

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 27 JANUARY 2016

THE RONUK HALL, PORTSLADE TOWN HALL

MINUTES

Present: Councillors Cattell (Chair), Gilbey (Deputy Chair), C Theobald (Group Spokesperson), Mac Cafferty (Group Spokesperson), Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Morris, Wares and Wealls

Officers in attendance: Jeanette Walsh (Planning & Building Control Applications Manager), Nicola Hurley (Planning Manager – Applications), Liz Arnold (Principal Planning Officer), Adrian Smith (Principal Planning Officer), Liz Hobden (Planning Policy Manager), Steven Shaw (Principal Transport Officer), Hilary Woodward (Senior Solicitor) and Ross Keatley (Democratic Services Manager).

PART ONE

125 PROCEDURAL BUSINESS

A) Declarations of substitutes

125.1 Councillor Wealls was present in substitution for Councillor Miller.

B) Declarations of interests

125.2 Councillor Mac Cafferty a personal interest in application A) BH2014/03394 – Land Adjacent to 6 Falmer Avenue, Saltdean, Brighton as he had attended a meeting with the applicant, whilst Chair of the Planning Committee, he had been accompanied by an Officer from the Planning Department and confirmed that he had not pre-determined the application and would therefore remain present during the consideration and vote on this application.

125.3 Councillor Bennett declared a personal interest as she had used the services of the agent listed in the agenda in respect of application A) BH2014/03394 – Land Adjacent to 6 Falmer Avenue, Saltdean, Brighton and application B) BH2015/01471 – The Astoria 10-14 – Gloucester Place, Brighton when she had made planning applications for her own property; however, she confirmed was able to consider the applications with an open mind and would remain present for the consideration and vote on these applications.

125.4 Councillor Barradell declared instances of lobbying in respect of application A) BH2014/03394 – Land Adjacent to 6 Falmer Avenue, Saltdean, Brighton, but

confirmed she remained of an open mind and would remain present for the consideration of vote on this application.

C) Exclusion of the press and public

125.5 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.

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

D) Use of mobile phones and tablets

125.7 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 ‘aeroplane mode’.

126 MINUTES OF THE PREVIOUS MEETING

126.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 9 December 2015 as a correct record.

127 CHAIR'S COMMUNICATIONS

127.1 The Chair highlighted that the reports in relation to the planning applications now contained information on any pre-application advice that had been given, as this had been the request of the Committee.

128 PUBLIC QUESTIONS

128.1 There were none.

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

129.1 **RESOLVED** – There were no further requests for sites in relation to matters listed on the agenda.

130 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS

A BH2014/03394 - Land adjacent 6 Falmer Avenue Saltdean Brighton - Full Planning - Demolition of existing house and stables and construction of 32 no. dwellings comprising of 4 two bedroom flats and 28 two storey two, three and four bed dwellings incorporating open space and landscaping works, parking and creation of access road from Falmer Avenue with other associated works. Creation of new pedestrian link between Falmer Avenue and South Downs Footpath.

- 1) The Committee noted that this application had been the subject of site visit prior to the meeting.

Officer Presentation

- 2) The Principal Planning Officer, Liz Arnold, gave a presentation with reference to plans, photographs and elevational drawings. Attention was also drawn to matters on the Late List and verbal update was given in respect of amending the proposed heads of terms to include Saltdean Lido in the sports contribution. The site related to an existing detached house on Falmer Avenue and an associated large paddock and stable block to the rear of 1.36 hectares. The site sloped downwards north to south and east to west, and immediately to the south was the built up area of Saltdean and there was an existing bridleway along the western edge of the site. Planning permission was sought for the demolition of the detached dwelling and construction of four flats and 32 houses to be a mixture of two, three and four bedroom units. The site would have 40% affordable housing and the two ground floor flats would be wheelchair accessible units.
- 3) In terms of the policy context the Local Planning Authority had been asked to reduce the shortfall in the housing supply by considering sites on the urban fringe. In terms of the urban fringe assessment the site had been identified as having the scope and provision for housing based on a high level assessment – half of the site had been assessed as suitable for 12 dwellings and the proposed density of the development was considered appropriate for this location.
- 4) The site abutted the South Downs National Park, and the design of the properties – two-storeys with a flat roof – allowed for a reduction in height and was considered to pick up on similar art-deco style buildings in the wider Saltdean area. The proposed buildings would be finished in white render, with aluminium door and window frames. A landscape visual impact assessment had been undertaken and it was considered the site would not have a significant impact on the wider Saltdean settlement form. The height of the proposed dwellings would help reduce the impact on the skyline. Whilst there would be some infilling from some points this was not considered to significantly harm views into the national park.
- 5) Revisions to the scheme now retained enough undeveloped land to create a buffer to the national park and it was considered that this would help to enhance the rural-urban interface at this location in the long-term. The impact of amenity was considered in the report, whilst the properties abutting the site would lose their views into the national park this was not a material planning consideration. In relation to the new access road to the site an acoustic report had been submitted which identified that no acoustic measures were required and the proposed provision of landscaping would help to reduce the noise. A Construction Environmental Management Plan was required as part of the s106 to protect neighbouring properties. The application was recommended to be minded to grant for the reasons set out in the report.

Public Speaker(s) and Questions

- 6) Lisa Forrest spoke in objection to the scheme of behalf of local residents. She stated that her representation was on behalf of over 4000 residents that opposed the scheme and other objectors included the South Downs National Park Authority and Natural

England. The site directly abutted the national park on two sides and had previously been part of the Area of Outstanding National Beauty. Development of the site would merge the settlements of Rottingdean and Saltdean creating urban sprawl and there was a risk of flooding on the site. Vehicular access to Falmer Avenue was dangerous in snowy and icy conditions; local buses only serviced the area hourly. The uniformity of the proposed design was uncharacteristic of the area and would overshadow due to the proximity of the buildings and the gradient of the site. Concerns were expressed in relation to air quality in Rottingdean High Street and the impact on local amenities. In summary Ms Forrest highlighted that the location was unsuitable; the access would be insufficient; the design was not in-keeping with the local area; it would create a loss of privacy and there were insufficient schools places locally. The Committee were urged to refuse the application.

- 7) Mr John Bryant addressed the Committee in his capacity as a Rottingdean Parish Councillor. He stated that the Parish Council objected to the scheme and the emerging neighbourhood plan for Rottingdean, supported by the majority of residents, sought to safeguard against development of urban fringe sites. It was highlighted that the site abutted the national park and the local nature reserve and was currently a green space. The modern design was not considered to be in-keeping with the surrounding areas, and the urban fringe study had only identified the potential for 12 dwellings on half of the site and the scheme proposed 32 across the whole site. Concern was raised in relation to the impact of traffic and air quality on Rottingdean High Street and it was considered that this made it contrary to NPPF. It was argued that the application should be accompanied by a full transport assessment; the potential of flooding on the site was also highlighted. The Committee were invited to refuse the application.
- 8) Councillor Mears spoke in opposition to the scheme as one of the Local Ward Councillors. She highlighted the inappropriate nature of the design and the negative impact this would have on the skyline in Saltdean and also made note of the potential risk of flooding at the site. Mention was made of the comments from the Education Officer in relation to the number of schools places and it was noted that the local school also served East Saltdean that was under the East Sussex County Council Local Education Authority. There was inadequate services and infrastructure in the area and it was felt that to grant the application would depart from local policies in relation to sustainable transport. Development of the site would add to the existing transport problems on the A259 and increase traffic within Saltdean. Concern was raised about access to the site for service and emergency vehicles, and attention was drawn to the comments in the urban fringe assessment. The Committee were asked to refuse the application.
- 9) Mr Shaw addressed the Committee on behalf of the applicant. He highlighted the amount of work that had gone into the application and noted that the design of the scheme had been the subject of extensive consultation and amended to take on board local concerns. During the life of the application the number of units had been reduced and the majority would be family homes. The level of local concern was recognised, but it was also highlighted that much of this was in objection to the principle of any development on the site. It was highlighted that the local authority did not have a five year supply of land as required by Central Government. The level of affordable housing on the site was highlighted as well as the provision of family homes. The proposed development did not break the skyline and would not harm views into the national park

– instead the development would create a buffer. The design was supported by the County Architect and there was no impact in terms of overlooking or noise. The application had the potential to improve biodiversity and any impact on the local infrastructure would be mitigated through the s106 agreement.

Questions for Officers

- 10) In response to Councillor C. Theobald the width of the new access road was confirmed and it was added that this was considered more than sufficient for access by service and emergency vehicles. In response to further questions it was explained that flood risk had been assessed and, subject to compliance with recommended conditions, no concerns had been raised.
- 11) In response to Councillor Littman it was explained that half of the site had been assessed in the urban fringe assessment on the criteria identified. The findings of that study were subject to further work through the City Plan or a detailed planning application and the County Architect had raised no objection to development of the whole site.
- 12) In response to Councillor Barradell it was explained that the design and proposed materials had been assessed by the in-house Design Panel, and there was a condition requiring materials to be submitted as part of the permission. The Planning & Building Control Applications Manager added that no objection had been raised to the use of render in this location, though Officers were aware of concerns that had been raised of the use in more exposed locations. The agreement of materials would be a delegated matter in consultation with the Chair, Deputy Chair and Opposition Spokespersons.
- 13) In response to Councillor Wares the locations of the some of the other art-deco style properties in the Saltdean area were highlighted on a map – though it was noted this was not an exhaustive list. In relation to air quality it was noted that no objection had been raised and any impact would be negligible. The Senior Lawyer added that the Case Officer had relied upon the advice of the Council's specialist officer when making the recommendation.
- 14) In response to Councillor Gilbey it was explained there was no guidance on acceptable distances between proposed developments and the national park. In response to a further query it was clarified that the Rottingdean Neighbourhood Plan was an emerging document which had not been through any statutory stages.
- 15) In response to Councillor Mac Cafferty it was explained that Officers had looked extensively at the available housing provision on brownfield sites; the failure to meet the housing needs across such sites had led the Inspector to require the authority to undertake the urban fringe assessment.

Debate and Decision Making Process

- 16) Councillor C. Theobald stated that she did not like the design and it was not in-keeping with the wider area. She felt the site should be protected as 'downland'. She added that if the development received permission then funds for the s106 should be used for

Saltdean Lido. She added that the scheme proposed too many units for the site and she had concerns in relation to flood risk and school places.

- 17) Councillor Barradell stated that she was in two minds in relation to the application; whilst the application site was not in the national park she felt that to grant the scheme would go against local policy. She stated that her main concerns related to the design and the materials.
- 18) Councillor Littman noted that he shared many of the concerns already raised in the debate; he had particular concern in relation to the urban assessment and noted that the proposals were for many more houses than originally identified.
- 19) Councillor Wares stated that he accepted Officer's views on air quality, but still had remaining concerns in relation to the design as the proposed development was not in-keeping with Saltdean; he highlighted the need for new homes in the city, but urged the Committee not to agree to unacceptable design for the sake of new homes.
- 20) Councillor Morris noted the difficulty of the decision before the Committee, but he felt a better scheme could be realised at this site.
- 21) Councillor Inkipin-Leissner noted that he was not completely against the development, but he raised concerns in relation to overdevelopment, traffic and flood risk. For these reasons he stated he would not support the Officer's recommendation.
- 22) Councillor Mac Cafferty also noted the difficulty of the decision, but highlighted that the city's housing allocation could not be met through brownfield sites alone. With this in mind the Committee would have to determine increasingly emotive sites such as this; however, the urban fringe was evidence that the principle of development on the site was acceptable – for these reasons he would support the Officer's recommendation.
- 23) Councillor Gilbey highlighted there was no guidance on acceptable distances between developments and the national park; she noted that she did not personally like the design, but having attended the site visit she did not object to the principle of development on the site and the city needed additional housing – for these reasons she would support the Officer's recommendation.
- 24) The Chair stated that the decision was very difficult, but she accepted the advice of experts in relation to flooding and air quality. She went on to state that her major concern related to design and for this reason she would not support the Officer's recommendation.
- 25) A vote was taken and the Officer's recommendation that the Committee be minded to grant to the application; this was **not** carried on a vote of 3 in support with 8 against and 1 abstention. Reasons were then proposed by Councillor Littman to refuse the application and these were seconded by the Chair. A short adjournment was then held to allow the Chair, Councillor Littman, the Planning & Building Control Applications Manager, the Senior Lawyer, the Planning Policy Manager and the Principal Planning Officer to draft the reasons in full.

- 26) A vote was taken on each of the two proposed reasons for refusal to determine if one or both of them would form the substantive reason(s) for refusal when a final recorded vote was taken.
- 27) A vote was taken on the first proposed reason for refusal:
- “The proposed development by reason of its design is out of keeping with the prevailing character of the urban fringe area and does not emphasize its positive characteristics in terms of prevailing style and material, would result in an incongruous development of detriment to the character of the local area and fails to enhance the surrounding landscape. These demonstrable and significant adverse impacts are considered to outweigh any benefits of the proposed scheme. As such the proposal is contrary to policies QD1, QD2, NC5 and NC8 of the Brighton and Hove Local Plan 2005 and policies SA4 and SA5 of the emerging City Plan Part One.”
- 28) This was **carried**.
- 29) A vote was taken on the second proposed reason for refusal:
- “By virtue of the scale of development proposed and associated site coverage it is considered that, in this sensitive location, the harmful impacts of the proposal on local landscape character, visual amenity and the setting of the National Park, represents an overdevelopment of the site. These demonstrable and significant adverse impacts are considered to outweigh any benefits of the proposed scheme. As such the proposal is contrary to policy NC5 and NC8 of the Brighton and Hove Local Plan 2005 and policies SA4 and SA5 of the emerging City Plan Part One.”
- 30) This was **not carried**.
- 31) A recorded vote was then held and Councillors: Cattell, C. Theobald, Barradell, Bennett, Hamilton, Inkpin-Leissner, Littman, Wares and Wealls voted that permission be refused and Councillors: Gilbey, Mac Cafferty and Morris voted that permission not be refused
- 130.1 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **REFUSE** planning permission for the reason set out below:
- i. The proposed development by reason of its design is out of keeping with the prevailing character of the urban fringe area and does not emphasize its positive characteristics in terms of prevailing style and material, would result in an incongruous development of detriment to the character of the local area and fails to enhance the surrounding landscape. These demonstrable and significant adverse impacts are considered to outweigh any benefits of the proposed scheme. As such the proposal is contrary to policies QD1, QD2, NC5 and NC8 of the Brighton and Hove Local Plan 2005 and policies SA4 and SA5 of the emerging City Plan Part One.

- B BH2015/01471 - The Astoria 10-14 - Gloucester Place Brighton - Full Planning -** Demolition of existing Grade II listed building (approved under BH2013/03927) and construction of a new part 3/part 7 storey building (plus basement) to form 70no one, two, three and four bedroom self-contained residential units (C3) and incorporating commercial units (A1/A2/B1) in the basement and on the ground floor fronting Gloucester Place, a community room (D1) on the ground floor fronting Blenheim Place together with refuse/recycling facilities, cycle storage and other associated works.

Officer Presentation

- 1) The Principal Planning Officer, Adrian Smith, introduced the application and gave a presentation by reference to photographs, plans and elevational drawings. The application related to a Grade II listed property on Gloucester Place; permission was sought to demolish and rebuild the site which was located in the Valley Gardens Conservation Area. There was an existing permission on the site which expired on 5 March 2018, and the differences between the proposed and approved schemes were highlighted though it was noted the design was largely the same and would use a similar palette of materials. The loss of the Grade II listed building remained acceptable and the scale, form and height were largely the same as were the considerations in relation to transport and highways. The viability case for the housing had been assessed and agreed, and full details would be in the s106 agreement. The main concern related to the standard of some of the accommodation which was considered to be sub-standard and outweigh the wider gains of the additional housing on the site. The application was recommended for refusal for the reasons set out in the report.

Public Speaker(s) and Questions

- 2) Mr Davis spoke in support of the scheme in his capacity as the applicant. He stated that the ethos of the development was to create a community focused environment where tenants would have access to communal facilities including: landscaped areas, bookable dining room, bookable guest rooms, on site gym and cycling spaces. Assurance was provided that it was not the intention for the site to be used for student housing. The level of s106 contributions required put pressure on the viability of the scheme, and the Officer report demonstrated that the scheme was acceptable in terms of the impact on neighbouring properties, the loss of the listed building and the standard of accommodation for the majority of the units. The aim was to create a new specialist style residential accommodation, and the Committee were invited to approve the application.
- 3) In response to Councillor Barradell the speaker confirmed this type of high-end rented accommodation was a market that the developer wished to move into.
- 4) In response to Councillor Wares the speaker gave assurance that the development would not be used to house students.

Questions for Officers

- 5) In response to Councillor Barradell it was confirmed that the proposed scheme would restore areas of active frontage to the site.

- 6) In response to Councillor C. Theobald the changes to the rear configuration were highlighted and it was confirmed that were this a recommendation for approval there would be the same conditions as those in the extant consent. In response to Councillor Wealls it was clarified that the accommodation was considered to be substandard as the proximity of the units across the courtyard was insufficient and the only windows were at the front of the units.
- 7) In response to Councillor Wares it was clarified that were the scheme granted then the funds in the s106 for affordable housing would be used to provide affordable housing worth £2.4m – discussions had taken place with the Estates Regeneration Team and there were several unfunded schemes that would be able to deliver affordable rent.
- 8) In response to Councillor Gilbey the Planning Policy Manager explained that there was some flexibility to allow for commuted sums where there were good planning and viability reasons to do so; this was considered acceptable at this site.
- 9) In response to Councillor Morris it was clarified that the building had been vacant for 17 years and this was sufficient to demonstrate the case for the loss of the community facility. Were permission granted then the community space on the site would be made as widely available to the public as possible.

Debate and Decision Making Process

- 10) Councillor Wealls noted he was minded to go against the Officer recommendation as he felt the market would naturally address the issue of sub-standard accommodation.
- 11) Councillor C. Theobald highlighted that the building was derelict; though it would be a shame to lose the original building. She stated she would support the Officer recommendation and also had concerns in relation to parking.
- 12) Councillor Barradell noted that she unsure if the proposed model of accommodation would work, and she was minded to agree with the Officer recommendation for the reasons set out in the report.
- 13) Councillor Morris noted his concerns in relation to affordable housing and stated that he could not support a scheme in this location that did not provide on-site affordable housing.
- 14) Councillor Hamilton noted his support for the Officer recommendation, but highlighted that the applicant could easily bring an acceptable scheme forward at this site.
- 15) Councillor Mac Cafferty noted how difficult the original decision had been; he did not have confidence in the different elements of the scheme and would vote with the Officer recommendation.
- 16) The Chair stated that she would support the Officer recommendation as the quality of the accommodation was poor and some of the design elements were contrived.
- 17) A vote was taken on the Officer recommendation that planning permission be refused and this was carried on a vote of 9 in support, with 2 against and 1 abstention.

- 103.2 **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 **REFUSE** planning permission for the reasons set out below:

Reason for Refusal:

- i. The proposed development includes a significant number of single aspect dwellings that would provide for a sub-standard form of accommodation by reason of insufficient access to natural light, an unduly enclosed outlook, potential noise disturbance from use of the inner courtyard, and lack of suitable privacy. The proposal therefore results in an unacceptable standard of residential accommodation for future occupiers, contrary to policy QD27 of the Brighton & Hove Local Plan.

Informatives:

- ii. In accordance with the National Planning Policy Framework and Policy SS1 of the Brighton & Hove City Plan Part One (submission document) the approach to making a decision on this planning application has been to apply the presumption in favour of sustainable development. The Local Planning Authority seeks to approve planning applications which are for sustainable development where possible.

- C BH2014/03715 - Aldi Stores Ltd 7 Carlton Terrace, Portslade - Full Planning -** Application for variation of condition 1 of application BH2011/02857 to vary the hours of operation of the store to read: The store shall not be open for trading to the public except between the hours of 08:00 and 22:00 on Monday to Saturday, and 10:00 to 16:00 on Sundays and Bank Holidays. Staff may be within the premises between the hours of 07:00 and 23:00 hours on Mondays to Saturdays and 09:30 to 17:30 on Sundays and Bank Holidays.

Officer Presentation

- (1) The Planning Manager (Applications), Nicola Hurley, gave a presentation by reference to plans, photographs and elevational drawings. The application related to the Aldi Store in Portslade; attention was also drawn to some minor errors in section 4 of the report. An initial acoustic report had been submitted which was considered insufficient; therefore, a second was submitted with agreement from Environmental Health. For the reasons set out in the report the application was recommended for approval.

Public Speaker(s) and Questions

- (2) Ms Ross spoke in objection to the application in her capacity as a local resident. She stated that she was representing all the residents that lived in the flats above the premises, and the site was unique as it was a mixed residential and commercial property. Since the store first opened it had extended the initial operating hours and now was open for 11 hours each day; residents already experienced noise from the store and the extension of hours was considered unacceptable. Since 2011 residents

had had cause to make a large number of complaints relating to: breaches of trading hours; out of hours deliveries; loud all night noise from store refitting and staff work outside permitted hours. Residents also felt the noise report was misleading as it was taken from inside the store, rather than the flats above to measure the noise impact. In June 2015 the store had been investigated by the Council and was served a noise abatement notice. Residents wished to contribute to the noise report, but stated that Aldi had refused to agree to the study taking place at a different time of day. The Committee were asked to refuse the application.

- (3) Ms Ross confirmed for Councillor Barradell that residents of the flats included children.
- (4) In response to Councillor Mac Cafferty the speaker explained that a member of staff from the store had informally approached one of the residents to discuss access to the flats for the noise assessment. Residents were of the view that the store should formally write to all the residents and the Council; this had led to some correspondence between the store and the residents, but the store had refused to agree to noise recording in different flats at different times of the day.
- (5) The speaker confirmed to Councillor Hamilton that the store had been issued a noise abatement notice after causing disturbance at 0530 hours.
- (6) In response to Councillor Wares the speaker clarified that she complained formally and informally in excess of 100 times since moving into the flats in 2007.
- (7) Ms Mollart spoke in support of the application in her capacity as the agent representing the applicant. She explained that the decision to extend the hours at the store was a result of demand from customers and the proposed changes to staff hours would allow for cleaning, stocktaking and restocking. The previous application had been overturned on the basis of the noise readings submitted and since then the store had made numerous attempts to meet with residents to take new noise readings. The store manager had approached residents directly and they had asked for this to be communicated in writing – this was done and the store then gave residents three months to respond to requests to meet with them, during which time no responses were received. To overcome the impasse the store agreed to an approach with Environmental Health to assess the impact and this demonstrated that the additional hours would not have a detrimental impact – the store also agreed to limit the hours of use of the compactor. The representative recognised there had been problems in the past, but noted that the store was now working to rectify these.
- (8) The speaker confirmed to Councillor Wealls that she was not aware of any recent complaints of staff working outside permitted hours.
- (9) The speaker confirmed to Councillor Barradell that the store carpark was closed when the store was closed.

Questions for Officers

- (10) Officers confirmed that there was currently nothing that restricted the car park opening hours so it could be assumed they were the same as the hours that the store operated.

- (11) In response to Councillor Mac Cafferty it was explained that the Enforcement Team had had no contact from any complainants since summer 2015 and issues around the use of the compactor and bank holiday operation had been resolved with the store. There was an open enforcement case relating to condition 15 which stated that the store had to provide five residential parking spaces – which had not been complied with. Environmental Health had received two formal complaints last year relating to deliveries and use of the compactors; a notice had been served in relation to the use of the compactor – this was the rationale behind limiting the use of it in the application.

Debate and Decision Making Process

- (12) Councillor Barradell stated she could not support the extension of hours as this would be unfair on the residents living above.
- (13) Councillor Hamilton stated he could not support the Officer recommendation, and he noted the unique situation of having residential properties above a supermarket. He stated he had objected to the original planning in 2004, and felt that the current hours of operation were sufficient given the residential properties above.
- (14) Councillor Wealls stated he did not support the Officer recommendation and had little faith in the store given the history of noise nuisance issues.
- (15) Councillor Inkipin-Leissner stated that the current hours were sufficient.
- (16) Councillor Littman noted that the application was not to the advantage of residents and would cause them increased disturbance.
- (17) Councillor C. Theobald noted that the store had not provided the parking as conditioned in the original application and she had little confidence in the store given the history of disturbance.
- (18) A vote was taken of the twelve Members present and the Officer recommendation that the application be granted was not carried on a vote of 1 for and 11 against. Reasons were then proposed to refuse the application by Councillor Hamilton and these were seconded by Councillor Inkipin-Leissner; a short adjournment was then held to allow the Chair, Councillor Hamilton, Councillor Inkipin-Leissner, the Planning & Building Applications Manager, the Senior Lawyer and the Planning Manager to draft the reasons for refusal in full. These were then read to the Committee and it was agreed they accurately represented what had been put forward by Members. A recorded vote was then taken and Councillors: Gilbey, C. Theobald, Mac Cafferty, Barradell, Bennett, Hamilton, Inkipin-Leissner, Littman, Wealls, Morris and Wares voted that permission be refused, Councillor Cattell voted that permission should not be refused.
- 130.3 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **REFUSE** planning permission for the reason set out below:
- i. Notwithstanding the submitted acoustic report the local planning authority remains unconvinced that the proposed extended opening hours would not result in a detrimental impact on residents living above the store. The proposed development

is therefore contrary to policy QD27 of the Brighton and Hove Local Plan 2005 and policy SU10 of the emerging City Plan Part One.

Informative

- i. In coming to its decision the local planning authority noted the first-hand experience of noise infiltration given by residents of the adjoining flats.

D BH2015/01745 - 107 Marine Drive, Rottingdean, Brighton - Full Planning - Demolition of existing dwelling and outbuildings and erection of a three storey building with additional lower ground floor entrance to provide 7no flats and erection of 2no semi-detached houses accessed from Chailey Avenue with associated landscaping, parking, cycle and bin storage.

- 1) It was noted that the application had been the subject of a site visit prior to the meeting.

Questions for Officers, Debate and Decision Making Process

- 2) In response to Councillor Barradell the access to the front of the proposed scheme was confirmed.
- 3) In response to Councillor C. Theobald a sectional drawing was used to highlight the distance from No. 109 to the proposed scheme.
- 4) It was confirmed for Councillor Wares that the proposed building was set further away from No. 109A than the existing.
- 5) It was confirmed for Councillor Gilbey that any windows overlooking No. 109A would be obscurely glazed and they were secondary windows or served bathrooms.
- 6) A vote was taken of the eleven Members present and the Officer recommendation that the Committee be minded to grant the scheme was unanimously carried.

130.4 **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.

E BH2015/03422 - 18 McWilliam Road, Brighton - Householder Planning Consent - Hip to gable roof extensions, creation of rear dormers and insertion of front rooflights.

- 1) This application had been the subject of a site visit prior to the meeting.

Officer Presentation

- 2) The Planning Manager (Applications), Nicola Hurley, gave a presentation by reference to plans, photographs and elevational drawings. The site related to a detached bungalow on the eastern side of the road. A previous application on this property had been refused and was currently the subject of an appeal. The new scheme was still

considered unacceptable resulting in a top heavy form by virtue of the bulk and scale; the dormers in the rear were also excessive and contrary to guidance. For the reasons set out in the report the application was recommended for refusal.

Public Speaker(s) and Questions

- 3) Councillor Simson spoke in her capacity as the Local Ward Councillor in support of the scheme. She stated that the Woodingdean area was characterised by a variety of different building styles; many people moved to the area as it was more affordable and wished to extend their homes when their families grew. No neighbours had objected to the scheme and the application should not be refused simply because the wider area was predominantly bungalows. The proposal was also considered better than some other schemes that had been built in the area under permitted development.
- 4) Mr Kendall spoke in support of the application in his capacity as the applicant. He explained that he wished to extend the home for his growing family. Using photographs he highlighted the variety of styles in the area and some of the changes that had been made to other properties. He added that he believed the barn-end design was appropriate for a detached property and noted that the rear dormers were in line with guidance by being set in from the rear wall.

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- 5) In response to Councillor Mac Cafferty it was confirmed that it was likely some of the properties shown by the applicant would have had works completed under permitted development rights.
- 6) Councillor Mac Cafferty stated he would not support the Officer recommendation as he was satisfied the application would not cause harm to the immediate area.
- 7) Councillor C. Theobald noted she agreed with Councillor Mac Cafferty and noted there was a variety of different styles in the street.
- 8) Councillor Wares stated he did not consider that the application would harm the streetscene.
- 9) Councillor Morris stated that he would support the Officer recommendation.
- 10) Councillor Gilbey stated there were clear reasons to depart from guidance, and for this reason she would not support the Officer recommendation.
- 11) The Chair noted that the design was good, the dormers at the rear would not be visible and there would be no harm to the public realm.
- 12) A vote was taken of the eleven Members present and the Officer recommendation that the application be refused was not carried on a vote of 1 for and 10 against. Reasons were then proposed to grant the application by Councillor Mac Cafferty and these were seconded by Councillor Wares. A recorded vote was then taken and Councillors: Cattell, Gilbey, C. Theobald, Mac Cafferty, Barradell, Bennett, Hamilton, Inkipin-

Leissner, Littman and Wares voted that permission be granted; Councillor Morris voted that permission be refused.

130.5 **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **GRANT** planning permission for the reason set out below together with the conditions listed:

- i. The proposed development does not represent an unduly bulky roof form which would give the recipient property a top heavy and incongruous appearance that fails to respect the character and appearance of the recipient property and is in line with the McWilliam Road streetscape.

Conditions

- i. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions.
- ii. The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

Reason: To ensure a satisfactory appearance to the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD14 of the saved Brighton & Hove Local Plan.

F BH2015/02881 - 37 Preston Drove, Brighton - Removal or Variation of Condition - Variation of condition 2 of application of BH2004/03648/FP (Change of use from house (C3) and Doctor's Surgery (D1) to children's nursery for 60 children and bedsit. Erection of part single storey/part two storey rear extension) to state the number of children using the day nursery at any time shall not exceed 80 without the prior approval of the Local Planning Authority.

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

Questions for Officers, Debate and Decision Making Process

- 2) The Planning Manager (Applications) noted that an additional condition was now recommended for the management plan to be submitted for the outside area.
- 3) Councillor Wares noted the additional condition dealt with the concerns raised by Members at the site visit.
- 4) A vote was taken of the eleven Members present and the Officer recommendation that the application be granted was carried unanimously.

130.5 **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 the additional condition set out below.

- i. Prior to implementation of this planning permission, details of the management of the outdoor space should be submitted to and agreed by the Local Planning Authority. The details shall include mechanisms to ensure that the total numbers of children outside of the buildings at any one time does not exceed 40 children in total. The outside area of the nursery shall only be used in accordance with these approved details.

Reason: To safeguard the amenities of the locality and in order to comply with policy QD27 of the Brighton & Hove Local Plan.

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

- 131.1 **RESOLVED** – There were no further requests for sites in relation to matters listed on the agenda.

132 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

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

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

- 133.1 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.]

134 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

135 INFORMATION ON HEARINGS/PUBLIC INQUIRIES

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

136 APPEAL DECISIONS

136.1 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 6.17pm

Signed

Chair

Dated this

day of