not averse to the design and considered that it would provide much needed accommodation.
- 41.16 Councillor Hyde , the Chairman stated that whilst she considered the design to be acceptable she had concerns regarding the height of the proposed development .
- 41.17 A vote was taken and on a vote of 5 to 4 with 3 abstentions planning permission was refused on the grounds set out below.
- 41.18 **RESOLVED** - That the Planning Committee having considered the above application considered that planning permission should be refused on the grounds that :
- (1) The proposed residential care home, by reason of its bulk, massing, footprint, height and design, would relate poorly to adjoining houses in Carden Avenue, would be out of character with the surrounding area and represents overdevelopment of the site. The proposal is contrary to policies QD1, QD2, QD3 and QD27 of the Brighton & Hove Local Plan ;
 - (2) The proposal involves the net loss of six houses and , as such , represents an unacceptable loss of dwellings contrary to policy H08 of the Brighton and Hove Local Plan ; and
 - (3) The proposal, due to increased traffic movements and proximity to the junction of London Road and Carden Avenue, would exacerbate existing traffic

problems in the area and as such is contrary to policies TR1 and TR7 of the Brighton and Hove Local Plan.

[**Note 1** : Councillor Smart proposed that planning permission be refused in the terms set out above . This was seconded by Councillor Mrs Theobald].

[**Note 2**: A recorded vote was then taken. Councillors Barnett, Davey, Mrs A Norman, Smart and Mrs Theobald voted that planning permission be refused . Councillors Carden, Hamilton, McCaffery and Wells voted that minded to grant planning permission should be granted. Councillors Hyde, (Chairman) Kennedy and Steedman abstained. Therefore on a vote of 5 to 4 with 3 abstentions planning permission was refused on the grounds set out].

- 41.19 **Application BH2008/01113, BHASVIC College, 205 Dyke Road, Hove –** Proposed redevelopment of educational facilities comprising one 4 storey, one 3 storey and one 3 and 1 storey blocks and associated works.
- 41.20 It was noted that this application had formed the subject of a site visit prior to the meeting.
- 41.21 The Planning Officer gave a detailed presentation setting out the proposals by reference to detailed drawings, visuals and aerial views in order to indicate the configuration and coverage of the new buildings within the site. Amendments had been made to the proposed theatre block following discussion between officers and the applicant and this element of the scheme was also now considered acceptable .
- 41.22 It was explained in answer to questions it would be necessary to remove 5 trees from the site which were covered by TPO's ,but that overall it was envisaged that a very good BREAM rating would be attained .
- 41.23 Councillor Kennedy asked to see elevational material looking from the theatre block towards the Crocodile Walk. Questions were asked regarding whether or not it would be appropriate to provide anti graffiti treatment to surfaces. Councillor Smart sought clarification regarding the location of parking within the reconfigured site. Councillor Mrs Theobald stated that in her view the loss of any parking was to be regretted bearing in mind that the numbers of staff and students was likely to increase. She was also of the view that a condition requiring a green wall to the facing wall would enhance and soften the facing wall of the theatre block. Confirmation regarding the precise nature of the artwork to be provided as part of the percentage for art was sought. It was explained that this would be decided upon by a Panel and that Local Ward Councillors would be part of the commissioning panel.
- 41.24 Councillor Steedman expressed his support for the suggestion that a green wall be provided . He considered that it was important to ensure that matching materials were used. The Development Control Manager confirmed that it would be most appropriate for this matter to be dealt with by way of an additional informative. Councillor McCaffery sought clarification by reference to plans of details between the existing and new buildings.

- 41.25 Mr Small (CAG) stated that whilst not listed the main entrance building was of local interest. Notwithstanding that elements of the scheme would be set back he was of the view that the would tower would be higher than this building and could be overly dominant of it. He was also concerned that where old and new brickwork would exist in close juxtaposition to one another that it would be very difficult to ensure an exact match. Councillor Wells expressed his support of the scheme and did not share Mr Small's concerns relative to the brickwork. Councillors Mrs Norman and McCaffery also supported the scheme which they considered was of a good design. Councillor Hamilton stated that the scheme would provide much needed modern purpose built accommodation. It was noted that the scheme would result in the loss of the existing weekend boot fairs .
- 41.26 A vote was taken and Members voted unanimously that minded to grant planning permission be granted ,a further vote was taken relative to the addition of an informative seeking provision of a green wall/ roof to the theatre and this was agreed on a vote of 11 with 1 abstention.
- 41.27 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 10 of the report and resolves that it is minded to grant planning permission subject to receipt of an amended drawing providing visual relief to the west elevation of the theatre, a satisfactorily completed Sustainability Checklist, to the Conditions and Informatives set out in the report and a Section 106 Obligation to secure :
- (i) £50,000 towards Sustainable Transport Improvements ; and
- (ii) £30,000 towards public art ;
- and to the addition of an informative relative to :
- the provision of a green wall to the wall / roof as appropriate of the theatre block.
- [**Note** : Members voted unanimously that minded to grant planning permission be granted subject to successful completion of the Section 106 Obligation. Councillor Hamilton abstained from voting relative to the addition of an informative relative the provision of a green wall].
- (iii) **DECISIONS ON MINOR APPLICATIONS WHICH VARY FROM THE RECOMMENDATIONS OF THE DIRECTOR OF ENVIRONMENT AS SET OUT IN THE PLANS LIST (MINOR APPLICATIONS) DATED 18JUNE 2008**
- 41.28 There were none.
- (iv) **OTHER APPLICATIONS**
- 41.29 **Application BH2007/04444, Land to Rear 67 - 81, Princes Road, Brighton –** Erection of 8 new two and three storey houses at the rear and a single storey lift housed onto Princes Road. Provision of private and communal gardens, refuse

storage, cycle storage and one car parking.

- 41.30 It was noted that this application had formed the subject of a site visit prior to the meeting.
- 41.31 The Planning Officer explained that the Committee were being recommended to agree that they would have refused planning permission for the reasons set out in the Conditions and Informatives set out in the report had an appeal against non-determination had been lodged by the applicant. A detailed presentation was given and it was explained that a total of 222 letters of objection had been received relative to the proposals. Details of the site boundaries, means of access and location of the conservation area were shown. It was explained that the site was considered to be a Greenfield site in that available records dating back to the 1950's indicated that the site had previously been in use as a small holding. Although the roof heights of heights of the proposed buildings were not of uniform height they remained at variance with those of the prevailing street scene, albeit that the applicants had indicated that the site would provide 100% affordable housing. Refusal was recommended on the grounds set out in the report.
- 41.32 Ms Rogers spoke on behalf of neighbouring objectors setting out their objections to the scheme. Objectors were in agreement that the site was a greenfield one notwithstanding that it had been subjected to rigorous clearance by the applicants. In the view of objectors notwithstanding that at each subsequent application had comprised fewer dwelling units, the grounds for refusal had not been overcome and the site remained unsuitable for the number of dwellings proposed in terms of density, overlooking, steep gradients, configuration within the site, access to the site and in relation to the other grounds referred to in the officers report. With the construction of the waste transfer station the proposed accommodation would provide a poorer aspect and amenity for any future residents of the dwellings than would previously have been the case. Mr Coomber spoke on behalf of the applicant in support of their scheme stating that in their view it constituted a brownfield site, the officers recommendation was disappointing in that a number of requests to meet further in order to discuss the proposals had been declined. It was considered that the scheme represented good use of the site which would provide much needed social housing. Issues relative to access to the site had been adequately addressed in the applicants view, the registered social landlord would have allocation rights to the units and it could therefore be ensured that units would be allocated in line with identified need, which would be of high quality and would represent a sustainable form of development. Councillor Taylor spoke in his capacity as a Local Ward Councillor setting out his objections to the proposals. He echoed the grounds put forward by neighbouring objectors stating that the various applications had come forward in respect of the site all of which had been unsuitable, would be completely unneighbourly to existing residents and did not respect either the gradients of the site or the character of the surrounding area. He considered that in order to prevent further future applications relative to a site which in his view was totally inappropriate for residential use he thought it was important for the Committee to designate the site as not suitable as building land and urged

them to consider that option.

- 41.33 In answer to questions of Councillors Barnett and Davey relative to the status of the land the Planning Officer reiterated that the land was designated as greenfield in that records relative to the planning history of the site indicated that there had never been any domestic dwellings there. Councillor Barnett referred to the fact that retaining walls between neighbouring gardens and the site appeared to have been removed and that neighbouring trees also appeared to have been removed. The Planning Officer explained that there was a clear delineation between the site and the garden areas attached to neighbouring domestic dwellings and that this had always been the case.
- 41.34 Mr Small (CAG) sought information regarding elevational details of the gatehouse which would front onto Princes Road. Mr Pennington, Brighton & Hove Federation of Disabled People sought details relative to the distance of the proposed disabled parking bay from the site bearing in mind that this would be available for use by any disabled driver in the vicinity and not necessarily a resident of the proposed development. Councillor Davey also sought confirmation in respect of this matter. Councillors Barnett and Mr Pennington also sought details of the distance of residents front doors on leaving the lift at site ground level. Councillor Smart also sought details of alternative means of access onto the site for wheelchair or other disabled users in the event of the lift being inoperable. Details of arrangements to leave the site in the event of fire were also sought.
- 41.35 Councillor Mrs Theobald sought details regarding provision to the site by the City Car Club and it was explained that such details would need to form the subject of separate negotiation. In answer to further questions it was explained that nomination rights would vest with the registered social landlord.
- 41.36 Councillor Mrs Norman considered that works to the site entrance way were likely to compromise the adjacent tree which formed the subject of a TPO. She also expressed concern regarding difficulties in accessing the site due to the steep gradient in order to get onto it, in the event of lift failure or during inclement weather this could also represent difficulties for able bodied residents as well. Councillors Mrs Theobald and McCaffery echoed those views.
- 41.37 Councillors Barnett and Smart stated that they recognised that there was a desperate need for affordable housing, but stated they had concerns regarding access issues in relation to the site. Councillor Wells, acting as Chairman, stated that he considered the proposals to be acceptable and would provide much needed housing. Councillor Hamilton stated that on balance he considered the officers recommendation to be appropriate and one which should be supported.
- 41.38 Councillors Davey, Kennedy and Steedman stated that in their view the proposed scheme was wholly inappropriate and considered that the Committee should pass a resolution precluding its use as building land. However, the Solicitor to the Sub Committee stated that this was not appropriate as the Committee should not fetter its future decision making in respect of any site.

- 41.39 A vote was taken and on a vote of 6 to 2 with 3 abstentions planning permission was refused on the grounds set out below.
- 41.40 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons set out in the report and resolves that the Local Planning Authority would refused planning permission for the reasons set out below, had an appeal against non- determination not been lodged by the applicant :
1. the proposed development, by reason of excessive site coverage and inadequate boundary separation, overly large unit proportions and inadequate space around the proposed dwellings is considered to be san overdevelopment of the site resulting in overlooking to and cramped living conditions for future occupiers , contrary to Brighton & Hove Local Plan policies QD1, QD2, QD3, QD27, HO4 and HO5.
 2. T proposed terrace by reason of its excessive building height in relation to plot size, excessively deep and bulky proportions, bulky terraces, inappropriate materials, and lack of separation to site boundaries and failure of the ridge heights to appropriately step down following the gradient of Princes Road, would result in a poor appearance that was incongruous with the existing Princes Road terrace and harmful to the setting of the terrace properties and views into the area and the character and appearance of the Round Hill Conservation Area contrary to policies QD1, QD2, QD3, QD4 and HE6 of the Brighton & Hove Local Plan.
 3. The proposed car free development fails to provide for the resulting travel demand and would be likely to exacerbate the existing on- street parking stress and result in the displacement of existing resident parking, contrary to Brighton& hove Local Plan policies TR1, TR19, QD27 and HO7.
 4. The proposed development by reason of its bulk, height and lack of separation to adjoining site boundaries would appear overbearing and result in overlooking and a loss of privacy to the rear of the Princes Road properties, to the detriment of residential amenity contrary to policy QD27 of the Brighton & Hove Local Plan.
 5. The proposed development would result in the loss of a Greenfield site which had significant ecological interest. The applicant has failed to incorporate nature conservation mitigation and enhancement measures within the design of the proposal and as such has failed to address and mitigate the adverse impacts on the development on the nature conservation value of the site contrary to policies QD17, QD18, and QD19 of the Brighton & Hove Local Plan.
 6. The proposed solar panels would result in a cluttered roof scape and insufficient information has been submitted with regard to the appearance of the solar panels, and in the absence of an Echomes / Code for Sustainable Homes pre-assessment by an accredited assessor, the contribution the solar panels make towards achieving the necessary rating cannot be properly assessed. Therefore the proposal cannot be properly judged against policies QD1, Qd2, QD4, HE6 and SU2 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note 16 “Renewable Energy & Efficiency”.
 7. The applicant has failed to demonstrate that the development would not adversely impact on the Horse Chestnut tree which is adjacent to the proposed access to the site. As such it is considered that the proposal is

contrary to policy Qd16, of the Brighton & Hove Local Plan.

8. The proposed development would result in an off road parking space and cross over from Princes Road which would be detrimental to the character and appearance of the conservation area, in particular Nos 67 - 81 Princes Road, which are characterised by front boundary walls and front gardens. As such the proposal is contrary to policies QD2 and HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos.0409,-07-001, 011, 012,013, 014, 015, 020, 021,022, 023, 024 submitted on 30 November 2007, Tree report submitted 11 February 2008.

[**Note** : Having declared a personal and prejudicial interest in respect of the above application Councillor Hyde vacated the Chair and left the meeting during consideration of the above application. Councillor Wells the Deputy Chairman took the Chair during her absence].

- 41.41 **Application BH2008/01357, 17 - 19 Oxford Street, Brighton** - Change of use of ground and first floor from class A2 (finance and professional services) to class A3 (restaurant and cafe) and A4 (drinking establishment) with associated internal alterations and rear roof terrace.
- 41.42 Members considered that it would be appropriate to hold a site visit prior to determining the application.
- 41.43 **RESOLVED** - That consideration of the above application be deferred pending a site visit.
- 41.44 **Application BH2008/01327, 196 Dyke Road, and Brighton** – Proposed demolition of two houses and erection of a four storey block of 8 flats.
- 41.45 The Planning Officer gave a detailed presentation referring to the configuration of the existing site and to site coverage relative to the proposed development. It was considered that the previous reasons for refusal had been overcome in that the proposed design had effected improvements which respected the character and appearance of the neighbouring Booth Museum. It was proposed that all of units would have amenity space in the form of balconies and in the case of the ground floor unit a patio.
- 41.46 Councillor Hyde the Chairman welcomed the improvements which had been effected to the design of the building. In answer to questions the Planning Officer explained that there were no residential properties immediately abutting the site. In answer to questions by Councillor McCaffery it was explained that the Territorial Army barracks was located immediately to the rear of the application site. Councillor McCaffery enquired whether the existing entrance to the site was to be retained, in particular the statues currently in situ to either side of the gate pillars. It was explained that these would need to be removed in order not to impede the sight lines for vehicles accessing or egressing from the site.

- 41.47 Councillor McCaffery expressed surprise that issues had not been raised relative to additional vehicular movements and traffic which would be generated by the site in an area where traffic congestion was already an issue. In answer to questions put by Councillor Kennedy it was explained that it was proposed to provide on – site parking for 9 vehicles which equated to one parking space per unit.
- 41.48 Councillor Mrs Theobald stated that she did not support the proposed development considering that the two dwelling houses currently on site should be retained as family homes. Mr Small (CAG) reiterated the comments submitted by CAG and the Prestonville Community Association and which were set out in the report. In their view the application was inappropriate to the setting and unique character of the listed Booth Museum over which it would have a commanding impression. It was also considered that it was difficult to ascertain from the photomontages accompanying the application what impact the development would have on surrounding development.
- 41.49 A vote was taken and on a vote of 8 to 3 with 1 abstention planning permission was granted in the terms set out below.
- 41.50 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendations set out in Paragraph 8 of the report and resolves to grant planning permission subject to receipt of a satisfactorily completed Sustainability Checklist and to the Conditions and Informatives set out in the report.
- [**Note** : Councillors McCaffery, Mrs A Norman and Mrs Theobald voted that the application be refused. Councillor Kennedy abstained].
- 41.51 **Application BH2008/00829, 85D Crescent Drive North, Woodingdean** - Alterations to roof including raising the ridge height. Insertion of two dormers and roof light in north / west elevation, dormer and roof light in south / east elevation, two roof lights to north / west elevation and window and roof light to south / west elevation.
- 41.52 A vote was taken and on a vote on 10 to 1 planning permission was granted in the terms set out below.
- 41.53 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the Conditions and Informatives set out in the report.
- [**Note** : Councillor McCaffery abstained from voting in respect of the above application. Councillor Hamilton was not present at the meeting when the vote was taken].
- 41.54 **Application BH2007/01574, Hove Rugby Club, Hove Recreation Ground, Shirley Drive, Hove** - Extension to clubhouse to provide additional changing rooms, clubroom and entrance porch.

- 41.55 Members considered that it would be beneficial to hold a site visit prior to determining the application.
- 41.56 **RESOLVED** - That consideration of the above application be deferred pending a site visit .
- 41.57 **Application BH2007/00942, 55 – 57 Church Road, Hove** - Change of use of no 57 from retail (A1) to restaurant (A3) in conjunction with no.55 single storey rear extension, alterations to basement and ground floor and installation of extract ducting to rear elevation. Formation of front boundary wall and replacement shopfronts to nos. 55 & 57.
- 41.58 Councillor Steedman enquired regarding the location of waste storage facilities, seeking confirmation that they were considered to be adequate. It was explained that these would be located to the rear of the premises. Councillor Smart considered it regrettable that the retail use would be replaced by a restaurant.
- 41.59 A vote was taken and on a vote of 9 with 2 abstentions planning permission was granted in the terms set out below.
- 41.60 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the Conditions and Informatives set out in the report.
- 41.61 [**Note** : Councillors McCaffery and Smart abstained from voting in respect of the above application. Councillor Hamilton was not present at the meeting when the vote was taken].
- 41.62 **Application BH2007/02454, 5 - 6 Western Road, Hove** – Part retrospective application for the erection of a four storey building over an existing basement level nightclub, comprising a ground floor bar (A4) and six flats over the floors above, and including alterations to existing elevations.
- 41.63 The Planning Officer referred to the additional submissions received and set out in the “Late Representations List”. It was noted that Councillor Elgood fully supported the officers’ recommendations and would be happy to revise his objections accordingly should the Committee grant permission. A detailed presentation was given detailing recent past planning history relative to the site and the measures for which planning approval was now sought which sought to ameliorate and remedy the current situation on site and to ensure completion of the development . The individual floor plans for each floor of the building were referred to as were proposals relating to storage of domestic and recycling waste within the building, for clearance by private contractors only via Western Road rather than via Farman Street and Cross Street. Conditions were proposed which would ensure that operation of the basement nightclub and ground floor bar were entirely separate and could not be combined. In order to reduce the height of the shuttered elevation in line with the recommendations contained in the Planning Inspector’s report relative to the

most recent appeal decision, the height of the lift shaft would be reduced. Access to the top two floors would be by means of staircases. Measures were also proposed relative to the replacement of the existing UPVC windows, coating of surfaces provision where appropriate with vandal proof paint, relative to removal of the existing ramp and provision of CCTV cameras in Farman Street .

- 41.64 Mr Chavasse, present to speak on behalf of neighbouring objectors stated that having conferred with the applicant's representative he was prepared to withdraw the objections raised on the basis that works would be carried out as indicated particularly in relation to the removal and storage of waste . Mr Barling spoke on behalf of the applicant in support of their application. He stated that the current application sought to complete the scheme and to carry out the building works in a manner which was acceptable to all parties, and overcame the planning objections and the issues raised by the Planning Inspector in relation to the most recent planning appeal . There was a will to ensure that all works were properly carried out , in order to obviate the need for the building to be demolished which would not be beneficial to any party . He was confident that the architect currently engaged would ensure that these works were carried out in accordance with the submitted plans should the application be approved.
- 41.65 Councillor Davey sought clarification regarding the location of cycle parking facilities relative to the development and it was explained that these would be located at basement level with the remainder at first floor internally. Bicycles could be taken up to that level via the internal lift.
- 41.66 Mr Small (CAG) enquired whether as details relative to a number of conditions were still awaited whether it would be appropriate for the Committee to grant permission at this stage. The planning officer explained that if the conditions of any permission granted were not complied with that the Enforcement action would be taken.
- 41.67 Mr Pennington, Brighton & Hove Federation of Disabled People enquired regarding disabled access arrangements to the building. He considered that the current proposal was inadequate, as a result of lowering of the lift tower this meant that access to the top two floors of the building was via stairs which meant they were not fully accessible .
- 41.68 The Planning Officer explained that it was accepted that in order to effect the changes necessary to meet planning requirements and to address the issues raised in the Planning Inspector's report that a compromise solution had been reached.
- 41.69 A vote was taken and Members voted unanimously that planning permission be granted minded to grant subject to expiry of the consultation period in the terms set out below.
- 41.70 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons set out in Paragraph 9 of the report and resolves to grant planning permission subject to the Conditions and Informatives set out in the report and addition of Condition 3 relative to the provision of appropriate

lighting.

(v) DECISIONS ON APPLICATIONS DELEGATED TO THE DIRECTOR OF ENVIRONMENT

41.71 **RESOLVED** – Those details of the applications determined by the Director of Environment under delegated powers be noted.

[**Note 1:** All decisions recorded in this minute are subject to certain conditions and reasons recorded in the Planning Register maintained by the Director of Environment. The register complies with the legislative requirements].

[**Note 2 :** A list of representations, received by the Council after the Plans List reports had been submitted for printing had been circulated to Members on the Friday preceding the meeting. (For copy see minute book). Where representations were received after that time they would be reported to the Chairman and Deputy Chairman and it would be at their discretion whether these should (in exceptional cases), be reported to the Committee. This in accordance with resolution 147.2 of the then, Sub Committee held on 23 February 2005].

42. SITE VISITS

42.1 The following site visits were agreed:

APPLICATION	SITE	SUGGESTED BY
BH2008/01357	17 - 19 Oxford Street	Councillor Steedman
BH2007/01574	Hove Rugby Club, Hove Recreation Ground, Shirley Drive	Councillor Barnett
BH2008/00955	Woodingdean Business Park, Bexhill Road	Development Control Manager
BH2008/01268	GB Liners Blackman Street	Development Control Manager
BH2008/00792	Brighton General Hospital	Development Control Manager
BH2008/01554	Sackville Trading Estate	Development Control Manager

43. APPEAL DECISIONS

43.1 The Committee noted letters received from the Planning Inspectorate advising on the results of planning appeals which had been lodged as set out on the agenda.

44. APPEALS LODGED

- 44.1 The Committee noted the list of Planning Appeals, which had been lodged as set out in the agenda.

45. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

- 45.1 The Committee noted the information set out in the agenda relating to information on Informal Hearings and Public Inquiries.

The meeting concluded at 6.15pm

Signed

Chair

Dated this

day of