

BRIGHTON & HOVE CITY COUNCIL

PLANNING COMMITTEE

2.00pm 1 SEPTEMBER 2010

COUNCIL CHAMBER, HOVE TOWN HALL

MINUTES

Present: Councillors C Theobald (Chairman), Carden (Opposition Spokesperson), Alford, Caulfield, Cobb, Davey, Hamilton, McCaffery, Older, Rufus, 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)), Aidan Thatcher (Senior Planning Officer), Pete Tolson (Principal Transport Planner), Steve Reeves (Principal Transport Planner), Hilary Woodward (Senior Lawyer) and Jane Clarke (Senior Democratic Services Officer)

PART ONE

83. PROCEDURAL BUSINESS

Note: Councillor Mrs Theobald took the chair for the meeting.

83a Declarations of Substitutes

83.1 Councillor Caulfield declared that she was substituting for Councillor Simson.

83.2 Councillor Rufus declared that he was substituting for Councillor Kennedy.

83.3 Councillor Older declared that she was substituting for Councillor Hyde.

83b Declarations of Interests

83.4 The Chairman declared a personal interest in applications BH2010/00908 and BH2010/00909, 4 Tongdean Road, Hove in that she knew the applicants but did not think this would prejudice her judgement of the applications and remained of a neutral mind. She remained in the meeting and took part in the voting thereon.

83.5 The Chairman declared a personal interest in application BH2010/01059, 51 Westbourne Villas, Hove in that she knew the applicants but did not think this would prejudice her judgement of the application and remained of a neutral mind. She remained in the meeting and took part in the voting thereon.

83.6 Councillor Carden declared a personal interest in application BH2010/00630, City Park, Orchard Road, Hove in that he knew a resident of March House. He did not think this would prejudice his judgement of the application and remained of a neutral mind. He remained in the meeting and took part in the voting thereon.

83c Exclusion of the Press and Public

83.7 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.

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

84. MINUTES OF THE PREVIOUS MEETING

84.1 **RESOLVED** – That the Chairman be authorised to sign the minutes of the meeting held on 11 August 2010 as a correct record of the meeting.

85. CHAIRMAN'S COMMUNICATIONS

85.1 The Deputy Chairman, Councillor Mrs Theobald, stated that she would be acting as Chairman for the meeting as the Chairman, Councillor Hyde, was unwell and could not attend.

The Chairman added that there was a new item on the agenda regarding information on pre-application presentations and requests that was for the Committee to note.

86. PETITIONS

86.1 There were none.

87. PUBLIC QUESTIONS

87.1 There were none.

88. DEPUTATIONS

88.1 There were none.

89. WRITTEN QUESTIONS FROM COUNCILLORS

89.1 There were none.

90. LETTERS FROM COUNCILLORS

90.1 There were none.

91. NOTICES OF MOTION REFERRED FROM COUNCIL

91.1 There were none.

92. APPEAL DECISIONS

92.1 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.

93. LIST OF NEW APPEALS LODGED WITH THE PLANNING INSPECTORATE

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

94. INFORMATION ON INFORMAL HEARINGS/PUBLIC INQUIRIES

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

95. INFORMATION ON PRE APPLICATION PRESENTATIONS AND REQUESTS

95.1 The Committee noted the position on information on pre-application presentations and requests as set out in the planning agenda.

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

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

Application:	Requested by:
BH2010/01966, Mitre House, 146 Western Road	Head of Development Control
BH2010/001833, St Mary's Hall, Eastern Road	Head of Development Control

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

97.1 There were none.

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

A. Application BH2010/00235, Varley Halls of Residence, Coldean Lane, Coldean – Demolition of existing student halls of residence to provide replacement facilities between 3 and 5 storeys including 564 bed spaces, seminar rooms, a café/bar, laundry facilities, car parking, cycle parking and associated landscaping.

- (1) The Area Planning Manager (East), Ms Burnett, introduced the application and presented plans and elevational drawings. She noted that the Head of Term had been deleted from the proposed Section 106 Agreement following additional information on the Late List from the Environmental Health Department, an additional condition had been added relating to car park management and a correction of wording on condition 22.
- (2) The site bordered the South Downs National Park and the Stanmer Conservation Area, and the proposed local nature reserve. The main central buildings would be demolished and 10 new buildings erected to accommodate a net increase of 294 bed spaces. Four letters of objection had been received.
- (3) The principle of development was accepted on the site and there were no policy constraints to this development. The impact on views from Stanmer Park, the National Park and the conservation area had been assessed and the development would not be visible from either Stanmer Park or the conservation area. There would be views from the South Downs National Park however, but the site was on lower ground and would be seen in the context of other development in the area. The overall dominant topography would also remain as woodland. Appropriate choice of materials would also lessen any impact. The height, scale, massing and design of the development was acceptable and although there would be the loss of 51 trees on site, these were mainly of poor quality and would be replaced by the planting of 88 trees on and off the site.
- (4) There would be 3 large areas of open space and a trim trail created with the development, which resulted in a reduction of the monies requested for the adult/sport contribution. There would also be a reduction in car parking from 128 spaces to 61 spaces, and 200 cycle spaces would be proposed. There would be some displaced parking created by the development however and sustainable transport measures and an on-site parking permit system were required to mitigate this. As real-time bus information would be available on site the transport contribution would also be reduced.
- (5) In terms of sustainability only phase 1 of the scheme would not reach BREEAM excellent within the energy sections, however the subsequent phases would exceed such levels, and this was therefore deemed acceptable. There would be a 5-6 metre buffer zone between the buildings and the nature reserve to assist with ecology

measures, and additional conditions regarding ecology had been included with the permission.

Questions/Matters on Which Clarification was Sought

- (6) Councillor Smart asked if the university was confident that the site would be filled with university students. The Head of Development Control, Ms Walsh, replied that the allocations policy was up to the university to control as they saw fit, but the intention was for the whole site to be filled.
- (7) Councillor Alford asked if any extra provisions for bus services were included for the site, and what type of trees would be replanted. The Principal Transport Planner, Mr Tolson, responded that a travel plan would monitor displaced parking in the Coldean area to judge the success of the sustainable transport schemes, which did include provision of extra bus services and bus passes for students. Ms Burnett replied that the landscaping scheme specified native species of tree and planting and conditions had been proposed which secured long-term management of the trees.
- (8) Councillor Davey asked how far off-site would the off-site planting be and Ms Burnett demonstrated a visual and stated that it would be immediately adjacent to the site.
- (9) Councillor Davey asked for details around the cycling lane improvements and Mr Tolson replied that the existing lane would be widened and resurfaced and as much would be done with the contribution as possible, but no dates for works to commence had been agreed.
- (10) Councillor Cobb noted that the parking on site would be reduced and that displacement parking was expected. She asked if there would be any nightlife entertainment provided on site. Mr Tolson replied that the displacement parking would be minimal as the existing demand for parking on site was driven by employees of the Falmer site who would park in Coldean and take the university shuttle bus up to Falmer. This service had now been stopped and so this demand had decreased. He added that a travel plan would be implemented to alleviate the situation.
- (11) Councillor Cobb asked what facilities would be provided with the adult/youth/sport contributions and Ms Burnett replied that she would detail this in a note to Councillor Cobb after the meeting. Councillor Cobb added that there were already extensive sporting facilities at Sussex University and she was unsure whether this was accessible by the public.
- (12) Councillor McCaffery asked why a reduction in the sport contribution had been negotiated and Ms Burnett replied that a reduction on the casual/informal play element had been negotiated as the applicants were providing a variety of facilities on site that covered this. Councillor McCaffery asked for the details of this to be sent to her after the meeting.
- (13) Councillor Rufus noted the views from Coldean Lane and asked if night time light intrusion for residents had been considered. Ms Burnett replied that there was a proposed condition to limit external lighting so that it would not be intrusive.

- (14) Councillor Rufus asked if there was a commitment to aftercare for the nature reserve and Ms Burnett replied that this was also covered by condition.
- (15) The Chairman of the Conservation Advisory Group, Mr Andrews, asked how prominent from the South Downs National Park the buildings would be. Ms Burnett replied that the Conservation and Design Team had been heavily involved in the application from pre-application stage to ensure a minimal impact on the national park.
- (16) Councillor Cobb raised a point of order and asked if Mr Andrews was allowed to ask questions on applications that were not in a conservation area. The Solicitor to the Committee, Ms Woodward, replied that whilst it was strictly not within CAG's remit, the committee had in the past allowed the CAG Representative to ask questions on applications.
- (17) Mr Andrews asked if the tiles were handmade and Ms Burnett replied that they were Keymer clay hung tiles.
- (18) Councillor Older noted the reference to undisturbed sleep in the report and asked if this was now a consideration. Ms Walsh replied that this was a comment from the Environmental Health Team who were not present at the meeting, and she would provide more information after the meeting.
- (19) Councillor Cobb asked about the materials and whether the paint was durable and hardwearing and Ms Burnett agreed that this was the case.
- (20) The Chairman asked about the bathroom facilities available to students and Ms Burnett replied that most of the bedrooms would have en suite, but there were 72 beds that shared facilities on a ratio of 1:3.
- (21) The Chairman asked where the staff would park their cars and Mr Tolson replied that staff would be encouraged to use other forms of transport and this would form part of the travel plan.

Debate and Decision Making Process

- (22) Councillor Davey asked that all of the Section 106 contributions to transport were paid before commencement of phase 1, and this was agreed by the committee.
- (23) A vote was taken and on a unanimous vote minded to grant planning permission was granted subject to a Section 106 Agreement, the conditions and informatives listed in the report, the additional condition referred to on the Late List and a change to the recommended Head of Term for the proposed S106 Agreement.

97.2 **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 Section 106 Planning Agreement, the conditions and informatives listed in the report and the additional condition in the Late List, and a change to the recommended Head of Term for the proposed S106 Agreement to read:

- A) That the recommended Head of Term for the proposed Section 106 Agreement relating to the timing of the payment of the sustainable transport contribution be changed so that the full amount of the contribution is paid prior to the commencement of Phase 1.

Note: Councillor McCaffery was not present during the voting on this item.

B. Application BH2010/00498, Former Esso, Hollingdean Road – Redevelopment of the site providing for the erection of a part 2, 3, 4 and 5 storey building comprising 24 no. residential units and associated external amenity space.

- (1) The Senior Planning Officer, Mr Thatcher, introduced the report and presented plans and elevational drawings. He explained that the application was to vary the Head of Term on the affordable housing element of the scheme from 100% to a minimum of 40%. The developers had stated they were experiencing difficulty in raising the funding for a scheme with 100% affordable housing.

Questions/Matters on Which Clarification was Sought

- (2) Councillor Caulfield noted that the financial climate could change in the coming months and asked why the developers could not wait to see if this occurred. Mr Thatcher explained that the request was for a minimum of 40% housing and the developers were keen to gain as much affordable housing on site as possible, but this would be dependant on funding. He added that the application was in line with policy. Ms Walsh added the decision notice had not been issued for the application granted in May 2010 and there was no policy support to insist on 100% provision of affordable housing.
- (3) Councillor Rufus asked if the funding grant was needed to facilitate development or could the developers build the scheme without it. Mr Thatcher replied that it was his understanding that the funding was fundamental to the development.
- (4) Councillor Caulfield noted that when applicants applied for a social funding grant they had to be very clear about the amount of affordable housing they would be providing with it. Ms Walsh replied that Registered Social Landlords did not make a profit on housing. Any profits made from private sales were used to fund affordable housing. She added that there was no policy position to support more than 40% affordable housing on the site.

- (5) Councillor Hamilton asked whether the applicant would only have 40% affordable housing on site. Ms Walsh replied that the current scheme that had been granted at 100% affordable housing was not financially viable at this time. The applicants had indicated however that they would increase this on site if the financial situation changed whilst the scheme was in progress.
- (6) A vote was taken and on a vote of 6 for, 3 against and 3 abstentions minded to grant planning permission was given subject to a Section 106 Agreement, amended Head of Term on affordable housing and the conditions and informatives listed in the report.

97.3 **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 resolves that it is Minded to Grant planning permission subject to the applicant entering into a Section 106 Planning Agreement, with the Head of Term on affordable housing amended as per the report, and the conditions and informatives listed in the report and in the Late List.

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

- (1) The presentation, discussion and voting of this application was taken together with application BH2010/00908, 4 Tongdean Road, Hove.
- (2) A vote was taken and on a vote of 9 for, 1 against and 2 abstentions Conservation Area Consent was refused for the reasons set out in the report.

97.4 **RESOLVED** – That the Committee has taken into consideration and agrees with the reasons for the recommendation and resolves to refuse Conservation Area Consent for the reason set out in the report.

D. 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) The Area Planning Manager (West), Ms Hurley, introduced applications BH2010/00908 and BH2010/00909 and explained that the presentation would cover both applications. She presented plans and elevational drawings and stated that an application for the site had been refused in April 2008 with three reasons for refusal. The Planning Inspector had upheld the first two reasons that the application would detrimentally impact neighbouring amenity and there would be an unacceptable loss of trees on site. Ms Hurley referred to a similar application at 44 Dyke Road, which had also been refused recently and upheld by the Planning Inspectorate.

The current applications were recommended for refusal on the grounds of unacceptable height, massing and footprint, which would be detrimental to neighbouring amenity. The change in levels on site exacerbated these problems and made the scheme unduly dominant in the area. Although the scheme was lower than the previously refused scheme, it was closer to the neighbouring boundaries. The already existing back land developments were in keeping with the area, but the application site was a smaller plot than surrounding areas and the development would appear cramped because of this.

The scheme would only achieve BREEAM code level 3 and would need significant changes to the design to achieve code level 5.

- (2) The applicant, Mr Liu spoke in favour of the application and noted that he was not a developer but was already living on site. He was an Ophthalmic Surgeon in Brighton and there had been a private clinic on site for 50 years. He was the third generation of his family to live there and needed more room for his extended family. He also took international visitors into his home. The application would give his family more room and the area was already enclosed by neighbouring garden developments. The Planning Inspector had not objected to the loss of trees on site in his decision or the access onto the site, and was only concerned with the relationship with 6 Tongdean Road. The current application addressed these concerns.

Questions/Matters on Which Clarification was Sought

- (3) Councillor Davey asked about the ground levels and Ms Hurley replied that number 6 Tongdean Road was lower than number 4, but the site itself was fairly level. She added that number 2 Tongdean Road was set on slightly higher ground, and number 2 Tongdean Place, which sat to the south of the site, was slightly lower.
- (4) Councillor Steedman asked whether Mr Liu was happy to accept changes to the application to achieve the higher sustainable homes standards. Mr Liu noted that when he first put the application gardens were still considered as developed land and therefore not subject to the higher sustainability standards. He did not think this application should be subject to these changed standards.
- (5) Councillor Caulfield asked why a separate access was needed if the new accommodation was required to accommodate international visitors of the family. She asked why Mr Liu could not use his own access if this was not a separate private dwelling. Mr Liu replied that this could be the case if the application was granted, but felt that it would be inconsistent of the Council to allow demolition of the garage without an access to replace it.

Debate and Decision Making Process

- (6) Councillor Steedman stated he was not adverse to development on this site or the high level of density given the area it was in, but felt that the Council needed to insist on high levels of sustainability for backland developments.
- (7) Councillor McCaffery stated that she was not in favour of garden developments but felt this design was particularly good. As the proposal had been reduced in height from the previous application she felt she would be able to agree to it.
- (8) Councillor Cobb felt it was a lot of development to go on a small site. All garden developments surrounding the site were ancillary and she did not agree with back land development. She added that she would like to see reference to PPS3 in the paperwork on the application.

- (9) Mr Andrews stated that CAG initially did not object to the application as it could not be seen from the public realm. However he felt there were difficulties with the scheme and although the design was reasonable it needed to be more modest and was not sufficiently deferential to neighbouring properties. He added that the scheme should be required to achieve code 5 level of sustainability.
- (10) A vote was taken and on a vote of 9 for, 1 against and 2 abstentions full planning permission was refused for the reasons listed in the report.
- 97.5 **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 in the report.

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

- (1) The Area Planning Manager (West) introduced the application and presented plans and elevational drawings. She explained that the site was in the Sackville Gardens Conservation Area and letters of support had been received. A refusal was recommended on the grounds of lack of amenity space for both applications, and issues with the annex development including poor standard of accommodation, lack of light to the basement and ground floor, no outlook, lack of space and overlooking. The development was also contrary to policy HO8 as there would be a net loss of dwelling houses created by the application.
- (2) The agent, Mr Burgess, spoke in favour of the application and stated that the development would create a family dwelling and redevelop the building, which would improve the look of the conservation area. There was no objection in principle to the development, and whilst the levels of amenity for both properties were low, there was the large public amenity space of the seafront very close by, and Mr Burgess felt that policy HO5 should be used pragmatically in this regard. Both developments would provide very high standards of accommodation and the scheme would make a positive contribution to the area. Local residents were also in support of the scheme.

Questions/Matters on Which Clarification was Sought

- (3) Councillor Rufus asked whether a conversion from a flat to a house needed planning permission and how much amenity space was provided. Ms Hurley replied that if two flats were converted into one then this would not need permission, however because this application was changing from 3 dwellings into 1 dwelling then this was considered a material change and contrary to policy. Whilst a new dwelling was being created with the scheme, the standards of accommodation for this were unacceptable and therefore the scheme remained contrary to policy. She added that there was around 1.8 metres of amenity space provided for the annex dwelling.

- (4) Councillor Cobb asked what exceptions there were with policy HO8 and Ms Hurley referred to the policy as set out in the Brighton & Hove Local Plan.
- (5) Councillor Davey asked why the development would need planning permission when it was previously 1 dwelling. Ms Hurley replied that the property had lost its original use and was now considered as 3 dwellings.
- (6) Councillor Alford asked if the property had originally been built as 1 property and when had it been converted into 3 flats. The architect to the scheme replied that he was unsure of when the property had been converted but believed it may have been around the 1960s. The properties had been empty for 3-4 years.
- (7) Councillor Davey asked about the lack of light in the basement and the architect replied that there was a large rooflight that created an inside/outside courtyard space in the annex. There was no traditional garden space but there would be sky views.
- (8) Councillor Alford asked why no garden space was provided for the annex house. The architect replied that it was more analogous to a flat than a house and as it was so close to the beach they did not feel that amenity space was necessary.
- (9) Councillor Smart asked why an extension was being added to the house and the architect replied that this was because the existing extension was dilapidated and it was part of converting the house into a modern dwelling.
- (10) Councillor Older asked if the applicant would agree to removing the concrete blocks at the front of the development and re-instate the railings and the agent agreed that this could happen.

Debate and Decision Making Process

- (11) Ms Hurley addressed the committee and noted that the roof light did not provide an outlook for the annex building.
- (12) Councillor McCaffery liked the application and noted that the main building had been derelict for around 3 years. She was keen to see family sized housing re-instated and as there were no objections from neighbours she did not feel she could object either.
- (13) Councillor Hamilton agreed that he was happy to see 3 flats turned into 1 house but he felt the annex development was very substandard accommodation.
- (14) Councillor Smart also agreed that he would like to see the house returned to its former glory but the annex space was so awful he needed to support the officers in refusal of the application.
- (15) Councillor Rufus felt the annex proposal was adequate but there were serious problem with light for this development. He did not agree that a losing a dwelling was acceptable however.

- (16) Councillor Cobb was keen to see the house restored as parts of the area were very unattractive and dilapidated. She felt the roof light improved the annex development and felt the development offered a lot more as a flat than other flats that were given approval. She was concerned about parking in the area however, but felt the scheme would improve the area.
- (17) Councillor Older agreed that the public amenity space of the seafront was usually well used by residents so close to the beach and she did not think there was much wrong with the application. She felt it was worth bringing the house back into full use.
- (18) Mr Andrews noted the pool area for the house and asked if this was classed as amenity space and Ms Hurley replied it was not.
- (19) Councillor McCaffery agreed that she would like to see the house brought back into use but was unhappy with the annex development, which was very small and lacked light.
- (20) The Chairman agreed that the house should be redeveloped and converted into one dwelling, but did not feel the garage conversion was appropriate. She hoped the applicant would consider redeveloping only the house if they were not able to secure planning permission with the current application.
- (21) A vote was taken and on a vote of 7 for, 3 against and 2 abstentions full planning permission was refused for the reasons given in the report.

97.6 **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 in the report.

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

- (1) The Area Planning Manager (West), Ms Hurley, introduced the application and presented plans and elevational drawings. She explained that the scheme was of a modern design and that the application site had originally been given planning permission in 2002 as a crèche facility. The current application had been reduced to one storey at the rear and two storeys at the front.

An additional representation had been received from Councillor Bennett in objection to the scheme. Councillor Bennett stated that the height of the land had been increased since 2002, creating more issues of overlooking and privacy concerns and if the application had been new and a crèche had not already been granted there would be more formal objections to the scheme.

The Early Years Team had been consulted and whilst they agreed that the site was suitable for a crèche and there was unmet demand in the area, they felt that they crèche would have to be a lot bigger than the current proposals for it to be cost effective. Therefore the currently agreed application was not viable.

The new scheme proposed 7 residential units with a contemporary design. A curved roof would reduce the impact of the building on neighbouring properties. The new proposals would result in some loss of light, but the crèche had already been approved and was accepted, and therefore this was acceptable. There were 7 car parking spaces provided with the development and it would reach sustainability code level 5.

Questions/Matters on Which Clarification was Sought

- (2) Councillor Cobb asked where the 7 car parking spaces would be sited on site. Ms Hurley replied that the spaces were already in existence.
- (3) Councillor Smart how the bus stops in the area would be improved. Mr Reeves stated that this was a generic phrase and the transport contribution would most likely go on improving cycling routes along the Drove and in the park. Ms Hurley added that it was not a case of providing new bus stops but of improving access to existing ones, possibly by improving cycle routes.
- (4) Councillor Rufus asked if there was an unmet demand in the area for a crèche and whether this was a material planning consideration. Ms Hurley replied that the Early Years Team had commented and stated that the scheme was not viable as a crèche and would not successfully meet demand in the area.
- (5) The Chairman asked how many children the crèche would accommodate and Ms Hurley replied that it would be for 40.
- (6) Councillor Hamilton asked if an accessible bus stop was one where the curb had been raised to ensure that the bus could be lowered to the right level to allow wheelchairs easier access and Mr Reeves confirmed that this was the case.
- (7) Councillor Alford did not think it was helpful to have only general improvements referred to in the report and asked that specific improvements be included for future reports. Mr Reeves replied that a specific list of schemes that might benefit from transport contributions could be included in future reports. Ms Walsh added that a note could be sent around after the committee detailing this and she would address the issue with the Highways Authority.

Debate and Decision Making Process

- (8) Councillor Carden felt there was ample parking on site and did not believe that this was an issue.
- (9) Councillor Smart did not believe there were many improvements that could be made to cycle routes along the Drove and across the park.
- (10) Councillor McCaffery felt it would be hard to improve accessibility without providing a new bus route.
- (11) A vote was taken and on a unanimous vote minded to grant planning permission was granted subject to a Section 106 Planning Agreement and the conditions and informatives listed in the report.

97.7 **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 Section 106 Planning Agreement and to the conditions and informatives listed in the report.

Note: Councillor Caulfield gave her apologies and was not present during the voting of the item or subsequent items on the agenda.

G. Application BH2010/01838, 63 Holland Road, Hove – Application for deferral of pre-commencement conditions 9, 13, 18, 23, 25, 26 and 27 of application BH2009/01856 until supply of all information is available.

(1) The Area Planning Manager (West), Ms Hurley, introduced the application. She stated that the application was to vary pre-commencement conditions for an application that had been approved in 2009. The applicant wished to start work immediately and was asking to defer some of the conditions until a later date when more evidence could be gathered. There was already evidence to suggest the scheme would reach BREEAM very good rating.

Questions/Matters on Which Clarification was Sought

(2) Councillor Steedman asked which scheme would be implemented if both were granted. Ms Hurley replied that the new permission would need a Section 106 Planning Agreement drawn up, and so the applicants would commence work on the 2009 approval to secure their permission, and then switch at a later date to the new approval. She added that this was entirely legal.

(3) Councillor Rufus asked if the business units would be insulated for all classes of business. Ms Hurley replied that the condition would cover all A3 uses and whatever form of business went into the units, they would have to be ventilated and sound proofed appropriately. This condition would also be subject to Environmental Health laws.

Debate and Decision Making Process

(4) A vote was taken and on a unanimous vote minded to grant planning permission was granted subject to an amended Section 106 Planning Agreement and the conditions and informatives listed in the report.

97.8 **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 they are Minded to Grant planning permission subject to an amendment to the Section 106 Planning Agreement for the site and the conditions and informatives listed in the report.

H. Application BH2010/02056, Blocks E & F Kingsmere, London Road, Brighton –
Creation of 4no three bedroom penthouse flats with private gardens over blocks E & F.

- (1) The Area Planning Manager (West), Ms Hurley, introduced the application and presented plans and elevational drawings. She explained that planning permission had been refused in 2007 for extensions to the buildings on the grounds of design, the negative impact on residential amenity, loss of trees and sustainability. An appeal was dismissed by the Planning Inspectorate on the grounds of design and loss of trees. A similar application had recently been allowed on appeal at the Priory on London Road and this application raised similar issues.

The scheme proposed new penthouse flats with roof gardens and balustrades. Letters of objection had been received including letters from local ward Councillors Ken Norman and Ann Norman. The scheme would be predominantly glazed and set back from the main elevation, with a high quality design and a reduction in the impact on amenity for local residents. The existing units were sufficiently spaced apart to not impact on privacy or light. There was no further parking provided with the application and the Sustainable Transport Team felt the scheme was acceptable. The application was now recommended “to grant” planning permission.

Questions/Matters on Which Clarification was Sought

- (2) Councillor McCaffery asked if the new proposals were almost entirely glazed on top and Ms Hurley replied it was.
- (3) Councillor Davey noted that Section 106 contributions for transport had been temporarily suspended and were not being requested for this application, and asked for more details on this. Ms Hurley replied that under a scheme of temporary measures the Planning Authority had suspended seeking transport contributions for schemes involving 5 or less residential units. Ms Walsh added that this was part of a range of measures to assist developers in a difficult economic climate and had been agreed by Full Council in May 2010.
- (4) Councillor McCaffery asked if there was any off-site parking near the development and Ms Hurley replied that there were 119 spaces provided on site. There was no parking available on the public highway and so there were no issues of parking that would be exacerbated by this application.
- (5) Councillor Alford asked how the roof gardens would impact on the flats below and Ms Walsh replied that the owners would be responsible for the maintenance and up-keep of their gardens and this would not constitute an amenity issue.
- (6) Councillor Cobb asked if the lifts would be out of order during construction and what provision would be made for elderly residents. Ms Hurley replied that the lifts would be accessible from the new floor but arrangements during construction were beyond the remit of the planning authority.
- (7) Councillor Alford asked how many flats were below the penthouses and Ms Hurley replied there were 10.

Debate and Decision Making Process

- (8) Councillor McCaffery stated that the local area was heavily used as parking by local commuters and there was considerable congestion. The road was extremely busy with a constant stream of traffic and any increase in development would have an impact on transport in the area.
- (9) Councillor Smart did not think the existing buildings and the proposed development related in design terms and felt the new structure looked awful.
- (10) Councillor Alford was aware that current residents had been given historic assurances that there would be no further development above four storeys and did not think this application was satisfactory. Ms Walsh stated that she was not aware of any such assurances on height constraints.
- (11) Councillor Cobb did not think the new development was awful but she appreciated that many people bought top floor flats to be on the top floor and felt that this was unfortunate. She did not think the proposals matched the character of the area and agreed that residents probably had received assurances of no further development. She felt the application would set a precedent for the area.
- (12) Councillor Hamilton felt a precedent had already been set by other applications in the area and did not feel this was an issue.
- (13) The Chairman noted that many local residents were against the proposals, as were the ward councillors and the Patcham Society. She did not think the scheme was acceptable.
- (14) A vote was taken and on a vote of 5 for, 4 against and 2 abstentions minded to grant planning permission was granted subject to no new additional representations from members of the public and the conditions and informatives listed in the report.
- 97.9 **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 no new additional representations from members of the public and to the conditions and informatives listed in the report.

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

- 98.1 **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.]

99. 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

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

Application:	Requested by:
BH2010/01966, Mitre House, 146 Western Road	Head of Development Control
BH2010/001833, St Mary's Hall, Eastern Road	Head of Development Control

The meeting concluded at 5.15pm

Signed

Chair

Dated this

day of

