

**BRIGHTON & HOVE CITY COUNCIL**

**PLANNING COMMITTEE**

**2.00pm, 14 OCTOBER 2009**

**COUNCIL CHAMBER, HOVE TOWN HALL**

**MINUTES**

**Present:** Councillors Hyde (Chairman), Wells (Deputy Chairman), Carden (Opposition Spokesperson), Caulfield, Cobb, Davey, Hamilton, McCaffery, Rufus, Smart, Steedman and C Theobald

**Co-opted Members:** Mr R Amerena (CAG),

**Officers in attendance:** Mr P Vidler (Deputy Development Control Manager), Hamish Walke (Area Planning Manager), Kate Brocklebank (Senior Planning Officer), Kathryn Boggiano (Senior Team Planner), Maria Seale (Major Projects Officer), Jason Hawkes (Planning Officer), Steve Reeves (Principal Transport Planning Officer), Pete Tolson (Principal Transport Planning Officer), Hilary Woodward (Senior Lawyer) and Penny Jennings (Senior Democratic Services Officer)

**PART ONE**

**117. PROCEDURAL BUSINESS**

**117A. Declaration of Substitutes**

117.1 Councillor Rufus attended in substitution for Councillor Kennedy.

117.2 Mr R Amerena was in attendance in substitution for Mr J Small (CAG).

**117B. Declarations of Interest**

117.3 Councillor Caulfield referred to Application BH2009/01729, Falmer High School, Lucraft Road, Brighton stating that the site was located in her ward and she had expressed support for the principle of an academy but she had not expressed an opinion in respect of this application. She confirmed in response to questions by the Solicitor to the Committee that she remained of a neutral mind and would remain present during the discussion and voting thereon.

117.4 Councillor Caulfield also referred to Application BH2009/01594, Stammer Link Road, Falmer explaining that she was Chairman of the Stanmer Park Stakeholders Group. She had not however expressed an opinion in respect of this application, remained of a neutral mind and would therefore remain present during the discussion and voting thereon.

#### **117C. Exclusion of the Press and Public**

117.5 In accordance with Section 100A of the Local Government Act 1972 ("The Act"), The Planning Committee considered whether the public should be excluded from the meeting during consideration of any item of business on the grounds that it is likely to 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).

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

#### **118. MINUTES OF THE PREVIOUS MEETING**

118.1 **RESOLVED** - That the Chairman be authorised to sign the minutes of the meeting held on 23 September 2009 as a correct record.

#### **119. CHAIRMAN'S COMMUNICATIONS**

##### **Web casting**

119.1 The Chairman explained that afternoon's meeting of the Planning Committee was being web cast. 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.

#### **120. PETITIONS**

120.1 There were none.

#### **121. PUBLIC QUESTIONS**

121.1 There were none.

#### **122. DEPUTATIONS**

122.1 There were none.

#### **123. WRITTEN QUESTIONS FROM COUNCILLORS**

123.1 There were none.

**124. LETTERS FROM COUNCILLORS**

124.1 There were none.

**125. NOTICES OF MOTION REFERRED FROM COUNCIL**

125.1 There were none.

**126. APPEAL DECISIONS**

126.1 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.

**127. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE**

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

**128. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES**

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

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

129.1 **RESOLVED** - That the following site visits be undertaken by the Committee prior to determining the application:

Application;	Site Visit Requested by:
*BH2009/01477, Land adjacent to Amex House and land adjacent to 31 White Street, Brighton	Deputy Development Control Manager
*BH2009/01811, 112-113 Lewes Road, Brighton	Deputy Development Control Manager
*BH2009/02089, The Royal Pavilion, (Eastern Lawns), Brighton	Deputy Development Control Manager

\*Anticipated as applications coming forward for decision at the next scheduled meeting of the Committee.

**130. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST:14 OCTOBER 2009****(i) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM COUNCIL POLICY**

**A. Application BH2009/02014, The Old Market, 11A Upper Market Street –** Erection of 2 no. new penthouse apartments on the roof of the Old Market. New maintenance terrace provided at roof level above the existing east entrance lobby. Extension of existing stair/lift well to south for access for the new apartments, alterations to windows and installation of front canopy.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting.
- (2) The Planning Officer, Mr Hawkes gave a presentation detailing the scheme. He also referred to additional representations received which were set out in the "Additional Representations List." Elevational drawings were displayed showing the building's current appearance from various perspectives and its appearance should permission be granted for the proposed scheme. The principle differences between this scheme and that previously refused which was now the subject of a combined appeal (planning and listed building consent) were also explained.
- (3) Mr Chavasse spoke on behalf of objectors to the scheme stating that in their view the previous grounds for refusal by the Committee had not been overcome. The information submitted by the applicant in relation to viability of the building, should this scheme not proceed had not been subjected to independent financial analysis and should therefore be treated with caution. If built, the scheme would result in a permanently disfiguring glass box being placed on top of a listed building.
- (4) Mr Wells-Thorpe spoke on behalf of the applicant in support of its application. As an architect of some 40 years standing, similar treatments had been used on numerous buildings elsewhere without detriment either to the host building or to the surrounding area. The proposals had been sensitively designed and were sympathetic to the buildings surroundings. Little of the original building remained as it had been much altered since the 1820's when it had been built.
- (5) Councillor Watkins spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme. He considered that it would be gross overdevelopment of an important listed building, would destroy its appearance especially when viewed from Western Road and would dominate the surrounding conservation area which was characterised by two and three storey houses.

**Questions/Matters on Which Clarification was Sought**

- (6) Councillors Davey and Steedman sought clarification regarding the financial information submitted by the applicant, enquiring whether evidence had been provided to indicate that the venue would close in the event that this scheme was unable to proceed. Confirmation was also sought as to whether advice had been sought from the District Valuer (DV) in respect of this matter. The Planning Officer explained that as the

building had been well maintained, and the proposals were not considered to be enabling development, there was no requirement to seek advice from the DV.

- (7) Councillor C Theobald sought clarification regarding the height of the proposed glazed roof extension. The Planning Officer explained that this would differ depending on where this was measured from. Councillor McCaffery asked whether this extension would be constructed entirely of glass and it was explained that it would be of glass with a rendered plinth at the bottom. Internal framing would also be provided for the glass.
- (8) Councillor Davey referred to the photomontages which had been displayed referring to the reflective quality of the glass and it was confirmed in answer to his questions that the glass provided would be reflective rather than transparent with no clear views into/through the glazed section of the building during daylight hours. Blinds would be provided for use in the evening, although their use could not be enforced.
- (9) Councillor Steedman enquired of those representing the applicant whether account had been taken of future increased maintenance costs arising in relation to the scheme and whether this would increase the level of residual debt to be serviced. It was explained that this had been built into financial projections for a ten year period.

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

- (10) Councillor Steedman stated that in his view the financial viability or otherwise of the existing use if planning permission was refused needed to be considered and felt that he needed to form a view on that matter. He did not consider that he had sufficient information to do that based on the information provided and therefore wished to make a formal request for deferral in order for the information provided to be evaluated independently. Councillors Davey and Rufus echoed those concerns.
- (11) Councillor McCaffery confirmed that she did not wish the existing community facilities to be jeopardised and considered that more information regarding financial viability was required. Notwithstanding this she also had concerns regarding the appearance of the proposed glass extension on top of the building. She considered that the impact of the proposals both on the building itself and on within the neighbouring street scene was not acceptable.
- (12) Councillor Hyde stated that viability was one of the many considerations to be made in determining the application. In her view Members had been provided with sufficient information to determine the application.
- (13) Councillor Wells stated that he remained of the view that the development would be overbearing and would be detrimental to the neighbouring street scene. The appearance of the proposed extension would be detrimental to the listed building and its towering appearance would be completely unacceptable in the context of neighbouring street scene and when seen in longer views. Councillor Smart concurred stating that longer views of the frontage of the building from Western Road would be marred.

- (14) Councillors Caulfield and C Theobald agreed stating that they considered the proposed development to be to be detrimental both to the host building and in the context of the neighbouring street scene and therefore unacceptable. The proposed scheme would have a detrimental impact.
- (15) Councillor Hamilton stated that he considered the current application represented an improvement on the earlier one which he had also considered to be acceptable. He would therefore be voting in support of the application.
- (16) Councillor Steedman proposed that consideration of the application be deferred pending receipt of more detailed information as outlined in paragraph 9 above, this was seconded by Councillor Davey. A vote was taken and the proposal for deferment was lost on a vote of 9 to 3.
- (17) A further vote was then taken and on a vote of 8 to 2 with 2 abstentions planning permission was refused.

130.1 **RESOLVED** – That planning permission be refused for the following reasons:  
Reasons for Refusal:

1. The proposed development would be visually obtrusive and would have a harmful impact on the townscape and roofscape in the vicinity of the development, would not reflect the scale and appearance of the surrounding area, would detract from the character and appearance of the Brunswick Town Conservation Area and would fail to preserve the setting of adjacent listed buildings. The proposal is therefore contrary to policies QD1, QD2, HE3, and HE6 of the Brighton & Hove Local Plan and to government guidance in PPG15 Planning and the Historic Environment.
2. The proposed development would have an adverse effect on the external appearance of the building contrary to policy HE1 of the Brighton & Hove Local Plan.

**Additional Informative:**

The Planning Committee noted its concern that if approved the proposed development might possibly be seen as a precedent for similar developments nearby.

**Note:** Councillor Caulfield proposed that planning permission be refused; this was seconded by Councillor Wells. A recorded vote was then taken. Councillors Caulfield, Cobb, Hyde (Chairman), McCaffery, Rufus, Smart, C Theobald and Wells voted that planning permission be refused. Councillors Carden and Hamilton voted that planning permission be granted. Councillors Davey and Steedman abstained. Therefore on a vote of 8 to 2 with 2 abstentions planning permission was refused.

- B. Application BH2009/02015, The Old Market, 11A Upper Market Street, Hove –**  
Erection of 2 no. new penthouse apartments on the roof of the Old Market. New maintenance terrace provided at roof level above the existing east entrance lobby. Extension of existing stair/lift well to south access to the new apartments, alterations to windows and installation of front canopy.

- (1) It was noted that this application has formed the subject of a site visit prior to the meeting.
- (2) Councillors Cobb and Wells stated that they considered the proposals to be completely out of keeping and incongruent with the appearance of the listed building itself and would have a damaging impact upon it. Other Members concurred in that view.
- (3) A vote was taken and on a vote of 8 to 2 with 2 abstentions listed building consent was refused.

130.2 **RESOLVED** – That listed building consent be refused on the grounds that by virtue of its scale, height, design and appearance the proposed development would be dominant and uncharacteristic, and thereby cause harm to the external appearance of this grade II listed building. The proposal is therefore contrary to policy HE1 of the Brighton & Hove Local Plan and to government guidance in PPG15 Planning and the Historic Environment, which seeks to preserve the character of a listed building.

**Note:** Councillor Wells proposed that listed building consent be refused; this was seconded by Councillor Cobb. A recorded vote was then taken. Councillors Caulfield, Cobb, Hyde (Chairman), McCaffery, Rufus, Smart, C Theobald and Wells voted that listed building consent be refused. Councillors Carden and Hamilton voted that listed building consent be granted. Councillors Davey and Steedman abstained. Therefore on a vote on 8 to 2 with 2 abstentions listed building consent was refused.

**C. Application BH2009/01729, Falmer High School, Lucraft Road, Brighton** - Partial demolition of Falmer High School (including the North Block, Canteen, Kitchen and Caretaker's flat) and construction of new Academy complex (ClassD1), including sports hall, dining hall, performance areas, adaptable teaching spaces, caretaker's flat and communal space, along with a floodlit multi use games area (MUGA) and full size all weather pitch, and associated car and cycle parking, educational wind turbine, energy centre incorporating renewable technologies, landscaping and temporary construction access.

- (1) It was noted that this application had formed the subject of a site visit prior to the meeting. A scale model had been provided by the applicant and was on display in the meeting room. Samples of the materials proposed including glazing materials for the front elevation to the building had also been provided.
- (2) The Senior Planning Officer, Ms Brocklebank gave a detailed presentation setting out the constituent elements of the scheme. Elevational drawings, photographs and photomontages were displayed showing the front and rear elevations of the existing and proposed building. Perspectives of the site in strategic and longer views from neighbouring locations including Stanmer Park and Hollingbury Hill Fort were also shown.
- (3) Ms Brocklebank went on to explain that the applicants had sought to address concerns raised in relation to the previously approved outline scheme. The colour of the proposed silicone glazing material had been altered (it would now be of a darker more muted shade) in order to address concerns raised by the South Downs Joint

Committee. The scheme would achieve an excellent BREAM rating and a further 100 pupils could be accommodated on completion of the works.

### **Questions/Matters on Which Clarification was Sought**

- (4) Councillors Davey and Steedman sought clarification of the glazing materials to be used as those shown on the photomontages did appear stark and white particularly when shown in long views. The Senior Planning Officer explained that the darker materials displayed at the meeting would be used. It had not been possible to incorporate this change into the photomontages used.
- (5) Councillor Davey also enquired regarding the height of the proposed development. It was explained that the new building would be slightly higher than the existing school building but the same height as the nearby "Racquets Health Club" building.
- (6) Councillor C Theobald enquired regarding the location of any trees which would be lost as a consequence of the development and regarding the access arrangements and parking to be provided on site. The Senior Planning Officer explained that detailed discussions had taken place with the Council's arboriculturist. One mature beech tree and 18 other specimens of lesser quality would be removed all of which were to be replaced elsewhere on the site.
- (7) Councillor Smart asked whether sole access would continue to be from Lucraft Road and whether the possibility of widening that road, particularly the area under the railway bridge had been explored. As the school was currently undersubscribed but would have capacity for 100 further pupils on completion of the works he had some concerns that the existing road capacity might be insufficient. The Principal Transport Planning Officer, Mr Tolson explained that the existing arrangements were considered adequate, given that the site was well served by public transport (buses and trains) and that outline planning permission had already been granted for the new academy. The majority of existing pupils who were of secondary school age and therefore less likely to be driven to/from school by parents arrived on foot or by public transport and, it was considered that future pupils would do the same.

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

- (8) Councillor C Theobald regretted the loss of the mature beech tree and the fact that it had not proved possible to widen the access road. However, she supported the scheme which she considered would provide a wonderful educational and sporting facility both for students and the local community.
- (9) Councillor Carden whilst supporting the proposal queried whether the level of car parking provided would be sufficient to accommodate the community uses which would take place outside the school day. It was explained that the level of car parking provided (which would be the same as at present), was considered sufficient given the good public transport links.
- (10) Councillor Caulfield supported the scheme but considered that the 100 additional cycle parking spaces proposed would be inadequate. Given the site's location an increased



provision would encourage greater use of this means of transport. Councillors Davey and Steedman concurred in that view.

- (11) The Principal Transport Planning Officer explained that the number of spaces to be provided was greater than required by the SPG. However, a condition of the Travel Plan was that the existing arrangements be monitored and provision increased if necessary. Following discussion it was agreed that proposed Condition 6 be amended to require 200 cycle parking spaces to be provided.
- (12) Councillor Steedman whilst happy to support the scheme was anxious to ensure that the silicone glazing to the front elevations in particular was of a suitably muted shade. Following discussion it was suggested by the Deputy Development Control Manager and subsequently agreed by the Committee that final approval to these materials should be made by the Development Control Manager in consultation with the Chairman, Deputy Chairman and Opposition Spokesperson.
- (13) Mr Amerena (CAG) considered the scheme to be acceptable but was of the view that the appearance of the front elevation would be improved by removal of the lettering indicating that the building was "Falmer Academy." Members concurred in that view. The applicant's architect who was present at the meeting indicated that the lettering could be deleted.
- (14) A vote was taken and members voted unanimously that it was minded to grant planning permission.

130.3 **RESOLVED** - That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in paragraph 10 of the report and resolves that it is minded to grant planning permission subject to completion of a Section 106 Agreement in the terms also set out in the report. The following conditions to be amended slightly to read as follows:

3. Samples of materials to be used in the construction of the hard landscaping of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be fully implemented in accordance with the approved details prior to occupation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policies QD1 and QD15 of the Brighton & Hove Local Plan.

6. Amend Condition 6 to read:

The provision of cycle parking for not less than 200 cycles shall be implemented in full prior to first occupation in strict accordance with details which have been submitted to, and approved in writing by the Local Planning Authority.

**Reason:** To ensure that satisfactory facilities for the parking of cycles are provided and to encourage travel by means other than private motor vehicles and to comply with policy TR14 of the Brighton & Hove Local Plan.

Delete Condition 9.

14. Amend Condition 14 to read:

The area of playing field affected by the contractor's compound and its access shall be restored to its former condition within three months of the first occupation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure the retention and quality provision of playing field land in accordance with policy HO19 of The Brighton & Hove Local Plan.

23. Amend Condition 23 to read:

The development shall be carried out in accordance with the details contained in the Statement of Plant and Machinery dated 9 July 2009 and completed prior to first occupation, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To prevent the increased risk of flooding and to prevent pollution of controlled waters by ensuring the provision of a satisfactory means of surface water disposal and to comply with policy SU3 of the Brighton and Hove Local Plan.

27. Delete "...solaglas silicone glazing glass sample BA0129 Polar White Opaque (sample 5)." and add new Condition:

Samples of opaque silicone glazing to the front elevation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

Additional New Condition:

Notwithstanding the details shown on the drawings hereby approved, the lettering reading "Falmer Academy" to the front elevation at first floor level does not form part of this planning permission.

**Reason:** To ensure a satisfactory appearance to the development and to comply with policy QD1 of the Brighton & Hove Local Plan.

## (ii) MINOR APPLICATIONS

**D. Application BH2009/01856, 63 Holland Road, Hove** - Demolition of existing building and erection of a five storey building accommodating retail/office and restaurant facilities on the ground floor and basement 6 no two bedroom and 1 no 3 bedroom flats above.

(1) The Senior Team Planner, Ms Boggiano gave a presentation detailing the constituent elements of the scheme. Photographs were shown of the adjacent Palmeira Grande building and of neighbouring properties to the rear in Lansdowne Street and Gwdyr Mansions. This application contained revisions to the previous scheme for redevelopment of the site approved in 2008 and she delineated the differences between this scheme and that previously approved.

(2) Whilst the principle of redevelopment had been established it was considered that the extension to the penthouse accommodation at fifth floor level proposed would result in a significant disparity in height between the new building and 61 Holland Road to the south. This five storey building would dominate the adjoining building and would fail to

respect the design and scale of its surroundings. The development would be visually obtrusive and the appreciation of space between the buildings on that section of Palmeira Square would be compromised which would be detrimental to the townscape. For those reasons it was recommended for refusal.

- (3) Mr Fox, the applicant spoke in support of his application. He referred to information circulated by Lewis and Co planning consultants acting on his behalf setting out information in support of his application. He stated that the current application represented a significant improvement on the previous application which had also sought to take on board guidance from CABE in relation to the previous application.

#### **Questions/Matters on Which Clarification was Sought**

- (4) Councillor Smart asked for clarification regarding the height of the proposed building in the context of the Palmeira Grande development.

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

- (5) Councillor Wells stated that he disagreed that the development would be unbalanced when viewed in the context of the conservation area, considering on the contrary that it would provide a positive contribution to the area.
- (6) Councillor McCaffery concurred stating that she did not consider the proposed building would be visibly intrusive, in her view it was more acceptable than the development proposed in respect of the Old Market building and would be in keeping with its surroundings.
- (7) Councillor Rufus agreed stating that the current proposal appeared to represent an improvement on the previous scheme.
- (8) Councillor Cobb expressed concern at the lack of on-site parking particularly bearing in mind the site's location; she considered that this was a serious omission. Councillor C Theobald agreed.
- (9) A vote was taken and on a vote of 6 to 5 with 1 abstention planning permission was granted.

- 130.4 **RESOLVED** – That minded to grant planning permission be given subject to the applicant entering into a Section 106 Agreement to secure contributions of £3,500 towards sustainable transport infrastructure and £2,000 to amend the Traffic Regulation Order to ensure the development is car free. The proposed development is considered to respect the scale and design of its surroundings would not be visually obtrusive and would not detract from the character and appearance of the Brunswick Town Conservation Area. The following conditions to be applied:

#### **Section 106 Obligation:**

£3,500 towards a sustainable transport infrastructure and £2,000 to amend the Traffic Regulation Order (as above) and

**Conditions:**

Pre- commencement conditions in respect of the previous application have not been discharged. Those conditions to be carried through to this application.

**Note:** Councillor McCaffery proposed that planning permission be granted, this was seconded by Councillor Wells. A recorded vote was then taken. Councillors Carden, Caulfield, McCaffery, Rufus, Steedman, and Wells voted that planning permission be granted. Councillors Cobb, Davey, Hyde (Chairman), Smart and C Theobald voted that planning permission be refused. Councillor Hamilton abstained. Therefore on a vote of 6 to 5 with 1 abstention planning permission was granted.

**E. Application BH2009/01889, 2A Shirley Drive, Hove** – Erection of rear two storey extension and new front and side entrance canopy.

(1) A vote was taken and the 11 members of the Committee who were present when the vote was taken voted unanimously that planning permission be granted.

130.5 **RESOLVED** – That the Committee has taken into consideration and agrees with 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 C Theobald was not present when the vote was taken in respect of the above application.

**F. Application BH2009/00422, 23A & 23E Coleridge Street, Hove** - Change of use from Office (B1) to 6 self contained flats with formation of balconies to front elevation and demolition of single storey rear section to no. 23A & 23E.

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

(2) The Senior Team Planner, Ms Boggiano gave a presentation detailing the scheme. Elevational drawings and photographs were shown including views from the rear. Reference was made to the earlier appeal decision received from the Planning Inspectorate which was relevant to the consideration of the application. In the light of that decision it was considered that loss of the commercial property was acceptable and the proposed housing mix were acceptable and the scheme would not be detrimental to the living conditions of adjacent residents. The increased level of amenity space proposed at ground and first floor levels was considered acceptable to the scale and character of the development.

**Questions/Matters on Which Clarification was Sought**

(3) Councillor Cobb sought clarification regarding the lack of parking associated with the development and the fact that the scheme did not fully meet lifetime homes standards and that none of the units were wheelchair accessible. The Senior Team Planner confirmed that the scheme was car free and that as a conversion it was not required to meet the same lifetime homes requirements as a new build scheme. At six dwellings

the number of units fell below the threshold (10) at which disabled access requirements needed to be met.

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

- (4) Councillor Cobb stated that the site was located in her ward and she was aware that lack of parking presented a problem in that part of the City. Provision of additional units without the benefit of off-street parking at this location was unacceptable in her view. The applicant had indicated that he had been unable to let the commercial element of the development due to lack of parking facilities.
- (5) A vote was taken and on a vote of 9 to 1 with 2 abstentions planning permission was granted.

130.6 **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 also set out in the report. Condition 2 to be deleted.

**Note:** Councillor Cobb voted that planning permission be refused. Councillors Caulfield and C Theobald abstained from voting in respect of the above extension.

### **G. Application BH2009/01786, Land Adjacent to 1 Rushlake Close, Brighton -** Erection of 1 no. 3 bedroom detached house.

- (1) A vote was taken and members voted unanimously that planning permission be granted.

130.7 **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 agrees to grant planning permission subject to the conditions and informatives set out in the report.

### **H. Application BH2009/01594, Stanmer Link Road, Falmer, Brighton -** Outline application for amendments to layout of Sports Centre Road and proposed Stanmer Link Road (as proposed by BH2001/02418/FP) on the section within the University of Sussex boundary. To include widening, bollard lighting, bus stop and new access into sports centre car park. Reserved Matter Approval sought for access, appearance, layout and scale.

- (1) The Major Projects Officer, Ms Seale gave a presentation setting out details of the proposed scheme. Visuals were displayed indicating the extent and location of the works proposed she explained that outline permission was sought for alterations to the existing Sport Centre Road within the University of Sussex site and to the Stanmer Link Road which was proposed as part of the community stadium development. The alterations were sought for highway safety reasons as a result of the stadium development and its impact on the university campus.
- (2) The widening proposed on the Sports Centre Road would bring it up to a standard consistent with other roads within the campus and would also accommodate the new

bus stop. The widening of this part of the Link Road was proposed on the bend for highway safety reasons, the lighting was also proposed to aid highway safety. The new bus stop would be needed following the closure of Falmer House Road which buses currently used (buses would continue to exit via Knight's Gate Road). The new car park accesses were needed for highway safety reasons as a result of the new bus stop.

### Questions/Matters on Which Clarification was Sought

- (3) Councillor Rufus enquired regarding the location of the proposed highway lighting bollards and sought clarification whether any lighting was situated there at present. The Major Projects Officer confirmed that this lighting did not exist currently. Councillor Rufus also requested clarification regarding the measures which were to be put into place to protect bat habitats.
- (4) Councillor McCaffery sought confirmation regarding the status of the tree survey referred to in the report. It was explained that following an initial survey a further assessment was being made.
- (5) Councillor Hyde, the Chairman referred to the comments received from the Sussex Downs Joint Committee in relation to the original scheme in reaction to the need for a full tree survey to be taken and enquired whether it was proposed that the earth bund resulting from the works would be planted with trees. It was confirmed that it would although this area did not fall within that covered by this application.
- (6) Councillor C Theobald sought clarification that on completion of the works the original road would be blocked off and would be retained for access by emergency vehicles. It was confirmed that this would be the case.

### Debate and Decision Making Process

- (7) Councillor Caulfield expressed concern regarding location of the proposed lighting. She was anxious to ensure that lighting would be provided along the whole section of the link road and not just in association with the sports centre. She was also concerned that a full environmental impact assessment be carried out to ensure that any lighting was placed to avoid detrimental impact on to those areas which bordered the boundary with the national park. The Major Projects Officer explained that lighting was proposed in relation to the remainder the site associated with the stadium development. Rigorous conditions would need to be met by the applicant; however, these fell outside the area covered by this application.
- (8) A vote was taken and on a vote of 8 with 4 abstentions minded to grant planning permission was approved.

130.8 **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 that it is minded to grant outline planning permission subject to expiry of the publicity period (following re-consultation on amended plans and description) and no new material considerations being raised and subject to the conditions and informatives set out in the report and to the proposed amendments set out in the "Late Representations List."

Following expiry of the consultation period the wording of additional Condition 15 is to be agreed by the Development Control Manager in consultation with the Chairman, Deputy Chairman and Opposition Spokesperson.

**Note:** Councillors Caulfield, Davey, Rufus and Steedman abstained from voting in respect of the above application.

- I. **Application BH2009/00058, The Priory, London Road, Brighton** – Construction of additional storey to existing block of flats, to form 2 two bedroom and 2 three bedroom flats with a roof garden to each unit. New cycle store.
- (1) The Area Planning Manager (East), Mr Walke gave a presentation detailing the scheme by reference to elevational drawings and photographs of the existing buildings and showing the two blocks to which it was proposed to add an additional floor. He explained that the top floors of both of these blocks had been scaled back in order to negate any detrimental impact, overlooking or loss of amenity which could result either to the remaining blocks within this or neighbouring developments. Onerous conditions were proposed in relation to the proposed works as it had yet to be established whether the bat habitat situated under the ship lap above flat 16 in Block D operated as a hibernation roost or for maternity purposes or both.
  - (2) Ms Bartlett spoke on behalf of the applicant in support of their application explaining that the revised application sought to address objectors' earlier concerns. The scheme had been scaled back so that it was 14m away from the adjacent site at its closest point. The increased height of two of the blocks would not be readily visible from outside the site.
  - (3) Councillor G Theobald spoke in his capacity as a Local Ward Councillor setting out his objections to the scheme. He considered the scheme to be unacceptable. It would be to the detriment of neighbouring residents who had recently purchased and were now the freehold owners of the site. The blocks were currently of a uniform appearance; this would be compromised by the proposal. Neighbouring residents would also be deprived of daylight, and suffer from overlooking and amenity would be compromised in order to provide additional parking. Given that the majority of residents were elderly, loss of use of the lifts during the works was also an issue. The existing vehicular access was narrow and additional vehicular movements would create a traffic hazard.

#### **Questions/Matters on Which Clarification was Sought**

- (4) Councillor Hamilton enquired regarding the height of other neighbouring flatted development, in particular in relation to blocks opposite the site on the other side of the London Road. It was explained that these were of 3/4 storeys in height.
- (5) Councillor Caulfield sought clarification of the differences between this scheme and the previously refused one.
- (6) Councillor Davey referred to the current freehold ownership of the site and enquired regarding the ability of the applicant to lodge this application. The Area Planning Manager explained that the applicant had not acted improperly in submitting the

application and issues relative to ownership of the freehold were not a planning consideration.

- (7) Councillor Smart enquired regarding whether access to the amenity space associated with the new flats would be by means of a walkway. The Area Planning Manager explained that each flat would have access to its own private amenity space which could not be accessed from by of the other flats.

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

- (8) Councillor C Theobald stated that she considered the proposal to be completely unacceptable, that it would be detrimental to those currently occupying the top floors of the affected blocks and to other residents, would result in overlooking (from the units themselves and from balconies) and loss of amenity and would set a precedent in relation to the remaining and neighbouring blocks.
- (9) Councillor C Theobald It would also result in unacceptable increases in noise levels to the flats immediately beneath as result of the configuration of the new apartments. She had particular concerns regarding the noise disturbance which would result from kitchens and lounges being located above bedrooms. She was not satisfied that imposition of building regulations would eliminate all noise, as these requirements were not always sufficient. She was also concerned that insufficient details of any proposed bat protection measures had been provided. Councillor Caulfield concurred in that view.
- (10) Councillor McCaffery referred to the access/egress arrangements considering the exiting arrangements from the site onto a busy highway to the south were inadequate and could result in injury/accident.
- (11) A vote was taken and on a vote of 6 to 3 with 3 abstentions members voted that planning permission would have been refused had an appeal against non-determination not been lodged.

130.9 **RESOLVED** - That had an appeal against non-determination not been lodged planning permission would have been refused for the following reasons:

1. The proposed development would increase the height of the buildings which are higher and of greater bulk than those properties on the opposite side of London Road and adjoining to the south and would be detrimental to the street scene and contrary to policies QD2, QD3, QD14 and HO4 of the Brighton & Hove Local Plan.

2. The proposed development would result in loss of amenity to the residents of adjoining properties, by virtue of overlooking and increased noise levels as a consequence of the proposed external terraces and the layout of the proposed flats in relation to those beneath, contrary to policies QD14 and QD27 of the Brighton & Hove Local Plan.

**Note:** Councillor C Theobald proposed that planning permission be refused; this was seconded by Councillor Cobb. A recorded vote was then taken. Councillors Caulfield, Cobb, Davey, Hyde (Chairman), C Theobald and Wells voted that planning permission



be refused. Councillors Carden Hamilton and Steedman voted that planning permission be granted. Councillors McCaffery, Rufus and Smart abstained. Therefore on a vote of 6 to 3 with 3 abstentions members voted that they would have refused planning permission had an appeal against non-determination not been lodged.

**J. Application BH2009/01545, First Floor Flat, 23 Stanford Road, Brighton – Roof conversion incorporating 2 no. rear dormers and 2 no. front roof lights (part retrospective) (resubmission of BH2009/00346).**

- (1) The Area Planning Manager (East), Mr Walke gave a presentation detailing the proposed scheme. He showed photographs of the dormers as built (with particular reference to the left hand one), as opposed to the form permitted in accordance with planning permission BH2007/03987. The works had already been carried out and part retrospective approval was therefore sought. It was considered that the northernmost dormer, by virtue of its size, positioning and inappropriate design formed an incongruous addition which was detrimental to the appearance of the building and the surrounding area.
- (2) Mr Johnson, spoke on behalf of the applicant in support of their application. He explained that no objections had been received from neighbouring residents, who were most affected by the development, indeed they had expressed support. In answer to questions, Mr Johnson explained that the applicant had been unable to build this dormer in line with the planning permission granted as the staircase leading into the loft conversion had needed to be reconfigured in order to satisfy Building Control regulations. The photograph displayed did not accurately reflect the appearance of the left hand dormer as currently in situ as further amendments had been made, these were explained for the benefit of the Committee.

**Questions/Matters on Which Clarification was Sought**

- (3) Councillor Smart asked whether the left hand dormer which had the appearance of a French door could be used to access a sitting out/terrace area at roof level. The applicant's representative explained that it did not and, that the sole purpose of the "door" was as a means of escape in the event of a fire.
- (4) Councillor Smart also queried whether if permitted the development could be considered to set a precedent. The view of Officer's was that it could.

**Debate and Decision Making Process**

- (5) Councillor Rufus stated that he considered the scheme to be acceptable and did not consider it set a precedent as planning permission was required by virtue of the fact that the dwelling was a maisonette rather than a single dwelling house. If the property had been a single dwelling house planning permission would not be required as the works could have been carried out as permitted development.
- (6) Councillors Smart and Davey sought further clarification about the appearance of the dormers as built.

- (7) Councillor Carden stated that the window had been built in the manner shown as the staircase had been built against the neighbouring party wall and there would be insufficient headroom had the dormer been constructed in accordance with the original permission.
- (8) Councillor Davey referred to the fact that huge dormers could be observed on a number of properties located across the City, none of which had required planning permission, this development seemed modest by comparison. This development could not be viewed from the highway and could only be viewed by occupiers of adjacent properties none of whom had objected.
- (9) Councillor Rufus stated that a common sense and pragmatic view needed to be adopted. The property was not located in a conservation area and for the space to work properly internally this design solution was needed this, did not in his view run contrary to the appropriate SPG.
- (10) The Deputy Development Control Manager explained that the need to satisfy Building Control regulations did not override the need to apply for planning permission or the need to meet the requirements of any planning permission granted.
- (11) A vote was taken and on a vote of 5 to 3 with 4 abstentions planning permission was granted.

130.10 **RESOLVED** – That planning permission be granted on the grounds that the proposed northern most rear dormer, is not incongruous in its setting, is not detrimental to the appearance of the building or the surrounding area and therefore accords with policies QD1 and QD14 of the Brighton & Hove Local Plan and Supplementary Planning Guidance Note SPGBH1: Roof Alterations and Extensions. The following condition to be added:

1.The external finishes of the development hereby permitted shall match in material, colour, style, bonding and texture those of the existing building.

**Reason:** To ensure a satisfactory appearance of the development in the interests of the visual amenities of the area and to comply with policies QD1 and QD214 of the Brighton & Hove Local Plan.

**Note:** Councillor Rufus proposed that planning permission be granted, this was seconded by Councillor Davey. A recorded vote was then taken. Councillors Caulfield, Davey, Rufus, C Theobald and Wells voted that planning permission be granted. Councillors Cobb, Hamilton and Smart voted that planning permission be refused. Councillors Carden, Hyde (Chairman), McCaffery, and Steedman abstained. Therefore on a vote of 5 to 3 with 4 abstentions planning permission was granted.

**131. 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**

131.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determining the application:

Application:	Site Visit Requested by :
*BH2009/01477, Land adjacent to Amex House and land adjacent to 31 White Street, Brighton	Deputy Development Control Manager
*BH2009/01811, 112-113 Lewes Road, Brighton	Deputy Development Control Manager
BH2009/02089, The Royal Pavilion (Eastern Lawns), Brighton	Deputy Development Control Manager

\*Anticipated as applications coming forward for decision at the next scheduled meeting of the Committee.

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

132.1 **RESOLVED** – That those details of applications determined by the Director of Environment under delegated powers be noted.

**Note 1:** All decisions recorded in this list are subject to certain conditions and reasons recorded in the planning register maintained by the Director of Environment. The register complies with legislative requirements.

**Note 2:** A list or 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 (for copy see minute book). Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether these should in exceptional cases be reported to the Committee. This is accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.

The meeting concluded at 6.20pm

Signed

Chairman

Dated this

day of

