

PLANNING COMMITTEE

Agenda Item 191 Brighton & Hove City Council

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 4 FEBRUARY 2009

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors Hyde (Chairman), Wells (Deputy Chairman), Barnett, Carden (Opposition Spokesperson), Davey, Fallon-Khan, Hamilton, McCaffery, K Norman, Randall Smart, and Steedman.

Co-opted Member Mr J Small (CAG Representative)

PART ONE

173. PROCEDURAL BUSINESS

173A Declarations of Substitutes

173.1 Councillors Fallon-Khan and Randall attended as substitute Members for Councillors Mrs Theobald and Kennedy respectively.

173B Declarations of Interest

173.2 Councillor K Norman declared a personal but not prejudicial interest in Application BH2008/02732, Falmer Community Stadium by virtue of the fact that he was a season ticket holder with Brighton & Hove Albion Football Club. Councillor Fallon-Khan stated that he had been approached with regard to Application BH2008/02479, Former Flexer Sacks Building, Wellington Road, Portslade. He had received an e.mail and forwarded it on. He had not expressed an opinion in respect of the application. The Solicitor to the Committee enquired whether Councillor Fallon-Khan remained of a neutral mind and he confirmed that he did. On that basis he would remain at the meeting during consideration and determination of the item.

173.3 Councillor Hamilton declared a personal and prejudicial interest in Application BH2008/03117, 323-325 Mile Oak Road. The applicant was a sponsor Mile Oak Football Club of which he was Chairman. It was his intention to leave the meeting during consideration of the application and to take no part in the discussion or voting thereon.

173C Exclusion of the Press and Public

173.4 The Committee considered whether the press and public should be excluded from the meeting during consideration of any items contained in the agenda, having regard to the nature of the business to be transacted and the nature of the proceedings and the likelihood as to whether, if members of the press and public were present there would be disclosure to them of confidential or exempt information as defined in Section 100A (3) OR 100(1) of the Local Government Act 1972.

173.5 **RESOLVED-** That the press and public be not excluded from the meeting during consideration of any item on the agenda.

174 MINUTES OF SPECIAL MEETING

174.1 Councillor Wells referred to Paragraph 4.63 stating that he wished the word “offsite” to be added in order that the sentence read as follows

“There was a need for homes with gardens offsite rather than an over proliferation of small flats.”

174.2 Councillor Smart referred to Point 5 of the Resolution (Paragraph 4.78) stating that the second line should refer to an “adequate” provision of outdoor amenity space. The Clerk to the Committee confirmed that this amendment had been picked up and had been made to the copy for signature by the Chairman.

174.3 **RESOLVED-** That subject to the amendments set out above the minutes of the Special meeting held on 12 December 2008 be signed by the Chairman as a correct record.

175. MINUTES OF THE PREVIOUS MEETING

175.1 Councillor Steedman referred to Paragraph 167.67 clarifying that it was the art work on the side of the public house which he considered to be iconic.

175.2 **RESOLVED-** That the Chairman be authorised to sign the minutes of the meeting held on 14 January 2009 as a correct record.

176. CHAIRMAN'S COMMUNICATIONS

Web casting of Planning Committee Meetings

176.1 The Chairman explained that afternoon’s meeting of the Planning Committee was being web-cast as part of the on-going pilot study which would run until June 2009. Members were reminded to speak directly into the microphones and to switch them off when they had finished speaking in order to ensure that they could be heard clearly both within the Council Chamber and the public gallery above.

176.2 Correspondence sent to those wishing to make representations at meetings included information stating that that meetings were being web-cast and guidance was given on the use of equipment available in the meeting room and operating instructions for the microphones.

176.3 The Head of Building Control explained that as a result of dialogue which had taken place with the Fire Authority it was considered appropriate to arrange a visit to the local headquarters in order that Members could be briefed regarding the role and responsibilities of the Fire Authority .The Chairman stated that all Members were encouraged to attend if they were able to do so. The meeting would be open to all Members of the Council and would take place on the morning of 17 March. Final details would be confirmed nearer to that date.

177. PETITIONS

177.1 There were none.

178. PUBLIC QUESTIONS

178.1 There were none.

179. DEPUTATIONS

179.1 There were none.

180. WRITTEN QUESTIONS FROM COUNCILLORS

180.1 There were none.

181. LETTERS FROM COUNCILLORS

181.1 There were none.

182. NOTICES OF MOTION REFERRED FROM COUNCIL

182.1 There were none.

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

183.1 **RESOLVED**-That the following site visits be undertaken by the Committee prior to determination:

*BH2008/03640, Park House, Old Shoreham Road

Development Control Manager

*BH2008/02854 Varndean College, Surrenden Road

Development Control Manager

*BH2008/03440, 7-17 Old Shoreham Road

Development Control Manager

BH2008/03117, 323-325 Mile Oak Road

Councillor Carden

* Anticipated as applications to be determined at the next scheduled meeting of the Committee.

184. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST DATED 4 FEBRUARY 2009

(i) TREES

184.0 **RESOLVED**-That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 7 of the report and resolves to permit felling of the following tree subject to the conditions set out in the report:

BH2008/03933, Sandringham Lodge, Palmeira Avenue

(ii) **SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY: 4 FEBRUARY 2009**

184.1 **Application BH2008/02732, Falmer Community Stadium, Land North of Village Way, Falmer, Brighton** – a) A community stadium with accommodation for Class (B)1 business, educational, conference, club shop merchandise, entertainment and food. Revision to stadium permitted under reference BH2001/02418/FP including the following alterations: change in roof design and elevational treatment, increase in useable floor area and amendments to use of internal floorspace.

b) proposed re-contouring of land south of Village Way with chalk and soil arising from excavation required to construct community stadium (as above).

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

184.3 The Planning Officer gave a presentation detailing the revised application and the ways in which it differed from the scheme for which there was an extant permission. Perspectives across the site and sectional drawings through the development were also shown and samples of the proposed materials were displayed. Details of representations expressing support and setting out objections to the proposals received since preparation of the report were also given.

184.4 Mr Alden spoke on behalf of the CPRE setting out their objections to the scheme. In their view the proposed amendments represented significant changes to the scheme agreed by the Secretary of State and should form the subject of a further application. These proposals represented a 50% increase in size and would have a detrimental impact on the AONB.

184.5 Mrs Cutress spoke on behalf of Falmer Parish Council concurring with the views expressed by Mr Alden. She considered that a fully worked up travel plan needed to be put into place. There were major concerns regarding the sustainable transport arrangements which were considered to be inadequate bearing in mind the huge potential increase in the numbers of people (up to 500) as well as the number of vehicles associated with the much increased conference/corporate hospitality element of the scheme. This would have a negative impact on traffic, parking and noise generation in the vicinity and in Falmer Village itself, plus the conference facilities could be in use until midnight.

184.6 Mr Perry spoke in support of the application detailing the arrangements being put into place in relation to the application and the educational and other facilities which would

accrue from it.. The scheme had evolved further since the original permission had been granted and this had resulted in the amendments put forward.

- 184.7 Councillors Davey and Steedman sought confirmation regarding the status of the Travel Plan. The Planning Officer explained that its detail needed to be agreed with the local authority prior to the stadium coming into operation. Councillor McCaffery sought details regarding operating arrangements in respect of the concourse area including any additional parking to be permitted there. Councillor Davey requested a breakdown of the number of vehicles which could be accommodated on match days, at other times and in respect of any measures proposed to control the number of vehicles accessing the site. Councillor Smart requested to know the number of parking spaces associated with the west stand Mr Perry explained that on match days disabled parking spaces would be provided in addition to the small number of VIP spaces and park and ride buses. These arrangements would be similar to those which had worked well at Withdean. Rigorous controls would be put into place.
- 184.8 Councillor Steedman sought confirmation of the anticipated BREAM rating for the scheme. It was explained that this was currently "very good" but that the club would endeavour to reach an "excellent" rating In answer to further questions it was explained that the facilities to be provided for use by City College would be in addition to the clubs own educational ones.
- 184.9 Mr Small (CAG) requested details regarding the proposed materials, finishes, colour of materials to be used and cladding proposed, particularly with reference to the concourse area. He had concerns regarding the increase in scale of the development and its appearance architecturally. Neither CABE nor the South East Regional Design Forum had been given the opportunity to comment on these amendments. Councillor Wells expressed reservations regarding the increase in size and capacity of the scheme. Councillor Hamilton stated that he considered the application to be acceptable, as did Councillor Carden The arrangements in place at Withdean had worked well and he was confident that suitable arrangements could be put into place at Falmer.
- 184.10 Councillor Randall stated that he was encouraged by the responses given to the questions asked and by the linkage with City College and between the educational and commercial elements of the scheme.
- 184.11 A vote was taken and on a vote of 10 with 2 abstentions minded to grant approval was granted in the terms set out below.
- 184.12 **RESOLVED**-That the Committee has taken into consideration and agrees with the reasons for the recommendation in Section 10 of the report and that it is minded to grant planning permission subject to a deed of variation of the Section 106 obligations dated 14 June 2003 and 23 October 2003 known as Brighton 1 and Brighton 2 to incorporate additional items under the appropriate Head of Term to the Conditions and Informative set out in the report and to the amendments set out below. :

The Section 106 will need to be amended to reflect conditions 41.(Green Transport Plan), Condition 43 (Travel Management, Plan) and 44 (stewarding Plan);

The Artistic Contribution needs to be increased to £75,000.;

The Brighton1 Agreement referred to is actually dated 23 October 2003

The Deed of Variation is required to ensure that the relevant terms of the Brighton 1 Agreements apply to the current application;

The sustainability measures set out under “Additional Items” will apply to the Brighton 1 Agreement in place of those existing;

In relation to the Brighton 1 Agreement the provisions relating to the Green Transport Plan, the Travel Management Plan and the Stewarding Plan will need to be amended to reflect conditions 41, 43 and 441 , thee amount now required for the Artistic Contribution is £75,000 instead o £50,000.

[Note : Councillors Hyde (Chairman) and Wells abstained].

184.13 Application BH2008/02479, Former FlexerSacks Building, Wellington Road, Portslade-Section 106 Obligation.

184.14 The Area Planning Manager (West) explained that following the Committee’s decision of 14 November 2008 to grant planning permission contrary to officer recommendation, it had been agreed that the Section 106 Agreement would be approved in consultation with the Chairman, Deputy Chairman and Opposition Spokesperson. The applicants had indicated subsequently that they were unable to make any Section 106 contribution as to do so would make the scheme financially unviable for them. In the absence of any additional information from the applicant to assist with any negotiation on the contributions it was recommended that the Heads of Terms set out in the report be agreed.

184.15 Councillor Steedman expressed concern at the outcome of these further negotiations. A minded to grant approval had been given against strong officer advice to the contrary. He was therefore of the view that the scheme should not proceed in the absence of the proposed Heads of Terms.

184.16 In answer to questions the Development Control Manager explained that if agreed, officers could use the proposed Heads of Terms as the basis for further negotiations with the applicant. Councillor Hamilton considered that it would be appropriate for officers to enter into further discussions with the applicants and to seek further supporting information. Given the easy access to the site by public transport he considered that it might be possible to reduce or remove that element of the contribution. Councillors Barnett and McCaffery concurred in that view.

184.17 Councillor Steedman remained of the view that the proposed Heads of Terms should be applied. He did not consider that the current economic climate should give rise to poor or inappropriate schemes being agreed. Councillors Davey and Randall concurred stating that it could set an unfortunate precedent should the scheme proceed without the appropriate terms. Further negotiations should be entered into and an appropriate contribution sought.

184.18 Councillor Smart stated that any terms applied would not alter the appearance of the building. In his view the scheme was acceptable as it stood. The Solicitor to the Committee explained that the requirement for a Section 106 Agreement to be entered into did not relate to appearance of any given scheme and were sought when this was considered appropriate. The level of contribution sought was arrived at using an agreed formula.

184.19 Councillors Noman and Wells considered that the scheme should proceed as it would ensure that the site was brought back into use. Councillors McCaffery and Randall suggested that it would be appropriate to defer consideration of the application pending the outcome of further negotiations by officers. The Chairman put that proposal but it was lost on a vote of 6 to 6 on the Chairman's casting vote.

184.20 A further vote was taken and on a vote of 5 to 5 with 2 abstentions it was agreed that the requirement to enter into a Section 106 Planning Obligation be waived with the exception of the Head of Terms set out below.

184.21 **RESOLVED-** That the Committee agrees the following Head of Term and conditions as set out in the report.:

The refurbishment and extension of the B1 office accommodation be completed to shell and core standard prior to the first occupation of the ground floor premises and to the conditions as set out in the report..

Reason: The proposed contributions are not considered to be necessary given the current level of parking on site. In addition, the scheme may not be viable with the proposed level of contributions.

[**Note1:** A vote was taken and on a vote of 5 to 5 with 2 abstentions the Officers recommendation was lost of the Chairman's casting vote]:

[**Note 2**—A recorded vote was then taken It was proposed by Councillor Wells and seconded by Councillor Norman that planning permission be granted in the terms set out above. Councillors Fallon-Khan, Hyde (Chairman), Norman, Smart and Wells voted that planning permission be granted as set out Councillors Carden, Davey, McCaffery, Councillors Randall.and Steedman voted that all of the proposed Heads of Terms be applied. Councillors Barnett and Hamilton abstained. Therefore on the Chairman's casting vote the recommendations were agreed as set out above].

(iii) DECISIONS ON MINOR APPLICATIONS WHICH VARY FROM THE RECOMMENDATIONS OF THE DIRECTOR OF ENVIRONMENT AS SET OUT IN THE PLANS LIST (MINOR APPLICATIONS) DATED 4 FEBRUARY 2009

184.22 **Application BH2008/02499, 27 Roedean Crescent** –Demolition of existing dwelling and replacement with 6 bedroom house.

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

- 184.24 The Area Planning Manager (East) gave a detailed presentation in respect of the proposed scheme detailing the rationale for refusal of planning permission being recommended.
- 184.25 Mr Blomfield, the applicant spoke in support of his application accompanied by his Architect, Mr Chan. Mr Blomfield explained that the proposal would have the same footprint and massing as the existing building. The development had been designed to achieve a high level of sustainability and to respect the prevailing street scene. Photographs of neighbouring properties were shown and the development was not considered to be out of keeping with them.
- 184.25 Councillor Steedman sought details regarding measures the applicant was prepared to take in order to improve sustainability of the development. The applicant responded that they were prepared to take all practicable measures to reach a Code 4 standard.
- 184.26 Councillor Wells stated that he had driven through the area the previous day and considered that Roedean Crescent was characterised by substantial homes of differing architectural styles. He did not consider that this scheme would be out of keeping. He referred to the block of flats which had been built on the site of Linwood House several years previously it was far less in keeping with the neighbouring street scene than this proposal. Councillors Barnett and Smart concurred in that view.
- 184.27 Councillor Steedman requested that if permission were to be granted, conditions be added to seek to achieve a good Level 4 BREEM rating by inclusion of solar panels which could also be used to heat water.
- 184.28 A vote was taken and on a vote of 10 to 1 with 1 abstention planning permission was granted.
- 184.29 **RESOLVED-** That planning permission be granted on the grounds that the proposal by reason of its location, design, height, bulk and massing is not considered to be incongruous, out of character, or of detriment to the character and appearance of the street scene, nor contrary to policies QD1, QD2, QD3 of the Brighton & Hove Local Plan.
- [**Note 1:** Councillor Wells proposed that planning permission be granted. This was seconded by Councillor Barnett. Councillors Barnett, Hyde(Chairman), Davey, Fallon-Khan, McCaffery, K Norman, Randall, Smart, Steedman and Wells voted that planning permission be granted. Councillor Carden voted that planning permission be refused. Councillor Hamilton abstained. Therefore planning permission was granted as set out above].
- 184.30 **Application BH2008/02761, 49 Hill Drive, Hove** – Addition of second storey to form 4 bedrooms including formation of balcony to rear elevation (Resubmission of BH2008/01385).
- 184.3 1It was noted that this application had formed the subject of a site visit prior to the meeting.

184.32 The Area Planning Manager (West) gave a presentation detailing the scheme. It was noted that this application had been the subject of pre-application advice in an attempt to respond to the reasons for refusal of the previous scheme, it was however considered that the proposal remained overly dominant in the street scene and refusal was therefore recommended.

184.33 Mr Carter spoke on behalf of the applicant in support of their application. He gave a presentation showing the appearance of the proposed scheme within the street scene showing its relationship to and the appearance of other properties in the immediate vicinity. The roof height of the property would be brought into line with that of its neighbours. The ridge height would be low and the balconies to the rear would be of an opaque glazed material. The proposals had been designed to respect the amenity of neighbouring residents from whom no objections had been received.

184.34 A vote was taken and of the 10 Members present planning permission was granted on a vote of 4 to 2 with 4 abstentions.

184.35 **RESOLVED**-That planning permission be granted as the proposed additional storey, by virtue of its bulk, form and massing would not give the house an over extended appearance. The relationship between the extension and the existing features of the property are not considered too incongruous, nor would it give the building a top heavy appearance. Furthermore, when viewed in the context of the neighbouring houses the property would not be detrimental to the street scene. The proposal was not considered to be contrary to policies QD1, QD14 and Supplementary Planning Guidance Note 1 on roof alterations and extensions.

[**Note 1:** Councillor McCaffery proposed that planning permission be granted. This was seconded by Councillor Davey. Councillors Davey, Hyde (Chairman), McCaffery and Randall voted that permission be granted. Councillors Carden and Smart voted that permission be refused. Councillors Barnett, Hamilton, Steedman and Wells abstained].

[**Note 2:** Councillors Fallon-Khan and K Norman were not present when the vote was taken].

184.36 **Application BH2008/03129, 100 St. James' Street, Brighton** -Use of rear garden for A3 café ancillary to existing sandwich bar (A1). Formation of new window opening to ground floor rear elevation.

184.37 The Area Planning Manager (East) gave a presentation setting out the rationale for refusal being recommended. It was considered that the proposed ancillary A3 use would result in the creation of an overall A3 unit which would be contrary to Policy SR5.

184.3 Ms Cattell spoke on behalf of the applicant in support of their application. She explained that the applicant intended to use the garden as a sitting out area for use by those who had purchased sandwiches in the shop. As the area was not covered it would not be in use all year round. The applicant would be happy for the use to be made personal to them and for a condition to be added which would allow only cold food to be consumed outside. Reference was also made to the approach adopted by neighbouring local authorities and to comparable premises.

184.39 Councillors Davey and Randall stated that they considered the proposals to be modest and acceptable, also referring to the lack of objections received and the letter of support received from a Local Ward Councillor.

184.40 A vote was taken and of the 10 Members present planning permission was granted on a vote of 4 to 2 with 4 abstentions.

184.41 **RESOLVED-** That planning permission be granted to enable the garden area of the above premises to be used ancillary to the existing sandwich bar (ClassA3) which would remain ancillary to the existing retail (ClassA1) use and to the formation of a new window opening to the ground floor rear elevation. The detailed conditions and informatives to be agreed by the Development Control Manager in consultation with the Chairman, Deputy Chairman and Opposition Spokesperson.

[**Note 1:** Councillor Davey proposed that planning permission be granted. This was seconded by Councillor Randall. Councillors Barnett, Davey, Randall and Smart voted that permission be granted. Councillors Hyde(Chairman),and Steedman voted that planning permission be refused. Councillors Carden, Hamilton, McCaffery and Wells abstained]

[**Note 2:** Councillors Fallon-Khan and K Norman were not present when the vote was taken]

(iv) OTHER APPLICATIONS

184.42 **Application BH2008/02641, Balfour Junior School, Balfour Road, Brighton-** Demolition of 3 existing single storey class rooms and replacement with a new 2 storey extension comprising 4 classrooms, ICT room, group room and administration areas. Extension to existing school hall and new single storey staff room/ kitchen facilities. Adaptations to existing entrance footpaths. Conversion of existing lower ground floor store room into classroom with new windows and door. Formation of new disabled access ramp and external door from school to sports field on north elevation. New solar panels to existing school roof.

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

184.44 The Area Planning Manager (West) gave a detailed presentation in respect of the scheme. The configuration and appearance of the existing school buildings was shown as were photomontages of the proposed scheme once completed. Details of the portacabin arrangement to be used during the building works was also shown.

184.45 Mr Ayton spoke on behalf of neighbouring objectors. Whilst recognising the need for the school to expand it was considered that the consultation process had been flawed, a number of local residents who should have been included in the consultation process had not been. The proposals would increase the area of school buildings by 33%. The design was not in keeping with the appearance and character of the existing school buildings or the neighbouring street scene. It would read as a large ugly "industrial box" at the entrance to the school. The level of staff parking would be insufficient and would spill out onto Balfour Road which was already grid- locked particularly in the mornings.

120 additional children would be attending the school. A fully worked up Travel Plan needed to be in place. The legitimate concerns of objectors had been dismissed. Members were urged to reject this scheme.

- 184.46 Mr McCutcheon spoke on behalf of the applicant (Brighton & Hove City Council). He explained that the proposed extensions were required in order to address a long standing anomaly between the number of forms of entry between the infants and junior schools. Leaflets and a questionnaire had been circulated to local residents requesting feedback and observations. Subsequently a public meeting had been held at the school. It had been decided to provide a modern building which would provide a distinctive entrance to the school.
- 184.47 Councillor Allen spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme. Whilst fully supporting proposals to increase the capacity of the junior school he had concerns that the consultation process had been flawed. He considered that the proposed design was inappropriate and that the legitimate concerns of neighbours had been ignored. Therefore the current scheme should be rejected.
- 184.48 Councillor McCaffery concurred with the views expressed by the objector and Councillor Allen. She was familiar with the location and setting of the school and considered the proposal to be at variance with that. She did not recall being consulted regarding the proposals in her capacity as a local ward councillor. Councillor Steedman requested to see samples of the materials and finishes proposed.
- 184.49 Councillor Davey enquired regarding the existing Travel Plan and details as to how the school were proposing to manage any additional traffic movements or volume of traffic resulting from the scheme. The Traffic Engineer explained that the existing plan required updating and that further details were required from the school. The school had not been co-operative in providing details in the past.
- 184.50 Mr Ayton was requested to provide details of those periods of the day when traffic volume was worst and for how long the period of time lasted. He explained that due to staggered school finishing times this was worst at the start of the school day and lasted for a period of up to half an hour.
- 184.51 Councillors Steedman and Smart were of the view that traffic problems could be addressed by agreeing a strategy with e.g. one way working at the start of the school day and that adherence could be ensured by invoking enforcement measures. Councillor Randall also concurred in that view. It was confirmed in answer to questions that four schools were accessed from Balfour Road.
- 184.52 Mr Small (CAG) stated that having attended the site visit he remained concerned regarding proposed materials and finishes which were modernist and did not sit happily with the appearance of the existing school buildings or the neighbouring dwellings which they would be in closer proximity too. He also considered that it was important for a travel plan to be in place prior to commencement of any works on site.
- 184.53 Mr McCutcheon explained in answer to further questions that 700 leaflets had been delivered in the area publicising the scheme. The school had been subjected to a number of further building works and extensions since it had first been built and it was

considered appropriate for the entrance building to be distinctive and modern. The roof would be red tile hung as were the existing buildings and this would weather to a similar appearance over time.

- 184.54 Councillor Randall sought information regarding the sustainability measures proposed. Councillor K Norman stated that the school was located in his ward. Whilst fully supporting measures to increase the capacity of the school, he had concerns that its design and appearance was at variance with the neighbouring street scene.
- 184.55 Councillor McCaffery enquired whether it would be possible to defer consideration of the application pending redesign of some elements of the scheme, including consideration of the materials to be used. The Chairman stated that this would not be possible, the application needed to be determined on its merits as submitted.
- 184.56 The Development Control Manager referred to comments made that the consultation process had been flawed. She explained that all of the necessary procedures had been carried out in relation to the planning process and that it was appropriate for Members to determine the application. It was noted that the recommendation was “to grant” rather than “minded to grant” as set out in the report.
- 184.57 A vote was taken and Members voted on a vote of 8 to 1 with 3 abstentions that planning permission be granted.
- 184.58 **RESOLVED-** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.
- [**Note:** Councillor McCaffery voted that the application be refused. Councillors Fallon-Khan, K Norman and Wells abstained].
- 184.59 **Application BH2008/02531, The Meadows, 18 Roedean Way-**Demolition of existing house and erection of new dwelling.
- 184.60 It was noted that this application had formed the subject of a site visit prior to the meeting.
- 184.61 The Area Planning Manager (East) gave a detailed presentation setting out the rationale for recommending that the application be refused.
- 184.62 Mr Broe spoke on behalf of the applicant in support of their application stating that the proposed scheme would not exceed the existing footprint of the building but would provide an increase in the amount of amenity space available. There were a number of varying architectural styles in Roedean Way and it was not therefore considered that the development would be out of keeping with the prevailing street scene. Its contemporary design was similar to that to be seen elsewhere in the City and was in keeping with emerging plan policy.
- 184.63 Councillor Wells stated that he considered the application to be acceptable.

184.64 A vote was taken and on a vote of 9 to 2 with 1 abstention planning permission was refused.

184.65 **RESOLVED-** That the Committee has taken into consideration and agrees with the recommendation set out in Paragraph 8 of the report and resolves to refuse planning permission for the following reasons:

1. The proposal by reason of its prominent location, design, height, bulk and increased massing would result in the building appearing incongruous and out of character and would be of detriment to the character and appearance of the street scene and contrary to policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan.

2. The proposal is likely to have an adverse impact upon the amenities of occupiers of adjoining dwellings by reason of loss of privacy and outlook and an increased sense of dominance. This is contrary to policies QD1 and QD27 of the Brighton & Hove Local Plan.

Informatives

This decision is based on Lewis and Co Planning Waste Minimisation Statement, Bio Diversity Checklist, Sustainability Checklist, Lifetime Homes Checklist and Planning Supporting Statement and Miles Broe Architects Supporting Statement and drawing nos. 9146/PL/01, Rev D, 9146/PL/04, 9146/PL05, 9146/PL, 07, 9146/PL/11, 9146/PL/12 submitted on 25/07/2008 and Miles Broe drawing nos. 9146/PL/02 Rev E and 9146/PL/03 Rev B submitted on 09/10/2008.

184.66 **ApplicationBH2008/04452, 7 Brunswick Street West, Hove** – Insertion of new windows to front and rear ground floor (part retrospective).

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

184.68 The Area Planning Manager (West) gave a detailed presentation in respect of the proposals.

184.69 Mr Chavasse spoke on behalf of neighbouring objectors explaining that although a number of their concerns had been addressed, some outstanding issues remained. The wall into which the applicant intended to place one of the rear windows was not in their ownership. Additional conditions were proposed to ensure opaque glazing was provided and that this rear window was fixed shut. Detailing in relation to treatment of the flues should also form part of that application.

184.70 Mr Small (CAG) that the objector should have made reference to “obscure” rather than “opaque” glazing. The Development Control Manager confirmed that was the case. Councillor Steedman sought guidance as to whether officers recommended the imposition of any additional conditions. The Development Control Manager stated that none were recommended, there was already a degree of mutual overlooking of the rear courtyard the proposals would not increase that significantly. Issues relating to ownership of the rear wall were not a material planning consideration.

- 184.71 A vote was taken and Members voted unanimously that planning permission be granted.
- 184.72 **RESOLVED-** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives in the report.
- 184.73 **Application BH2008/04446, 7 Brunswick Street West, Hove** Insertion of new windows to front and rear ground floor (part retrospective) Amended scheme.
- 184.74 It was noted that this application had formed the subject of a site visit prior to the meeting.
- 184.75 A vote was taken and Members voted unanimously that planning permission be granted.
- 184.76 **RESOLVED-** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and are minded to grant consent subject to no objection being received from GOSE and subject to the conditions and informatives set out in the report.
- 184.77 **Application BH2008/02787, 64 Brunswick Street West, Hove** –Change of use from Snooker Hall (D2) to Music School (D1) and associated external alterations.
- 184.78 The Planning Officer gave a detailed presentation setting out the constituent elements of the scheme.
- 184.79 Mr Chavasse spoke on behalf of neighbouring objectors stating that whilst the proposals were generally considered to be acceptable, additional conditions were requested in order to regulate the hours during which sessions could take place at weekends, and in respect of erection of the plant and machinery to be placed on the roof. Careful thought needed to be given as to how this would be delivered and placed in situ from a narrow highway.
- 184.80 Councillors Davey and Steedman sought confirmation regarding location of cycle parking in Brunswick Street West. The Planning Officer explained that cycle parking facilities were located to the south of the application site further down the street.
- 184.81 Councillor Smart enquired whether screening would be provided for the plant and machinery to be placed on the roof. The Planning Officer explained this would be set down behind the parapet of the roof. In answer to questions by Councillor Davey, it was explained that the building would only be open at weekends when interviews were taking place.
- 184.82 Mr Gosdon spoke on behalf of the applicant in support of their application. He explained that the scheme was proposed in order to improve the school's existing facilities. The school had acted as a "good neighbour" at its other sites and would operate in the same way here, applying all of the lessons learnt elsewhere. All practice rooms would be adequately sound proofed and equipment including plant and machinery would be sited discretely and would respect the listed building.

- 184.83 Councillor Davey enquired whether the level of on-street cycle parking proposed would be sufficient. The Planning Officer explained it was considered to be satisfactory bearing in mind easy access from the site to public transport in Western Road.
- 184.84 Councillor Randall enquired regarding energy efficiency measures proposed in relation to air conditioning units. Mr Godson stated that the applicant was prepared to meet all sustainability requirements sought within the limitations of the listed building.
- 184.85 Councillor Steedman requested whether, if a blue plaque were to be erected detailing the building's history, the cost could be borne by the applicant. The Development Control Manager explained that although this did not form part of the application an informative to that effect could be added. Members indicated that was their wish.
- 184.86 A vote was taken and Members voted unanimously that planning permission be granted.
- 184.87 **RESOLVED**- That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report and to the additional informative set out in Paragraph 184.85 above .
- 184.88 **Application BH2008/02788, 64 Brunswick Street West, Hove** –Internal and rear external alterations in association with change of use from snooker hall (D2) to music school I(D1).
- 184.89A vote was taken and Members voted unanimously that listed building consent be granted.
- 184.90 **RESOLVED**-That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant listed building consent subject to the conditions and informatives set out in the report.
- 184.91 **Application BH2006/04058, 28-29 Western Road, Hove** – Conversion of offices to 8 apartments and 1 mews house.
- 184.92 The Area Planning Manager (West) gave a presentation detailing the recent planning history of the site explaining that in this instance it was considered appropriate for the applicant to provide a financial contribution in lieu of affordable housing on site.
- 184.93 A vote was taken and the 10 Members present voted unanimously that minded to grant planning permission be approved.
- 184.94 **RESOLVED**-That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 9 of the report and is minded to grant planning permission subject to a Section 106 Obligation in lieu of providing 4 units of affordable housing on site together with a contribution of £27,200 towards the Council's Sustainable Transport Initiatives and to the conditions and informatives set out in the report.

[Note: Councillors Fallon-Khan and K Norman were not present when the vote was taken].

184.95 **Application BH2008/03442, 107 Boundary Road, Hove**- Demolition of existing house and construction of 2 storey building with pitched roof and lightwell to form 7 flats.

184.96 The Planning Officer gave a presentation detailing the scheme and setting out the rationale for the recommendation that the application be refused.

184.97 Ms Bahcheli spoke on behalf of neighbouring objectors stating that the proposed scheme represented an un-neighbourly over development. It would provide a poor standard of accommodation with balconies which although very small would look directly into the bedrooms of neighbouring dwellings, the lack of parking within the scheme would exacerbate the existing pressure for on-street parking spaces.

184.98 Mr Carter spoke on behalf of the applicant in support of their application. Perspectives of the existing and proposed developments were shown. The proposals were considered to represent a suitable infill scheme which would not be of significantly greater bulk than the existing building. High quality materials and finishes were proposed, all units would have a greater floor area than the Council's minimum recommended standard.

184.99 A vote was taken and the 11 Members present voted unanimously that planning permission be refused.

184.100 **RESOLVED**-That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to refuse planning permission for the reasons set out below.

1. The proposed development would result in an overdevelopment of the site by reason of its excessive bulk, inappropriate design, poor standard of accommodation at lower ground floor and second floor level and absence of private amenity space appropriate to the scale of the development. The scheme therefore fails to respect the context of its setting and would be out of keeping with the surrounding area. The proposal is therefore contrary to policies QD1, QD2, QD3, QD5, HO3, HO4 and HO5 of the Brighton & Hove Local Plan.

2. Policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan seek to ensure that developments demonstrate a high standard of design which take into account the height, scale, and bulk of existing building. The proposed building by virtue of its excessive scale and inappropriate design results in an incongruous addition which detracts from the character and appearance of the street scene. The scheme is therefore contrary to the above policies.

3. Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. The proposal to provide residential units within the basement and roof space results in poor layout for the residential

units with insufficient sized living areas and inadequate light and outlook. The scheme is therefore judged to provide an inappropriate and poor standard of accommodation and a cramped and confined internal environment that would provide inadequate living conditions for future occupiers. The proposal is therefore contrary to the above policy.

4. Policy H013 of the Brighton & Hove Local Plan requires new residential dwellings to be built to lifetime homes standard whereby the accommodation can be adapted to meet the needs of people with disabilities without major structural alteration. The scheme fails to fully incorporate lifetime home standards to the design of the flats and has not provided suitable access for people with disabilities or wheelchair users. The scheme is therefore contrary to the above policy.

5 The proposal would result in an unsatisfactory level of private amenity space which would be to the detriment of the living conditions of any future residents of the scheme and is contrary to policies HO5 and QD27 of the Brighton & Hove Local Plan.

Informative

This decision is based on Planning Support Statement, Sustainability Checklist & Statement, Code for Sustainable Homes Pre-Assessment Estimator tool, Design and Access Statement, Biodiversity First Impression List, Daylight Analysis, Lifetime Homes Checklist, Waste Minimisation Statement and drawing nos P001, 002,003, 004, 005, 006, 008E, 009H, 010F, 011F, 012D, 013F, 014F, 015D, 016F&017 on the 28 October 2008.

[**Note:** Councillor Fallon-Khan was not present when the vote was taken].

- 184.101 **ApplicationBH2008/03449, Land to Rear 107 Boundary Road, Hove-** Construction of new partially sunken 3 bedroom single storey dwelling with flat roof and rooflights.
- 184.102 The Planning Officer gave a detailed presentation setting out the rationale for the recommendation that the application be refused.
- 184.103 Ms Bahcheli spoke on behalf of neighbouring objectors stating that the proposal represented an unacceptable backland development. Although sunk down into the site it would give rise to overlooking and was not of a complimentary design to neighbouring development.
- 184.104 Mr Carter spoke on behalf of the applicant in support of their application stating that the applicant had sought to provide a well designed modern dwelling, which made effective use of the site.
- 184.105 A vote was taken and the 11 Members present voted unanimously that planning permission be refused.
- 184.106 **RESOLVED-** That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to refuse planning permission for the following reasons:

1. Policies QD1, QD2 and QD3 of the Brighton & Hove Local Plan seek to ensure that developments demonstrate a high standard of design which take into account the height, scale and bulk of existing buildings. Policy HO4 states that residential development will be permitted at higher density where it can be demonstrated that the proposal exhibits a high standard of design. The proposed dwelling by virtue of its excessive scale is considered to be overdevelopment of the site resulting in a cramped form of development, which fails to respect the constraints of the site and its relationship to surrounding residential properties.

2. Policy QD27 states that permission for development will not be granted where it would cause material nuisance and loss of amenity to existing and proposed adjacent residents as well as future occupiers. The partially sunken dwelling results in a poor layout for a residential unit with inadequate outlook and light. The scheme is therefore judged to provide inadequate living conditions for future occupiers. The proposal is therefore contrary to the above policy.

3. Policy HO5 requires the provision of private useable amenity space in new residential development. The proposed lawned area for the dwelling does not provide an adequate outside private amenity space for the new dwelling as it will be overshadowed and overlooked by the adjacent dwelling. The private decked area is also of an insufficient size to provide a suitable outside private amenity area suitable to the scale of the development. The proposal is therefore contrary to policy.

Informative

This decision is based on the Planning Support Statement Sustainability Checklist & Statement, Code for Sustainable Homes Pre-Assessment Estimator tool, Design and Access Statement Biodiversity First Impression List, Daylight Analysis, Lifetime Homes Checklist, Waste Minimisation Statement and drawing nos. P001, 002, 003, 004, 005, 006, 008B, 009A, 010A, 012A, 013 and 015 received on 28 October 2008.

[**Note:** Councillor Fallon-Khan was not present when the vote was taken].

184.107 **Application BH2008/03117, 323- 325- Mile Oak Road** –Construction of 3 storey block to create nine flats following demolition of existing building.

184.108 Members considered that it would be appropriate to carry out a site visit prior to determining the application.

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

184.110 **Application BH2008/03384, 42 Tongdean Avenue, Hove**-Proposed demolition of existing bungalow and erection of a pair of semi-detached dwellings with garages and cycle store (Resubmission of BH2008/00596).

184.111 The Planning Officer gave a presentation detailing the constituent elements of the scheme.

184.112 A vote was taken and the 10 Members present voted unanimously that planning permission be granted.

184.113 **RESOLVED-** That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.

[**Note:** Councillors Fallon-Khan and K Norman were not present when the vote was taken].

184.114 **Application BH2008/03481, 42 Tongdean Avenue, Hove**-Conservation Area Consent for demolition of the existing bungalow.

184.115 A vote was taken and the 10 Members present voted unanimously that Conservation Area Consent be granted.

184.116 **RESOLVED-**That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant Conservation Area Consent subject to the conditions and informatives set out in the report.

[**Note:** Councillors Fallon-Khan and Norman were not present when the vote was taken].

184.117 **Application BH2007/03485, 159, Edward Street, Brighton** – Change of use from shop to sui generis mixed use incorporating coffee / sandwich bar/jazz club bar, music editing suite and ancillary accommodation. Formation of new first floor level accommodation, including insertion of dormer windows and rooflights, rear extension to basement level and construction of rear emergency stairway(amended description).

184.118 The Area Planning Manager (East) explained that parts of the application, namely use of the ground floor level as a coffee/ sandwich bar with the basement as a jazz club and an extension to the rear at basement level had been incorporated into an earlier application BH2005/0547 This earlier application had never been determined as the applicant had failed to submit sufficient acoustic details. The current application had sought to address that failure and had provided amendments to the earlier scheme.

184.119 In answer to questions the Area Planning Manager explained that the Environmental Health Officer was satisfied with the proposed sound proofing arrangements.

184.120 Councillor Smart sought confirmation regarding the circumstances under which entrances opening onto the park at the rear of the premises would be used. It was explained that these would only be used in the event of emergency evacuation from the rear of the premises.

184.121 Councillor Davey enquired whether the café bar and jazz club would occupy the same space, if so, he queried why two separate sets of conditions were required. It was explained that both uses occupied the same space but at different times. In consequence separate sets of conditions were required.

184.122 Councillors Randall and Steedman enquired whether the any of the windows faced towards residential properties in Edward Street. It was also confirmed in answer to questions that the area to the rear was not permitted to be used as a smoking area.

184.123 A vote was taken and the 10 members present voted on a vote of 9 with 1 abstention that planning permission be granted.

184.124 **RESOLVED**-That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.

[**Note 1:** Councillors Fallon-Khan and K Norman were not present when the vote was taken].

[**Note 2:** Councillor Steedman abstained from voting in respect of the above application].

184.125 **Application BH2008/02436, Land at Rear of 3 The Ridgeway Woodingdean**- Construction of 7 houses comprising a mix of three and four bedroom units with ground, first and roof space accommodation. Three houses with integral garages and provision of parking spaces with new access to the Ridgeway and Balsdean Road.

184.126 Councillor Wells requested information regarding the materials and finishes to be used. He considered it important that this development mirrored that located opposite it as far as this was practicable. The Development Control Manager explained that an informative to that effect could be added. Members indicated that was their wish. Councillor Randall enquired regarding the density of the development.

184.127 A vote was taken and the 10 Members present voted unanimously that planning permission be granted.

184.128 **RESOLVED**- That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.

[**Note:** Councillors Fallon-Khan and K Norman were not present when the vote was taken].

184.129 **Application BH2008/03380 , Wellend Villas, Springfield Road, Brighton**- Installation of 2 illuminated sculptures on the communal terraces to rear of the residential development.

184.130 The Area Planning Manager (East) gave a presentation detailing the scheme.

184.131 Councillor McCaffery enquired as to the height and dimensions of the sculptures. It was explained that each would be 3.8m in height and represented a tree, each would be made out of treated metal and would have LED uplighting. In answer to questions by Councillor Wells it was explained that the sculptures had been designed by a local artist.

184.132 A vote was taken and the 10 Members present voted unanimously that planning permission be granted.

184.133 **RESOLVED**-That the Committee has taken into consideration and agrees with the reasons for the recommendations set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out in the report.

[**Note:** Councillors Fallon-Khan and K Norman were not present when the vote was taken].

184.134 **Application BH2008/012169, Davigdor Infant School, Somerhill Road, Hove** – Installation of mobile classroom unit for temporary period of 2 years (retrospective).

184.135 The Area Planning Manager (West) gave a detailed presentation regarding the retrospective proposal.

184.136 Councillor Davis spoke in her capacity as a Local Ward Councillor setting out her concern and dissatisfaction at the manner in which this matter had been dealt with by the school and potentially some officers of the Council. The portacabin which formed the subject of the application was of double height and had been placed very close to the boundary with the back gardens of neighbouring properties. The structure was dominant and had been placed there without prior approval and none of the residents had been consulted. This was unacceptable and measures should be taken to ensure that similar lapses did not occur in relation to works to be carried out at any of the City's schools in future. Councillor Davis had spoken to the head teacher that morning and he had been unable to give a firm date by which the proposed works would be completed.

184.137 Councillor McCaffery enquired whether any alternative locations had been explored. Councillor Randall queried why a finish date of September 2010 had been requested. The Development Control Manager explained that date had been requested by the school in order to accommodate the works.

184.138 Councillor Hamilton suggested that whilst recognising the need to facilitate completion of the works it would be preferable for them to be completed prior to commencement of the 2010 autumn term. Members discussed an appropriate cut-off date for completion of the works and considered it reasonable to request their completion by 31 August 2010. In the event of any "slippage" that would provide the flexibility to enable the works to be completed during the school summer holidays.

184.139 A vote was taken and the 10 Members present voted unanimously that planning permission be granted.

184.140 **RESOLVED**-That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in Paragraph 8 of the report and resolves to grant planning permission subject to the conditions and informatives set out, works to be completed by 31 August 2010.

[**Note:** Councillors Fallon–Khan and K Norman were not present when the vote was taken].

185. TO CONSIDER ANY FURTHER APPLICATIONS IT HAS BEEN DECIDED SHOULD BE THE SUBJECT OF SITE VISITS FOLLOWING CONSIDERATION AND DISCUSSION OF ITEMS ON THE PLANS LIST

185.1 **RESOLVED-** That the following site visits be undertaken by the Committee prior to determination:

*BH2008/03640, Park House, Old Shoreham Road
Development Control Manager

* BH2008/02854, Varndean College, Surrenden Road
Development Control Manager

*BH2008/03440, 7-17 Old Shoreham Road
Development Control Manager

BH2008/03117, 323-325 Mile Oak Road

*Anticipated as applications to be determined at the next scheduled meeting of the Committee.

186. TO CONSIDER AND NOTE THE CONTENT OF THE REPORT DETAILING DECISIONS DETERMINED BY OFFICERS UNDER DELEGATED AUTHORITY

186.1 The Committee noted those applications determined by Officers during the period covered by the report.

187. APPEAL DECISIONS

187.1 The Committee noted the content of letters received from the Planning Inspectorate advising on the results of planning appeals which had been lodged as set out in the agenda.

188.. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

188.1 The Committee noted the list of Planning Appeals which had been lodged as set out in the agenda.

189. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

189.1 The Committee noted the information set out in the agenda relating to information on Informal Hearings and Public Inquiries.

The meeting concluded at 8.30pm

Signed

Chair

