



**Brighton & Hove
City Council**

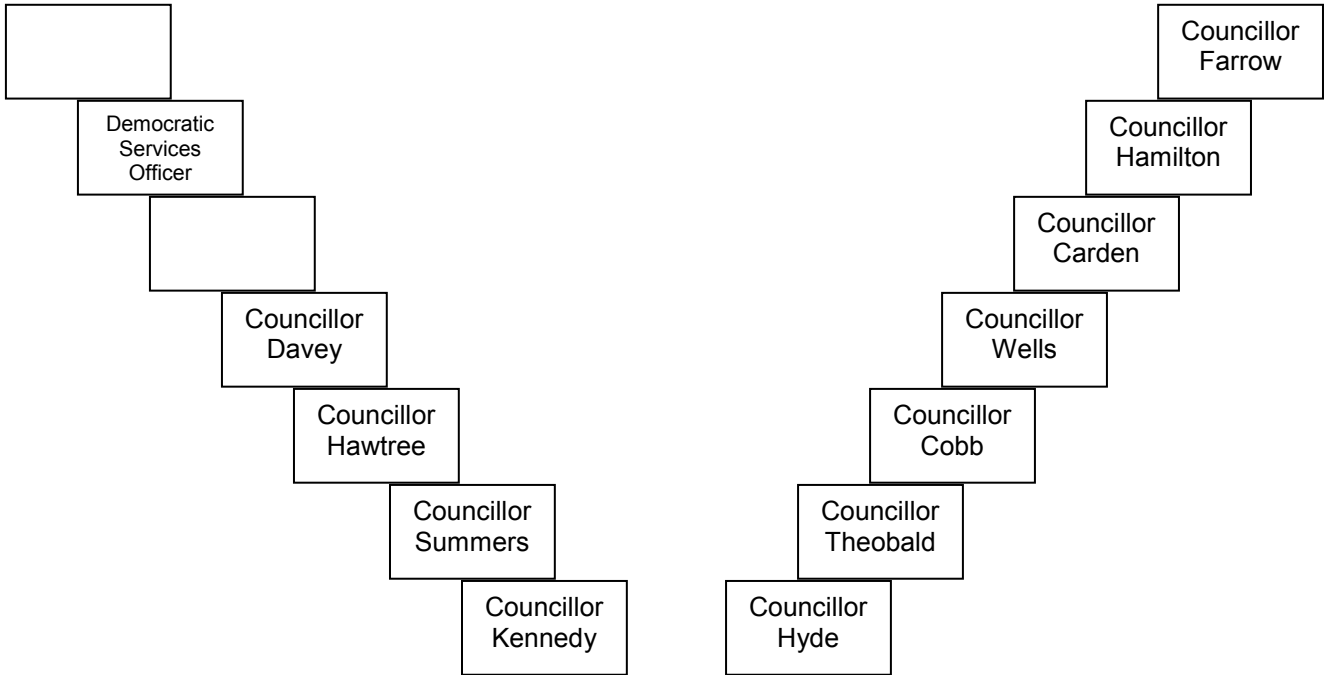
Planning Committee

Title:	Planning Committee
Date:	22 February 2012
Time:	2.00pm
Venue	Council Chamber, Hove Town Hall
Members:	<p>Councillors: MacCafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Cobb, Davey, Farrow, Hamilton, Hawtree, Kennedy, Summers, C Theobald and Wells</p> <p>Co-opted Members: Mr Graham Towers (Conservation Advisory Group)</p>
Contact:	<p>Ross Keatley Democratic Services Officer 01273 291064 ross.keatley@brighton-hove.gov.uk</p>

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Democratic Services: Meeting Layout

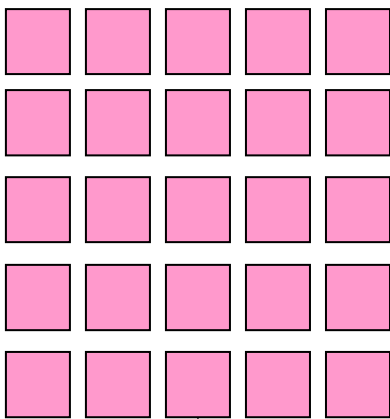
Senior Solicitor Chairman Head of Development Control



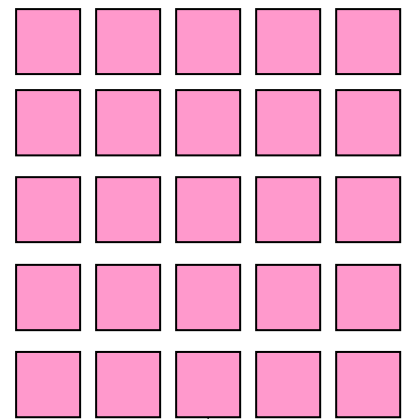
Chairman of CAG

Officers Officers

Press



Public Seating



Public Seating

AGENDA

138. PROCEDURAL BUSINESS

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

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

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

139. MINUTES OF THE PREVIOUS MEETING

1 - 24

Minutes of the special meeting held on 27 January 2012, and the meeting held on 1 February 2012 (copy attached).

140. CHAIR'S COMMUNICATIONS

141. APPEAL DECISIONS

25 - 44

(copy attached).

142. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

45 - 46

(copy attached).

143. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

(copy attached).

144. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

47 - 50

(copy attached).

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

146. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST

(copy circulated separately).

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

148. 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

Members are asked to note that plans for any planning application listed on the agenda are now available on the website at:

<http://www.brighton-hove.gov.uk/index.cfm?request=c1199915>

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

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PLANNING COMMITTEE

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For further details and general enquiries about this meeting contact Ross Keatley, (01273 291064, email ross.keatley@brighton-hove.gov.uk) or email democratic.services@brighton-hove.gov.uk.

Date of Publication - Tuesday, 14 February 2012

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 27 JANUARY 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors MacCafferty (Chair), Hyde (Deputy Chair), Carden (Opposition Spokesperson), Cobb, Hamilton, Hawtree, Summers, C Theobald, Wells, Rufus, Robins and Bowden.

Co-opted Members: James Breckell (Conservation Advisory Group)

Officers in attendance: Jeanette Walsh, Head of Development Control; Paul Vidler, Deputy Development Control Manager; Kathryn Boggiano, Senior Planning Officer; Mick Anson, Major Projects Officer; Hilary Woodward, Senior Solicitor; Andrew Renaut, Head of Transport Strategy and Policy; Rob Fraser, Head of Planning Strategy; Scott Castle, Senior Environmental Health Officer; Sam Rouse, Senior Technical Officer; Paula Goncalves, Senior Planning Officer; Hilary Woodward, Senior Lawyer and Ross Keatley, Democratic Services Officer.

PART ONE

124. PROCEDURAL BUSINESS

124a Declarations of substitutes

124.1 Councillor Bowden was present in substitution for Councillor Kennedy, Councillor Rufus was present in substitution for Councillor Davey, and Councillor Robins was present in substitution for Councillor Farrow. Mr Breckell was present in substitution for Mr Towers.

124b Declarations of interests

124.2 Councillor Rufus declared a person but non-prejudicial interest in applications BH2011/02886, BH2011/02887 and BH2011/02888 as he was the Chair of the Health Overview and Scrutiny Committee.

124.3 Councillor Bowden declared a personal but non-prejudicial interest in applications BH2011/02886, BH2011/02887 and BH2011/02888 as he lived close to the site.

124.5 Councillor Carol Theobald declared a person but non-prejudicial interest in applications BH2011/02886, BH2011/02887 and BH2011/02888 as she was the deputy Chair of the Health Overview and Scrutiny Committee.

125c Exclusion of the press and public

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.

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

125. CHAIR'S COMMUNICATIONS

It was explained that officers would give one presentation to cover the three applications before the Committee but that separate votes would be taken for each.

126. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS FOR ROYAL SUSSEX COUNTY HOSPITAL, EASTERN ROAD, BRIGHTON (3TS)

(i) MAJOR APPLICATIONS

A. Application BH2011/02886, Royal Sussex County Hospital, Eastern Road, Brighton – Demotion of existing hospital buildings located to the north of Eastern Road and to the south of the existing children’s hospital building and Thomas Kemp Tower. Addition of a helicopter landing pad and associated trauma lift on top of Thomas Kemp Tower. Erection of new hospital buildings incorporating Stage: 1 Part 10, 11 and 12 storey building including reinstatement of the interior of the Chapel; Stage 2: 5 storey building; and Stage 3: Service yard with single storey building. Site wide infrastructure including substation, energy centre and flues, 2 floors of underground parking (390 spaces) with new access from Bristol Gate and associated highway works. Cycle parking, external amenity spaces including roof gardens and landscaping on Eastern Road.

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

(2) The Major Projects Officer, Mick Anson, and Senior Planning Officer, Kathryn Boggiano, drew Members attention to the late list; since its publication the City Sustainability Partnership had amended their submission to support the application, but highlighted their concerns. The Officers gave a presentation detailing the scheme as set out in the report by reference to plans, photographs, elevated drawings, concept drawings and a scale model of the proposed development. The proposed buildings for demolition were those south of the children’s hospital and Thomas Kemp Tower. The necessity to ensure the hospital remained operational during the construction had lead

to the use of a staged approach, where existing services would be able to decant into the new ones. The full proposal was outlined in Section 4 of the report.

- (3) The tallest element of the proposal was 12 storeys on the Stage 1 building and five storeys on the Stage 2 building, and a three storey plinth would run to the corner of the site at Bristol Gate. Below both the Stage 1 & 2 buildings there would be two levels of basement including car parks and plant rooms creating a net increase of 297 parking spaces on the site. There would be extensive landscaping on the site with three courtyards on the Stage 1 building, as well as a café terrace, and roof terraces on the Stage 2 building.
- (4) In relation to the heritage considerations of the proposals Officers explained that the Barry Building had changed significantly since first erected, and a considerable number of additions had been constructed. The Bristol Gate piers, although in need of repair, would be reinstated and moved slightly to accommodate the proposed widening of the road. English Heritage had raised no objections in relation to the proposals for the chapel and the piers. The site was surrounded by five conservation areas, including the Grade 1 listed terraces in Lewes Crescent and Sussex Square, and a number of concept images were shown to demonstrate the impact of the proposals. Officers felt the proposals reduced the isolated visual impact of the Thomas Kemp Tower by creating a cluster of large buildings; colours had been chosen to help the proposed development blend with existing buildings, and samples of proposed materials were shown to the Committee.
- (5) In relation to transport issues Officers explained that the proposed underground car parks would be pay and display; with a tariff system designed to discourage all day parking for staff, and there would also be dedicated spaces for patients. The current issues at the site with queuing would be mitigated as there would no longer be a barrier system in place, and the underground car parks would include drop off zones for friends and relatives. The proposal included pedestrian cycling storage with 132 spaces at the front of the site and 92 on the northern access road, creating a net gain of 188 spaces on the whole site. The current pedestrian crossing would be relocated slightly to the east where a puffin crossing would be installed. A large drop off area was proposed on Eastern Road exclusively for use by the hospital patient transport services, and would be able to accommodate five of the transport vehicles at any one time. There would be some alterations to the existing bus stop arrangements, and upgrades would ensure they all had shelters and real time information. The local construction routes would only be on the A roads and Edward Street and Eastern Road.
- (6) Officers drew the Committee's attention to the environmental study that indicated six properties on the south side of Eastern Road would be severely affected by a loss of daylight. The build was scheduled to take place over approximately 10 years, and it was indicated that some periods of construction would be more noisy than others; measures to manage disruption during construction would be included as part of the Section 106 Agreement. In relation to noise from the proposed helipad it was explained that it was standard practice to condition the usage, and the application proposed a figure of 64 drops per year with a 10% margin of fluctuation. The scheme would result in significant service benefits and Officers recommended approval of the applications on the terms set out in the reports as updated by the late list.

Questions for Officers

- (7) Councillor Hawtree asked if the chapel would provide the same function when it was moved as part of the proposals, and it was explained that it would still be a listed building but the usage might change as the proposed Stage 1 building included a separate multi-faith room. Councillor Hawtree also enquired about wind on the site, and Officers explained that the application proposed mitigation measures, and they were confident there would no major issues. In response to further questions Officers explained that there was a condition requesting that the flint wall on Upper Abbey Road be rebuilt, and the usage of the helipad would be conditioned to restrict it for trauma use only. The Chair also highlighted a condition that Officers would be able to request a report on the helipad usage from the Trust with seven working days notice.
- (8) Councillor Rufus asked a series of questions in relation to the construction traffic, alternative car parking arrangements during construction and the consolidation centre. The Head of Transport Strategy and Projects, Andy Renaut, replied that the report contained information on the impact on the local highways network, and the construction work traffic would be tied into the construction work management plan, but the heads of terms proposed that the consolidation centre be established and operational before the commencement of any demolition on the site.
- (9) Councillor Hyde asked for clarification on point 7) g) of the head of terms, and the Head of Transport Strategy and Projects explained that the condition would allow for damage caused to the highway network during construction to be rectified. Councillor Hyde went on to explain that she had received a request that a plaque be installed on the new site commemorating Charles Barry; the Head of Development Control, Jeanette Walsh, explained that the Committee could be minded to include an informative to this effect.
- (10) Councillor Wells asked for clarification that not only the flint wall be reinstated but the ornamental brickwork also be reinstated, and Officers clarified that this was indicated on the proposed plans.
- (11) Councillor Carol Theobald asked specific questions in relation to: the hours of construction; the material and colours used; concerns from the Fire authority about the helipad safety and the provision of only a single length bus shelter at one of the bus stops. Officers explained that construction hours were proposed to be 0700 to 1900, and noisy work between 0800 and 1800 – with work at weekends only in exceptional circumstances – this was within usual hours allowed by the Council; however, the exact hours would form part of the Construction and Environmental Management Plan part of the Section 106 Agreement. In relation to the materials and colours it was explained they would all be conditioned, and samples were used to demonstrate colours and shades. The helipad would be subject to full safety controls, and this was subject to the regulations of the Civil Aviation Authority. The No37 and 40X staff bus stop in question did not have a shelter at all at present.
- (12) Councillor Bowden requested further information on the amended wording of the conditioning of the helipad to now read 0700 to 1900, and Officers explained this was due to an error in the original drafting which would have prevented flights after dark by

HM Coastguard and the Police. In response to further queries from Councillor Bowden, Officers explained that, despite extensive consultation, very few responses had been received from residents on the Bristol Estate, and issues in relation to noise from the helipad had all been assessed against the unpredictable and short period of usage and the overriding public benefits of the facility. Councillor Bowden also asked how the Highway Authority would be able to know if damage to the network was caused by construction, the Head of Transport Strategy and Projects explained that the condition formed the basis for monitoring and allowed discussion between both parties.

- (13) Councillor Bowden had further questions in relation to the monitoring of the construction process, and Officers were able to explain that on-going monitoring would be used to resolve any issues. The Head of Development Control explained that the Council had enforcement powers and would seek to monitor through on-going liaison and discussion.
- (14) Councillor Hawtree asked how the materials from the demolished buildings would be disposed of; Officers explained that there was separate legislation in relation to the requirements for Site Waste Management Plans, and the Council was not able to impose conditions in the manner it may have done in the past.
- (15) Councillor Robins asked a question in relation to the use of local contractors, and Officers responded that the Heads of Terms stipulated that a target of 20% of the workforce should be local.
- (16) Councillor Summers queried the short period of notice required for the commencement of work. The Head of Development Control explained that this was a legal obligation; in practise the Council would work closely with the applicant to agree commencement dates and ensure local residents were aware of these.
- (17) Councillor Carden flagged up specific queries in relation to restricted hours that travel cards for buses could be used, waiting times for the car park and the potential provision for a *Park & Ride* facility. Officers explained that issues in relation to travel cards were a matter for the bus operating company; however, the timing of out patient appointments was an ongoing issue for the Trust, and it was expected a travel plan would evolve to look at these issues. In relation to waiting times it was highlighted that the car park was intended for patient use only and there was no barrier system, so this issue should be alleviated; there was currently no proposal for a *Park & Ride* facility, but buses stopped outside the hospital which had routes into East and West Sussex, and there was regular bus access from the Brighton train station.
- (18) Councillor Cobb asked why photovoltaic panels were only proposed on one section of the Stage 1 building, and it was explained that this related to a viability issue for the Trust. In response to a further query from Councillor Cobb Officers explained that there were a variety of proposals for public art that went beyond what was proposed as part of the Section 106 Agreement.
- (19) Councillor Bowden requested more information on how staff would be encouraged to use more sustainable transport to get to work, Officers highlighted that this process was already on-going, and permits were awarded on a basis of postcode, unless

necessity could be proved; the tariff structure would also discourage staff by increasing the charges for all day parking and the use of the new parking spaces would be designated for patients and visitors only.

- (20) Councillor Robins asked if work had been undertaken to ensure the planting on roof terraces would be successful, and it was noted that a landscape architect had considered the proposed landscaping to be appropriate. In response to a query from Councillor Summers it was explained that real turf would now be used rather than synthetic turf.

Public Speakers

- (21) Mr Pickup, a local resident, spoke in objection to the application. He stated that he did not disagree with the expansion of the hospital, but questioned the proposal to retain the existing site, rather than move it elsewhere in the city stating that it was already crowded and had poor local transport links. Mr Pickup went on to state that the proposed length of the building period would create logistical problems, and there was the potential for the existing buildings to be maintained for others uses.
- (22) Mr Passman and Mr Benedict, representatives for the applicant, spoke in favour of the application. It was stated that the proposals had been in development for over three and a half years, and part of this process had been to consult extensively with the public. It was important that clinical needs be balanced against access and amenity for patients, staff and visitors. The proposals would create an increase in public space on the site as well as providing better facilities, and having a direct impact of the city economy through the creation of local jobs. The benchmark for the proposed design was the Children's hospital, and the Trust had wanted to create a strong civic presence with the development.

Questions, Debate and Decision Making Process

- (23) Councillor Bowden asked how many jobs would be created, and the applicant clarified they were currently projecting 450 new permanent jobs.
- (24) Councillor Hawtree followed up his earlier question to Officers and asked how waste from demolition would be handled on site. The applicant explained that the intention was to re-use as much material on site as possible, an internal target of approximately 60-70% had been set, and other potentially hazardous materials would be covered by relevant legislation. The role of the consolidation site was also clarified: to bring contracted labour to the site; to receive pre-fabricated materials offsite, to minimise traffic and to take waste offsite to be properly disposed of.
- (25) Councillor Hawtree asked if there would be a degree of inbuilt adaptability in the proposed new building, and it was explained that work had been undertaken to look at the internal divisions and services to ensure they could be adapted to suit changing demands.
- (26) Councillor Cobb asked why there was no proposal to provide a shelter for the patient transfer service drop off site. It was clarified that, although the main drop off point would not be covered, there would a patient discharge lounge at street level and a

significant increase to the number of parking spaces available exclusively for patients and visitors.

- (27) Councillor Carol Theobald asked if the applicant had considered signage for the site, and where the taxi drop off points would be located. It was clarified that the signage would need to form the basis of a separate application, and the taxi drop off points would be located in the underground car parks.
- (28) Councillor Bowden followed up his earlier question in relation to encouraging staff to use sustainable transport to get to work. It was explained that staff who lived in postcodes BN1, BN2 and BN3 would not be offered parking permits, unless necessity could be proved, and there was already a developed transport plan in operation that included measures such as loans for bicycles, salary sacrifice for bus permits and car share schemes; measures were also being considered to charge more to park for higher emission vehicles. It was also confirmed that there were no current proposals for electric car or bike charging points, but the Committee could be minded to include this as an informative.
- (29) Councillor Summers followed up the earlier question in relation to viability of the photovoltaic panels, and it was explained that the repayment period would exceed the life expectancy of the panels.
- (30) Councillor Hyde commended the scheme and welcomed: the liaison between contractors and local residents; the proposed appointment of a Travel Plan Coordinator; the designation of underground car parking spaces for patients and visitors and the retention of the chapel on site. It was hoped that concerns over the helipad would be alleviated by the annual monitoring by the local authority for five years after the installation. It was noted that, although the site would be dense, it was not a viable option for it to decamp, and the scheme had evolved, and improved, through consultation and compromise. The improved car parking facilities were welcomed as this had been a contentious issue, and the improvement to healthcare in and around the city were highlighted. The facility would provide jobs and encourage people to move to the city, and serve to save the lives of many people; for these reasons Councillor Hyde noted her support of the application.
- (31) Councillor Carol Theobald thanked the Officers and all those who had been involved in the application. It could be more suitable if the building had been set back from Eastern Road to allow the pavements to be widened, and although the Barry Building and Jubilee Building were not being retained it was good that the chapel would be relocated on site. The application would create a modern facility to update the Victorian buildings that were no longer fit for purpose. The increase in car parking spaces, new trauma and neurological units and increase in cancer facility capacity were all welcomed; and Councillor Carol Theobald noted her support of the application.
- (32) Councillor Wells noted that the Barry Building had been so altered since its original construction that it was no longer recognisable, and the current arrangements on the site were unsightly and not fit for purpose. The new car parking facilities were welcomed, as well as the helipad which would help save lives and had restrictions on the amount of usage. It was positive that both the chapel and the Bristol Gate piers

would be retained, and Councillor Wells extended his thanks to the Officers involved in the application.

- (33) Councillor Hamilton highlighted the importance of contractors liaising closely with local residents, and suggested an informative could be added that a dedicated line be available for local residents to contact the Council with any concerns during the construction period. It was noted that most hospitals were situated in residential areas, and there was good access by bus to the site. Councillor Hamilton also welcomed the installation of a plaque on the new site commending Charles Barry.
- (34) Councillor Carden expressed his support for the application, and noted the proposal would be an important modern addition to the city.
- (35) Councillor Summers highlighted the significance of the decision before Members of the Committee, but expressed her concerns in relation to the increased number of car parking spaces on the site which she felt this did not fully address the transport and traffic problems in this part of the city. Councillor Summers asked for further reassurance that other forms of transport would be promoted as part of the development, and close work be undertaken with the transport liaison group.
- (36) Councillor Hawtree also noted that there were plaques in the buildings proposed for demolition and suggested an informative that they should also be retained. He noted reservation in relation to some of the transport issues, and concern over a lack of unity in the design of the new buildings; but noted his general support of the application.
- (37) Councillor Bowden hoped that lessons had been learned from previous construction projects in the City, but welcomed the number of jobs that would be created by the proposal. There was concern in relation to the helipad; however, the potential to save lives would mitigate some of these concerns; the installation of the plaque commending Charles Barry was also welcomed.
- (38) Councillor Rufus welcomed the application as a significant facility for the city and wider region; he was satisfied with the proposed consolidation centre and supported an informative for a dedicated contact line for local residents. It would be crucial to ensure that the impact of the construction was minimised, and he shared some of the concerns in relation to the bulk of the application and the helipad. There should be some relaxation in relation to parking issues, and an expectation that as this was a regional facility it would be necessary for a significant number of staff, patients and visitors to arrive at the site by car; however, he would still support any new measures to increase access by sustainable transport.
- (39) Before the vote was taken the Chair highlighted the four potential informatives proposed by the Committee in relation to: the need to draw attention to the installation of charging points for bikes as well as cars; the dedicated Council phone line for local residents; the wish to see a portion of the s106 public art contribution (potentially £1,000) for a blue plaque to commend Charles Barry and the re-use and retention of any existing historic plaques in the proposed buildings.
- (40) A vote was taken and the 12 members present voted unanimously that they were minded to grant planning permission.

- 126.1 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 1 of the report and the policies and guidance in section 7 of the report and resolves that that it is **MINDED to GRANT** planning permission subject to the completion of a Section 106 planning obligation in accordance with Heads of Terms set out in the late list, the conditions and informatives also set out in the late list and the following additional Informatives:
1. The applicant should note that the Planning Committee expects the Travel Plan to address the need for electric charging points for bikes as well as for cars.
 2. The applicant should note that the CEMP as finally agreed should include details of 24 hour helpline for local residents to contact Council officers as well as the applicant/contractor.
 3. The s106 Public Art Contribution should in part be used to fund the installation of a blue plaque to commemorate the work of Charles Barry on the site.
 4. The existing historic signage located on the site should not be lost and the Planning Committee would like to see them re-used throughout the site as appropriate.
- B. Application BH2011/02887, Royal Sussex County Hospital, Eastern Road, Brighton – Demolition of the Bristol Gate Piers.**
- (1) A vote was taken and the 12 members present voted unanimously that listed building consent be granted.
- 126.2 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 1 of the report and the policies and guidance in section 7 of the report and resolves to **GRANT** listed building consent subject to the Conditions and Informatives set out in the report as updated by the late list.
- C Application BH2011/02888, Royal Sussex County Hospital, Eastern Road, Brighton – Demolition of hospital chapel.**
- (1) A vote was taken and the 12 members present voted unanimously that they were minded to grant listed building consent.
- 126.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 1 of the report and the policies and guidance in section 7 of the report and resolves that it is **MINDED TO GRANT** listed building consent subject to confirmation from the Secretary of State and the Conditions and Informatives set out in the report as updated by the late list.

The meeting concluded at 5.13pm

Signed

Chair

Dated this

day of

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 1 FEBRUARY 2012

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

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

Co-opted Members:

Officers in attendance: Guy Everest, Senior Planning Officer; Liz Arnold, Planning Officer; Claire Burnett, Area Planning Manager East; Francesca Iliffe, Sustainability Officer; Jeanette Walsh, Head of Development Control; Hilary Woodward, Senior Lawyer and Ross Keatley Democratic Services Officer.

PART ONE

127. PROCEDURAL BUSINESS

127a Declarations of substitutes

127.1 There were none.

127b Declarations of interests

127.2 Councillor Carol Theobald declared a personal but non prejudicial interest in application BH2011/03358 as she knew one of the neighbours of the site in the proposal.

127c Exclusion of the press and public

127.3 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.

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

128. MINUTES OF THE PREVIOUS MEETING

128.1 At item 121B, application BH2011/03093, point (8) Councillor Summers requested that the minutes reflect her specific question on ‘overlooking of the garden.’

128.2 **RESOLVED** – That, with the above amendment, the Chair be authorised to sign the minutes of the meeting held on 11 January 2012 as a correct record.

129. CHAIR'S COMMUNICATIONS

129.1 A pre-application presentation was expected to be agreed for development at Anston House. This would potentially be 21 February 2012 following site visits.

130. APPEAL DECISIONS

130.1 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.

131. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

132. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

133. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

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

Application:	Requested by:
BH2011/03398 Flat 4, 4 Montpelier Terrace	Councillor Wells
BH2011/03397 Flat 4, 4 Montpelier Terrace	Councillor Wells

135. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST: 1 FEBRUARY 2012**(i) MAJOR APPLICATIONS****A. Application BH2011/03434, Mitre House, 149 Western Road, Brighton – change of use of North block and addition of fourth storey contained within mansard roof to form hotel (C1) with associated work.**

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Senior Planning Officer, Guy Everest, gave a presentation detailing the scheme as set out in the report by reference to plans, photographs and elevational drawings. In 2010 planning permission had been granted for a hotel with rendering and an additional storey, and this application was seeking consent for changes to elements of the existing permission. The application sought to realign the dormer windows and the addition of a fire escape; there were no objections to the design changes as it was considered they would enhance the design of the building without harming the amenity of neighbouring buildings.
- (3) The current planning permission restricted access to the hotel to the main entrance on Western Road only, unless in the case of emergency; however, the key change was the addition of the public house on the corner of Spring Street and Hampton Street into the scheme to become a café-bar used in association with the hotel. To mitigate any nuisance caused by the addition it was proposed that the café-bar only be accessible through the main Western Road entrance from 2000 to 0800 daily. It was recommended that the application be granted subject to the Conditions and Informatives set out in the report.

Public Speakers

- (4) Mr Hamer spoke in objection to aspects of the application. He stated he was representing the views of residents on Hampton Place, Hampton Street and Springer Street, and expressed concern that the proposed condition in relation to hours of access to the café-bar would not be sufficient to mitigate the potential nuisance caused. It was his opinion that the access to the café bar should be restricted for emergency use to ensure hotel guests could only use the main access on Western Road. Mr Hamer also requested that vehicles making deliveries to the hotel use Western Road for unloading, as the houses in Hampton Street were listed with cellars running under the road which were not able to take the additional weight of the large vehicles. Mr Hamer concluded that he believed residents' proposals were acceptable to the developer.
- (5) Councillor Jason Kitcat spoke in his capacity as the local Ward Councillor setting out his concerns in relation to the scheme. It was highlighted that there were houses very close to the site and a construction plan should be conditioned to reduce the potential impact. Additional conditions should also be added to ensure the render to the building was cleaned and maintained regularly, and the glazing at the western end of Hampton Street should be obscured to prevent overlooking of nearby properties.

- (6) Mr Deacon, the applicant, spoke in support of the application, and clarified that he agreed with the proposals put forward by Mr Hamer and Councillor Kitcat. He went on to note that issues in relation to skips blocking streets would be a matter for the Highway Authority, and the type of render proposed for the building would not require maintenance.

Questions, Debate and Decision Making Process

- (7) Councillor Davey asked if the pub was still trading, and Mr Hamer explained that it had not been in use since early 2011; following a further question it was also explained that although the pub had received deliveries to Spring Street, in the past, it was felt that this would be unsuitable for the hotel due to increased frequency. Councillor Hawtree also asked how Mr Hamer regarded the loss of the pub in the area, and Mr Hamer confirmed that there were a number of other pubs in very close proximity.
- (8) In response to a query from Councillor Hyde, Mr Hamer confirmed residents felt the deliveries should be made to Western Road only, where there was a dedicated delivery bay.
- (9) Councillor Hyde asked Councillor Kitcat if he agreed with Mr Hamer's comments in relation to the access to the café-bar being from Western Road only, and it was confirmed this was the case.
- (10) In response to queries from Councillor Hawtree and Councillor Carol Theobald Mr Deacon confirmed he envisaged the café-bar being for use primarily by hotel guests, and the hours of operation proposed were 0800 to 2000.
- (11) The Senior Planning Officer clarified some of the questions of the Committee and explained that Officers felt the proposed conditions in the report would be enough to prevent nuisance and damage to nearby residents and properties.
- (12) The Head of Development Control, Jeanette Walsh, confirmed any additional conditions would need to be proposed and agreed by the Committee; however, it was explained that additional conditions would also need to be necessary and reasonable.
- (13) The Chair highlighted the proposed amendments to the current conditions: deliveries to take place to Western Road only; access to the café-bar from Springer Street/Hampton Street for emergencies only and obscured glass to also include the western end of Hampton Street.
- (14) The Committee discussed the provision of additional obscured glazing, and the Senior Planning Officer explained that the proposal by the Committee would go above and beyond what was proposed in the report. It was clarified that the proposed obscured windows in the report were those which over-looked the primary school opposite. Councillor Cobb noted her objections, and Councillor Farrow asked for further information as the provision of obscured glazing had not been in the 2010 application. Councillor Summers highlighted that the Committee needed to consider the principle of amenity, and suggested that if the developers were to partially obscure glazing that

overlooked the primary school then the same provision should be extended to houses that were overlooked.

(15) The additional condition in relation to partially obscured glazing at the western end of Hampton Street was proposed, and a vote was taken and of the eleven members present the additional condition was rejected on a vote 3 to 8. The proposed amendments to conditions highlighted by the Chair relating to deliveries and the café-bar were agreed.

(16) A vote was taken and the 11 members present voted unanimously that permission be granted.

135.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance in section 7 of the report and resolves to **GRANT** planning permission subject to conditions and informatives set out in the report and the amended conditions set out below:

Condition 3 – amended to restrict access doors to all doors on Hampton Street, Spring Street and Hampton Place:-

The ~~rear ground floor~~ access doors to Hampton Street, Spring Street and Hampton Place shall only be used in an emergency, and for no other purpose, and have a security alarm fitted prior to the commencement of the use hereby approved which shall thereafter be retained as such.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Condition 4 – deleted following the above amendment.

Condition 5 – amended to prevent any hotel deliveries on Hampton Street (with all deliveries taking place from Western Road):-

No loading or unloading of vehicles relating to the hotel shall take place on Hampton Street ~~except between the hours of 09.00 and 18:00 on Monday to Saturdays and at no times on Sundays or Bank Holidays.~~

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

B. Application BH2011/03358, Maycroft & Parkside London Road & 2-8 Carden Avenue, Brighton – Demolition of existing buildings and erection of 3no storey residential care home for the elderly with associated facilities.

(1) The Planning Officer, Liz Arnold, gave a presentation detailing the scheme as set in the report by reference to photographs, plans and drawings. It was highlighted that there had been a slight amendment to the Section 106 Agreement and the details of the artistic components now needed to be submitted within 6 months of commencement. The application was for the demolition of six dwellings, the area was predominantly residential and Withdean Park was located directly to the south of the

site. A previous scheme for a residential care home for the elderly had been approved in 2009 consisting of 80 suites; however, since the approval the site had been purchased and the new application submitted was for a development of 99 suites.

- (2) The principle loss of the 6 dwellings had been established by the approval of the 2009 application, and the development was of a 'c' shaped form between two and a half to three storeys in height. The proposed building would be of traditional design with flat roof areas for residents. The site was currently both developed and undeveloped land, and the ecology issues were satisfied by the proposed conditions in the report. There would be 30 parking spaces on site; one main point of vehicular access, and the Section 106 Agreement requested £15,000 for sustainable transport. It was recommended that the Committee be minded to grant the application subject to the Section 106 Agreement and the conditions and informatives set out in the report.

Questions, Debate and Decision Making Process

- (3) Councillor Davey asked specific questions in relation to the biomass boiler and the provision of solar panels. In response the Sustainability Officer, Francesca Iliffe, explained that the boiler would be chip or pellet, and the Council could recommend good procurement of the materials. The applicant had undertaken energy modelling and opted for the biomass boiler, rather than solar panels, as it was considered to be the most efficient way to achieve sustainability targets and improve the BREEAM score.
- (4) Councillor Hyde requested more information on the roof areas for residents, and it was explained that the roof was sunken, and there were other external landscaped areas. It was also noted that as a residential care home there would be no rights for further development under permitted development rights.
- (5) Councillor Carol Theobald asked a series of questions in relation to: double suites for couples; archaeological works on site; the proposed felling of 44 trees on the site and if any were elms or protected by tree preservation orders (TPOs); the size of the suites and if funding for public art could be used for lilac collection in Withdean Park. It was clarified that all of the rooms would be for single occupancy and all were larger than the minimal requirement; there was a condition in relation to archaeology and the associated work would need to be carried out before construction; there were 17 TPO trees to be felled on site, but four of these were diseased and already due to be felled; the elms on site were being retained and the Head of Development Control explained that the contribution to the lilac collection had been discussed in relation to the 2009 application but no Conditions or Informatives had been added.
- (6) In response to a query from Councillor Hawtree it was explained that the applicants were seeking to provide different external amenities across the site.
- (7) Councillor Wells noted his agreement with Councillor Carol Theobald that funding be allocated for the lilac collection. The Head of Development Control explained that the Committee could be minded to agree an informative to this affect.

- (8) Councillor Cobb asked how the materials from the demolition properties would be used or disposed of. It was highlighted that the site was below the size for the requirement for a waste management plan.
- (9) Councillor Davey noted he had some reservations about the proposed scheme, but welcomed the roof terraces and would support the Officers recommendations.
- (10) Councillor Mrs Theobald said that she did not agree with the loss of the houses on the site, and went on to state that there were a number of other similar facilities in the area expressing concern in relation to the local concentration of residential care homes. She reiterated her earlier comments that funding from the Section 106 Agreement should be used, in part, for the lilac collection, and expressed concern in relation to number trees that were proposed to be felled.
- (11) Councillor Hyde proposed an informative in relation to the allocation of funding for the lilac collection.
- (12) Councillor Hawtree noted that he accepted the application in principle, but would have welcomed a more 'striking' design.
- (13) Councillor Carden said he felt the design was sympathetic to the surrounding properties, and applauded the outside amenities that were proposed on site; however, he noted his objection to the loss of the six houses.
- (14) Councillor Cobb expressed similar concern in relation to the loss of the houses, and went on to say that there was no certainty that the residential units would be occupied by residents of the city. She also asked if the funding for the lilac collection could be extended to the war memorial rose garden.
- (15) The Chair confirmed that the vote would include the informative in relation to some funding for public art being used for the lilac collection. The Head of Development Control Highlighted that the lilac collection did not fall under public art and the informative could not compel the funding to be directed in this manner.
- (16) A vote was taken on a vote of 8 to 3 planning permission was granted on the grounds set out below.

135.2 **RESOLVED** – That the committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance in section 7 of the report and resolved that it is **MINDED TO GRANT** planning permission subject to the completion of a Section 106 Agreement and the Conditions and Informatives set out in the report and the Informative set out below.

Informative:

Members of planning committee agreed that they would like to see a proportion of the s106 public art contribution spent on the upkeep of the Lilac Collection.

(ii) MINOR APPLICATIONS

C. Application BH2011/02485, 52 Preston Road, Brighton – Conversion of single dwelling property to 4no self contained flats, erection of single storey rear extension and construction of new frontage at ground floor.

- (1) The committee did not request for an Officer presentation, and did not debate the application.
- (2) A vote was taken and the 11 members present voted unanimously that planning permission be refused.

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

1. The proposed scheme fails to provide a unit of accommodation that is suitable for occupation by a family (including garden access) and as such the proposal is contrary to policy HO9 of the Brighton & Hove Local Plan.
2. The application fails to demonstrate that the site would fall within a satisfactory noise category and have no adverse air quality issues and as such could cause harm to the amenity of the future occupiers of the units. The proposal is contrary to policies QD27, SU9 and SU10 of the Brighton & Hove Local Plan.
3. The proposed rear extension would have an unacceptable impact on the character and appearance of nos. 52 and 54 Preston Road, resulting in an overly dominant extension by virtue of its excessive width and depth. The proposal is contrary to policies QD1, QD2 and QD14 of the Brighton & Hove Local Plan.
4. The proposed development would have an unacceptable impact on the living conditions of the future occupiers by virtue of a cramped form of accommodation, particularly within the ground floor units, poor outlook and would result in inter-overlooking between the proposed and existing units (including neighbouring residential accommodation). Therefore the proposal is contrary to policy QD27 of the Brighton & Hove Local Plan.
5. The application fails to provide for an acceptable standard of cycle parking provision and as such the proposal is contrary to policies TR14 and HO9 of the Brighton & Hove Local Plan.
6. The proposed development fails to demonstrate adequate compliance with lifetime homes criteria and is contrary to policy HO13 of the Brighton & Hove Local Plan.

Informatives:

1. This decision is based on drawing no. 1110-20 received on 22.08.11 and drawing no. 1110-21D received on 28.11.11.

2. Any subsequent application would need to address potential contamination issues at the site by including a phased land quality assessment in order to address the issues raised within policy SU11 of the Brighton & Hove Local Plan.

D. Application 2011/01736, 3 The Broadway, Brighton – Change of use from retail (A1) to hot food take-away (A5)

- (1) The Area Planning Manager (East), Claire Burnett, gave a presentation detailing the scheme as set out in the report by reference to photographs, plans and drawings. It was clarified that the application had been deferred from the Committee meeting on 23 November 2011, and since the meeting it had been confirmed that the lease for the shop did not include the use of the rear garden. The refuse would now be stored internally and collected daily; the Food Safety Team at the Council had assessed the proposals and were satisfied. The application was for a change of use from a retail unit to a hot food takeaway, and the premises had been marketed as a retail unit for some time with little interest; given this lack of interest the change of use was deemed acceptable. The application was recommended for approval subject to the Conditions and Informatives in the report.

Questions, Debate and Decision Making Process

- (2) Councillor Hyde questioned the location of the extractor duct in relation to terrace of the residential property above, and it was explained that Officers in Environment Health were satisfied with the proposed location. Councillor Hyde noted her concerns in relation to noise and odour from the extractor duct.
- (3) Councillor Hawtree queried the storage of food waste on site, and it was explained that the Food Safety Team had been consulted and raised no objections.
- (4) In response to a query from Councillor Hamilton the location of the lobby between the kitchen and the toilet was highlighted.
- (5) Councillor Carol Theobald asked if the hours proposed should be reduced to mirror those of nearby premises.
- (6) Councillor Davey queried the access issues at the back of the premises onto the rear garden, and it was explained that there was a door which lead outside, but the shop had no right of access. It was also confirmed that the proposed hours for the use of the front outside area would be 1200 – 2400.
- (7) Councillor Farrow expressed his concern in relation to the outdoor seating area, particularly in relation to anti-social behaviour and street drinking, and asked the Officers for more information on additional conditions to this area. The Senior Lawyer, Hilary Woodward, confirmed that the deletion of the outside seating area would be a material change to the application, but limitations could be conditioned for the hours of use.
- (8) Councillor Davey expressed concern that the proposed developed was not suitable for the hours, and would create a negative impact for residents above the premises.

- (9) Councillor Farrow stated his dissatisfaction with the application.
- (10) Councillor Hawtree suggested that due to the complexity of the application it seemed unlikely the proposal would be workable.
- (11) Councillor Hyde reiterated her earlier concerns in relation to extractor duct.
- (12) Councillor Hamilton stated that the proposed hours for the outside seating area did not seem acceptable for the residential property above.
- (13) Two additional conditions were proposed to amend the hours of operation to a terminal hour of 2300, and restrict the use of the outside seating area to 1800 only. A vote was taken and both of the additional conditions were agreed on votes of 10 to 1 of the eleven members present.
- (14) Eleven of the members of the Committee were present and on a vote 5 to 4 with 2 abstentions planning permission was granted on the grounds set out below.

135.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation 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 set out in the report and the Conditions set out below:

Amend condition 3 to read as follows:

The use hereby permitted shall not be open to customers except between the hours of 12.00 to 23.00 on any day

Reason: To safeguard the amenities of occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan.

Add an additional condition as follows:

The outside seating area indicated on the approved plan reference number 01A received on 20 December 2011 shall only be in use between the hours of 12.00 and 18.00 on any day. Tables and chairs shall be removed from the outside seating area outside of these permitted hours.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with policies SU10 and QD27 of the Brighton & Hove Local Plan

E. Application BH2011/03398, Flat 4, 4 Montpelier Terrace, Brighton – Creation of additional storey to first floor flat to rear.

135.5 **RESOLVED** – That consideration of the above application be deferred pending a site visit.

F. Application BH2011/03397, Flat 4, 4 Montpelier Terrace, Brighton – Creation of additional storey to first floor flat to rear.

135.6 **RESOLVED** – That consideration of the above application be deferred pending a site visit.

G. Application BH2011/02361, 12 Charles Street, Brighton – Change of use from a single dwelling to house of multiple occupancy.

(1) The Area Planning Manager (East) gave a presentation detailing the scheme as set out in the planning application and listed building (application reference BH2011/02362) report by reference to photographs, plans and drawings. Since the publication of the late information an additional letter of objection had been received which made reference to the crime statistics in the area. The application related to a four storey, plus basement, residential unit on Charles Street, in the East Cliff Conservation Area; and it was stated that it had previously been used as a boarding house. The main considerations, in relation to the listed building consent were highlighted as relating to several internal doors and the provision of fire alarms.

(2) In relation to change of use application it was considered that the aims of Policy HO8 were not compromised by the application. Brighton Housing Trust (BHT) a registered social landlord (RSL) had confirmed they would lease the property from the owner when planning permission was in place and the associated works had been completed. To ensure effective management of the property a condition had been proposed that a site management plan be agreed prior to occupation. The application proposed an increase of bedroom numbers from five to nine, and it was considered that the potential increase in noise would not warrant a recommendation for refusal. The application was recommended for approved subject to the Conditions and Informatives set out in the report.

Public Speakers

(3) Mr Morgan spoke in objection to the application. He stated that there was a guest house in the street which had been granted permission in late 2011 to return to a single residential unit. He expressed concern in relation to the potential noise from the premises, and stated he did not believe an environmental report had been produced, or sound proofing installed. He noted that although there were letters of support they were not from local residents.

(4) The applicant Mr Samouel and a representative from BHT, Mr Oakley, spoke in support of the application. Mr Samouel referred to the need for good quality houses of multiple occupancy (HMOs), explained that much of the layout and utility was already in place and was pleased to be able to restore a listed building. It was also explained that the property would go beyond the basic requirements for HMOs. Mr Oakley stated that the finish of the property and the steps taken by the owner would make it easy to manage; he referenced nearby properties managed by BHT and explained there was no issues in relation to nuisance.

Questions, Debate and Decision Making Process

- (5) Councillor Cobb asked for confirmation that the property was an end of terrace.
- (6) Councillor Hyde asked a question in relation to anti-social behaviour in the area, and Mr Morgan confirmed he and his family already experienced problems from the nearby licensed premises.
- (7) Councillor Davey asked for further information in relation to the applicant's comments about the utilities that were already in place. It was confirmed that, as the property had previously been a boarding house, much of the plumbing for sinks in the bedrooms was already installed. In response to a further query from Councillor Davey it was explained that there was no shared area, other than the kitchen, as experience had showed that there was little demand for such spaces.
- (8) Councillor Hawtree asked what flooring was proposed for the bedrooms, and it was clarified it would be thick carpet.
- (9) Councillor Carol Theobald asked if rooms could be shared by two people, and it was confirmed that this would not be the case. Following further queries it was explained that the rooms were all of good size and larger than the minimal requirement.
- (10) Councillor Hyde asked for more information on the proposed management plan; it was explained that the rooms would only let to people who had been through an assessment process and would not be vulnerable to drug or alcohol misuse issues.
- (11) Councillor Wells stated he did not feel that an HMO was right for the area, which would already be dense enough, and he did not agree with the Officers recommendations.
- (12) Councillor Davey explained he was sympathetic to the neighbours concerns in relation to nuisance, but he accepted the necessity for such accommodation in the city; and felt the neighbours would be able to raise any problems experienced with BHT.
- (13) Councillor Carol Theobald said that families were also important in the city, and did not believe an HMO was the correct use of the building.
- (14) Councillor Hawtree echoed the comments of Councillor Davey, and trusted that BHT had the experience to manage the property.
- (15) Eleven of the members of the Committee were present and on a vote of 7 to 3 with 1 abstention planning permission was granted on the grounds set out below.
- 135.7 **RESOLVED** – That the committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance in section 7 of the report and resolved to **GRANT** planning permission subject to the Conditions and Informatives set out in the report.

- H. **Application BH2011/02362, 12 Charles Street, Brighton** – Interior alterations and associated works in connection with the change of use from single dwelling house to a house in multiple occupation (part-retrospective).
- 135.8 **RESOLVED** – That the committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance in section 7 of the report and resolved to **GRANT** listed building consent subject to the Conditions and Informatives.
- I. **Application BH2011/02675, Buckingham Lodge, Buckingham Place, Brighton** – application to extend time limit for implementation of previous approval BH2008/00319 for construction of one additional storey to form 6no 1 bedroom flats and conversion of 2no existing garages into bin/cycle storage area.
- (1) The Area Planning Manager (East) gave a presentation detailing the scheme as set out in the report by reference to photographs, plans and drawings. Presently on the site there was a three storey block of flats; the application was seeking to extend the time limit of the previous approval in 2008. The additional storey would be for six 1 bedroom flats set into the existing structure. There had been no works undertaken since the original planning permission was granted, and the report requested a £3,000 Section 106 contribution towards sustainable transport. The application was minded for approval subject to the Section 106 Agreement and the Conditions and Informatives set out in the report.

Questions, Debate and Decision Making Process

- (2) Councillor Carol Theobald stated she felt the development was too high, and unfair for the residents due to increased pressure on the parking; for these reasons she did not support the Officers recommendations.
- (3) Eleven members of the Committee were present and on a vote of 8 to 3 the extension to the time limit for implementation of the planning permission was granted on the grounds set out below.
- 135.9 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and the policies and guidance set out in section 7 of this report and is **MINDED TO GRANT** planning consent, subject to the Section 106 Agreement and the Conditions and Informatives set out in the report.
136. **TO CONSIDER AND NOTE THE CONTENT OF THE REPORTS DETAILING DECISIONS DETERMINED BY THE LOCAL PLANNING AUTHORITY INCLUDING DELEGATED DECISIONS**
- 136.1 **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.]

137. 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

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

Application:	Requested by:
BH2011/03398 Flat 4, 4 Montpelier Terrace	Councillor Wells
BH2011/03397 Flat 4, 4 Montpelier Terrace	Councillor Wells

The meeting concluded at 4.58pm

Signed

Chair

Dated this

day of

APPEAL DECISIONS

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B. BRUNSWICK AND ADELAIDE	31
<p>Application BH2011/01822, 39 Salisbury Road, Hove – Appeal against refusal to grant planning permission for the demolition of the existing building erection of a 4 storey private residential building containing 9 mixed sized units and a community area on ground floor without complying with conditions attached to planning permission Ref. BH2010/01782, dated 20 October 2010. APPEAL DISMISSED (delegated decision)</p>	
C. REGENCY	35
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D. QUEENS PARK	37
<p>Application BH2011/00349 & BH2011/00346, 56-58 St James Street, Brighton – Appeal against refusal for the remodelling and extension of existing building to form a four storey building with a café/restaurant (A3) at ground level and 6 number self-contained flat above (part retrospective) and appeal against the failure to give notice within the prescribed period of decision for the change of use of restaurant (A3) into 1 Bedroom self-contained flat on ground floor (C3). APPEAL DISMISSED - BH2011/00349 (delegated decision) and APPEAL DISMISSED - BH2011/00346 and planning permission refused (undetermined decision)</p>	
E. ROTTINGDEAN COASTAL	43
<p>Application BH2011/02463, 63 Coombe Vale, Saltdean, Brighton – Appeal against refusal to grant planning permission for the erection of single-storey rear extension, loft conversion, raised ridge height, side roof lights, Juliet balcony to rear and front window. APPEAL ALLOWED (delegated decision)</p>	



Appeal Decision

Site visit made on 6 December 2011

By Ray Wright BA(Hons) DipTP MRTPI

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

Decision date: 18 January 2012

Appeal Ref: APP/Q1445/A/11/2161435

41 Wayland Avenue, Brighton BN1 5JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs M Patten against the decision of Brighton and Hove City Council.
 - The application Ref BH2011/01738, dated 10 June 2010, was refused by notice dated 17 August 2011.
 - The development proposed is described as 'Demolition of existing bungalow, construction of 2 new 5 bedroom houses and detached garages - resubmission of refused application BH2010/03115.'
-

Application for Costs

1. An application for costs was made by Marguerite Patten against Brighton and Hove City Council. This application will be the subject of a separate decision.

Decision

2. The appeal is dismissed.

Procedural Matters

3. In order to ensure clarity and for the avoidance of doubt, it is confirmed that the drawings considered in respect of this appeal are the ones listed on the planning decision. The reference in the description of development to the proposal being a 'resubmission,' is superfluous and so should not be included in my formal decision.

Main Issues

4. The main issues in this case are the effect on the character and appearance of the area and whether the proposal would provide satisfactory living conditions for prospective occupiers of the houses.

Reasons

5. The site is currently occupied by a bungalow set behind dwellings fronting Wayland Avenue and accessed by a 35m raked driveway between numbers 39 and 43. It is proposed that this bungalow be demolished and replaced by two,
-

five bedroom dwellings over three floors. Following an earlier refusal for two very similar houses, this scheme proposes that they be set below site level, in order to try and address previous concerns regarding their impact on the wider character of the area and overlooking from upper levels.

Character and Appearance

6. The existing bungalow due its siting, low roof profile and existing vegetation is largely unseen from outside the site and therefore does not appear as an obvious 'backland' development. The houses as proposed would take up a similar footprint to the existing building and would have steeply pitched roofs with ridge lines that would rise above that of the existing bungalow.
7. However, from the footpath along Wayland Avenue, with the floor levels and design of the houses as currently proposed, it is likely that only angled and glimpsed views of the tops of these roofs would be possible, due to the slope of the land and location and form of existing road frontage properties. With no pathway on the opposite side of the road and the fall of land in the nature reserve even longer range views would be extremely limited.
8. Therefore from Wayland Avenue the proposed houses would be visible largely only from the gap in the built development on the road frontage formed by the access. At this point the development would be more evident. However, even here the visual impact would be limited to a small section of the road and further reduced due to the proposed gap between the new houses at this point. Due to the land gradient and distance I consider it unlikely that the front elevations of the houses would be read as three storeys from public viewpoints.
9. Overall I am satisfied that the two houses as now proposed would not be seen as an unduly prominent or intrusive feature in the area and that the general character and appearance of the area would not be materially undermined as a consequence of this development. I therefore find no conflict with the density and design requirements of policies HO4, QD1, QD2, or QD3 of the Brighton and Hove Local Plan (LP).

Living Conditions

10. Mature hedges separate the site from adjoining plots, providing a valuable screen, which is proposed to be retained to reduce potential overlooking between the development and adjoining properties. Close to the southern boundary is the large detached dwelling at 1 Dyke Road Place. These features give a sense of enclosure to the site and restrict the overall amount of light it receives.
11. The existing bungalow is located appropriately within the rising ground of the site being set slightly into the site slope to its rear with a raised entrance to the front. To reduce their overall height, the proposed houses would each have a 'semi-sunken lower ground floor.' The dwellings as proposed would each have four of their overall five double bedrooms provided at this level, together with associated bathrooms and wet rooms. This arrangement has a consequential effect on the quality of the habitable accommodation proposed.
12. I have a particular concern regarding the natural lighting to the proposed bedrooms to the rear of these lower ground floors. These would have light wells

located and cutting into the ground floor patio garden areas located above. They would be set awkwardly below kitchen and patio door openings. Associated with these to the side of the bedrooms would be small 'sunken garden light wells.' The effectiveness of both of these elements would be significantly reduced due to the layout proposed, the enclosed nature of the site and in its centre by the proximity of the houses and their flank walls. The 'sunken garden' areas would also provide a poor outlook with restricted views principally of steps up to ground level and where anything placed in them is liable to further restrict the light received by adjoining rooms.

13. Overall I consider the amount of accommodation proposed at this lower ground floor level excessive and its arrangement unsatisfactory.

14. I conclude the proposal would not provide satisfactory living conditions for its intended occupants, contrary to Policy QD27 of the LP.

Other Matters.

15. Various other issues are raised by nearby residents. Matters such as landscaping and linkage to sewers would require further details to be provided and suitable conditions could be imposed were permission to be granted. Those related to restrictive covenants and subsidence are covered by separate legislation, and cannot be dealt with as part of this application. Issues related to loss of light and loss of privacy did not form part of the Council's objections to these proposals and I have no reason to disagree with this judgement. Concerns are raised regarding the ability of the access to cope with traffic from the proposed development due to its width and incline. In addition local traffic and parking conditions are highlighted. However, I note no objection was raised by the highway authority to the development proposed and I have no evidence which would make me disagree with this judgement.

16. A number of other sites within the City area have been brought to my attention where developments have taken place on sites with various gradients, where buildings have been cut into and utilised the sloping ground to create floorspace. However, I am unaware of the exact details and specific circumstances of each of these cases and therefore I have considered this proposal on its individual merits.

Conclusion.

17. While the houses as now proposed would be likely to have only a limited effect on the character of the area, the level and arrangement of habitable accommodation at lower ground floor is considered excessive and would provide an unsatisfactory arrangement. The harm that would be caused to the living conditions of future occupiers of the houses is overriding, it cannot be mitigated by the imposition of conditions and it is not outweighed by any other material considerations. For these reasons the appeal must be dismissed.

Ray Wright

INSPECTOR



Appeal Decision

Site visit made on 10 January 2012

by **D G T Isaac LLB**

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

Decision date: 30 January 2012

Appeal Ref: APP/Q1445/A/11/2163984

39 Salisbury Road, Hove, East Sussex BN3 3AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Brightwell Homes against the decision of Brighton & Hove City Council.
 - The application Ref. BH2011/01822, dated 22 June 2011, was refused by notice dated 28 September 2011.
 - The application sought planning permission for demolition of existing building and erection of a 4 storey private residential building containing 9 mixed sized units and a community area on ground floor without complying with conditions attached to planning permission Ref. BH2010/01782, dated 20 October 2010.
 - The conditions in dispute are Nos. 9, 10 and 12.
 - Condition 9 states that: "*The lower sections of windows to the rear elevation at first, second and third floor levels, as indicated on approved drawing no. BRX 201 02, shall not be glazed otherwise than with fixed shut obscured glass and shall thereafter be permanently retained as such.*"
 - Condition 10 states that: "*Access to the flat roof areas at first, second and third floor levels to the rear of the building shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area.*"
 - Condition 12 states that: "*The development hereby permitted shall be carried out in accordance with the approved drawings no. BRX/100/02, BRX/200/02, BRX/201/02, BRX/202/03, BRX/203/05, BRX/204/01, BRX/205/01 & BRX/207/02 submitted 10 June 2010*"
 - The reason given for condition 9 is: "*To safeguard the amenities of the occupiers of the adjoining property and to comply with policy QD27 of the Brighton and Hove Local Plan.*"
 - The reason given for Condition 10 is: "*In order to protect adjoining properties from overlooking and noise disturbance and to comply with policy QD27 of the Brighton and Hove Local Plan.*"
 - The reason given for Condition 12 is: "*For the avoidance of doubt and in the interests of proper planning.*"
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Brightwell Homes against Brighton and Hove City Council. That application is the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is the effect of the variation or removal of the disputed conditions and the addition of the proposed privacy screen on the living conditions of neighbouring residents in Palmeira Avenue.

Reasons

4. The application to vary the disputed conditions incorporated a proposal to erect an obscure glazed privacy screen on the flat roof area to the rear of the appeal building at third floor level. The appellant has also made it clear that whilst conditions 9 and 10 apply to the first, second and third floor levels at the rear of the building, the intention of the application was to seek a variation of the conditions only insofar as they relate to the third floor level of the building.
5. The proposed privacy screen, which would be some 1.8m in height, would enclose the three sides of the flat roof area outside the main rear elevation of the building at third floor level. The rear elevation of the building faces the rear windows and gardens of neighbouring properties in Palmeira Avenue and the screen is clearly intended to enable the flat roof areas at third floor level to be used as amenity areas without unduly affecting the residents of the neighbouring properties in terms of overlooking.
6. It was suggested in the appeal statement that it was doubtful whether the proposed screen would be readily visible from the rear gardens of nos. 9 and 11 Palmeira Avenue. However, when I visited the site a temporary screen of comparable height to that proposed was in place on one part of the flat roof area in a position that the proposed screen would occupy, and it was clearly open to view from the rear gardens of nos. 9 and 11 Palmeira Avenue. I was also able to see that the proposed screen would be clearly visible from rear facing windows of the neighbouring properties and I formed the opinion that it would add significantly to the visual impact of the building when viewed from the rear gardens of nos. 9 and 11 Palmeira Avenue, as well as from some of the rear facing windows in these neighbouring properties which are divided into flats and occupied by different residents at different levels.
7. As matters stand the staggered arrangement of the different levels at the rear of the appeal building limits the impact of the higher levels of the building in views from the neighbouring properties in Palmeira Avenue. By contrast however, the proposed privacy screen would be viewed some 2.5m in front of the main elevation of the building at third floor level and it would significantly reduce the mitigating effect of the staggered arrangement of the different levels at the rear of the building in views from the neighbouring properties in Palmeira Avenue.
8. Rather than being seen against the backdrop of the building, when viewed from some of the neighbouring properties in Palmeira Avenue the proposed screen would be viewed as adding to the prominence, visual impact and apparent height of the building at third floor level at a point significantly closer to the properties in Palmeira Avenue than the main elevation of the building at that level. Moreover, when viewed alongside the lower levels of the building, the position and overall height and width of the proposed screen would be such that it would add to the visual impact of the building to an extent that it would appear unduly dominant and overbearing when viewed from some of the

- neighbouring properties in Palmeira Avenue and thereby have an unacceptable effect on the living conditions of the residents of those properties.
9. Having regard to its height and design, if the proposed privacy screen was in place, the use of the flat roof areas as amenity areas should not result in any materially greater levels of overlooking of the adjoining properties. Nevertheless, this is not sufficient to outweigh my finding that with the addition of the proposed screen the building would appear unduly dominant and overbearing when viewed from some of the neighbouring properties in Palmeira Avenue and that it would thereby have an unacceptable effect on the living conditions of the residents of those properties.
 10. By incorporating a proposal to erect a privacy screen which would result in the building having an unduly overbearing effect on neighbouring residents in Palmeira Avenue, the application to vary the disputed conditions would also conflict with the aims of policies QD14 and QD27 of the Brighton and Hove Local Plan (LP) both of which seek to protect the amenity of residents of neighbouring properties in various respects including outlook.
 11. Although the proposed screen formed an integral part of the application, as it would result in the building having an unacceptably overbearing effect on neighbouring residents in Palmeira Avenue, I have also considered the effect of varying or removing the disputed conditions if the screen was not in place. However, without the screen in place, the disputed conditions are necessary to prevent unacceptable levels of overlooking of the neighbouring properties from the third floor of the building and a consequent loss of privacy. The conditions are also necessary to prevent unacceptable levels of overlooking from the first and second floor levels of the building.
 12. On the main issue in this appeal, I therefore conclude that the variation or removal of the disputed conditions and the addition of the proposed privacy screen would have an unacceptable effect on the living conditions of neighbouring residents in Palmeira Avenue and that it would conflict with LP policies QD14 and QD27. I also conclude that in each case the disputed conditions are reasonable and necessary and that they satisfy the tests set out in Circular 11/95.
 13. Turning to other matters raised, I acknowledge that the application was made after the Council had granted planning permission for the construction of an additional floor of accommodation with a rear facing balcony incorporating a privacy screen at the adjoining building Amber Court (Ref: BH2010/03843). However, although the privacy screen on the building at Amber Court would be a broadly similar distance from the nearest neighbouring properties in Palmeira Avenue, it would be lower in height and the appellant has acknowledged that it would not be identical. The rear elevation of Amber Court is also not staggered in the same way as the building that is the subject of this appeal and overall there are some significant differences between the relationship of the respective buildings and their proposed privacy screens with their closest neighbouring properties. Furthermore, I do not know the full circumstances of the application concerning the building at Amber Court and each application has to be considered on its individual merits in relation to the development plan and any other material considerations.
 14. I acknowledge that the use of the flat roof as an amenity area would offer the benefit of providing additional private outdoor amenity space for future

residents of the third floor apartments. However, the third floor apartments already have roof terraces to the front of the building.

15. I have also considered all of the other matters raised. Although the appellant has pointed out that the representations made by neighbouring residents have mainly focussed on matters other than the impact of the proposed screen, some of the neighbours have made it clear in their representations that they fully support the Council's reason for refusal. Whilst a number of neighbouring residents have expressed particular concerns about the effect of the application in terms of noise and disturbance, I agree with the view expressed in the Planning Officer's Delegated Report that the most likely use of the flat roof area would be for sitting out purposes which would not in itself generate unreasonable levels of noise or disturbance. However, none of these or any of the other matters raised whether viewed individually or taken together are sufficient to outweigh my conclusion on the main issue which in itself provides a sufficiently compelling reason to dismiss the appeal.
16. For the above reasons and having regard to all other matters raised I therefore conclude that the appeal should be dismissed.

D G T Isaac

INSPECTOR



Appeal Decision

Site visit made on 10 January 2012

by D G T Isaac LLB

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

Decision date: 17 January 2012

Appeal Ref: APP/Q1445/A/11/2162436
45-46 North Street, Brighton

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr E Sharanizadeh against the decision of Brighton & Hove City Council.
 - The application Ref. BH2011/01808, dated 21 June 2011, was refused by notice dated 24 August 2011.
 - The development proposed is an extension at roof level of no. 46 to form a one bed flat.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed extension on the character and appearance of the Old Town Conservation Area and the existing building at no. 46 North Street.

Reasons

3. The existing building at no. 46 North Street forms part of a street frontage in the Old Town Conservation Area which is characterised by a variety of buildings in terms of height and scale. In a previous Appeal Decision concerning this site (Ref: APP/Q1455/A/09/2111729), the Inspector observed and I agree that the smaller buildings within this frontage in particular, make a significant contribution to the street scene, and no. 46 is one of the smaller buildings in the street frontage on this part of North Street.
4. As in the case of the previous appeal scheme, the current proposal would involve the erection of an additional floor above the existing building at no. 46 North Street. In contrast with the previous appeal scheme, the extension in the current proposal would be set back from the front of the existing building. This would limit the impact of the proposed extension in longer range views on approaching the site along North Street from either direction. Nevertheless, the proposed extension would be open to view and the additional height of the building would be clearly evident from closer viewpoints on the opposite side of North Street.
5. The extended building at no. 46 North Street would not be as high as the adjoining building no. 45 North Street. However, the proposed extension would reduce the existing difference in height between the respective buildings

to an extent that would materially detract from the positive contribution that the different height of the existing buildings makes to the character of the area. The proposal would thereby conflict with one of the aims of the Council's Supplementary Planning Guidance Note 1, *Roof Alterations and Extensions* (SPG) which seeks the retention of varied roof lines where these are an important aspect of the character of an area.

6. Having regard as well to the differences between the external appearance and design of the proposed extension and the detailing and design of the lower levels of the existing building and adjoining buildings, I consider that the proposed extension would in addition be an unsympathetic addition which would unacceptably detract from the character and appearance of the existing building and the street scene. The proposed extension would therefore not satisfy the requirements of policy QD14 of the Brighton and Hove Local Plan (LP) which seeks to ensure that extensions are well designed and detailed in relation to the property to be extended, adjoining properties and the surrounding area.
7. By involving the construction of an extension which would detract from the character and appearance of the existing building and would not satisfy the requirements of LP policy QD14, the proposal would also fail to preserve or enhance the character or appearance of the Old Town Conservation Area and in that respect it would conflict with LP policy HE6 which seeks to ensure that proposals within a conservation area preserve or enhance the character or appearance of the area.
8. On the main issue in this appeal, I therefore conclude that the proposed extension would have a harmful effect on the character and appearance of the existing building, that it would not preserve or enhance the character or appearance of the Old Town Conservation Area, and that it would conflict with LP policies QD14 and HE6 and with the advice in the SPG.
9. I have considered all of the other matters raised including what the appellant has said about the current application having been made following discussions with one of the Council's Planning Officers. The proposed extension would make more efficient use of land and I have taken into account the benefits that it would offer in terms of providing additional residential accommodation in a town centre location. However, none of these or any other matters raised are sufficient to outweigh my conclusion on the main issue which in itself provides a sufficiently compelling reason to dismiss the appeal.

D G T Isaac

INSPECTOR



Appeal Decisions

Hearing held on 1 December 2011

Site visit made on 1 December 2011

by Lesley Coffey BA (Hons) BTP MRTPI

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

Decision date: 18 January 2012

Appeal A Ref: APP/Q1445/A/11/2156187

56-58 St James Street, Brighton, BN2 1QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Deol against the decision of Brighton & Hove City Council.
 - The application Ref BH2011/00349, dated 7 February 2011, was refused by notice dated 13 June 2011.
 - The development proposed is the remodelling and extension of existing building to form a four storey building with a cafe/restaurant (A3) at ground floor level and 6 number self-contained flats above (part retrospective).
-

Appeal B Ref: APP/Q1445/A/11/2156197

56-58 St James Street, Brighton, BN2 1QG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Michael Deol against Brighton & Hove City Council.
 - The application Ref BH2011/00346 is dated 7 February 2011.
 - The development proposed is the change of use of restaurant (A3) into 1 Bedroom self-contained flat on ground floor (C3).
-

Decisions

Appeal A Ref: APP/Q1445/A/11/2156187

1. The appeal is dismissed.

Appeal B Ref: APP/Q1445/A/11/2156197

2. The appeal is dismissed and planning permission for the change of use from part retail use (A1) and part restaurant use (A3) into 1 bedroom self-contained flat on ground floor (C3) is refused.

Application for costs

3. At the Hearing both parties made an application for costs. These applications will be the subject of separate Decisions.

Procedural Matters

4. Planning permission for the remodelling and extension of the existing building to form a three storey building with a cafe/restaurant (A3) at ground floor level and 5 self-contained flats above was granted in April 2010. A non-material

amendment was subsequently approved in January 2011. Details pursuant to a number of conditions were approved in February 2011. The submitted plans refer to the previously approved scheme as 'existing' and the appeal proposals as 'proposed'.

Appeal A

5. The description above differs from that on the application form and was agreed by the parties at the time at which the application was submitted.

Appeal B

6. 56-58 St James Street previously comprised an A3 and an A1 unit on the ground floor. Although the extant planning permission permitted the use of both premises for A3 purposes, at the time at which the application was submitted, the change of use and permitted alterations had not been implemented. For this reason the Council considered the application to be nonsensical and incapable of determination.
7. The proposed flat would occupy the rear part of both of the original commercial units. Since the property at 58 has not been previously occupied for A3 purposes, I consider that the proposal constitutes a change of use from part A1 use and part A3 use to a self-contained flat. I have considered the Appeal B on this basis.

Main Issues

Appeal A

8. At the time of my visit the permitted scheme was substantially completed. In view of the previous planning permission and the advanced stage of the works on site, I consider the main issue to be the effect of the proposed third floor on the living conditions of the surrounding occupants with particular reference to visual prominence and loss of sunlight and daylight.

Appeal B

9. I consider the main issues to be the effect of the proposal on the vitality and viability of St James Street District Centre and whether the proposed flat would provide satisfactory living conditions for future occupants.

Reasons

Appeal A

10. The essential difference between the appeal proposal and the previously permitted scheme is the additional floor of accommodation. This comprises a flat-roofed extension with an inset balcony across the front part of the building, with the staircase tower projecting beyond.
11. The appeal site is situated within the East Cliff Conservation Area which is characterised by predominantly regency style terraced dwellings between two and five storeys high. The Council does not object to the design or appearance of the proposal or consider that it would harm the surrounding conservation area. The variations in the height of the St James Avenue elevation would add

- visual interest to the appearance of the building. Overall, the proposal would preserve the character of the conservation area.
12. The appeal site is adjoined by the four storey building at 59-60 St James Street, and the rear boundary of the properties at 2-4 Upper Rock Gardens. The area has a dense urban character with properties extending close to each other with the properties separated by individual lightwells and small rear yards.
 13. The part of the second floor extension that projects beyond the rear elevation of 59 -60 St James is inset from the boundary by about 2.5 metres. The additional storey would follow a similar line but would not extend as far. It would be situated very close to the windows in the rear elevation of the flats at 59-60 St James Street. Due to its height, and the enclosure arising from the existing properties in Upper Rock Gardens it would have an overbearing effect on the outlook from these flats.
 14. Due to the height and proximity of the surrounding buildings, the proposal would have a minimal effect on the outlook from the ground floor of the properties in Upper Rock Gardens. However, the proposal would obscure the limited views over the roof tops that the occupants of the upper floors of these properties currently enjoy. I appreciate that Number 3 is used as a guest house and visitors are likely to stay for a short period. Furthermore, due to the tight urban grain of the area, views are often restricted by the proximity of neighbouring properties. Nevertheless the appeal proposal would further reduce the very limited outlook that the occupants of these properties currently enjoy, and would give rise to an unacceptable sense of enclosure.
 15. Due to the proximity of existing buildings and the location of the proposal relative to the surrounding properties, it would not give rise to a significant loss of sunlight or daylight to surrounding properties. Whilst the outlook of the occupants of the dwellings in St James Avenue would alter, due to the distance of the additional floor of accommodation from these dwellings, it would not have an overbearing effect on outlook or give rise to a significant reduction in sunlight or daylight.
 16. I am aware that in 2003 the Council permitted a proposal that included a third floor of accommodation. However, it broadly aligned with the rear elevation of the adjacent flats in St James Street and therefore is not comparable with the appeal proposal.
 17. I therefore conclude that the proposal would have an unacceptable effect on the living conditions of surrounding residents and would fail to comply with policy QD27 of the Brighton and Hove Local Plan.

Appeal B

18. The appeal site comes within the St James Street District Centre, where Local Plan policy SR5 seeks to maintain the vitality and viability of the centre. It also states that changes to residential use will not be permitted.
19. 56 and 58 St James Road occupy a corner location with a long return frontage to St James Avenue. The proposed flat would occupy the rear part of the property. At the time of my visit the internal works to facilitate the use of the premises for A3 purpose were at an advanced stage, with the cooking facilities and serving area in place. The appellant stated that the use would commence

in the next few weeks. Whilst the resultant A3 unit would be smaller than that previously permitted, it would remain a large A3 unit and would occupy a prominent corner position within St James Street. The properties within St James Street are varied in size and the proposed A3 unit would add to this range. It would remain large enough to allow for flexibility in the manner in which it could be used.

20. St James Street has a bustling and vibrant character, with good levels of pedestrian activity and few vacant properties. Although the Local Plan proposals map includes the return frontages of properties within the District Centre, pedestrian and commercial activity is firmly concentrated within St James Street. The proposal would not interrupt the established shopping frontage and would have a negligible effect on the vitality of the shopping frontage. I therefore conclude that the proposal would not harm the vitality or viability of the St James Street District Centre and would not conflict with the intentions of policy SR5.

Living Conditions

21. The proposal is for a one bedroom flat with access from St James Avenue. Two of the living room windows would face directly onto St James Avenue, and would afford the occupants little privacy. At the Hearing the appellant suggested that these could be obscure glazed. Nonetheless, the outlook from the other windows would be onto a small service yard that includes refuse and cycle storage and an electricity sub-station. Whilst the sub-station could be screened to improve its appearance, due to the poor outlook and lack of privacy, the occupants of the proposed flat would have an unacceptably poor level of residential amenity.
22. I therefore conclude that the proposal would fail to provide satisfactory living conditions for future residents, and would fail to comply with Local Plan policy HO5 which requires the provision of satisfactory amenity space for all new dwellings and *Planning Policy Statement 3:Housing* which seeks to ensure that new housing is of a high quality and well designed.
23. Although the proposal would not harm the vitality and viability of the District Centre, the unacceptable living conditions for future occupants is an overriding and compelling objection to the proposal.

Conclusions

Appeal A Ref: APP/Q1445/A/11/2156187

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

Appeal B Ref: APP/Q1445/A/11/2156197

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

Lesley Coffey

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Gary Brookes	Agent
Michael Deol	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Jonathon Puplett	Planning Officer
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INTERESTED PERSONS:

Frank Hazel
Keith McKenna

DOCUMENTS

- 1 Council's letter dated 24 November 2011 notifying interested parties of arrangements for the Hearing
- 2 Extract from Proposals Map submitted by the Council

PHOTOGRAPHS

- 1 Photographs of the appeal site submitted by the Council



Appeal Decision

Site visit made on 3 January 2012

by J Mansell Jagger MA(Cantab) DipTP MRTPI IHBC

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

Decision date: 10 January 2012

Appeal Ref: APP/Q1445/D/11/2165055

63 Coombe Vale, Saltdean, Brighton BN2 8HN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Pete Coker against the decision of Brighton & Hove City Council.
 - The application ref BH2011/02463, dated 18 August 2011, was refused by notice dated 18 October 2011.
 - The development proposed is erection of single-storey rear extension, loft conversion, raised ridge height, side roof lights, Juliet balcony to rear, and front window.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of single-storey rear extension, loft conversion, raised ridge height, side roof lights, Juliet balcony to rear, and front window at 63 Coombe Vale, Saltdean, Brighton BN2 8HN in accordance with the terms of the application, ref BH2011/02463, dated 18 August 2011, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 684/1, 684/2, 684/3, 684/4, 684/5 and 684/6.

Main Issue

2. The issue is the effect of the proposal on the amenities of the occupiers of adjoining dwellings.

Reasons

3. The property comprises a detached 1960s bungalow occupying an elevated position on the north side of Coombe Vale on the edge of the residential area of Saltdean. The proposal is to construct a steeper pitched roof over the main part of the bungalow, to incorporate new accommodation at first floor level, and to extend over a new rear addition, effectively making this a chalet bungalow.
-

4. The Council does not object to the architectural design of the proposal, but believes that the rear extension would have an overbearing impact on the adjoining dwellings, resulting in overlooking and a loss of light and privacy.
5. This part of Coombe Vale rises quite steeply from west to east. On the west side, no.61, which has also been heightened to form a chalet-style bungalow, is at a lower level. However, the proposed extension would be set back sufficiently from the common boundary, with its roof plane sloping away to the east, to ensure that it would not be overbearing or intrusive on the outlook of the occupiers of that property.
6. Given the orientation of nos.61, 62 and 63, and the sloping topography, there would be no significant overshadowing or loss of sunlight or daylight to affect either of the adjoining properties. In the case of no.65, the high wall and boundary fence would further limit any material impact. There would be no direct overlooking from the high-level roof lights and, whilst there might be oblique views of their rear gardens from the window with the Juliet balcony, any impact would be confined to the rearmost end of their gardens. Such oblique views are not unusual in urban residential areas and any effect on privacy would not be sufficient to refuse the application.
7. For these reasons, I conclude that the proposed development would not materially harm the amenities of the occupiers of adjoining dwellings and would therefore not conflict with Policy QD27 of the Brighton & Hove Local Plan. For the avoidance of doubt I will add a condition requiring the development to be carried out in accordance with the approved plans. Subject to that condition, I allow the appeal.

J Mansell Jagger

INSPECTOR

NEW APPEALS RECEIVED

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANGLETON & KNOLL

BH2011/03468

52 Lark Hill, Hove

Demolition of existing single garage to allow erection of a single storey side extension with pitched roof. Widening of existing crossover and driveway entrance by 2000mm.

APPEAL LODGED

16/01/2012

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

ROTTINGDEAN COASTAL

BH2011/02231

15 Bishopstone Drive, Saltdean, Brighton

Erection of single storey rear extension with raised terrace, glazed balustrading and steps to garden. Loft conversion incorporating raised ridge height, hip to barn end roof extensions, rear dormer, rooflights and associated works.

APPEAL LODGED

18/01/2012

Planning Committee

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

REGENCY

BH2011/03289

Land fronting Brighton Place, Brighton

Display of non-illuminated directional post.

APPEAL LODGED

17/01/2012

Delegated

WARD

APPLICATION NUMBER

ADDRESS

DEVELOPMENT DESCRIPTION

APPEAL STATUS

APPEAL RECEIVED DATE

APPLICATION DECISION LEVEL

HANGLETON & KNOLL

BH2011/02626

14 Amberley Drive, Hove

Conversion of existing house to form 2 no two bed flats.

APPEAL LODGED

23/01/2012

Delegated

WARD

APPLICATION NUMBER

GOLDSMID

BH2011/03360

PLANNING COMMITTEE

Agenda Item 142

Brighton & Hove City Council

NEW APPEALS RECEIVED

<u>ADDRESS</u>	20 Cromwell Road, Hove
<u>DEVELOPMENT DESCRIPTION</u>	Internal alterations to out building to form one bedroom flat.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	20/01/2012
<u>APPLICATION DECISION LEVEL</u>	Delegated

<u>WARD</u>	REGENCY
<u>APPLICATION NUMBER</u>	BH2011/00142
<u>ADDRESS</u>	9 Hampton Place, Brighton
<u>DEVELOPMENT DESCRIPTION</u>	Application for variation of condition 2 of application BN80/1416 (Change of use from disused garage to snack bar cafe) to allow opening hours between 08.00 to 23.00 Monday to Saturday and between 08.00 to 22.30 on Sundays.
<u>APPEAL STATUS</u>	APPEAL LODGED
<u>APPEAL RECEIVED DATE</u>	24/01/2012
<u>APPLICATION DECISION LEVEL</u>	Planning Committee

Information on Pre-application Presentations and Requests

Date	Address	Ward	Proposal
17 March 2010	Former Nurses Accommodation, Brighton General Hospital	Hanover & Elm Grove	Demolition of the former nurses accommodation buildings and the construction of three residential apartment blocks comprising 95 units and a 105 square metre community facility with associated car parking and landscaping.
27 April 2010	Open Market	St Peter's & North Laine	Proposed replacement, covered market, 87 affordable housing units, 12 x B1 workshops and public realm improvements.
18 May 2010	N/A	N/A	N/A
8 June 2010	N/A	N/A	N/A
29 June 2010	Former Royal Alexandra Children's Hospital, Dyke Road, Brighton	Regency	<i>A) Conversion scheme</i> Conversion of a retained main building to provide 118 units. The scheme is 100% private housing and does not include provision of a GP surgery. <i>B) New building scheme</i> Demolition of all existing buildings with a new development comprising 136 units with 54 affordable units (40%) and a GP surgery.
20 July 2010	The Keep, Wollards Field, Lewes Road, Brighton	St Peter's & North Laine	A new historical resource centre for East Sussex, Brighton & Hove.
10 August 2010	Former Sackville Hotel, Kingsway, Hove	Westbourne	Construction of 47 flats (mix of 1, 2, 3, & 4 bed units) within 6 to 9 floor building, and to incorporate basement parking of 49 spaces, and 2 spaces at ground floor level.

NOTE: The Pre Application Presentations are not public meetings and as such are not open to members of the public. All Presentations will be held in Hove Town Hall on the date give after scheduled site visits unless otherwise stated.

Date	Address	Ward	Proposal
31 August 2010	N/A	N/A	N/A
21 September 2010	3Ts	East Brighton	3T's (teaching, tertiary & trauma). Comprehensive redevelopment of southern half of RSCH on Eastern Road to provide replacement modern clinical facilities over three phases.
2 November 2010	N/A	N/A	N/A
23 November 2010	N/A	N/A	N/A
14 December 2010	Brighton Station, Block J	St Peters & North Laine	Proposed mixed use scheme comprising 3500 sq m B1 commercial office space, 147 residential units, 3* hotel in buildings of between 5-8 storeys, provision of civic square, Southern SNCI, and 250 sq m A1 retail / A3 café
11 January 2011	Park House	Hove Park Ward	Demolition of former residential language school buildings and the residential redevelopment of the site by way of flats in buildings of between 4 and 5 storeys.
1 February 2011	N/A	N/A	N/A
22 February 2011	N/A	N/A	N/A
15 March 2011	Anston House, 137-147 Preston Road	Preston Park	Demolition of existing building and proposed mixed scheme. Exact details of the scheme are not finalised. The presentation is to show Cllrs the concept of the scheme and how they have come to the point that they are now at.

Date	Address	Ward	Proposal
05 April 2011	N/A	N/A	N/A
26 April 2011	N/A	N/A	N/A
17 May 2011	N/A	N/A	N/A
07 June 2011	N/A	N/A	N/A
28 June 2011	N/A	N/A	N/A
15 July 2011	3Ts	East Brighton	3T's (teaching, tertiary & trauma). Comprehensive redevelopment of southern half of RSCH on Eastern Road to provide replacement modern clinical facilities over three phases and erection of a helipad on top of the Thomas Kemp Tower.
09 August 2011	N/A	N/A	N/A
30 August 2011	N/A	N/A	N/A
20 September 2011	Ice Rink & No.11 Queens Square	St Peter's & North Laine	Demolition of former ice rink and no.11 Queens Square and erection of 5-6 storey building to provide ApartHotel (58 serviced apartments) with associated restaurant/café and alterations to public realm.
11 October 2011	N/A	N/A	N/A
1 November 2011	N/A	N/A	N/A
22 November 2011	Park House	Hove Park	Demolition of former residential language school buildings and the residential redevelopment of the site by way of flats in buildings of between 4 and 5 storeys.
13 December 2011	N/A	N/A	N/A

10 January 2012	N/A	N/A	N/A
31 January 2012	N/A	N/A	N/A
21 February 2012	Anston House, 137-139 Preston Road, Brighton	Preston Park	Demolition of existing building and proposed mixed scheme. Exact details of the scheme are not finalised. The presentation is to show Cllrs the concept of the scheme and how they have come to the point that they are now at.