

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 5 AUGUST 2015

THE RONUK HALL, PORTSLADE TOWN HALL

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), Mac Cafferty (Group Spokesperson), Barradell, Hamilton, Inkpin-Leissner, Janio, Littman, Miller, Morris, A Norman and K Norman

Co-opted Members: Jim Gowans (Conservation Advisory Group)

Officers in attendance: Paul Vidler, Planning Manager (Major Applications); Nicola Hurley, Planning Manager (Applications); Adrian Smith, Principal Planning Officer (Applications); Steven Shaw (Principal Transport Officer); Hilary Woodward (Senior Solicitor) and Penny Jennings (Democratic Services Officer)

PART ONE

40 PROCEDURAL BUSINESS

40a Declarations of substitutes

40.1 Councillor Janio declared that he was in attendance in substitution for Councillor Bennett. Councillor A Norman declared that she was present in substitution for Councillor C Theobald. Councillor JK Norman stated that he was in attendance in substitution for Councillor Wares.

40b Declarations of interests

40.2 Councillor Cattell, the Chair, declared a direct personal interest in application BH2015/00445, Diplock's Yard by virtue of the fact that the architect for the scheme was known to her and she had worked as a planning agent on this site in the recent past. The Chair explained that she would vacate the Chair which would be taken by the Deputy Chair, Councillor Gilbey, would leave the meeting during consideration of this application and would take no part in the discussion or voting thereon. Councillor Cattell also declared an interest in application BH2015/01138, East House, 7 and West House 8 Pavilion Mews & 17 Jubilee Street, Brighton; Application BH2014/03546, the Compound, Northease Close, Hove and application BH2015/01278, Warehouse, 1A Marmion Road, Hove by virtue of the fact that she had professional knowledge of the architects or those representing the applicants; however, she had not worked with any of them in relation to the submitted schemes. Councillor Cattell confirmed that she

remained of a neutral mind and would remain present during consideration of these applications and would take part in the discussion and voting thereon.

- 40.3 Councillor Morris referred to application BH2015/00445, Diplock's Yard, 73 North Road, Brighton stating that he lived in the area and the application site was therefore known to him. He confirmed that he remained of a neutral mind and would remain in the meeting during discussion and voting thereon.
- 40.4 When application BH2015/01677, 23 Ditchling Crescent was due to be considered Councillor Inkpin-Leissner confirmed that the objector Mr Lawden was known to him, they were employed by the same company, but he had not realised this until Mr Lawden had stepped up to speak He confirmed that he remained of a neutral mind and intended to remain at the meeting during discussion and determination of the application.
- 40.5 When application BH2015/01677, 23 Ditchling Crescent was due to be considered Councillor Barradell stated that she was a Member of the city's Adoption Panel, but confirmed that she remained of a neutral mind and intended to remain at the meeting during discussion and determination of the application.
- 40.6 Councillor Littman stated that he knew the Vicar of St Luke's, application BH2014/03428, St Luke's Church, 64 Old Shoreham Road, Brighton, this did not impact on his consideration of the application, he remained of a neutral mind and intended to remain at the meeting during discussion and determination of the application.

40c Exclusion of the press and public

- 40.7 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.
- 40.8 **RESOLVED** - That the public be not excluded during consideration of any item of business on the agenda.

40d Use of mobile phones and tablets

- 40.9 The Chair requested Members ensure that their mobile phones were switched off, and where Members were using tablets to access agenda papers electronically ensure that these were switched to 'airplane mode'.

41 MINUTES OF THE PREVIOUS MEETING

- 41.1 The Chair stated that in common with other Members of the Committee she had received e mails from the two speakers who had spoken in objection to Application BH2015/01472, Clarendon House, Conway Court, Ellen House, Livingstone & Goldstone House, Clarendon Road & Garages 1-48 Ellen Street, Hove, querying the

accuracy of the minutes in that they did not mirror transcripts they had provided. The Chair stated that the minutes were intended to crystallise points made and were not verbatim (that representing the difference between the webcast and the minutes). It was important that Members were happy that the minutes reflected their debate and the means by which the Committee had reached their decisions. In her view the speakers had not been disadvantaged in any way. They had spoken in support of the officer recommendation that the application be refused. The Committee had considered the officer report, submissions made by all parties and all germane planning issues and the application had been refused.

- 41.2 The Chair noted a matter of factual accuracy raised by one of the speakers and was happy to agree the following amendment to the minutes. Members were invited to suggest amendments if they had any but they had none.

Amendment to paragraph 5 (fourth line):

“There was a long payback period, over 70 years and it was disappointing that following the earlier refusal a very similar scheme had been resubmitted.”

- 41.3 **RESOLVED** – That subject to the amendment set out above the Chair be authorised to sign the minutes of the meeting held on 15 July 2015 as a correct record.

42 CHAIR'S COMMUNICATIONS

- 42.1 There were none.

43 PUBLIC QUESTIONS

- 43.1 There were none.

44 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS

- 44.1 There were none.

45 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

MINOR APPLICATIONS

A BH2015/00195, 132 Longhill Road, Brighton - Full Planning

Erection of 1no two bedroom detached dwelling with detached garage and 1no three bedroom detached dwelling with revised access from Wanderdown Road, Brighton with associated landscaping and works.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Planning Manager (Applications), Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was explained the application site comprised a vacant plot of land located on the south side of Wanderdown Road, which had formerly comprised a bungalow and garage

however both buildings had now been demolished. The site immediately to the rear at 128 Longhill Road had recently been redeveloped with four houses (no.128, 128a, 130 & 130a) set in two rows of two. Further back land developments at 118a, 122 & 136 Longhill Road sat adjacent to the north and south of the site. Access to the site was via a driveway from Longhill Road that ran alongside 134 Longhill Road and also served the four new dwellings at 128 Longhill Road.

- (3) It was reiterated that the recent refusal which had been dismissed at appeal was relevant, plans, and elevational drawings highlighting the differences between the refused scheme and the current application were displayed. It was noted that a further representation received in relation to access arrangements onto the site had been set out in the "Additional Representations List" as had the officer response to them. Further clarification of this matter had been possible during the course of the site visit the previous afternoon. A response had been received from the East Sussex Fire and Rescue Service confirming that they had no objections subject to the installation of sprinkler systems.
- (4) The main considerations in determining the application related to the design and appearance of the proposed development and its impact on the street scene, impact on the amenities of adjacent occupiers, the standard of accommodation to be provided and sustainability and transport issues. It was considered that the proposed development was of a suitable layout, scale and design that would complement the character of the surrounding area and would have an acceptable impact on the amenities of adjacent properties, in accordance with development plan policies. Approval was therefore recommended.

Questions for Officers

- (5) Councillor Miller referred to the turning circle available enquiring whether it would be sufficient to accommodate delivery vehicles. The Principal Transport Officer, Steven Shaw responded that this would be sufficient for use by a standard size car using forward gear and that this was considered adequate in that location.

Debate and Decision Making Process

- (6) As there were no further questions or matters of debate a vote was taken and on a vote of 7 to 4 planning permission was granted.

- 45.1 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

Note: Councillor Gilbey was not present when the above application was considered and voted on.

- B BH2014/03875, 22 Carden Avenue, Brighton - Full Planning**
Demolition of existing day care centre (D1) and erection of two storey care home (C2).

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Planning Manager, (Applications), Nicola Hurley, introduced the application and gave a presentation by reference to photographs, including one showing the front of the building and its relationship with the neighbouring properties and the rear elevation and, plans and elevational drawings including views taken from the rear looking towards the application site. Comparative plans were shown indicating the scheme as proposed and including the scheme in respect of 24 Carden Avenue (for which there was an extant permission) if built. It was confirmed that that the applicants and the Council's Estates Team had clarified that the western site boundary did not encroach onto Council land.
- (3) It was explained that the application site comprised a detached chalet style bungalow which had last been used as a day care centre for up to 12 persons with learning disabilities. The property had a large rear garden which sloped upwards steeply towards the rear of the site with some terraced level areas. The main considerations in determining the application related to the principle of the loss of the day care centre and erection of a care home, the design of the proposal and its impact on the character of the area, transport impacts as well as landscape and sustainability considerations.
- (4) It was considered that the proposed development would provide residential care accommodation for up to 16 persons with learning disabilities within a suitably scaled, positioned and designed building that would not harm the appearance of the site or wider street scene. Further the building, as revised, would not substantially harm the amenities of adjacent occupiers and would suitably mitigate its impact on the safe operation of the public highway, in accordance with development plan policies. Minded to grant approval was therefore recommended.

Public Speakers and Questions

- (5) Mrs Young spoke on behalf of neighbouring residents setting out their objections to the application. She stated that if built the proposed development would dwarf their own property and would be completely unneighbourly as it would severely compromise their amenity and would have a detrimental impact on them and on the other properties immediately nearby. The outside space to be provided would be inadequate and could result in up to 35-38 individuals using space in close proximity to their home. It could also have implications in terms of increased traffic flow and generate additional waste which could give rise to unacceptable odour and/or attract rodents.
- (6) Councillor Wares spoke in his capacity as a Local Ward Councillor setting out his objections to the proposed scheme and those of his fellow ward councillors. He concurred with all that had been said by the objector and considered that the proposal represented a clear overdevelopment of the site. The scheme sought to shoe horn a much larger building than the existing onto a site which was far too small for the level of development proposed and which would dwarf the neighbouring properties. Councillor Wares and his ward colleagues considered that given the level of care facilities in the area that this should be retained as a dwelling house. It would generate far higher levels of traffic and would also create on street parking problems. Insufficient

parking space would be provided on site for the 19 staff to be employed or for visitors and the level of on-street available was already fully used.

- (7) Mr Sayer spoke on behalf of the applicant in support of their application. He explained that 16 staff would be employed on a shift basis (i.e., all 16 would not be present at any one time). The applicants were established record for effective delivery of care, at over 100 homes catering to those with a variety of special needs. This scheme would bring together two smaller care homes which would be closing. Existing experienced staff, the majority of whom would not travel to work by car, would be transferring there. The facility was intended to equip those living there to live independently, residents had very few visitors and therefore additional traffic/parking requirements would be minimal.
- (8) In answer to questions by Councillor K Norman Mr Sayer explained that the 16 staff employed worked across 3 shifts 7 nights per week. Consistent levels of staffing would be provided at all times.
- (9) Mr Sayer explained in answer to questions by Councillor Janio that this facility would replace two smaller care homes currently located in Vallance Gardens and Walsingham Road, Hove respectively. Only two staff drove to work and it was not anticipated that would change as other members of staff arrived each day mainly by public transport with some walking to work.

Questions for Officers

- (10) Councillors Barradell and Miller requested further sight of the plans delineating the differences between this scheme and that previously approved and both with and without the approved scheme at no 24.
- (11) Councillor Barradell and Miller also enquired regarding the colour of the brick and render finishes proposed and whether conditions could be added to ensure that this scheme if approved and that for no 24 would be of matching/complementary materials. It was explained that conditions could not be added to the previously granted permission for no 24, however the condition requiring approval of materials had yet to be discharged. Materials in respect of both applications would need to be approved prior to commencement of any works.
- (12) Councillor Gilbey enquired whether the proposed scheme would be situated closer to neighbouring bedrooms than the existing building and also regarding the distances between the rear elevations and those of the neighbouring properties, this was shown including the level of set back of the upper floors by reference to the relevant site plans and elevational drawings. Councillor Gilbey also sought clarification in respect of the proposed traffic management measures. The Principal Transport Officer, Steven Shaw, stated that subject to an appropriate contribution to fund the cost of providing double yellow lines outside and opposite the site to enable safer access/egress arrangements the proposals were considered to be acceptable.
- (13) Councillor Miller sought clarification of the distance between the development and the lounge windows of the neighbouring property. These distances were given and it was explained that windows to the side elevation would be located adjacent to secondary windows of that property at their closest point

- (14) Councillor Mac Cafferty sought confirmation that guidance in relation to potential loss of light and other thresholds in relation to the neighbouring property had been respected and also the BREAM level required to be met. It was confirmed that all necessary requirements had been met and that “very good” would need to be achieved.

Debate and Decision Making Process

- (15) Councillor Barradell stated that whilst she was not particularly enamoured of the design she considered that her hands were somewhat tied in view of the previous decisions taken regarding use of the site. Councillor Miller stated that whilst he understood that any application needed to be considered on its individual merits it was also the case that the outcome of previous applications in relation to the site were relevant planning considerations.
- (16) Councillor Morris considered that it appeared that the Committees decision making powers were fettered as a result of previous decisions taken. The Legal Adviser to the Committee, Hilary Woodward explained that this was not the case, however, notwithstanding that, Members should consider each application with a neutral mind, past history including decisions of a Planning Inspector were germane material planning considerations.
- (17) Councillor Littman stated it was a matter of balance and the role of the Committee was to make a balanced assessment on planning grounds.
- (18) Councillor K Norman noted all that had been said but stated that in his view the application represented overdevelopment of the site which he felt unable to support Councillors A Norman and Janio concurred in that view.
- (19) A vote was taken and on a vote of 7 to 5 minded to grant planning permission was granted.

- 45.2 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to be **MINDED TO GRANT** planning permission subject to a S106 agreement and the Conditions and Informatives set out in section 11.

C BH2015/01677, 23 Ditchling Crescent, Brighton - Full Planning Change of use from dwelling house (C3) to residential children's home (C2).

- (1) The Planning Manager (Applications), Nicola Hurley, gave a presentation by reference to photographs, plans and elevational drawings. The application site comprised a semi-detached bungalow located on the west side of Ditchling Crescent. The area was characterised by similar bungalows set on land that fell sharply to the rear. A grassed embankment sat opposite with Ditchling Road beyond. This application was a re-submission of the previous application refused on 11 May 2015.

- (2) The main considerations in determining the application related to the principle of change of use, including the loss of housing, the impact of the proposal on amenities of adjacent occupiers, and transport. It was noted that no external alterations were proposed to the building. The previous application for this use had been refused on the grounds that no information had been provided with the submission to identify the nature of the use, how it would operate on a day-to-day basis, or how it would be likely to impact on the amenities of adjacent occupiers. This information had been provided subsequently and it was now considered that the earlier grounds for refusal had been overcome. Matters raised in relation to covenants on the land were not a material planning consideration and although a resident had identified a badger sett nearby as no external construction works were proposed there was no evidence that this would be disturbed. It was noted that a letter had been received from one of the Ward Councillors, Councillor G Theobald setting out his objections to this proposal and indicating that he had received many representations from local residents objecting to this proposal, this had been appended to the "Additional Representations List". A separate petition signed by local residents who objected to the scheme had also been received and had been circulated to Members. These matters had been addressed in the report and there was no evidence that the children residing at the home would require specialist amenities above and beyond those suitable for a family. Photographs had been submitted by the objector showing damage to the wall which divided the application site from his property, but it was confirmed that this was a separate issue and was not a relevant planning consideration in determining this application.
- (3) It was considered that the change of use of the site would be acceptable and that subject to the proposed conditions would not significantly harm the amenities of neighbouring occupiers or impact on highway safety, in accordance with development plan policies. Approval was therefore recommended.

Public Speaker(s) and Questions

- (4) Mr Lawden spoke on behalf of neighbouring objectors setting out their objections to the proposed scheme. He referred to the petition which set out the concerns of all neighbouring residents. He explained that the applicant had disposed of a property which was not fit for the purpose proposed. The property which formed part of a pair of semi-detached dwellings represented an unneighbourly development which would seriously impact on his amenity and cause significant harm and disturbance to himself and his neighbours due to noise and anti-social behaviour emanating due to a residential home being placed in such close proximity. Further disturbance would result from use of the steep shared driveway. Mr Lawden worked as a pilot often having to sleep during the day and was concerned that he would be unable to do so due to noise disturbance.
- (5) Mr Hall spoke on behalf of the applicant in support of their application and was accompanied by Ms Gibson who was available to answer questions on behalf of the provider. He explained that measures had been undertaken to see Ms Gibson pointed out that although perhaps not planning considerations, it should be noted that Compass who would be providing care at the home were recognised by Children's Services as providers with a good reputation for quality care, meeting rigorous Ofsted requirements, being inspected twice annually. All facilities ran by Compass, had been rated good or excellent, they wished to work in partnership with their neighbours. The

children would be local placements and the intention was to mirror a safe caring home environment.

- (6) In answer to questions by Councillor A Norman it was explained that the house would be fully staffed 24 hours, there would also be a manager in residence.
- (7) In answer to further questions by Councillor Gilbey it was explained that it was anticipated that the children would attend local mainstream schools and that when at home they would be engaged in various organised activities and that use of the garden would be regulated.

Questions for Officers

- (8) Councillor Inkpin-Leissner referred to comments purportedly made by the applicant in relation to potential noise nuisance enquiring regarding the level of soundproofing to be installed. It was explained that the proposed Conditions 4 and 5 identified the level of soundproofing to be provided. Officers would have to be satisfied that this would be sufficient.
- (9) Councillor Cattell, the Chair, enquired whether it would be possible to require a higher level of soundproofing than that required by Building Control regulations. It was noted that Environmental Health had raised no objections provided that details of the soundproofing to be provided between the party walls were received and were deemed to be sufficient.
- (10) Councillor Miller enquired whether account had been taken of the need for one of the occupiers of the neighbouring dwelling to sleep during the day, the speaker had indicated that noise nuisance could result in significant harm for him. It was explained that many individuals in the city worked shift patterns which required that they sleep during the day. It was not considered that noise generated would be different from that generated by a family home.
- (11) Councillor Janio enquired regarding measures that could be put into place to ensure that there would not be an intensification of use of the site in future. It was explained that the floor plans showed three bedrooms for the children who would be living there, one for each of them.
- (12) Councillor Morris enquired regarding the level of information provided detailing how the home would be run on a day to day basis and regarding measures to be put into place to ensure its effective management. He also requested sight of a photograph indicating the location of the shared driveway between the application site and the neighbouring dwelling.

Debate and Decision Making Process

- (13) Councillor A Norman, whilst recognising the need to provide a family home for these children considered that use of the shared driveway and the potential requirement for on-street parking was contentious. The fact that a semi-detached rather than detached property was to be used could be problematic, notwithstanding that soundproofing measures would be undertaken, she was aware of instances in her own ward where

the level of soundproofing had been inadequate and had resulted in noise nuisance. She queried whether in the light of these issues and the level of local objections this was the best location to provide a home environment for vulnerable children.

- (14) Councillor Miller had similar concerns, whilst acceptable in planning terms he considered that use of a detached property would have been preferable.
- (15) Councillor Janio stated that he did not consider that the application site was suitable for use as a children's home. The driveway would be heavily used, more so than if it was a family dwelling and this would give rise to nuisance and loss of amenity.
- (16) Councillor Barradell considered that the proposed use would provide a family environment. Provided sound proofing works were carried out to an appropriate standard she considered that it was acceptable and supported the officer recommendation. Councillor Gilbey concurred.
- (17) Councillor Littman supported the application, he did not consider that the proposed use would, subject to proper soundproofing generate any greater noise levels than if it was in use as a traditional family dwelling.
- (18) A vote was taken and on a vote of 10 to 2 planning permission was granted.

45.3 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

D BH2015/00445, Diplocks Yard, 73 North Road, Brighton - Full Planning

Erection of part single, part two storey building to provide 8no office units (B1) with side entrance door removed.

- (1) The Chair, Councillor Cattell vacated the Chair during consideration of this application and Councillor Gilbey, the Deputy Chair took the Chair.
- (2) It was noted that this application had been the subject of a site visit prior to the meeting.
- (3) The Principal Planning Officer (Applications), Adrian Smith, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was noted that the application site comprised a rectangular parcel of land to the rear of buildings on Queen's Gardens and upper Gardener Street, Brighton. The site was accessed from an under croft beneath 73 North Road and sat within the North Laine Conservation Area. The site was currently in use as a flea market with fruit, vegetable and bric-a-brac stalls and included a number of timber and steel structures. Both the structures and the use of the site did not have the benefit of planning permission. As originally submitted the second floor elements would have been held within a mansard roof, however subsequent amendments had been received which would change the mansard to a pitched roof with a central ridge.

- (4) The main considerations in the determination of this application related to the principle of change of use, the impact of the proposed building on the appearance of the site and North Laine Conservation Area, its impacts on neighbouring amenity, and transport and sustainability impacts. Also material were the decisions of the Appeal Inspector relating to the previous schemes for B1 office use of the site, which had been dismissed, BH2008/02421 and BH2014/00603.
- (5) It was considered that the proposed development would provide modern office accommodation in a sustainable location within a building that would be of a suitable scale, form and appearance that would not harm the appearance of the site or North Laine Conservation Area, or significantly harm the amenities of adjacent occupiers, in accordance with development plan policies. Approval was therefore recommended.

Public Speaker(s) and Questions

- (6) Councillor Deane spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme. Councillor Deane explained that she did not believe that the proposed roof arrangement would safeguard the impact on outlook for affected neighbouring residents nor was the scheme in keeping with the North Laine Conservation Area in which the site lay. The site was integral to the quintessential character of the North Laine and Brighton itself in that it was quirky and unique. The proposals would destroy what had become a popular market space and the cobbled yard, which was a rarity and represented an important relic of the area's industrial heritage, would be lost.
- (7) Mr Blake and Ms Petrykow spoke on behalf of the applicants in support of their application. The proposals would provide 8 small office units which could be used as start up space and providing modern flexible accommodation.

Questions for Officers

- (8) Councillor Barradell asked to see photographs showing the adjoining building in Upper Gardner Street and enquired regarding any restrictive covenants in place to restrict the height of new buildings on the application site to no higher than single storey. The Legal Adviser to the Committee, Hilary Woodward, explained that this would constitute a private matter for agreement/enforcement between the parties involved and was not a planning consideration.
- (9) **Councillor Littman referred to the grounds on which the previous application had been refused and the weighting, if any, which had been given to loss of the market space.** The Legal Adviser to the Committee, Hilary Woodward stated that it was important for the Committee to be consistent in its decision making. It could expose the planning authority if the Committee sought to refuse permission for a structure similar to one which had previously been considered acceptable.
- (10) Councillor Janio asked whether the site had been in use as a market at the time of the previous refusal. The market use appeared to have revived the site and he asked what weight could be given to this. It was explained that no planning permission was in place for use as a market, the site set outside the regional shopping area and there was alternative retail provision nearby.

- (11) Councillor Mac Cafferty referred to the North Laine Conservation Area Statement. No reference had been made to this site and he queried the reasons for that. The Planning Inspector had considered the proposals acceptable in general terms as a back land development. It could however be argued, in his view, that the proposed changes including the roof slope were at variance with the character of the area.
- (12) Councillor Barradell referred to the planning history of the site stating that a number of councillors now sitting on the Committee had not been party to those earlier decisions, as some elements had been dealt with by officers under their delegated powers she queried whether it would be appropriate for Members to revisit this application in the light of current circumstances. The Legal Adviser to the Committee re-iterated that whilst the Committee could consider all germane planning issues past decisions including those of the Planning Inspectorate were relevant, the Committee needed to be consistent in its decision making.
- (13) Councillor Miller sought clarification regarding the weight which should be attached to previous planning decisions in respect of the site.

Debate and Decision Making Process

- (14) Councillor Morris stated that he was familiar with the location of the site, considering that the proposals would dwarf the neighbouring properties and were at variance with the prevailing character of the North Laines. The proposed development would not preserve the character and appearance of the site or the surrounding area and he could not support this application.
- (15) Councillor Gilbey was in agreement also considering that the 5 arguments put forward relating to creation of employment were fatuous in that employment opportunities had been created by the existing thriving market.
- (16) Councillor Miller noted all that had been said but considered that small start-up offices of the type proposed were also needed in the city centre. He considered that the proposed scheme was acceptable.
- (17) Councillor Janio stated that previous decisions had not taken account of the thriving market that was now in situ. The proposed office development was not appropriate for this site and should be refused.
- (18) Councillor Barradell stated that she considered that the proposed scheme would destroy the character of the area, she also had concerns in respect of the height of the proposed development; in her view it would be too high.
- (19) Councillor Mac Cafferty stated that this application needed to be considered in the context of the history of both its locality and the wider North Laines and the rationale for its adoption as a Conservation Area. Very careful thought needed to be exercised in seeking to ensure developments here were in keeping with the prevailing character of the area. The urban grain needed to be protected and preserved. An urban development of the type proposed did not enhance that and he could not therefore support this application.

- (20) Councillor Littman concurred with all that had been said by Councillors Morris and Mac Cafferty, the proposed scheme would have a detrimental and negative impact in the immediate vicinity and on the North Laines and he could not support it.
- (21) A vote was taken and of the 11 Members present when the vote was taken voted that planning permission be refused on a vote of 10 to 1.
- (22) Councillor Littman proposed that the application be refused on the grounds set out below, this was seconded by Councillor Morris.
- (23) A recorded vote was taken and Councillors Gilbey (in the Chair), Barradell, Hamilton, Inkpin-Leissner, Janio, Littman, Mac Cafferty, Morris, A Norman and K Norman voted that the application be refused. Councillor Miller voted that the planning permission be granted.
- 45.4 **RESOLVED** - That the Committee resolves to **REFUSE** planning permission on the grounds that: The proposed development by reason of its height, scale, bulk and design does not enhance the positive qualities of the local neighbourhood and thereby fails to preserve the character and appearance of the conservation area. The proposed development is therefore contrary to Policies QD1, QD2 and HE6 of the Brighton & Hove Local Plan 2005.

Note: Having declared an interest in this application the Chair, Councillor Cattell vacated the Chair and left the meeting during consideration of the above application, taking no part in the discussion or voting thereon. Councillor Gilbey, the Deputy Chair took the Chair.

- E BH2014/03428, St Lukes Church, 64 Old Shoreham Road, Brighton - Full Planning** - Demolition of existing side extension and erection of part one part two storey side extension incorporating a glazed pitched roof, alterations to windows and doors, installation of new ramped access, alterations to boundary walls and associated works.
- (1) The Planning Manager (Applications), Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application site was a red brick building located on the corner of the Old Shoreham and Stanford Road. Since the application was submitted the church had been included on the list of Local Heritage Assets and was described as a relatively modest but well-executed example of a late 19th Century church. To the north of the site was Stanford Road which was characterised by three storey Victorian terraced housing and Lancaster Road, characterised by semi-detached and terraced housing. To the south of the site on the opposite side of the road are purpose built blocks of flats. To the west of the site were detached and semi-detached houses in Old Shoreham Road. The main considerations in determining the application related to the impact of the proposed extension on the existing building and the wider street scene and the impact on existing residential amenity.
- (2) It was considered that the extension was well designed, sited and detailed in relation to the existing locally listed building on the site and would not cause detriment to the

character of the surrounding area. The development would not have a significant impact on amenity for occupiers of adjoining properties or create significant travel demand and approval was therefore recommended.

Questions for Officers

- (3) Councillor Barradell sought clarification of the distance between the existing building and the neighbouring building, the location of the toilets and measures which would be put into place to seek to ensure that no noise nuisance occurred, masking reference to noise complaints which had been received in the past. It was explained that these had been addressed and that the new building which would have to meet higher building control regulations would be far less likely to give rise to noise break-out problems.
- (4) In answer to questions by Councillor Hamilton regarding the location of halls 1 and 2 it was explained that hall 1 was the existing hall located within the church building itself and that it did not form part of this application.

Debate and Decision Making Process

- (5) Councillors Barradell and Inkpin-Leissner considered that it would be appropriate for a condition to be added to any permission granted to ensure that adequate sound proofing measures were undertaken and the Committee were in agreement that this would be appropriate.
- (6) As there were no further questions or matters of debate a vote was taken and of the 11 Members present when the vote was taken planning permission was granted on a vote of 7 to 4.

- 45.5 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission, subject to the Conditions and Informatives set out in section 11 and to the additional condition set out below:

Additional Condition 6:

No development above ground floor slab level of any part of the development hereby permitted shall take place until a scheme for the sound insulation of Hall 2 shown on drawing no.PL-108 rev.P6, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in strict accordance with the approved details prior to the first occupation of the development and 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.

Note: Councillor Gilbey was not present when the above application was considered and voted on.

- F BH2015/01138, East House 7 and West House 8 Pavilion Mews & 17 Jubilee Street, Brighton -Full Planning**

Application for variation of conditions 8, 9, 13, 14, 15, 16, 17, 21 and 22 of application BH2013/01034 (extensions and alterations to building including 14no new hotel guest suites, enlargement of the two ground commercial floor units, refurbishment of basement car park into multi-purpose music venue, the formation of a 3no bedroom penthouse flat, installation of canopy over main entrance, associated landscaping and alterations) to enable a phased implementation of the approved development.

- (1) The Planning Manager (Applications), Nicola Hurley introduced the application and gave a presentation by reference to photographs, plans and elevational drawings.
- (2) It was explained that planning permission had been approved under application BH2013/01034 for extensions and alterations to the building including 14 new hotel guest suites, enlargement of the two ground commercial floor units, refurbishment of basement car park into multi-purpose music venue, the formation of a 3 bedroom penthouse flat, installation of canopy over main entrance, associated landscaping and alterations. This application sought to vary a number of conditions imposed on this consent. The National Planning Practice Guidance (NPPG) which accompanies the NPPF states conditions can enhance the quality of development and enable development proposals to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects of the development.
- (3) Whilst it was considered acceptable to vary conditions 13, 14, 15, 16, 17, 21 and 22, conditions 8 and 9 were considered to be enhancements to the existing building and necessary to the visual amenities of the area. They were the building as a whole and not to the residential extension to the building. It was therefore recommended the request to vary Condition 8 and Condition 9 was refused and these conditions were re-imposed on any subsequent consent. The remaining conditions could be phased to allow the outstanding details to be submitted prior to development commencing on the corresponding parts of the works. It was therefore recommended conditions 13, 14, 15, 16, 17, 21 and 22 were amended accordingly. All the remaining conditions imposed on BH2013/01034, and not subject to the request for a variation must be re-imposed and it was therefore recommended that variation of conditions 8 and 9 be refused.

Public Speaker(s) and Questions

- (4) Mr Nicholson spoke on behalf of the applicants in support for their request that conditions 8 and 9 of the extant planning permission be varied. He explained that all of the variations sought were being requested in conjunction with the proposed phasing of the scheme including those in conjunction with conditions 8 and 9.

Questions for Officers

- (5) Councillor Littman sought further confirmation as to the rationale for the applicants seeking to vary conditions 8 and 9 which related to landscaping and “greening” of the buildings rather than the phased building works.

- (6) Councillor Barradell referred to the level of objections received in relation to conditions 15 and 16 asking why these had not been revisited. It was explained that these issues had been addressed as part of the overall scheme when permission had been granted.
- (7) Councillors Janio and K Norman enquired regarding where parking would be displaced to as a result of the scheme. It was explained that whilst this information could be provided as it had formed part of the considerations when the earlier application had been approved it was not relevant in relation to the requested variations.
- (8) Councillor Hamilton sought clarification regarding the detailed plans which had been submitted and approved and Councillor Mac Cafferty stated that it was his recollection that permission had been granted by the Committee contrary to the original officer recommendation.
- (9) Councillor Gilbey enquired regarding the proposed variations relating to the siting of plant and machinery and general landscaping conditions. It was confirmed that when those elements came forward they would be required to take account of the extant permission.

Debate and Decision Making Process

- (10) Councillor Littman stated that he fully supported the officer recommendations including the recommendation conditions 8 and 9 be retained in their current form and that the request they be varied be refused.
- (11) Councillor Mac Cafferty supporting the proposed variations was in agreement that variation of conditions 8 and 9 be refused. He stated that when the green roof and green walling had been approved under application BH2013/01034, the Committee had been clear that it was essential for details of this element to be submitted prior to the commencement of any remodelling of the building as these elements were not associated with the residential extension to the building but formed part of the treatment of the building as a whole. Nothing had changed and he considered that it would not therefore be appropriate for those conditions to be varied.
- (12) A vote was taken and on a vote of 11 to 1 it was agreed to vary the conditions set out in below (1). A further vote was taken and Members voted unanimously that the request to vary conditions 8 and 9 as set out in (2) below be refused.

45.6 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 11 of the report and resolves to make a **SPLIT DECISION** to:

(1) **GRANT** a variation to conditions **13, 14, 15, 16, 17, 21, and 22;** and

(2) **REFUSE** a variation to conditions **8 and 9** subject to the Conditions and Informatives set out in section 11 of the report.

G BH2014/03283, 54 Woodland Drive, Hove - Full Planning

Change of use from residential dwelling (C3) to day nursery (D1) including alterations to fenestration and construction of gable ends and two rear dormers to allow accommodation in the roof space.

- (1) The Planning Manager (Applications), Nicola Hurley, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. It was explained that the application site related to a detached two-storey dwelling house located on the west side of Woodland Drive. The house was of traditional design with a cat slide roof to the front elevation. The house included a hardstanding area to the front for car parking. The site slopes up to the rear and the rear garden was split into different levels to reflect the topography of the site. The dwelling includes a conservatory to the rear. Woodland Drive also sloped up from south to north. To the rear of the garden is a woodland area known as the Three Cornered Copse. This is a Site of Nature Conservation Importance. The dwelling was adjacent to a pathway to the north which leads to the copse and was also opposite the junction with Shirley Drive which contained a parade of shops. The remainder of the surrounding area was predominately comprised of detached dwelling houses set in substantial grounds. The site was adjacent to the Woodland Drive Conservation Area to the north and west of the site.
- (2) The main issues to be considered in determination of the application were the acceptability of the proposed nursery in this location having regard to the existing use as a dwelling, the impact on neighbouring amenity, impact on the design of the host property and surrounding area (including the setting of the adjacent Conservation Area), impact on trees and traffic issues.
- (3) It was considered that the development would provide a day nursery capable of meeting the Council's standards and would also retain a residential unit of an acceptable standard of accommodation within the premises. Subject to compliance with the suggested conditions, the day nursery use will not cause undue noise or disturbance for occupiers of adjoining properties. Likewise the proposed parking and access arrangements will not create a highway safety hazard. The proposal was also appropriate in respect of its design and would preserve the appearance of the host building and surrounding area. The scheme would not detrimentally affect the setting of the adjoining Woodland Drive Conservation Area, approval was therefore recommended.

Public Speakers and Questions

- (4) Mr Beardmore spoke on behalf of neighbouring residents setting out their objections to the proposed scheme. He stated that it would create a high level of noise nuisance, disturbance and disruption and represented an unneighbourly form of development. Parents dropping off and picking up their children at certain times of the day were likely to exceed the on-street parking available and could lead vehicles being parked on grass verges. A toddler swimming group previously located nearby had resulted in similar problems. Given the close proximity to the elevated section of the T junction nearby this would impede visibility and give rise to serious road safety issues.
- (5) Councillor Bennett spoke in her capacity as a Local Ward Councillor setting out her objections and those of her ward colleague, Councillor Brown. She stated that they did

not believe that the application site situated as it was in a quiet residential street was a suitable location. Woodland Drive was also extremely busy particularly in the mornings and evenings when children would be arriving/going home, as it was a main route into Hove. Parking was always difficult and the lay by was located on the opposite side of the road. Due to the close proximity of the T junction there was no safe crossing place. Overall it was considered that the accommodation was too small for its proposed use, that the level of outside play space was insufficient and noise nuisance would result for near neighbours.

- (6) Mr Wood was in attendance accompanied by Ms Shahin, the applicant, to speak in support of her application. Ms Shahin was present in order to answer any questions in relation to her application. Mr Wood explained that that the proposal would provide a much needed nursery facility whilst also retaining a residential unit of an acceptable standard and preserve the appearance of the existing building. It was not considered that it would give rise to parking problems or create a highway safety hazard.
- (7) In answer to questions by Councillor Miller Ms Shahin explained the ratio of staff to children required was dependent on their ages. There would be between 7-10 staff on site at any time.

Questions for Officers

- (8) Councillor Littman asked in respect of any shortfall in provision, as in accordance with planning policy he understood that the loss of a dwelling house should be resisted unless a shortfall had been identified which made an exception to policy appropriate. It was explained that, although there was no shortfall in provision the Council's Early Years Team had indicated their support for the proposal
- (9) Councillor Barradell sought confirmation regarding of the height of the fence to the front of the property and whether it was typical of the area.
- (10) Councillor Miller asked to view plans showing the proposed and existing side elevations, noting that provision of a gable as proposed would result in a large roof in relation to that of neighbouring dwellings. He also sought clarification regarding the level of parking available on and off-street. The Principal Transport Officer, Steven Shaw explained that it was anticipated that dropping off and picking up times were likely to be staggered, also that not all parents or staff would drive to the nursery. A bus route passed nearby and some parents and staff would arrive by public transport or on foot. A Travel Plan would be required as a condition of any permission granted.
- (11) Councillor Gilbey asked whether parking would be available on site associated with the staff flat which would be provided.

Debate and Decision Making Process

- (12) Councillor Miller stated that he did not consider that a compelling case had been made for loss of the existing residential dwelling. He also considered that there would be a detrimental impact on parking in the area and that this also gave rise to highway safety concerns. Also, that the roof alterations would be out of keeping with the neighbouring street scene and would have a negative impact.

- (13) Councillor Littman concurred stating that as an exception to policy had not been demonstrated, there was no significant short fall in provision, a consistent approach should be maintained and existing policies upheld. On that basis the application should be refused.
- (14) The Chair, Councillor Cattell, stated that she shared concerns expressed regarding the suitability of the site, the level of traffic that would be generated and loss of a family home.
- (15) A vote was taken and on a vote of 9 to 3 planning permission was refused.
- (16) Councillor Miller proposed that the application be refused on the grounds set out below, this was seconded by Councillor Littman
- (17) A vote was taken and Councillors Cattell, the Chair, Gilbey, Barradell, Janio, Littman, Miller, Morris, A Norman and K Norman voted that planning permission be refused. Councillors Hamilton, Inkpin-Leissner and Mac Cafferty voted that planning permission be granted.
- 45.7 **RESOLVED** - That the Committee has taken into consideration with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 but resolves to **REFUSE** planning permission for the reasons set out below:

(1) The Brighton and Hove Local Plan 2005 Policy HO26 exception to Policy HO8 does not apply as it has not been demonstrated that there is a significant shortage of the provision of nursery facilities in the vicinity. The loss of housing is not therefore justified.

(2) The location of the application site by virtue of its proximity to a busy T junction, and the lack of on-site parking spaces would have a detrimental impact on road safety contrary to Policies TR1, TR7 and TR12 of the Brighton & Hove Local Plan 2005; and

(3) The roof alterations by reason of their scale and design would fail to respect the character of the property and the immediate vicinity contrary to Policy QD14 of the Brighton & Hove Local Plan 2005 and SPD 12: Design Guide for Alterations and Alterations.

H BH2014/03546, The Compound, Northease Close, Hove-Full Planning
Demolition of existing buildings and erection of 2 no four bedroom houses (C3) with detached garages, cycle parking and landscaping.

- (1) It was noted that this application had been the subject of a site visit prior to the meeting.
- (2) The Planning Manager (Applications), Nicola Hurley, introduced the application and gave a presentation by reference to plans, photographs and elevational drawings and aerial views of the site. It was noted that the application site related to a builders yard. The application site related to a builder's yard known as The Compound, located off

Northeast Close. The site was enclosed, surrounded by residential properties and included single-storey buildings used as offices and for storage associated with the use of the site. The buildings were sited adjacent the north, south and eastern boundaries. The site also included skips for building waste and a central parking and loading area. Due to the topography of the site, the houses to the north on Gleton Avenue were at a higher ground level. The houses on Gleton Avenue were two-storey detached dwellings. The houses to the south of the site at West Way were set at a lower ground level than the application site and were also two-storey dwellings. The dwellings on Northeast Close were detached bungalows in a cul-de-sac.

- (3) The main considerations in the determination of this application related to the loss of the existing use and the principle of residential use, whether the scheme was appropriate in terms of its design and appearance, its impact on the amenity of adjacent properties, highway considerations, sustainability, land contamination, standard of accommodation and impact on trees. It was considered that the development was of an appropriate height, scale, bulk and design and would fit in with the character of the area. The development would not cause significant harm to neighbouring amenity by way of loss of light, privacy or outlook, or increased overshadowing, noise or disturbance and was also appropriate in terms of highway safety and sustainability and approval was therefore recommended.

Public Speakers and Questions

- (4) Ms Neadley spoke on behalf of objectors to the proposed scheme. She referred to visuals which she had prepared showing the application site in relation to her neighbouring property. The proposal would be overbearing and would have a detrimental impact on the availability of natural light to her property and to other neighbours. The scheme would be overbearing oppressive and would have a negative impact on amenity.
- (5) Mr Bareham spoke on behalf of the applicants in support of their application. He explained that the proposed use would result in a small reduction in traffic movements onto the site. Due to the gradient of the site whilst the properties would be visible they would not be overbearing, would improve the appearance of the site by replacing the existing hard standing with gardens.

Questions for Officers

- (6) Councillor Mac Cafferty sought clarification whether due to gradients across the site the neighbouring properties were set at a higher level than the site itself and the height of the boundary fences. He also asked for clarification whether daylight studies were required in relation to smaller schemes and it was confirmed they were not. In answer to questions officers confirmed that they were unable to verify the accuracy of the visuals provided by the objector.
- (7) Councillor Barradell, requested to see sections of the site indicating the location of the northern most buildings on the site in order to satisfy herself regarding the potential impact of the development on sunlight to the existing properties neighbouring the site.

Debate and Decision Making Process

(8) The Committee then moved directly to the vote. A vote was taken and on a vote of 8 to 4 planning permission was granted.

45.8 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 11 of the report and the policies and guidance in section 7 and resolves to **GRANT** planning permission subject to the Conditions and Informatives set out in section 11.

I BH2015/01278, Warehouse 1A Marmion Road, Hove - Full Planning

Demolition of existing warehouse (B8) and erection of 4 no. two/ three storey residential dwellings (C3) and offices (B1).

(1) The Planning Manager (Applications), Nicola Hurley, introduced the application by reference to photographs, plans and elevational drawings. It was explained that the merits of the scheme had been substantially discussed as part of the preceding applications. The principle of demolition, the change of use, impact on the amenities of adjacent occupiers, standard of accommodation, transport and sustainability issues were found to be acceptable as part of the previous planning applications and subsequent appeal decision. The quantum, siting and scale of the development had not altered significantly and assessment of this application therefore mainly related to those aspects of the current scheme which differed from the previous application and related to the impact of the proposal on the character and appearance of the area and its relationship with "The Cottage", which adjoined the site to the north. Reference was also made to the further representations which had been received and were set out in the "Additional Representations List" accompanied by the officer response to them.

(2) It was considered that the proposed demolition of the building and the change of use of the site were acceptable having regard to the retention of employment floor space in the new scheme. The proposed development was considered to be of a suitable design standard that would not significantly harm the amenities of adjacent occupiers. Subject to appropriate conditions the development would meet the appropriate sustainability standards and provide safe parking for vehicles, in accordance with development plan policies. Approval was therefore recommended.

Public Speakers and Questions

(3) Councillor Nemeth spoke in his capacity as a Local Ward Councillor setting out his reservations in respect of the scheme, whilst broadly supporting it he had some concerns specifically in relation to the relationship between the development and "The Cottage". Whilst amendments had been made in order to address the previous reasons for refusal and decisions of the Planning Inspectorate to dismiss the previous appeals, he considered that changes made to address any potential harm to "The Cottage" were minimal, it would be completely dwarfed by this development. Late changes had been made to the colour of the render and brickwork, but had a more sympathetic scheme been devised from the outset it would have been built and occupied by now. If the Committee were minded to approve the proposed development he considered that it would be appropriate for the roof room to be removed as this would reduce the level of overlooking and would reduce the level of harm and loss of amenity to the neighbouring dwelling.

- (4) Mr Bareham spoke on behalf of the applicants in support of their application and was accompanied by Mr Turner, the architect who was available to answer any questions as appropriate. Mr Bareham stated that the applicants had sought to overcome the previous reasons for refusal and to achieve a more sympathetic form of development. There would be a gap between the development and “The Cottage” and the upper storey at that end of the development had been scaled back in order to address previous concerns. Whilst it had not been possible to address all concerns the current scheme had addressed them as far as it was possible to do so, a number of conditions were also proposed which would control the form of the development.

Questions for Officers

- (5) Councillor Janio explained that he had found the references to the planning history and constituent elements of the various schemes confusing and sought further clarification, the differences between them. The Planning Manager (Applications), Nicola Hurley did this by further reference to the submitted elevational drawings and plans.
- (6) Councillor Hamilton sought clarification regarding the height of the existing warehouse building and that of the new building. He also sought clarification of the rationale for the “redundancy” test being met as the requirements of the Local Plan did not appear to have been met. It was explained that the Planning Inspector had accepted the building as redundant for warehouse use, that was a relevant planning consideration.
- (7) Councillor Littman requested that the material differences between the current scheme and the previous one be highlighted. The Chair also asked that a photomontage showing the scheme overall be displayed. In answer to further questions it was explained that the previous scheme had been refused by a Committee decision.
- (8) Councillor Mac Cafferty sought clarification regarding the sustainability level required to be met, levels 3 and 4 appeared to be referred to in the report. It was confirmed that the current scheme would be required to meet Code 4, a condition to that effect would be included in any planning permission granted.
- (9) In answer to questions from Councillor Morris it was explained that details of the cladding to be used would be required under Condition 9.
- (10) Councillor Gilbey requested details of the amenity space to be provided, the distance and height of the building in relation to its neighbours and the buildings on Mainstone Road.
- (11) Councillor Janio referred to the previous decision of the Planning Inspector and it was explained that the previous appeal had been dismissed on only two grounds, the Inspector had considered that all other elements of the scheme were acceptable.

Debate and Decision Making Process

- (12) Councillor Barradell stated that she had not been involved in making the previous decision and was concerned that an old building (1898), of character would be lost and replaced by a less sympathetic structure. In her view there had been no attempt to

respect the neighbouring cottage or street scheme. The proposal was completely at variance with that. The existing building should be retained and works undertaken to the existing envelope.

- (13) Councillor Morris stated that whilst he respected the Inspector's decision he did not agree with it. He was concerned that due to the height of the development there would be a significant degree of overlooking into the bedrooms of neighbouring dwellings including those located on the opposite side of the road. He did not feel able to support the proposed scheme.
- (14) Councillor Miller stated that notwithstanding the fact that he had some reservations regarding the scale of the development he understood that the Planning Inspector's decision was a relevant planning consideration. He welcomed the greater use of brick which represented an improvement to the scheme.
- (15) Councillor Mac Cafferty stated that it was important to recognise that the building although old was not protected, had not been listed or recorded as being of importance on either the Local List or elsewhere. The Inspector's decisions had found demolition of the building was acceptable and that ultimately except on two grounds the scheme overall was acceptable. The previous decisions and those of the Planning Inspectorate were relevant in considering in considering and determining the application.
- (16) Councillor K Norman stated that he considered that the building was too tall and he was concerned that the top floor rooms would be main living accommodation, which would give rise to a greater degree of overlooking. He considered that the scheme would be more acceptable if the top floor were to be removed.
- (17) Councillor Janio concurred with Councillor Norman asking whether it would be possible to ask the applicant's representatives if they would agree to that element of scheme being amended. The Planning Manager (Applications), Nicola Hurley explained that the Committee needed to determine the application as submitted, if significant changes were made that would constitute a different scheme.
- (18) Councillor Littman stated that he considered the Committee's hands were tied to a degree as a result of the Inspector's previous decisions. It was unfortunate the existing building had not been protected by inclusion on the Local List, but it had not. He found it hard to support the proposed considered it was difficult to refuse it given its planning history.
- (19) Councillor Gilbey stated that she considered that this scheme was as overly dominant as the previously refused scheme. The matter was one of "balance" and on balance she did not consider that the scheme was acceptable and she would not be voting in support of it.
- (20) Councillor Hamilton agreed, the Committee had previously been of the view that the scheme was not in keeping with the neighbouring street scene and that it detracted from its neighbours. He considered that was still the case and could not support this application.

- (21) Councillor Cattell, the Chair, stated that she concurred with the comments made by Councillor Mac Cafferty considering that the previous grounds for refusal had been overcome.
- (22) A vote was taken and on a vote of 8 to 2 with 2 abstentions planning permission was refused.
- (23) Councillor Barradell proposed that the application be refused on the grounds set out below, this was seconded by Councillor Janio.
- (24) A recorded vote was then taken and Councillors Barradell, Gilbey, Hamilton, Inkpin-Leissner, Gilbey, Morris, A Norman and K Norman voted that the application be refused. Councillor Cattell, the Chair and Mac Cafferty voted that minded to grant permission should be given and Councillors Littman and Miller abstained.
- 45.9 **RESOLVED** - That the Committee resolves to **REFUSE** planning permission on the grounds that the proposed development by reason of its height and scale would represent an incongruous feature in the street scene and would also result in the new development having a dominating relationship with the surrounding houses. The proposed development was therefore contrary to policies QD1 and QD2 of the Brighton & Hove Local Plan 2005.

J BH2014/03996,4A Blatchington Road, Hove - Full Planning

Change of use from retail (A1) to hot food takeaway (A5) and installation of extract duct.

- (1) The Planning Manager (Applications), Nicola Hurley, introduced the report and gave a presentation by reference to photographs, plans and elevational drawings. It was explained that the application related to a vacant ground floor retail unit within a three storey mid-terrace property on the south side of Blatchington Road. Residential flats were housed on the upper floors, including within the roof space. There was also a single storey flat roofed extension located to the rear occupying the entire rear garden area. The property was situated adjacent the Old Hove Conservation Area.
- (2) The main considerations in determining this application related to the principle of the change of use, the impact of the external alterations on the character and appearance of the recipient building and the wider area, the impact of the development on the amenity of occupiers of the neighbouring properties and the impact on parking and the highway network in the locality. It was considered that the proposed change of use would not have a significantly detrimental impact on the vitality and viability of the Hove Town Centre. The proposed external works would not have an unacceptably harmful impact on the character and appearance of the recipient property, the wider street scene or adjoining Conservation Area. The proposed change of use would not have a significantly harmful impact on the amenity of occupiers of neighbouring properties, nor would it result in undue parking street or traffic congestion in the locality and approval was therefore recommended.

Public Speakers and Questions

- (3) Mr McComb spoke on behalf of objectors to the proposals. He stated that it was both disappointing and concerning that in the face of categorical refusals by the owner of the property to permit the applicant to use the premises as a hot food take-away they had pursued this application. The owner of the freehold of premises was themselves intending to submit an application to convert the site to housing in addition to the flats located above, this was considered more acceptable, as there were already a number of take-away food outlets nearby. Additionally, there were concerns regarding access for delivery and storage and removal of waste as that would only be possible from the front as access from the rear would be denied. There were also concerns in respect of fire safety, (there were no proper means of escape from the floors above in the event of a fire), noise and odour controls for those living in accommodation above.
- (4) Mr McComb stated that he refuted the information contained in the acoustic report submitted by the applicant, the equipment had been placed on an adjoining roof, had not been positioned correctly, nor had the readings been taken at the times indicated. If granted the Committee was minded to grant approval it was requested that a condition be applied ensuring that the premises closed by 6.00pm.
- (5) Councillor Moonan spoke in her capacity as a Local Ward Councillor setting out her objections to the proposed scheme. She concurred with all that Mr McComb had said on behalf of objectors, considering that the application was “provocative” as no discussions had taken place with neighbouring occupiers or local residents. It would give rise to noise, fumes and traffic issues and would be unneighbourly for those occupying the residential accommodation above and nearby.

Questions for Officers

- (6) Councillor Littman sought confirmation that a planning application could be submitted irrespective of whether or not the premises in question were in their ownership. The Legal Adviser to the Committee, Hilary Woodward confirmed that this was the case and that issues relating to landlord and tenant issues, such as the issuing of a lease, access and fire safety were not planning considerations. They would need to be resolved as separate issues.
- (7) Councillor Inkipin-Leissner enquired regarding conditions which could be applied to control noise and fumes from the extractor fan.
- (8) Councillor A Norman asked whether/what arrangements the applicant had made in respect of fire safety arrangements or in order to mitigate any noise or other nuisance. It was explained that these were not planning considerations but would need to be addressed under Building Control or Environmental Health requirements.
- (9) Councillor Barradell sought clarification of the arrangements which would be put into place for the removal of refuse from the premises and regarding verification of the acoustic data provided by the applicant
- (10) The Planning Manager (Applications), Nicola Hurley, stated that a number of fast food establishments in the city had timed daily waste collections from the front of their buildings, including a number of premises located nearby in Boundary Road. It was confirmed that until the objector had raised the issue officers had been unaware any

queries in respect of to the validity of the acoustic assessment. The Chair, Councillor Cattell suggested that in view of the queries raised it would be appropriate to defer consideration of the application in such time as the information provided could be verified. Members were in agreement this would be appropriate.

(11) It was agreed to defer determination of the application in order to refer back to the applicant regarding on validity of the acoustic data provided, following receipt of information from the speaker at Committee about removal of testing equipment.

45.10 **RESOLVED** – That for the reasons set out above consideration of this application be deferred in order for those matters to be investigated further.

Note: It was noted that as the decision to defer determination of the application, pending verification by the applicant of the validity of the submitted acoustic data had been made after the objector and the Ward Councillor had spoken (the applicant/agent had also been invited to attend but had not done so), no further public speaking would be permitted in respect of this application.

46 TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF PLANNING APPLICATIONS

46.1 There were none.

47 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

48 LIST OF APPLICATIONS DETERMINED UNDER DELEGATED POWERS OR IN IMPLEMENTATION OF A PREVIOUS COMMITTEE DECISION (INC. TREES MATTERS)

48.1 It was noted that Councillor Hamilton had advised that was an error in respect of the application for 233 Old Shoreham Road, Portslade, (Page 279 of the agenda), it was listed as being in Hove Park Ward. In fact, the applicant, Mr Miah, was one of his constituents in the South Portslade ward. It was confirmed that this information had been corrected on file and in the information appearing on the Council website.

48.2 That the Committee notes the details of applications determined by the Executive Director Environment, Development & Housing under delegated powers.

[Note 1: All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Executive Director Environment, Development & Housing. 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.]

49 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

50 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

51 APPEAL DECISIONS

51.1 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.

The meeting concluded at 7.55pm

Signed

Chair

Dated this

day of