

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 12 OCTOBER 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors MacCafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Cobb, Davey, Farrow, Hamilton, Hawtree, K Norman, Summers and C Theobald

Officers in attendance: Jeanette Walsh, Development Control Manager; Paul Vidler, Deputy Development Control Manager; Pete Tolson, Principal Transport Planner; Annie Sparks, Environmental Health Manager; Nicola Hurley, Area Planning Manager (West); Claire Burnett, Area Planning Manager (East); Kathryn Boggiano, Senior Planning Officer; Hilary Woodward, Senior Lawyer; and Penny Jennings, Democratic Services Officer

PART ONE

69. PROCEDURAL BUSINESS

69a Declarations of Substitutes

69.1 Councillor K Norman was present in substitution for Councillor Wells. It was noted that apologies had been received from Councillor Kennedy.

69b Declarations of interests

69.2 Councillor Mrs Theobald stated that she had a personal but not prejudicial interest in one of the applications set out in the report detailing decisions made by officers under their delegated powers. Councillor Theobald was advised that as the application had been determined and she had had no part in that process that she was not required to declare an interest.

69.3 Prior to this item being presented before Committee Councillor Hamilton declared a personal but not prejudicial interest in relation to Application BH2011/00142, 9 Hampton Place. During the course of the meeting he had become aware that he had taught the applicant some thirty years previously when teaching at a local grammar school. He confirmed that he remained of a neutral mind and that as such he would remain present during consideration of the application and would take part in the discussion and voting thereon.

69c Exclusion of the press and public

69.4 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.

69.5 **RESOLVED** - That the public be not excluded during consideration of any item of business on the agenda.

70. MINUTES OF THE PREVIOUS MEETING

70.1 Councillor Mrs Theobald referred to Application BH2010/03759, 10 – 14 Gloucester Place, stating that in addition to her remarks relating to the feasibility of providing additional car parking on site she had also expressed concern that two elm trees would be lost as a consequence of the development and wished those comments to be recorded.

70.2 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 21 September 2011 as a correct record subject to the amendment set out above.

71. CHAIR'S COMMUNICATIONS

71.1 There were none.

72. APPEAL DECISIONS

72.1 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.

73. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

74. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

75. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

76.1 There were none.

77. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST : 12 OCTOBER 2011**(i) MAJOR APPLICATIONS**

A. Application BH/2010/03999, Site J, Land East of Brighton Station, New England Quarter, Brighton - Mixed use development comprising 2973sqm commercial office space (Class B1), 94 bedroom hotel (Class C1), 147 residential units (Class C3) and 255sqm retail floorspace/café/office (flexible use Class A1/A2/A3/B1) accommodated within 3 blocks (6-8 storey southern block and 5-8 storey central and northern blocks), Southern Site of Nature Conservation Interest, public square, private and public open spaces, associated landscaping, access, servicing, car and cycle parking, and provision of station link, including lift and stair access.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Deputy Development Control Manager, Mr Vidler gave a presentation detailing this final phase of the Brighton Station, New England Quarter by reference to drawings, photographs and plans. He explained the context of this element of the development within that of the overall scheme and referred to its planning history including the previous Beetham "tower" scheme which had been refused by the Committee in 2005 and had then been dismissed at a subsequent appeal to the Planning Inspectorate. All other sites within the Masterplan area, with the exception of the southern portion of Block K adjacent to the Jury's Inn hotel, had been built and occupied. Phases 1 and 2 of the highways infrastructure, including Flee Street, immediately to the east of the application site and Stroudley Road to the north, had been adopted by the Highway Authority. The Northern Site of Nature Conservation Interest, running parallel with Block G (Gladstone Row) to the listed former railway bridge over New England Road was complete and open to the public.
- (3) The Deputy Development Control Manager explained that the proposed scheme represented a departure from the approved Masterplan consent, in terms of the proposed mix of land uses and the layout, with the inclusion of employment generating uses, including commercial space and introduction of housing. The proposal included a substantial part of the Southern Site of Nature Conservation and completed the link to the Station, the provision of children's equipped play space and key pedestrian routes across the site, with lift and stair access linking Brighton Station to the London Road. The proposed scheme would improve permeability and access across the Masterplan area and the wider area and the wider scheme and would provide employment opportunities and deliver new jobs.
- (4) The 53 units (36%) affordable housing to be provided by the scheme were welcomed as they offered an adequate mix of housing tenures and sizes. The proposed transport impact was considered acceptable and adequate compensatory measures had been made to provide for more sustainable modes of transport. Sustainable measures would be incorporate, biodiversity would be enhanced and provision would be made for disabled access and provision had been made for an equipped children's play area. The development accorded with Central Government Guidance, Adopted Local Plan

policies and Supplementary Planning Guidance for the Brighton Station Site and would enhance the character and appearance of the surrounding area, would regenerate the locality and would complete the final phase of the New England Quarter and was therefore recommended for approval.

Questions, Debate and Decision Making Process

- (5) Councillor Davey referred to the planting proposed on site, as this seemed to be less than originally anticipated. He sought reassurance regarding the type of planting to be provided. It was explained that the planting shown including trees on the submitted drawings was indicative and that this would be secured through the Section 106 Agreement and conditions. Councillor Davey also sought clarification regarding the level of parking and for whom it was being provided. It was explained that the on site parking was for use of residents and additional disabled persons parking was provided on street.
- (6) Councillor Hawtree sought confirmation regarding the form the percentage for art contribution would take. It confirmed that this would be worked up according to the agreed procedures and the precise form this would take had yet to be agreed. Councillor Hawtree hoped that this could be incorporated as part of the strategy for the whole area. Councillor Mrs Theobald stated that this seemed a lot of money and it was explained that this figure represented an agreed percentage in relation to the overall scheme.
- (7) Councillor Mrs Theobald also sought details regarding the hours during which loading/unloading of deliveries to the hotel would take place. It was noted that and hotels "star" rating as 3 or 4 star had yet to be finalised although the rating was not something that the local planning authority could control.
- (8) Councillor Cobb sought confirmation regarding lighting/sunlighting across the site and whether lighting would be provided through the night.
- (9) Councillor Hyde sought clarification in relation to some elements of the sustainable transport assessment and in relation to the level of parking to be provided which she thought would be less than originally anticipated.
- (10) Councillor Davey stated that as a Local Ward Councillor he welcomed the scheme which would now complete the overall development and would provide a boost to the wider area. Councillors Hyde and Hawtree concurred in that view.
- (11) Councillor Hyde stated that whilst she would have preferred to see more parking, this scheme represented a significant improvement on the previous Beetham scheme and welcomed the housing and jobs that would be created.
- (12) Councillor Carden supported the scheme considering that it provided the right balance of jobs and homes. Councillor K Norman also welcomed the scheme.
- (13) A vote was taken and the 11 Members present voted unanimously that they were minded to grant planning permission in the terms set out below.

- 77.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Section 7 of the report and resolves that it is minded to grant planning permission subject to the applicant entering into a Section 106 legal agreement which applied the Heads of Terms and conditions and informatives set out in the report and also subject to the amendments set out in the "Late Representations List." Condition 17 (i) as amended would include the communal roof areas and allotments and a further informative would be attached indicating that the submitted bricks would be acceptable in respect of Condition 18 relating to external materials.
- B. **Application BH2011/02181, Training Centre, Rosaz House & Cottage, 2 – 4 Bristol Gate, Brighton** – Demolition of Rosaz House and Rosaz Cottage and erection of a three storey building to accommodate the Sussex Macmillan Cancer Support Centre incorporating new vehicular accesses off Bristol Gate, 25 parking spaces and landscape works.
- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Ms Boggiano, gave a presentation setting out the constituent elements of the scheme by reference to detailed plans and elevational drawings, also perspectives indicating the appearance of the buildings when seen in profile from various locations within the neighbouring street scene.
- (3) The main considerations in determining the application related to the principle of the use, impact on the character and appearance of the area, impact on trees, impact on amenity, sustainable transport, ecological impacts, sustainability, contaminated land issues and archaeology. It was considered that the principle of the use was acceptable, services currently provided in the building would be located elsewhere on adjacent sites and the proposed use would provide a valuable community facility. The proposal would not adversely impact on the local highway network nor would it jeopardise highway safety. The loss of the protected tree was acceptable in this instance and subject to the suggested conditions there would be no adverse impacts on ecology. The proposal would not give rise to any significant adverse impacts on the amenity of neighbouring properties and approval was therefore recommended.

Questions, Debate and Decision Making Process

- (4) Councillor Hyde sought clarification regarding the materials and finishes proposed. She stated that in some instances the timber used for exterior cladding on developments had either been unsuitable for use in an exposed position or had not been treated properly and in consequence had not weathered well, this in turn had been detrimental to the appearance of the building. Councillor Hyde enquired whether it would be possible to add conditions appertaining to exact materials and colours to be used. The Planning Officer responded that works could not commence on site until samples of materials and finishes to be used had been submitted. It was confirmed that white render would also be used.
- (5) Councillor Mrs Theobald sought clarification regarding the number of staff to be employed on site and the levels of parking/cycle parking to be provided. The Planning

Officer explained that no car parking had been provided as staff would be subject to the same conditions as other staff within the hospital complex who could apply for and purchase a parking permit if they were eligible.

- (6) Councillor K Norman enquired regarding the consultation process which had taken place and it was confirmed that the occupiers of all adjacent properties had been consulted and that the nearest residential dwellings were situated at some distance from the development.
- (7) Councillor Summers noted that two aspects of policy in respect of sustainability had not been met enquiring whether it would be possible either to add a condition or to amend the existing in order to seek to ensure that that space for food collections could be facilitated within the waste and recycling storage area. The Legal adviser to the Committee stated that it would not be appropriate to add a condition but that an informative could be added if Members wished.
- (8) Councillor K Norman enquired whether the council could control this matter and it was explained that although the council could not an informative would encourage the applicants to adopt that approach. Councillor Cobb stated that she did not support the addition of the proposed informative in relation to food composting, the report indicated that composting facilities had not been provided. Although there could be uncooked food waste from the café, this waste was likely to be small in scale and therefore it was not considered necessary to provide composting facilities. Councillor Hawtree disagreed with that approach stating that following on from that reasoning, it would imply that all household food waste collection, being relatively small in scale, would not be considered necessary either.
- (9) Councillor Summers stated that she wished to add an informative to be added to underline the Committee's aspiration that the development should be as sustainable as possible. Councillor Farrow concurred in that view. Following further discussion, Councillor Summers proposed an informative seeking the facilitation of food waste collections. This was seconded by Councillor Hawtree. A vote was taken and addition of the proposed informative was lost on a vote of 5 to 6.
- (10) Councillor Mrs Theobald stated that whilst it was regrettable that Rosaz House was to be demolished the proposals would provide a well designed modern building. Councillor Hyde agreed stating that the design was well thought out and that the services provided on site would provide a wonderful local facility. Councillor Hawtree stated that in this instance loss of the existing building was justified in consequence of the facilities that would result.
- (11) A vote was taken and the 11 Members present voted unanimously to grant planning permission in the terms set out below.

77.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 of the report and resolves to grant planning permission subject to the Conditions and informatives also set out in the report and subject to the amendments set out in the "Late Representations List".

- C. Application BH2010/03128, 19 – 27 Carlton Terrace, Portslade,** Outline application for demolition of existing buildings and erection of 4 blocks of mixed flats/houses totalling 15 units.
- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
 - (2) The Area Planning Manager (West), Mrs Hurley gave a presentation detailing the constituent elements of the proposed scheme which included photographs and aerial photographs of the existing development on the site. She explained that as this was an outline application, it sought to establish the principle of change of use to enable the site to be used for housing, all other matters were however, reserved for future approval.
 - (3) Floor plans and elevational were displayed relating to each of the four blocks proposed on site, although it was noted that these were indicative. The site had been marketed for employment purposes for 2 years without success. Marketing information had been submitted and it was considered that the site was redundant for employment purposes and use of the site for housing was therefore welcomed. A financial assessment accompanying the application had concluded that use of the site for 100% affordable housing would be unviable and the Housing Strategy and Economic Development Team had confirmed that they considered the assumptions made in the assessment were reasonable. The applicants had however offered to provide 4 affordable units. In this instance it was considered acceptable for development of the site to provide an affordable element of approximately 27%.
 - (4) Notwithstanding that this was an outline application on which all matters were reserved, the illustrative drawings indicated that a scheme could be developed on the site which would be acceptable in terms of traffic impact, appearance and impact on residential amenity. Approval was therefore recommended.

Questions, Debate and Decision Making Process

- (5) Councillor Davey sought confirmation that the worked up scheme would be brought back before the Committee for approval and it was confirmed that it would. Councillor K Norman sought confirmation that this would also be the case in respect of on site parking and it was confirmed that it was.
- (6) Councillor Mrs Theobald sought confirmation in respect of how the sum of £69,951 in relation to Education would be spent, and was advised that was yet to be determined.
- (7) Councillor Cobb referred to the telecommunications mast on land adjoining the site enquiring whether it met the necessary safety requirements. It was confirmed that the mast would have needed to comply with all measures in place at the time permission was given to locate it there.
- (8) Councillor Hawtree stated that broadly he supported the application urging that distinctive modern buildings be provided on site.

- (9) Councillor Carden stated that whilst the loss of employment use was regretted there was a need for more homes in the city and he hoped that the site would be used to its full potential stating that there was a need for more three bedroom units.
- (10) Councillor Hamilton welcomed the scheme citing the fact that it would be returned to use after having sat vacant for three years. It was disappointing that only 4 affordable units were proposed across the site, but he accepted the rationale for this.
- (11) Councillor Cobb stated that she felt unable to support the application. Commercial space continued to be lost across the city. Whilst recognising the need for housing there was also a need for leisure and other facilities. In her view the proposed balconies were very small and the overall amenity space proposed on site was insufficient.
- (12) A vote was taken and on a vote of 10 to 1 by the Members present the Committee voted that they were minded to grant planning permission in the terms set out below.

77.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out and in the policies and guidance in section 7 of the report and resolves that it is minded to grant planning to permission subject to a Section 106 Agreement and to the conditions set out in the report.

Note: Councillor Cobb voted that the application be refused.

D. Application BH2011/02303, The Royal Pavilion, 4 – 5 Pavilion Buildings, Brighton – Temporary ice rink on Royal Pavilion Eastern Lawns during winter for a five year period. Structure to include ancillary buildings for a restaurant, café, toilet facilities, skate hire and associated plant.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Area Planning Manager (East) Ms Burnett gave a presentation detailing the application for grant of temporary permission for a five year period following use of the Royal Pavilion Eastern Lawns as a temporary ice rink the previous winter. The permission included the provision of ancillary buildings for use as a restaurant, crèche, café, toilet facilities skate hire and associated plant. The rinkside and roadside structures would have aluminium frames and glazing. There would be no cover on the rink itself and other than on the toilet block, the other areas would have transparent PVC roof sails.
- (3) It was considered that the proposed development would provide the City with a much needed and welcome seasonal ice rink serving residents and visitors to the City. No physical alterations would be made to the Royal Pavilion itself and the entry access arrangements had been amended slightly from the previous year. As a temporary facility during the winter period, and subject to conditions, it would not significantly harm the setting of the listed Royal Pavilion and gardens or the wider conservation area, would generate income to the benefit and future upkeep of the Royal Pavilion and gardens and would cause no significant harm to the amenity of the surrounding properties, approval was therefore recommended.

Questions, Debate and Decision Making Process

- (4) Councillor Davey referred to the references that had been made to the financial benefits which would accrue for the Royal Pavilion Estate enquiring whether the level of revenues received and how they had been spent was known. The Deputy Development Control Manager, Mr Vidler explained that whilst this could not be precisely quantified the same justifications as used the previous year did still apply. Undoubtedly, the rinks location in close proximity to the Royal Pavilion had contributed to increased visitor numbers.
- (5) Councillors Hyde and Mrs Theobald expressed their support for the scheme which they considered would generate income and encourage visitors to the Pavilion. Councillor Hyde stated that she was pleased to note that there would be fewer tented buildings than the previous year. Councillor Mrs Theobald whilst fully supporting the scheme hoped that any damage sustained to the grass would be reinstated swiftly following the use.
- (6) Councillor Hawtree expressed support for the proposal stating that the Pavilion could sometimes be treated too reverentially/. This use was in keeping with the buildings quirky and unique nature and that of the spirit of the city itself.
- (7) Councillor K Norman also expressed support for the scheme.
- (8) Councillor Summers in expressing her support for the proposal stressed that it was important that in giving permission for this temporary use, which was welcomed, sight was not lost of the longer term aspiration of providing a permanent facility at an appropriate location in the city.
- (9) A vote was taken and the 11 Members present voted unanimously that temporary planning permission be granted for a five year period in the terms set out in the report.

77.4 RESOLVED – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out and with the policies and guidance in section 7 of the report and resolves to grant planning permission subject to the conditions and informatives also set out in the report.

(ii) **MINOR APPLICATIONS**

E. Application BH2011/02034, 11 Ainsworth Avenue, Ovingdean – Erection of two storey extension incorporating dormers.

- (1) The Area Planning Manager (East), Ms Burnett gave a presentation detailing the application by reference to photographs and plans. It was noted that consideration of the application had been deferred at the previous meeting of the Committee to enable correct drawings to be submitted. Amended plans had since been received.
- (2) A similar application had been refused the previous year and notwithstanding that some amendments had been made to that scheme it was still considered that the application did not accord with agreed planning policy. It was considered that the

proposed two storey extension by virtue of its design, massing, bulk and siting on the shared common boundary with no 9 Ainsworth Avenue would significantly reduce the visual gap between the two neighbouring properties which would be to the detriment of the visual amenities of the Ainsworth Avenue street scene. The proposed extension in conjunction with the front and rear dormer windows would, by virtue of its design and massing, including a large flat roof section result in a bulky and intrusive addition to the side of the property which would be unsympathetic to the visual amenities of the existing dwelling and Ainsworth Avenue itself. It was also considered that the formation of a balcony in association with the proposed front dormer would be contrived and incongruous both in its relationship to the host dwelling and the prevailing street scene. For these reasons the application was recommended for refusal.

Questions, Debate and Decision Making Process

- (3) Councillor Theobald Mrs Theobald sought confirmation of the dimensions of the proposed extension. Councillor Cobb sought clarification that there the ground floor of the property had already been extended and the difference in height between the existing garage and the proposed extension.
- (4) Councillor Hyde enquired whether the proposed rear extension would dovetail with the existing building line or would project forward of it.
- (5) Councillor Hawtree stated that whilst recognising that a variety of building styles were be seen in Ainsworth Avenue the proposed development would involve a lot of adaptations to the existing structure. Having heard the applicant's presentation at the previous meeting he was of the view that a permanent structure of a significant size was proposed in response to a temporary situation. He therefore supported the officer's recommendation that the application be refused.
- (6) A vote was taken and of the 11 Members present planning permission was refused on a vote of 10 with 1 abstention for the reasons set out below.

77.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to refuse planning permission for the following reasons :

1. The proposed two storey extension, by virtue of its design, massing, bulk and siting on the shared common boundary with no.9 Ainsworth Avenue, would significantly reduce the visual gap between the two neighbouring properties, which would be of detriment to the visual amenities of Ainsworth Avenue street scene. The development is therefore contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance of Roof alterations and extensions (SPGBH1);
2. The proposed two storey extension, in conjunction with the front and rear dormer windows, by virtue of its design, including a large flat roof section, and massing would result in a visually intrusive and bulky addition to the side of the property which is unsympathetic to the visual amenities of the existing dwelling and Ainsworth Avenue. The proposal is therefore contrary to policies QD1, QD2 and QD14 of the

Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1); and

3. The formation of a balcony, in association with the proposed front dormer, would result in a contrived and incongruous addition to the existing property, to the detriment of the visual amenities of the existing dwelling and the Ainsworth Avenue street scene. As such the proposal is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance on Roof Alterations and Extensions (SPGBH1).

Informatives:

1. This decision is based on drawing no. 01RevE received on the 26 September 2011.

Note : Councillor Hyde abstained from voting in respect of the above application.

- F. Application BH2011/02406, 122 Valley Drive, Brighton** – Erection of three storey rear extension, loft conversion incorporating hip to gable roof extension and rooflights and new hard standing and associated alterations.
- 77.6 It was noted that this application had been withdrawn by the applicants.
- G. Application BH2011/02407, 124 Valley Drive, Brighton** – Erection of three storey rear extension, loft conversion incorporating hip to gable roof extension and front rooflight and associated alterations.
- 77.7 It was noted that this application had been withdrawn by the applicants.
- H. Application BH2011/00142, 9 Hampton Place, Brighton** – Application for variation of condition 2 of application BN80/146 (change of use from disused garage to snack bar café) to allow opening hours between 08.00 to 23.00 Monday to Saturday and between 08.00 to 22.30 on Sundays.
- (1) The Area Planning Manager (West), Mrs Hurley gave a presentation by reference to photographs and plans detailing the proposals. She also referred to the planning history of the site stating that the main consideration in determining the application was whether the proposed variation of condition 2 of approval BN80/1416 to extend opening hours of the café would result in undue harm to neighbouring amenity. It was considered that the opening hours requested were acceptable on a temporary basis to allow further monitoring of the use and its impact on adjoining properties and the wider surrounding area. Conditions were recommended in relation to hours during which outdoor seating could be used, in relation to the opening of rear windows and the playing of music to protect neighbouring amenity, approval was therefore recommended.
 - (2) It was noted that noise complaints during the period of the consent could be investigated under the provisions of the Environmental Protection Act, 1990 and Licensing Act , 2003.

Public Speakers

- (3) Mr Killick spoke on behalf of neighbouring objectors. His property was located immediately to one side of the party wall, there had been some noise penetration in the past and he was concerned regarding the potential impact that could result from the increased opening hours. Hampton Place itself was residential with a mix of families and professionals who worked from home. Whilst residents had no objections to the current use there were concerns in relation to the disturbance which could result from longer hours of operation, not just directly from the premises itself but also as a result of people noise from people leaving the premises or standing outside.
- (4) Councillor Kitcat was unable to be present, having recently become a father. In his absence the Chair had agreed that as an exception a letter received from him could be read out for the benefit of the Committee. Councillor Kitcat's letter submitted in his capacity as a Local Ward Councillor re-iterated his concerns at the potential impact another evening venue in the area which was predominantly residential. He expressed concern at the impact on the adjacent dwelling located to the other side of the party wall. It was understood that the sound proofing works carried out provided protection from noise penetration to the flat above but not to neighbouring properties. The applicant had taken on the premises having been aware that there were long standing restrictions on it and it was considered unfortunate that work had started and evening opening had been advertised in advance of any Committee permission being forthcoming.
- (5) Mr Fox the applicant spoke in support of his application. He explained that he had advertised evening events to indicate the type of events he hoped to mount if planning permission was given. All necessary measures would be undertaken to ensure that no noise or other nuisance occurred in consequence of his operation. It was intended that the café would attract local clientele who also used the facility during the daytime and would be community based.

Questions, Debate and Decision Making Process

- (6) Councillor Cobb enquired why additional works had not been carried out to the party wall and Mr Fox explained that he sought expert advice and had been told that the level of any noise break out through the party wall would be at a de-minimus level such that did not require further works. All necessary works had been carried out.
- (7) Councillor Davey enquired whether the premises was currently licensed and it was confirmed that it was.
- (8) Councillor Cobb sought confirmation of the hours during which alcohol was to be sold.
- (9) Councillor Hawtree expressed concern that the premises and already been advertised as an evening venue. He shared the concerns which had been expressed regarding the impact on the neighbouring residential properties.
- (10) Councillor Mrs Theobald enquired regarding the soundproofing works which had been carried out and it was explained that works had been carried out to the rear of the building. The existing plastic corrugated roof had been removed and works had been carried out to avoid noise break out from the rear of the property. Councillor Mrs

Theobald considered that the application was a borderline one and enquired whether it would be appropriate to grant a shorter temporary permission, for six months. Councillor Hawtree also considered a temporary permission for six months might be appropriate.

- (11) The Legal Adviser to the Committee, Mrs Woodward explained that a temporary permission had to be granted for a reasonable timeframe and six months would be too short.
- (12) Councillor Davey expressed concern at the impact that the proposed use could have, as a permission was attached to a premises rather than a person and if granted there was no guarantee that the low level use applied for would continue. This had been his experience in his own ward.
- (13) Councillors Hyde and Cobb stated that on balance they considered the application to be acceptable, particularly as the permission would be temporary for a year
- (14) A vote was taken and of the 11 Members present on a vote of 5 to 5 with 1 abstention the application was refused on the Chair's casting vote. A further recorded vote was then taken.

77.8 **RESOLVED** – That the Committee has taken into consideration the reasons for the recommendation set out and in Section 7 of the report but resolved to refuse planning permission on the grounds that the extended opening hours have the potential to cause harmful noise and disturbance for occupiers of adjoining residential properties, particularly those at first floor level (above the restaurant) and at 11 Hampton Place. It has not been demonstrated that noise generated by extended use of the restaurant could be appropriately mitigated and would not lead to significant harm for occupiers of adjoining properties. The proposal is considered contrary to policies SU10 and QD27 of the Brighton & Hove Local Plan.

Note 1: A vote was taken and of the 11 members present on a vote of 5 to 5 with 1 abstention planning permission was refused on the Chair's casting vote. A recorded vote was then taken.

Note 2: Councillor Davey proposed that the application be refused on the grounds set out above. This was seconded by Councillor Hawtree. A vote was then taken. Councillors Carden, Cobb, Hyde, Hamilton and K Norman voted that planning permission be granted. Councillor MacCafferty (Chair), Davey, Farrow, Hawtree, and Summers voted that planning permission be refused. Councillor C Theobald abstained. Councillor MacCafferty the Chair, used his casting vote and therefore permission was refused on the grounds set out above.

I. **Application BH2011/02231, 15 Bishopstone Drive, Saltdean** – Erection of a single storey rear extension with raised terrace, glazed balustrading and steps to garden. Loft conversion incorporating raised ridge height, hip and barn end roof extensions, rear dormer, rooflights and associated works.

- (1) The Area Planning Manager (East), Ms Burnett gave a presentation detailing the proposed scheme by reference to plans and photographs. It was explained that the

application related to a detached bungalow located on the southern side of Bishopstone Drive. Due to the gradient of the site, the property was set lower than Bishopstone Drive and the rear garden was set at a lower level than the ground floor level of the property. Despite amendments which had been made to the application, the roof alterations did not accord with the Council's Supplementary Planning Guidance on Roof Alterations and Extensions as the proposed roof form was incongruous in the street scene by virtue of its appearance and bulk. The Area Planning Manager also referred to a letter received from the applicant's agent which had been circulated to members.

- (2) It was considered that the proposed rear dormer window extension, by virtue of its excessive size and design, which included large areas of cladding, would be overly bulky, oversized, poorly designed, related poorly to the host building and would be detrimental to its visual amenity. Overall it was considered that the proposal failed to accord with the Council's policies in relation to Roof Alterations and Extensions and refusal was therefore recommended.

Public Speakers

- (3) Mrs Yallop the applicant spoke in support of her application. She explained that permission was sought in order to enable her to raise a family in the area by remaining in her existing property. There was no single prevailing building style within Bishopstone Drive and it was not therefore considered that the proposals would be out of keeping with others in the neighbourhood.

Questions, Debate and Decision Making Process

- (4) Councillor Hawtree sought confirmation from the applicant regarding the number of bedrooms the property had currently, Mrs Yallop explained that there were two and a box room. Councillor Hawtree also asked whether discussions had taken place with officers to seek to reach an acceptable compromise. Mrs Yallop explained that discussions had taken place, however the proposals which officers had indicated would be acceptable to them would result in an under utilisation of the available roof space, which would result in an accommodation which was insufficient for their needs.
- (5) Councillor Hyde asked why slate roofing had indicated on the submitted drawings when this had not been used on other properties in the vicinity. Mrs Yallop explained that this had been included at the suggestion of their architect, they would be happy to amend this element of the scheme.
- (6) Councillor Farrow asked to see photographs of the neighbouring street scene in order to ascertain the diversity of building styles. The Area Planning Manager explained that although these were varied the properties in the immediate vicinity of the application site were bungalows.
- (7) Councillor Hyde stated that she had driven past the site recently and had observed a very similar extension on a property very nearby and a number of other rear extensions in Bishopstone Drive. She considered it might be beneficial for Members to visit the site prior to determining the application.

(8) Councillor Hyde proposed that a site visit take place prior to the application being determined, this was seconded by Councillor Mrs Theobald. A vote was taken and on a vote of 6 to 5 it was agreed that determination of the application should be deferred pending a site visit.

77.9 **RESOLVED** – That consideration of the above application be deferred pending a site prior to the next scheduled meeting of the Committee.

J Application BH2011/02122, 32 The Cliff, Brighton – Installation of new dormer window to front facing roofslope.

(1) The Area Planning Manager (East), Ms Burnett gave a presentation detailing the scheme. She explained that the site contained a detached two storey property set in a spacious garden plot to the south of The Cliff. The property had been extended to the rear previously with a conservatory and a flat roofed addition. There were dormers to the rear a side dormer and a dormer to the front of the property.

(2) It was considered that the proposal by reason of its size, proportions and design would result in a bulky and overly dominant alteration, which in conjunction with the existing unsympathetic roof alterations would result in a cluttered and visually discordant appearance to the front roof slope that would detract from the appearance and character of the host building and the surrounding area and was contrary to policy. Refusal was therefore recommended.

Public Speakers

(3) Mr Dean, the applicant's architect spoke in support for the scheme stating that the applicant had reduced the size of the dormer and had sought to address the objections raised by planning officers.

Questions, Debate and Decision Making Process

(4) Councillor Hyde sought confirmation that the scheme was supported by Roedean Residents Association and it was confirmed that it was. Councillor Hyde was in agreement with the residents association that the proposed alterations would provide balance to the front elevation and improve the appearance and character of the property.

(5) Councillor Farrow stated that there appeared to be a history of multiple alterations to the property, some of them unauthorised. He was inclined to support the officer's recommendations.

(6) Councillor Hawtree stated that he concurred with the officer's recommendation and agreed that the application should be refused.

(7) A vote was taken and on a vote of 9 to 2 planning permission was refused for the reasons set out below.

77.10 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to refuse planning permission for the following reason :

1. The proposal, by reason of its size proportions and design would result in a bulky and overly dominant alteration, which in conjunction with the existing unsympathetic roof alterations would result in a cluttered and visually discordant appearance to the front roofslope that would detract from the appearance and character of the building and the surrounding area, contrary to policies QD1, QD2, and QD14 Of the Brighton & Hove Local Plan and the Supplementary Planning Guidance on Roof Alterations and Extensions.

Informatives

1. This decision is based on drawing nos.1121-01A and 1121-02B received on 23 September 2011.

Note: Councillors Hyde and Mrs Theobald voted that the application be granted. .

K Application BH2011/02227, Land ro rear of 71 Lustrells Crescent, Saltdean –
Erection of two storey three bedroom house,

- (1) It was noted that a letter in support of the application had been sent to Members of the Committee by the applicant's agents. It was also noted that a letter of objection had been received from Councillor Smith, one of the Local Ward Councillors.
- (2) The Area Planning Manager (East), Ms Burnett gave a presentation detailing the scheme by reference to photographs, plans and elevational drawings. She explained that the proposal to subdivide the plot in order to accommodate the new dwelling would have a detrimental effect on the spacious nature of the site and represented overdevelopment. The subdivision of the existing plot failed to make adequate provision for private usable amenity space for the present occupiers of 71 Lustrells Crescent and the resulting space was considered to be out of keeping with the neighbouring street scene. It was considered that the development if permitted would have a strong adverse impact on the character of the surrounding area and could set a precedent which if repeated would significantly and detrimentally alter the character of the area. It was therefore recommended that the application be refused.

Public Speakers

- (3) Mrs Lintot spoke as an objector to the scheme stating that that the proposal represented a cramped overdevelopment of the site which was out of keeping with the properties in Lustrells Crescent and neighbouring Saxon Close. It was considered that it would also exacerbate existing parking problems, would result in loss of light and overshadowing and would give rise to a sense of enclosure and would overwhelm neighbouring properties. Mrs Lintot referred to restrictive covenants and to the title deed in relation to the site.
- (4) Mr Sheehan, the applicant spoke in support of his application stating that the property was intended for his own use and that there would be sufficient delineation between the original dwelling house and the proposed development, each property would have its

own amenity space, the development was not considered to be out of keeping with neighbouring properties.

Questions, Debate and Decision Making Process

- (5) Councillor Hawtree enquired whether any restrictions included in the title deed were relevant in determining the application. The Legal Adviser to the Committee, Mrs Woodward explained that this was not a relevant planning consideration.
- (6) Councillor Farrow enquired whether the council’s ecologist had visited the site and had determined that there were no badgers living nearby and it was confirmed that they had. Councillor Hyde confirmed that she was aware that the badgers who were living in the vicinity had been relocated elsewhere sometime previously.
- (7) A vote was taken and the 11 Members present voted unanimously that the application be refused on the grounds set out below.

77.11 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and resolves to refuse planning permission for the following reasons:

- 1. The subdivision of the plot to accommodate a new dwelling would have a detrimental effect on the spacious nature of the site and represents overdevelopment. It would have a strong adverse impact on the character of the surrounding area, setting a precedent that, if repeated elsewhere, would greatly alter the area’s character contrary to policies QD1, QD2, QD3 and HO4 of the Brighton & Hove Local Plan; and
- 2. The subdivision of the existing plot fails to make adequate provision of private usable amenity space for the present occupiers of 71 Lustrells Crescent. The resulting amenity space is considered to be out of character for Lustrells Crescent, where neighbouring properties benefit from generous rear gardens, contrary to policy QD27 and HO5 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos.0143EXG.001, 0143EXG.002, 0143.PL.00, 0143 PI.001, 0143PL.002, 0143.PL.003, 0143PL.004, Design and Access Statement, Planning Statement, Waste Minimisation Statement, Biodiversity Checklist, Sustainability Checklist received on 26 July 2011, and additional letter from the agent received 7 September 2011.

78. 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

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

Application:	Requested by:
--------------	---------------

BH2011/02231, 15 Bishopstone Drive, Saltdean	Councillor Hyde
--	-----------------

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

79.1 **RESOLVED** – That those details of applications determined by the Strategic Director of Place 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 Strategic Director of Place. The register complies with legislative requirements.]

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

The meeting concluded at 6.10pm

Signed

Chair

Dated this

day of