

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 22 SEPTEMBER 2010**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hyde (Chairman), C Theobald (Deputy Chairman), Allen, Carden (Opposition Spokesperson), Alford, Cobb, Davey, McCaffery, Phillips, Simson, Smart and Steedman

**Co-opted Members** Philip Andrews ((Chairman) Conservation Advisory Group)

**Officers in attendance:** Paul Vidler (Deputy Development Control Manager), Nicola Hurley (Area Planning Manager (West)), Hamish Walke (Senior Team Planner (East)), Mick Anson (Major Projects Officer), Pete Tolson (Principal Transport Planning Officer) Hilary Woodward (Senior Lawyer) and Jane Clarke (Senior Democratic Services Officer)

**PART ONE**

**100. PROCEDURAL BUSINESS**

**100a Declarations of Substitutes**

100.1 Councillor Allen declared that he was substituting for Councillor Hamilton.

100.2 Councillor Phillips declared that she was substituting for Councillor Kennedy.

**100b Declarations of Interests**

100.3 Councillor Mrs Theobald declared a personal interest in application BH2010/01338, 5 Steine Street, Brighton in that she had sat as a Member on a Licensing Panel dealing with a licensing review of this premises. She did not feel this would prejudice her judgement of planning matters in any way and remained in the meeting and took part in the voting thereon.

**100c Exclusion of the Press and Public**

100.4 In accordance with Section 100A of the Local Government Act 1972 ("the Act"), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

100.5 **RESOLVED** - That the public be not excluded from the meeting during consideration of any item appearing on the agenda.

**101. MINUTES OF THE PREVIOUS MEETING**

101.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 1 September 2010 as a correct record of the meeting.

**102. CHAIRMAN'S COMMUNICATIONS**

102.1 The Chairman noted that the Member's briefings that were organised by the Planning Department were not being well attended. Whilst these briefings were designed to provide Members with details about the proposals of up-coming schemes, they were expensive to run in terms of Officer's time and would have to be cancelled in the future if they were not well attended by Members.

**103. PETITIONS**

103.1 There were none.

**104. PUBLIC QUESTIONS**

104.1 There were none.

**105. DEPUTATIONS**

105.1 There were none.

**106. WRITTEN QUESTIONS FROM COUNCILLORS**

106.1 There were none.

**107. LETTERS FROM COUNCILLORS**

107.1 There were none.

**108. NOTICES OF MOTION REFERRED FROM COUNCIL**

108.1 There were none.

**109. APPEAL DECISIONS**

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

**110. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**111. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**112. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

112.1 The Committee noted the information on pre-application presentations and requests.

**113. LAND AT AND ADJACENT TO WEST PIER AND 62-73 KINGS ROAD ARCHES, KINGS ROAD, BRIGHTON**

113.1 The Committee considered a report from the Director of Environment regarding the Land Adjacent to West Pier and 62-79 Kings Road Arches, Kings Road, Brighton.

113.2 Deputy Development Control Manager, Mr Vidler, introduced the report and stated that the i360 development had been given planning permission in 2006 with a Section 106 Agreement listing a number of financial contributions to be paid 180 days after commencement of work.

Although work had commenced, and a financial contribution for improvement works to lighting in the Regency Square subway had already been paid, work had now stopped again and the developers were seeking to re-phase the payments of the financial contributions until after resumption of work.

113.3 Councillor Davey asked whether work was taking place at this time, and if not when it would be likely to resume. Mr Vidler confirmed that work was not taking place currently, but he did not know when this may resume.

113.4 **RESOLVED** – That the proposed variation be agreed and the payment of financial contributions in respect of public transport, pedestrian and vehicular signage and a Traffic Regulation Order is re-phased until six months after the resumption of construction work on the site.

[Note: Councillors Simson and McCaffery were not present during the voting on this item.]

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

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

|   |                                    |
|---|------------------------------------|
| Application:                                  | Requested by:                      |
| BH2010/00391, 37-41 Withdean Road, Brighton   | Committee                          |
| BH2010/02005, 30 Hove Park Road, Hove         | Committee                          |
| BH2010/00584, 227 Preston Road, Brighton      | Committee                          |
| BH2010/02010, 25-28 St James Street, Brighton | Deputy Development Control Manager |

**115. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST**

**(i) TREES**

115.1 There were none.

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

**A. Application BH2010/01976, The Community Stadium, Village Way** – Proposed revisions to the North stand approved under planning application BH2008/02732 to include increased floor area for the club shop, new floor area for club offices, new museum, new floor area for storage and minor revisions to the North stand elevations.

(1) The Major Projects Officer, Mr Anson, introduced the application and demonstrated plans and elevational drawings. He stated that the revisions to the stadium had already been approved in 2009 and some changes to the floor space and layout were now being applied for. Minor improvements to the elevations were also included. The Economic Development Team supported the application as it would create 20 additional jobs at the site. Mr Anson referred to a correction in the report on the financial contribution to the public art element of the S106 Agreement, which should read £5,500.

**Questions/Matters on Which Clarification was Sought**

(2) Councillor Steedman asked about the sustainability energy centre that had been proposed with the original scheme, but was now being left out under these proposals. He noted that the centre had been the subject of much discussion at Committee when the original approval was granted and asked if the stadium would still be able to attain the same levels of sustainability without it. Mr Anson replied that the removal of the sustainability energy centre should not affect the levels of sustainability that the stadium could achieve. He added that the same standards that had been agreed with the original approval through the Section 106 Agreement would still apply.

- (3) A vote was taken and on a unanimous vote minded to grant planning permission was agreed subject to the variation of the s106 Agreement dated 21 April 2009 and the conditions and informatives listed in the report.

[Note: Councillor Simson was not present during the voting on this item.]

- 115.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of this report and resolves that it is minded to grant planning permission subject to a Deed of Variation to the Section 106 Agreement dated 21<sup>st</sup> April 2009 (Brighton Agreement 1) attached to BH2008/02732 and the conditions and informatives listed in the report.

- B. Application BH2010/01833, St Mary's Hall, Eastern Road, Brighton** – Change of use from class D1 education to class B1 office use with residential accommodation and retention of swimming pool and tennis courts.

- (1) The Major Projects Officer, Mr Anson, introduced the application and demonstrated plans and elevational drawings. He noted that the application was for a change of use and there were various buildings on site. The current boarding houses would become doctor's accommodation but there were no external alterations of the buildings proposed. Any internal alterations would be subject to the future granting of listed building consent.

The doctor's accommodation would be mainly single rooms with shared facilities, and the swimming pool would be retained. It was understood that the Brighton Swim School had expressed an interest in leasing the pool, but that the pool would be available to NHS staff at other times during the day. A community use agreement regarding the management of the pool formed a part of the Section 106 Agreement. There were parking spaces on site but these would be controlled by a strict parking permit scheme.

#### **Questions/Matters on Which Clarification was Sought**

- (2) Councillor Smart asked whether the access to the pool would be limited for members of the public. Mr Anson replied that access to the pool would be provided through a 3<sup>rd</sup> party such as the Brighton Swim School as the NHS Trust did not want completely open access on site for security reasons.
- (3) Councillor Smart asked about the parking permit system on site and asked whether the trainee doctors would be provided with a permit. Mr Anson replied that a strict parking permit scheme would be operated on site and it would be unlikely that junior doctors living on site would be provided with a permit. Mr Tolson added that the junior doctors were on a 6<sup>th</sup> month training contract and would be moving to a different area after this time. It was unlikely that they would own a car, or be granted a parking permit for parking on site. The residential streets in the area were also within a parking permit zone.

- (4) Councillor Mrs Theobald noted that the pool was currently in use and asked if this application would reduce the use of the pool for the community. She also asked if disabled accesses on site would be improved. Mr Anson replied that usage would not be reduced and the pool would in fact be opened during the day for staff use as well as community swim schools in the evening. Any construction would need to be DDA compliant to comply with the law.
- (5) Councillor Davey asked about the proposals for cycle parking and Mr Anson replied that the details of location and design were still to be agreed.
- (6) Councillor Davey asked if there was a pedestrian access through to the primary school and Mr Anson replied that there would be no other pedestrian access added.

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

- (7) Councillor Steedman felt that it was a loss that the Local Education Authority was not interested in retaining the site given the problems in the city about where schools are located. However he noted that this building had been empty for many years and felt that these proposals were commendable and would bring the building back into a valuable use.
- (8) Councillor Mrs Theobald agreed and felt this was a good use for the site. She was concerned about the level of parking and felt it might create problems for parking in the area.
- (9) Councillor Carden felt the proposals were suitable and gave the hospital a chance to move forward with their own plans.
- (10) A vote was taken and on a unanimous vote minded to grant planning permission was granted subject to a Section 106 Agreement being entered into and the conditions and informatives listed in the report.

115.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 8 of this report and resolves that it is minded to grant planning permission subject to a Section 106 agreement being entered into and the conditions and informatives listed in the report.

[Note: The Chairman noted the names of the current boarding houses and suggested that they be retained for their historical importance.]

**C. Application BH2010/01966, Mitre House, 149 Western Road, Hove** – Change of use of North block and addition of fourth storey contained within a mansard roof to form hotel (C1) with associated works.

- (1) This application was deferred from this agenda.

**D. Application BH2010/00584, 227 Preston Road, Brighton** – Change of use of car showroom/workshop (SG04) to 2 no. retail units (A1) incorporating installation of external condenser unit, air conditioning units and an ATM Cash Machine.

(1) This application was deferred for a site visit to take place.

**E. BH2010/02247, 189 Dyke Road, Hove** – Installation of railings to front and side of property.

(1) Ms Hurley introduced the application and demonstrated plans and elevational drawings. She noted that the surrounding area was characterised by low boundary treatments. The application was recommended for refusal as the proposed boundary treatment would be excessively high and in a prominent position, creating an overly dominant effect and enclosing the property.

#### **Questions/Matters on Which Clarification was Sought**

(2) The Chairman asked if there were any security issues on site that the applicant needed to consider and Ms Hurley replied that the site was used by a clinical pathologist.

(3) Councillor Mrs Theobald asked if there were any other sites in the area was similar boundary treatment and Ms Hurley replied there weren't any in the immediate vicinity. She added that the applicants had been advised that a lower boundary treatment would be more acceptable in this area.

(4) Councillor Alford asked what the distance was between the house and the nearest part of the railings and Ms Hurley replied that it was around 1 metre.

(5) Councillor Simson asked why a previous application had been withdrawn and Mr Walke replied that the applicants had been advised that it might be more acceptable to have a low boundary treatment on the frontage, where it was more prominent, but a higher treatment along the sides of the property, which were perhaps more of a security risk. The applicants had withdrawn to consider this but came forward with the current proposals instead.

(6) Councillor Simson asked if there was a boundary treatment next door and Ms Hurley replied that there was.

(7) Councillor Alford asked for further details on the design of the railings.

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

(8) Councillor Mrs Theobald felt the design was attractive, but believed the treatment was too high for the frontage of the property. She felt that 5'6 inches would be a more appropriate height.

(9) A vote was taken and on a vote of 6 for, 4 against and 2 abstentions planning permission was refused for the reasons given in the report.

115.4 **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 given in the report.

**F. Application BH2010/01714, 16 Chartfield, Hove – Two storey front extension.**

(1) The Area Planning Manager (West), Ms Hurley, introduced the application and demonstrated plans and elevational drawings. Applications had been refused on this site in 2009 and four objections had been received. Ms Hurley referred to an error in the report which stated that number 16 Chartfield had also objected to the application, which was not the case. The application was recommended for refusal on the grounds of impact on amenity, that it was out of keeping with the character of the other properties in the area and that its bulk, massing and scale were visually intrusive and inappropriate.

(2) The applicant, Ms Stewart, addressed the Committee and stated that the house had been adequate for her family's needs when it was first built, but now the family needed more room and in particular a home study and an extra bedroom. The property had a small garden, but this was not adequate to build an extension on and so the solution to build over the garage had been explored. There would be only a small increase in footprint and the property was not in a conservation area. The extension was designed to fit in with the existing street scene and would increase the sustainability of the home in terms of lifetime homes targets.

The agent, Mr Turner, addressed the Committee and stated that there would be no adverse impact on neighbouring properties as a result of the application. There were seven different house types in the immediate area and so it was incorrect to say that the extension would negatively affect the street scene, and materials would be chosen carefully to match and blend in with existing structures. The extension would improve what was a bland and uninteresting elevation and the proposals had been scaled back to ensure they were not over-dominant.

**Questions/Matters on Which Clarification was Sought**

(3) Councillor Mrs Theobald asked if there were similar forms of extensions in the surrounding area and Ms Hurley replied there were not.

(4) Councillor Alford asked if the overall footprint of the property would remain the same and Ms Hurley replied that it would be increased on the side of the garage by approximately 1.4 metres. The bulk of the extension would be over the garage.

**Debate and Decision Making Process**

(5) Councillor Mrs Theobald requested a site visit to assess the proposals and to see what other types of construction were already in existence in the area. A vote was taken and on a vote of 3 for, 5 against and 4 abstentions, the request to undertake a site visit fell.



- (6) Councillor McCaffery sympathised with the officer's view of the application but did not agree that the extension would detract from the street scene as the building was fairly well set back from the road.
- (7) Councillor Simson agreed and felt there was a mix of different styles in this area and the extension would not have a detrimental impact.
- (8) A vote was taken and on a vote of 2 for, 4 against and 6 abstentions, the Committee did not agree with the reasons for the recommendation to refuse planning permission.
- (9) Councillor McCaffery proposed an alternative recommendation to agree planning permission and was seconded by Councillor Simson. A second recorded vote was taken on a vote of 4 for, 2 against and 6 abstentions planning permission was granted.

115.5 **RESOLVED** - That the Committee has taken into consideration and does not agree with the reasons for the recommendation, and resolves to grant planning permission subject to the following conditions:

- 1. That the planning permission must be implemented within 3 years of the date of the granting of the permission.
- 2. That materials which match existing external materials must be used.
- 3. That obscured glazing will be used if such a condition is deemed necessary by the Deputy Development Control Manager.
- 4. That the development will be carried out in accordance with approved drawings.

[Note: Councillors Carden, Allen, McCaffery and Simson voted to grant the application. Councillors Smart and Mrs Theobald voted against granting the application. Councillors Hyde, Alford, Cobb, Davey, Phillips and Steedman abstained from voting.]

**G. Application BH2010/02005, 30 Hove Park Road, Hove** – Installation of part pitched and part flat roof to rear extension with ridge skylights, rooflight to rear elevation and alterations to patio doors and windows. Installation of raised deck.

- (1) This application was deferred for a site visit to take place.

**H. Application BH2010/01610, 25 Hazeldene Meads, Hove** – Roof extension to south end over existing garage, 2 front dormers, extended front porch and installation of 7 solar panels.

- (1) Ms Hurley introduced the application and demonstrated plans and elevational drawings. She noted that planning permission had been refused in 2010 for a gable extension on the grounds of excessive size and the solar panels being incongruous. An appeal was lodged with the Planning Inspectorate and dismissed, but the appeal letter referred to three dormers rather than two, which was part of the proposals. Officers were in communication with the Planning Inspectorate to resolve this issue. A certificate of lawfulness had been issued regarding a rear dormer extension that had been built under permitted development rights.

The new proposals now included a reduced number of solar panels. Objections had been received on the grounds of impact on appearance, amenity and character of the area. An extension to the side garage was sought, but it was the Officer's view that this would have no impact on amenity for neighbours. The solar panels could be fitted under permitted development rights if they were laid flat, however they would need planning permission if the projection off the roof was increased. The dormers at the front were modestly sized and in line with planning guidance.

### **Questions/Matters on Which Clarification was Sought**

- (2) Councillor Simson asked what guidance the Inspector had given in their decision regarding the solar panels. Ms Hurley replied that nine panels would appear cluttered and would have extended beyond the ridge line of the roof and the Inspector felt that this was not proportionate.
- (3) Councillor Simson noted that the roof area had been reduced and so there were less panels, and asked if the remaining panels were spaced the same distance apart as the previous application. Ms Hurley replied that they were.
- (4) Councillor Hyde asked if the Inspector had indicated that the front dormer proposals would not reflect the style and character of the property, and Ms Hurley replied that she believed the issue was that three dormers would change the look of the bungalow. A reduction to two would be more appropriate and would be in accordance with guidance.
- (5) The Chairman asked if there were other properties with dormers in the area and Ms Hurley replied that there were, but not in the same road.
- (6) Councillor Mrs Theobald asked about the windows at the back of the property and Ms Hurley advised that these were installed under permitted development rights and so were not an issue to be taken into consideration.

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

- (7) Councillor Simson felt that the front dormers did not compare well with other properties in the area. She noted that the proposed solar panels would still extend above the roofline of the property and were still spaces the same distance apart, although there would be less of them.
- (8) Councillor Steedman felt that the visual aspects of the solar panels was a compromise that was acceptable and necessary given the issues around climate change. He therefore felt that the application was appropriate.
- (9) Councillor Alford felt that there were issues surrounding this application in terms of the incorrect decision from the Planning Inspectorate. He felt that this report needed to be clarified before this application was determined.

- (10) The Chairman noted the Inspectors views on the aesthetics of the application. Mr Vidler stated that when the original application had been refused the solar panels and front dormers had not been a reason for refusal, but they were issues raised separately by the Planning Inspectorate in their decision.
- (11) Councillor McCaffery also felt that a deferment was necessary to enable the Planning Inspectorate to clarify its decision.
- (12) Mr Vidler stated that the department was currently seeking further clarification on the error in the Inspectors decision, but essentially this application was based on only two dormers rather than three, which was a preferable reduction.
- (13) The Chairman felt it was necessary to defer the application to enable Officers to seek clarification on the Inspectors decision, and to assess whether that decision would have been any different if it had been based on two dormer windows rather than three.
- (14) The Committee agreed to a deferment on the terms above.

**I. Application BH2010/01863, 37 Preston Drove, Hove – Change of use and conversion of existing out building with new single storey extension, to form additional nursery accommodation with an increase to 75 children.**

- (1) Ms Hurley introduced the application and demonstrated plans and elevational drawings. She stated that the application was for a change of use and conversion to allow the nursery to expand by 15 extra children. Factors to consider were the impact of increased capacity at the nursery and the impact of the alterations on the building and the surrounding area. There had not been any history of noise complaints associated with the premises and the Early Years Team did not object to the proposals. It was expected that vehicle movements would increase by 45 over the course of the day but this would not harm the local road network. There were parking problems noted during the peak times of drop off and pick up and a condition for an updated travel plan to monitor this was suggested.

The application was not considered to be detrimental to the amenity of neighbours and would not cause significant harm. There would be no loss of light as a result of the application.

**Questions/Matters on Which Clarification was Sought**

- (2) Councillor Mrs Theobald asked what were the consequences should the travel plan, once produced, not meet with Officer expectations. Ms Hurley explained that the absence of a travel plan was not a valid reason for refusal of the application and Officers were able to ask for more details on the travel plan at a later date.
- (3) Councillor Smart asked if there were double yellow lines outside the nursery to prevent parking and waiting unnecessarily. Ms Hurley noted that there were concerns over instance of double parking, but it was the responsibility of drivers to park safely and considerately and not the responsibility of the Planning Department.

- (4) Councillor Smart asked if there was any living accommodation currently in the house and Ms Hurley believed there was a small studio apartment, but did not think this was currently being used.
- (5) Councillor McCaffery stated that she knew the site well and asked if there was enough room for the storage that would be moved out of the building that formed part of the application, and whether the nursery was able to cope with the increase in numbers. Ms Hurley replied that the storage would be moved to where cycles were currently stored and the nursery would have enough room to accommodate the increase.

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

- (6) Councillor McCaffery was surprised at the lack of a travel plan with the application and noted that issues around staffing levels had not be addressed. She felt the application would certainly have an effect on the traffic in the area and was unsure that the traffic assessment was accurate. The Principle Transport Planning Officer Mr Tolson, stated that the authority could request reasonable efforts to be made to stagger arrival times and for an improved travel plan. He noted that the current plan was not particularly effective and he would ensure that a better plan was created with the new application.
- (7) A vote was taken and on a vote of 10 for, 1 against and 1 abstention planning permission was granted subject to the conditions and informatives in the report.

115.7 **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 for the reasons and informatives listed in the report.

**J. Application BH2010/00391, 37 - 41 Withdean Road, Hove** – Demolition of three existing detached houses and construction of 3 new detached houses.

- (1) This application was deferred for a site visit to take place.

**K. Application BH2010/01338, 5 Steine Street, Brighton** – alterations to frontage (retrospective).

- (1) The Senior Team Planner (East), Mr Walke, introduced the application and demonstrated plans and elevational drawings. He noted that the area was a mixed use area and an application had been refused on site in 2008 on the grounds of visual appearance and noise. The current application would not change the use of the premises and would only relate to external building changes. The Environmental Health Team had been heavily involved in the application in terms of monitoring noise but they now felt that these were appropriately managed via the use of a noise limiter and so had not raised an objection to the application. Matters to consider therefore were the visual impact of the proposals and neighbouring amenity. It was felt that the proposals would significantly enhance the look of the building and the insulated glazing would help to contain noise breakout.

- (2) Mr Hainsworth addressed the Committee to object to the application and stated that he had registered extensive complaints about the noisy and intrusive operations of the club and had been in detailed correspondence with the local authority regarding noise nuisance. As recently as last weekend the Noise Patrol had witnessed gradually increasing levels of noise from the club which was unduly disturbing residents, and Mr Hainsworth felt that the owners of the premises had not complied fully with conditions imposed on them by the Licensing Committee. He asked that if the Committee were minded to grant the application, would they consider imposing three additional conditions: that the acoustic glass is upgraded to 84 decibels, to match the levels permitted by the sound limiter; that the film screening on the ground floor windows is maintained to protect residential amenity and privacy for residents of Dolphin Mews; and that the acoustic lobby, which was a condition imposed by the Licensing Committee, is created.

#### **Questions/Matters on Which Clarification was Sought**

- (3) Councillor Smart asked if the premises would remain a club and whether the ground floor was glazed. Mr Walke agreed that it would remain a club and that although the ground floor was glazed and there were fears of overlooking on residents of Dolphin Mews, this would create no more overlooking than passersby on the street, and was therefore deemed acceptable.
- (4) Councillor Mrs Theobald asked if there was a lobby into the building and Mr Walke replied that there was. He added that the Environmental Health Team had not raised noise issues as a concern for this application.

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

- (5) Councillor Steedman noted that the concerns of the residents were persistent and ongoing regarding this premises, and he felt that if the proposed conditions from Mr Hainsworth would assist in their entitlement to a peaceful life he would like the Committee to adopt them.
- (6) Councillor Allen agreed and felt there was little worse than noise intrusion. He felt that if these conditions were a way to remedy the problem then they should be adopted.
- (7) Councillor Smart agreed and felt the film screening was particularly important as the street was very narrow and the buildings close to each other.
- (8) Councillor Simson agreed and felt that the glass should be obscured to protect privacy.
- (9) Mr Vidler felt it would be difficult to impose conditions that related to the use of the property. He felt the suggested conditions would be difficult to control and noted that internal works to the lobby would not need planning permission. The level of the acoustic glass was a licensing issue and the Environmental Health Team had indicated that they were happy with the proposals. There was recourse to other powers should the premises become a statutory noise nuisance.

- (10) The Chairman proposed deferral of the application until further information from the Environmental Health Team regarding the suitability of the proposed condition regarding the acoustic glass could be gathered, and this was agreed.

**L. Application BH2009/00161, 28-30 Newlands Road, Rottingdean** – Erection of a three storey detached building to provide a 12 bedroom nursing home to form part of an existing home at 30-32 Newlands Road.

- (1) Mr Walke, introduced the application and demonstrated plans and elevational drawings. He stated that the current bungalow would be demolished to create a three storey detached nursing home that would be managed in conjunction with the adjacent home. Two parking spaces were proposed and the site had been the subject of an appeal in 2008, which was dismissed on the grounds of harming the character and appearance of the area, and the negative impact on the amenity of neighbours.

The new proposal had reduced the number of beds to 12 with a good level of amenity space provided for residents. Bay windows would offer vital outlooks and southern views would be restricted by solid walls to prevent overlooking of neighbours. The design of the building had also been revised to be more in keeping with the street scene. The scheme would meet a very good BREEAM rating.

#### **Questions/Matters on Which Clarification was Sought**

- (2) The Chairman asked what changes had been made to the design to make it less bulky and to improve the street scene, and also what materials would be used for the roof. Mr Walke replied that the scheme would have a reduced footprint and was set back from the road. A change in emphasis on the front elevation made the design less vertical in nature. He added that the proposed material for the roof was grey slate. The Chairman felt that a tile roof would be more appropriate and asked if this could form part of the conditions.
- (3) Councillor Simson asked if there was any overlooking from the proposals to the properties behind the building. Mr Walke stated that there would be around a 50 metre separation distance and did not believe this would give rise to overlooking.
- (4) Councillor Alford asked about the proposed footprint to the current one and Mr Walke stated that they were fairly similar in size, and the proposed was less vertical in nature and more set back than the proposals that had been dismissed on appeal.
- (5) Councillor Mrs Theobald agreed with the Chairman and felt that the proposed materials on the dismissed application were more appropriate to the application.
- (6) The Chairman asked that a red tile roof be used for the materials of the application.

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

- (6) A vote was taken and on a vote of 10 for, 1 against and 1 abstention minded to grant planning permission was granted subject to a S106 Agreement and the conditions and informatives listed in the report.

115.9 **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 that it is minded to grant planning permission subject to the applicant entering into a Section 106 Agreement and to the conditions and informatives listed in the report, and an amended external materials condition to include the use of red tiles for the roof.

**M. Application BH2010/02422, 39 Roedean Road, Rottingdean** – Demolition of existing four storey four bed single dwelling house and erection of 1 no 3 bedroom, 4 no 2 bedroom and 2 no 1 bedroom flats with associated car parking and cycle spaces.

(1) Mr Walke, introduced the application and demonstrated plans and elevational drawings. He stated that the application site was currently occupied by a two storey dwelling with a blank and unattractive frontage and overly dominant views of the area, which was generally characterised by more traditional dwellings. The site had been the subject of three recent refusals.

Ten car parking spaces were proposed with the new application and a communal garden on the south side of the site. All the flats would have either a balcony or a patio as private amenity space and the design was much more traditional and had been significantly improved from the original applications. The flats would meet lifetime homes standards and overlooking would not be an issue due to the number of balconies already in existence in the area.

#### **Questions/Matters on Which Clarification was Sought**

- (2) Councillor Simson asked if the application was set further back than what was currently on site. Mr Walke replied that it would be around the same footprint.
- (3) Councillor Mrs Theobald asked why the application was better now than the three previous refusals. Mr Walke explained that the previous applications had gone to appeal and been dismissed, but only on the grounds of inappropriate design. As the design with the new application was so much better it was now felt that the application was acceptable.

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

- (4) Councillor Mrs Theobald did not like the design and felt it represented an overdevelopment of the site. She felt there would be a loss of housing and the application was not in keeping with the area and so could not support the application.
- (5) Councillor Smart disagreed and felt the application was a vast improvement on what was currently there. He felt able to support the application.
- (6) A vote was taken and on a vote of 8 for, 3 against and 2 abstentions minded to grant planning permission was granted subject to a S106 Agreement and the conditions and informatives listed in the report.

115.10 **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 that it is minded to grant planning permission subject to the applicant entering into a Section 106 Agreement and to the conditions and informatives listed in the report.

**N. Application BH2010/01264, The Outlook, 2 Roedean Path, Rottingdean –**  
Conversion and extension of existing garage to form habitable accommodation.

(1) Mr Walke introduced the application to the committee but did not give a presentation on the constituent elements of the scheme.

**Questions/Matters on Which Clarification was Sought**

(2) Councillor Cobb asked if the application would remain as ancillary to the main building and Mr Walke replied that it was a recommended condition that this was so.

(3) Councillor Mrs Theobald asked if this would prevent the application dwelling being used as holiday lets and Mr Vidler replied that a proposed condition would prevent the dwelling being used as a separate accommodation, but would not stop it being used as a holiday let.

**Debate and Decision Making Process**

(4) A vote was taken and on a unanimous vote full planning permission was granted subject to the conditions and informatives listed in the report.

115.11 **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 listed in the report.

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

116.1 **RESOLVED** – That those details of applications determined by the Director of Environment under delegated powers be noted.

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

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



**117. 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**

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

|   |                                    |
|---|------------------------------------|
| Application:                                  | Requested by:                      |
| BH2010/00391, 37-41 Withdean Road, Brighton   | Committee                          |
| BH2010/02005, 30 Hove Park Road, Hove         | Committee                          |
| BH2010/00584, 227 Preston Road, Brighton      | Committee                          |
| BH2010/02012, 25-28 St James Street, Brighton | Deputy Development Control Manager |

The meeting concluded at 5.25pm

Signed

Chair

Dated this

day of