

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm 8 JUNE 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, Hyde, Inkpin-Leissner, Littman, Miller, Moonan and Morris

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

**Officers in attendance:** Nicola Hurley (Planning Manager - Applications), Adrian Smith (Principle Planning Officer), Paul Vidler (Planning Manager – Major Planning Applications), Steven Shaw (Development and Transport Assessment Manager), Hilary Woodward (Senior Solicitor), Ross Keatley (Democratic Services Manager) and Cliona May (Democratic Services Officer).

**PART ONE**

**1 PROCEDURAL BUSINESS**

**(a) Declarations of substitutes**

1.1 There were no declarations of substitutes.

**(b) Declarations of interests**

1.2 Councillor Mac Cafferty declared a personal interest in respect of Application F) BH2015/04277, 37 Lewes Road, Brighton as he knew the objector; he stated that he would withdraw from the meeting during the consideration and vote on this application.

**(c) Exclusion of the press and public**

1.3 In accordance with Section 100A of the Local Government Act 1972 (“the Act”), the Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely in view of the business to be transacted or the nature of the proceedings, that if members of the public were present during it, there would be disclosure to them of confidential information as defined in Section 100A (3) of the Act.

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

**(d) Use of mobile phones and tablets**

- 1.5 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'.

**2 MINUTES OF THE PREVIOUS MEETING**

- 2.1 **RESOLVED** – That the Chair be authorised to sign the minutes of the meeting held on 11 May 2016 as a correct record.

**3 CHAIR'S COMMUNICATIONS**

- 3.1 The Chair welcomed and introduced new Members to the Committee; Councillor Hyde and Councillor Moonan.

**4 PUBLIC QUESTIONS**

- 4.1 There were none.

**5 TO AGREE THOSE APPLICATIONS TO BE THE SUBJECT OF SITE VISITS**

- 4.1 There were no further requests for site visits in relation to matters listed on the agenda.

**6 TO CONSIDER AND DETERMINE PLANNING APPLICATIONS****A BH2016/00403 - 251-253 Preston Road, Brighton - Full Planning Permission**

Demolition of non-original two storey link building. Erection of new 3no storey link building and conversion, extension and refurbishment works to existing buildings to facilitate creation of 22no apartments (C3). Erection of 6no single dwelling houses (C3) to rear of site to provide a total of 28no residential units incorporating provision of new car parking, cycle parking and refuse stores, landscaping, planting and other associated works.

**Officer Introduction**

- 1) The Principle Planning Officer (Adrian Smith) introduced the application and gave a presentation by reference to plans, photographs and elevational drawings; attention was also drawn to matters on the late list. Planning permission had previously been refused due to the size of the extension proposed and the positioning of the buildings to the rear within the conservation area; this scheme sought to address these reasons for refusal. The application sought permission to convert the two Victorian villas to form 22 one, two and three bedroom flats, including the demolition of the existing link building and the erection of a new three storey link building and six houses to the rear of the site. The buildings were currently vacant having previously been in use by the Children's Services team and the site fell within the Preston Park Conservation Area.
- 2) Tree Preservation Orders (TPOs) were in effect for 27 of the 95 trees on the site, and four of the 27 with orders were to be felled. The application included a detailed

landscaping plan with ecological mitigation and there would be parking for 30 vehicles. In relation to affordable housing this would make up 40% of the units on site, with eight units being affordable rent and three intermediate housing. The principle issues related to the heritage aspects and the scale of the link building; the revised massing and design represented a significant improvement from the previous proposals. Whilst it was still considered there would be some harm caused to the conservation area this was considered less than substantial and outweighed by the benefits of the scheme. The application was minded to grant for the reasons set out in the report, subject to a s106 agreement.

### **Questions for Officers**

- 3) In response to Councillor Mac Cafferty, the Officer clarified that there would be a mix of silver birch, fruit and lime trees planted in the garden. It was also clarified that the surviving part of the historic wall would be retained; the proposal to alter it for public access had not formed part of the scheme as it was not considered appropriate..
- 4) In response to Councillor C. Theobald, it was explained that there were 30 car parking spaces in total and four of these were disabled access. One disabled bay was situated directly opposite the exit of the building and the other bays were to the North and South side of the car park.
- 5) It was clarified to Mr Gowans, CAG representative, that there were footpaths through the communal gardens and that no vehicles would be permitted to use these.
- 6) In response to Councillor Littman, the Officer explained that a number of trees had been protected by the TPO which had been introduced for many trees along Preston Road since 1978.

### **Debate and Decision Making Process**

- 7) Councillor C. Theobald noted that the scheme was much improved since the previous application; however, she was disappointed that the roof would not be grey slate and match the neighbouring properties. Councillor C. Theobald stated that overall she was happy with the application.
- 8) Councillor Inkipin-Leissner stated that he disagreed with Councillor C. Theobald and explained that he felt the contrast between the neighbouring properties was not appropriate and it was out of style for the building; however, he added that he would be supporting the application as the rest of the scheme was much improved.
- 9) Councillor Mac Cafferty stated that he had voted to grant the previous application at the site, he would be supporting the Officer recommendation. He appreciated the applicant had responded to the previous reasons for refusal and he thought the landscaping would be a benefit.
- 10) Councillor Miller believed the application had been significantly improved and would enhance the historic elements. He stated that he would be supporting the Officer recommendation.

- 11) Councillor Littman stated that he believed it was a considerable improvement from the previous application and an improvement on what was currently in the area. He added that he understood Councillor Inkin-Leissner's argument in relation to the contrast but that he would be supporting the Officer recommendation.
- 12) Councillor Gilbey explained that she was pleased the flint wall was being saved and hoped it would be protected in the future. The Officer clarified that it would.
- 13) The Chair stated that she was pleased the applicant had worked with the Officers to improve the application; she welcomed the affordable housing and that she would be supporting the Officer recommendation.
- 14) A vote was taken by the 12 Members present and the Officer recommendation that the Committee be minded to grant planning permission was carried unanimously.

6.1 **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 be **MINDED TO GRANT** planning permission subject to a s106 agreement and the conditions and informatives set out in section 11.

**B BH2015/04474 - Units 1-6 Longley Industrial Estate, New England Street, Brighton - Full Planning Permission**

Change of use of all units from light industrial (B1c) and warehousing (B8) to offices (B1a) together with external alterations and refurbishment including increase in height of building, installation of curtain walling system, metal faced cladding and glazed panelling, revised vehicular and pedestrian access, new cycle and motor cycle storage and disabled parking bays.

**Officer Introduction**

- 1) The Planning Manager – Major Planning Applications (Paul Vidler) introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application sought permission for a change of use from light industrial units to office space and the installation of new mezzanine floors. The application sought approval to make changes to the exterior of the existing building with the addition of a new entrance and cladding the front of the building. The building would become four levels, double the floor space and would increase the potential employment numbers from 50 to 500. There would be disabled parking spaces at the front of the building and soft landscaping to the sides and at the rear of the building. The site was located in Development Area 4 of the recently adopted City Plan Part 1 and the site had been allocated for a mixed use development; however, the application proposed all commercial use. It was explained that it was recognised that there was an acute need for new residential development; however, the site only been identified for 10 residential units and other sites in the Development Area 4 had been identified to accommodate higher residential numbers. The application was recommended to be minded to grant as it provided significantly uplifted office space in the area.

**Questions for Officers**

- 2) In response to Councillor Barradell it was clarified that the security fence proposed would be two metres high and around the parking area. The Officer clarified to Councillor C. Theobald that the fence would be made from a metal with an open mesh.
- 3) The Development and Transport Assessment Manager explained to Councillor Barradell that it was unlikely the development would need to fund mitigation measures in relation to traffic flow on New England Street as the proposals were only for two disabled parking bays. It was added that the Committee were so minded they could require that a keep clear box outside the premises be installed.
- 4) The Planning Manager explained to Councillor Morris that the office space could be subdivided for smaller businesses to use.
- 5) In response Councillor Miller it was explained that five sites had been identified in the City Plan Part 1 for mixed use commercial and residential schemes with 10 residential units identified for this site. It was added that the application was for a change of use rather than a new building and Officers were of the view that the were the application for redevelopment then they would expect to see a mixed use scheme. In response to Councillor Barradell, the Planning Manager explained that 165 residential units needed to be developed over the five sites.
- 6) In response to Councillor Moonan it was clarified none of the other sites identified for residential units in the area were currently under development.
- 7) It was explained to Councillor Mac Cafferty that were a scheme to come forward for full redevelopment of the site there would be an expectation that such a scheme should include residential elements in line with policy. It was also explained that there were no plans to extend the 'greenway' that had been developed on New England Street that was near to completion.
- 8) In response to Councillor Inkpin-Leissner, the Development and Transport Assessment Manager explained that there were no plans to provide parking spaces for staff at the site in local public car parks such as London Road. There would be an expectation for the scheme to come forward with a sustainable transport plan. It was also explained that it was unlikely that staff would be competing with residents as the staff would not be able to park in permit holders bays, only the pay and display bays or nearby car parks.

### **Debate and Decision Making Process**

- 9) Councillor Littman noted that there was a greater need for housing rather than office space in the city and stated that he was likely to not support the Officer recommendation as the application did not comply with policy in the City Plan Part 1.
- 10) Councillor Barradell stated that she believed it was a visual improvement on the current site and was pleased that the property would be used for something useful. She stated that she would support the Officer recommendation if there could improvements to the traffic flow issues in the area.

- 11) Councillor Miller stated that he agreed with Councillor Barradell and believed it was a visual improvement. He expressed concern that the materials would be agreed at a later point and with the lack of parking. Councillor Miller noted that despite the property being a visual improvement, he would not be supporting the Officer recommendation as the site did not comply with policy in the City Plan Part 1.
- 12) Councillor Mac Cafferty agreed with Councillor Littman and expressed concern that the site was a missed opportunity and could have been used for housing. He also noted concerns that the materials had not been detailed and that there was no information on where the greenwall would be located. Councillor Mac Cafferty stated that he would likely not support the Officer recommendation.
- 13) Councillor Inkipin-Leissner stated that there wasn't a demand for office space in the city and that there was a demand for housing. He explained that he would not be supporting the Officer recommendation due to the existing parking problems in the area; the traffic issues and the additional pollution it could create.
- 14) Councillor Morris stated that he was pleased that jobs are being created and noted that more jobs were needed in the city. He expressed concerns that: the office space being created would be for large businesses rather than smaller; the proposed property would not help the shortage of housing in the city and the current traffic problems would be exacerbated. Councillor Morris added that he was undecided if he would support the Officer recommendation.
- 15) Councillor C. Theobald noted that additional housing was needed in the city; however, there had already been a lot of new residential properties built in this area. She explained that it was a visual improvement and as it was in the centre of the city, it had good transport links to it; therefore, she stated that she would be supporting the Officer recommendation.
- 16) Councillor Hyde stated that she would be supporting the application because: there were other opportunities for housing in the area; there was a requirement for office space in the city; the space was flexible for small and large offices; it would offer new jobs; it was a vast visual improvement from the current property. She added that she had noted the traffic problems and would support a condition to include a keep clear box.
- 17) Councillor Moonan noted that the scheme was a visual improvement; however, was concerned by the lack of housing in the scheme.
- 18) A vote was taken by the Committee on the Officer recommendation that the Committee be minded to grant permission and this was not carried on a vote of 4 in support with 5 against and 3 abstentions. Councillor Miller proposed reasons for refusal and these were seconded by Councillor Inkipin-Leissner, a short adjournment was then held to allow the Chair, Councillor Miller, Councillor Inkipin-Leissner; the Planning Manager – Applications and the Senior Solicitor to draft the reasons in full. These were then read to the Committee and it was agreed that they reflected those that had been put forward. A recorded vote was then held and Councillors: Gilbey, Barradell, Inkipin-Leissner, Littman, Miller and Moonan voted that permission be refused; Councillors:

Cattell, Theobald, Bennett and Hyde voted that permission not be refused; and Councillors: Mac Cafferty and Morris abstained.

- 19) **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **REFUSE** planning permission for the reasons set out below:

Reason 1

The proposed development does not represent a mixed use development of the site as identified in policy DA4 C.1. of the Brighton & Hove City Plan Part 1 by its failure to provide housing and so contribute to the 165 units identified in the policy.

Reason 2

The Applicant has failed to demonstrate that the traffic generated by the proposed development can be accommodated within the constraints of the existing road network contrary to policy CP9 of the Brighton & Hove City Plan Part 1.

Reason 3

The provision of two disabled spaces on the site is lower than the standards set out in SPGBH4: Parking Standards and is therefore considered unacceptable and contrary to policy TR18 of the Brighton & Hove Local Plan 2005 and policy CP9 of the Brighton & Hove City Plan Part 1.

**C BH2015/03868 - 39-41 Withdean Road, Brighton - Full Planning Permission**

Variation of condition 2 of BH2013/03456 (demolition of existing houses and erection of 3no. detached houses with associated landscaping) to allow the addition of a roof extension to stairwell and a 'gloriette' timber structure and terrace area to Unit 2.

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

**Officer Introduction**

- 2) The Planning Manager – Major Planning Applications introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. It was explained that the application was for an amendment from the permission granted on April 2014. The application sought permission for an extension of the stairway to a new 'gloriette' timber structure and new terrace area on the top of the main flat roof of Unit 2. The three houses on the site had been constructed and the application was for the centre house. Unit 1 had permission granted for an extended stairway, gloriette and roof terrace. A condition had been recommended to restrict the use of the outside space on the roof. The gloriette and stairway would be in the centre of the roof and would be less visible from the street and would not make a significant impact on the neighbours and adjoining properties. The conditions from the previous application would be added to the new planning permission if granted by the Committee as the variation would result in the granting of a new planning permission. The application was recommended to grant for the reasons set out in the report.

**Public Speaker(s) and Questions**

- 3) Mr Ronnie Smith spoke in objection to the application in his capacity as a local resident. He explained to the Committee that the development would not be identical to Unit 1, as Unit 1 had a gloriette that was less visible from key views around the site. The gloriette and extended stairway would make the property significantly higher and would overlook the neighbouring properties. He was of the view that the Committee should have viewed the site from the neighbouring properties gardens, as part of their site visit, and disagreed with the Planning Officer's view that there was ample screening. There would be significant noise and disruption for the neighbouring residents when the work was taking place if the application was agreed, and the application was a means to add an additional floor to the property by stealth. He also expressed concern with the manner in which the neighbour consultation had been conducted.
- 4) In response to Councillor Barradell, Mr Smith stated that he lived in the property behind Unit 2, and he was of the belief that the terrace area would overlook into his garden and property.
- 5) In response to Councillor Miller, it was explained that he could not see the gloriette and terrace area on Unit 1.
- 6) In response to Councillor Theobald the Planning Manager – Major Planning Applications showed the Committee photos from the objector's garden that had been submitted by Mr Smith.
- 7) Councillor K. Norman spoke in objection to the application in his capacity as a ward Councillor. He explained that the application should not be granted because of the loss of amenity it would cause in the area and to surrounding residents. The area the properties were located in was comprised of detached family houses and the new development overlooked the neighbouring properties. It was explained that the residents and their properties needed to be considered and that further additions to the scheme should be refused. The proposed gloriette and terrace area would add another level to the property and this would impact on the surrounding residents. Concern was also expressed that the areas of the roof prohibited for use, could easily be accessed by future owners of the properties.
- 8) Mr Foster spoke in his capacity as the agent acting on behalf of the applicant and explained that the application was for the structure that was previously agreed for Unit 1. The development on Unit 2 did not restrict the neighbouring properties views and would not cause any overlooking. The property was a significant distance away from the neighbouring houses and would not have a significant impact on the amenity of the area. The extended stairwell would provide some screening from overlooking into neighbouring gardens. He noted Officers were recommending that the scheme be granted approval and the proposed landscaping scheme would be carried out in full.

**Questions for Officers**



- 9) In response to Councillor Barradell it was clarified that the roof would not be accessible from the terrace as the chimney blocked access to the skyframe.
- 10) In response to Councillor Gilbey the Planning Manager explained that there was no overall increase in the height of the property because all the proposals were below the highest point of the building, which was the chimney.
- 11) The Planning Manager stated to Councillor Moonan that the previous objection to the development on Unit 1 was because of the obstruction of views that would be detrimental to the neighbours.
- 12) In response to Councillor Miller, it was confirmed that the windows of the properties were high and narrow and had been designed so they did not overlook other properties. The overlooking from the proposed roof terrace would be blocked by the chimney. It was also clarified that the removal of permitted development rights would prevent further extensions without planning permission.

### **Debate and Decision Making Process**

- 13) Councillor C. Theobald noted that it would have been beneficial to see the potential impact on the neighbouring properties during the site visit. She believed that the properties were overbearing and the addition of a gloriette would make them even more so. She stated that she would not be supporting the Officer recommendation.
- 14) Councillor Miller agreed with Councillor C. Theobald and stated that he was concerned with the property overlooking the neighbouring houses, and the application would add an additional storey from what was originally agreed.
- 15) Councillor Inkipin-Leissner commented that the highest point of the house should not be measured from the chimney but from the roof line of the property.
- 16) Councillor Barradell noted that the units were not suitable for the area. She explained that she was unsure if the overlooking onto the neighbouring properties would be significant because the majority of the development would be screened with trees. She added that it would not have a significant impact on the street seen as the bulk of the building was already visible and developed.
- 17) Councillor Littman expressed concern that the development was too high and bulky; therefore he would not be supporting the Officer recommendation.
- 18) A vote was taken by the twelve Members present and the Officer recommendation that permission be granted was not carried on a vote of 2 in support with 7 against and 3 abstentions. Councillor C. Theobald proposed reasons for refusal and these were seconded by Councillor Gilbey, a short adjournment was then held to allow the Chair, Councillor C. Theobald, Councillor Gilbey; the Planning Manager – Applications and the Senior Solicitor to draft reasons for refusal. These were then read to the Committee and it was agreed that they reflected those that had been put forward. A recorded vote was then held and Councillors: Gilbey, C. Theobald, Inkipin-Leissner, Littman, Miller, Moonan and Morris voted that permission be refused; Councillors: Cattell and Mac

Cafferty voted that permission not be refused; and Councillors: Barradell, Bennett and Hyde abstained.

- 19) **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **REFUSE** planning permission for the reasons set out below:

Reason 1

The proposed development would result in unacceptable overlooking of surrounding neighbours to the detriment of their amenity contrary to policy QD27 of the Brighton & Hove Local Plan 2005.

Reason 2

The proposed development by reason of increased height represents an overdevelopment of the site contrary to policy CP12 of the Brighton & Hove City Plan Part 1.

- D BH2016/00926 - 3 Sylvester Way, Hove - Householder Planning Consent**  
Erection of single storey side and rear extension.

**Officer Introduction**

- 1) The Planning Manager – Major Planning Applications introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. Similar applications had been refused twice and two appeals had been dismissed by the Inspector. Officers were now of the view that believed the current scheme had overcome the reasons for refusal and were recommending that the application be granted.

**Debate and Decision Making Process**

- 2) Councillor Littman stated that he believed the extension was too large and too close to the neighbouring property and there would be a loss of light for the neighbouring property.
- 3) Councillor Barradell noted that the scheme had vastly improved since the previous application.
- 4) A vote was taken by the 11 Members present and the Officer recommendation that the Committee grant planning permission was carried on a vote of 10 in support, and 1 abstentions.
- 6.4 **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 **GRANT** planning permission subject to the conditions and informatives set out in section 11.

**Note:** Councillor Hyde was not present for the consideration and vote on the application.

**E BH2016-00302 - 107 Freshfield Road - Full Planning Permission**

- 1) The Chair notified the Committee that application BH2016/00302 - 107 Freshfield Road - Full Planning Permission – had been deferred to allow Officers to undertake further consideration of the scheme.

**F BH2015/04277 - 37 Lewes Road - Removal or Variation of Condition**

Application for removal of condition 7 of application BH2012/02367 (Change of use from tool hire premises (Use Class A1) to car sales premises (Sui Generis) including the erection of an office cabin and installation of 3no wall mounted external lights), which states that vehicular access to the site shall be from Lewes Road only and all vehicles shall leave the site onto Newport Street only. (Part retrospective)

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

**Officer Introduction**

- 2) The Planning Manager – Major Planning Applications introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The application was for the removal of condition 7 to allow vehicles to access the site via Newport Road. The application was minded to grant, but Officers suggested new conditions: ensuring all vehicles enter and leave the site in forward gear; and a variation of Condition 8 to restrict the size of vehicles able to enter the site or make deliveries of vehicles. The application was recommended for approval for the reasons set out in the report.

**Public Speaker(s) and Questions**

- 3) Mr Gary Hassel spoke in objection to the application in his capacity as a local resident. He was of the view that the application should not be granted as it would cause a loss of amenity to residents and could be unsafe for pedestrians. It was explained that Newport Street was accessed by wheelchairs, pushchairs and often used as a short cut for cyclists. Those exiting the site may not be expecting vehicles crossing over the road to access or exit the site. He stated that Newport Street had never been used to access the road, it had always been used as an exit, and drivers did not reverse on to Lewes Road. It was added that there had been large vehicles delivering cars to the site on Newport Street, and the site was already accessed from Newport Street as the metal barriers had been removed which previously prevented this.
- 4) In response to Councillor Hyde, Mr Hassel explained that there used to be one way metal barriers at the exit of the site which would ensure cars left the site slowly. These had since been removed. The Chair clarified to the Committee that it wasn't a previous condition on the application; therefore it was not a breach.
- 5) Mr Hassel confirmed to Councillor Inkipin-Leissner that it was his view the current arrangement was the safest route for vehicles.

- 6) Councillor Deane spoke in her capacity as a Local Ward Councillor; she explained that she would be reading an objection from a local resident who was unable to attend the Committee. An identical scheme has recently been refused at the site; removing Condition 7 would increase traffic, and retaining the current arrangements would be safer. It would be difficult for vehicles to enter and exit the site in a forward gear, and often drivers could not see pedestrians until they were at the gateway. There was no evidence that vehicle movements have reduced at the site and customers were much more likely to use Newport Street. The owners had a right of access from Lewes Road, and issues that related to this should be a separate enforcement matter – rather than being rectified through a new planning permission. The Committee were urged to refuse the application.
- 7) Ms Mai Malik spoke in her capacity as the applicant and explained that they were happy to accept the condition of limiting vehicle weight and delivery trucks. More staff had been employed to drive the cars onto the site individually. It was explained that all cars would be leaving and entering the site in forward gear; there was a clear view for drivers leaving the site.
- 8) In response to Councillor Barradell the applicant explained that the metal barriers had never been in situ since they had operated the business.
- 9) It was clarified to Councillor Moonan that cars would always be individually delivered to the site rather than use delivery trucks.

#### **Questions for Officers**

- 10) In response to Councillor Hyde, it was explained that the previous application in October was to remove condition 7 & 8 and this had been refused as the applicant had failed to demonstrate the conditions could be omitted without undermining road safety.
- 11) In response to Councillor Miller, the Development and Transport Assessment Manager explained that there was no significant concern with the visibility of exiting onto Lewes Road via Newport Road.
- 12) In response to the Chair, the Planning Manager explained that the large vehicle restriction condition was originally imposed to comply with policy and to ensure highway safety. The Development and Transport Assessment Manager added that it was also to prevent vehicles from reversing onto Lewes Road.
- 13) In response to Councillor Moonan, it was clarified that there could not be parking restrictions put on the accessway because it was a shared access.

#### **Debate and Decision Making Process**

- 14) Councillor Hyde noted that she had concerns when reading the report but after attending the site visit, she would be supporting the Officer recommendation. She added that there would not be a high volume of vehicles arriving and leaving the yard.

- 15) Councillor Inkpin-Leissner stated that he had concerns in relation to pedestrian safety and believed pedestrians would not be expecting vehicles to exit onto Lewes Road; therefore, he would not be supporting the Officer recommendation.
  - 16) Councillor Moonan explained that she understood why it would be beneficial for the applicant; however, she was of the view that appropriate signage would be needed to notify pedestrians of the road exit. The Development and Transport Assessment Manager explained that there were visual clues to help pedestrians, including curbs either side of the road.
  - 17) Councillor Littman agreed that it would be beneficial for the applicant and for customers; however, it would increase the traffic in Newport Street which was a residential street. He added that the current model of operation worked; therefore he would not be supporting the Officer recommendation.
  - 18) Councillor Barradell noted that having a two way system would significantly increase traffic in Newport Street as it would become the de facto entrance and exit for the site.
  - 19) The Chair noted that there would not be high volume of traffic and therefore would be supporting the Officer recommendation.
  - 20) A vote was taken by the 11 Members present and the Officer recommendation that the Committee grant planning permission was carried on a vote of 9 in favour, with 2 against.
- 6.6 **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 Mac Cafferty withdrew for the discussion and vote on this application as set out at Item 1.

- G BH2015/02893 - 4-12 Lyndhurst Road - Full Planning Permission**  
Change of use from nursing home (C2) to 6no houses (C3) with associated alterations.

**Officer Introduction**

- 1) The Planning Manager – Major Planning Applications introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The property was originally six individual houses and had been converted to a nursing home. The application was to convert the nursing home back to 6 individual units, with associated alterations to the outside of the properties. The application was recommended for approval.

**Questions for Officers**

- 2) In response to Councillor Mac Cafferty the Planning Manager – Major Planning Applications explained that he was unsure if the nursing home was currently occupied but the application was supported by social care.

- 3) The Development and Transport Assessment Manager confirmed to Councillor Morris that parking would not be provided with the scheme.
- 4) In response to Councillor Miller, the Planning Manager clarified that the intensity of the use was not drawn from the previous number of occupants.

### **Debate and Decision Making Process**

- 5) A vote was taken by the 11 Members present and the Officer recommendation that the Committee be minded to grant planning permission was carried unanimously.
- 6.7 **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.

**Note:** Councillor Hyde was not present for the consideration and vote on the application.

### **H BH2016/00216 - Hazel Cottage, Warren Road, Brighton - Full Planning Permission**

Creation of enclosed entrance lobby and alterations to fenestration.

### **Officer Introduction**

- 1) The Planning Manager – Major Planning Applications introduced the application and gave a presentation by reference to plans, photographs and elevational drawings. The alterations to the property were mainly for the front of the building, these were: constructing a porch; reordering the existing fenestration in the centre of the building; installation of new windows and changing one of the windows on the side of the building. The building had a wheelchair ramp access in and out of the building which would remain. The Officers considered that it was a sympathetic change to the property and the application was recommended for approval.

### **Public Speaker(s) and Questions**

- 2) Councillor Simson spoke in objection to the application in her capacity as a Ward Councillor. She highlighted that other than the Downs Hotel, the cottages are the only other historic buildings in Woodingdean. It was explained that the cottages were not listed because they had been in public ownership and the residents believed that they would therefore be protected in their original state. The cottages fitted the criteria for being listed or of being awarded local protection through the Local List. The scheme proposed significant changes the fenestration that would have a detrimental impact on the street scene and lose the uniformity of the four properties. Councillor Simson asked that the Committee refuse the application.
- 3) Councillor Simson clarified to Councillor Barradell that some of the cottages had their original wooden window frames; however, some have been changed to PVC.

**Questions for Officers**

- 4) In response to Councillor Mac Cafferty the Planning Manager – Major Planning Applications clarified that the cottages were not on the local list and highlighted that the local list had been reviewed recently.
- 5) In response to Councillor C. Theobald, it was explained that there would not be a change to the disabled access ramp.
- 6) The Planning Manager – Applications Team clarified to Councillor Inkpin-Leissner that the statutory consultation process had been followed and the neighbouring properties had been properly consulted.

**Debate and Decision Making Process**

- 7) Councillor Hyde explained that she recognised the concerns raised in Councillor Simson's objections to the application, and why local residents had concerns in relation to the change of the building. She believed the residents had not had enough time in the consultation period to put in formal objections. She went on to state that she agreed with Councillor Simson and added that she would not be supporting the Officer recommendation.
- 8) Councillor Miller agreed with Councillor Hyde and added that a porch would ruin the symmetry of the cottages. He didn't feel there was a huge benefit from the changes and therefore would not be supporting the Officer recommendation.
- 9) Councillor Inkpin-Leissner requested that the application be deferred until the next Planning Committee to give local residents a chance to be formally consulted. The Planning Manager – Applications Team explained that the statutory consultation had been complied with and they should not set a precedent for future applications. Councillor Inkpin-Leissner stated that he would not be supporting the Officer recommendation.
- 10) Councillor Morris noted that it was a shame the cottages were not on local list. He agreed with Councillor Miller and thought it would spoil the appearance of the cottages and would not be supporting the Officer recommendation.
- 11) Councillor Barradell stated that the buildings had character and thought it was a shame that new PVC windows had been installed on the cottages. She believed that the cottages should retain with the uniform appearance, as such she would not support the Officer recommendation.
- 12) Councillor Littman stated that the cottages were all slightly different and did not believe the addition of a porch would make a difference to the appearance; therefore he would be voting with the Officer recommendation.
- 13) A vote was taken by the Committee on the Officer recommendation that permission be granted and this was not carried on a vote of 4 in support with 8 against. Councillor Hyde proposed reasons for refusal and these were seconded by Councillor Morris, a short adjournment was then held to allow the Chair, Councillor Hyde, Councillor Morris;

the Planning Manager – Applications and the Senior Solicitor to draft the reasons in full. These were then read to the Committee and it was agreed that they reflected those that had been put forward. A recorded vote was then held and Councillors: Gilbey, C. Theobald, Barradell, Bennett, Hyde, Inkpin-Leissner, Miller and Morris voted that permission be refused; Councillors: Cattell, Mac Cafferty, Littman and Moonan voted that permission not be refused.

- 14) **RESOLVED** – That the Committee has taken into consideration the Officer recommendation, but resolves to **REFUSE** planning permission for the reason set out below:

Reason 1

The proposed development would fail to respect the detailing and character of the existing building and the immediate neighbouring buildings. The proposal therefore represents an inappropriate development contrary to policy QD14 of the Brighton & Hove Local Plan 2005.

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

- 7.1 There were no further requests for site visits in relation to matters listed on the agenda.

**8 INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS**

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

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

- 9.1 That the Committee notes the details of applications determined by the Executive Director Economy, Environment & Culture 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 Economy, Environment & Culture. 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 Chair and Deputy Chair 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.]

**10 LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**



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

**11 INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

**12 APPEAL DECISIONS**

12.1 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 6.35pm

Signed

Chair

Dated this

day of