



**Brighton & Hove
City Council**

Planning Committee

Title:	Planning Committee
Date:	25 February 2009
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors:Hyde (Chairman), Wells (Deputy Chairman), Barnett, Carden (Opposition Spokesperson), Davey, Hamilton, Kennedy, McCaffery, K Norman, Smart, Steedman, C Theobald and Mrs Cobb</p> <p>Co-opted Member: Mr J Small (CAG Representative) and Mr R Pennington (Brighton & Hove Federation of Disabled People)</p>
Contact:	<p>Penny Jennings Senior Democratic Services Officer 01273 291065 penny.jennings@brighton-hove.gov.uk</p>

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AGENDA

190. PROCEDURAL BUSINESS

- (a) Declaration of Substitutes - Where Councillors are unable to attend a meeting, a substitute Member from the same Political Group may attend, speak and vote in their place for that meeting.
- (b) Declarations of Interest by all Members present of any personal interests in matters on the agenda, the nature of any interest and whether the Members regard the interest as prejudicial under the terms of the Code of Conduct.
- (c) Exclusion of Press and Public - To consider whether, in view of the nature of the business to be transacted, or the nature of the proceedings, the press and public should be excluded from the meeting when any of the following items are under consideration.

NOTE: Any item appearing in Part 2 of the Agenda states in its heading the category under which the information disclosed in the report is exempt from disclosure and therefore not available to the public.

A list and description of the exempt categories is available for public inspection at Brighton and Hove Town Halls.

191. MINUTES OF THE PREVIOUS MEETING

1 - 24

Minutes of the meeting held on 4 February 2009 (copy attached).

192. PETITIONS

To consider and Petitions presented at Council on 29 January 2009 in respect of the following (reports to follow):

- (i) Councillor Bennett – Park House, Old Shoreham Road;
- (ii) Councillor Mrs Brown - Park House, Old Shoreham Road;
- (iii) Councillor Davis - Park House; Old Shoreham Road.

193. CHAIRMAN'S COMMUNICATIONS

194. PUBLIC QUESTIONS

(The closing date for receipt of public questions is 12 noon on 18 February 2009)

PLANNING COMMITTEE

No public questions received by date of publication.

195. DEPUTATIONS

(The closing date for receipt of deputations is 12 noon on 18 February 2009).

(i) Deputation Presented at Council 29 January 2009 fro Mr D Barker: Park Development (copy attached).

196. WRITTEN QUESTIONS FROM COUNCILLORS

No written questions have been received at date of publication.

197. LETTERS FROM COUNCILLORS

No letters have been received at date of publication.

198. NOTICES OF MOTION REFERRED FROM COUNCIL

No Notices of Motion have been referred.

199. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

200. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST DATED 25 FEBRUARY 2009

(copy circulated separately).

201. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST

202. TO CONSIDER AND NOTE THE CONTENT OF THE REPORT DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY

203. APPEAL DECISIONS

25 - 46

(copy attached).

204. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

47 - 48

(copy attached).

205. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

49 - 50

(copy attached).

PLANNING COMMITTEE

Members are asked to note that officers will be available in the Council Chamber 30 minutes prior to the meeting if Members wish to consult the plans for any applications included in the Plans List.

The City Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public. Provision is also made on the agendas for public questions to committees and details of how questions can be raised can be found on the website and/or on agendas for the meetings.

The closing date for receipt of public questions and deputations for the next meeting is 12 noon on the fifth working day before the meeting.

Agendas and minutes are published on the council's website www.brighton-hove.gov.uk. Agendas are available to view five working days prior to the meeting date.

Meeting papers can be provided, on request, in large print, in Braille, on audio tape or on disc, or translated into any other language as requested.

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For further details and general enquiries about this meeting contact Penny Jennings, (01273 291065, email penny.jennings@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 17 February 2009

PLANNING COMMITTEE

Agenda Item 191 Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 4 FEBRUARY 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Barnett, Carden (Opposition Spokesperson), Davey, Fallon-Khan, Hamilton, McCaffery, K Norman, Randall Smart, and Steedman.

Co-opted Member Mr J Small (CAG Representative)

PART ONE

173. PROCEDURAL BUSINESS

173A Declarations of Substitutes

173.1 Councillors Fallon-Khan and Randall attended as substitute Members for Councillors Mrs Theobald and Kennedy respectively.

173B Declarations of Interest

173.2 Councillor K Norman declared a personal but not prejudicial interest in Application BH2008/02732, Falmer Community Stadium by virtue of the fact that he was a season ticket holder with Brighton & Hove Albion Football Club. Councillor Fallon-Khan stated that he had been approached with regard to Application BH2008/02479, Former Flexer Sacks Building, Wellington Road, Portslade. He had received an e.mail and forwarded it on. He had not expressed an opinion in respect of the application. The Solicitor to the Committee enquired whether Councillor Fallon-Khan remained of a neutral mind and he confirmed that he did. On that basis he would remain at the meeting during consideration and determination of the item.

173.3 Councillor Hamilton declared a personal and prejudicial interest in Application BH2008/03117, 323-325 Mile Oak Road. The applicant was a sponsor Mile Oak Football Club of which he was Chairman. It was his intention to leave the meeting during consideration of the application and to take no part in the discussion or voting thereon.

173C Exclusion of the Press and Public

173.4 The Committee considered whether the press and public should be excluded from the meeting during 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.

173.5 **RESOLVED-** That the press and public be not excluded from the meeting during consideration of any item on the agenda.

174 MINUTES OF SPECIAL MEETING

174.1 Councillor Wells referred to Paragraph 4.63 stating that he wished the word “offsite” to be added in order that the sentence read as follows

“There was a need for homes with gardens offsite rather than an over proliferation of small flats.”

174.2 Councillor Smart referred to Point 5 of the Resolution (Paragraph 4.78) stating that the second line should refer to an “adequate” provision of outdoor amenity space. The Clerk to the Committee confirmed that this amendment had been picked up and had been made to the copy for signature by the Chairman.

174.3 **RESOLVED-** That subject to the amendments set out above the minutes of the Special meeting held on 12 December 2008 be signed by the Chairman as a correct record.

175. MINUTES OF THE PREVIOUS MEETING

175.1 Councillor Steedman referred to Paragraph 167.67 clarifying that it was the art work on the side of the public house which he considered to be iconic.

175.2 **RESOLVED-** That the Chairman be authorised to sign the minutes of the meeting held on 14 January 2009 as a correct record.

176. CHAIRMAN'S COMMUNICATIONS

Web casting of Planning Committee Meetings

176.1 The Chairman explained that afternoon’s meeting of the Planning Committee was being web-cast as part of the on-going pilot study which would run until June 2009. Members were reminded to speak directly into the microphones and to switch them off when they had finished speaking in order to ensure that they could be heard clearly both within the Council Chamber and the public gallery above.

176.2 Correspondence sent to those wishing to make representations at meetings included information stating that that meetings were being web-cast and guidance was given on the use of equipment available in the meeting room and operating instructions for the microphones.

176.3 The Head of Building Control explained that as a result of dialogue which had taken place with the Fire Authority it was considered appropriate to arrange a visit to the local headquarters in order that Members could be briefed regarding the role and responsibilities of the Fire Authority .The Chairman stated that all Members were encouraged to attend if they were able to do so. The meeting would be open to all Members of the Council and would take place on the morning of 17 March. Final details would be confirmed nearer to that date.

177. PETITIONS

177.1 There were none.

178. PUBLIC QUESTIONS

178.1 There were none.

179. DEPUTATIONS

179.1 There were none.

180. WRITTEN QUESTIONS FROM COUNCILLORS

180.1 There were none.

181. LETTERS FROM COUNCILLORS

181.1 There were none.

182. NOTICES OF MOTION REFERRED FROM COUNCIL

182.1 There were none.

183. TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

183.1 **RESOLVED**-That the following site visits be undertaken by the Committee prior to determination:

*BH2008/03640, Park House, Old Shoreham Road

Development Control Manager

*BH2008/02854 Varndean College, Surrenden Road

Development Control Manager

*BH2008/03440, 7-17 Old Shoreham Road

Development Control Manager

BH2008/03117, 323-325 Mile Oak Road

Councillor Carden

* Anticipated as applications to be determined at the next scheduled meeting of the Committee.

184. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST DATED 4 FEBRUARY 2009

(i) TREES

184.0 **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 permit felling of the following tree subject to the conditions set out in the report:

BH2008/03933, Sandringham Lodge, Palmeira Avenue

(ii) **SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY: 4 FEBRUARY 2009**

184.1 **Application BH2008/02732, Falmer Community Stadium, Land North of Village Way, Falmer, Brighton** – a) A community stadium with accommodation for Class (B)1 business, educational, conference, club shop merchandise, entertainment and food. Revision to stadium permitted under reference BH2001/02418/FP including the following alterations: change in roof design and elevational treatment, increase in useable floor area and amendments to use of internal floorspace.

b) proposed re-contouring of land south of Village Way with chalk and soil arising from excavation required to construct community stadium (as above).

184.2 It was noted that this application had formed the subject of a site visit prior to the meeting.

184.3 The Planning Officer gave a presentation detailing the revised application and the ways in which it differed from the scheme for which there was an extant permission. Perspectives across the site and sectional drawings through the development were also shown and samples of the proposed materials were displayed. Details of representations expressing support and setting out objections to the proposals received since preparation of the report were also given.

184.4 Mr Alden spoke on behalf of the CPRE setting out their objections to the scheme. In their view the proposed amendments represented significant changes to the scheme agreed by the Secretary of State and should form the subject of a further application. These proposals represented a 50% increase in size and would have a detrimental impact on the AONB.

184.5 Mrs Cutress spoke on behalf of Falmer Parish Council concurring with the views expressed by Mr Alden. She considered that a fully worked up travel plan needed to be put into place. There were major concerns regarding the sustainable transport arrangements which were considered to be inadequate bearing in mind the huge potential increase in the numbers of people (up to 500) as well as the number of vehicles associated with the much increased conference/corporate hospitality element of the scheme. This would have a negative impact on traffic, parking and noise generation in the vicinity and in Falmer Village itself, plus the conference facilities could be in use until midnight.

184.6 Mr Perry spoke in support of the application detailing the arrangements being put into place in relation to the application and the educational and other facilities which would

accrue from it.. The scheme had evolved further since the original permission had been granted and this had resulted in the amendments put forward.

- 184.7 Councillors Davey and Steedman sought confirmation regarding the status of the Travel Plan. The Planning Officer explained that its detail needed to be agreed with the local authority prior to the stadium coming into operation. Councillor McCaffery sought details regarding operating arrangements in respect of the concourse area including any additional parking to be permitted there. Councillor Davey requested a breakdown of the number of vehicles which could be accommodated on match days, at other times and in respect of any measures proposed to control the number of vehicles accessing the site. Councillor Smart requested to know the number of parking spaces associated with the west stand Mr Perry explained that on match days disabled parking spaces would be provided in addition to the small number of VIP spaces and park and ride buses. These arrangements would be similar to those which had worked well at Withdean. Rigorous controls would be put into place.
- 184.8 Councillor Steedman sought confirmation of the anticipated BREAM rating for the scheme. It was explained that this was currently "very good" but that the club would endeavour to reach an "excellent" rating In answer to further questions it was explained that the facilities to be provided for use by City College would be in addition to the clubs own educational ones.
- 184.9 Mr Small (CAG) requested details regarding the proposed materials, finishes, colour of materials to be used and cladding proposed, particularly with reference to the concourse area. He had concerns regarding the increase in scale of the development and its appearance architecturally. Neither CABE nor the South East Regional Design Forum had been given the opportunity to comment on these amendments. Councillor Wells expressed reservations regarding the increase in size and capacity of the scheme. Councillor Hamilton stated that he considered the application to be acceptable, as did Councillor Carden The arrangements in place at Withdean had worked well and he was confident that suitable arrangements could be put into place at Falmer.
- 184.10 Councillor Randall stated that he was encouraged by the responses given to the questions asked and by the linkage with City College and between the educational and commercial elements of the scheme.
- 184.11 A vote was taken and on a vote of 10 with 2 abstentions minded to grant approval was granted in the terms set out below.
- 184.12 **RESOLVED**-That the Committee has taken into consideration and agrees with the reasons for the recommendation in Section 10 of the report and that it is minded to grant planning permission subject to a deed of variation of the Section 106 obligations dated 14 June 2003 and 23 October 2003 known as Brighton 1 and Brighton 2 to incorporate additional items under the appropriate Head of Term to the Conditions and Informative set out in the report and to the amendments set out below. :

The Section 106 will need to be amended to reflect conditions 41.(Green Transport Plan), Condition 43 (Travel Management, Plan) and 44 (stewarding Plan);

The Artistic Contribution needs to be increased to £75,000.;

The Brighton1 Agreement referred to is actually dated 23 October 2003

The Deed of Variation is required to ensure that the relevant terms of the Brighton 1 Agreements apply to the current application;

The sustainability measures set out under “Additional Items” will apply to the Brighton 1 Agreement in place of those existing;

In relation to the Brighton 1 Agreement the provisions relating to the Green Transport Plan, the Travel Management Plan and the Stewarding Plan will need to be amended to reflect conditions 41, 43 and 441 , thee amount now required for the Artistic Contribution is £75,000 instead o £50,000.

[Note : Councillors Hyde (Chairman) and Wells abstained].

184.13 Application BH2008/02479, Former FlexerSacks Building, Wellington Road, Portslade-Section 106 Obligation.

184.14 The Area Planning Manager (West) explained that following the Committee’s decision of 14 November 2008 to grant planning permission contrary to officer recommendation, it had been agreed that the Section 106 Agreement would be approved in consultation with the Chairman, Deputy Chairman and Opposition Spokesperson. The applicants had indicated subsequently that they were unable to make any Section 106 contribution as to do so would make the scheme financially unviable for them. In the absence of any additional information from the applicant to assist with any negotiation on the contributions it was recommended that the Heads of Terms set out in the report be agreed.

184.15 Councillor Steedman expressed concern at the outcome of these further negotiations. A minded to grant approval had been given against strong officer advice to the contrary. He was therefore of the view that the scheme should not proceed in the absence of the proposed Heads of Terms.

184.16 In answer to questions the Development Control Manager explained that if agreed, officers could use the proposed Heads of Terms as the basis for further negotiations with the applicant. Councillor Hamilton considered that it would be appropriate for officers to enter into further discussions with the applicants and to seek further supporting information. Given the easy access to the site by public transport he considered that it might be possible to reduce or remove that element of the contribution. Councillors Barnett and McCaffery concurred in that view.

184.17 Councillor Steedman remained of the view that the proposed Heads of Terms should be applied. He did not consider that the current economic climate should give rise to poor or inappropriate schemes being agreed. Councillors Davey and Randall concurred stating that it could set an unfortunate precedent should the scheme proceed without the appropriate terms. Further negotiations should be entered into and an appropriate contribution sought.

184.18 Councillor Smart stated that any terms applied would not alter the appearance of the building. In his view the scheme was acceptable as it stood. The Solicitor to the Committee explained that the requirement for a Section 106 Agreement to be entered into did not relate to appearance of any given scheme and were sought when this was considered appropriate. The level of contribution sought was arrived at using an agreed formula.

184.19 Councillors Noman and Wells considered that the scheme should proceed as it would ensure that the site was brought back into use. Councillors McCaffery and Randall suggested that it would be appropriate to defer consideration of the application pending the outcome of further negotiations by officers. The Chairman put that proposal but it was lost on a vote of 6 to 6 on the Chairman's casting vote.

184.20 A further vote was taken and on a vote of 5 to 5 with 2 abstentions it was agreed that the requirement to enter into a Section 106 Planning Obligation be waived with the exception of the Head of Terms set out below.

184.21 **RESOLVED-** That the Committee agrees the following Head of Term and conditions as set out in the report.:

The refurbishment and extension of the B1 office accommodation be completed to shell and core standard prior to the first occupation of the ground floor premises and to the conditions as set out in the report..

Reason: The proposed contributions are not considered to be necessary given the current level of parking on site. In addition, the scheme may not be viable with the proposed level of contributions.

[**Note1:** A vote was taken and on a vote of 5 to 5 with 2 abstentions the Officers recommendation was lost of the Chairman's casting vote]:

[**Note 2**—A recorded vote was then taken It was proposed by Councillor Wells and seconded by Councillor Norman that planning permission be granted in the terms set out above. Councillors Fallon-Khan, Hyde (Chairman), Norman, Smart and Wells voted that planning permission be granted as set out Councillors Carden, Davey, McCaffery, Councillors Randall.and Steedman voted that all of the proposed Heads of Terms be applied. Councillors Barnett and Hamilton abstained. Therefore on the Chairman's casting vote the recommendations were agreed as set out above].

(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 4 FEBRUARY 2009

184.22 **Application BH2008/02499, 27 Roedean Crescent** –Demolition of existing dwelling and replacement with 6 bedroom house.

184.23 It was noted that this application had formed the subject of a site visit prior to the meeting.

- 184.24 The Area Planning Manager (East) gave a detailed presentation in respect of the proposed scheme detailing the rationale for refusal of planning permission being recommended.
- 184.25 Mr Blomfield, the applicant spoke in support of his application accompanied by his Architect, Mr Chan. Mr Blomfield explained that the proposal would have the same footprint and massing as the existing building. The development had been designed to achieve a high level of sustainability and to respect the prevailing street scene. Photographs of neighbouring properties were shown and the development was not considered to be out of keeping with them.
- 184.25 Councillor Steedman sought details regarding measures the applicant was prepared to take in order to improve sustainability of the development. The applicant responded that they were prepared to take all practicable measures to reach a Code 4 standard.
- 184.26 Councillor Wells stated that he had driven through the area the previous day and considered that Roedean Crescent was characterised by substantial homes of differing architectural styles. He did not consider that this scheme would be out of keeping. He referred to the block of flats which had been built on the site of Linwood House several years previously it was far less in keeping with the neighbouring street scene than this proposal. Councillors Barnett and Smart concurred in that view.
- 184.27 Councillor Steedman requested that if permission were to be granted, conditions be added to seek to achieve a good Level 4 BREEM rating by inclusion of solar panels which could also be used to heat water.
- 184.28 A vote was taken and on a vote of 10 to 1 with 1 abstention planning permission was granted.
- 184.29 **RESOLVED-** That planning permission be granted on the grounds that the proposal by reason of its location, design, height, bulk and massing is not considered to be incongruous, out of character, or of detriment to the character and appearance of the street scene, nor contrary to policies QD1, QD2, QD3 of the Brighton & Hove Local Plan.
- [**Note 1:** Councillor Wells proposed that planning permission be granted. This was seconded by Councillor Barnett. Councillors Barnett, Hyde(Chairman), Davey, Fallon-Khan, McCaffery, K Norman, Randall, Smart, Steedman and Wells voted that planning permission be granted. Councillor Carden voted that planning permission be refused. Councillor Hamilton abstained. Therefore planning permission was granted as set out above].
- 184.30 **Application BH2008/02761, 49 Hill Drive, Hove** – Addition of second storey to form 4 bedrooms including formation of balcony to rear elevation (Resubmission of BH2008/01385).
- 184.3 1It was noted that this application had formed the subject of a site visit prior to the meeting.

184.32 The Area Planning Manager (West) gave a presentation detailing the scheme. It was noted that this application had been the subject of pre-application advice in an attempt to respond to the reasons for refusal of the previous scheme, it was however considered that the proposal remained overly dominant in the street scene and refusal was therefore recommended.

184.33 Mr Carter spoke on behalf of the applicant in support of their application. He gave a presentation showing the appearance of the proposed scheme within the street scene showing its relationship to and the appearance of other properties in the immediate vicinity. The roof height of the property would be brought into line with that of its neighbours. The ridge height would be low and the balconies to the rear would be of an opaque glazed material. The proposals had been designed to respect the amenity of neighbouring residents from whom no objections had been received.

184.34 A vote was taken and of the 10 Members present planning permission was granted on a vote of 4 to 2 with 4 abstentions.

184.35 **RESOLVED**-That planning permission be granted as the proposed additional storey, by virtue of its bulk, form and massing would not give the house an over extended appearance. The relationship between the extension and the existing features of the property are not considered too incongruous, nor would it give the building a top heavy appearance. Furthermore, when viewed in the context of the neighbouring houses the property would not be detrimental to the street scene. The proposal was not considered to be contrary to policies QD1, QD14 and Supplementary Planning Guidance Note 1 on roof alterations and extensions.

[**Note 1:** Councillor McCaffery proposed that planning permission be granted. This was seconded by Councillor Davey. Councillors Davey, Hyde (Chairman), McCaffery and Randall voted that permission be granted. Councillors Carden and Smart voted that permission be refused. Councillors Barnett, Hamilton, Steedman and Wells abstained].

[**Note 2:** Councillors Fallon-Khan and K Norman were not present when the vote was taken].

184.36 **Application BH2008/03129, 100 St. James' Street, Brighton** -Use of rear garden for A3 café ancillary to existing sandwich bar (A1). Formation of new window opening to ground floor rear elevation.

184.37 The Area Planning Manager (East) gave a presentation setting out the rationale for refusal being recommended. It was considered that the proposed ancillary A3 use would result in the creation of an overall A3 unit which would be contrary to Policy SR5.

184.3 Ms Cattell spoke on behalf of the applicant in support of their application. She explained that the applicant intended to use the garden as a sitting out area for use by those who had purchased sandwiches in the shop. As the area was not covered it would not be in use all year round. The applicant would be happy for the use to be made personal to them and for a condition to be added which would allow only cold food to be consumed outside. Reference was also made to the approach adopted by neighbouring local authorities and to comparable premises.

184.39 Councillors Davey and Randall stated that they considered the proposals to be modest and acceptable, also referring to the lack of objections received and the letter of support received from a Local Ward Councillor.

184.40 A vote was taken and of the 10 Members present planning permission was granted on a vote of 4 to 2 with 4 abstentions.

184.41 **RESOLVED-** That planning permission be granted to enable the garden area of the above premises to be used ancillary to the existing sandwich bar (ClassA3) which would remain ancillary to the existing retail (ClassA1) use and to the formation of a new window opening to the ground floor rear elevation. The detailed conditions and informatives to be agreed by the Development Control Manager in consultation with the Chairman, Deputy Chairman and Opposition Spokesperson.

[**Note 1:** Councillor Davey proposed that planning permission be granted. This was seconded by Councillor Randall. Councillors Barnett, Davey, Randall and Smart voted that permission be granted. Councillors Hyde(Chairman),and Steedman voted that planning permission be refused. Councillors Carden, Hamilton, McCaffery and Wells abstained]

[**Note 2:** Councillors Fallon-Khan and K Norman were not present when the vote was taken]

(iv) OTHER APPLICATIONS

184.42 **Application BH2008/02641, Balfour Junior School, Balfour Road, Brighton-** Demolition of 3 existing single storey class rooms and replacement with a new 2 storey extension comprising 4 classrooms, ICT room, group room and administration areas. Extension to existing school hall and new single storey staff room/ kitchen facilities. Adaptations to existing entrance footpaths. Conversion of existing lower ground floor store room into classroom with new windows and door. Formation of new disabled access ramp and external door from school to sports field on north elevation. New solar panels to existing school roof.

184.43 It was noted that this application had formed the subject of a site visit prior to the meeting.

184.44 The Area Planning Manager (West) gave a detailed presentation in respect of the scheme. The configuration and appearance of the existing school buildings was shown as were photomontages of the proposed scheme once completed. Details of the portacabin arrangement to be used during the building works was also shown.

184.45 Mr Ayton spoke on behalf of neighbouring objectors. Whilst recognising the need for the school to expand it was considered that the consultation process had been flawed, a number of local residents who should have been included in the consultation process had not been. The proposals would increase the area of school buildings by 33%. The design was not in keeping with the appearance and character of the existing school buildings or the neighbouring street scene. It would read as a large ugly "industrial box" at the entrance to the school. The level of staff parking would be insufficient and would spill out onto Balfour Road which was already grid- locked particularly in the mornings.

120 additional children would be attending the school. A fully worked up Travel Plan needed to be in place. The legitimate concerns of objectors had been dismissed. Members were urged to reject this scheme.

- 184.46 Mr McCutcheon spoke on behalf of the applicant (Brighton & Hove City Council). He explained that the proposed extensions were required in order to address a long standing anomaly between the number of forms of entry between the infants and junior schools. Leaflets and a questionnaire had been circulated to local residents requesting feedback and observations. Subsequently a public meeting had been held at the school. It had been decided to provide a modern building which would provide a distinctive entrance to the school.
- 184.47 Councillor Allen spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme. Whilst fully supporting proposals to increase the capacity of the junior school he had concerns that the consultation process had been flawed. He considered that the proposed design was inappropriate and that the legitimate concerns of neighbours had been ignored. Therefore the current scheme should be rejected.
- 184.48 Councillor McCaffery concurred with the views expressed by the objector and Councillor Allen. She was familiar with the location and setting of the school and considered the proposal to be at variance with that. She did not recall being consulted regarding the proposals in her capacity as a local ward councillor. Councillor Steedman requested to see samples of the materials and finishes proposed.
- 184.49 Councillor Davey enquired regarding the existing Travel Plan and details as to how the school were proposing to manage any additional traffic movements or volume of traffic resulting from the scheme. The Traffic Engineer explained that the existing plan required updating and that further details were required from the school. The school had not been co-operative in providing details in the past.
- 184.50 Mr Ayton was requested to provide details of those periods of the day when traffic volume was worst and for how long the period of time lasted. He explained that due to staggered school finishing times this was worst at the start of the school day and lasted for a period of up to half an hour.
- 184.51 Councillors Steedman and Smart were of the view that traffic problems could be addressed by agreeing a strategy with e.g. one way working at the start of the school day and that adherence could be ensured by invoking enforcement measures. Councillor Randall also concurred in that view. It was confirmed in answer to questions that four schools were accessed from Balfour Road.
- 184.52 Mr Small (CAG) stated that having attended the site visit he remained concerned regarding proposed materials and finishes which were modernist and did not sit happily with the appearance of the existing school buildings or the neighbouring dwellings which they would be in closer proximity too. He also considered that it was important for a travel plan to be in place prior to commencement of any works on site.
- 184.53 Mr McCutcheon explained in answer to further questions that 700 leaflets had been delivered in the area publicising the scheme. The school had been subjected to a number of further building works and extensions since it had first been built and it was

considered appropriate for the entrance building to be distinctive and modern. The roof would be red tile hung as were the existing buildings and this would weather to a similar appearance over time.

- 184.54 Councillor Randall sought information regarding the sustainability measures proposed. Councillor K Norman stated that the school was located in his ward. Whilst fully supporting measures to increase the capacity of the school, he had concerns that its design and appearance was at variance with the neighbouring street scene.
- 184.55 Councillor McCaffery enquired whether it would be possible to defer consideration of the application pending redesign of some elements of the scheme, including consideration of the materials to be used. The Chairman stated that this would not be possible, the application needed to be determined on its merits as submitted.
- 184.56 The Development Control Manager referred to comments made that the consultation process had been flawed. She explained that all of the necessary procedures had been carried out in relation to the planning process and that it was appropriate for Members to determine the application. It was noted that the recommendation was “to grant” rather than “minded to grant” as set out in the report.
- 184.57 A vote was taken and Members voted on a vote of 8 to 1 with 3 abstentions that planning permission be granted.
- 184.58 **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 voted that the application be refused. Councillors Fallon-Khan, K Norman and Wells abstained].
- 184.59 **Application BH2008/02531, The Meadows, 18 Roedean Way-**Demolition of existing house and erection of new dwelling.
- 184.60 It was noted that this application had formed the subject of a site visit prior to the meeting.
- 184.61 The Area Planning Manager (East) gave a detailed presentation setting out the rationale for recommending that the application be refused.
- 184.62 Mr Broe spoke on behalf of the applicant in support of their application stating that the proposed scheme would not exceed the existing footprint of the building but would provide an increase in the amount of amenity space available. There were a number of varying architectural styles in Roedean Way and it was not therefore considered that the development would be out of keeping with the prevailing street scene. Its contemporary design was similar to that to be seen elsewhere in the City and was in keeping with emerging plan policy.
- 184.63 Councillor Wells stated that he considered the application to be acceptable.

184.64 A vote was taken and on a vote of 9 to 2 with 1 abstention planning permission was refused.

184.65 **RESOLVED-** That the Committee has taken into consideration and agrees with the recommendation set out in Paragraph 8 of the report and resolves to refuse planning permission for the following reasons:

1. The proposal by reason of its prominent location, design, height, bulk and increased massing would result in the building appearing incongruous and out of character and would be of detriment to the character and appearance of the street scene and contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

2. The proposal is likely to have an adverse impact upon the amenities of occupiers of adjoining dwellings by reason of loss of privacy and outlook and an increased sense of dominance. This is contrary to policies QD1 and QD27 of the Brighton & Hove Local Plan.

Informatives

This decision is based on Lewis and Co Planning Waste Minimisation Statement, Bio Diversity Checklist, Sustainability Checklist, Lifetime Homes Checklist and Planning Supporting Statement and Miles Broe Architects Supporting Statement and drawing nos. 9146/PL/01, Rev D, 9146/PL/04, 9146/PL05, 9146/PL, 07, 9146/PL/11, 9146/PL/12 submitted on 25/07/2008 and Miles Broe drawing nos. 9146/PL/02 Rev E and 9146/PL/03 Rev B submitted on 09/10/2008.

184.66 **ApplicationBH2008/04452, 7 Brunswick Street West, Hove** – Insertion of new windows to front and rear ground floor (part retrospective).

184.67 It was noted that this application had formed the subject of a site visit prior to the meeting.

184.68 The Area Planning Manager (West) gave a detailed presentation in respect of the proposals.

184.69 Mr Chavasse spoke on behalf of neighbouring objectors explaining that although a number of their concerns had been addressed, some outstanding issues remained. The wall into which the applicant intended to place one of the rear windows was not in their ownership. Additional conditions were proposed to ensure opaque glazing was provided and that this rear window was fixed shut. Detailing in relation to treatment of the flues should also form part of that application.

184.70 Mr Small (CAG) that the objector should have made reference to “obscure” rather than “opaque” glazing. The Development Control Manager confirmed that was the case. Councillor Steedman sought guidance as to whether officers recommended the imposition of any additional conditions. The Development Control Manager stated that none were recommended, there was already a degree of mutual overlooking of the rear courtyard the proposals would not increase that significantly. Issues relating to ownership of the rear wall were not a material planning consideration.

- 184.71 A vote was taken and Members voted unanimously that planning permission be granted.
- 184.72 **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 in the report.
- 184.73 **Application BH2008/04446, 7 Brunswick Street West, Hove** Insertion of new windows to front and rear ground floor (part retrospective) Amended scheme.
- 184.74 It was noted that this application had formed the subject of a site visit prior to the meeting.
- 184.75 A vote was taken and Members voted unanimously that planning permission be granted.
- 184.76 **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 are minded to grant consent subject to no objection being received from GOSE and subject to the conditions and informatives set out in the report.
- 184.77 **Application BH2008/02787, 64 Brunswick Street West, Hove** –Change of use from Snooker Hall (D2) to Music School (D1) and associated external alterations.
- 184.78 The Planning Officer gave a detailed presentation setting out the constituent elements of the scheme.
- 184.79 Mr Chavasse spoke on behalf of neighbouring objectors stating that whilst the proposals were generally considered to be acceptable, additional conditions were requested in order to regulate the hours during which sessions could take place at weekends, and in respect of erection of the plant and machinery to be placed on the roof. Careful thought needed to be given as to how this would be delivered and placed in situ from a narrow highway.
- 184.80 Councillors Davey and Steedman sought confirmation regarding location of cycle parking in Brunswick Street West. The Planning Officer explained that cycle parking facilities were located to the south of the application site further down the street.
- 184.81 Councillor Smart enquired whether screening would be provided for the plant and machinery to be placed on the roof. The Planning Officer explained this would be set down behind the parapet of the roof. In answer to questions by Councillor Davey, it was explained that the building would only be open at weekends when interviews were taking place.
- 184.82 Mr Gosdon spoke on behalf of the applicant in support of their application. He explained that the scheme was proposed in order to improve the school's existing facilities. The school had acted as a "good neighbour" at its other sites and would operate in the same way here, applying all of the lessons learnt elsewhere. All practice rooms would be adequately sound proofed and equipment including plant and machinery would be sited discretely and would respect the listed building.

- 184.83 Councillor Davey enquired whether the level of on-street cycle parking proposed would be sufficient. The Planning Officer explained it was considered to be satisfactory bearing in mind easy access from the site to public transport in Western Road.
- 184.84 Councillor Randall enquired regarding energy efficiency measures proposed in relation to air conditioning units. Mr Godson stated that the applicant was prepared to meet all sustainability requirements sought within the limitations of the listed building.
- 184.85 Councillor Steedman requested whether, if a blue plaque were to be erected detailing the building's history, the cost could be borne by the applicant. The Development Control Manager explained that although this did not form part of the application an informative to that effect could be added. Members indicated that was their wish.
- 184.86 A vote was taken and Members voted unanimously that planning permission be granted.
- 184.87 **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 and to the additional informative set out in Paragraph 184.85 above .
- 184.88 **Application BH2008/02788, 64 Brunswick Street West, Hove** –Internal and rear external alterations in association with change of use from snooker hall (D2) to music school I(D1).
- 184.89A vote was taken and Members voted unanimously that listed building consent be granted.
- 184.90 **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 listed building consent subject to the conditions and informatives set out in the report.
- 184.91 **Application BH2006/04058, 28-29 Western Road, Hove** – Conversion of offices to 8 apartments and 1 mews house.
- 184.92 The Area Planning Manager (West) gave a presentation detailing the recent planning history of the site explaining that in this instance it was considered appropriate for the applicant to provide a financial contribution in lieu of affordable housing on site.
- 184.93 A vote was taken and the 10 Members present voted unanimously that minded to grant planning permission be approved.
- 184.94 **RESOLVED**-That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 9 of the report and is minded to grant planning permission subject to a Section 106 Obligation in lieu of providing 4 units of affordable housing on site together with a contribution of £27,200 towards the Council's Sustainable Transport Initiatives and to the conditions and informatives set out in the report.

[Note: Councillors Fallon-Khan and K Norman were not present when the vote was taken].

184.95 **Application BH2008/03442, 107 Boundary Road, Hove-** Demolition of existing house and construction of 2 storey building with pitched roof and lightwell to form 7 flats.

184.96 The Planning Officer gave a presentation detailing the scheme and setting out the rationale for the recommendation that the application be refused.

184.97 Ms Bahcheli spoke on behalf of neighbouring objectors stating that the proposed scheme represented an un-neighbourly over development. It would provide a poor standard of accommodation with balconies which although very small would look directly into the bedrooms of neighbouring dwellings, the lack of parking within the scheme would exacerbate the existing pressure for on-street parking spaces.

184.98 Mr Carter spoke on behalf of the applicant in support of their application. Perspectives of the existing and proposed developments were shown. The proposals were considered to represent a suitable infill scheme which would not be of significantly greater bulk than the existing building. High quality materials and finishes were proposed, all units would have a greater floor area than the Council's minimum recommended standard.

184.99 A vote was taken and the 11 Members present voted unanimously that planning permission be refused.

184.100 **RESOLVED-**That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to refuse planning permission for the reasons set out below.

1. The proposed development would result in an overdevelopment of the site by reason of its excessive bulk, inappropriate design, poor standard of accommodation at lower ground floor and second floor level and absence of private amenity space appropriate to the scale of the development. The scheme therefore fails to respect the context of its setting and would be out of keeping with the surrounding area. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, HO3, HO4 and HO5 of the Brighton & Hove Local Plan.

2. Policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan seek to ensure that developments demonstrate a high standard of design which take into account the height, scale, and bulk of existing building. The proposed building by virtue of its excessive scale and inappropriate design results in an incongruous addition which detracts from the character and appearance of the street scene. The scheme is therefore contrary to the above policies.

3. Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. The proposal to provide residential units within the basement and roof space results in poor layout for the residential

units with insufficient sized living areas and inadequate light and outlook. The scheme is therefore judged to provide an inappropriate and poor standard of accommodation and a cramped and confined internal environment that would provide inadequate living conditions for future occupiers. The proposal is therefore contrary to the above policy.

4. Policy H013 of the Brighton & Hove Local Plan requires new residential dwellings to be built to lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alteration. The scheme fails to fully incorporate lifetime home standards to the design of the flats and has not provided suitable access for people with disabilities or wheelchair users. The scheme is therefore contrary to the above policy.

5 The proposal would result in an unsatisfactory level of private amenity space which would be to the detriment of the living conditions of any future residents of the scheme and is contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.

Informative

This decision is based on Planning Support Statement, Sustainability Checklist & Statement, Code for Sustainable Homes Pre-Assessment Estimator tool, Design and Access Statement, Biodiversity First Impression List, Daylight Analysis, Lifetime Homes Checklist, Waste Minimisation Statement and drawing nos P001, 002,003, 004, 005, 006, 008E, 009H, 010F, 011F, 012D, 013F, 014F, 015D, 016F&017 on the 28 October 2008.

[**Note:** Councillor Fallon-Khan was not present when the vote was taken].

- 184.101 **ApplicationBH2008/03449, Land to Rear 107 Boundary Road, Hove-** Construction of new partially sunken 3 bedroom single storey dwelling with flat roof and rooflights.
- 184.102 The Planning Officer gave a detailed presentation setting out the rationale for the recommendation that the application be refused.
- 184.103 Ms Bahcheli spoke on behalf of neighbouring objectors stating that the proposal represented an unacceptable backland development. Although sunk down into the site it would give rise to overlooking and was not of a complimentary design to neighbouring development.
- 184.104 Mr Carter spoke on behalf of the applicant in support of their application stating that the applicant had sought to provide a well designed modern dwelling, which made effective use of the site.
- 184.105 A vote was taken and the 11 Members present voted unanimously that planning permission be refused.
- 184.106 **RESOLVED-** That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to refuse planning permission for the following reasons:

1. Policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan seek to ensure that developments demonstrate a high standard of design which take into account the height, scale and bulk of existing buildings. Policy HO4 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design. The proposed dwelling by virtue of its excessive scale is considered to be overdevelopment of the site resulting in a cramped form of development, which fails to respect the constraints of the site and its relationship to surrounding residential properties.

The 2. Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. The partially sunken dwelling results in a poor layout for a residential unit with inadequate outlook and light. The scheme is therefore judged to provide inadequate living conditions for future occupiers. The proposal is therefore contrary to the above policy.

3. Policy HO5 requires the provision of private useable amenity space in new residential development. The proposed lawned area for the dwelling does not provide an adequate outside private amenity space for the new dwelling as it will be overshadowed and overlooked by the adjacent dwelling. The private decked area is also of an insufficient size to provide a suitable outside private amenity area suitable to the scale of the development. The proposal is therefore contrary to policy.

Informative

This decision is based on the Planning Support Statement Sustainability Checklist & Statement, Code for Sustainable Homes Pre-Assessment Estimator tool, Design and Access Statement Biodiversity First Impression List, Daylight Analysis, Lifetime Homes Checklist, Waste Minimisation Statement and drawing nos. P001, 002, 003, 004, 005, 006, 008B, 009A, 010A, 012A, 013 and 015 received on 28 October 2008.

[**Note:** Councillor Fallon-Khan was not present when the vote was taken].

184.107 **Application BH2008/03117, 323- 325- Mile Oak Road** –Construction of 3 storey block to create nine flats following demolition of existing building.

184.108 Members considered that it would be appropriate to carry out a site visit prior to determining the application.

184.109 **RESOLVED**-That consideration of the above application be deferred pending a site visit.

184.110 **Application BH2008/03384, 42 Tongdean Avenue, Hove**-Proposed demolition of existing bungalow and erection of a pair of semi-detached dwellings with garages and cycle store (Resubmission of BH2008/00596).

184.111 The Planning Officer gave a presentation detailing the constituent elements of the scheme.

184.112 A vote was taken and the 10 Members present voted unanimously that planning permission be granted.

184.113 **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:** Councillors Fallon-Khan and K Norman were not present when the vote was taken].

184.114 **Application BH2008/03481, 42 Tongdean Avenue, Hove**-Conservation Area Consent for demolition of the existing bungalow.

184.115 A vote was taken and the 10 Members present voted unanimously that Conservation Area Consent be granted.

184.116 **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 Conservation Area Consent subject to the conditions and informatives set out in the report.

[**Note:** Councillors Fallon-Khan and Norman were not present when the vote was taken].

184.117 **Application BH2007/03485, 159, Edward Street, Brighton** – Change of use from shop to sui generis mixed use incorporating coffee / sandwich bar/jazz club bar, music editing suite and ancillary accommodation. Formation of new first floor level accommodation, including insertion of dormer windows and rooflights, rear extension to basement level and construction of rear emergency stairway(amended description).

184.118 The Area Planning Manager (East) explained that parts of the application, namely use of the ground floor level as a coffee/ sandwich bar with the basement as a jazz club and an extension to the rear at basement level had been incorporated into an earlier application BH2005/0547 This earlier application had never been determined as the applicant had failed to submit sufficient acoustic details. The current application had sought to address that failure and had provided amendments to the earlier scheme.

184.119 In answer to questions the Area Planning Manager explained that the Environmental Health Officer was satisfied with the proposed sound proofing arrangements.

184.120 Councillor Smart sought confirmation regarding the circumstances under which entrances opening onto the park at the rear of the premises would be used. It was explained that these would only be used in the event of emergency evacuation from the rear of the premises.

184.121 Councillor Davey enquired whether the café bar and jazz club would occupy the same space, if so, he queried why two separate sets of conditions were required. It was explained that both uses occupied the same space but at different times. In consequence separate sets of conditions were required.

184.122 Councillors Randall and Steedman enquired whether the any of the windows faced towards residential properties in Edward Street. It was also confirmed in answer to questions that the area to the rear was not permitted to be used as a smoking area.

184.123 A vote was taken and the 10 members present voted on a vote of 9 with 1 abstention that planning permission be granted.

184.124 **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 1:** Councillors Fallon-Khan and K Norman were not present when the vote was taken].

[**Note 2:** Councillor Steedman abstained from voting in respect of the above application].

184.125 **Application BH2008/02436, Land at Rear of 3 The Ridgeway Woodingdean**- Construction of 7 houses comprising a mix of three and four bedroom units with ground, first and roof space accommodation. Three houses with integral garages and provision of parking spaces with new access to the Ridgeway and Balsdean Road.

184.126 Councillor Wells requested information regarding the materials and finishes to be used. He considered it important that this development mirrored that located opposite it as far as this was practicable. The Development Control Manager explained that an informative to that effect could be added. Members indicated that was their wish. Councillor Randall enquired regarding the density of the development.

184.127 A vote was taken and the 10 Members present voted unanimously that planning permission be granted.

184.128 **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:** Councillors Fallon-Khan and K Norman were not present when the vote was taken].

184.129 **Application BH2008/03380 , Wellend Villas, Springfield Road, Brighton**- Installation of 2 illuminated sculptures on the communal terraces to rear of the residential development.

184.130 The Area Planning Manager (East) gave a presentation detailing the scheme.

184.131 Councillor McCaffery enquired as to the height and dimensions of the sculptures. It was explained that each would be 3.8m in height and represented a tree, each would be made out of treated metal and would have LED uplighting. In answer to questions by Councillor Wells it was explained that the sculptures had been designed by a local artist.

184.132 A vote was taken and the 10 Members present voted unanimously that planning permission be granted.

184.133 **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 the conditions and informatives set out in the report.

[**Note:** Councillors Fallon-Khan and K Norman were not present when the vote was taken].

184.134 **Application BH2008/012169, Davigdor Infant School, Somerhill Road, Hove** – Installation of mobile classroom unit for temporary period of 2 years (retrospective).

184.135 The Area Planning Manager (West) gave a detailed presentation regarding the retrospective proposal.

184.136 Councillor Davis spoke in her capacity as a Local Ward Councillor setting out her concern and dissatisfaction at the manner in which this matter had been dealt with by the school and potentially some officers of the Council. The portacabin which formed the subject of the application was of double height and had been placed very close to the boundary with the back gardens of neighbouring properties. The structure was dominant and had been placed there without prior approval and none of the residents had been consulted. This was unacceptable and measures should be taken to ensure that similar lapses did not occur in relation to works to be carried out at any of the City's schools in future. Councillor Davis had spoken to the head teacher that morning and he had been unable to give a firm date by which the proposed works would be completed.

184.137 Councillor McCaffery enquired whether any alternative locations had been explored. Councillor Randall queried why a finish date of September 2010 had been requested. The Development Control Manager explained that date had been requested by the school in order to accommodate the works.

184.138 Councillor Hamilton suggested that whilst recognising the need to facilitate completion of the works it would be preferable for them to be completed prior to commencement of the 2010 autumn term. Members discussed an appropriate cut-off date for completion of the works and considered it reasonable to request their completion by 31 August 2010. In the event of any "slippage" that would provide the flexibility to enable the works to be completed during the school summer holidays.

184.139 A vote was taken and the 10 Members present voted unanimously that planning permission be granted.

184.140 **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, works to be completed by 31 August 2010.

[**Note:** Councillors Fallon–Khan and K Norman were not present when the vote was taken].

185. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST

185.1 **RESOLVED-** That the following site visits be undertaken by the Committee prior to determination:

*BH2008/03640, Park House, Old Shoreham Road
Development Control Manager

* BH2008/02854, Varndean College, Surrenden Road
Development Control Manager

*BH2008/03440, 7-17 Old Shoreham Road
Development Control Manager

BH2008/03117, 323-325 Mile Oak Road

*Anticipated as applications to be determined at the next scheduled meeting of the Committee.

186. TO CONSIDER AND NOTE THE CONTENT OF THE REPORT DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY

186.1 The Committee noted those applications determined by Officers during the period covered by the report.

187. APPEAL DECISIONS

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

188.. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

189. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

The meeting concluded at 8.30pm

Signed

Chair

Dated this

day of

APPEAL DECISIONS

	Page
A. ST PETER'S & NORTH LAINE WARD	
Application BH2007804623, Trafalgar Street, Brighton. Appeal against refusal to grant planning permission for installation of an automated teller machine (Delegated Decision) APPEAL DISMISSED (copy of the letter from the Planning Inspectorate attached).	29
B. ST. PETER'S & NORTH LAINE WARD	
3 Camden Terrace, Brighton Appeal against enforcement notice SUMMARY OF DECISION: The notice is altered to delete all reference to the windows, then upheld as it relates to the cladding, as set out in the Formal Decision (copy of the letter from the Planning Inspectorate attached).	31
C. ST PETER'S & NORTH LAINE WARD	
Application BH2008/02433, 24 Beaconsfield Road, Brighton. Appeal against refusal to grant planning permission to remove existing critical windows in poor condition and fit new UPVC windows to the same pattern (Delegated Decision) APPEAL DISMISSED (copy of the letter from the Planning Inspectorate attached).	37
D. WOODINGDEAN WARD	
Application BH2007/03528, 138 The Ridgeway, Woodingdean. Appeal against refusal to erect a two storey side extension (Delegated Decision) APPEAL ALLOWED (copy of the letter from the Planning Inspectorate attached).	39
E. HANGLETON & KNOLL WARD	
Application BH2008/00522, 44 Hangleton Way, Hove. Appeal against refusal to grant planning permission for alteration of existing shop garage, storerooms and maisonette to form a new flat at ground floor and two separate flats from, maisonette, retaining the shop at ground floor (Delegated Decision) APPEAL DISMISSED (Copy of the letter from the Planning Inspectorate attached).	41
F. SOUTH PORTSLADE WARD	

Application BH2008/01895, 27-53 Old Shoreham Road, Brighton. Appeal against refusal to grant planning permission for an internally illuminated pole-mounted double sided display unit (Delegated Decision) **APPEAL ALLOWED** (copy of the letter from the Planning Inspectorate attached). **45**

G.PRESTON PARK WARD

Application BH2008/01207, 35 South Road, Brighton. Appeal against refusal to grant planning permission for double fronted shop signs over windows to replace existing **APPEAL DISMISSED** (copy of the letter from the Planning Inspectorate attached). **47**



Appeal Decision

Site visit made on 21 January 2009

by **D J Mumford BA MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
26 January 2009

Appeal Ref: APP/Q1445/A/08/2082141

Trafalgar News, 95 Trafalgar Street, Brighton BN1 4ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Bank Machine Ltd against the decision of Brighton & Hove City Council.
- The application Ref BH2007/04623, dated 19 December 2007, was refused by notice dated 28 April 2008.
- The development proposed is installation of an automated teller machine.

Decision

1. I dismiss the appeal.

Main issue

2. From my inspection of the site and surroundings and from the written representations made, I consider that the main issue in this case is the effect of the machine on the appearance of the shopfront and whether this preserves or enhances the character and appearance of the North Laine Conservation Area.

Reasons

3. The appeal site comprises a shop with two storeys of flats above, in a terrace of similar properties on the north side of Trafalgar Street, and in the North Laine Conservation Area. The Council have not provided an assessment of the special character of the conservation area but I saw that it is a generally residential and commercial area of 2 and 3 storey buildings of Victorian origin, though with some modern but sympathetic redevelopment. The shop fronts in Trafalgar Street are mostly of traditional appearance, with modest sized windows and painted timber frames.
4. The teller machine has already been installed within a white-painted boarded part of the shopfront. The remainder of the shop front is of glass and the whole is set within metal frames of silver colour. To my mind the shopfront is quite ugly and is a jarring and discordant element within the street scene. It adds nothing to the quality of the conservation area.
5. The plan shows that the machine would be set in a stainless steel frame, and within a glazed eastern half of the shopfront, which itself would be formed of four separate sheets of glass with silicone joints. This arrangement might be acceptable in a different context, but I consider that it would be inappropriate in this position. This is because of the traditional and pleasing character of

most of the shopfronts in the street, and the coherent Victorian appearance of the conservation area. The contemporary style of the proposal and the use of silicone jointing (rather than timber framing) would be quite alien to this appearance and so be unacceptable.

6. I consider therefore that the machine would harm the appearance of the shopfront because of the associated glazing, and consequently would not preserve or enhance the character and appearance of the North Laine Conservation Area. It would also conflict with Local Plan policies QD5 and QD10 which together seek good design in shopfronts, and policy HE6 which requires development in conservation areas to respect local character and appearance.
7. I appreciate that there is a demand for a cash machine facility in this location, and saw that it was used during my site visit in mid-morning. However, I consider that this demand does not outweigh the harm caused, because the machine could be provided within a shopfront of better design.

Conclusions

8. For the reasons given above I conclude that the appeal should be dismissed.

D J Mumford

INSPECTOR



Appeal Decision

Site visit made on 6 January 2009

by **V F Ammoun** BSc DipTP MRTPI FRGS

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
22 January 2009

Appeal Ref: APP/Q1445/C/08/2071381

3 Camden Terrace, Brighton, BN1 3LR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms Nicola Stevenson against an enforcement notice issued by Brighton & Hove City Council.
- The Council's reference is 2007/0601.
- The notice was issued on 5 March 2008.
- The breach of planning control as alleged in the notice is *Without planning permission the replacement of timber framed windows and timber cladding to front elevation with uPVC windows and plastic cladding.*
- The requirements of the notice are *1. Remove plastic cladding (lap boarding) to front elevation. 2. Replace with timber cladding (lap boarding) with the same profile and materials as the original, which is to match the adjoining property at No.2 Camden terrace. 3. Remove uPVC windows to the front elevation. 4. Replace with painted timber sliding sash windows with the same profile, materials and method of opening as the originals and to match the adjoining property at No.2 Camden Terrace.*
- The period for compliance with the requirements is 16 weeks.
- The appeal is proceeding on the grounds set out in section 174(2)[a], [b], [c], [f] and [g] of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The notice is altered to delete all reference to the windows, then upheld as it relates to the cladding, as set out in the Formal Decision.

The notice – claimed nullity

1. It is claimed that the notice is a nullity because its requirements are excessive and not precise. As to precision, it is pointed out that a notice requiring a scheme to be agreed with the Council is a nullity. It is argued that the requirement *...to match the adjoining property...* would require the Appellant to consult with and obtain the agreement of the Council before complying with the notice. I do not agree. What exists at No.2 Camden Terrace by way of wooden windows and timber cladding is readily visible. I conclude that the requirement to match them is not unclear and the Appellant would not need to consult the Council or obtain its consent before complying with this part of the notice. What is excessive is a matter that could be dealt with by an appeal on ground (f), and I do not consider it further at this point. I conclude that the enforcement notice is not a nullity.

The appeal on ground (b)

2. It is claimed that there is an error in the notice as it relates to the windows, as the windows that were removed were of uPVC, and not as alleged *...timber*

framed windows... This is supported by evidence in the form of an August 2005 builder's quotation to the effect that the windows to be replaced were ... *poorly fitted PVC* The Council has no contrary evidence, and I conclude on the balance of probability that the original windows were indeed of uPVC. As there is thus an error in the notice allegation, it is necessary for me to consider whether it would be a proper exercise of my powers to correct it.

3. The Council responds that *...no evidence has been provided that the original timber windows had previously been replaced with uPVC windows in exactly the same style etc as the most recently installed uPVC windows.* This comment addresses a suggestion made for the Appellant that there was no breach of control because there had been no material change to the external appearance of the building. This response does not, however, address a more fundamental point: the implication that the Council took enforcement action in the mistaken understanding that the present uPVC windows had replaced wooden ones. There is also a further error that wooden *sliding sash* windows to match those at No.2 are sought, but the wooden windows at No.2 are not sliding sash. An officer report which informed the delegated enforcement process includes the same errors. I have concluded that the errors in the notice reflect errors in the factual basis upon which the Council took enforcement action.
4. As to whether these errors had or are likely to have influenced the Council's decision, I have given particular weight to the evident importance which the Council attaches to the retention of wooden windows of traditional design in this area, whether casement or sliding sash. I have also noted that enforcement action against the windows was taken over two years after they were installed, with the Council having evidently become aware of the window replacement only in the context of a more recent replacement of timber boarding. I have concluded that the belief that the windows at No.3 had been wood framed would have been a very substantial, and probably the most substantial, element in the Council's decision to take enforcement action against the replacement windows. It follows and I have further concluded that it cannot be assumed that the Council would have taken action against the appeal windows if it had been properly informed of what they had replaced.
5. For these reasons I consider that it would not be a proper exercise of my powers to correct the notice to refer to uPVC windows as having been replaced. The uncorrected notice, however, alleges something which I have concluded did not take place, ... *the replacement of timber framed windows...* In these circumstances I shall alter the notice to delete all reference to the windows. As amended the notice will relate only to the cladding. The appeal on ground (b) in relation to the windows succeeds to this extent.
6. It will be for the Council to consider whether, having regard to the relevant policies and other material considerations, including the nature of the windows replaced, it is expedient to issue a replacement enforcement notice against the new windows.

The appeals on grounds (c), (f) and (g) in relation to the windows

7. For the reasons set out above I shall delete all reference to windows from the notice. In these altered circumstances the appeals on grounds (c), (f) and (g) in relation to the windows are also of no effect and fail.

The appeal on ground (c) in relation to the cladding

8. The Appellant relies on the claimed failure of a Council leaflet to make it clear that such cladding was covered by the West Hill Article 4(2) Direction 2000. The Direction did not, however, impose such control. Control over cladding already existed by reason of the site being within a Conservation Area. This is stated in the second paragraph of the leaflet which remarks on extant pre-Direction controls. In any event, the effectiveness or otherwise of the Council's summarising of planning law does not alter the law itself. In the absence of other evidence or argument the appeal on ground (c) fails in respect of the cladding.

The appeal on ground (a) in relation to the cladding

9. As I shall delete the windows from the enforcement notice, the appeal on ground (a) and the deemed planning application derived from the notice will relate only to the plastic cladding. The appeal site is within the West Hill Conservation Area where policies set out in the representations reflect the statutory requirement to give special attention to the need to preserve or enhance the character or appearance of conservation areas. In order to further these objectives the Council has made an Article 4(2) Direction.
10. From my inspection of the site and area and from consideration of the representations made I have concluded that the main issue in the appeal on ground (a) is whether the replacement plastic cladding has preserved or enhanced the character or appearance of the Conservation Area.
11. Conservation area design guidance refers to Camden Terrace as a narrow twitten which contains some attractive 19th century cottages accessed from the path. Nos 2 and 3 are a pair of cottages both of which previously had white timber cladding. Such cladding is not a characteristic feature of the conservation area as a whole, but I consider that it makes a positive contribution to the already distinctive character of the twitten. The plastic lap boarding does not have same profile as the original and is wider, so that as stated by the Council its coursing gets "out of sync" with and does not match or line up with the wooden cladding it adjoins. Also its shiny plastic artificial appearance differentiates it from its neighbour. This is particularly noticeable in the narrow twitten, where the observer is only a short distance from No.3 and from the abutting natural wood cladding of No.2. I conclude that the boarding appears incongruous, has involved the loss of a traditional feature of the building, and is contrary to Brighton and Hove Local Plan policy HE6 in particular in that it is not a building material and finish which is sympathetic to the area.
12. For the Appellant it is pointed out that there has been considerable piecemeal change in the Conservation Area in ways which the Council now resists, and that these changes should be accepted as part of an established character. My site inspection included all the streets in the vicinity which I was asked to view, and I viewed an example of plastic boarding that was drawn to my attention. I do not consider, however, that the several changes which I saw have gone so far that, in relation to the appeal site, the character of the area has changed so much that the Council's objective of retaining existing wooden cladding is no longer justified.

13. It is suggested that the cladding be allowed to remain, perhaps treated in order that its "shiny" appearance be removed, and then left to weather. There is however no evidence as to the likely success of this undefined treatment, and I do not consider that a weathering effect on plastic can be relied upon to effect a beneficial change. In any event this would not alter the differing alignment of the boarding to that at No.2. For the reasons stated I have concluded on the main issue in this case that the replacement cladding has harmed rather than preserved or enhanced the character or appearance of the Conservation Area.
14. It was suggested that the letters supporting the Appellant were a truer reflection of the situation and the public interest than the Council's actions. In considering this I start from the basis that it is fundamental to the planning system that planning objectives should be set through the statutory planning process. It is a feature of the planning process that some of the objectives of the community may be in competition or potentially in conflict, of particular relevance in this case being the potential conflict between the most expedient forms of home improvement/maintenance and the character or appearance of the area. One purpose of Development Plans¹ is to provide guidance as to which objectives should prevail in particular circumstances and areas, and I consider that it is clear that within this conservation area it is intended that particular weight is to be given to preserving or enhancing character or appearance. I therefore conclude that notwithstanding the reasonably held views of local residents supporting the appeal, the policies and objectives of the wider community should prevail. Against this background and the harm to an interest of acknowledged community importance, I also conclude that the requirement to reinstate the timber cladding boarding is not disproportionate, and does not breach of the Appellant's human rights.
15. In all the foregoing circumstances I have concluded that the appeal on ground (a) against the enforcement notice fails.

The appeal on ground (f) in relation to the cladding

16. The appeal on ground (f) in this case seeks to establish that the steps required by the notice exceed what is necessary to remedy any breach of planning control, or as the case may be, to remedy any injury to amenity which has been caused thereby. It is suggested that the cladding be allowed to remain, perhaps treated in order that its "shiny" appearance be removed, and then left to weather. I have already dealt with this suggestion in consideration of the appeal on ground (a), and concluded that it would not remedy the injury to amenity. As to remedying the breach of planning control, the requirement to reinstate wooden cladding matching that at No.2 does not, as a matter of fact, exceed what is necessary to remedy the removal of the earlier cladding. The appeal on ground (f) fails.

The appeal on ground (g) in relation to the cladding

17. The appeal on ground (g) seeking more time to comply with the notice turns on the expense to the Appellant of carrying out the requirements of the notice, and the need for time to allow the money to be raised and avoid a forced sale at a time when the housing market is in decline. Estimates of between about

¹ And now also the emerging Local Development Frameworks (LDF) and Documents (LDD) which are to replace Development Plans.

£7000 and £9500 are given for replacement of the windows, and £2,173 for the cladding. The consequential potential minimum expenditure of some £9000 is stated to be beyond the Appellant's means.

18. Whatever the merits and relevance of this argument, my conclusion that the enforcement notice should be altered to delete all reference to windows removes the need to replace them. There is no evidence, nor is it self evident, that the lesser sum required for the cladding could not be met. There is no evidence that 16 weeks would be too short a period for the work of recladding to take place. In the absence of other argument or evidence I have concluded that the appeal on ground (g) fails.

FORMAL DECISION

19. I direct that the enforcement notice be varied by changing the breach of planning control alleged to *Without planning permission the replacement of timber cladding to the front elevation with plastic cladding*, and by changing the requirements of the notice by deleting requirements (3) and (4).
20. Subject to these variations I dismiss the appeal, uphold the enforcement notice, and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

V F Ammoun



Appeal Decision

Site visit made on 13 January 2009

by **S J Emerson BSc DipTP MRTPI**

**an Inspector appointed by the Secretary of State
for Communities and Local Government**

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

**Decision date:
21 January 2009**

Appeal Ref: APP/Q1445/A/08/2089238 24 Beaconsfield Road, Brighton.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr B Legg against the decision of Brighton & Hove City Council.
- The application Ref BH2008/02433, dated 9 June 2008, was refused by notice dated 12 September 2008.
- The development proposed is to remove existing Critall windows in poor condition and fit new UPVC windows to same pattern.

Decision

1. I dismiss the appeal.

Main issue

2. The main issue is the effect on the street scene.

Reasons

3. No 24 is in the middle of a 3 storey residential Victorian terrace fronting the A23. Each unit in the terrace has a 3 storey bay except No 24, where the bay was removed some years ago. Metal framed windows with top opening fanlights were inserted in new openings. No 24 now looks at odds with the rest of the terrace not only because of the absence of the bay, but also because the overall proportions of the window openings and their internal division do not relate to the proportions of most of the windows in the terrace. The windows of No 24 are not as deep as the windows in the bays or the windows/bricked up reveals above the doorways of other units. Many of the original sash windows in the terrace have been replaced by UPVC double glazed windows, but many of these new windows (which vary in their detailed design) have retained a horizontal division across the middle of each window which reflects one of the strongest visual elements of the original sash windows.
4. Given the incongruous appearance of the existing windows, there is no objection to their removal. The Council's officer's report makes clear that there is no objection to the use of UPVC material for replacement windows, given that the property is not in a conservation area. I agree that UPVC frames are acceptable here given that this material is now commonplace on many of the units of this terrace and the houses opposite. The proposed UPVC windows would fit the existing openings and the pattern of the panes would match those of the existing metal frames. The development would thus perpetuate the existing incongruous appearance of this unit within the terrace. There would be no additional visual harm. The thicker UPVC frames compared with the thin

metal frames would tend to accentuate the differences in the pattern of window panes compared with other windows nearby, but the use of a material common to many windows in the terrace would tend to offset this effect.

5. Planning Policy Statement 1: *Delivering Sustainable Development* states that design which is inappropriate in its context or which fails to take opportunities available for improving the character and quality of an area should not be accepted. I have therefore considered whether the proposal represents a realistic opportunity to improve the appearance of the building. The officer's report is unclear as to what is expected of the appellant to achieve an improvement. The fundamental visual problem is caused by the removal in the past of the traditional bay frontage, but it would be unreasonable to expect a proposal simply for replacement windows to encompass the rebuilding of a 3 storey bay. Some visual improvement would arise if the proportions of the existing openings better related to the originals in the rest of the terrace, but even this would require substantial external and internal building work and disruption to occupiers. I note the appeal decision highlighted by the Council which dismissed an appeal for replacement front windows at 12 Upper Lewes Road (APP/Q1445/082072187). On that building, which I saw during my site visit, the replacement windows would have perpetuated an untypical size of window within the original bay and I expect that less work would be involved in recreating the original window proportions there than is the case here.
6. I therefore consider that the opportunity for improvement that reasonably arises from the appeal proposal is only that which could be achieved from a better design of the window pattern, rather than any change to the overall size of the windows. Windows which are divided into vertical panes of equal width and horizontally across the middle would reflect something of the dominant style of windows in the terrace and would avoid the use of fanlights which are particularly incongruous. Some other patterns may also be appropriate. Such an alternative would achieve a modest, but material improvement in the appearance of the building. The present proposal conflicts with policy QD14 of the Brighton and Hove Local Plan (2005), which requires alterations to existing buildings to be well designed and detailed in relation to the property, adjoining properties and the surrounding area.
7. The opportunity for some visual improvement would be lost if I were to allow the appeal. But against this lost opportunity, I must weigh the benefit to be derived now from the existing proposal. The proposed double glazing would be more energy efficient than the existing single glazing. It would create more comfortable living conditions for occupiers, including a reduction in the noise of passing traffic and save them money on heating. I am conscious that dismissal of the appeal might prompt the appellant to give up on the proposal and that these benefits would then be lost. I consider that the matters are finely balanced, but conclude that the benefits do not outweigh the harm that would arise from the lost opportunity that could reasonably and readily be achieved by an alternative design for the replacement windows. The appeal proposal does not secure a reasonably achievable improvement in the visual coherence of the terrace and of the street scene.

Simon Emerson

INSPECTOR



Appeal Decision

Site visit made on 20 January 2009

by **Colin Tyrrell MA(Oxon) CEng MICE FIHT**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
23 January 2009

Appeal Ref: APP/Q1445/A/08/2079258

138 The Ridgway, Woodingdean, Brighton BN2 6PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs Sergeant against the decision of Brighton & Hove City Council.
- The application Ref BH2007/03528, dated 12 September 2007, was refused by notice dated 3 March 2008.
- The development proposed is a two-storey side extension.

Decision

1. I allow the appeal, and grant planning permission for a two-storey side extension at 138 The Ridgway, Woodingdean, Brighton BN2 6PA in accordance with the terms of the application, Ref BH2007/03528, dated 12 September 2007, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or roof lights other than those expressly authorised by this permission shall be constructed.
 - 4) No development shall take place until a written Waste Management Statement confirming how demolition and construction waste will be recovered and reused on site or at other sites has been submitted to and approved in writing by the local planning authority. The measures shall be implemented in strict accordance with the approved details.

Main Issue

2. In my opinion, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Residential development in this part of Woodingdean is very mixed, including recent stepped terraced housing opposite the appeal site in Ridgeway Gardens and slightly older terraces set further up the downland on Connell Drive. Set at

a lower level are the bungalows in Millyard Crescent, and alongside the appeal site are a variety of detached two-storey houses, none of which is identical to that on the appeal site.

4. The proposed two-storey extension would change the plan-shape of the house from rectangular to L-shaped, and would link it to the single detached garage. The alterations would include replacing the existing flat roof to the garage with a pitched roof which would be hipped at the front.
5. In the particular circumstances of the appeal site, I see no need for the extension to appear subsidiary to the host property, as would perhaps be preferable in a line of similar dwellings. It seems to me that the extension together with the host property would be seen as a co-ordinated whole, and that the incorporation of the garage into the main property under a pitched roof would be a positive gain in the streetscene.
6. I conclude that the proposals represent high quality design which is sympathetic to the existing building and would comply with saved Local Plan Policies QD2 and QD14. For these reasons, and taking into account all other matters raised, I conclude that the proposals accord with the development plan and that I should allow the appeal.
7. I have considered the conditions suggested by the Council in the event of the appeal succeeding in the light of the contents of DoE Circular 11/95 "The Use of Conditions in Planning Permission". In addition to the standard timing condition, I agree that the external finishes should be controlled in the interests of character and appearance and that the addition of extra windows should be controlled in the interests of neighbours' living conditions. Although the works are relatively small scale, I accept that it is appropriate to seek a waste minimisation statement in the interests of sustainability.

Colin Tyrrell

INSPECTOR



Appeal Decision

Site visit made on 20 January 2009

by **Colin Tyrrell MA(Oxon) CEng MICE FIHT**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
26 January 2009

Appeal Ref: APP/Q1445/A/08/2085025

44 Hangleton Way, Hove, East Sussex BN3 8AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr I and Mrs L Fabb against the decision of Brighton & Hove City Council.
- The application Ref BH2008/00522, dated 8 February 2008, was refused by notice dated 7 April 2008.
- The development proposed is the alteration of an existing shop garage, storerooms and maisonette to form a new flat at ground floor and two separate flats from the maisonette, retaining the shop at ground floor.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed development consists of the conversion of the existing first-floor/second-floor maisonette to form two flats and the conversion of the ground-floor garage and storerooms to form one flat. The Council's decision notice (paragraph 2 line 8/9) erroneously refers to the development as the conversion to a flat and maisonette. The appellants invite me to consider the development without the alterations to the ground floor and/or with an alternative layout to the proposed top-floor flat, perhaps with additional roof lights or a dormer.
3. As the ground-floor works are physically separate from the proposed conversion of the maisonette, I am able to consider these separately. I am not, however, able to consider a series of choices for the maisonette conversion and I will determine the appeal on the basis of the proposals shown on the drawing.

Main Issues

4. In my opinion, the main issue in respect of the proposed ground-floor flat is whether the proposed layout would be adequate for the needs of future occupiers, including those with disabilities. In relation to the maisonette conversion, I consider that the main issues are whether the Council's policy to retain the existing stock of small family dwellings would be adequately protected and whether the proposed layout would be satisfactory for the needs of future occupiers.

Reasons

Proposed Ground-floor Flat

5. The floor area available for this flat would in my opinion be adequate for a one-bedroom flat, and the outlook to east and west (though somewhat degraded to the east) would not be unreasonable for a small starter home. The access to the only external door, however, would be via the very narrow alleyway to the side of the property. The existing floor levels vary substantially across the area of the proposed flat, with one existing storeroom set well below the garage level, one set slightly above, and the garage floor itself sloping up to the garage door.
6. The drawings do not illustrate how these level differences would be overcome. Nor do they show how reasonable access could be achieved, including for wheelchair users, via the narrow alleyway, front door and narrow entrance lobby.
7. The design in these respects fails to make proper provision for future occupiers of the flat, as required by saved Local Plan Policy QD27, or to make reasonable provision for Lifetime Homes standards as required by saved Local Plan Policy HO13. It seems to me that for a ground-floor flat such reasonable provision should include easy access into and throughout the property for the wheelchair-bound.

Proposed First-floor and Second-floor Flats

8. Saved Local Plan Policy HO9 is a permissive policy, stating among other things that planning permission will be granted for residential sub-division where the original floor area is greater than 115 sq m or the dwelling has more than 3 bedrooms as originally built. It is silent as to whether planning permission will be granted for dwellings which do not meet one of these criteria, though the supporting text makes it clear that the intention of the policy is to retain the existing stock of smaller dwellings suitable for family accommodation.
9. No planning history for the site is reported by the Council, though the appellants state that they extended the building soon after they moved in in 1977. Judging by the roof detailing, internal layout and the appearance of the other end of the shopping parade, it seems to me that the works probably consisted of a two-storey side extension under the new hipped-end roof which now accommodates the living-room, balcony and bedroom 3 of the maisonette above the store and part of the garage alongside the shop. The original floor area as built was therefore likely to be below 115 sq m, and included no more than 3 bedrooms.
10. On this basis, the maisonette does not come within the criteria for which permissive Policy HO9 states that permission for subdivision will be granted. However, it seems to me that a first-floor/second-floor maisonette without a garden is not ideal for family occupation. Its subdivision would not in my opinion materially jeopardise the Council's objective to retain the existing stock of smaller dwellings suitable for family accommodation, and would not directly contravene the permissive wording of Policy HO9.

11. The living room for the proposed top-floor flat would be provided with only the two small roof lights which serve the existing bedroom. In my opinion, the main room of a flat needs better provision of windows than this. I therefore consider that the development would fail to provide a reasonable level of amenity for future residents of this flat, contrary to the requirements of Policy QD27.
12. I am not persuaded, however, that it would be reasonable or practicable to incorporate Lifetime Homes standards into the conversion of an existing maisonette which is served only by a flight of stairs, including a right-angle turn. I consider, therefore, that the requirements of Policy HO13 do not have any practical implications in this instance.

Other Considerations

13. Saved Local Plan Policy HO5 requires the provision of private useable amenity space in new residential development, but is silent as regards to any requirement for amenity space in residential conversions such as the appeal proposals. The appellants state that the rear balcony available for the existing maisonette would be retained for the two-bedroom flat, and in my opinion the lack of private amenity space for the other flats would not be materially detrimental for such small units in a residential conversion.
14. The Council has suggested that the proposals would not accord with saved Local Plan Policy TR1 in that they would not "provide for the demand for travel they create". This appears to be a coded reference to the potential need for a s106 planning obligation contribution towards transport infrastructure. No information is provided as to how the Council considers such an obligation would be directly related to the proposed development, as required by the Secretary of State's Policy Tests in ODPM Circular 05/2005. Without such information I am unable to conclude as to whether the proposals would accord with Policy TR1.
15. I consider that arrangements for cycle parking could be dealt with by condition, if I were minded to allow the appeal. All construction work would be within the envelope of the existing building, with very limited demolition. In these circumstances, I believe that the Council's concerns in relation to sustainability and waste reduction could also be adequately dealt with by condition.

Conclusion

16. Notwithstanding my conclusion that these other considerations do not in themselves warrant that the appeal should be dismissed, I consider that the poor conditions for future residents of the ground-floor and the top-floor flats, together with the lack of provision for Lifetime Homes standards in the ground-floor flat, would result in material harm and would be contrary to the development plan. I therefore dismiss the appeal in relation to both the ground-floor flat and the maisonette conversion.

Colin Tyrrell

INSPECTOR



Appeal Decision

Site visit made on 19 January 2009

by **Colin Tyrrell MA(Oxon) CEng MICE FIHT**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
2 February 2009

Appeal Ref: APP/Q1445/H/08/2087696

27-53 Old Shoreham Road, Portslade, Brighton BN41 1SP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Primesight Ltd against the decision of Brighton & Hove City Council.
- The application Ref BH2008/01895, dated 28 May 2008, was refused by notice dated 20 August 2008.
- The advertisement proposed is an internally-illuminated pole-mounted double-sided display unit.

Decision

1. I allow the appeal, and grant express consent for the internally-illuminated pole-mounted double-sided display unit as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

Main Issue

2. In my opinion the main issue is the effect of the display unit, which is already in position, on the visual amenity of the area.

Reasons

3. Although there are some houses to the rear of the appeal site, the south side of this section of Old Shoreham Road is characterised by commercial premises. The display unit which is the subject of the appeal is set along the eastern edge of the forecourt of the Texaco filling station beside the busy A270. It is located between the Texaco totem sign and the bank of fuel-tank vent-pipes, which are all about the same height as the display unit. There is a pole-mounted floodlight for the forecourt which is also about the same height as the display unit. None of these items is taller than the adjacent canopy above the fuel pumps.
4. When seen from the west, the display unit forms a small element in the view glimpsed from below the canopy. From the east, the display unit is substantially screened by the mature trees on the wide grass verge at the junction with Wolseley Road. Its visual impact alongside the totem sign and other items within the forecourt, all of which is illuminated, is in my opinion small.

5. I conclude that the display unit is not materially detrimental to the visual amenity of the area and that I should allow the appeal.

Colin Tyrrell

INSPECTOR



Appeal Decision

Site visit made on 20 January 2009

by **Colin Tyrrell MA(Oxon) CEng MICE FIHT**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
2 February 2009

Appeal Ref: APP/Q1445/H/08/2086183 **35 South Road, Brighton BN1 6SB**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Ms Stephanie Prior against the decision of Brighton & Hove City Council.
- The application Ref BH2008/01207, dated 5 March 2008, was refused by notice dated 5 August 2008.
- The advertisements proposed are double fronted shop signs over windows to replace existing.

Decision

1. I dismiss the appeal.

Procedural Matters

2. The appellant's description of the proposed advertisements is as shown in the heading above. They are already in place and consist of a two-part continuous fascia sign with one section of width 10.17m approximately parallel to South Road and a second abutting section 4.57m wide set at a slight angle as the road starts to turn the corner into Millers Road. From most angles it is seen as a single run of signage. I therefore refer to it below as "the fascia sign".
3. The appellant's appeal statement advises in paragraph 4.4 that the original signs of the same size which were erected in 1999 did not need express advertisement consent, but that as a result of the 2007 Regulations new signs exceeding 0.3m² in area now do need such consent. It seems to me that un-illuminated fascia signs above shop windows come into the Class 5 category of Schedule 3 of the Regulations, rather than Class 2 where the limit is 0.3m². I have, however, determined the appeal against a refusal for an application for express consent on the basis of the information before me.

Main Issue

4. In my opinion the main issue is the visual impact of the fascia sign on the character and appearance of the area.

Reasons

5. The appeal site is an estate-agent's office in the end house in a terrace of 18 Edwardian-style houses. Although there is an animal hospital opposite and a commercial shop-front close by on the corner of Robertson Road and The Drove, the signage for these is discreet and low-key. No other commercial use

is apparent in the immediate area, which is almost entirely residential in character.

6. Because of the road layout, there is a slight kink in plan in the end elevation of the house which accommodates the estate-agent's office. This end elevation, which fronts onto the steeply descending road, forms the frontage of the office at lower-ground-floor level.
7. The sign above the estate-agent's windows, although in two parts, extends over a continuous width of 14.74m, articulated slightly at the point where the frontage kinks. It encompasses not only the two display windows but also the door, two areas of tiling, and two large display panels which include details of the estate-agent's services. This fascia sign, which is already in place, is made of shiny acrylic plastic and consists of black lettering set into bright yellow patches onto a bright red background. It oversails the depth of the building above and is in the same style and colours as the display panels below.
8. In my opinion, the fascia sign forms a garish, over-sized, and incongruous element on the end elevation of the attractive terrace of period houses. Although it may have replaced another sign of exactly the same overall dimensions, I can see from the photograph provided that the earlier sign, whilst of the same overall width, was at least broken down into three distinct sections and only used one bright colour. I am not persuaded that the history of the earlier sign in any way mitigates the detrimental impact which the appeal proposal has on the character and appearance of the area.
9. For these reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Colin Tyrrell

INSPECTOR

PLANNING COMMITTEE

Agenda Item 204

Brighton & Hove City Council

NEW APPEALS LODGED

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

WESTBOURNE

BH2008/02759

14 Langdale Gardens, Hove

Loft conversion to form self-contained flat to include hip to gable end and dormer extension.

APPEAL LODGED

16/01/2009

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

PATCHAM

BH2008/01842

82 Wilmington Way, Brighton

Single storey side extension to east elevation.

APPEAL LODGED

21/01/2009

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

ROTTINGDEAN COASTAL

BH2008/02748

7 Arundel Mews, Arundel Place, Brighton

Installation of ventilation ducting from ground floor premises to above first floor (retrospective).

APPEAL LODGED

16/01/2009

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

WITHDEAN

BH2008/02995

61 Valley Drive, Brighton

Demolition of existing garage and erection of a two-storey side extension.

APPEAL LODGED

27/01/2009

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

ST. PETER'S & NORTH LAINE

BH2008/02283

MyHotel, 17 Jubilee Street, Brighton

Extension of ground floor restaurant, new mid floor terrace seating with glass balustrade and change of use for pair of adjoining mews houses to a hotel.

APPEAL LODGED

27/01/2009

<u>WARD</u>	ROTTINGDEAN COASTAL
<u>APPLICATION NUMBER</u>	BH2008/02502
<u>ADDRESS</u>	28-30 Newlands Road, Rottingdean
<u>DEVELOPMENT DESCRIPTION</u>	Erection of a 3 storey detached building to provide 15 bedroom nursing home (approval sought for access, layout and scale) Nursing home to form part of existing home at 30-32 Newlands Road.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	03/02/2009

<u>WARD</u>	STANFORD
<u>APPLICATION NUMBER</u>	BH2008/01385
<u>ADDRESS</u>	49 Hill Drive, Hove
<u>DEVELOPMENT DESCRIPTION</u>	Additional storey to form 4 bedrooms.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	30/01/2009

<u>WARD</u>	WITHDEAN
<u>APPLICATION NUMBER</u>	BH2008/01614
<u>ADDRESS</u>	9 Green Ridge, Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Roof alterations and extensions to form bedroom and shower within the roof space.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	26/01/2009

<u>WARD</u>	REGENCY
<u>APPLICATION NUMBER</u>	BH2008/02825
<u>ADDRESS</u>	27C Clifton Road, Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Hip to gable roof extension with front and rear rooflights. New rear balconies and french windows at first and second floors.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	29/01/2009



**Brighton & Hove
City Council**

**INFORMATION ON HEARINGS / PUBLIC INQUIRIES
25th February 2009**

This is a note of the current position regarding Planning Inquiries and Hearings

PLANNING & ENFORCEMENT APPEAL 20-26 York Place, Brighton

Planning application no: BH2008/01562

Description: Regularisation of development as built (commercial on ground floor with residential above). Specifically regularisation of the roof and alteration to architectural adornments to parapet walls.

Linked appeal against enforcement notice. The notice alleges "Various works were carried out without the grant of planning permission".

Decision: Delegated

Type of appeal: Public Inquiry

Date: 3 and 4 Feb 2009 – **CANCELLED AWAITING NEW DATE**

Location: Jubilee Library

PLANNING & ENFORCEMENT APPEAL: Starbucks Coffee Co. (UK) Ltd, 115 St James's Street, Brighton

Planning application no: BH2008/01039

Enforcement no: 2008/0250

Details of application: Change of use from use class A1 (retail) to mixed A1/A3 coffee shop

Details of enforcement: Alleged unauthorised change of use to mixed A1/A3 use.

Planning Decision: Delegated

Type of appeal: Public Inquiry

Date:

Location:

Maycroft & Parkside, London Road & 2 4 6 & 8 Carden Avenue, Patcham

Planning application no: BH2008/00925

Details of application: Demolition of existing buildings and development of residential care home.

Decision: Planning Committee

Type of appeal: Public Inquiry

Date:

Location:

Royal Alexandra Hospital, 57 Dyke Road, Brighton

Planning application no: BH2007/04453

Details of application: Demolition of existing buildings and erection of 156 residential units and 751 square metres of commercial floor space (doctor's surgery and pharmacy). Associated access, parking and amenity space (including a public green). (Resubmission of BH2007/02926.)

Decision: Committee

Type of appeal: Public Inquiry

Date:

Location:

Royal Alexandra Hospital, 57 Dyke Road, Brighton

Planning application no: BH2007/04462

Details of application: Conservation Area Consent for demolition of existing buildings (former children's hospital) (resubmission of BH2007/02925).

Decision: Not determined

Type of appeal: Public Inquiry

Date:

Location:

Royal Alexandra Hospital, 57 Dyke Road, Brighton

Planning application no: BH2008/02095

Details of application: Demolition of all existing buildings. Erection of 149 residential units comprising 40% affordable units and 807.20 square metres of commercial floor space for a GP surgery (including 102 square metres for a pharmacy) together with associated access, parking, amenity space (including a public garden) and landscaping.

Decision: Committee

Type of appeal: Public Inquiry

Date:

Location:

14 Langdale Gardens, Hove

Planning application no: BH2008/02759

Description: Loft conversion to form self-contained flat to include hip to gable end and dormer extension.

Decision: Delegated

Type of appeal: Informal Hearing

Date:

Location:

MyHotel 17 Jubilee Street, Brighton

Planning application no: BH2008/02283

Description: Extension of ground floor restaurant, new mid floor terrace seating with glass balustrade and change of use for pair of adjoining mews houses to a hotel.

Decision: Delegated

Type of appeal: Informal Hearing

Date:

Location:

24 Albert Road, Brighton

Planning application no: BH2008/02670

Description: Two storey side extension.

Decision: Delegated

Type of appeal: Informal Hearing

Date:

Location: