

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 23 NOVEMBER 2011

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Co-opted Members Mr Graham Towers, CAG

Officers in attendance: Paul Vidler, Deputy Development Control Manager, Nicola Hurley, Area Planning Manager (West); Claire Burnett, Area Planning Manager (East), Steven Lewis, Planning Officer, Pete Tolson Principal Transport Planner, Hilary Woodward, Senior Lawyer and Penny Jennings, Democratic Services Officer

PART ONE

91. PROCEDURAL BUSINESS

91a Declarations of substitutes

91.1 There were none.

91b Declarations of interests

91.2 There were none.

91c Exclusion of the press and public

91.3 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.

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

92. MINUTES OF THE PREVIOUS MEETING

92.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 2 November 2011 as a correct record.

93. CHAIR'S COMMUNICATIONS

93.1 There were none.

94. APPEAL DECISIONS

94.1 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.

95. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

96. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

97. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

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

Application:	Requested by:
BH2011/02417 Former Co-op Building, 94 – 103 London Road, Brighton	Deputy Development Control Manager

BH2011/02824 Portslade Aldridge Community Academy (PACA), Chalky Road, Portslade was also requested by the Deputy Development Control Manager

99. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST: 23 NOVEMBER 2011

(i) MAJOR APPLICATIONS

A. Application BH2011/02857, "Aldi", Carlton Terrace Portslade – Application for variation of conditions 11 and 12 of application BH2010/1684. Variation of condition

11 to provide 2 car parking spaces for residential use and variation of condition 12 to provide 2 hours of free car parking to all visitors of the Portslade Shopping Centre.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer, Steven Lewis, gave a presentation detailing the scheme by reference to photographs and site plans. Reference was made to the planning history of the site and the earlier refused application to remove all residents parking spaces from the site. It was considered the proposed variation of condition 12 of BH2010/01684, to shorten the period of free parking from three to two hours would provide some additional parking capacity for the store and the new parking arrangements would continue to support the function of the District Shopping Centre by providing parking that can be used in combined shopping trips.
- (3) However, the proposed variation of condition 11 of BH2010/01684, to reduce the requirement to provide five residents parking spaces to two, would fail to ensure adequate car parking provision to serve the residential occupiers of the development and being sited within the District Centre the loss of parking would be likely to cause additional displaced parking. In this instance therefore the Committee were being requested to make a split decision as approval was recommended to vary condition 12 but to refuse to vary condition 11.

Public Speakers

- (4) Mr Close was present on behalf of the applicants but stated that he had nothing to add to the rationale for the recommendation referred to in the officers report.

Questions, Debate and Decision Making

- (5) Councillor Mrs Theobald asked whether the residents' parking bays to be provided by the earlier (2004) permission had been provided.
- (6) Councillor Carden stated that to his knowledge the residents' bays had never been clearly delineated. He was in agreement with the officers recommendations. He considered it was appropriate to vary condition 12 but only if condition 11 was retained and the applicants were required to mark out the residents parking bay.
- (7) Councillor Hamilton referred to the extant permission stating that irrespective of whether the Guinness Trust, who had responsibility for the residential element of the scheme, had agreed to loss of residential parking, it should be retained.
- (8) Councillor Hamilton concurred with Councillor Carden that the residential car parking had never been marked out or properly signposted. This had been a condition of the original permission and should be upheld. The Planning Officer referred to Section 3 of the report and explained that on-going investigations were taking place with a view to taking enforcement action and or serving a Breach of Condition Notice if appropriate. Councillor Hamilton stated that he was concerned that a number of conditions of the earlier permission did not appear to have been adhered to. He enquired whether the earlier conditions could be re-imposed. It was confirmed relevant conditions would

need to be reimposed. However, in response to a suggestion that permission to vary condition 12 should be contingent on prior compliance with the condition to mark out the spaces Legal Adviser to the Committee stated that it would not be considered appropriate as it would represent unnecessary duplication, particularly as enforcement action could be taken.

- (9) Councillor Mrs Theobald agreed with all that had been said considering that residents parking should be retained and should be properly marked out.
- (9) Councillor Summers referred to the survey carried out by the applicants. It was noted that that the Sustainable Transport Team had identified weaknesses in it and therefore only agreed with it in part.
- (10) A vote was taken separately on part A and part B of the recommendation set out in the Report and on a vote of 9 to 3 planning permission was granted in accordance with part A as set out below.

99.1.1 **RESOLVED -A** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set below and the policies and guidance in section 7 of the report and resolves to grant planning permission to vary condition 12 subject to the conditions and informatives set out in the report.

Informatives:

1. This decision to grant planning permission has been taken:

(i) having regard to policies and proposals in the Brighton & Hove Local Plan set out below, including Supplementary Planning Guidance and Supplementary Planning Documents:

(full list set out in section 7 of the report); and

(ii) for the following reasons:

The variation of condition 12 of BH20210/01684, to shorten the period of free parking from three to two hours would not unduly harm the viability and vitality of the Boundary Road District Shopping Centre. The changes would provide some additional parking capacity for the store and the new parking arrangements would continue to support the function of the district shopping centre by providing parking that can be used in combined shopping trips.

- () A further vote was taken and members voted unanimously that planning permission to vary condition 11 be refused for the reasons set out below

99.1.2 **RESOLVED -B**-That the Committee has taken in to consideration and agrees with the reasons to refuse planning permission to vary condition 11 for the following reason:

Refuse to vary:

Condition 11 loss of residents' parking spaces:

1. The loss of three residential parking spaces would fail to ensure adequate car parking provision to serve the occupiers of the residential portion of the development. The development is within a District Shopping Centre and the loss of parking would be

likely to cause additional displaced parking. This is contrary to policies TR1, TR2 and TR19 of the Brighton & Hove Local Plan.

(ii) **MINOR APPLICATIONS**

B. Application BH2011/01431, 34 Hove Park Road, Hove – Demolition of existing dwelling and erection of 3 storey four bed dwelling house with flat roof.

- (1) The Area Planning Manager (West), Mrs Hurley gave a presentation detailing the scheme by reference to plans and elevational drawings, also photographs showing views across the application site and from the rear showing it in the context of the surrounding area and its impact on the street scene. It was considered that the development by reason of its form, scale, detailing and materials would appear visibly cramped and create a contrast and sense of bulk, in relation to adjoining properties and the wider surrounding area, that would harm the existing character and appearance of Hove Park Road. Refusal was therefore recommended.

Public Speakers

- (2) Mr Mikhail spoke on behalf of the applicant in support of their application. He stated that the applicant had been in discussion with planning officers for seven months in relation to the application. He considered that the view that the proposal was unacceptable was highly subjective. The materials and finishes proposed would be of a very high standard and would be highly sustainable.
- (3) Councillor Brown spoke in her capacity as a Local Ward Councillor setting out her objections to the scheme. She and her fellow Ward Councillor, Councillor Bennett considered that the proposed house with a flat roof would be totally out of character with the surrounding houses which all had brick and rendered facades and tiled roofs. The large rear terrace at first floor level would cause severe overlooking of no 32.

Questions, Debate and Decision Making Process

- (4) Councillor Kennedy expressed concern that the scheme would only meet a Level 3 Codes for Sustainable Homes rating which did not represent a high degree of sustainability as had been suggested. She did not feel able to support the application as many of the issues in relation to the sustainability of the development seemed uncertain. If the Committee were minded to approve the application she considered that a Level 4/5 should be sought.
- (5) Councillor Davey sought clarification regarding the footprint of the proposed development. He considered that whilst reference had been made to the bulk and massing of the development most of reasons for refusal set out in the report related to its design, which was subjective. He considered the building was of an acceptable design.
- (6) Councillor Mrs Theobald enquired regarding the location of the front boundary, it appeared from the plans that it would sit forward of the existing building line. She considered that the proposed development was boxy and completely out of keeping

with the neighbouring development and out of character with the prevailing street scene.

- (7) Councillor Wells stated that to him the proposed scheme looked similar that which had been proposed (in the past) for the Old Market Arts Centre. It was an attractive building but was completely unsuitable for its proposed location.
- (8) Councillors Hyde and Cobb were also of the view that the development should be of a design more suitable to its surroundings and could be more sustainable.
- (9) Councillor Hawtree referred to the proposed development citing two other developments in the locality which were of a more contemporary design than their neighbours and could be considered to be at variance with the neighbouring street scene. He considered that the intended development was acceptable.
- (10) A vote was taken and planning permission was refused on a vote of 9 to 3.

99.2 **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 development by reason of its form, scale, detailing and materials would appear visibly cramped, representing an incongruous addition, and create a contrast and sense of bulk, in relation to adjoining properties and the wider surrounding area, that would harm the existing character and appearance of Hove Park Road. The development is therefore considered contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on a Design and Access Statement, Sustainability Checklist, Arboricultural Report and Waste Minimisation Statement received 18 May 2011; drawing nos AL(0) 001, 222 AL (O), 100 222, AL(O), 200 & 222 AL (O) 201 received 23 May 2011; and drawing nos. AL(1) 100, AL(1) 101, AL(1) 200, AL(1) 201 & AL(1) 300 received on 6 September 2011.

- C Application BH2011/00635, 12 Meeting House Lane, Brighton** – Application to extend time limit of previous approval BH2007/02518 for the conversion and extension of existing 1st, 2nd and 3rd floor residential unit to form 5 flats and 1 retail unit at ground floor levels.
- (1) The Area Planning Manager (West) gave a presentation detailing the scheme. An aerial photograph was displayed showing the application site as were drawings indicating the existing and proposed elevations and floor plans showing the scheme for which approval had originally been given and any amendments subsequently made. The original permission had required a contribution of £2,500 towards off-site works to improve the sustainable transport infrastructure in the vicinity of the site.
 - (2) It was explained that there had been no changes to the adopted development plan or other relevant material considerations to indicate that the proposal was no longer acceptable. The development would make more efficient and effective and effective

use of land within the built up area without causing detriment to the Listed Building or the wider character and appearance of the Old Town Conservation area and approval was therefore recommended.

Public Speakers

- (3) Mr Brynin spoke as an objector to the scheme. He stated that in addition to being at variance with the character of the Conservation Area, the provision of multiple residential properties would create access difficulties down the narrow side lane adjacent to the development, and disruption to delivery arrangements along the side lane. There were also concerns regarding the level of disruption which would occur during the building works and the impact they could have on the integrity of adjoining structures. Potential problems were also envisaged relating to cycle and refuse storage as the land on which these facilities were to be placed was not in the applicant's ownership.
- (4) Councillor Kitcat spoke in his capacity as a Local Ward Councillor re-iterating the points raised by the objector. The location proposed for location of the refuse and cycle parking was insufficient as well as being outside the control of the applicant.

Questions, Debate and Decision Making Process

- (5) Councillors Hawtree and Wells sought clarification as to why the previous application had been dealt with under officers' delegated powers and it was explained that it would have needed to have met the trigger for consideration by the Committee at that time.
- (6) Councillor Mrs Theobald enquired as to any differences between the current and proposed schemes and Councillor Cobb referred to the fact that the proposed development and access to it could impact on the busy commercial area in which it was located where servicing of the shops and public houses/licensed premises nearby was required across varied hours and with which there could also be significant people traffic.
- (7) In view of the apparent complexities associated with the location Councillor Hyde proposed that a site visit would be beneficial, this was seconded by Councillor Mrs Theobald. A vote was taken and the Committee voted that further consideration of the application should be deferred pending a site visit.
- (8) The Chair, Councillor MacCafferty, stated that it should be noted that the permitted speaking rights in respect of this application had been used.

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

D. Application BH2011/00652, 12 Meeting House Lane, Brighton – Application to extend time limit of previous approval BH2007/02608 for the conversion and extension of existing 1st, 2nd and 3rd floor residential unit to form 5 flats and 1 retail unit at ground floor levels.

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

E. Application BH2011/02561, 54-55 Meeting House Lane, Brighton – Erection of first floor rear extension, formation of balustraded roof terrace to first floor, new shop front, and internal alterations including creation of ground/first floor mezzanine level in entrance lobby, revised ground floor fire exit and associated works (part retrospective).

(1) The Area Planning Manager (West) gave a presentation detailing the scheme by reference to elevational drawings, site plans and photographs in respect of the proposed scheme which was part retrospective. It was considered that the proposed first floor rear extension and roof terrace would appear as incongruous and unsympathetic features detrimental to the appearance of the building, the surrounding area and the wider Old Town Conservation Area. Furthermore the proposed roof terrace would have a detrimental impact on the living conditions of the occupiers of neighbouring properties by reason of noise and disturbance. The application was therefore recommended for refusal.

Public Speakers

(2) Councillor Kitcat spoke in his capacity as a Local Ward Councillor expressing his support for the application. The site was dilapidated and its external appearance at the front was marred by the larger metal roller shutter which was susceptible to graffiti. In his view the proposal would improve the appearance of that part of The Lanes and would assist the premises on becoming a more effective and financially sustainable venue. In premises had had a troubled past and he believed that the revised layout, smoking area, new entrance and other provisions would effect significant improvements.

(3) Mr Craig the applicant spoke in support of his application. He stated that since taking over the venue he had sought to improve the premises and to operate them in a more neighbourly way. He had no immediate residential neighbours and the terrace, which could be used as a smoking area was supported by the Police as it resolved issues of customers taking alcohol outside the premises and addressed the problems caused as a result of smokers congregating outside the premises. This area was not visible to the public and no complaints had been received in relation to noise breakout or people noise.

Questions, Debate and Decision Making

(4) Councillor Davey enquired regarding the height and materials used for the balustrade, the applicant explained that this was of 2m in height and constructed of obscure glazed panels. It was explained that the height of the balustrade had been increased in order to prevent rubbish from being thrown from the upper area which had given rise to complaints in the past. Councillor Davey was of the view that significant improvements had been carried out to preserve and enhance the front of the building. Concerns related to the terrace to the rear, this had however been in use for a few months, without giving rise to problems or complaints and was located in a part of the city associated with night time activity.

- (5) Councillor Cobb asked the applicant why glass had been used for the balustrade and it was explained that following consideration of various solutions this had been considered to be the most appropriate option.
- (6) Councillor Hawtree sought clarification regarding the type of operation proposed and its hours of operation. It was explained that although the premises could operate until 3.30am over the past three years it had ceased at 11.00pm. It was aimed at a mature clientele and operated as a café bar with a similar ethos to Hotel DuVin.
- (7) Councillor Farrow considered that insufficient discussions had taken place with planning officers and queried whether consideration of the application could be deferred to enable further discussions to take place. Whilst the solution proposed was not perfect, it was acceptable.
- (8) Councillor Kennedy asked regarding the existing and proposed conditions in relation to the shop front.
- (9) Councillor Hawtree stated that whilst the building had a magnificent façade the rear was “motley”, the applicant was seeking to improve its appearance and to address and balance a number of differing requirements.
- (10) Councillor Summers stated that notwithstanding that she would have had concerns in respect of potential noise nuisance she was satisfied that the application was acceptable in view of the facts that no complaints had been received.
- (11) Councillor Mrs Theobald sought clarification of the times when the terrace would be in use for smoking/drinking and regarding the amount of seating provided. Councillor Cobb enquired regarding the current use of the terrace and the Deputy Development Control Manager explained that this was set out in Condition 5 of the existing permission.
- (12) Councillor Hyde stated that if planning permission was granted the opportunity should be taken to apply an appropriate set of conditions.
- (13) A vote was taken and Members voted unanimously that planning permission be granted in the terms set out below.

99.5 **RESOLVED** – That planning permission be granted as the proposed development is considered to be satisfactory in the context of its surroundings. The alterations proposed to the front will enhance the conservation area and those to the rear will preserve the same. Subject to compliance with conditions the proposed development will not have an unacceptable impact on the amenity of occupiers of adjacent buildings.

Note 1: Members voted unanimously that planning permission be granted. A recorded vote was then taken.

Note 2: Councillor Kennedy proposed that planning permission be granted. Councillor Carden seconded the proposal. All 12 members of the Committee were present when the vote was taken and voted unanimously that planning permission be granted in the terms set out above.

Reasons for Granting:

The proposed development is satisfactory in the context of its surroundings. The alterations proposed to the front will enhance the conservation area and those to the rear will preserve the same. Subject to compliance with conditions the proposed development will not have an unacceptable impact on the amenity of occupiers of adjacent buildings.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the approved drawings nos 2011/0030/A, 0030-2/C, 0030-3/A, 0031/C, 0031-2/D, 0031-3/A received on 06 September 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. No development shall take place in connection with the new shopfront hereby permitted until large scale drawings of the new shopfront have been submitted to and approved in writing by the local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

3. The external finishes to the first floor rear extension hereby permitted shall be carried out within 6 months from the date of this permission in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with policy HE6 of the Brighton & Hove Local Plan.

4. The roof terrace hereby permitted shall not be brought into use until details of the opaque glass balustrade panels have been submitted to and approved in writing by the local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and safeguard the amenities of the occupiers of neighbouring properties and to comply with policies HE6 and QD27 of the Brighton & Hove Local Plan.

5. The roof terrace hereby permitted shall only be used by customers between the hours of 09.30 and 03.30 the following day and chairs on the terrace shall be stacked and unavailable for the use by customers between the hours of 23.00 and 09.30 the following day.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and to comply with policy QD27 of the Brighton & Hove Local Plan.

F. Application BH2011/02710, 6 Glendor Road, Hove – Installation of first floor front balcony over existing garage (retrospective).

(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 scheme by reference to photographs showing the application site within the context of Glendor Road and views along it showing other properties which had balconies. None of them related to properties of the same type as the application site. Notwithstanding

that letters of support had been received it was considered that the roof terrace and associated balustrade would appear as an uncharacteristic and incongruous addition to the host property and the wider street scene. Further, the roof terrace would provide a level of sitting/standing out space which would have potential to cause significant noise and disturbance and overlooking to residents of no.4 Glendor Road. Refusal was therefore recommended.

Public Speakers

- (3) Mrs Blacklaw-Taylor, the applicant, spoke in support of her application. She explained that following purchase of the property her family had sought to improve upon a number of unsympathetic earlier alterations to the property. A number of properties had balconies, which were part of the fabric of the area, She did not consider that their balcony was out of keeping with the prevailing street scene of this quiet residential road. In answer to questions Mrs Blacklaw-Taylor explained that there was a degree of mutual but oblique and restricted overlooking into/from neighbouring properties. The balcony did not change or worsen that.

Questions, Debate and Decision Making

- (3) Councillor Carden sought clarification of the views from the balcony towards the neighbouring property and the applicant. Mrs Blacklaw –Taylor explained that there were oblique views into the side of the front bay window, however that was the same as the view from the upstairs front bedroom.
- (4) Councillor Hawtree queried whether the garage to this and the neighbouring property was a later addition to the original property but this could not be confirmed. Councillor Hawtree stated that he considered the balcony enhanced and improved the appearance of the property and served to make the appearance of the garage less dominant, he was therefore minded to support the application.
- (5) Councillor Mrs Theobald asked whether the balcony was completed and whether the applicants would be prepared to paint it white rather than leaving it unpainted.
- (6) A vote was taken and on a vote of 6 to 3 with 3 abstentions, planning permission was granted. A recorded vote was then taken and planning permission was granted on the grounds set out below.

99.6 **RESOLVED** – That the planning permission be granted for the proposed development which is considered acceptable in terms of its impact on the character of the property and the street scene and would not result in a significant loss of amenity to nearby properties.

Note 1: A vote was taken and on a vote of 6 to 3 with 3 abstentions planning permission was granted. A recorded vote was then taken.

Note 2: Councillor Hawtree proposed that planning permission be granted. This was seconded by Councillor Summers. A recorded vote was then taken. Councillor MacCafferty (the Chair) and Councillors Carden, Farrow, Hamilton, Hawtree and Summers voted that planning permission be granted. Councillors, Cobb, Hyde and C

Theobald voted that planning permission be refused. Councillors, Davey, Kennedy and Wells abstained, therefore planning permission was granted.

Reason for Granting:

The proposed development is acceptable in terms of its impact on the character of the property and the street scene and would not result in a significant loss of amenity to nearby properties.

Condition:

1. The development hereby permitted shall be carried out in accordance with unnumbered drawing by 'Mel Humphrey' received on 12th September 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

Informative

The applicant is advised that the Planning Committee considers if the balustrade is painted, it should be finished in a white colour.

G. Application BH2010/02909, 4 Roedean Heights, Brighton – Demolition of existing house and construction of 8 residential apartments.

- (1) The Area Planning Manager (East) made a presentation detailing the scheme. She referred to the additional representations received following preparation of the report. She explained that notwithstanding that there were issues in common between this application and that for no 5 Roedean Heights they were two separate schemes and would be presented as such and voted on separately although she would also refer to the elements and issues which they had in common.
- (2) Elevational drawings, plans and contextual photographs of both sites and the neighbouring vicinity including Ocean Heights now built to the west were shown as part of the officers' presentation. The submitted plans were inaccurate to some degree and further information would be required to fully demonstrate the impact of the proposed development. Notwithstanding that, the proposed development would have an inappropriate appearance which would detract from the appearance of the Roedean Way and Roedean Heights street scenes, and would harm views from the National Park to the north. It was considered that the bulk and scale of the building would appear as an overdevelopment of the site which would fail to respect the site constraints and context. The bulk of the proposed building would harm neighbouring amenity, increased overshadowing would result, for these reasons refusal was recommended.

Public Speakers

- (3) Mr Copping spoke on behalf of objectors including neighbouring residential objectors, including Ocean Heights and the Roedean Residents Association. He stressed that the proposed form of development was considered to be totally inappropriate by virtue of its bulk, size and massing and represented a total overdevelopment of the site which was un-neighbourly and compromised the amenity of neighbouring residential properties.

- (4) Councillor Mears spoke in her capacity as a Local Ward Councillor stating that in her view the design was inappropriate out of context and detrimental to the character with the prevailing street scene. To permit either both of the developments proposed would destroy the existing cul de sac of detached pitched roof dwellings replacing it with higher contemporarily designed flat roof buildings.
- (5) Mr Coomber spoke on behalf of the applicants in support of their application. He stated that it was disappointing that it had taken over a year to process the application and for officers to decide that it warranted refusal. He referred to the Ocean Heights development which had been built nearby. A precedent had been set for the building of blocks of flats in the area, this block and that proposed at 5 Roedean Heights were only marginally higher and a Planning Inspector would take account of this when determining a future appeal in respect of either of these application sites.

Questions, Debate and Decision Making

- (6) Councillor Hyde stated that she considered the proposed development very different from that built at Ocean Heights which faced onto a busy main road, this was a quiet cul de sac. She was in agreement with the officers' recommendation considering that this was bulky and of keeping with its surroundings.
- (7) Councillor Mrs Theobald also concurred in that view. She considered that the proposed development would also generate unacceptable increases in traffic volume.
- (8) Councillor Hawtree stated that he was not opposed to appropriately designed new buildings in the right location. This was not the right location, the development was of monolithic proportions when viewed in the context of neighbouring development.
- (9) A vote was taken, all twelve members were present and voted unanimously that planning permission be refused.

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

1. The proposed development represents an overdevelopment of the site. The scale, bulk and appearance of the proposed building is excessive and fails to respect the immediate and wider context of the application site, and would appear as an incongruous addition to the area which would also harm views from the South Downs National Park to the north of the site. The proposal is therefore contrary to policies HO4, QD1, QD2 QD3. QD4, NC7 and NC8 of the Brighton & Hove Local Plan.
2. The proposed building would have an overbearing impact and create a sense of enclosure when viewed from the dwellings and gardens to either side. Increased overshadowing of neighbouring dwellings and garden areas would also be caused. The proposed development is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The proposed development has the potential to cause harm to a site of identified potential archaeological significance. In the absence of sufficient information to demonstrate otherwise, the proposal is contrary to policy HE12 of the Brighton &

Hove Local Plan and the guidance set out in PPS5 (Planning for the Historic Environment).

4. In the absence of a legal agreement which secures improvements to sustainable transport infrastructure in the vicinity of the site, and the implementation of double yellow lines to ensure that the turning head of Roedean Heights remains clear at all times, the development makes inadequate provision for the increase in demand for travel which would be created, would be likely to cause a highway safety risk, and is therefore contrary to policies TR1 and TR7 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. TA510/01, 03, 04A and 05A received on the 13 September 2010, nos 06 and 07 received on the 28 September 2010 and nos. 02e, 10D, 11D, 12D, 13C, 14C 15C, 16C, 17C, 18D, 20E, 21E, 22D and 23D received on the 16 August, the Design and Access Statement received on 13 September 2010, Car lift and biomass heating system details received on 22 December 2010 and the Daylight and Sunlight Impact Assessment received on 17 May 2011.
2. The submitted plans are inaccurate; front and rear elevation drawings and section drawings show the Ocean Heights building as being sited square with nos.4 and 5 Roedean heights. The Ocean Heights building is in fact set at an angle in relation to that at no.4. The application has been considered in terms of layout as shown on the proposed block plan.

G. Application BH2010/02910, 5 Roedean Heights, Brighton – Demolition of existing house and construction of 8 residential apartments.

- (1) The Area Planning Manager (East) gave a presentation detailing the constituent elements of the proposed scheme by reference to plans, elevational drawings and photographs which showed the site in the context of the neighbouring street scene and in longer views showing the National Park which lay to the north.
- (2) Notwithstanding that the submitted plans contained inaccuracies, based on the information provided the proposal was considered to represent overdevelopment which would be bulky and of a scale which did not respect the constraints of the site itself or the neighbouring properties which would be overshadowed and would suffer loss of amenity. It was also considered that the development would harm a site of identified archaeological interest, nor in the absence of a planning legal agreement would it make adequate provision by the demand for travel created by it and would create a highway safety risk, therefore refusal was recommended.

Public Speakers

- (3) Ms Cattell spoke on behalf of neighbouring objectors and the Rodean Residents Association setting out their objections to the scheme. She stated that based on the submitted drawings which were acknowledged as being incorrect it was clear the development represented overdevelopment and would have a negative impact on the prevailing street scene. If accurate plans had been submitted they would have indicated that impact would have been considerably worse. Ocean Heights did not represent a precedent as it had built almost entirely to the footprint of the previous

development, whereas this proposal would have a considerably larger footprint than the previous building on site.

- (4) Councillor Mears spoke in her capacity as a Local Ward stating that she had little to add to her earlier objections except to reiterate them and to comment on the potential transport/traffic difficulties which would be created not least for City Clean when seeking to carry out their regular refuse and waste collections from the site. Those who would eventually occupy the flats would have a very poor quality of amenity, this was considered unacceptable.
- (5) Mr Coomber spoke on behalf of the applicants in support of their scheme. He disagreed that the amenity space provided by the development would be inadequate and refuted that the development proposed would be “monolithic” in that it would only be marginally higher than the existing Ocean Heights development. He re-iterated that an Inspector would be mindful of the development when considering any future appeal.

Questions, Debate and Decision Making

- (6) In responding to questions by Councillor Cobb, the Legal Adviser to the Committee explained that a Planning Inspector would take account of the Ocean Heights Development when/if considering future planning appeals as that development was part of the built environment.
- (7) Councillor Cobb stated that when making their decisions the Committee were often told that applications did not set a precedent and should be judged on their own merits and yet Members had now been told that in this case an earlier decision did have weight. The Legal Adviser to the Committee stated that the Committee were required to judge each application on its individual merits. However an Inspector would take neighbouring development into account and would attach some weight to that when making their decisions.
- (8) Councillor Hawtree enquired why the application had taken so long to process and it was explained that this had been due in part to discussions which had taken place with the applicant’s architect following early identification of inaccuracies in the submitted plans.
- (9) Councillor Kennedy stated that she did not understand why the proposals had been submitted as two separate applications rather than one, although by so doing they had circumvented the need to provide any affordable housing on either development as would have been the case had an overall scheme been submitted. She supported the officer’s recommendation and considered that the scheme should be refused.
- (10) Councillor Hawtree considered that it was bad form that the applicants had made much of what they supposed would be the outcome of a future planning appeal. The Lawyer to the Committee confirmed that it was not appropriate to try and second guess what a local planning authority might decide since, although an applicant’s right of appeal was always a possibility, it was the Committee’s role and responsibility to determine applications brought before them on robust planning grounds.

(11) A vote was taken and members voted unanimously that planning permissions be refused on the grounds set out below.

99.8 **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 development represents an overdevelopment of the site. The scale, bulk and appearance of the proposed building is excessive, fails to respect the immediate and wider context of the application site, and would appear as an incongruous addition to the area which would also harm views from the South Downs National Park to the north of the site. The proposal is therefore contrary to policies H04, QD1, QD2, QD3, QD4, NC7 and NC8 of the Brighton & Hove Local Plan.
2. The proposed building would have an overbearing impact and create a sense of enclosure when viewed from the dwellings and gardens to either side. Increased overshadowing of neighbouring dwellings and garden areas would also be caused. The proposal is therefore contrary to policy QD27 of the Brighton & Hove Local Plan.
3. The proposed development has the potential to cause harm to a site of identified potential archaeological significance. In the absence of sufficient information to demonstrate otherwise, the proposal is contrary to policy HE12 of the Brighton and Hove Local Plan the guidance set out in PPS5 (Planning for the Historic Environment).
4. In the absence of a legal agreement which secures improvements to sustainable transport infrastructure in the vicinity of the site, and the implementation of double yellow lines to ensure that the turning head of Roedean Heights remains clear at all times, the development makes inadequate provision for the increase in demand for travel which would be created, would be likely to cause a highway safety risk, and is therefore contrary to policies TR1 and TR7 of the Local Plan.

Informatives:

1. This decision is based on drawing nos. TA510/01, 03, 04 and 05 received on 13 September 2010, nos 06 and 07 received on the 28 of September 2010, and nos. 02C, 10B, 11B, 12B, 13B, 14B, 15A, 16B, 17B, 18C, 20C, 21C, 22C and 23B received on 22 December, the Design and Access Statement received on 13 September 2010, Car lift and biomass heating system details received on 22 December 2010, and the Daylight and Sunlight Impact Assessment received on 5 August 2011.
- 2 The submitted plans are inaccurate; front and rear elevation drawings and section drawings show the Ocean Heights building as being sited square with nos. 4 and 5 Roedean Heights. The Ocean Heights building is in fact set at an angle to the dwellings alongside, the proposed building at no. 5 would also be set at an angle in relation to that at no.4. The application has been considered in terms of layout as shown on the proposed block plan.

I. Application BH2011/01736, 3 The Broadway, Brighton – Change of use from retail (A1) to hot food take-away (A5).

- (1) The Area Planning Manager (East) gave a presentation detailing the proposed change of use from retail (A1) to hot food take-away. It was acknowledged that the unit had been marketed for a period of time and that little interest had been lodged. There were currently a number of vacant units in the local shopping centre. The proposal would not result in a significant break in the retail frontage of the centre and, additionally, the

applicant had demonstrated that the amenity of neighbouring occupants would not be significantly impacted by noise or odour. It was therefore considered that a change of use to A5 (hot food takeaway) would be acceptable and approval was therefore recommended.

Public Speakers

- (2) Mrs Pyke spoke as an objector to the scheme stating that she lived in the flat above the proposed premises and expressed concern regarding the nuisance and serious detrimental impact on amenity which could arise in terms of odour, litter and late night noise and nuisance. There was already a proliferation of late night fast food outlets in the area and there was no need for another. The garden to the rear of the premises belonged to her flat which was above the shop, her enjoyment of this space would be compromised and there were also concerns regarding waste disposal from the premises.
- (3) Mrs Pyke expressed concern the application had been brought before Committee as she understood that her lease agreement gave her "rights of veto" in respect of any activities which took place in the premises beneath, she had exercised that right in the past. The premises had remained unlet for some time as refurbishment works had been necessary following a fire.

Questions, Debate and Decision Making Process

- (4) Councillor Hawtree referred to the previous planning history of the site referring to previous refusals and to any "rights of veto" by neighbouring residents. The Legal Adviser to the Committee explained that the reference to a "right of veto" may be a reference to a provision in the speaker's lease and, as such, was a landlord and tenant matter on which separate legal advice should be sought and was not germane to consideration of the planning application.
- (5) Councillor Hyde sought clarification of how long the premises had remained vacant following the fire and the date at which works had been completed to enable it to be marketed for re-let. Reference had also been made to plans to attach a flue pipe to Mrs Pyke's wall without seeking her permission. It was confirmed that the need to enter into a party wall agreement was not a planning matter.
- (6) Councillor Davey referred to the garden area which notwithstanding information provided by the applicant's agent appeared to be in the ownership of the flat above, also in relation to the re-letting process and to odour control. It was confirmed that a door to the rear of the premises gave access to the garden and that subject to the conditions proposed Environmental Health had no objections.
- (7) Councillors Summers and Mrs Theobald sought confirmation of the hours during which the premises would be permitted to operate.
- (8) Councillors Hyde and Kennedy considered that more information was required in order to determine the application. Councillor Hyde proposed that it be deferred and this was seconded by Councillor Kennedy. The Committee were in agreement.

99.9 **RESOLVED** – That the above application be deferred in order to enable ownership of/access arrangements in respect of the garden to be established, details of the hours of operation of other hot food take ways in the area to be provided and for more information in respect of the refusal for change of use in 1996 to also be provided.

J. Application BH2011/02946 162 Elm Grove, Brighton – Installation of a new shop front (retrospective)

(1) The Area Planning Manager (East) Ms Burnett gave a presentation detailing the scheme by reference to photographs showing the shop front and its location within the street scene. The shop front by reason of its design, proportions, materials and colour had a visually intrusive appearance which was out of keeping with the appearance of the building and adversely affected the visual amenity of the surrounding area. The roller shutter and box housing were bulky and prominent and obscured the shopfront and window display. When down, the shutter created an unattractive dead appearance to the frontage, refusal was therefore recommended.

Public Speakers

(2) Mr Dereas, the applicant, spoke in support of his application, he explained that he had adopted bright colours for his shop front as a number of other premises in the area had a number which were similar. A number of houses were also brightly painted and he considered this to be part of the character of the area. The dimensions of the new shop front were the same as the previous one and in answer to questions Mr Dereas stated that he would be prepared to amend the current colour scheme if required to do so in order to obtain planning permission.

Questions, Debate and Decision Making

(3) Councillor Hawtree stated that in his experience most of the buildings in the vicinity were painted white.

(4) Councillor Carden stated that he considered the scheme would be acceptable if the existing colour scheme was toned down. Councillor Mrs Theobald sought clarification as to whether the roller shutter was painted and it was confirmed it was not.

(5) Councillor Farrow stated that he was not happy with the manner in which the application had been handled, but the Chair and Councillor Kennedy stated that applications needed to be dealt with according to an agreed process.

(6) Councillor Hawtree was in agreement that if the existing colour scheme was more muted, with a white background, that would be more in keeping with the area and would be acceptable.

(7) Councillors Cobb and Wells stated that they considered the existing scheme to be acceptable.

- (8) Councillor Hamilton agreed that a more neutral colour scheme would be appropriate, but considered that the shutter needed to remain in order to protect the business; stock when the premises was closed.
- (9) The Chair, Councillor MacCafferty, stated that it appeared that Members concerns appeared to be focused around the colour of the shopfront and that they might be minded to grant permission on the basis of more muted colours being used.
- (10) Eleven of the members of the Committee were present when the vote was taken and on a vote of 8 to 1 with 2 abstentions planning permission was granted on the grounds set out below.
- 99.9 **RESOLVED** – That planning permission is granted as subject to the conditions attached the appearance of the shop front is considered acceptable in the context of the property itself and the street scene.

Note 1: A vote was taken and of the eleven members present planning permission was granted on a vote of 8 to 1 with 2 abstentions. A recorded vote was taken.

Note 2: Councillor Hawtree proposed that planning permission be granted. It was seconded by Councillor Wells. Councillors Carden, Cobb, Farrow, Hamilton, Hawtree, Summers, C Theobald and Wells voted that planning permission be granted. Councillor Kennedy voted that planning permission be refused. Councillors MacCafferty (Chair) and Hyde abstained. Councillor Davey was not present when the vote was taken.

Reasons for Granting:

Subject to the conditions attached the appearance of the shop front is considered acceptable in the context of the property itself and the street scene.

Conditions:

1. The development hereby permitted shall be carried out in accordance with drawing nos. 1003-100P1, 101P1, 102P1, 103P1 received on the 30th September 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. Notwithstanding the details hereby permitted, the shopfront shall be repainted within 3 months from the date of this permission in a colour agreed in writing by the Local Planning Authority and thereafter permanently retained as such.

Reason: To safeguard the appearance of the property and to comply with policy QD10 of the Brighton & Hove Local Plan.

Informative:

The applicant is advised that the Planning Committee considers the colour of the shopfront should be more subdued and muted than the existing bright yellow. The applicant should write to the Head of Development Control with a suggested alternative colour to comply with Condition 2.

K. Application BH2011/01611, Block B, London Road, Brighton – Erection of additional storey to form 2 three bedroom flats each with roof garden and associated cycle store.

- (1) The Area Planning Manager (East) gave a presentation detailing the scheme by reference to plans and photographs. It was noted that although letters had been received from the freehold company stating that the applicant had no permission to attach another storey to the building and from the applicant's solicitor also in respect of that matter, these were not planning matters and any planning consent did not override the rights of the current landowners.
- (2) It was considered the proposed development would have a satisfactory appearance and would have no adverse impact on the character and visual amenity of the area. There would be no material detriment to the amenities of nearby residential occupiers and subject to planning conditions would provide an acceptable level of sustainability, transport measures, lifetime homes and refuse and re-cycling facilities. There would be no adverse impact on the protected pipistrelle bat roost and the development would be in accordance with the policies of the adopted local plan. Approval was therefore recommended.

Public Speakers

- (3) Councillor G Theobald was unable to attend the meeting due to another commitment, however, the Chair had agreed to read out a letter prepared by Councillor Theobald which was read out in his absence. The letter re-iterated his objections to the scheme and those of his ward colleague, Councillor Pidgeon. It stated that they remained of the view that the proposal was inappropriate and should be refused. The blocks had been built with a uniform appearance of 4 storeys. If the additional floor was added this block would be higher than its neighbours and would be detrimental to the neighbouring street scene and the Priory itself. There was only one narrow vehicular access, with restricted right turning, any additional building would exacerbate the existing access/egress arrangements.

Questions, Debate and Decision Making

- (4) Councillor Mrs Theobald stated that she considered the proposals to be completely inappropriate, those occupying the top flats had bought them never dreaming that an additional storey would be built above their homes. She also referred to the on-site parking arrangements which would be placed under additional pressure in consequence of additional units being placed on site.
- (5) Councillor Cobb concurred with Councillor Mrs Theobald's views stating that she did not understand why additional weight needed to be given to the earlier decision of the Planning Inspector. The Area Planning Manager (East) stated that in this instance the earlier appeal decision was relevant as it related to very similar scheme. The Legal Adviser to the Committee concurred in that view.
- (6) A vote was taken and of the 8 members present when the vote was taken planning permission was granted on the Chair's casting vote. There being a vote of two for, two against and 4 abstentions.

99.10 **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 to grant planning permission subject to the conditions and informatives set out in the report.

L. Application BH2011/02874, Flat 1, 100 St George's Road, Brighton – Erection of first floor extension over existing flat roof.

- (1) The Area Planning Manager (East), Ms Burnett detailed the plan by reference to plans and photographs in relation to the site. It was considered that the proposal would form a bulky, excessively tall and intrusive element in the St George's Road Street scene and would detract from the historic character and appearance of the East Cliff conservation area and the setting of the nearby listed buildings, Refusal was therefore recommended.
- (2) Councillor Cobb sought clarification of the fenestration and roof detailing.
- (3) A vote was taken and of the eight members present when the vote was taken the application was refused on a vote of 7 with 1 abstention.

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

1. The proposed extension, due to its height, bulk, massing, fenestration and prominent location would form an intrusive and incongruous feature that would significantly harm the existing property and the street scene as well as detract from the surrounding conservation area and the setting of the adjoining listed buildings. The development is therefore contrary to policies QD1, QD2, QD14, HE3 and HE6 of the Brighton & Hove Local Plan.
2. Insufficient information has been submitted with the application regarding the structural stability of the ground floor unit. The applicant has therefore not demonstrated that the additional storey can be built without adverse impact to the shop below. The development is therefore contrary to policies QD1, QD2, QD14 & HE6 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing nos. 01 and un-numbered site plan received on 23 September 2011.

M. Application BH2011/02480, Badgers Walk, Ovingdean Road, Brighton – Erection of detached single storey building containing swimming pool.

- (1) The Area Planning Manager (East) detailed the scheme by reference to plans showing the layout and photographs which showed the proposed scheme within a wider local context. It was considered that the proposed development would not have a detrimental impact upon the visual amenities of the parent property, the Ovingdean Road street scene or the wider area including the setting of the adjacent Site of Nature Conservation importance or the South Downs National Park, approval was therefore recommended.

Questions, Debate and Decision Making

- (1) Councillor Hawtree enquired regarding the differences between a previously refused scheme and this one. He expressed concern regarding the extent of the proposed building work but it was explained that the building would be set down into the site, the proposed building would be surrounded by substantial grounds.
 - (2) Councillor Hyde enquired regarding the height and dimensions of the building and stated that she was supportive of the scheme provided conditions were put into place to ensure that for the life of the building it continued to be used as a swimming pool.
 - (3) A vote was taken and the eight members of the Committee who were present voted unanimously that planning permission be granted, together with an additional condition that development must remain as ancillary to main building.
- 99.13 **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 to grant planning permission subject to the conditions and informatives set out in the report.

Conditions:

The detached single storey building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Badgers Walk.

Reason: To ensure that the building remains ancillary to the residential use of the existing dwelling to safeguard the residential amenities of the locality and to comply with policies QD3 and QD27 of the Brighton & Hove Local Plan.

N. Application BH2011/01029, Coombe Farm, Westfield Avenue North, Saltdean, Brighton – Change of use of agricultural building to a caravan storage place (B8).

- (1) The Area Planning Manager (East) detailed the scheme by reference to plans and photographs. It was understood that the previous agricultural use had ceased some months previously. Subject to compliance with the attached conditions it was considered that the proposal would not have an adverse impact on the visual amenities of the area, including the settling of the adjacent South Downs National Park or the Site of Nature Conservation Importance located within the vicinity of the site. Neither was it considered that the amenities of the neighbouring residential properties would be significantly affected by the proposal, approval was therefore recommended.

Questions, Debate and Decision Making

- (2) Councillor Hyde confirmed she was aware that the previous use had ceased some time previously. In answer to further questions it was explained by the officer that no caravans would be stored other than in the barn area.
- (3) In answer to questions by Councillor Carden it was confirmed that no more than 40 caravans would be permitted to be stored on the site at any one time and that a condition to that effect would form part of any permission granted.

- (4) Councillor Hawtree sought confirmation regarding how the site would operate e.g., that caravans would over winter there prior to being taken to other locations during the Spring/Summer months. He considered that a more congenial and less visually obtrusive use should be found for this former agricultural land, he felt unable to support the application.
- (5) A vote was taken at which time eight members were present. Planning permission was granted on a vote of 7 to 1.
- 99.14 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the report and 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.

Note: Councillor Hawtree voted that the application be refused.

- O Application BH2011/02555, The Level, Ditchling Road, Brighton** – Erection of single storey building comprising of café, public toilets and gardeners mess room with associated landscaping.
- (1) The Area Planning Manager (East), Ms Burnett gave a detailed presentation in respect of the proposals by reference to details plans, drawings and photographs. It was noted that demolition of the existing building had been approved under application BH2010/01878 and therefore removal of the building and the impact on roosting bats did not fall within the remit of the current application. However, it had been confirmed that the provision of bat and bird boxes would form part of the overall activity plan for the park
- (2) It was considered that subject to compliance with the proposed conditions it was considered that the new building, which would provide a new cafe and gardeners/attendance facilities for the park, would not have a detrimental impact upon the visual amenities of the comprehensive park, nor on the Ditchling Road, Union Road and Lewes Road street scenes or the wider area including the surrounding Valley Gardens Conservation Area and the listed buildings located within the locality of The Level. In addition the proposal would enhance the biodiversity of the site whilst providing new improved facilities, approval was therefore recommended.

Public Speakers

- (3) Mr Morris spoke on behalf local objectors and local amenity groups. He was of the view that the proposals ran counter to the principles of Heritage Lottery Funding in that rather than preserving and enhancing the character of the open space were at variance with it and would present a large and discordant building in the wrong location away from the family areas sited at the other end of the park. The design and site orientation were inappropriate and out of keeping and the building itself would be far too large.
- (4) Mr Jonker spoke on behalf of the applicants in support of their application. He explained that the proposed scheme would form part of the overall improvements to The Level intended to refurbish update it, and make it a more welcoming family space

whilst preserving its character. The scheme had been devised following a consultation process and would better meet the needs of park users in an area of high footfall where there would be natural surveillance, it had received widespread support.

Questions, Debate and Decision and Making

- (5) Councillor Hawtree referred to the security shutters proposed seeking details regarding the materials to be used, their appearance etc. The Area Planning Manager explained that the precise details of this element of the scheme would be subject the subject of further discussion and the materials/finishes to be used would need to be submitted to and approved by the Planning Authority.
- (6) In answer to further questions it was explained that the architects engaged were experienced in designing cafés located in historic parks.
- (7) Councillor Summers expressed concern that the view had been expressed that the scheme was contrary to heritage lottery funding criteria. However, the Chair, Councillor MacCafferty, stated that was not a planning consideration.
- (8) Councillor Hyde sought further information in respect of the rubber roof proposed and its proposed dimensions. In her view this was not a material which weathered well, it was not durable and tended to fade in direct sunlight.
- (9) Councillor Mrs Theobald asked regarding the location of the CCTV equipment proposed and regarding the number of Birch trees to be lost. It was explained that these were to be replaced and that there had been correspondence with those who had donated trees.
- (10) Councillors Cobb and Hyde expressed concern as it appeared that a large number of rose trees would be lost, the “Rose Walk” was a significant feature within The Level and they did not consider it was appropriate for it to be compromised. Councillor Kennedy requested to view plans showing the context and extent of the “Rose Walk” and the amount which was to be lost.
- (11) In answer to further questions by Councillor Farrow regarding the views of the Conservation Team, the Deputy Development Control Manager explained that these were as set out in the report and that he had no knowledge of an internal e mail expressing a contrary view as referred to by the objector. The Conservation Advisory Group had also expressed support for the scheme.
- (12) Councillor Wells stated that he did not support the proposals as he did not consider them appropriate or in keeping with the park and considered that the café would be a “white elephant” particularly as it situated away from the children’s play area.
- (13) Councillor Davey stated that this open space was in his ward and that he supported the proposals which he considered would effect much needed improvements. Although much loved, the current lack of facilities and anti-social behaviour deterred many people from using the park, these improvements would make a positive contribution.

- (14) Whilst generally welcoming the proposals, Councillor Hyde stated that she did not agree that it was necessary to compromise the Rose Walk in order to make those improvements and for that reason she was unable to support it. Councillor Mrs Theobald stated that she was torn as whilst welcoming the scheme overall, including the improved toilet facilities, she was concerned that a large number of mature rose bushes would be lost.
- (15) Councillor Hawtree stated that he had concerns regarding the appearance of the proposed shutters when they were down and the impact they could have on the appearance of the host building.
- (16) A vote was taken and on a vote of 4 to 3 with 4 abstentions planning permission was granted in the terms set out below.

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

100. 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

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

Application:	Requested by:
BH2011/02417/ Former Co-Op Building, 94 - 103 London Road, Brighton	Deputy Development Control Manager

BH2011/02824 Portslade Aldridge Community Academy (PACA), Chalky Road, Portslade was also requested by the Deputy Development Control Manager

101. TO CONSIDER AND NOTE THE CONTENT OF THE REPORTS DETAILING DECISIONS DETERMINED BY THE LOCAL PLANNING AUTHORITY INCLUDING DELEGATED DECISIONS

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 7.45pm

Signed

Chair

Dated this

day of