

### BRIGHTON & HOVE CITY COUNCIL

#### PLANNING COMMITTEE

2.00pm 11 AUGUST 2010

COUNCIL CHAMBER, HOVE TOWN HALL

#### MINUTES

**Present:** Councillors Hyde (Chairman), Carden (Opposition Spokesperson), Cobb, Davey, Fryer, Hamilton, Kemble, McCaffery, Pidgeon, Simson, Smart and Steedman

**Co-opted Members** Philip Andrews ((Chairman) Conservation Advisory Group)

**Officers in attendance:** Jeanette Walsh (Head of Development Control), Nicola Hurley (Area Planning Manager (West)), Claire Burnett (Area Planning Manager (East)), Gerard McCormack (Investigation and Enforcement Manager), Steve Reeves (Principal Transport Planner), Hilary Woodward (Senior Lawyer) and Jane Clarke (Senior Democratic Services Officer)

#### PART ONE

#### 66. PROCEDURAL BUSINESS

##### 66a Declarations of Substitutes

- 66.1 Councillor Kemble declared that he was substituting for Councillor Alford.
- 66.2 Councillor Fryer declared that she was substituting for Councillor Kennedy.
- 66.3 Councillor Pidgeon declared that he was substituting for Councillor Mrs Theobald.

##### 66b Declarations of Interests

- 66.4 Councillor Simson declared an interest relating to bias on application BH2010/01454, Woodingdean Business Park, Bexhill Road, Brighton, as the application was in her ward and she had publicly supported development on the site. She withdrew from the meeting during discussion of and voting on the item and did not take part therein.
- 66.5 Councillor Kemble declared an interest relating to bias on application BH2010/01382, Westdene Primary School, Bankside, Brighton, as he had publicly supported the application. He withdrew from the meeting during discussion of and voting on the item and did not take part therein.

- 66.6 Councillor Fryer declared an interest relating to bias on application BH2010/01382, Westdene Primary School, Bankside, Brighton, as she sat on the Children’s and Young People’s Trust Board. She withdrew from the meeting during discussion and voting of the item and did not take part thereon.

Note: [Officer declaration] The Senior Solicitor, Ms Woodward, advised Members of the Committee that she had a connection with application BH2010/01382, Westdene Primary School, but that connection would not affect her advice on the application.

**66c Exclusion of the Press and Public**

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

- 66.8 **RESOLVED** - That the public be not excluded from the meeting during consideration of any item appearing on the agenda.

**67. MINUTES OF THE PREVIOUS MEETING**

- 67.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 21 July 2010 as a correct record of the meeting.

**68. CHAIRMAN'S COMMUNICATIONS**

- 68.1 The Chairman addressed the Committee and noted that the six monthly training schedule for Planning Members had been approved at the recent Full Council meeting and dates for this would be sent to Members in due course. She highlighted that there was a Draft Enforcement Policy report included on this meeting’s agenda.

**69. PETITIONS**

- 69.1 There were none.

**70. PUBLIC QUESTIONS**

- 70.1 There were none.

**71. DEPUTATIONS**

- 71.1 There were none.

**72. WRITTEN QUESTIONS FROM COUNCILLORS**

- 72.1 There were none.

**73. LETTERS FROM COUNCILLORS**

73.1 There were none.

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

74.1 There were none.

**75. APPEAL DECISIONS**

75.1 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.

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

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

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

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

**78. PLANNING ENFORCEMENT POLICY DOCUMENT**

78.1 The Committee considered a report from the Director of Environment regarding the Planning Enforcement Policy Document.

78.2 The Planning Enforcement Manager, Mr McCormack, introduced the report and stated that a wide process of consultation had taken place with officers of the Council, users of the enforcement service, the Planning Service's Agent's Forum, Council Members, members of the public, the Conservation Advisory Team and Rottingdean Parish Council.

The policy set out a framework for the aims of the Planning Enforcement Team and highlighted priorities in terms of responding to complaints and outlining expectations of the Team. A standardised complaint form was now in use to gain as much information as possible about the complaint and a written acknowledgement was sent within five working days. The acknowledgement stated that if contact had not been made within 4-6 weeks of the complaint being made, then the complainant was encouraged to contact the department for an update. All cases would remain open until the Team had corresponded with the complainant as to why they were being closed.

It was noted that 45% of breaches were dealt with without legal action and would take around 2-3 weeks to resolve and this target would be maintained. The policy recommended that should complainants become unreasonable or bullying behaviour was identified, their complaint would be dealt with in writing only.

Mr McCormack recognised that the service was under-publicised and attempts had been made to rectify this. Cases would be advertised on the Council website and information regarding the policy would be included in City News. It was hoped that good publicity would demonstrate to larger developers what was expected in terms of compliance, and reduce breaches from smaller developers. Ward Members would also be regularly up-dated about enforcement action in their ward.

78.3 Councillor Smart asked if the section relating to illegal adverts would affect temporary adverts for festivals etc. Mr McCormack replied that this section of the policy referred mainly to permanent advertising. Temporary adverts would be treated with discretion by officers.

78.4 Councillor McCaffery asked what happened after an Enforcement Notice was issued and not complied with. Mr McCormack replied that the Council would be able to prosecute the person in breach, and/or complete the work themselves and charge the work back to the developer.

78.5 Councillor Steedman asked why the burden was being placed on complainants to follow up the complaint after 4-6 weeks and felt that this was not good practice. Mr McCormack replied that this would free up officer time to deal with the case before forming an update response, and would hopefully prevent complainants from contacting the department for regular updates on small or inconsequential matters. He added that the complainant would be contacted immediately should the case be closed early for any reason.

78.6 Councillor Hamilton asked about illegal A-board enforcement and Mr McCormack replied that this was a separate issue dealt with outside of planning.

78.7 **RESOLVED –**

- (1) That the draft planning enforcement policy be noted; and
- (2) That the Environment Cabinet Member be recommended to approve the policy for adoption by the Development Control Service.

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

79.1 **RESOLVED –** That the following site visits be undertaken by the Committee prior to determination of the application:

<b>Application:</b>	<b>Requested by:</b>
BH2010/00908 & BH2010/00909, 4 Tongdean Road, Hove	Committee
BH2010/00630, City Park, Orchard Road, Hove	Committee
BH2010/01059, 51 Westbourne Villas, Hove	Committee
BH2010/00235, Varley Halls, Brighton	Head of Development Control

**80. TO CONSIDER AND DETERMINE PLANNING APPLICATIONS ON THE PLANS LIST****(i) TREES**

80.1 There were none.

**(ii) SUBSTANTIAL OR CONTROVERSIAL APPLICATIONS OR APPLICATIONS DEPARTING FROM POLICY**

**A. Application BH2010/01454, Woodingdean Business Park, Bexhill Road, adjacent to Falmer Road** – Erection of industrial and storage buildings with associated offices and a wind turbine together with provision for access, servicing, parking and landscaping.

(1) Councillor Simson declared an interest in this item and left the meeting during the discussion and voting thereon.

(2) The Senior Planning Officer, Mr Thatcher, introduced the application and presented plans and elevational drawings. He stated that the application was the fifth stage in a phased scheme and the site neighboured the South Downs National Park and a residential area. The site was mainly for industrial use and incorporated a tower on the south-west building and a wind turbine with an overall maximum height of 19 metres. There were also 64 vehicle parking spaces with the scheme. Outline consent for the whole scheme was granted in 2002.

Consultation responses had been received with suggested conditions that were included in the late list information. The scheme conformed with policy and the principle of development on site was accepted. The site was allocated for this use in the Local Plan and it was felt that the scheme would have a minimum impact on the views of the National Park, given the urban backdrop of Brighton & Hove that already existed.

There would be 47 full time and 3 part time positions created with the scheme. The design, bulk, massing and materials proposed were acceptable and whilst the wind turbine would be visible from the National Park and Woodingdean, it would not be overly intrusive.

A site visit had been undertaken at the site, and it was noted that some of the machines were noisy. However, conditions for hours of operation across the whole site were included as part of the recommendation. There were acceptable levels of parking provided with the scheme, and financial contributions to road network improvements had already been received with previous phases. It was felt that no further improvements were needed at this stage.

The applicants had stated that the public art contribution of £25,000 would make the scheme unviable, but officers were in the process of negotiating provision for some form of public art on site that could be incorporated into works already being undertaken.

Possible contamination of the site was dealt with in the late list information and revised conditions were suggested to deal with this. The scheme was recommended to reach

BREEAM excellent rating, but currently was rated as very good. The applicants had provided a statement to say that excellent was not achievable and this had been scrutinised by the Sustainability Officer and was accepted. A combination of sustainability elements were sought however to make the scheme sustainably viable, and to retain the very good rating.

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

- (3) Councillor Steedman asked if there were any safe pedestrian routes through the site and whether any bio-diversity measures had been considered. Mr Thatcher replied that there were safe areas to walk through the car-park allocated on the site plans and whilst no biodiversity measures had been considered due to the nature of the scheme, this could be included as a standard condition.
- (4) Councillor Kemble noted that whilst phase 4 of the development had been approved, it had not been implemented. He asked what the likelihood of this happening with this phase was. He also noted that East Sussex Fire and Rescue Service had required a sprinkler system be included on site to ensure fire safety as asked if this was going ahead. Mr Thatcher replied that phase 4 had not been implemented due to the current economic climate, however, it was understood from the applicants that they would be building both phase 4 and phase 5 together, should they receive permission today, as this would significantly reduce costs. The issue of the sprinkler system would be taken up at building regulations stage.
- (5) Councillor Kemble asked why a phase 4 application to vary was still outstanding and Mr Thatcher replied that this had been received after the phase 5 application, and was currently going through the planning applications process in the normal way.
- (6) Councillor McCaffery referred to the comments from the Environmental Health Team regarding comments on the late list, and asked for an explanation of hydrocarbon and contamination issues. Mr Thatcher replied that some samples on site that were originally taken gave conflicting results and this was an initial problem. The Environmental Health Team had suggested conditions to be included on the late list to ensure that if any problems did arise during construction, the matters would be dealt with at that stage.
- (7) Councillor Fryer asked why there was a condition relating to plastic bottles, for a further explanation of the public art contribution and for a further explanation on why the scheme could not reach BREEAM excellent. Mr Thatcher replied that due to the proximity of residential houses, it was not considered appropriate for glass bottles to be used in the factory at phase 2. The public art element would be incorporated into works already planned for the site, and one suggestion was to incorporate it into the entrance gates for the site. The scheme was meeting BREEAM very good currently. Extra energy and water sustainability measures had been included to ensure this was retained, but an excellent rating would not be possible unless physical aspects of the building were amended to incorporate this.
- (8) Councillor Smart asked whether the wind turbine would be in operation at night, and asked how prominent it would be. Mr Thatcher explained that due to the restricted hours of operation across the whole site the turbine could not be used after 19:00 hours. The

height of the turbine would be in line with the already approved phase 1 office block development.

- (9) Councillor Smart asked if the site could be used later at night at any point in the future. Mr Thatcher replied that any variation of opening hours on site would have to be the subject of another planning application.
- (10) Councillor Davey asked whether the Travel Plan would be created individually for this phase, or incorporated into a more integrated plan for the whole site. Mr Thatcher replied that there was already an integrated Travel Plan for the site and it would be this that was updated to reflect the newly approved phase.
- (11) Councillor Kemble noted an error in the report on page 18 that suggested that planning permission had already been approved and asked for assurances that the applicant had not be told this would be the case. Mr Thatcher agreed that the wording should be replaced with the word “seek” and that this was an error. It was for the Committee to make the decision regarding granting or refusing the application.

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

- (12) A vote was taken on a unanimous vote full planning permission was granted subject to the conditions and informatives listed in the report, and those included on the late list.

80.2 **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 to grant planning permission subject to the conditions and informatives listed in the report and the amended conditions as set out in the late list. A further condition to be added to read:

- (1) No development shall commence until full details of a scheme to improve the biodiversity of the site have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in strict accordance with the approved scheme prior to the occupation of the buildings and thereafter retained as such.

**Reason:** To ensure the scheme achieves an acceptable level of biodiversity and to comply with policy QD17 of the Brighton & Hove Local Plan.”

Note: Councillor Simson declared an interest in this application and withdrew from the meeting during consideration and voting thereon.

**B. Application BH2010/01382, Westdene Primary School, Bankside, Brighton –**  
Extensions and alterations to school including 2 storey extension to east side to accommodate 12 new classrooms and school facilities and relocation of games court and reconfiguration of external play areas.

- (1) Councillor Kemble and Councillor Fryer declared an interest on this application and left the meeting during discussion and voting thereon.

- (2) The Area Planning Manager (West), Ms Hurley, introduced the application and presented plans and elevation drawings. The works would include demolition of temporary buildings and erection of new classrooms to accommodate an expansion of 30 extra pupils per year. There had been 12 objections to the application and East Sussex Fire & Rescue Service had made comments that were included on the Late List. These comments would be dealt with at building regulations stage should the application be approved however.

It was felt the scale and design of the scheme was in accordance with the existing structures and would not be overly dominant. There was a separation distance of around 27 metres and it was therefore felt there would be no adverse residential amenity impact. It was noted that the school car park could become congested at times and the scheme would only provide a small increase in the overall number available. However, the school was not practically able to accommodate a new parking area and there had been no objections from the Sustainable Transport Team regarding this application, and it was therefore felt that an updated Travel Plan could deal adequately with this issue.

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

- (3) Councillor McCaffery noted the roof vents and asked why they were necessary. Ms Hurley replied that they provided natural ventilation for the building.
- (4) Councillor Smart noted the transport problems in this area and asked what measures would be taken to reduce the traffic impact from the school. Ms Hurley replied that it was part of the Travel Plan to encourage staff and students to walk to school, and this had been successful in the past in reducing car movements.
- (5) Councillor Simson asked if the school's playing field could be used as parking for special and occasional events at the school. Ms Hurley was unsure if this was practical as the ground levels changed so dramatically from the roadway to the field.
- (6) Councillor Simson asked if the scheme would be built all at the same time and Ms Hurley confirmed this. She added that there would be a staged intake of extra students over the school years however.
- (7) Councillor McCaffery was also concerned about the parking on street and asked if the residents had driveways. She asked if a waiting restriction could be included on the road. The Principal Transport Officer, Mr Tolson, replied that most did have driveways and that a waiting restriction on a residential road was difficult to enforce. The Development Control Manager, Ms Walsh, added that the school participated very actively in dealing with travel issues and had achieved a significant reduction in car usage over recent years. Mr Tolson confirmed that an additional 109 cars as identified in the report would be a worst case scenario.
- (8) Councillor Smart asked if there would be a net loss of grass playing fields for the school with this application, and whether a single yellow line could be implemented outside the school. Ms Hurley confirmed that the grass playing fields would not be affected by the scheme once it was built. There would be a period of time when temporary classrooms would be placed on the sports field to accommodate the construction. Mr Tolson



confirmed that there was a single yellow line in existence on part of the roadway already.

- (9) Councillor Pidgeon raised concerns over the access for fire engines and asked how this was being dealt with. Ms Hurley confirmed that the architect was liaising with East Sussex Fire & Rescue Service on access routes, but the issue would be dealt with as part of the buildings regulations stage.

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

- (10) Councillor McCaffery hoped that the traffic issues would be resolved and suggested a one-way system or extension of the single yellow line. She added that she would be supporting the application on the assumption that this would be resolved adequately.
- (11) A vote was taken and on a unanimous vote planning permission was granted subject to the conditions and informatives listed in the report.

- 80.3 **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 listed in the report.

Note: Councillors Fryer and Kemble declared an interest in this application and withdrew from the meeting during consideration and voting thereon.

- C. Application BH2010/00736, 8 Cliff Approach & 1 Cliff Road, Brighton** – Erection of 5no. 3 storey 4 bed dwelling houses and 1no. 3 storey 3 bed dwelling house with associated parking areas.

- (1) The Area Planning Manager (East), Ms Burnett, introduced the application and presented plans and elevational drawings. She stated that the surrounding area was mainly residential detached bungalows with Marine Gate sited close by. There was one parking space provided for each property. Amendments had been made to the east elevation for an improved outlook and materials were off-white render and wood panelling, with a zinc and tile roof.

A site visit had been performed to ascertain the relationship with the nearby bungalows. There was a live application for 9 flats on this site, and whilst this proposal was closer in proximity to neighbouring dwellings it had been reduced in height. There had been 17 letters of objection in addition to a letter of objection from the Roedean Residents' Association.

- (2) Ms Rocks, a neighbouring resident, addressed the Committee and spoke against the application. She stated that the west wall of the development would only be 40 centimetres from her boundary and would leave an alleyway of this size. She feared this would be used as an area to leave rubbish, or where local children might congregate. The scheme was out of scale and height with the local area and would appear visually very dominant and intrusive. The westerly balcony would overlook her garden and invade her privacy and Ms Rocks felt there would be increased noise and disturbance in the area. It was unrealistic to provide only one parking space for a four bedroom house and Ms Rocks did not feel any more parking could be accommodated on the road

network. The area had been affected by the Zone H Parking Zone extension and there was now significant parking congestion in the area.

- (3) Councillor Steedman asked Ms Rocks if she preferred this scheme over the already approved scheme for 9 flats. Ms Rocks confirmed that this scheme was in her opinion much better.
- (4) Mr Bareham, Agent for the applicant, spoke in favour of the application and noted that a scheme for 9 flats had already been approved on site and would be implemented if the proposed scheme was not approved. The proposed scheme was smaller in terms of ground cover and height and the terraced design was in-keeping with the local area. There was sufficient screening along the boundaries to ensure privacy, and with the extant scheme a roof terrace had been agreed, which was not included with the proposed scheme. There would be no loss of parking in the area and the scheme provided good residential amenity for future residents with 30 foot gardens provided.
- (5) Councillor Smart asked whether the alleyway referred to by Ms Rocks could be closed off to the public and Mr Bareham agreed that this could be dealt with as part of the landscaping condition.
- (6) Councillor Smart asked how repairs to the house closest to the bungalow would be dealt with. Mr Bareham replied that this would be a private matter between future neighbours.
- (7) Councillor Kemble noted the 4 cycle parking spaces in the rear of the properties and asked how these could be accessed without going through the house, and if 4 were necessary. Mr Bareham did not think 4 cycle parking spaces were excessive for a family home and added that access was available at the rear.
- (8) The Chairman asked whether the zinc roof would be a matt finish, and asked how it tied in with Marine Gate. Mr Bareham replied that during pre-application discussions it was evident that a more modern outlook onto Marine Gate would be acceptable, and this is what the architect had incorporated. He added that a matt finish could be included.
- (9) Councillor Cobb asked if the wood panelling was of a high quality that would weather well. Mr Bareham replied that samples would be approved by the Planning Department but confirmed it would be on high quality.

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

- (10) The Chairman asked how the roof materials would be used. Ms Burnett explained that one side of the roof would be tiled and the other side, facing Marine Gate, would be zinc finish to fit in with the modern development of Marine Gate.
- (11) The Chairman asked if the rear balcony would affect the privacy of the bungalow garden. Ms Burnett replied that the balcony would be set back 7 metres and conditions were proposed for a 1.8 metre obscured glass panel to be included.
- (12) Councillor Kemble asked if there was adequate room for a vehicle to reverse off the driveway and the Principal Transport Officer, Mr Reeve confirmed that this had been measured and was acceptable. He acknowledged the space would be restricted.

- (13) Councillor Fryer asked if this scheme was given permission would it supersede the previous consent. Ms Walsh explained that the applicant would be permitted to implement either consent as once granted an application was live for a five year period. It would be up to the applicant to decide which permission they chose to implement.

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

- (14) Councillor Cobb was concerned about the proximity of the scheme to the western bungalow and felt the design could be better. However, she agreed that this proposal was better than the extant scheme and felt that she should support it because of this.
- (15) A vote was taken and on a vote of 10 for, 0 against and 2 abstentions, minded to grant planning permission was granted subject to the completion of a s106 agreement and the conditions and informatives listed in the report and an additional informative regarding materials

80.4 **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 planning permission subject to the completion of a s106 Planning Agreement and the conditions and informatives listed in the report, and an additional informative to read as follows:

- (1) In respect to discharging condition 6, materials should be selected to ensure that they are of high quality, in particular the zinc roof elements are of a matt finish and wooden panel detailing wears well with weathering.

**D. Application BH2010/00977, 6 Challoners Close, Brighton** – Alterations to existing ground floor and extension at first floor level to form a two storey four bedroom house.

- (1) The Area Planning Manager (East), Ms Burnett, introduced the application and presented plans and elevational drawings. She noted that the application was to alter the ground floor to form a two bedroom house from the existing bungalow. There had been 7 objections including a letter from Rottingdean Parish Council, and 2 letters of support. The new dwelling would be in line with the existing front elevation and the materials would be rendered brick and tiled roof. The scheme was 3 meters higher than the existing, but would be more balanced within the plot. There was no direct overlooking created by the scheme and whilst there was some impact on rear neighbouring privacy there was already a dormer in existence on this elevation. There had been two previous refusals on this site, but it was felt that this proposal would sit more comfortably in the site. There had been a similar scheme approved at 9 Challoners Close in February 2010.
- (2) Mr De Young, a local neighbour, spoke against the scheme and stated that this scheme would have a much greater impact on the area. The scheme would be 3 metres higher than the existing building and would over dominate the area. The scheme would be out-of-character with the neighbourhood and was contrary to policy QD4 of the Local Plan. Mr De Young did not think that 9 Challoners Close should not set a precedent for the area as this was an entirely different application and was much closer to neighbouring

properties. He added that residents in Northfield Rise would also be affected by the application.

- (3) Mr Ward, Agent to the applicant, spoke in favour of the application and stated that the applicants had been encouraged to apply for a 2 storey dwelling on this site as it would be acceptable. The proposed dwelling would be around 5 metres away from neighbouring properties and would not interfere with residential amenity or privacy. The officers had recommended the proposals for approval and the scheme had been designed in accordance with guidance and good practice. There was no overshadowing created by the scheme and as there was already a mixture of architectural designs in Challoners Close, this application would not be out-of-keeping. The applicant was not a developer and was seeking to live in the house with his family, as such the scheme would be of high quality and meet the lifetime homes standards.
- (4) The Head of Development Control reminded Members that it was not relevant to deciding the application whether the applicant was a developer or not.

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

- (5) Councillor Kemble asked what the difference in height was to the roof lines of the neighbouring houses and Ms Burnett replied that there was a 1.5 metre difference.
- (6) Councillor Carden asked if the garage would remain in existence. Ms Burnett replied that there was a garage to the rear of the garden that would be retained and could be accessed from the road.

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

- (7) A vote was taken and on a vote of 11 for, 1 against and 0 abstentions, planning permission was granted subject to the conditions and informatives listed in the report.

80.5 **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 listed in the report.

**E. Application BH2010/00908, 4 Tongdean Road, Hove** – Partial demolition and alterations to existing dwelling and erection of new detached 3 bedroom dwelling with separate garage, new access road and associated landscaping.

- (1) This application was deferred to allow a site visit to be performed prior to the next meeting.

**F. Application BH2010/00909, 4 Tongdean Road, Hove** – Partial demolition and alterations to existing dwelling.

- (1) This application was deferred to allow a site visit to be performed prior to the next meeting.

- G. Application BH2010/00875, 18 Whitethorn Drive, Hove** – Application for variation of condition 7 of BH2005/02321/FP in order to increase the number of children in attendance to 33 (retrospective).
- (1) The Area Planning Manager (West), Ms Hurley, introduced the application and presented plans and elevational drawings. She stated that the site was currently used as a nursery with a hardstanding at the front for drop offs and pick ups. The nursery was open from 08:00 to 18:00 and the application sought to vary a condition to allow up to 33 children on the premises. There were 30 children currently in attendance at the nursery and the application was part-retrospective. The area was residential in character with good sized dwellings. Free flow outdoor play was implemented at the nursery to lessen the impact of noise and disturbance to neighbours and a condition was included to update the Management Plan in this regard. There was a recognised impact on travel created by the application, but the Sustainable Transport Team felt the site could be accessed by walking and it was noted there was some off-street parking available.

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

- (2) Councillor Kemble noted that the OFSTED limit was for 31 children and asked why the application was for 33. Ms Hurley replied that the current OFSTED limit was 31 but the applicants could apply for this to be revised to 33. The Early Years Team had looked at the site and recommended a limit of 33 children. She confirmed that the applicant would not be able to have 33 children in the nursery without a revised OFSTED limit in place.
- (3) Councillor Simson asked how many children were originally accommodated and when this was increased. Ms Hurley confirmed that in 2007 permission was granted for the nursery to use the upstairs area and this increased the numbers to 20, although this number could be accommodated on the ground floor and as yet the upstairs area had not be used as a nursery.

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

- (4) A vote was taken and on a vote of 10 for, 2 against and 0 abstentions, planning permission was granted subject to the conditions and informatives listed in the report.
- 80.6 **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 listed in the report.

- H. Application BH2010/00336, 24 Castle Street, Brighton** – Partial demolition and conversion/extension of existing premises to form 4no office units and 7no residential dwellings incorporating 4no one bed & 3no two bed duplex flats.
- (1) The Area Planning Manager (West), Ms Hurley, introduced the application and presented plans and elevational drawings. She stated that the site was last used as a glass manufacturer and was now vacant. An application was granted in 2007 for offices and flats but the permission was not implemented as there had been problems with the access arrangements with the scheme. The new scheme sought to resolve these issues. The elevations were the same as the previous scheme, but internally there was a proposed loss of office space. The Economic Development Team had made a

representation regarding this and there comments were available on the Late List. The East Sussex Fire & Rescue Service had made comments on the internal layout of the property, and an additional informative was recommended on the Late List to deal with this. The application did not comply with policy EN5 of the Local Plan as there was a significant reduction in work space, but the applicants had shown the site was unviable for manufacturing use, and the conversion to offices would create a higher density of jobs than the current building allowed. The Sustainable Transport Team had not objected and the scheme was to remain car-free.

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

- (2) Councillor Smart asked if there were any lifts provided in the block and Ms Hurley replied there was not, but confirmed the flats would meet with lifetime homes standards.
- (3) Councillor Kemble asked for confirmation that the office blocks would be DDA compliant and Ms Hurley confirmed that they would need to be.

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

- (4) A vote was taken and on a unanimous vote minded to grant planning permission was granted subject to the completion of an s106 agreement, the conditions and informatives listed in the report and the additional condition included on the Late List.

80.7 **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 resolves that it is minded to grant planning permission subject to the applicant entering into a s106 Planning Agreement and the conditions and informatives listed in the report and the additional condition included on the Late List.

**I. Application BH2010/00630, City Park, Orchard Road, Hove** – Erection of part one storey, part two storey building to form 7no one and two bedroom flats with associated landscaping, car parking and cycle spaces.

- (1) This application was deferred to allow a site visit to be performed prior to the next meeting.

**J. Application BH2010/01059, 51 Westbourne Villas, Hove** – Re-conversion of 3no existing flats back into 1no 5 bed dwelling house and conversion of garages to rear into a detached 3 bed house.

- (1) This application was deferred to allow a site visit to be performed prior to the next meeting.

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

81.1 **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 of representations received by the Council after the Plans List reports had been submitted for printing was circulated by Members on the Friday preceding the meeting. Where representations are received after that time they should be reported to the Chairman and Deputy Chairman and it would be at their discretion whether they should in exceptional circumstances be reported to the Committee. This is in accordance with Resolution 147.2 of the then Sub Committee on 23 February 2006.]

**82. 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**

82.1 **RESOLVED** – That the following site visits be undertaken by the Committee prior to determination of the application:

<b>Application:</b>	<b>Requested by:</b>
BH2010/00908 & BH2010/00909, 4 Tongdean Road, Hove	Committee
BH2010/00630, City Park, Orchard Road, Hove	Committee
BH2010/01059, 51 Westbourne Villas, Hove	Committee
BH2010/00235, Varley Halls, Brighton	Head of Development Control

The meeting concluded at 4.30pm

Signed

Chair

Dated this

day of

